BSBI Policy

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BSBI Safeguarding Policy and Procedures: Children and Vulnerable Adults

BSBI School of Business and Innovation

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Amendment History

The document was revised in January 2022 to update the designated safeguarding lead and deputy safeguarding, incident report form and risk assessment form.

Introduction

The BSBI School of Business and Innovation (the institution) recognises that it has a duty of care to all students and a duty to safeguard children and adults at risk against abuse. The institution recognizes its duty to ensure that relevant checks are carried out on individuals who work with children and/or adults at risk and this policy should be read in conjunction with the Institution´s Disclosure and Barring Service and Recruitment of Ex-Offenders Policy.

In addition, the institution has a responsibility to protect staff from unfounded allegations of abuse and has a duty to refer any relevant information to the local authorities if they have moved or dismissed an individual because of harm, or risk of harm, to a child or adults at risk. This policy extends to all members of the institution and particularly to staff working with children and adults at risk. It also extends to volunteers, students and contract workers engaged on behalf of the institution.

This policy should be read in conjunction with the Institution´s Students Under 18 Policy. Although the institution admits relatively few students under the age of 18, it has a particular legal and moral responsibility to safeguard and promote the welfare of all students. It therefore is committed to compliance with the “endangerment of the child’s wellbeing” (Kindeswohlgefährdung) being written into the German civil code (§ 1666 BGB) and to the safety and welfare of those students in its care under the age of 18.

The institution recognises its duty under the Anti-Terror Act in Germany (2006, amended 2017) to have due regard when exercising its functions to prevent people being drawn into terrorism. Reference should be made to the Prevent Duty Policy.

Definitions

A child is “a person under the age of 18.”

An adult at risk is defined as any person aged 18 years and over who is, or may be, in need of community care services by reason of mental health issues, learning or physical disability, sensory impairment, age of illness and who is, or may be, unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. The “Führungszeugnis” (certificate of good conduct) carries out checks on criminal records.

Responsibility for this Policy

Ultimate responsibility for the development of clear and effective processes and procedures and overseeing their application lies with the Designated Safeguard Lead for the institution who is ordinarily a member of the institution´s Senior Management Team (SMT).

Expectations

The institution has in place, monitors and evaluates arrangements and resources which enable students to develop their academic, personal and professional potential.

The institution is committed to increasing awareness of issues relating to children and adults at risk, promoting good practice and assisting members of staff in making informed and confident responses in relation to safeguarding.

This policy is designed to safeguard children and adults at risk who come into contact with the institution’s community and to ensure that there are clear guidelines and procedures for identifying risk and reporting concerns in relation to safeguarding.

Key Aims and Principles

The institution is committed to:

- Taking all reasonable measures to ensure that the risks of harm to children or adults at risk through the institution's actions or inactions are minimised
- Taking all appropriate actions to address concerns raised about the welfare of children and adults at risk in connection with institution business.

The institution believes that:

- all children and adults at risk, whatever their age, gender, disability, racial origin, religion, marital status or sexual orientation, have the right to protection from abuse and a right to be safe in the activities that they, or their parents and carers, choose
- all children and adults at risk should be listened to and their views taken seriously
- all interventions must be centered around the child/adults at risk
- staff need to be aware of how issues of race, gender, disability, culture, sexuality and age impact an individual's life experiences and how these issues affect their understanding of, and response to, keeping children and adults at risk safe
- abuse can take different forms and includes physical, sexual, emotional abuse as well as neglect and bullying. Abuse can have serious and long-term effects in terms of. development, health and well-being, including to self-esteem and self-image
- joint work between agencies and disciplines may be helpful for the protection of children and adults at risk.

This policy establishes these commitments and underpins the procedures and guidance which follow. Together, they do not represent a "how to" guide in children and adults at risk protection practice but they do clarify the institution's position in relation to children and adults at risk and its expectations of all staff to act in accordance with these procedures. Additional information and template forms are provided in the Safeguarding Policy and Procedures which staff should ensure are used as appropriate.

The Role of the Institution and its Responsibilities

The institution has in place a Designated Safeguarding Lead and Deputy Safeguarding Lead to assist staff who may have any concerns about possible risks to a child or adults at risk of harm from abuse. These designated persons have received appropriate training and will receive on-going support to allow them to play this key role in determining, with appropriate advice when necessary, whether, and at what stage, a referral should be made to the appropriate authority. Full details of the responsibilities of the Designated Safeguarding Lead and their deputy are set out in Appendix A.

The Designated Safeguarding Lead also has responsibility for reporting to the BSBI Board. This strategic responsibility is designed to ensure:

- The institution's safeguarding policies and related procedures are regularly reviewed and updated
- Safeguarding remains a high priority
- All staff are aware of the policies and procedures regarding safeguarding as well as prevent duty and receive appropriate training annually
- That, together with a GUS HR Business Partner, a risk assessment of any prospective or current staff member with previous or new convictions is carried out
- referrals to the relevant authorities in accordance with this policy and associated procedures take place.

