Gemstones Safeguarding Policy

Aims of our Service:

- Achievement, attainment and progression in learning.
- Promoting emotional well-being, continuity in learning and progression.
- Child and family centred services.
- Protection and respect for children.
- Reducing inequalities.
- Building social and emotional capacity within local communities.
- Transparency and accountability.
- Partnership and interdependency.

Our Purpose: To provide a service which transforms the learning environments of children and young people with social, communication, emotional and behavioural difficulties, so that they make a positive contribution to society.

Our Mission: “Transforming lives, promoting the highest expectations, providing inspirational and therapeutic learning environments.”

Our Vision: To provide a holistic, therapeutic and flexible evidence based service that secures improvements in the achievement of vulnerable pupils and in the emotional well-being of home and school communities.

Values and Ethos

Values of the service that are particularly relevant to this policy:

- Achievement, Aptitude and Ability: Providing high quality learning experiences for pupils to learn and achieve in line with their age, aptitude and ability.

- Educational and Social Inclusion: Supporting the inclusion of pupils educationally and socially in their local school communities.

- Continuity and Progression: Developing a service which focuses on the future and which takes into account the long term as well as the short term needs of families;

- Self-esteem and confidence: Building self-esteem of pupils so that each can grow in confidence.
• **Building Capacity:** Building on the unique talents, gifts and skills that all pupils, adults and organisations have, instead of focusing on the difficulties or deficits.

• **Equality of Opportunity:** Providing a service which does not discriminate, is fair to all, which values individuals and their communities and is positive about difference.

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<th>Date Adopted: September 2018</th>
<th>Date of Review: September 2020</th>
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<td>Success Criteria:</td>
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<td>o Children’s safety protected – case reviews</td>
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**Introduction and Background**


**Purpose:**

This policy defines how Gemstones operates to safeguard children, young people and adults at risk of abuse or neglect.

We have a duty of care and are committed to the protection and safety of children, young people and adults at risk involved as visitors and as participants in all of our activities both on and off site. We also want to protect and support our staff who work or come into contact with these groups.

**Definitions**

**Children and young people** are defined as those persons aged under 18 years old. This policy will apply to all staff, contractors and volunteers and will be used to support their work.
“Safeguarding and promoting the welfare of children” is defined in Working Together 2015 as:

- protecting children from maltreatment
- preventing impairment of children’s health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

**Adult at risk of abuse or neglect**

For the purposes of this policy, adult at risk refers to someone over 18 years old who, according to paragraph 14.2 of the Care Act 2015:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect
- as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- If someone has care and support needs but is not currently receiving care or support from a health or care service they may still be an adult at risk

**Persons to whom this may apply**

- All staff, paid and unpaid, this includes volunteers
- All service users

**Partnership with Schools**

Gemstones share a purpose with schools and families, to educate and keep children safe from harm and to have their welfare promoted. We are committed to working with schools and parents positively, openly and honestly.

It is important to acknowledge the unique working practice of Gemstones staff that work in schools alongside and at the invitation of mainstream colleagues. The service level agreement asks for the host school to provide copies of the Pupil Discipline, Safeguarding, Health & Safety policies and Gemstones give an undertaking to follow procedures as specified in these policies.

**Partnership with Parents**

We ensure that all parents are treated with respect, dignity and courtesy. We respect parents’ rights to privacy and confidentiality and will not share sensitive information unless we have permission or it is necessary to do so in order to protect a child.
Due particularly to the nature of our work pupils/students may choose to discuss concerns or make disclosures to Gemstones staff. We will take note and pass on this information to the host/commissioning school in line with the school’s own policies and procedures and so will not discuss this directly with parents of the child or young person concerned. The host or commissioning school will, in most circumstances, endeavour to discuss all concerns with parents about their children. There may be exceptional circumstances when the school will discuss concerns with Social Care and/or the Police without parental knowledge (in accordance with usual protection procedures).

**Partnerships with others**
Gemstones recognises that it is essential to establish positive and effective working relationships with other agencies that are partners of the Suffolk, Cambridgeshire, Norfolk, Waltham Forest Safeguarding Children Boards. There is a joint responsibility on all these agencies to share information to ensure the safeguarding of all children.

**Policy – Adult Safeguarding**
Gemstones has a zero tolerance approach to abuse. Gemstones recognises that under the Care Act 2014 it has a duty for the care and protection of adults who are at risk of abuse. It also recognises its responsibilities for the safety and care of children under the Children Act 1989 and 2004.

It is committed to promoting wellbeing, harm prevention and to responding effectively if concerns are raised. Adults will be included in swift and personalised safeguarding responses.

It is also committed to inter agency collaboration on the development and implementation of procedures for the protection of adults vulnerable from abuse, it has a duty and responsibility for making arrangements to ensure all its functions are discharged having regard to safeguarding and promoting the adults at risk of abuse. The policy is about stopping abuse where it is happening and preventing abuse where there is a risk that it may occur.

We accept no excuses for not taking all reasonable action to protect vulnerable adults and children from abuse, exploitation, radicalisation and mistreatment. All citizens of the United Kingdom have their rights enshrined within the Human Rights Act 1998. People who are eligible to receive health and community care services may be additionally vulnerable to the violation of these rights by reason of disability, impairment, age or illness.

**Key six key principles that underpin safeguarding adults work***
- **Empowerment** – People being supported and encouraged to make their own decisions and informed consent
- **Prevention** – It is better to take action before harm occurs
• **Proportionality** – The least intrusive response appropriate to the risk presented
• **Protection** – Support and representation for those in greatest need
• **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
• **Accountability** – accountability and transparency in delivering safeguarding

*From Suffolk County Council Safeguarding Adults Policy and Operational Guidance 2015-17*

**Making Safeguarding Personal – Prevention of harm and abuse to adults**

Making Safeguarding Personal is a shift in culture and practice in response to evidence collected as to what makes safeguarding more or less effective from the perspective of the person being safeguarded. It can best be characterised by viewing people as experts in their own lives and working alongside them in a way that is consistent with their rights and capacity and that prevents abuse occurring wherever possible. This is consistent with the Gemstones approach enshrined in our code of conduct.

Safeguarding works best when it is person-led and outcome focused, engaging the adult at risk in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. In most cases this can only happen by making sure people get the care and support that they need. It is also important that the people who care for them also get this support and recognition. Most importantly it is about listening and providing the options that permit individuals to help themselves.

In order to evidence that the Safeguarding process is personalised, it is necessary to collect information about the extent to which this shift has a positive impact on people’s lives.

Whilst every effort must be made to work with adults experiencing abuse within the present legal framework there will be some occasions on which adults at risk will choose to remain in dangerous situations. It may be that even after careful scrutiny of the legal framework, staff will conclude that they have no power to gain access to a particular adult at risk. Staff may find that they have no power to remove the adult from a situation of risk, investigate the adult’s financial affairs, or intervene positively because the adult refuses all help or wants to terminate contact with the professionals.
It may not always be possible to provide satisfactory solutions. At the age of 18, people are legally entitled to adult status regardless of any disability or impairment they may have. It is, therefore, essential that wherever possible it is the adult at risk who will decide on the chosen course of action, taking into account the impact of the adult at risk’s mental capacity where relevant. However, the people and organisations caring for, or assisting them, must do everything they can to identify and prevent abuse happening wherever possible and evidence their efforts.

In these extremely difficult circumstances, staff will be expected to continue to exercise as much vigilance as possible.

