



New College Durham

Safeguarding Vulnerable Groups

Essential Recruitment and Selection Procedure

New College Durham is committed to safeguarding & promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

New College Durham
Safeguarding Vulnerable Groups-
Essential Recruitment and Selection Procedure

(Equality and Diversity Assessment)

We will consider any request for this procedure to be made available in an alternative format.

We review our policies and procedures regularly to update them and to ensure that they are accessible and fair to all. All policies and procedures are subject to equality impact assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, disability, age, religion, sexual orientation or human rights.

We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

To make suggestions or to seek further information please contact:

Human Resources Department
human.resources@newdur.ac.uk
Tel: 0191 375 4025/4023

If any employee has difficulty understanding this policy or needs assistance completing any documentation associated with the policy, please contact either your trade union representative or the College's Human Resource Department.

Equality Impact Assessed: June 2013

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New College Durham

Safeguarding Vulnerable Groups- Essential Recruitment and Selection Practice Procedure

1. Introduction

- 1.1 New College Durham (the College) is committed to Safeguarding and promoting the welfare of all vulnerable groups (children and adults). As part of this committee the College ensures that key Human Resource processes, notably recruitment decisions, are well informed through a consistent and thorough process of obtaining, collating, analysing and evaluating information from and about applicants and new members of staff or volunteers. The overall aim of this data collection is to provide greater protection for vulnerable members of society, staff and students. All staff and volunteers are required to share this commitment to support and engage in measures that afford greater protection to such vulnerable members.
- 1.2 This procedure should be read in conjunction with the following College Policies:
- Recruitment and Selection Procedure;
 - Safeguarding Young People Procedure;
 - Safeguarding Adults at Risk Procedure.
- 1.3 This procedure focuses on the recruitment of staff under the prevailing legislation and details explicitly employment checks that will be undertaken in relation to the recruitment of staff. This Procedure is based on guidance issued by the Department for Education (DfE) in their publication "Safeguarding Children and Safer Recruitment in Education" which came into force in January 2007.
- 1.4 This Procedure is designed to inform staff of the College's legal responsibility to safeguard vulnerable groups and to ensure safe working practices apply.

- 1.5 As part of the recruitment process, the College will utilise the principles and services of the Disclosure and Barring Service (DBS), formerly known as the Criminal Records Bureau (CRB), to identify candidates who may be unsuitable for certain work with certain groups. Further details on the College's DBS procedure can be found at Annex A of this procedure.
- 1.6 New College Durham is a registered DBS Umbrella Body (UB) and can apply for DBS checks on behalf of other client organisations. It is at the discretion of the College, as to which organisations it will provide UB Services for.

2. Prevailing Legislation and Check Levels

- 2.1 The level of checking procedures that must be undertaken for a potential College employee, is dependent on the level of responsibility associated with caring for, training, supervising, or being in sole charge of persons under 18 and/or adults at risk.
- 2.2 The Further Education (Providers of Education) (England) Regulations 2006, require institutions to check (for all new members of staff) their:
 - Identity;
 - Right to work in the UK;
 - Possession of relevant qualification(s);
 - Enhanced DBS clearance (if applicable). The appearance on the DBS barred lists (the children's barred list and/or the adult's barred list) may be checked if applicable to the role and where appropriate, additional checks on those who have lived outside the UK will take place (for example, via the embassy or police force of the relevant country/countries).
- 2.3 In relation to this procedure and our practices the College will comply with the relevant prevailing legislation.

