



Safeguarding Policy Including Child Protection and the Protection of Vulnerable Adults Including Whistleblowing

Context

The Nesbitt Centre is an English-speaking centre providing an education programme which aims to maximise the potential of adults with learning disabilities. The centre caters for a range of learning disabilities, from profound and severe to mild, and a range of conditions. In addition to activities at the main centre in Sai Ying Pun, The Nesbitt Centre also has a facility at the Pamela Youde Hospital in Chai Wan to support our learners to develop the skills needed for independent living.

The Nesbitt Centre is open all year round. The centre's operating hours are Monday – Thursday 8:45am-5:00pm, Friday 8:45am-3:30pm.

Learners at The Nesbitt Centre are placed in one of five groups. Their placement is based on an assessment of their skills and the level of support required. Each group has a specific programme that has been designed to address the needs of the individuals within the group.

Policy Statement

The Nesbitt Centre is committed to the responsibility that it has for the safeguarding of all learners and the protection of children and vulnerable adults. We consider the welfare of the learner to be our primary concern.

The Nesbitt Centre is committed to providing high quality education and training, and to ensuring that our learners achieve to the very best of their ability. We recognise that learners are more likely to achieve the best life chances if they are appropriately supported and their social, emotional, physical, and mental wellbeing is promoted.

The Nesbitt Centre aims, at all times, to create and maintain a safe environment for all learners, staff, volunteers, Governors and visitors in partnership with the Social Welfare Department, the Police, and other relevant organisations.

This policy will be reviewed annually.

Definition of Children and Vulnerable Adults

The Nesbitt Centre considers “children” to be persons under the legal age of majority of 18 years.

For the purposes of this policy, The Nesbitt Centre considers “vulnerable adults” to be persons of majority age who, by reason of disability, age or illness, are unable to take care of him- or herself or to protect him- or herself against significant harm or exploitation.

Abbreviations/Definitions

| | |
|-------|---|
| TNC | The Nesbitt Centre |
| SWD | Social Welfare Department of the Hong Kong Government |
| SWO | Social Welfare Officer of the SWD |
| FCPSU | Family and Child Protection Services Unit of the SWD |
| DSO | Designated Safeguarding Officer |

| | |
|-------------------|---|
| Learner | A person who attends the programmes delivered by The Nesbitt Centre |
| Safeguarding Team | Members of Senior Management trained in Safeguarding & DSO |

Policy Principles

The Nesbitt Centre recognises that the following principles play a vital role in safeguarding and promoting the welfare of children and vulnerable adults, and are of paramount importance and the first consideration of all staff, volunteers and governors.

- All children and vulnerable adults, regardless of age, gender, ability, cultures, race, language, religion, or sexual identity have equal rights to protection, and have the right to learn in a safe environment.
- All members of staff, volunteers and governors are required to be alert to indicators or signs that a child or vulnerable adult may be suffering or at risk of suffering significant harm.
- All members of staff, volunteers and governors have a responsibility to be aware of the procedures to follow should a disclosure of abuse or abuse of trust be made to them, or if they have concerns that a learner may be suffering or at risk of suffering significant harm.
- Ensure that learners know that there are staff within TNC who they can approach if they are worried or are in difficulty.
- Identify opportunities and activities within the TNC programme which equip learners with the skills they need to stay safe from abuse.
- Any concern must be considered a priority and must be reported to the appropriate member(s) of staff without delay.
- Policies will be reviewed at least annually unless an incident or new legislation suggests the need for an interim review.
- Learners, staff, volunteers and governors involved in child protection and vulnerable adult support work will receive appropriate support.
- The names and contact details of the Safeguarding Team will be displayed at TNC in reception, staff room, and kitchen.