Gemstones Directors will give full support to staff over problems when handling cases of adults remaining in high-risk situations, provided that:

• It is evident from case records that Safeguarding Adults procedures have been properly followed;
• Every effort has been made, on a multi-agency basis, to intervene positively to protect the adult at risk;
• If necessary that legal advice has been obtained and acted upon

And ultimately that the adult at risk has been fully consulted and involved as far as practicable in every decision relating to their situation

Gemstones is committed to the following principles:

• The welfare of the child, young person or adult at risk is paramount;
• All children, young people and adults at risk have the right to protection from abuse
• Safeguarding is everyone’s responsibility: for services to be effective each professional and organisation should play their full part; and
• All suspicions and allegations of abuse must be properly reported to the relevant internal and external authorities and dealt with swiftly and appropriately
• Arrangements which set out clearly the processes for sharing information procedures with other professionals and with the Local Safeguarding Children Board (LSCB) and Safeguarding Adult Board;

• Staff and volunteers must be clear on appropriate behaviour and responses. (Refer to Code of Conduct) Where appropriate, failure by staff to maintain standards may be dealt with using Gemstones Disciplinary Procedures

• Clear whistleblowing procedures (Refer to Whistleblowing Policy) are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting welfare to be addressed;

• All staff are aware of the policy and procedures for the protection of children, young people and adults at risk through appropriate
safeguarding training, supervision and support for staff and for creating an environment where staff feel able to raise concerns and feel supported in meeting their safeguarding role;

• Staff are given a mandatory induction, which includes familiarisation with safeguarding responsibilities and procedures to be followed if anyone has any concerns;

• All staff should have regular reviews of their own practice to ensure they improve over time in their work with children, vulnerable adults and families

• A clear line of accountability for the provision of safe services exists

• A senior board level lead to take leadership responsibility for Gemstones’ safeguarding arrangements;

• Two designated leads exist for safeguarding at Gemstones (David Fox and Eithne Leming). A third Director (Sue Chesworth provides support and challenge at Board level regarding the implementation of policy).

• Safe recruitment practices are in place including policies on when to obtain a DBS check;

• We make the following distinctions between an allegation, a concern about the quality of care or practice or a complaint.
  1. An ‘allegation’ relates to a person who works with children who has:
     o Behaved in a way that has harmed a child, or may have harmed a child;
     o Possibly committed a criminal offence against or related to a child; or
     o Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
  2. A ‘concern’, is interpreted as per the common dictionary definition of something being a source of worry or anxiety to someone (which does not involve any of the above mentioned under ‘allegation’). This could for example mean, a teacher reported she was concerned about the well being health and safety of a member of staff working with a particular parent.
  3. A complaint is interpreted as being any dissatisfaction expressed by a customer or client, or other relevant party organisation, about the quality of our service.

Gemstones will ensure that staff understand;
  • Core legal safeguarding requirements and their responsibility to keep children and adults at risk safe.
• That all staff who come into contact with children and adults at risk are alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children and adults at risk;
• The requirement to share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children’s and adults social care

Capacity, Consent and Decision Making - Adults
The consideration of capacity is crucial at all stages of Safeguarding Adults procedures. For example determining the ability of an adult at risk to make lifestyle choices, such as choosing to remain in a situation where they risk abuse; determining whether a particular act or transaction is abusive or consensual; or determining how much an adult at risk can be involved in making decisions in a given situation.

The key development affecting this area of work is the implementation of the Mental Capacity Act 2005, which provides a statutory framework to empower and protect adults at risk who may not be able to make their own decisions. It makes it clear who can take decisions in which situations and how they should go about this. It enables people to plan ahead for a time when they may lose capacity. It applies to anyone aged 16 years and over therefore appropriate liaison needs to occur for young people aged 16 to 18 years with Children’s Services where relevant as part of Safeguarding Adults work.

The whole Act is underpinned by a set of five key principles:
• A presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise;
• The right for individuals to be supported to make their own decisions - people must be given all appropriate help before anyone concludes that they cannot make their own decisions;
• That individuals must retain the right to make what might be seen as eccentric or unwise decisions;
• Best interests - anything done for or on behalf of people without capacity must be in their best interests; and
• Least restrictive intervention - anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

Policy Monitoring and Revision
This policy and related guidance will be monitored by the Board of Directors on a regular basis for compliance and will be reviewed at least annually.
Safe working Practice
Safe working practice ensures that pupils and students we work with are safe and that all Gemstones staff:

- be aware of the host school’s arrangements for safeguarding notably the designated person for safeguarding
- are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- work in an open and transparent way;
- work with other colleagues or parents (if working in a family situation) where possible in situations that could be open to question
- discuss and/or take advice from Senior Leaders/key senior contact at the school in which you are working and/or Gemstones management over any incident which may give rise for concern;
- record any incidents or decisions made;
- apply the same professional standards regardless of diversity issues;
- be aware of information-sharing and confidentiality policies;
- are aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.
- always aim to maintain a positive relationship with all parents. The school’s child protection policy is available on request.

Responding to Disclosure
Disclosures or information may be received from pupils, parents or other members of the public. Gemstones recognises that those who disclose such information may do so with difficulty, having chosen carefully to whom they will speak. Accordingly all staff will handle disclosures with sensitivity. Such information cannot remain confidential and staff will immediately communicate what they have been told to the designated person and make a contemporaneous record.

What to do if you are concerned.
Staff will not investigate but will, wherever possible, listen, record and pass on information to the designated person in order that s/he can make an informed decision of what to do next. If a child makes an allegation or disclosure of abuse against an adult or other child or young person, it is important that you:

- Stay calm and listen carefully. Try not to show signs of shock, horror or surprise
- Reassure them that they have done the right thing in telling you.
- Do not investigate or ask leading questions, instead use reflective listening to clarify the information.
- Try to keep questions to a minimum and of an ‘open’ nature e.g. ‘Can you tell me what happened?’ rather than ‘Did x hit you?’
- Let them know that you will need to tell someone else.
- Do not promise to keep what they have told you a secret.
- Do not express feelings or judgements regarding any person alleged to have harmed the child
• Explain what will happen next and that the person will be involved as appropriate
• Inform the host school’s Senior Designated Persons for Safeguarding or if working in a family or parent group situation, one of Gemstones’ two LDPs (Eithne Leming or David Fox) as soon as possible
• Make a written record of the allegation, disclosure or incident which you must sign, date and record your position. (APPENDIX A)
• Do not include your opinion without stating it is your opinion.
• Do refer without delay. Please hand to relevant person if working in a school, in person, or by email to a Gemstones LDP.
• If you are concerned that a member of staff or adult in a position of trust poses a danger to a child or young person or that they might be abusing a child or young person you should report your concerns to the Head teacher if working in a school or to Eithne Leming or David Fox if working in a family or parent group environment.
• Where those concerns relates to the Headteacher however, this should be reported to the Chair of Governors using the schools’ Whistle blowing policy and to a Gemstones LDP.

Managing Allegations
In relation to Gemstones staff, we are aware of the possibility of allegations being made against members of our own staff that are working or may come into contact with children and young people Allegations can be made by children and young people or other concerned adults and are made for a variety of reasons.

It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and Serious Case Reviews have repeatedly shown the dangers of failing to take effective action. Poor practice includes: failing to act on and refer the early signs of abuse and neglect, poor record keeping, failing to listen to the views of the child, failing to re-assess concerns when situations do not improve, sharing information too slowly and a lack of challenge to those who appear not to be taking action

If an allegation is made against an adult in a position of trust this should be brought to the immediate attention of one of the LDPs (Eithne Leming or David Fox). In the case of the allegation being made against one of the LDPs will be brought to the immediate attention of the other LDP. The Director of Gemstones or a Member of the Gemstones Board must discuss with the Local Authority Designated Officer (LADO) the nature of the allegations in order for the appropriate action to be taken.

This will constitute an initial evaluation meeting or strategy discussion involving the LADO. Dependent on the allegation being made, the Gemstones SDP will need to:
• Refer to the LADO immediately and follow up in writing within 48 hours. Consider safeguarding arrangements of the child or young person to ensure they are away from the alleged abuser.
• Contact the parents or carers of the child/young person if advised to do so by the LADO.
• Consider the rights of the staff member for a fair and equal process of investigation.
• Ensure that the appropriate disciplinary procedures are followed including whether suspending a member of staff from work until the outcome of any investigation is deemed necessary.
• Act on any decision made in any strategy meeting or evaluation meeting.
• Advise the Independent Safeguarding Authority where a member of staff has been disciplined or dismissed as a result of the allegations being founded.