The institution will ensure that the Designated Safeguarding Lead and the Deputy Safeguarding Lead routinely update and refresh their training at least every two years.

Details of the designated safeguarding roles for the institution are communicated to new staff during induction and information is publicised on the website and on the institution's student information page.

In selecting individuals to occupy designated safeguarding roles, the institution is mindful of the need:

- to ensure they have suitable knowledge of the institution's safeguarding approach
- to ensure they have suitable knowledge of the institution's duties under the Anti-Terror Act in Germany (2006, amended 2017), the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz), the Basic Law for the Federal Republic of Germany (1949), the General Data Protection Regulation (GDPR), the German Bundesdatenschutzgesetz (BDSG) 2018 and the German Freedom of Information Act (Informationsfreiheitsgesetz) 2006
- for them to have sufficient seniority to make decisions on behalf of BSBI
- for them to be seen by statf as approachable and accessible.

Storage of Records

Any cause for concern regarding a child or adult at risk is required to be reported immediately to the Designated Safeguarding Lead and the Deputy Safeguarding Lead who will hold the record securely. Where the concern is referred to an appropriate authority, the report will be retained for six years after the last contact with the child or adult at risk. In all other cases, the record will be retained for three years after the concern was initially recorded.

Any allegation of abuse against a member of staff is required to be reported immediately to the Designated Safeguarding Lead who will hold the record securely, pending investigation of the allegation by the Designated Safeguarding Lead working with GUS HR.

Details of allegations that are found to have been malicious will be removed from personnel files and only held confidentially by the Designated Safeguarding Lead and GUS HR for three years after the allegation was reported. For all other allegations, a record of the allegation together with details of the investigation and action taken, including any referrals to an appropriate authority, will be kept on the staff member's file and a copy will be provided to the staff member.

Code of behaviour

A code of behaviour, contained in Appendix B, has been developed to provide advice which will not only help to protect children and adults at risk, but will also help staff identify any practices which could be mistakenly interpreted and, perhaps, lead to false allegations of abuse.

The code of behaviour should guide all actions taken by the institution's staff and anyone else working on behalf of the institution in relation to all contact with children or adults at risk through their work. If it is necessary to act contrary to it (for example being in a position of one-to-one contact with a child), staff should only do so after discussion and with the approval of their line manager. Staff who breach this code of behaviours may be subject to disciplinary procedures. External freelance consultants or associates breaching this code will not be offered any future work with, or on behalf of, the institution.

Monitoring and review of the provision

Responsibility for reviewing and evaluating the effectiveness of the Safeguarding Policy and Procedures lies with the Designated Safeguarding Lead, reporting to the Senior Management Team. Formal responsibility for monitoring and evaluating this provision lies with the School Board.

Details of allegations that are found to have been malicious will be removed from personnel files and only held confidentially by the Designated Safeguarding Lead and GUS HR for three years after the allegation was reported. For all other allegations, a record of the allegation together with details of the investigation and action taken, including any referrals to an appropriate authority, will be kept on the staff member's file and a copy will be provided to the staff member.

Appendix A

Responsibilities of Designated Safeguarding Lead and Deputy Safeguarding Lead

Responsibility	Safeguarding Lead	Deputy
Act as a source of support, advice and expertise within the institution when deciding whether to make a referral by iaising with relevant agencies.	✓	✓
Ensure all statf members receive safeguarding training during induction, and thereafter annually, to ensure they are able to recognise and report abuse.	✓	✓
Ensure each member of statf has access to, and understands, the institution's Safeguarding Policy	✓	✓
Ensure any freelance or contracted statf and associates (e.g., visiting tutors, student ambassadors/mentors, volunteers, outside guests and contractors coming on site are made aware of the need to adhere to the institution's safeguarding duties by ensuring that they receive the briefing sheet in Appendix C.	✓	✓
Ensure parents/guardians of students under the age of 18 are given access to the Safeguarding Policy and Procedures.	✓	✓
Ensure that detailed, accurate, written records of all cases, referrals and concerns are made and kept securely.	✓	✓
Ensure that when a child or adult at risk leaves the institution and moves to study at another institution, their protection file is copied for that establishment as soon as possible, but is transferred separately from the main student file.	✓	✓
Have access to resources and attend any relevant or refresher training courses at least every two years.	✓	✓
Liaise with the Principal and Senior Management Team to ensure that they are made aware of any issues and on-going investigations and ensure there is always cover for this role.	✓	✓
Understand how to recognise and identify signs of abuse and when it is appropriate to make a referral.	✓	✓
Refer cases of suspected abuse or allegations to the relevant authorities.	✓	✓
Ensure permitted "Führungszeugnis" (certificate of good conduct) checks are carried out in accordance with the Recruitment of Ex-otfenders Policy.	✓	✓
Work with the Line Manager and the HR Business Partner to carry out a risk assessment of any prospective or current statf member with previous or new convictions.	✓	✓