The Role of the DSO

- to refer cases to the Family and Child Protective Services Unit (FCPSU) of the SWD, where appropriate
- acts as a source of support and expertise to TNC community
- has an understanding of procedures
- keeps written records of all concerns, ensuring that such records are stored securely and flagged up, but kept separate from, the learner's general file
- maintains and updates record of completed SCRC checks
- co-ordinates information and develops communication between TNC and other agencies
- refers cases of suspected abuse to SWD or police as appropriate
- stay up-to-date with relevant information, SWD guidelines, legislation and developments regarding child protection and safeguarding
- ensures that all staff sign to indicate that they have read and understood the safeguarding policy
- ensures that the Safeguarding policy is updated regularly and as required
- liaises with the nominated Board Member for Safeguarding/child protection as appropriate
- keeps a record of staff and volunteers attendance at Safeguarding and Child Protection training
- makes the Safeguarding and Child Protection Policy available to learners, parents, outside organisations, inspectors, and other partners

Categories of Abuse

The following definitions are taken from the SWD guide pamphlet 'Procedural Guide for Handling Child Abuse Cases – Revised 2015'.

Physical Abuse is a physical injury or physical suffering to a child (including non-accidental use of force, deliberate poisoning, suffocation, burning, Munchausen's Syndrome by Proxy, etc.), where the injury has been inflicted non-accidentally.

Sexual Abuse is the involvement of a child in sexual activity (eg. rape, oral sex) which is unlawful, or to which a child is unable to give informed consent. This includes direct or indirect sexual exploitation and abuse of a child (eg. production of pornographic material). It may take place within the home or outside the home. It may be committed by parents, carers, other adults or children singly or acting in an organised way. The abuser may make use of rewards or other means to attract the child. It may be committed by individuals either known or strangers to the child. (Child sexual abuse is different from casual sexual relationship that does not include any sexual exploitation, eg. between a boy and a girl, though the boy can be liable for offences like indecent assault or unlawful sexual intercourse with an under-aged girl.)

Neglect is a severe or repeated pattern of lack of attention to a child's basic needs that endangers or impairs the child's health or development. Neglect may be:

- Physical (eg. failure to provide necessary food, clothing or shelter, failure to prevent physical injury or suffering, lack of appropriate supervision or left unattended)
- Medical (eg. failure to provide necessary medical or mental health treatment)
- Education (eg. failure to provide education or ignoring educational needs arising from a child's disability)
- Emotional (eg. ignoring a child's emotional needs or failure to provide psychological care)

Psychological abuse is the repeated pattern of behaviour and attitudes towards a child or extreme incident that endangers or impairs the child's emotional or intellectual development. Examples include acts of spurning, terrorizing, isolating, exploiting/corrupting, denying emotional responsiveness, conveying to a child that he/she is worthless, flawed, unwanted or unloved. Such act damages immediately or ultimately the behavioural, cognitive, affective, or physical functioning of the child.

In addition to the above categories of abuse, TNC has identified other types of abuse that our learners may be vulnerable to:

Bullying: Bullying is the oppression or persecution of a weaker person by a stronger person. It is sometimes included as a type of child abuse. The difference is that bullying is often inflicted by a peer rather than by an adult. However, adults and older children are capable of bullying behaviour and it is frequently an element of all types of child abuse.

Cyberbullying: Cyberbullying is the use of Information Communications Technology (ICT), particularly mobile phones and the Internet, deliberately to upset someone. It is different from other forms of bullying because: it can take place at any time and can intrude into spaces that have previously been regarded as safe or personal; the audience can be very large and reached rapidly. Cyberbullying can take place between peers and across generations and some instances of cyberbullying are known to be unintentional.

Sexting: Sexting is when someone sends or receives a sexually explicit text, image or video on their mobile phone, usually in a text message. Those who engage in sexting may be vulnerable to further exploitation such as blackmail.

Financial or Material Abuse: This includes theft, fraud, exploitation, pressure in connection with wills, property, enduring power of attorney, or inheritance or financial transactions, or the inappropriate use, misuse or misappropriation.

Discriminatory Abuse: This includes racist, sexist, or other forms that are based on a person's disability and other forms of harassment, or similar treatment.

Institutional Abuse: This is the mistreatment of a vulnerable adult by a regime or individuals in an institution. It can be through repeated acts of poor or inadequate care and neglect, or poor professional practice.

Domestic Violence: When violence occurs between current or former partners within an intimate relationship, or between family members, regardless of gender or sexuality and where the victim is a vulnerable adult.

