

Principles for safeguarding children and vulnerable adults

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Introduction

Specific principles of safeguarding for children and vulnerable adults

Specific principles of safeguarding provide a benchmark of good practice. They raise awareness and help organisations know what they need to do to safeguard children and vulnerable adults, and to minimise avoidable risks. These principles are designed to help safeguard children and vulnerable adults taking assessments offered by members of the Joint Council for Qualifications (JCQ). They also ensure that awarding bodies take positive action in response to safeguarding concerns identified in the course of their work.

This document contains the minimum recommended standards for safeguarding to be effective, and a structure to help awarding bodies think through the issues and develop their own approach to safeguarding.

As the law currently stands, the awarding bodies have an obligation to comply at all times with the Safeguarding of Vulnerable Groups Act 2006 (the Act) which states that it is a criminal offence to permit a person, whom you know or have reason to believe is barred from engaging in 'regulated activity,' to engage in regulated activity with a 'child' or 'vulnerable adult'. It is a criminal offence for a barred person, i.e. a person who is listed on one of the barred lists maintained by the Independent Safeguarding Authority, to engage in 'regulated activity' with a 'child' or 'vulnerable adult'. The terms 'child', 'vulnerable adult' and 'regulated activity' are defined on **pages 5, 6 and 7**.

In certain prescribed circumstances (as set out in the Act) awarding bodies will have a duty to refer information about those of their employees who engage in 'regulated activity' to the Independent Safeguarding Authority.

The principles reflect the difficulties awarding bodies experience in developing safeguarding measures due to the nature of the work, their contractual obligations to examination centres and the cultural, legal, and other differences that exist.

Who this document is for?

These principles have been adopted by the JCQ awarding bodies. They should be read and implemented by staff in the awarding bodies, particularly those who have overall responsibility for safeguarding children and vulnerable adults.

Centres may also find it useful to read this document to understand how the awarding bodies have developed their procedures.

Who are the awarding bodies?

The JCQ consists of seven awarding bodies

- Assessment and Qualifications Alliance (AQA)
- City & Guilds
- Council for the Curriculum Examinations and Assessment (CCEA)
- Edexcel
- Oxford, Cambridge and RSA Examinations (OCR)
- Scottish Qualifications Authority (SQA)
- WJEC

They work together to develop common standards, regulations and guidance for examinations across the UK. These policy standards are a part of this continuing strand of work.

Roles and responsibilities

What do awarding bodies do?

The main aim of awarding bodies is to provide qualifications and support to meet the needs of individuals and society. In delivering these products and services, the awarding bodies have an influential role in ensuring the welfare of candidates taking their assessments.

Behind each certificate issued there are a number of activities, products and services that are key to the delivery of courses and ultimately to candidates achieving their certificates. Some of these activities are undertaken by permanent staff employed by awarding bodies and others by people who are contracted in a variety of ways. For the purposes of this policy, 'staff' who are not permanently employed by awarding bodies are referred to as 'representatives'.

There are three key areas in which safeguarding issues may be raised in relation to the work of awarding bodies:

- the conduct of awarding body permanent staff or representatives towards candidates, other children and vulnerable adults with whom they come into contact;
- the appropriateness of assessment materials;
- candidate disclosure of information regarding their personal welfare, or the welfare of one of their peers, to the permanent staff or representative of the awarding body, whether directly or through written responses.

It is the responsibility of the awarding body to ensure that all its permanent staff and representatives are aware of safeguarding issues for children and vulnerable adults, and procedures in their particular area of expertise and are trained accordingly. The awarding body must have effective mechanisms in place to record and monitor safeguarding issues and ensure that appropriate action is taken.

Cases not relating to the conduct of a member of permanent staff or representative will involve formal reporting to the centre and/or the relevant protection authority for resolution. In these cases the awarding body must be satisfied that the issues have been acknowledged and will ask for confirmation of this from the organisation to which the referral was made.

Cases involving the conduct of awarding body permanent staff will be formally investigated and dealt with in line with the formally documented disciplinary procedures, following discussion with the appropriate protection authorities. Cases involving the conduct of awarding body representatives will also be formally investigated, following discussion with the appropriate statutory protection authorities, and dealt with in line with the terms and conditions of their contracts.

What do centres do?

A centre is the place where a candidate will undertake study, training and assessment.