Advice on whistleblowing can be found on GOV.UK [https://www.gov.uk/whistleblowing](https://www.gov.uk/whistleblowing)

**Appendix C – Flow Chart of Actions for managing allegations**

**Support, Advice and Guidance for Staff**
Staff will be supported by Eithne Leming, Gemstones Director and David Fox, Gemstones Member Designated Safeguard Leads (DSP). The arrangement of having two DSPs is to accommodate the part time employment arrangements (at least in the initial development phase of Gemstones) and outreach nature of the work. This will enable staff working in schools to have two contact options available and will also enable the DSPs to support each other where appropriate. In addition Sue Chesworth (Director) will be available to provide DSPs with support and challenge where needed.

The DSPs will be aware of the local useful contacts and referral routes:

• Suffolk Safeguarding Children Board [http://www.suffolkscb.org.uk](http://www.suffolkscb.org.uk)
• Cambridgeshire Safeguarding Children Board [https://www.cambslscb.co.uk](https://www.cambslscb.co.uk)
• Norfolk Safeguarding Children Board [http://www.norfolklscb.org.uk](http://www.norfolklscb.org.uk)
• Waltham Forest: [https://directory.walthamforest.gov.uk/kb5/walthamforest/directory/advice.page?id=5ILArmjPvHo](https://directory.walthamforest.gov.uk/kb5/walthamforest/directory/advice.page?id=5ILArmjPvHo)
• Customer First: 0845 023023 Police: 999 BECTA [www.becta.org.uk](http://www.becta.org.uk) www.thinkuknow.co.uk

In Appendix
Action by the Designated Senior Person
If the situation warrants Gemstones to take the lead in the referral (e.g. situation arises outside of a school setting) then, following any information raising concern, the designated senior person will:

- Consider the child’s wishes and feelings, but not promise confidentiality
- Consider any urgent medical needs of the child
- Make an immediate referral to children’s social care if there has been a disclosure an/or allegation of abuse or there are clear grounds for concerns about the child’s safety and well-being
- Consult with a member of the Child Protection team at Customer First if they are uncertain whether or not a referral is required

In consultation with either social care or

- Wherever possible, to talk to parents, unless to do so may place a child at risk of significant harm, impede any police investigation and/or place the member of staff or others at risk
- Whether to make a child protection referral to social care because a child is suffering or is likely to suffer significant harm and if this needs to be undertaken immediately
- Contact the designated officer for safeguarding in another agency if that agency is working with the family
- OR
- Not to make a referral at this stage, but retain the information in written notes on the child’s school file
- If further monitoring is necessary and agree who and how this will be undertaken
- If it would be appropriate to undertake an assessment (e.g. CAF) and/or make a referral for other services

All information and actions taken, including the reasons for any decisions made, will be fully documented.

Training and Staff Induction
Gemstones’ senior member of staff and member with designated responsibility for safeguarding will undertake level 2 training and refresh this training at two-yearly intervals or more frequently if guidance requires.

All other Gemstones’ staff, will undertake and appropriate induction training and Level 1 safeguarding/child protection training to equip them to carry out their responsibilities for safeguarding effectively, which is kept up to date by refresher training at three yearly intervals, or more frequently if guidance requires this.

All staff (including temporary staff and volunteers) are provided with Gemstones’ safeguarding policy and informed of school’s safeguarding arrangements on induction. The Service Level Agreement signed with schools before we work with them requests that schools provide Gemstones’ staff with the school’s health and safety and safeguarding policy including the name
of the designated lead.

For information about categories of abuse, Appendix B includes information about recognising abuse.

Awareness about Current Safeguarding Issues and Local Arrangements
There are various expert sources of advice on the signs of abuse and neglect. Each area’s Local Safeguarding Children Board (LSCB) should be able to advise on useful material, including training options. One good source of advice is provided on the NSPCC website. [https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/](https://www.nspcc.org.uk/preventing-abuse/keeping-children-safe/)

The following Safeguarding concerns actual or suspected should be referred immediately to Children’s Social Care. The concerns featured below are linked to guidance and local procedures which where available can be found on the Suffolk Safeguarding Children Board website at: [www.suffolkscb.org.uk](http://www.suffolkscb.org.uk).

Safer Recruitment and Selection
It is a requirement for all agencies to ensure that all staff recruited to work with children and young people are properly selected and checked. At Gemstones our recruitment is very bespoke due to the highly specialised nature of the service. This means that recruitment takes place over a period of time and involves interviews with at least two directors (Safer Recruitment Trained) and shadowing of a member of Gemstones staff. All of our staff are appropriately qualified and have the relevant employment history and checks to ensure they are safe to work with children in compliance with the Key Safeguarding Employment Standards.

Domestic Abuse
The Government defines domestic abuse as “Any incident of threatening behavior, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members regardless of gender or sexuality”

Children may suffer both directly and indirectly if they live in households where there is domestic violence. Domestic abuse is likely to have a damaging effect on the health, development and welfare of children, and it will often be appropriate for such children to be regarded as Children in Need under the Children Act 1989.

Where there is evidence of domestic violence, Gemstones will report our concerns to the appropriate agency, in most cases the host school but may also include, in the case of direct work with families, children’s social care and the police in order to prevent the likelihood of any further abuse taking place.
Private Fostering
Private fostering is an arrangement made between the parent and the private foster carer, who then becomes responsible for caring for the child in such a way as to safeguard and promote his/her welfare. A privately fostered child means a child under the age of 16 (18 if a disabled child) who is cared for and provided with accommodation by someone other than:

- A parent.
- A person who is not a parent but has parental responsibility.
- A close relative.
- A Local Authority. for more than 28 days and where the care is intended to continue. It is a statutory duty for us at Gemstones to inform the Local Authority where we are made aware of a child or young person who may be subject to private fostering arrangements.

Child Trafficking and Risk of Modern Day Slave Labour
The definition is as follows: Child trafficking involves moving children across or within national or international borders for the purposes of exploitation.

- Children can be trafficked into the country from abroad or children resident in the UK can become victims of trafficking too and be moved within a town or between locations for the purposes of exploitation.
- Exploitation includes children being used for sex work, domestic work, restaurant/sweatshop, drug dealing, shoplifting and benefit fraud.
- Often children and young people do not know that they have been trafficked. They may not want to tell their story for fear of not being believed, not knowing they are victims of crimes or fear of getting into trouble. They may still be under the control of their traffickers/exploiters.
- Even though a child may have been trafficked for a purpose other than sexual exploitation, they become highly vulnerable to physical and sexual abuse once they have been trafficked. Sexual exploitation of children is most likely to occur in informal locations, such as private flats. The use of trafficking for exploitative labour is often hidden and can be difficult to identify without the support of local communities.
- Risk indicators can include children who have unexplained moves, have not been enrolled into school or attended a GP practice, are being cared for by adult/s who are not their parents, are not in possession of their own travel documents, children who go missing from home or care, or unaccompanied asylum seeking children.
If you suspect that a child may have been trafficked or be at risk of trafficking:

- Discuss your concerns with DSP (David Fox or Eithne Leming)
- Take advice before any involvement with ‘family members/carers’ – you may heighten the risk of abduction or harm to the child/young person.

**Related Policies**

‘Safeguarding covers more than the contribution made to child protection in relation to individual children. It also encompasses issues such as pupil health and safety, bullying and a range of other issues, for example, arrangements for meeting the medical needs of children providing first aid, school security, drugs and substance misuse, positive behaviour etc. There may also be other safeguarding issues that are specific to the local area or population’.