3. The Recruitment Process

- 3.1 The College will ensure that all applicants are made aware of the College's commitment to safeguarding vulnerable groups, by including a detailed statement within the recruitment literature they are required to read as part of any application for employment.
- 3.2 Relevant job descriptions and person specifications will make reference to responsibilities towards safeguarding vulnerable groups (SVG) and the suitability of the post holder to work with these groups.
- 3.3 Applicants will be asked to provide the following:
 - full identity details (including full name, address, date of birth and NI number);
 - statement of qualifications;
 - full history since leaving Secondary Education or post compulsory education employment (and reasons for leaving), voluntary work and explanations of any gaps;
 - declaration of any family, or close relationship to a member of the Corporation;
 - details of referees, one of which should be the current or most recent employer;
 - statement of personal qualities;
 - declaration of suitability and/or subject to investigations regarding working with vulnerable groups;
 - applicants commitment to Safeguarding principles and affirmation of the commitment detailed in this Procedure.
- 3.4 All applications will be scrutinised by those tasked with shortlisting potential employees. Additionally, the HR department will check all applications and any forms with missing information relating to declarations will not be accepted. Any forms which detail gaps in employment or education history will be highlighted to the relevant manager, so that further information can be obtained during any subsequent interview (if the individual has been short listed).

- 3.5 Applicants will be asked to bring with them to interview, proof of identity, proof of right to work in the UK and essential qualifications.
- 3.6 For appropriate posts, student will be used as part of the interview process. Interview panels will consist of a minimum of two, appropriately trained members of staff, with the necessary authority to make recruitment decisions.
- 3.7 Offers of employment will be conditional upon:
- receipt of at least two satisfactory references (one of which must be from current or last employer/school);
 - verification of identity;
 - appropriate DBS Disclosure and relevant overseas checks;
 - verification of medical fitness;
 - verification of qualifications;
 - commitment to participate in the relevant probationary period.
- 3.8 All new staff will be appropriately inducted with training and information regarding the College's Policies and Procedures including those related to SVG.
- 3.9 Monitoring of this procedure and the College's policies and procedures on recruitment and selection and induction etc will be monitored through staff turnover, reasons for leaving and Employment Reflection surveys and/or interviews.

4. Checking Procedures and Information

4.1 Identity Checks

- 4.1.1 The HR department will verify the identity of all new employees (and volunteers). The criterion includes checking a person's name (including any previous names used), date of birth and address verification.

4.1.2 The identification should be either a valid passport or a birth certificate and proof of NI number, together with a document containing a photograph (eg driving licence). All documents must be originals. **Photocopies are not accepted.**

4.2 Right to Work in the UK

4.2.1 All staff will be asked to provide evidence that they are legally entitled to work in the UK, as part of the recruitment process (at interview) and upon appointment. In accordance with the Immigration, Asylum and Nationality Act 2006, guidance is provided to all applicants/employees as to acceptable documentation that can be used to verify their right to work in the UK.

4.3 Barred Lists

4.3.1 The DBS hold two barred lists – the Children’s Barred List and the Adults Barred List. The barred lists can only be checked when carrying out an Enhanced DBS check and where the applicant/employee role involves caring for, supervising or being in sole charge of children or adults at risk. If applicable, the process involves checking one or both DBS lists held of individuals who have been identified as unsuitable for working with children and/or adults.

4.4 DBS Checks

4.4.1 The College can only apply for a DBS check if the position is included in the list of exceptions to the Rehabilitation of Offenders Act 1974 and therefore falls under the published DBS Disclosure Access Category/Reference Codes.

4.4.2 There are three types of check that can be undertaken:

Type of Check	What it will check for
Standard	Spent and unspent convictions, cautions, reprimands, final warnings
Enhanced	As above – plus any additional information held locally by police forces that's reasonably considered relevant to the post applied for
Enhanced with list checks	As above – plus a check of the appropriate DBS barred lists

4.4.3 The College has established guidance based on government's statutory guidance on the supervision of children and the definition of 'Regulated Activity' on which posts within the College will be subject to a DBS check and which level of check is appropriate.

4.4.4 Any offer of employment will be conditional until the individual receives a copy of their DBS certificate and presents this document to the HR department for verification. Failure to do this will either lead to a delay in employment commencing, or the conditional offer of employment being withdrawn.

Should any information be disclosed on the certificate, the decision to employ rests with the Principal and Chief Executive, with guidance from the Director of HR and Corporate Services.

Further information on this and the DBS service can be found in Annex A of this procedure.