Radicalisation: Radicalisation is when a person's thinking and behaviour becomes significantly different to most members of their society. This means a person may seek to significantly change the nature of society and government. In Hong Kong, our learners are particularly vulnerable to the undue influence of gangs and triads.

Child Sexual Exploitation (CSE): CSE is a form of sexual abuse where children are sexually exploited for money, power or status. It can involve violent, humiliating and degrading sexual assaults. In some cases, young people are persuaded or forced into exchanging sexual activity for money, drugs, gifts, affection or status. Consent cannot be given, even where a child may believe they are voluntarily engaging in sexual activity with the person who is exploiting them. CSE does not always involve physical contact and can happen online. Some of the following signs may be indicators of sexual exploitation:

- Children who appear with unexplained gifts or new possessions
- Children who associate with other young people involved in exploitation
- Children who have older boyfriends or girlfriends
- Children who suffer from sexually transmitted diseases or become pregnant
- Children who suffer from changes in emotional wellbeing
- Children who misuse drugs and alcohol
- Children who go missing for periods of time or regularly come home late

Substance Abuse: Substance abuse refers to the harmful or hazardous use of psychoactive substances including alcohol and drugs.

Trafficking: Trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person under the control of another person, for the purpose of exploitation.

Procedure

TNC will ensure the learner's wishes or feelings are taken into account when determining what action to take and what services to provide to protect them. This will be done by ensuring the learner has the opportunity to speak to a staff member who is involved in making decisions about action which may happen.

1. Make some brief notes at the time or immediately afterwards – record the date, time, place and context of disclosure or concern, facts and not assumption or interpretation.
2. If it observation of bruising, injury, or other marks try to record detail, e.g. “right arm above elbow”. Do not take photographs.
3. Note the non-verbal behaviour. Record any key words or conversation verbatim.
4. Complete a ‘Safeguarding Children and Vulnerable Adults Concern Form’ as soon as possible and pass the form to the DSO. All forms must be handed to the DSO (ie. not left on desk).
5. See Appendix 3 for Procedural Flow Chart.
6. Safeguarding Team will meet once a month to discuss any open cases.

Procedure for Allegations Against Staff

There may be occasions when a learner at TNC, or a parent or another person may make an allegation against a staff member. The term allegation refers to concerns reported or raised that might indicate a person would pose a risk of harm if he/she continues to work in regular or close contact with children in their present position, or in any capacity. This means it has been alleged that a teacher or member of staff (including volunteers) at TNC has:

- behaved in a way that has, or may have harmed a child or vulnerable adult

- possibly committed a criminal offence against or related to a child or vulnerable adult
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

Allegations of abuse against a staff member must be referred to the Executive Director as soon as possible. Where an allegation is made against the Executive Director, the Chair of Governors should be informed as soon as possible. Appropriate support will be offered to all persons involved.

All staff are expected to recognise the need for absolute confidentiality in these situations.

Confidentiality and Sharing Information

All disclosures received or observations made by staff/volunteers must be kept confidential and passed on directly to DSO, at the earliest possible opportunity. All records will be kept by the DSO in a locked cabinet, which will not be used for any other purpose. Files for learners who are no longer attending TNC will be kept for 5 years.

Relevant individuals will be informed of any information in respect to specific cases regarding safeguarding on a need to know basis. All information shared in this way must be held confidentially.

Whistleblowing

All staff, volunteers, interns, and students on practicum placements have a duty to notify the DSO and/or Executive Director about child protection and safeguarding concerns regarding the attitude or actions of any adult working with TNC learners.

All staff, volunteers, interns, and students on practicum placements have a duty to notify the DSO and/or Executive Director if they are concerned about the effectiveness of the practices supported within this policy.

Staff Training

The DSO, Executive Director, Operations Director, and Head of SEN will undertake advanced safeguarding training at least every three years to equip them to carry out their responsibilities for safeguarding children and vulnerable adult effectively.

Safeguarding training will be delivered to all staff on an annual basis.

Photography

We recognise that taking photographs can play an important role in recording events and celebrating success. Photographs of learners should not be used without the written permission of their parents. Ensure that any photographic images of learners are not kept on personal devices and are transferred to professional equipment at the earliest possible opportunity.