*Safeguarding Children and Safer Recruitment in Education DfES 2006*

**Anti- Bullying**

While bullying between children is not a separate category of abuse and neglect, it is a very serious issue that can cause considerable anxiety and distress. At its most serious level, bullying is thought to result in up to 12 child suicides each year. All incidences of bullying should be reported to the host school in order that the incident can be managed through the school’s anti-bullying procedures or if deemed sufficiently serious the school can consider whether to implement their own safeguarding procedures.

**Child Exploitation and E-Safety**

Gemstones staff recognise that access to the internet and social networking can present dangers to children and young people. The harm might range from sending hurtful or abusive texts and emails, to enticing children to engage in sexually harmful conversations, web cam photography or face-to-face meetings. We will ensure that staff are aware of how not to compromise their position of trust in or outside of the school and are aware of the dangers associated with social networking sites.

Cyber-bullying by pupils via emails and texts will be treated as seriously as any other type of bullying and managed through the host school’s safeguarding and anti-bullying procedures.

Our E-safety policy will clearly state that mobile phone or electronic communications with a student at our school is not acceptable other than for approved school business e.g. coursework, mentoring. Where it is suspected that a child is at risk from internet abuse or cyber bullying we will report our concerns to the appropriate agency.

The above list is not exhaustive and as new policy guidance and legislation develops within the remit of Safeguarding we will review and update our policy as appropriate and in line with the Local Safeguarding Children Board and Local Authority to ensure Gemstones is a safe place to learn and work.
Photography and Images
To protect pupils and students we will:

- seek their consent for photographs to be taken or published (for e.g., on our website or in newspapers or publications)
- seek parental consent (either directly or through the host school’s procedures)
- use only the pupil’s first name with an image
- encourage pupils to tell us if they are worried about any photographs that are taken of them

There is a separate policy Photographs of Learning Outcomes and the use of these on Social Media.

Ex-Offenders Policy Statement
As part of our safer recruitment practices we have a policy to address requirements for recruitment of staff.

Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure information Policy Statement
This covers the requirements of the DBS Code of Practice.

Preventing Radicalisation
The Counter-Terrorism and Security Act (FEB 2015) places a duty on LAs childcare and education & other children’s service providers to have due regard to the need to prevent people from being drawn into terrorism (The Prevent Duty).

Vulnerability is assessed by locally established Channel groups according to:

- Engagement with a group, cause of ideology;
- Intent to cause harm; and
- Capability to cause harm.

Assessing Risk: Examples of engagement can include:

- changing their style of dress or personal appearance in accordance with the group,
- possession of materials or symbols associated with an extremist cause (e.g. swastika for far right groups)
- Spending increasing amounts of time in the company of other suspected extremists.

Examples of intention to cause harm may include:

- clearly identifying another group as threatening what they stand for and blaming threat group of all social or political ills,
- using insulting or derogatory names or labels for another group.
Example indicators or capability include:

- having a history of violence; having occupational skills that can enable acts of terrorism (such as civil engineering, pharmacology or construction).

Further guidance can be found in the Channel Duty Guidance document (April 2015).


Confidentiality


“Where there is a concern that the child may be suffering or is at risk of suffering significant harm, the child’s safety and welfare must be the overriding consideration. "

The school policy should indicate:

a) When information must be shared with police and Social Care where the child/young person is / may be at risk of significant harm

b) When the pupil’s and/or parent’s confidentiality must not be breached

c) That information is shared on a need to know basis
APPENDIX A
RECORDING FORM FOR
SAFEGUARDING CONCERNS For
Situations Outside SCHOOLS

<table>
<thead>
<tr>
<th>Name of Pupil</th>
<th>Date of Birth</th>
<th>Class</th>
<th>Name of Person completing form and role</th>
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**Nature of concern** e.g. disclosure, injury, change in behaviour, demeanor, appearance

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<th>ACTION TAKEN e.g. who information was given to, referral made, parent informed</th>
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SIGNED _________________________ DATE ______________________
Safeguarding is not just about protecting children from deliberate harm. For our school it includes such things as pupil safety, bullying, racist abuse and harassment, educational visits, intimate care, children missing education and internet safety etc. The witnessing of abuse can have a damaging affect on those who are party to it, as well as the child subjected to the actual abuse, and in itself will have a significant impact on the health and emotional well-being of the child. Abuse can take place in any family, institution or community setting, by telephone or on the internet. Abuse can often be difficult to recognize as children may behave differently or seem unhappy for many reasons, as they move through the stages of childhood or their family circumstances change. However, it is important to know the indicators of abuse and to be alert to the need to consult further.

The following indicators listed under the categories of abuse are not an exhaustive list.

**Physical Abuse**
This can involve hitting, shaking, throwing, poisoning, punching, kicking, scalding, burning, drowning and suffocating. It can also result when a parent or carer deliberately causes the ill health of a child in order to seek attention through fabricated or induced illness. This was previously known as Munchhausen’s Syndrome by Proxy.

**Emotional Abuse**
Emotional Abuse is where a child’s need for love, security, recognition and praise is not met. It may involve seeing or hearing the ill-treatment of someone else such as in Domestic Violence or Domestic Abuse. A parent, carer or authority figure is considered emotionally abusive when they are consistently hostile, rejecting, threatening or undermining toward a child or other family member. It can also occur when children are prevented from having social contact with others or if inappropriate expectations are placed upon them. Symptoms that indicate emotional abuse include:

“ Excessively clingy or attention seeking.

“ Very low self-esteem or excessive self-criticism.
"Withdrawn behavior or fearfulness.

"Lack of appropriate boundaries with strangers; too eager to please.

"Eating disorders or self-harm  Sexual Abuse  Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. This may include physical contact both penetrative and non-penetrative, or viewing pornographic material including through the use of the internet. Indicators of sexual abuse include: allegations or disclosures, genital soreness, injuries or disclosure, sexually transmitted diseases, inappropriate sexualized behavior including words, play or drawing.

Neglect.  Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs which can significantly harm their health and development. Neglect can include inadequate supervision (being left alone for long periods of time), lack of stimulation, social contact or education, lack of appropriate food, shelter, appropriate clothing for conditions and medical attention and treatment when necessary.

Neglect
Neglect is a form of abuse that staff sometimes find difficult to pinpoint. The DfE have produced some helpful training materials.
https://www.gov.uk/government/collections/childhood-neglect-training-resources

Sexually Active under Eighteen years old
It is acknowledged by those working with young people that most young people under the age of 18 will have an interest in sex and sexual relationships. The Protocol for Sexually Active Young People under 18 years old has been designed to assist those working with children and young people to identify where these relationships may be abusive, and the children and young people may need the provision or protection of additional services. At Gemstones we will ensure our policy for managing this issue links to the available protocol.

Safeguarding Disabled Children
Disabled children have exactly the same human rights to be safe from abuse and neglect, to be protected from harm and achieve the Every Child Matters outcomes as non-disabled children.

Disabled children do however require additional action. This is because they experience greater risks and ‘created vulnerability’ as a result of negative attitudes about disabled children and unequal access to services and resources, and because they may have additional needs relating to physical, sensory, cognitive and/ or communication impairment (Safeguarding Children, DCSF, July 2009)  Gemstones will ensure that disabled children are listened to and responded to appropriately where they have concerns regarding abuse. In order to do this we will ensure that our staff receive the
relevant training to raise awareness and have access to specialist staff in the event they have concerns regarding abuse of a child.

Some members of our communities hold beliefs that may be common within particular cultures but which are against the law of England. Gemstones does not condone practices that are illegal and which are harmful to children. Examples of particular practices are:

**Forced Marriage.**
Gemstones does not support the idea of forcing someone to marry without their consent and will follow SCB procedures to refer any child and young person immediately to Children’s social care.