4.5 Overseas Checks

- 4.5.1 Staff who have lived overseas will undergo the same checks as those who have lived solely in the UK. Where appropriate, DBS checks will be sought and where the DBS check is deemed as not sufficient for making a recruitment decision, further criminal records information should be sought from countries where individuals have worked or lived. The information will be sought by obtaining certificates of good conduct from relevant embassies or from the High Commission of the country in question by the Human Resources Department
- 4.5.2 A DBS check, will be deemed as insufficient in situations where an individual has, since leaving secondary education, lived and/or worked (not on holiday or travelling) in a country outside of the UK. Managers are required to review this information during the recruitment process (short listing and interview), and should notify, and seek further guidance from, HR Department.
- 4.5.3 Staff may commence employment prior to the College receiving an appropriate DBS check (and any overseas checks) if applicable, provided **ALL** other checks (paragraph 3.7) have been carried out with satisfactory results, and the employee is continuously and appropriately supervised, and the criminal records checks have been requested. Only the Director of HR and Corporate Services can give this authorisation once a written request and appropriate supervision measure have been arranged by the recruiting manager.

4.6 Qualification Checks

- 4.6.1 The College will verify that the candidate has obtained any qualifications legally required for the job and that they claimed for on their application form. Sight of original qualification certificates, or where not available, a letter from the awarding institution, will be required.
- 4.6.2 All teaching staff are required to obtain a recognised teaching qualification (CERT Ed, PGCE, PCET), within the first two years of employment at the College within a teaching role.

4.7 References

- 4.7.1 At least two references will be sought for all new employees, one of which should be from the current or most recent employer. The College will not accept references that are provided by candidates, or that are open, for example, references that are addressed "*To Whom it May Concern*".
- 4.7.2 Reference requests will include a copy of the job description and person specification, and will ask for the referee's opinion in relation to the suitability of the candidate to the role, and where appropriate, their suitability to work with children and adults. They will also ask about the relationship between the candidate and the referee.
- 4.7.3 Where information that has been requested is missing from the reference, this will be sought by contacting the referee and requesting the information be returned in writing.

4.7.4 Other information that will be sought via reference requests includes:

- confirmation of current/most recent post and salary;
- comments about the applicant's performance history and conduct;
- details of any disciplinary procedures the applicant has been subject to (including any related to the safety and welfare of children or adults).

4.8 Occupational Health Check

4.8.1 All appointees new to the College must undergo an occupational health check. This is to ensure that they are fit for work in their appointed role and to enable the College to provide for any adaptations/adjustments for the appointee to do the role, for example a special chair, keyboard etc as necessary.

4.8.2 The individual will be asked to complete a health questionnaire which should be returned to the HR department in the envelope provided which will be forwarded to the Occupational Health unit for assessment. A report will then be issued to the HR department declaring whether or not the individual is fit to work, including any recommended adjustments (if applicable).

5 The Single Central Record

5.1 The College will maintain a record of all staff/volunteers who are employed/engaged at the College, and also any that are employed as supply staff, whether employed directly via the College Supply Pool; through an external agency, or through a contracted service. The record will indicate whether or not the following are required, have been completed and when, and by whom:

- Identity checks;
- Qualification checks;
- Checks of right to work in the UK;
- Barred List checks;
- DBS checks;
- Further overseas records checks.

6 Procedure Review

- 6.1 The effectiveness of this Procedure will be monitored annually and reviewed every five years in light of experience, guidance from the Department for Education, the Disclosure and Barring Service, changes in legislation and best practice. This mechanism recognises that changes to employment legislation may prompt a review of the Procedure before the five years stipulated.
- 6.2 In considering the effectiveness of this Procedure, consultation will be undertaken with Trade Unions, staff and managers to assist in the review and monitoring of this Procedure.