Awarding bodies are very conscious of safeguarding issues and will do all within their remit to ensure the safety of children and vulnerable adults. However, as centres have more direct contact with candidates, they are likely to be the key players with primary responsibility for the welfare of their candidates, progressing and resolving issues and raising awareness generally.

Awarding bodies and centres communicate directly with one another on an ongoing basis. Therefore, the contractual relationship which results in candidates taking assessments is between an awarding body and a centre. **There is no direct contractual relationship between an awarding body and a candidate or group of candidates (except in the case of SQA, when certificates are issued directly to candidates).**

To maximise the effectiveness of all measures to protect children and vulnerable adults taking qualifications, it is vital that awarding bodies work in partnership with centres. This will ensure a clear understanding of each other's roles and responsibilities.

The roles and responsibilities of centres are clearly defined in *Safeguarding Children and Safer Recruitment in Education* (Department for Education and Skills, September 2006, Reference DFES -04217-2006).

Awarding bodies should ensure that their policies require that centres can fulfil their obligations when working with an awarding body.

Who is defined as a child?

A child is any person who has not reached the age of 18.

What is child abuse?

Child abuse is the physical, psychological or sexual maltreatment of children.

Child maltreatment is defined as any act or series of acts or commission or omission by a parent or other carer that results in harm, potential for harm, or threat of harm to a child.

Relevant legislation and guidance

There are several pieces of legislation and guidance that are relevant to the work of the awarding bodies in respect of safeguarding children:

- Safeguarding of Vulnerable Groups Act 2006
- Independent Safeguarding Authority – www.isa.homeoffice.gov.uk
- The Children Acts and relevant guidance when working in schools, examination centres or otherwise with children – see the Department of Education's website <http://www.education.gov.uk/>. Please note that while the provisions of the Children Acts do not directly apply to awarding bodies, they do form part of the Government's wider safeguarding framework for children. Accordingly, it is important for awarding bodies to be aware of the overall scheme of those Acts and related guidance.

Who is defined as a vulnerable adult?

A vulnerable adult is defined as a person who is aged eighteen years or over and who is:

- living in residential accommodation, such as a care home or a residential special school;
- living in sheltered housing;
- receiving domiciliary care in their own home;
- receiving any form of healthcare;
- detained in a prison, remand centre, youth offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999;
- under the supervision of the probation services;
- receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so;
- receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability;
- an expectant or nursing mother living in residential care;
- receiving direct payments from a local authority or health and social care trust in lieu of social care services;
- receiving support, assistance or advice to help them live independently; **and/or**
- requires assistance in the conduct of their affairs.

N.B: The provisions of the Safeguarding of Vulnerable Groups Act 2006 only apply to vulnerable adults to the extent that they are the recipients or subjects of 'regulated activity'. For example, a person who is taking a course of prescribed medication for a common medical condition would not necessarily fall within the scope of the Act, unless he/she was the subject of 'regulated activity', e.g. the recipient of care or supervision on a frequent basis.

What is 'regulated activity'?

Regulated activity is a broad term which applies to:

- specified activities relating to children and vulnerable adults (e.g. teaching, training, instruction, care or supervision) which are carried out on a frequent (as a general rule at least once a week), or intensive (more than three days in any 30 day period) basis, or overnight (between 2am and 6am where the activity gives the person the opportunity to have face-to-face contact with children or vulnerable adults);
- work in a specified place which provides the opportunity for frequent contact with children or vulnerable adults (e.g. a school); and
- certain specified positions (e.g. a school governor).

Employees of awarding bodies may be engaging in 'regulated activity', if, for example, their role involves frequent visits to schools or examination centres.

Why standards?

Standards provide a benchmark against which practice can be measured and audited. By drawing together and describing what is needed, they assist awarding bodies in reviewing and evaluating current practice and identifying goals for development. They also make explicit to others what is expected in relation to safeguarding. This provides a basis for accountability and challenge if practice falls below a certain standard. This is particularly useful when working with partner organisations.

What is their purpose?

- To provide a framework for safeguarding children from abuse.
- To provide a benchmark for awarding bodies for assessing and developing their internal safeguarding structures and procedures (including policy, reporting procedures and human resources arrangements) and to help determine their safeguarding approach.
- To promote good practice and challenge practice that is abusive or poses risk to children. Awarding bodies want to ensure that all their permanent staff and representatives work together to maintain a safe environment for children and vulnerable adults.
- To promote partnerships with centres, local authorities and other agencies to provide a safe environment for children and vulnerable adults.