**‘Honour’ Based Violence**
So called ‘Honour’ based violence’ is a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community. It is important to be alert to signs of distress and indications such as self-harm, absence from school and truancy, infections resulting from female genital mutilation (see below for additional guidance), isolation from peers, being monitored by family, not participating in school activities, unreasonable restrictions at home or forced marriage. Where it is suspected that a child/young person is at risk form ‘Honour’ based violence Gemstones will report those concerns to the appropriate agency in order to prevent this form of abuse taking place.

**Female Genital Mutilation**
The risk factors for Female Genital Mutilation (FGM) include those children who come from a community that is known to practice FGM. Girls at risk may not yet be aware of the practice and so sensitivity is needed when approaching the subject. The warning signs that FGM may be about to take place or may already have taken place are outlined in the Multi-agency practice guidelines. Staff should activate local safeguarding procedures. The Multi-Agency Guidelines on FGM provide (Pages 16 -17) indications of risk. ([https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380125/MultiAgencyPracticeGuidelinesNov14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380125/MultiAgencyPracticeGuidelinesNov14.pdf))

Signs prior to potential risk of FGM can include a girl withdrawn from PSHE as a wish for parents to keep her uninformed about her body and rights, communities known to have a practice of FGM that are less integrated into British society and girls born into a family where females have already been subjected to this. Other indications can be a girl confiding that she is about to have a special procedure or to attend a special occasion to become a woman. Indications that this may already have taken place include, difficulty walking or standing,
spending longer than normal in the toilet due to difficulties urinating, frequent absence from school due to urinary problems.

**Trafficked Children**
Child trafficking involves moving children across or within national or international borders for the purposes of exploitation. Exploitation includes children being used for sex work, domestic work, restaurant/sweatshop, drug dealing, shoplifting and benefit fraud. Where Gemstones is made aware of a child is suspected of or actually being trafficked/exploited we will report our concerns to the appropriate agency.

This is against the law yet for some communities it is considered a religious act and cultural requirement. It is illegal for someone to arrange for a child to go abroad with the intention of having her circumcised. If any of the above areas of concern is brought to the attention of Gemstones we will report those concerns to the appropriate agency in order to prevent this form of abuse taking place.

**Ritualistic Abuse**
Some faiths believe that spirits and demons can possess people (including children). What should never be considered is the use of any physical or psychological violence to get rid of the possessing spirit. This is abusive and will result in the criminal conviction of those using this form of abuse even if the intention is to help the child.

**Children Missing Education**
“Basic to safeguarding children is to ensure their attendance at school.” (OFSTED 2002). Children are best protected by regularly attending school where they will be safe from harm and where there are professionals to monitor their well-being. At Gemstones we will encourage the full attendance of all of our children at school. Where we have concerns that a child is missing education because of suspected abuse, we will report to Children Social Care and the Education Attendance Service to effectively manage the risks and to prevent abuse from taking place.

Appendix C Managing Allegations
Flow Chart of Actions

Action when a child has suffered or is likely to suffer harm

This diagram illustrates what action should be taken and who should take it when there are concerns about a child. If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children’s social care immediately. Anybody can make a referral.

Sharing/recording concerns
An individual with concerns about a child (see NSPCC signs of abuse and neglect) shares these with the designated safeguarding lead who records them.* The individual with concerns may refer to children’s social care directly.

Consideration
If referred to them, the designated safeguarding lead considers if an early help assessment** is needed or if s/he should swiftly move to the next step

Referral to children’s social care
An individual with concerns or the designated safeguarding lead may make a referral to children’s social care

If the child’s situation does not appear to be improving the referrer should press for reconsideration

No referral to children’s social care
The individual with concerns and/or the designated safeguarding lead should monitor the situation

Children’s social care consideration
Children’s social care decides within one working day what action will be taken, including if an assessment is needed, and feed back to the referrer

Assessment
Children’s social care completes the assessment within 45 working days of the referral; it could be a section 17 or 47 assessment.*** All schools and colleges should allow local authorities access to facilitate arrangements

No assessment
If no section 17 or 47*** assessment is recommended an early help assessment** may be recommended and/or onward referral to other specialist or universal services; children’s social care will feed back to the referrer

* In cases which also involve an allegation of abuse against a staff member, see part four of this guidance which explains how the school or college should take in respect of the staff member.

** Where a child and family would benefit from coordinated support from more than one agency (e.g. education, health, housing, police) there should be an inter-agency assessment. These assessments should identify what help the child and family require to prevent needs escalating to a point where intervention would be needed via a statutory assessment under the Children Act 1989. The early help assessment should be undertaken by a lead professional who could be a teacher, special educational needs coordinator, General Practitioner (GP), family support worker, and/or health visitor.

*** Where there are more complex needs, help may be provided under section 17 of the Children Act 1989 (children in need). Where there are child protection concerns local authority services must make enquiries and decide if any action must be taken under section 47 of the Children Act 1989.
Appendix D – Local Referral Information

Suffolk - How to Make a Referral
Are you worried about the welfare or safety of a child?
See Safeguarding Guidance.

If the child is in immediate danger please call 999.

Member of the Public
If you are a member of the public and wish to make a referral please contact Customer First on 0808 800 4005.

Professionals
If you are a professional wanting to make a referral (and have agreed this with your named/designated safeguarding lead), please complete the Multi-Agency Referral Form (MARF).
In emergencies only, please call 03456 066 167.
If you would like to discuss whether or not a referral is required, please call the Professional Consultation Line on 03456 061 499 to speak with a MASH social worker.

Thresholds Guidance

- Suffolk's Threshold of Need Guidance
- Thresholds Matrix

Information Sharing Guidelines

For advice on information sharing please see the Government guidance below.

- Government Guidance: Information sharing advice for safeguarding practitioners

Local Authority Designated Officer (LADO) Referrals

If you have concerns about an adult working with a child under the age of 18 that you would like to report, please follow this link for the Arrangements for Managing Allegations of Abuse Against People Who Work With Children or Those Who Are in A Position of Trust procedure.
It is essential that any allegation of abuse made against a person who works with children and young people including those who work in a
voluntary capacity are dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. The framework for managing allegations is set out in statutory guidance contained in Working Together to Safeguard Children 2015. This policy applies to allegations against local authority foster carers and local authority residential workers. Local Authority Designated Officers can be contacted via email on LADOCentral@suffolk.gcsx.gov.uk or using the LADO central telephone number 0300 123 2044, for allegations against all staff and volunteers.

- Local Authority Designated Officer Leaflet
- Local Authority Designated Officer Referral Form

Cambridgeshire - Referrals:

Before you make a referral
If a professional has a concern regarding a child or young person they must follow their agency’s policy, including communicating with the safeguarding lead or a safeguarding professional within their organisation.

Cambridgeshire children social care (CSC) offer advice to professionals about safeguarding concerns (0345 045 1362). However, the family should be aware you are seeking advice, it will be formally recorded and they may have to act on the information you share with them if they assess a child as being at immediate risk. If you have evidence that a child is at risk of serious harm then act and inform CSC.

Children Social Care: 0345 045 1362; (Mon – Thurs) 8am – 5:30pm: (Friday) 8am – 4:30pm
Emergency Duty Team (Out of Hours): 01733 234724.
Multi-Agency Safeguarding Hub: 0345 045 1362
MASH.C&F@cambridgeshire.gcsx.gov.uk
The Joint Cambridgeshire & Peterborough Safeguarding Referral form provides a standardised referral format for professionals and volunteers to use when they think a child a child or a young person is at risk of significant harm. Guidance on using the joint safeguarding form can be found here.

Norfolk

How to Make a Referral
If you are concerned about a child in Norfolk and want to speak to someone, please contact the Multi Agency Safeguarding Hub (MASH) on 0344 800 8020.
If you are a professional and would like to make a referral, please complete the NSCB1 form below.