Implementation	June 2009
First Review	June 2013
Second Review	June 2018

Guidance issued by Disclosure and Barring Service (DBS)

1. Background

- 1.1 The DBS has been formed through a merger between the CRB (Criminal Records Bureau) and the Independent Safeguarding Authority (ISA) and took effect from 01 December 2012. The DBS is designed to identify candidates who may be unsuitable for certain work.
- 1.2 The DBS further maintains the registers which indicate where an individual is barred from working with children or adults. The College is able to access these lists; the children's barred list and the adult's barred list, via an Enhanced DBS check.
- 1.3 DBS checks have to be requested by or through a Registered Body (RB). The College is registered through the DBS and is therefore able to request such checks. However these can only be undertaken by the lead counter-signatory or designated counter-signatories.
- 1.4 The College can only apply for a DBS check if the position is exempt from the Rehabilitation of Offenders Act, and falls under the occupations that are known as the exceptions.

2. Guidance

- 2.1 There are three types of checks that can be undertaken:
 - Standard Check;
 - Enhanced Check ;
 - Enhanced Check with barred lists.

- 2.2 The College has established guidance on which posts within the College will be subject to a DBS check and which level of check is appropriate (please refer to Section 5 "Regulated Activity" of this Annex for further information on this). The College recognises that the guidance does not allow for a 'blanket approach' when seeking DBS clearance, ie applying for checks for College Staff regardless of role.
- 2.3 The College recognises and welcomes that the DBS have the right to conduct audits to check compliance with its procedures and codes and to provide advice on good practice. The College gives an unequivocal commitment to adhere to the DBS Code of Practice.
- 2.4 The College recognises that any individuals can refuse to apply for a DBS check; however, some posts require disclosure by law. In this instance, if an individual refuses to apply for a DBS check, the College will not progress the job application (where such a check is required for the post). If an individual is currently working for the College and changes role and/or type/age of student, which prompts the need for a DBS check, this requirement would be regarded as a "*Reasonable Management Instruction*" and failure to comply fully result in more formal action.
- 2.5 Individuals registered with New College Durham Supply Pool, are required to apply for a DBS check upon registration. If the individual refuses to apply for such a check, positions may be limited as to the type of work offered to them. However, individuals registered with the Supply Pool, who do not apply for a DBS check during registration, can at a later stage choose to apply.

3. Responsibilities

- 3.1 DBS checks for staff can only be processed by the College's HR department. The Director of HR and Corporate Services, Lead Counter Signatory has ultimate responsibility for ensuring that the DBS Code of Practice is adhered to at all times, by the College.

3.2 Recruiting Managers must not agree on a start date until the HR Department has provided the authority to do so. Only in exceptional circumstances, and with the agreement of the Director of HR and Corporate Services, will staff be allowed to commence work prior to receiving the appropriate clearance.

4. Disclosure Processes and Charges

- 4.1 The DBS charge a fee for checking applications. The fee charged will be paid for by the College.
- 4.2 The process for applying for such a check will involve the completion of a paper application form, which will be provided to the individual by New College Durham. The individual will also be required to provide identification, including proof of name, date of birth and current address. The College will not accept photocopies of any documentation required to verify identity. The College will issue guidance to offer assistance on suitable forms of identification.

5. Regulated Activity

5.1 Regulated Activity relating to children

- **Type of Activity** - There are various types of activity which fall under the 'regulated' banner in relation to contact with children:

Unsupervised Activities	Teach, train, instruct, care for or supervise children, provide advice/guidance on well-being, drive a vehicle for children;
Specified Establishments	Schools, College's, Children's Homes, Childcare premises;
Personal Care* / Health Care*	washing, dressing or health care provided by or supervised by a health care professional;
Registered Child-minding*	And Foster Carers*
Day to day Management	Day to day management on a regular basis of a person providing a regulated activity

(*Even if only done once)

- **Frequency of Activity (Period Conditions)**

Whether doing any of these activities depicts "Regulated Activity" depends on the frequency and amount of contact.

If in an "unsupervised activity" (as detailed in point above), it would be a regulated activity if one of the following period conditions can be met; Contact with a child for:

- Once a week or more;
- Four or more days in a 30-day period;
- Overnight between 2am – 6am and the opportunity for face-to-face contact.

