

# Policy and Procedure on Sexual and Relationships - Rights and Responsibilities

Tyldesley School

Policy Author / Reviewer	Sue King
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Staff Groups Affected	All Staff

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## 1. Monitoring and Review

- 1.1.** The Proprietor will undertake a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than three years from the date of approval shown above, or

earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

- 1.2. The local content of this document will be subject to continuous monitoring, refinement and audit by the Head of Service.

Signed:



John Ivers  
**Proprietor, Cambian Group**  
 January 2015

Jemma Westby  
**Headteacher**  
 September 2022

## 2. Terminology

- 2.1. Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:

'Establishment' or 'Location'	this is a generic term which means the Children’s School. Tyldesley is a School
Individual	means any child or young person under the age of 18 or young adult between the ages of 18 and 25. At Tyldesley we have Children attending and/or residing between the ages of 11-16.
Service Head / Head of Service	This is the senior person with overall responsibility for the Location. At Tyldesley this the Headteacher who is Jemma Westby..* <i>dual registered locations need to include Service Head and Registered Manager if they are not the same person.</i>
Key Worker	Members of staff that have special responsibility for Individuals residing at or attending the Establishment.
Parent, Carer, Guardian	means parent or person with Parental Responsibility
Regulatory Authority	Regulatory Authority is the generic term used in this policy to describe the independent regulatory body responsible for inspecting and regulating services. At Tyldesley this is Ofsted.
Social Worker	This means the worker allocated to the child/family. If there is no allocated worker, the Duty Social Worker or Team Manager is responsible.
Placing Authority	Placing Authority means the local authority/agency responsible for placing the child or commissioning the service
Staff	Means full or part-time employees of Cambian, agency workers, bank workers, contract workers and volunteers.

## 3. INTRODUCTION

- 3.1. Individuals in our care with learning disabilities and other special educational needs (SEN) have the same rights and responsibilities as everyone else as with regard to their personal and social relationships, including sexual relationships. In many cases, however, they are likely to require support in relation to various aspects of such relationships and protection against the risks of abuse and/or exploitation. This policy is intended to ensure such

support and protection, whilst safeguarding the rights of the individuals themselves and of the staff who work with them.

**3.2.** It affects all staff.

**3.3.** Make sure that you are familiar with the detail and what is expected of you under the policy.

## 4. Purpose

**4.1.** To ensure that Cambian Group complies with all relevant current legislation and other National Standards which govern this area of our work.

**4.2.** To ensure that when considering the sexual, personal and social relationships of Cambian Group individuals the following conditions are met:

### Individuals' rights:

- Opportunities to have a healthy sexual, personal and social life according to their individual need.
- Protection from any form of abuse or exploitation when pursuing such relationships.
- Their rights (i.e. wishes and preferences) in relation to their personal and social relationships respected, taken into consideration and safeguarded.
- Appropriate guidance, support and advice from trained staff on their rights and responsibilities in all matters of a sexual and personal/social nature.

### Individuals' responsibilities:

- To not compromise the rights of others when enjoying their sexual, social and personal relationships.
- To not undertake any illegal action or activities in this area to pursue their relationships in appropriate places and at appropriate times and with consent.
- To take advantage of the guidance, support and advice from trained Cambian Group staff, their parents/carers and appropriate others.

### Staff responsibilities and rights:

- To provide appropriate guidance, support and advice to individuals so that their rights and responsibilities on these matters are understood as far as possible for each individual and to ensure that these rights and responsibilities are considered at all times by all involved.
- To ensure that the rights and responsibilities of parents/carers and others professionally involved with the individual are appropriately acknowledged and respected.
- To ensure that decisions are taken on behalf of individuals only after careful consultation with all appropriate persons.
- To ensure that all staff involved receive adequate and appropriate training and follow the Group's guidelines in these matters.
- To ensure that staff know that they have a duty to refuse to undertake or participate in, or to support or encourage others to undertake or participate in, activities which are against the law.
- To ensure that staff will be aware, as far as possible, of the possible outcomes of any particular course of action/activity by an individuals, and of their own decisions and/or guidance to individuals.
- To ensure that effective systems are devised, introduced and properly operated and reviewed to effectively meet the requirements of this policy.
- To ensure that careful records are maintained of all matters relating to the implementation of these policies and procedures.
- To ensure that the rules of confidentiality and personal privacy are always respected.