Safer Recruitment

All staff are subject to the Sexual Conviction Record Check Scheme (SCRC) which is operated by the Hong Kong Police Force. Staff are re-checked on an annual basis, in keeping with the protocol guidelines issued by the Hong Kong Police Force. Records of completed SCRC checks will be kept confidentially by the DSO.

All new staff are required to undergo SCRC prior to employment as well as reference checks. Where a staff member has been employed by TNC from overseas, he/she will be responsible for providing TNC with overseas conviction records (OCR). All offers of employment are subject to satisfactory SCRC and/or OCR checks.

Volunteers who undertake regular activities with learners will also be required to undergo SCRC. Any persons who have not completed a SCRC should not be left alone with learners at any time.

This policy will be monitored by: Safeguarding Team

Date: January 2017

Review date: January 2018

Appendix 1

Possible indicators of abuse

The presence of any one or a combination of these indicators is not in itself any proof of abuse. However, the presence of these indicators should alert us to the possibility of abuse.

Some general indicators which may suggest abuse:

- Seeking shelter or protection
- Unexplained reactions towards particular settings
- Frequent or regular visits to the GP, hospital casualty department, or hospital admissions
- Frequent or irrational refusal to accept investigations or treatments for routine difficulties
- Inconsistency of explanation

Signs or symptoms which **may** indicate **physical abuse**:

- Patterns of bruising; inconsistent account of how bruising or injuries occurred
- Finger, hand and nail marks, black eyes
- Bite marks
- Round burn marks, burns and scalds
- Unexplained lacerations, abrasions, weals
- Unexplained fractures
- Bald patches
- Symptoms of drug or alcohol intoxication or poisoning
- Unaccountable covering of limbs, even in hot weather
- Fear of going home or parents being contacted
- Fear of medical help
- Over-compliance
- Violence or aggression towards other including bullying

Signs or symptoms which **may** indicate **sexual abuse**:

- Inappropriate sexually related activities/behaviour
- Anal or vaginal discharge, soreness or scratching
- Truancy, lateness, reluctance to go home
- Inability to concentrate, tiredness
- Refusal to communicate, elective mute
- Thrush or other infections
- Persistent complaints of stomach disorders or pains
- Eating disorder (eg. anorexia nervosa and bulimia)
- Attention seeking behaviour, self-mutilation, substance abuse
- Aggressive behaviour including sexual harassment or molestation
- Unusually compliant
- Regressive behaviour
- Enuresis, soiling
- Frequent or open masturbation, touching other inappropriately
- Excessive reaction to being touched
- Depression, withdrawal, isolation from peer group
- Pain, bruising or bleeding in genital or anal areas
- Lack of trust in a familiar or particular adult
- Pregnancy
- Sexually transmitted disease

- Unexplained marked fluctuation of mood changes

Signs or symptoms which **may** possibly indicate **neglect**:

- Hunger
- Tiredness or listlessness
- Poor hygiene
- Inappropriate clothing
- Malnutrition
- Poor concentration
- Affection demanding or attention seeking behaviour
- Untreated illnesses/injuries
- Severe rash or skin diseases
- Stealing or scavenging compulsively

Signs or symptoms which **may** indicate **psychological** (emotional) **abuse**:

- Over-reaction to mistakes, continual self-deprecation
- Sudden speech disorders, elective mutism/deafness
- Inappropriate emotional responses, fantasies
- Disruptive behaviour or conduct problems
- Marked deterioration in academic performance
- Rocking, banging head, regression
- Self-mutilation, drug or solvent abuse
- Suicidal thoughts
- Fear of parents being contacted
- Running away, compulsive stealing
- Masturbation
- Eating disorders (eg. anorexia nervosa, bulimia)
- Soiling, smearing faeces, enuresis
- Withdrawal
- Depression
- Cowering or fearfulness
- Sudden changes in behaviour

Appendix 2

Advice When Dealing with Safeguarding Disclosures

If a child/vulnerable adult approaches you with a safeguarding issue please remember to:

1. Stay calm and keep an open mind
2. Reassure him/her that they are right to tell, you believe them and their concerns will be taken seriously
3. Tell them it is not their fault
4. Listen carefully
5. Proceed at the child/vulnerable adult's pace and at a level appropriate to them
6. Ask only open questions to clarify facts – tell me, explain, describe
7. Explain that you will share this information with another adult at school
8. Record what they have said accurately and using their words without your own opinions or comments
9. Pass to the DSO as soon as you can on the same day

It is important that you do not:

1. Promise confidentiality. You cannot keep secrets if you think the child/vulnerable adult or others are in danger.
2. Interrogate, investigate or ask why
3. Transmit anger, shock or embarrassment
4. Interrupt, speculate or accuse anyone
5. Tell the child/vulnerable adult to go and talk to someone else
6. Make assumptions
7. Talk to anyone but the DSO/Executive Director/Operations Director/Head of SEN about what the child/vulnerable adult has said

Appendix 3 Procedural Flow Chart

A staff member who receives a disclosure of abuse, an allegation or suspects that abuse may have occurred.



The 'Safeguarding Children and Vulnerable Adults Concern Form' is completed as soon as possible and is passed to the Designated Safeguarding Officer (DSO) or to another member of the Safeguarding Team, if the DSO is unavailable.

Course of action is decided. DSO to confer with other members of Safeguarding Team.



Option 1
Monitor



Relevant staff to monitor with detailed and regular reports provided to DSO.



Records kept.



DSO, in consultation with Safeguarding Team, decides whether to escalate to Option 2 or 3.



Option 2
Parental Involvement



Parents consulted by DSO/Operations Director/Head of SEN/Executive Director as relevant. Contract discussed.



Monitor contract and provide support for parents and learner.



DSO, in consultation with Safeguarding Team, decides whether to elevate to Option 3.



Option 3
Referral



DSO contacts relevant external agencies.



Inform relevant staff.



Support learner and any staff involved.



When required, DSO or other senior members of staff provide reports to agencies and follows up on agreed actions.

DSO will keep members of Safeguarding Team and any relevant staff updated.

Appendix 4

Safeguarding/Child Protection Guidance for Staff Working with Learners

Whenever working with learners at The Nesbitt Centre, remember that you have a professional, not personal relationship with them. The following guidance offers sensible and practical advice to keep both you and the student safe.

Understand the Individual – Be aware of any specific learner needs and ensure that expectations, behaviour and the working environment are adjusted accordingly.

Behaviour – While it is important to reassure students who may be nervous and reliant on your guidance, you should avoid being over-familiar. Use professional and appropriate language at all times. Remember that you are responsible for the safety of all students; you should not work with them whilst under the influence of alcohol or other substances. Do not engage in activities or suggestions of a sexual nature.

Physical Contact – On some occasions, physical contact with learners may be appropriate (eg. for reassurance or guiding them) but this should be kept to a minimum. Always discuss this beforehand, explaining what you are doing and why.

Environment – When possible, avoid working alone in an isolated or closed environment with a learner. Work with another member of staff or try to keep an open door and not position yourself between the learner and an exit route. If unavoidable, ensure that others know where you are and why.

Travel – Ensure that a third party is aware of the destination and expected arrival time when a staff member is travelling alone with a learner.

Personal Data – Do not exchange personal contact details or encourage a learner to pass on sensitive information such as that which may be found on their HK ID card or passport.

Appendix 5

Further Reference

Procedural Guide for Handling Child Abuse Cases, Updated October 2014. Social Welfare Department.
http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_fcwprocedure/id_1447/

Hong Kong Police Force Sexual Conviction Record Check, Revised January 2017. Hong Kong Police Force.
http://www.police.gov.hk/ppp_en/11_useful_info/scrc.html

UN Convention on the Rights of the Child, November 1989.
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

UN Convention on the Rights of Persons with Disabilities
<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

Disability Discrimination Ordinance
http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/D72F7A7DE6892EEE482575EF000ED92F?OpenDocument&bt=0

Disability Discrimination Ordinance Code of Practice on Education
http://www.eoc.org.hk/eoc/otherproject/eng/color/youthcorner/education/cop_edu/cop_edu_b.htm

The Law Reform Commission of Hong Kong
<http://www.hkreform.gov.hk/en/index/index.htm>

Appendix 6

TNC Designated Safeguarding Officers (Safeguarding Team) are:

Surinder Punjya

Kay Rawbone

Michelle Lee

Ancel Zhu

Appendix 7

Safeguarding Children and Vulnerable Adults Concern Form

This form should be completed IMMEDIATELY following any incident that raises any concern about possible child/vulnerable adult abuse. It should be completed by any relevant member of staff who has reason to be suspicious about or concerned about the wellbeing of a child/vulnerable adult. Care must be taken to report this information accurately and confidentially. A hard copy of this information should be given to the Designated Safeguarding Officer. This document will need to be signed by all parties involved.