In a "specified establishment" the 'period conditions' can be one of the following forms of contact;

- Once a week or more;
- Four or more days in a 30-day period;
- Overnight between 2am – 6am and the opportunity for face-to-face contact;
- The opportunity as a consequence of anything s/he is permitted or required to do in connection with the activity that results in her/him having contact with children.

The other 'regulated activities' do not have 'period conditions'.

If the above conditions are met then the College would be justified in undertaking an Enhanced Check and a check of the Children's Barred List.

5.2 Regulated Activity Related to Adults

5.2.1 There are five types of 'regulated activity' in England relating to adults:

Health Care	When provided by any health care professional, or under the direction or supervision of one;
Personal Care	Washing, dressing, eating, drinking and toileting;
Social Work	In connection with Health or Social services;
Assistance with the Conduct of Affairs	Power of Attorney, etc.;
Conveying of an Adult	This must be for health, personal or social care due to age, illness or disability.

5.2.2 Unlike regulated activity for children there are no Specified Establishments for adults. There is also no 'period conditions' for frequency or amount of contact in relation to adults. Regulated activity for Adults starts from the first activity contact, even if it only happens once.

5.2.3 If the above conditions are met then the College would be justified in undertaking an Enhanced Check and a check of the Adults Barred List.

6. Posts eligible for DBS checks within the College

6.1 The HR department maintains an up to date list of posts eligible for DBS checks within the College.

- 6.2 The process used by the HR department to identify if a post is eligible for a DBS check and a check against the 2 Barred Lists, can be found in Annex D. This 'Decision Workflow' will be used for each new appointment or when a post changes substantially its role or responsibilities.
- 6.3 It is not normally necessary for existing staff to have DBS checks carried out unless the nature of their job changes to a significant extent that would bring them into the "regulated activity" categories.
- 6.4 Where the role has significantly changed a DBS check may be requested. Where an individual is appointed into a role that meets the definition of 'regulated activity', and they had not previously held a DBS check, the relevant check will be undertaken prior to their commencement in the new post. If the post is new to the College the above guidance/definitions will be used to determine the level of check to be undertaken.

7. Working with under 18s (including volunteers)

- 7.1 The Protection of Children Act 1999 requires the College to run a check on applicants for teaching, non-teaching and jobs for volunteers, if the successful applicant will have contact with children under 18 years old.
- 7.2 The College has also developed a range of measures for providing a safe working environment. Specific attention is drawn to the College's health and safety policies for "Young Persons" and "Key Stage 4"
- 7.3 Where the student is attending college from another educational institution e.g. School, the College will work in partnership with the appropriate authorities eg LEA to ensure that the appropriate checks are conducted on all applicants who may work with the student.

8. **Secure Storage, Handling, Use, Retention & Disposal of Disclosure Information**

- 8.1 The College will comply with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use storage, retention and disposal of Disclosure information and with the consent of the individual to retain such information.
- 8.2 In accordance with the relevant prevailing legislation, certificate information is only passed to those who are authorised to receive it in the course of their duties. The College maintains a record of all those to whom certificate information has been revealed and recognises that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it. Hence, the College will use certificate information only for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.3 Once a recruitment decision has been made, the College does not keep certificate information for longer than six months. This is to allow for the consideration and resolution of any disputes or complaints. If the College considers it necessary to keep certificate information for longer than this period, consultation with the appropriate body or bodies will take place, giving full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

8.4 Once the retention period has elapsed, the College will ensure that any certificate information is destroyed by secure means, ie shredding. The College will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. The College keeps a record of the name of the individual; the date a copy of the certificate was taken; the date of the certificate; the certificate type; the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision made.