Appendix B

Code of Behaviour

1. Treat children and adults at risk with the same professional standards of respect and care given to other students and members of the public. However, in your contact with children and adults at risk, you should also take into account the developmental needs of the individual when planning activities as well as additional legal requirements or responsibilities due to the child's age (e.g., children under 18 should not be encouraged to drink alcohol).

2. Use positive and appropriate language

   - avoid swearing
   - never shout or use derogatory language
   - always challenge inappropriate language and never address sexually suggestive jokes or comments to any person.

3. Use physical contact carefully

   - be aware that any kind of touching or physical contact can be misinterpreted
   - where physical contact is justified, use it openly.

4. Avoid being alone with a child or adult at risk. In tutoring or mentoring situations, meet in open places or leave the office door open, if possible, and do not arrange to meet a child or adult at risk alone unless as part of a specific role such as personal tutor.

5. Consider your physical appearance at work. You should dress decently and appropriately

6. Do not drink alcohol prior to contact with children and adults at risk. Do not smoke in front of children and adults at risk and do not take illegal drugs at work.

7. Never give your personal details to a child or adult at risk. Do not connect with adults or children on media sites whose purpose is social interaction unless as part of a course-connected activity. In such cases, always use your institution contact details when registering and logging into social media sites.

   Note: if you do not possess an institution mobile phone, some social media sites, such as WhatsApp, should not be accessed.

8. Never invite, or allow a child or adult at risk you have met through work, into your home. Never offer to transport a child or adult at risk alone in your car.

9. Never enter the home of a child or adult at risk, unless a responsible adult is present.

10. While the use of humour may help to diffuse a situation, the use of sarcasm should be avoided because it is open to misinterpretation.

11. Children and adults at risk can develop infatuations towards adults working with them. If you are concerned that this is happening towards you, inform your Line Manager or an appropriate senior member of staff.

12. Never let allegations by a child or adult at risk go unreported, including any made against you. Immediately contact your Designated Safeguarding Lead.

13. If you have a concern about the well-being of a child or adult at risk, as outlined in the Safeguarding Procedures, you should raise this with your Designated Safeguarding Lead or Deputy Safeguarding Lead. You might raise an issue of concern if:

    - you have witnessed an incident in which a child or adult at risk is harmed or abused
    - a child or adult at risk has disclosed or hinted at abuse or harm
    - you have concerns about a child or adult at risk because of their behaviour or appearance (e.g., injuries or signs of distress such as uncharacteristic lack of self-care, showing fear, anxiety, withdrawal or depression)
    - you have concerns about a child or adult at risk because of the behaviour of an individual towards them
    - you are concerned about the behaviour of another member of staff.

If a child or adult at risk tells you about abuse they have experienced, this can be a difficult and distressing experience. You should follow the guidelines in the Safeguarding Procedures.

Appendix C

Safeguarding and Prevent Duty Briefing Sheet

Contractors, temporary and casual workers, volunteers and visitors.

BSBI School of Business and Innovation (BSBI) recognises that it has a duty of care to all students and a duty to safeguard children and vulnerable adults against the risk of abuse. This means that at all times you should act in a way that is consistent with the safety and welfare of the institution's students. In addition, the Anti-Terror Act in Germany requires the institution to have due regard to prevent people from being drawn into terrorism.

If at any time you have a concern about a student, it is your responsibility to share that concern with a Safeguarding Officer at the campus.

Designated Safeguarding Lead	Antonia Baae	Tel. - +49 1794396224
Deputy Safeguarding Lead	Thomas Gansemer	Tel: +49 305 85840959

This is not an exhaustive list, but you may have become concerned as a result of:

- observing a physical injury, which you think may have been non-accidental
- observing something in the appearance of a student that suggests they are not being sufficiently well cared for
- observing behaviour that leads you to be concerned about a student
- a student telling you that they have been subjected to some form of abuse
- a student expressing extreme views about another section of society
- a student accessing extremist propaganda materials.

If you have any concerns, you must write down what you saw or heard, the date and sign your account, then give it to the Designated or Deputy Safeguarding Lead.