- **NSCB1 – Referral Form (Revised Nov 2015)**
- **NSCB1 Guidance notes for Referrers**

**Notice to Referrers:**

- Clear contact details: Please ensure that you include a contact number as well as the name of your agency on the NSCB1 so the MASH team can keep you informed of the outcomes of the referral. Wherever possible, please include an alternative number to ensure that we can make contact in the event that the referrer is unavailable.
- Consent: Please can you ensure you seek consent for the referrals unless the concerns being raised suggest that the child/children would be placed at risk of significant harm if the parents/carers are informed. Reasons for not seeking consent should be clearly stated on the NSCB1.

**Multi-Agency Child Protection Conference Report Form – revised April 2018**
- **Guidance Notes for Multi-Agency Conference Report**
- **Professionals Briefing – Child Protection Conferences (Signs of Safety Implementation)**
- **Professionals Views and Parents Views Decision Form**
- **Core Group Meeting Recording Template**
- **Child Protection Conference Booking Form**

**Local Authority Designated Officer (LADO) Referrals**
If you have concerns about an adult working with a child under the age of 18 that you would like to report, please see the LADO Guidance and consultation documents below.

- **LADO Consultation and Referral Guidance**
- **LADO Referral/Consultation Form**
- **LADO Leaflet – A guide to managing allegations against adults working/volunteering with children and young people**

All queries relating to the LADO should follow these procedures and be sent to LADO@norfolk.gov.uk or cs.norfolkLADOsecure@norfolk.gcsx.gov.uk. Completed LADO referral forms can also be posted to:
**Waltham Forest**

**What to do if you are worried about a child**
If you feel that a child or young person is at immediate risk of harm please **call the police on 999** who can provide an immediate response.

Alternatively, you can contact your local police on 101 at any time.

If you don’t believe the risk requires immediate action, contact the Waltham Forest Multi Agency Safeguarding Hub (MASH) team to discuss your concerns:

Telephone: **020 8496 2310** (Monday - Thursday 9am - 5.15pm, Friday 9am - 5pm) or **020 8496 3000** (out of hours).

A social worker from the MASH team will speak to you. They will need to get as much information as possible about the child and the family.

For advice and guidance about concerns and allegations against adults working or volunteering with children, contact the Waltham Forest Local Authority Designated Officer (LADO):

Telephone: **0208 496 3646** or **07791 559 789**

Email: [LADO@walthamforest.gov.uk](mailto:LADO@walthamforest.gov.uk)

Please note that professionals working with children should follow the MASH guidelines
Data Protection Policy

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Success Criteria:
- Compliant with the requirements of the Data Protection Act 1998

Contents:

Introduction and Background 1

Client, Customer Data Processing 1

Data Protection Principles – Employees 2

Employees Rights to Access Personal Information 3

Introduction and Background

In the course of our work we may come into contact with or use confidential information about employees, clients, customers and suppliers, for example their names and work or home addresses. The Data Protection Act 1998 contains principles affecting employees’ and other personal records. Information protected by the Act includes not only personal data held on computer but also certain manual records containing personal data (Gemstones do not keep these kind of paper records). The purpose of this policy is to ensure we do not breach the Act. If any member of the team is in any doubt about what you can or cannot disclose and to whom, do not disclose the personal information until you have sought further advice from the Company’s Data Protection Officer (Eithne Leming - see below).

We should all be aware that we are personally accountable for our actions and we can be held criminally liable if we knowingly or recklessly disclose personal data in breach of the Act. A serious breach of data protection is also a disciplinary offence and will be dealt with under the Gemstones’ disciplinary procedure.

Client, Customer Data Processing

Anyone who commissions our services consents at the point of initial planning meeting to providing us with their name and contact details (phone and email). Requests. Commissioners of our services accept responsibility of keeping us informed of any changes in these details whilst we are working with them. Electronic copies of all reports are sent within our service time scale of 24 hours following contact.
At Gemstones we do keep records containing the school name and sometimes that of the classteacher, headteacher, or Special Educational Needs Co-ordinator. These reports are kept securely, electronically, along with the email addresses of ‘commissioner’ (ie school or parent), and no paper copies are kept. All staff use lap tops with secure password entry and files are kept in an on line ‘cloud’ secure filing system accessible only to members of the Gemstones staff team.

At Gemstones when working with children in schools and with families directly, we do not keep any records containing personal identifiable information such as first and last name, or date of birth. When receiving requests from Statutory Agencies for evidence, say for Education Health and Social Care Plans, we do not share these. We direct all enquiries to the commissioner of the service (either school or parents) who own the copies of our reports.

In all cases, commissioners of our service are welcome to contact us regarding the information we have on record for them.

The data protection principles - employees

This policy does not form part of an employee’s contract of employment but it is a condition of employment that employees abide by this policy and therefore any failure to follow it can result in disciplinary proceedings.

There are eight data protection principles that are central to the Act. Gemstones as a company and all employees must comply with these principles at all times in their information-handling practices. In brief, the principles say that personal data must be

1. Processed fairly and lawfully and must not be processed unless certain conditions are met in relation to personal data and additional conditions are met in relation to sensitive personal data. The conditions are either that the employee, has given his consent to the processing, or the processing is necessary for the various purposes set out in the Act. Sensitive personal data may only be processed with the explicit consent of the employee and consists of information relating to:
   • Race or ethnic origin.
   • Political opinions and trade union membership.
   • Religious or other beliefs.
   • Physical or mental health or condition.
   • Sexual life.
   • Criminal offences, both committed and alleged.

2. Obtained only for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes.

3. Adequate, relevant and not excessive in relation to the purposes for which it is processed. The Company will review employees’ personnel files on a regular basis to ensure they do not contain a backlog of out-of-date or irrelevant information and to check there is a sound business reason requiring information to continue to be held.

4. Accurate and, where necessary, kept up-to-date. If your personal information changes, for example you change address or you get married and change your surname, you must inform your line manager as soon as practicable so that the Company’s records can be updated. Gemstones cannot be responsible for any such errors unless the employee has notified Gemstones of the relevant change.
5. Not kept for longer than is necessary. The Gemstones will keep personnel files for no longer than six years after an employee has left Gemstones’ employment. Different categories of data will be retained for different periods of time, depending on legal, operational and financial requirements. Any data which the Gemstones decides it does not need to hold for a particular period of time will be destroyed after approximately one year. Data relating to unsuccessful job applicants will only be retained for a period of one year.

6. Processed in accordance with the rights of employees under the Act.

7. Secure. Appropriate technical and organisational measures must be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, data. Data stored on memory sticks, discs, portable hard drives or other removable storage media is kept in locked storage facilities. Data held on computer is also stored confidentially by means of password protection, encryption or coding and again only the above employees have access to that data. Gemstones Education has network back-up procedures to ensure that data on computer cannot be accidentally lost or destroyed.

8. Not transferred to a country or territory outside the European Economic Area

**Employees' rights to access personal information**

Under the Act, employees have the right on request to receive a copy of the personal data that Gemstones holds about them, and to demand that any inaccurate data held be corrected or removed. They also have the right to seek compensation where damage and distress have been caused to them as a result of any breach of the Act by the Company.

Employees have the right, on request:

- To be told by Gemstones whether and for what purpose personal data about them is being processed.
- To be given a description of the personal data concerned and the recipients to whom it is or may be disclosed.
- To have communicated in an intelligible form the personal data concerned, and any information available to Gemstones as to the source of the data.
- To be informed in certain circumstances of the logic involved in computerised decision-making.

Upon request, Gemstones will provide you with a statement regarding the personal data held about you. This will state all the types of personal data Gemstones holds and processes about you and the reasons for which they are processed.

If you wish to access a copy of any personal data being held about you, you must make a written request for this and Gemstones reserves the right to charge you a fee of £10.00 for the supply of the information requested. If you wish to make a request, please complete a Personal Data Request Form, which can be obtained from the Data Protection Officer (Eithne Leming). Once completed, it should be returned to the Data Protection Officer.
Equality and Diversity Policy and Procedures

Aims of our Service:

- Achievement, attainment and progression in learning.
- Promoting emotional well-being.
- Child and family centred services.
- Protection and respect for children.
- Reducing inequalities.
- Building social and emotional capacity within local communities.
- Transparency and accountability.
- Partnership and interdependency.