9 The Recruitment of Ex-Offenders

- 9.1 For those positions where a DBS check is required, staff are not entitled to withhold information regarding convictions. Any failure to disclose such convictions could result in dismissal or disciplinary action by the College. Applicants applying for such posts will be informed during interview that a DBS check is required and the process to be followed.
- 9.2 Having a criminal record will not necessarily bar an individual from working with the College. This will depend on the nature of the position, nature of the offence (s) and the circumstances and background of the offence(s).
- 9.3 The College will not engage any individual with a criminal record that includes sexual offences of any nature, whether the individual is on the sex offenders register or not.
- 9.4 When a DBS certificate reveals information regarding a conviction or other matter, the College will endeavour to consider the following when reaching a recruitment decision:
- Whether the information is relevant to the position in question;
 - The seriousness of any offence or other matter revealed;
 - The length of time since the conviction or other matter occurred;
 - Whether the applicant has a pattern of offending behaviour or other relevant matters;

- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and;
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

9.5 Where it is felt the nature of the offence(s) places an individual's employment in question, this will be raised with the Director of HR & Corporate Services. S/he will discuss the matter with the Principal and Chief Executive whose decision will be final.

10 DBS Code of Practice

10.1 The DBS Code of Practice exists to ensure that information made available through DBS Certificates is used fairly and is intended to provide assurance to applicants that this is the case.

10.2 The Code of Practice is an important document that sets out the obligations that must be met by Registered Persons and other recipients of DBS certificate information.

10.3 The College seeks to ensure that all individuals subject to DBS checks through the College are aware of the existence of the Code of Practice. A copy of this document is available from the HR department.

10.4 If it is perceived by an individual that the practices explained in this Procedure are not applied fairly, they should in the first instance write to the Director of HR & Corporate Services, outlining their concerns and outcome sought from their enquiry

11 Umbrella Body (UB) Services of New College Durham

11.1 All client organisations will be provided with a copy of the DBS Code of Practice by New College Durham. They will also be provided with a copy of the College's Safeguarding Procedure for Staff (including the security Procedure and Procedure on the recruitment of ex-offenders). Client Organisations are advised to have their own written policies on security, and the recruitment of ex-offenders.

- 11.2 The College will contact the DBS if it has any concerns about the behaviour of any client organisation that they are acting on behalf of.
- 11.3 Client organisations must satisfy the College that they are genuinely likely to ask the exempted question under the exceptions Order to the Rehabilitation of Offenders Act 1974.
- 11.4 Client organisation must ensure their applicants are aware of the DBS certificate process.
- 11.5 The recruitment decisions are the sole responsibility of the client organisation, unless the relationship between the client organisation and New College Durham involves employees of the organisation carrying out work for the College at the College's premises.

12 Referrals to the DBS

- 12.1 Where a member of staff or volunteer has been dismissed or leaves the College due to causing harm or potential harm or damage to a child or adult, the Director of HR and Corporate Services will formally write to inform the DBS as per the Code of Practice. The employee concerned will further receive written confirmation that such actions will occur.

NCD Roles covered by the Rehabilitation of Offenders Act 1974 (ROA) Exceptions Order 1975.

1. New College Durham positions

- 1.1 The Human Resources Department retains an up to date list detailing the relevant positions covered.

2. Guidance for checking eligibility for a DBS check.

- 2.1 Schedule 1 (Part II) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 states that;

“Any employment as a teacher in a school or establishment for further education and any other employment which is carried out wholly or partly within the precincts of a school or establishment for further education, being employment which is of such a kind as to enable the holder to have access to persons under the age of 18 in attendance at the school or establishment for further education in the course of his normal duties”.

- 2.2 DBS Eligibility Guidance (Ref 05) 2012 states;

“Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children” are eligible for DBS checks.

Glossary of Terms

Safeguarding Vulnerable Groups Essential Recruitment and Selection Practice Procedure

Adult: People aged 18 years or over who are not defined as vulnerable.

Applicant: An individual that applies for a job.

Barred Lists: There are two types of lists – the Children’s Barred List and Adults Barred List which are held by the Disclosure and Barring Service (see DBS below). These are checked to ensure that an applicant is suitable for working with children and/or adults.

Child: A person under the age of 18 years. A child becomes an adult on the date of their 18th birthday

Counter-signatory: An individual that works for the College that has been approved by the DBS (see DBS below) to make a request for a police check to be undertaken on a prospective member of staff.

DBS: Disclosure and Barring Service. A Government agency that helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups and children. They are responsible for processing requests for criminal records checks.