If a student talks to you about abuse, you should follow these guidelines:

- Rather than directly questioning the student, just listen and be supportive.
- Never stop a student who is freely recalling significant events, but do not push them to tell you more than they wish.
- Make it clear at the earliest possible moment that you may need to pass on information to staff in other agencies who may be able to help – do not promise confidentiality. You are obliged to share any information relating to abuse or neglect.
- Write an account of the conversation immediately, as close to verbatim as possible. Put the date and timings on it, and mention anyone else who was present. Then sign your record and give it to the Designated or Deputy Safeguarding Lead, who should contact the relevant agencies if appropriate.

Remember, if you have any concerns, discuss them with the Designated or Deputy Safeguarding Lead.

Appendix C

Taking action

C.1 Members of the institution are encouraged to discuss any concerns with the Designated Safeguarding Lead or the Deputy Safeguarding Lead of the institution. If those concerns relate to a nominated member of staff, then the Principal should be notified in the first instance. If an individual feels that the institution has not responded appropriately, then they are free to contact Social Services or other agencies.

C.2 Every effort should be made to maintain confidentiality. Suspicions must not be discussed with anyone other than those nominated above. If a nominated member of staff is not available, then individuals should not delay and should contact the Principal.

C.3 The Principal and designated Safeguarding Lead have the responsibility to act on behalf of the institution in dealing with allegations or suspicion of abuse or neglect and for referring the matter to the appropriate statutory authorities. Appropriate members of staff will be nominated to collate details of the allegation or suspicion on a case-by-case basis. It is the task of Social Services or the Jugendamt (welfare office), not the institution, to investigate the matter.

C.4 Under no circumstances should members of the institution carry out their own investigation into suspicions or allegations of abuse, neither should they question children closely, as to do so may distort any investigation that may be carried out subsequently by the Police or Social Services/ Jugendamt (welfare office).

C.5 If a child says something or acts in such a way that abuse is suspected, the person receiving the information should:

- react in a calm but concerned way
- tell the child that s/he is right to share what has happened; and that s/he is not responsible for what has happened
- take what the child says seriously
- keep questions to an absolute minimum only to clarify what the child is saying, not to interrogate
- do not interrupt the child when they are recalling significant events

- reassure the child that the problem can be dealt with
- do not give assurances of confidentiality which cannot be kept but reassure the child that the information will only be passed on to those people who need to know
- make a full record of what is said and done, though this should not result in a delay in reporting the problem

C.6 The record should include:

- a verbatim record of the child's disclosure. This may be used later in a criminal trial, and it is vital that what the child discloses is recorded as accurately as possible. Therefore, the record must be drafted in the child's words and should not include the assumptions or opinions of others
- the nature of the allegation or concern
- a description of any visible physical injury (clothing should not be removed to inspect the child)
- the child's account of what has occurred
- any dates, times or places and any other potentially useful information.

A pro-forma incident report form is attached in Appendix E

C.7 The problem should be reported IMMEDIATELY to one of the institution's designated members of staff who will take the appropriate action. Advice can also be sought from the DKS (Kinderschutzbund) on 030/214 809 – 0.

C.8 It is recognised that staff may need support after receiving a disclosure from a child and will be offered appropriate counselling.

Appendix D

Risk assessment form

Nature and title of event: _____

Date and duration: _____

Programme for the event in brief: _____

_____

N.B Does your programme include “housekeeping” information (toilets and fire drill)

Identification of potential hazards (travel, steps, fire, chemicals, unusual lighting effects, etc.):

_____

_____

Facilities & activities:

Are there suitable stairs and lifts which can accommodate student needs and staff?

☐ Yes ☐ No

Are there appropriate and sufficient toilet facilities?

☐ Yes ☐ No

Are there appropriate refreshment facilities?

☐ Yes ☐ No

Please give details of meal and drink arrangements:

_____

_____

Details of students and staff

Names of staff who will be involved in the activity:

1. _____

2. _____

3. _____

Do you have a register of people attending, including teachers and helpers?

☐ Yes ☐ No

Names of students involved in the activity. Either enter names below or attach a list to the pro-forma:

_____

Do you have information about disabilities, special needs, dietary needs, medical information?

☐ Yes ☐ No

If not, is this information held by a teacher?

☐ Yes ☐ No

Does the information you have allow you to identity a person if they are missing?

☐ Yes ☐ No

Have you identified that there will be appropriate access to fire exits?

☐ Yes ☐ No

Do you know where your nearest first aider can be found?

☐ Yes ☐ No

Please provide any additional information on risks and how these are being managed:

_____

Appendix E

Incident Report Form

Name of child/young person/vulnerable adult (first name and surname):

Nature of allegation or concern – What was seen, said or alleged to have taken place:

When was this alleged to have happened? Please record information as accurately as possible:

Date(s):	Time(s):	Location(s):

Names of those persons alleged to be involved:

Note how they were alleged to be involved next to their name i.e., perpetrator, bystander

Names	How involved

Date: _____

Signature (Last name and First name): _____

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