DETAILS OF LEARNER

| |
|---------------------------------|
| Name of learner: |
| Name(s) of parent (s)/carer(s): |
| Learner's contact: |

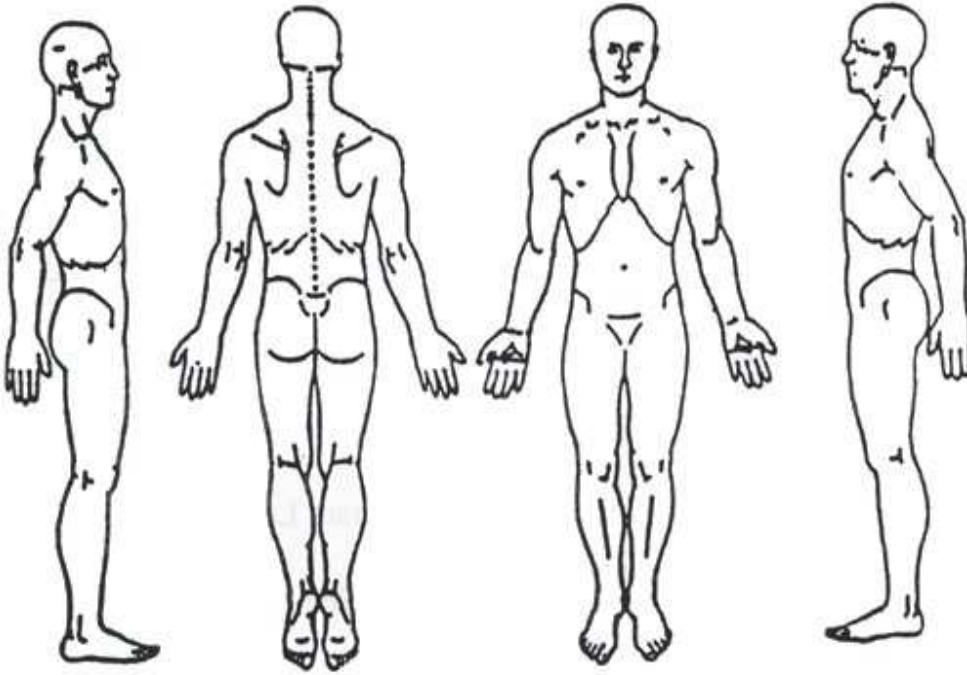
DETAILS OF PERSON COMPLETING THIS FORM

| |
|-------------------------------------|
| Name: |
| Position: |
| Date & time of completing the form: |

DETAILS OF CONCERN

Please provide factual details of current incident or concerns, including times, dates, description of any marks, whether information is first hand or a second-hand account, etc., using only direct quotes or observed behaviour of learner. Do not include your own opinion. Continue on an additional sheet of paper, if required.

If marks on the learner were observed, please indicate location on body map below:



Provide details of anyone who was present when concern was raised:

Please pass this form to DSO as soon as possible.

Your name: _____ Date: _____

Signature: _____

Summary of follow-up plan:

Your name: _____ Date: _____

Signature: _____

DETAILS OF FURTHER ACTIONS (To be completed by member of Safeguarding Team)

If **Option 2** is decided, please provide details of follow-up plans:

| Date and time | Action taken (please attach supporting documents if applicable) | Signature |
|---------------|---|-----------|
| | | |
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If **Option 3** is decided, please provide details of action plan:

| Date and time | Action taken (please include details of external parties informed, referrals, follow-ups, outcomes and etc. Attach supporting documents if applicable) | Signature |
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