General principles for children

This document includes a set of principles for use by awarding bodies.

- Every child, whatever their background or their circumstances, should have the support they need to:
 - be healthy;
 - stay safe;
 - enjoy and achieve through learning;
 - make a positive contribution to society;
 - achieve economic well-being
- The welfare of the child is paramount.
- All children have equal rights to protection from abuse and exploitation.
- All children should feel safe and supported if they have to raise issues associated with abuse.
- All children should be encouraged to fulfil their potential.
- Everybody has a responsibility to support the care and safeguarding of children.
- Awarding bodies have a duty of care to all children with whom their permanent staff and representatives have contact.

Sharing information and working with other organisations and agencies is vital in maximising protection from abuse.

The rationale for safeguarding

- Children and vulnerable adults are protected in accordance with the Acts of Parliament and relevant guidance.
- Following these standards should help minimise the risk to children and vulnerable adults of abuse, and maximise the potential for protection from abuse.
- Awarding body permanent staff and representatives are supported by the provision of guidance and training.
- By implementing these standards, all awarding bodies will have clear guidelines on the behaviour of their permanent staff and representatives when they are around children and vulnerable adults. Awarding body permanent staff and representatives will have clear guidelines on what to do if they notice or are told about inappropriate behaviour on the part of others.
- The awarding body is supported in developing its policy.
- By implementing these standards, an awarding body is making clear its commitment to safeguarding. They will help the awarding body to move towards best practice in this area and deter those who wish to abuse children and vulnerable adults from joining an awarding body.

Specific principles of safeguarding for children and vulnerable adults

The awarding bodies have examined their working environments (including who they work with and how, when, where and under what circumstances permanent staff or representatives work with candidates and interact with them) and the products and services they offer. The ten principles which follow are recognised as essential steps in developing a safeguarding policy for children and vulnerable adults. The principles are organised in this document in the order in which they should be addressed.

The overall quality of a safeguarding policy is dependent on it being

- well-implemented;
- well-operated; and
- well-managed.

Principle 1 A safeguarding policy

An awarding body will have a safeguarding policy in place.

Principle 2 Risk assessment

An awarding body, as part of its processes, will assess the risk that harm will be caused to children or vulnerable adults.

Principle 3 Procedures and systems

An awarding body will have clearly defined reporting procedures and response mechanisms that ensure safeguarding responsibilities are met. At the same time, so far as this is possible given those safeguarding responsibilities, an awarding body will ensure that obligations of confidentiality (reassuring all concerned that the matter will be dealt with sensitively and appropriately) are respected.

Principle 4 Prevention

Measures will exist to minimise the risk of abuse and maximise the potential for safeguarding from abuse by those in a position of trust.

Principle 5 Codes of behaviour

Awarding body *Codes of behaviour* will describe acceptable standards of behaviour and will promote good practice in the presence of or towards children and vulnerable adults.

Principle 6 Implementation in diverse contexts

An awarding body will give clear guidance to permanent staff and representatives on how the safeguarding policy will be adapted and applied practically in different circumstances.

Principle 7 Equality and inclusion

In accordance with equality legislation, in the exercise of its function of developing and awarding qualifications, an awarding body must have due regard to the need to combat discrimination and ensure procedures are equitably applied to all children and vulnerable adults.

Principle 8 Communication systems

Policies must include ways of informing, consulting and listening to all relevant parties about how children and vulnerable adults following courses leading to qualifications offered by members of the Joint Council for Qualifications are to be safeguarded.

Principle 9 Education and training

An awarding body working with children and vulnerable adults has a responsibility to provide initial and refresher training and development opportunities for designated staff and representatives. An awarding body will ensure advice and support is in place to help its permanent staff and representatives play their part in safeguarding children and vulnerable adults.

Principle 10 Implementation and monitoring

An awarding body will check the implementation, monitoring and evaluation of their safeguarding policy.

Summary

In conclusion, these ten principles attempt to ensure that awarding bodies can develop and promote practice which safeguards children and vulnerable adults from abuse and exploitation. They additionally meet regulatory and legislative requirements.

These principles of safeguarding are the responsibility of the designated staff within the awarding bodies. The JCQ will ensure that these specialists review the principles every three years and/or whenever there is a significant change in the awarding body or in relevant protection legislation, policy or guidance.