- To ensure that the rights of staff in dealing with these matters, and their personal integrities, are both respected and, as far as possible, safeguarded.

## 5. Policy

- 5.1.** Heads and staff in all Cambian Group establishments shall be required to respect and to do their best to safeguard the rights of all individuals with regard to their personal and social relationships, including sexual relationships.
- 5.2.** They shall be required, furthermore, to take all necessary steps to:
- 5.2.1. Protect all individuals from any form of abuse and/or exploitation.
  - 5.2.2. Provide access for all individuals to appropriate guidance, support and advice in relation to their personal, social and sexual relationships.
  - 5.2.3. Enable all individuals to enjoy appropriate social, personal and sexual relationships, in tune with their individual wishes, where these do not conflict with the rights of others or the requirements of law.
  - 5.2.4. Ensure that all individuals, insofar as they are able to do so, are made aware of their responsibilities in this regard and are encouraged fully to meet these responsibilities.
  - 5.2.5. Ensure that the rights and responsibilities of parents/carers are appropriately acknowledged and respected.
- 5.3.** These 'necessary steps' shall include as a minimum:
- 5.3.1. The requirement of all staff to report any incidents of abuse, neglect or malpractice in line with the Cambian Group's child/adult safeguarding procedures.
  - 5.3.2. All staff to support individuals in establishing and maintaining appropriate personal, social and sexual relationships.
  - 5.3.3. Devising, maintaining and reviewing effective systems for giving individuals all necessary information, advice and guidance regarding these matters and, as far as possible, ensuring that they fully understand them.
  - 5.3.4. Providing opportunities for individuals to develop experience and maintain personal, social and sexual relationships in an appropriate environment(s).
  - 5.3.5. Ensuring by all the means possible that individuals are helped to understand their personal responsibilities to stay within the law, to respect other peoples' rights and to treat others with respect and consideration.
  - 5.3.6. Encouraging and guiding individuals care in ways of behaving which will help them to meet their responsibilities as fully as possible.
  - 5.3.7. Devising, maintaining and reviewing effective systems for ensuring that the rights of parents/carers and, where appropriate, adult individuals in our care, are to be consulted and kept informed of issues relating to the personal and social relationships of their individuals, are given appropriate consideration.
  - 5.3.8. Devising, maintaining and reviewing effective systems for keeping parents/carers, where necessary, aware of their responsibilities in this regard and for encouraging them to devolve those responsibilities.
- 5.4.** The Group shall take all necessary steps to ensure that, as far as is possible, Heads and staff involved in the implementation of this policy have their personal rights respected and upheld and that they are protected against false allegations and/or other risk.
- 5.5.** Heads shall ensure that all staff are made and kept aware of their responsibilities in relation to these policies and procedures and of the legal, ethical and moral framework within which they are required to carry out their duties.
- 5.6.** Staff shall retain personal responsibility for their own conduct and for refusing to:

- 5.6.1. Undertake or participate in activities which are illegal, and/or
- 5.6.2. Support or encourage others in taking actions which are illegal.
- 5.7.** Heads shall ensure that all decisions relating to the sexual health, rights and responsibilities of individuals are underpinned by an effective consultative system which involves (where possible) the individuals themselves, their parents and carers and other interested parties as appropriate in individual cases. The religious, cultural and ethnic backgrounds of individuals, including staff, must be taken into account.
- 5.8.** Heads shall ensure that careful records are maintained of all such decisions and made available on a 'need to know' basis.
- 5.9.** Heads shall ensure, through the appropriate channels, that all staff are given appropriate training to enable them to implement these policies and procedures more effectively.
- 5.10.** All staff working with individuals in relation to these policies and procedures shall respect the rights of individuals to confidentiality and privacy.
- 5.11.** In consultation with all other interested parties as referred to below, the Group will give serious consideration to requests from individuals in our care of adult status to share on - site accommodation with another individuals who is also of adult status.