Our Purpose: To provide a service which transforms the learning environments of children and young people with social, communication, emotional and behavioural difficulties, so that they make a positive contribution to society.

Our Mission: “Transforming lives, promoting the highest expectations, providing inspirational and therapeutic learning environments.”

Our Vision: To provide a holistic, therapeutic and flexible evidence based service that secures improvements in the achievement of vulnerable pupils and in the emotional well-being of home and school communities.

Values and Ethos

Values of the service that are particularly relevant to this policy:

- **Achievement, Aptitude and Ability**: Providing high quality learning experiences for pupils to learn and achieve in line with their age, aptitude and ability.

- **Educational and Social Inclusion**: Supporting the inclusion of pupils educationally and socially in their local school communities.

- **Continuity and Progression**: Developing a service which focuses on the future and which takes into account the long term as well as the short term needs of families;

- **Self-esteem and confidence**: Building self-esteem of pupils so that each can grow in confidence.

- **Building Capacity**: Building on the unique talents, gifts and skills that all pupils, adults and organisations have, instead of focusing on the difficulties or deficits.
• **Equality of Opportunity:** Providing a service which does not discriminate, is fair to all, which values individuals and their communities and is positive about difference.

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**Success Criteria:**
- Staff surveys and client/customer feedback indicates services promote equality of opportunity
- Recruitment and access to our services reflect positive attitudes and effective processes promoting diversity.

## 1. Introduction

1.1 **GEMSTONES EDUCATION** hereinafter referred to as the Organisation, strives for high standards both as an employer and as a provider of services. In so doing, we recognise the need for and strongly support the encouragement of diversity in our work and wholeheartedly support a Policy of Equal Opportunities in all areas of our activities and responsibilities.

1.2 This Policy provides guidance to enable all who work with or for the Organisation to comply with anti-discrimination legislation. The Policy will also address anti-discrimination issues involving areas that currently fall outside any legislation.

1.3 Failure to follow the procedures in this Policy may lead to disciplinary or other appropriate action.

1.4 The aims and objectives of this Policy will be achieved through action planning, effective monitoring and a willingness to tackle problems where they arise. Through our training, interaction with members and other activities, the Organisation will inform those we work with of this Policy and Procedure document.

1.5 The Organisation is committed to reviewing this Policy on an annual basis. We will also regularly examine the implementation of the Equality and Diversity Policy and Procedures. Where evidence is found of ineffectiveness, immediate remedial action will be taken to ensure implementation.

1.6 The Organisation urges staff, Directors, stakeholders and service users to be aware of the less obvious types of discrimination which result from general assumptions and pre-conceptions about the capabilities, interests and characteristics of individuals.

## 2. Definitions

2.1 **Equal Opportunities** - the Organisation aims to ensure that policies, procedures and practices do not unfairly discriminate against our employees, stakeholders and service users. The Organisation aims to treat people fairly and equitably regardless of who they are, their background or their lifestyle.
2.2 **Diversity** - the Organisation aims to ensure that all people are valued as individuals and are able to maximise their potential and contribution. It recognises that people from different backgrounds can bring fresh ideas and a different approach that can make the way we work and learn more fun, more creative, more efficient and more innovative.

2.3 **Direct Discrimination** - as defined in law, occurs when a person is dealt with less favourably than other people because of a ‘protected characteristic’. These are defined in the Equality Act 2010 as being:

- **Age** – a person of a particular age group, but does not apply to those under the age of 18.
- **Disability** – a person who has a physical or mental impairment, where the impairment has a substantial and long-term effect on the person’s ability to carry out day-to-day activities.
- **Gender Reassignment** – a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning the person’s gender by changing physiological or other attributes of gender.
- **Marriage or Civil Partnership** – Marriage is defined as a ‘union between a man and a woman’. Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples.
- **Pregnancy and Maternity** – a woman who is pregnant has a protected characteristic for the whole pregnancy and for a period of 26 weeks from the day she gives birth (in the case of a still born child the 26 week period exists if the birth takes place after the 24th week of pregnancy). A woman who has given birth and is breast-feeding has a protective characteristic when accessing premises, services and public functions.
- **Race** – a person or group of people defined by their race, colour, nationality, including citizenship, and ethnic or national origins. A racial group can include more than two distinct racial groups; e.g. Black Britons would comprise of those people who are both black and who are British citizens.
- **Religion or Belief** - a person’s religion, religious or philosophical belief, lack of religion or lack of religious or philosophical belief. A belief will affect a person’s choices or the way they live for it to be considered a protected characteristic.
- **Sex** – a person who is a man or a woman.
- **Sexual Orientation** – a person’s sexual attraction towards a person of the same sex, another sex, or people of both sexes.

This Policy uses a wider definition of characteristics and includes caste, caring responsibility, mental health, class, HIV status, employment status, unrelated criminal convictions, and union activities.

2.4 **Associated Discrimination** is direct discrimination against a person because they associate with another person who possesses a protected characteristic.
E.g. a person is refused entry to the library because the person they are with has limited mobility and uses crutches to help them move around.

2.5 **Discrimination by Perception** is direct discrimination against a person because it is perceived that they possess a particular protective characteristic.

E.g. a man who is perceived to be a woman because they have a high voice on the phone is refused access to a men-only service. This would be sex discrimination because the man has wrongly been perceived to be a woman.

2.6 **Indirect Discrimination** occurs when an apparently neutral practice, provision or criterion puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and when applying the practice, provision or criterion cannot be objectively justified.

E.g. an organisation has a policy of reminding people of forthcoming appointments by phone. This would indirectly discriminate against deaf people as they would not receive a reminder of their appointment.

2.7 **Victimisation** means subjecting a person to detrimental treatment because they are or are believed to be bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Equality Act; doing any other thing for the purposes or in connection with the Equality Act or making an allegation that a person has contravened the Equality Act.

A person must be able to act against unlawful discrimination without fear of reprisals or being subjected to a detrimental effect.

E.g. a patient makes a complaint to a service provider where they were obtaining treatment because they felt they were discriminated against for being gay. The complaint is resolved, but if the person who provides the treatment refuses to treat the gay client, this would be victimisation.

2.8 **Harassment** means unwanted behaviour that has the purpose or effect of violating a person’s dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Sexual harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim’s dignity or creates an intimidating, hostile, degrading or offensive environment for them. Harassment can be sexual, racial, ageist, directed against people with disabilities or indeed related to any protected or other characteristic exhibited by the individual.

E.g. A male employee is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. A female employee shares an office with the male employee and she too is claiming harassment, even though she is not disabled, as the manager’s behaviour has also created an offensive environment for her.

2.9 **Harassment by a third party** means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or
offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, such as customers or clients.

E.g. A manager of a Benefits Office hears from one of his staff, who is gay, that he is feeling unhappy after a claimant made homophobic remarks in his hearing. The manager is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks.

The manager reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. The manager keeps the gay employee in the picture with the actions he is taking and believes he is taking reasonable steps to protect the employee from third party harassment.

2.10 **Positive Action** can be taken when it is clear that a group of people who share a protected characteristic and who are, or could become, employees, or service users, suffer a disadvantage linked to that characteristic, have disproportionately low levels of participation, or have different needs from a service as compared to other groups.

The positive action must be proportionate and aim to increase participation, meet different needs or overcome disadvantage. The positive action must be appropriate to its aim and other actions would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action could take the form of additional training or providing a job application form in other languages to encourage applicants from these communities. ‘Positive discrimination’ at the point of selection for employment is not permissible.

3. **Policy Statements**

**Diversity**

3.1 The Organisation encourages all people it works with and for to contribute to an environment in which people feel comfortable expressing how they feel and what they need, knowing they will be treated with respect and that their contribution will be valued.