## 6. Procedure

- 6.1.** Heads will make arrangements to ensure that the Guiding Principles (see Edu Policy 23.1 and Edu 23.2) upon which these policies and procedures are based are explained to all staff in their establishments.
- 6.2.** Heads will ensure that the establishment concerned will have a comprehensive written set of working instructions clearly describing the systems by means of which all the 'necessary' steps outlined in Para 2.3 above will be enacted. These will detail:
  - 6.2.1. The responsibilities and duties of individual members of staff for both operating and managing the systems.
  - 6.2.2. The resources available to staff operating the systems, in particular the sources of appropriate information, advice and guidance and the persons to whom they can refer for such advice and guidance.
  - 6.2.3. Where an adult individuals makes a request to share on-site accommodation with another adult individuals from the same or another Group establishment the following guidance must be followed:
    - The management(s) of the establishment(s) concerned must consider whether such a request is practicable and if suitable accommodation exists to meet such a request, and, if not, whether it is economically viable to provide such accommodation.
    - A meeting to be convened of appropriate staff in the establishment(s) who know the residents/students concerned, the placing authorities, parents/carers and, where informed consent is an issue, an independent advocate to determine the feasibility and advisability of what is

proposed and clear guidelines for any implementation. Whenever feasible the individuals should also be involved in this meeting.

- As part of pre-planning for any such sharing of accommodation, the management(s) concerned must have plans in place to deal with the possible breakdown of the relationship and the provision in those circumstances of alternative facilities for the individuals concerned.
- There must be a clear agreement when a decision is being made about the provision of joint accommodation, and before it is implemented, of which parties/agencies are to be responsible for any extra costs involved in making such provision.
- The formal arrangements made in the establishment for individuals to learn about their rights and responsibilities in relation to these matters and to be given the necessary instruction, advice and guidance (i.e. Health Education programmes).
- The means by which decisions affecting this aspect of the individuals' are taken within the establishments and the arrangements for consultation with those concerned.

**6.3.** Heads will provide all staff with clear instructions as to how they are to go about the operation of these systems based on the guidance provided in the two policy documents attached to this policy and any other related policies and will make clear to staff the legal, ethical and moral framework within which they will be operating. The instructions will stress:

- 6.3.1. The importance of respecting and safeguarding individuals' rights as individuals, under the law.
- 6.3.2. The need for staff to be constantly aware of the possible outcomes of particular courses of action.
- 6.3.3. The need to balance the desires and needs of the individuals against his/her level of understanding and the rights of other individuals involved (including staff).
- 6.3.4. Confidentiality and privacy, unless risk is present.
- 6.3.5. The prevention of abuse and/or exploitation of vulnerable individuals.

**6.4.** Heads will give a defined responsibility to individual members of staff, as appropriate, for ensuring that careful records are kept of all matters relating to this aspect of their work with individuals.

**6.5.** At least annually the Head will review the operation of the systems in place in the establishment in relation to these policies and procedures and be responsible for implementing any changes required.

**6.6.** The ways in which these policies and procedures will be implemented in individual establishments will vary significantly in relation to the age, understanding, ability and needs of the individuals concerned. In all cases the Head should be

required to justify the methods used in his/her establishment and to show that they accord with the principles established by this document.

## **7. Standard Forms, Letters and Relevant Documents**

**7.1.** Information Briefing for Staff on the Law and Sexual Matters

**7.2.** Guidance for Staff dealing with the Sexual Activities and Relationships

### **Other Cambian Policy**

**7.3.** Child Protection Safeguarding Policy

**7.4.** Sex and Relationship Education Policy

**7.5.** Intimate and Invasive Care.

**7.6.** Health

**7.7.** Mental Capacity and Consent