3.2 The Organisation through its Mission Statement and Aims and Objectives supports the spirit and intentions of legislation that outlaws discrimination and promotes equality and diversity.

3.3 The Organisation will make reasonable adjustments to working practices, equipment and premises and offer, where appropriate, additional support to Directors, and staff to ensure they are able to take a full and active part in the Organisation’s work.

3.4 The Organisation will endeavour to deliver services in a way that genuinely recognises the importance of an inclusive society that brings opportunities and access, not barriers to individuals.
Equal Opportunities

3.5 The Organisation strives to be an equal opportunities employer and promotes equality of opportunity through all of its activities. No job applicant, employee, Director, member or service user should receive less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions, and union activities.

4. Aims & Objectives

4.1 The aims and objectives of the Equality and Diversity Policy are:

• To encourage, promote and celebrate equality and diversity in all the Organisation’s activities and services
• To ensure equal access to services and employment.
• To ensure compliance with legislation on discrimination and equality (including the Equality Act and any other legislation which becomes law)
• To promote equal opportunities in other areas not currently covered by legislation
• To create environments free from harassment and discrimination
• To maximise the use of resources in the best interests of Directors, staff, and service users
• To confront and challenge discrimination where and whenever it arises, whether it be between colleagues, or in any other area relating to the Organisation’s work
• To make a willingness to abide by and implement this policy a necessary condition of employment for any position in the Organisation
• To ensure, through positive action and so far as is practicable, that all the Organisation’s premises and services are accessible to all people
• To ensure that employment and advancement within the Organisation is determined by objective criteria and personal merit.

5. Policy Implementation - Expectations

5.1 The Organisation recognises that passive policies do not provide equality and encourage diversity in employment / training /services. Consequently, the Organisation will seek to promote equality and diversity within the following framework of responsibilities.

5.2 Responsibility for implementing and developing this Policy rests with the Directors. The overall co-ordinating responsibility for equal opportunities and the encouragement of diversity in our work is delegated to the [insert post title]. However, the Organisation believes that all who work with or for the Organisation have an individual responsibility: to abide by the Policy and ensure a personal
involvement in its application; to co-operate actively to ensure that a fair and equitable environment is a reality. Therefore the Organisation requires individuals:

- To implement measures introduced by the Organisation to ensure equality of opportunity, diversity and non discrimination
- Not to harass, victimise, abuse or intimidate any other employee, or service user on the grounds of race, colour, nationality, ethnic or national origin, sex, marital or civil partnership status, caring responsibility, sexual orientation, age, physical, sensory or learning disability, mental health, religious beliefs, class, HIV status, employment status, unrelated criminal convictions and union activities.
- To inform management if they suspect discrimination is taking place.

5.3 **The Organisation requires its Senior Managers:**

- To ensure that proper records of employment decisions are maintained and regular reviews of employment practices are carried out
- To ensure that grievances are dealt with in a fair and consistent manner and in line with the Organisation’s Disciplinary & Grievance Policies
- To ensure that individuals whom they manage are aware of their legal responsibilities, and the Equality and Diversity Policy and Procedures
- To promote actively the benefits of diversity for employees, and service users, in employment, services and training.

5.4 **The Diversity Officer will:**

- Ensure that Managers are supported in their roles in regard to the Equality and Diversity Policy and Procedures
- Ensure Directors and Senior Management annually review equal opportunities and diversity issues within the Organisation
- Ensure that the highest standards of equal opportunities practice are strived for in the delivery of the Organisation’s services and undertake training and development opportunities to ensure that competence is maintained
- Offer advice and guidance to members of staff, and organisations in equality and diversity matters
- Seek the views and opinions of Directors, employees, stakeholders and service users on the operation of the Policy, in particular regarding ways of meeting the diverse needs of the users
- Facilitate training and discussion on equal opportunities and diversity issues as appropriate, for example, at team meetings
- Ensure that the Equality and Diversity Policy and Procedures are reviewed on an annual basis.
6. **Policy Implementation**  
**Recruitment, Interviews, Selection & Promotion**

6.1 In line with the intentions of this Policy, the recruitment procedures and processes, the Organisation strives to ensure that Directors and staff reflect the wider community.

7. **Policy Implementation - Training**

7.1 In line with the intentions of this policy, the Organisation will not discriminate in the provision of training courses / opportunities wherever possible.

7.2 Appropriate training will be provided to enable Directors, staff, and committee members to perform their jobs / roles effectively. The training offered will take into account the needs of all people.

7.3 Briefing on this policy will form part of the Induction Procedure for Directors and staff.

7.4 The Organisation will strive to ensure that all training offered will be accessible to all people.

8. **Policy Implementation - Enforcement**

8.1 The Organisation recognises the need for a continuing commitment to genuine equal opportunities and diversity within the Organisation. The effectiveness of the policy's aims and objectives can only be judged by how the policy operates in practice.

8.2 **Policy Enforcement - Grievance**

Any staff member who feels aggrieved as a result of discrimination or unfairly treated in a way contrary to the intention of this policy should raise the issue through the Disciplinary and Grievance Policies.

Any service user who feels he / she has been unfairly treated in a way contrary to this Policy should make a complaint through the Comments, Complaints and Compliments Policy.

Any job applicant who believes that he / she has been treated unfairly and contrary to the intention of this policy should raise the issue with the Chief Executive and / or Chair of Directors.

The Organisation will not treat lightly or ignore grievances from members of disadvantaged groups on the assumption that they are over-sensitive about discrimination.

8.3 **Policy Enforcement – Discipline**

- Any member of staff suspected of being in breach of this policy will be subject to disciplinary action.
- All incidents of *direct discrimination* are disciplinary offences.
- All incidents of *indirect discrimination* are disciplinary offences.
• Incidents of **victimisation** or **harassment** will be dealt with in accordance with the Organisation’s Harassment Policy and Procedure and / or disciplinary processes.

• Any member of staff including Directors, found to be in breach of this policy will be counselled on his / her actions and may, where necessary, be asked to leave the Organisation.

• Any service user found in breach of this policy will, where appropriate, be counselled on his / her actions and may, where necessary, be referred back to their organisation or refused future services from the Organisation.

9. **Policy Implementation - Monitoring**

9.1 The Organisation regards the collection / analysis of data as vital in informing change and improving performance and complying with legislation. Where appropriate, statistics on the Organisation’s services will be collected and analysed in relation to equality and diversity matters. We will review employee recruitment and turnover and seek information on reasons for leaving. Local and national data or statistics will be used to benchmark our performance.

9.2 The Directors will review annually the equality of opportunity relating to the Organisation’s services. Recruitment and selection procedures will be monitored and reviewed annually by the Trustee Board. All aspects of policies and procedures shall be kept under review to ensure that they do not operate against the Diversity and Equality Policy.

9.3 Equality of opportunities in the workplace will be monitored for all full time, part time and staff through the appraisal systems.

9.4 In order to determine the impact of this policy it is important that a monitoring system be developed which will measure commitment, progress and effectiveness. The Diversity and Equality Policy will be monitored and reviewed as follows:

- Diversity and Equality will be an agenda item at all the Organisation’s Trustee, committee, and staff meetings and will be minuted

- A review of the policy will be undertaken annually and will take into account minutes from the Organisation’s Board of Directors’, and staff meetings

- Directors, staff, and service users will be encouraged to submit comments for consideration

- The review recommendations will be presented to the relevant Directors’ meeting for discussion.

If it is found that the policy is excluding or discouraging Directors and staff, development or restricting service users, the Chair of the Directors’ Board should take positive action to re-adjust the policy.

Approved by:

Date:
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<tr>
<th>Diversity Officer:</th>
<th>Eithne Leming</th>
<th>Tel:</th>
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**Monitoring Arrangements:**

**Date of local review(s):**

**Other Information:**