Employment Checks: Robust recruitment checks that are carried out on all individuals working with children and vulnerable groups in educational establishments.

Enhanced Disclosure: This shows details of all spent and unspent convictions, cautions reprimands and final warnings and includes a check on all local police records.

Overseas Check: The practice of obtaining further criminal records checks from the embassies or High Commission of a country where a prospective employee has lived and worked.

References: A statement from a previous employer or teacher that can attest to an applicant's skills, qualities and abilities and suitability for the role applied for.

Regulated Activity: Work that a barred person must not do which includes unsupervised activities eg teaching and training or working within a specified establishment, for example a school meaning that they would have regular access to children or vulnerable groups.

Right to Work in the UK: A check of an employee's eligibility to ensure that they are legally entitled to work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006.

Safeguarding: Protecting children, young people and vulnerable adults from physical, emotional or sexual abuse and neglect.

Single Central Record: A register that is kept and maintained by the College detailing all employment checks that have been carried out on all individuals employed by the College.

Umbrella Body: A registered organisation that can undertake DBS checks on behalf of a smaller organisation.

Vulnerable groups: Disadvantaged groups that require additional support or interventions to enable them to progress.

Young Person: A term used to define 'children' of college age who are under the age of 18.

Annex D

DBS & BARRED LISTS DECISION

***Is the Position covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)?**

YES

NO

Is the position a Regulated Activity with children and/or adults as defined by the Safeguarding Vulnerable Groups Act (amended by the Protection of Freedoms Act 2012)?

Children: Any activity involving working or volunteering with children that is of a 'specified nature'

- Unsupervised Activities: Teaching, training, instruction, care for/supervision of children, providing advice/guidance on the wellbeing of children, or driving a vehicle only for children. Has to be done **frequently**;
- Specified Establishments: Working in schools, children's homes and childcare premises, with the opportunity for contact with children. Not including children's hospitals and work by supervised volunteers. Has to be done **frequently**;
- Providing personal/health care: Providing personal care, e.g. washing or dressing; or health care provided by or supervised by a healthcare professional;
- Registered child minding and foster-caring.

Adults: Any activity involving working or volunteering with adults that is of a 'specified nature', regardless of the frequency and establishment

- Providing health care;
- Providing personal care;
- Providing social work;
- Assisting with household affairs e.g. cash, bills, shopping;
- Assistance in the conduct of a person's own affairs;
- Conveying (transporting) adults for health reasons.

***Frequently is defined as once a week or more, 4 or more days in a 30-day period or overnight between 2-6am and the opportunity for face-to-face contact.**

Can the position be defined as 'Regulated Activity' under the pre-10 September 2012 definition?

NO

YES

NO

DECISION:
Carry out an Enhanced DBS check WITHOUT Barred Lists.

YES

Who is the Regulated Activity with?

CHILDREN

ADULT

CHILDREN & ADULTS

DECISION:
Eligible for Enhanced DBS & Child Barred list check.

DECISION:
Eligible for Enhanced DBS & Adult Barred list check.

DECISION:
Eligible for Enhanced DBS & Child and Adult Barred lists check.

DECISION: The position is not eligible for a DBS check at Standard or Enhanced level.

**For 'positions of trust' and with certain responsibilities you may wish to ask applicants/employees to apply for a Standard DBS check where current (unspent) convictions will be disclosed.*



New College Durham

Safeguarding Young People Policy

**Reviewed and Approved by Academic Board
November 2010**

This policy applies to all College programmes except those for which the applicable policy is that of a validating Higher Education or other Awarding Body.

This policy is available on-line at www.newcollegedurham.ac.uk

- We will consider any request for this policy to be made available in an alternative format.
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments*. We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, age, religion or sexual orientation.

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1. General Policy Statement

New College Durham recognises that it has an important role to play in helping to promote and safeguard the welfare of young people and to help protect them from abuse.

Throughout these policies and procedures the term “young people” refers to “those under the age of 18” that is, up until his/her 18th Birthday.

2. Scope and Links to Other Policies and Procedures

Promoting and safeguarding the welfare of young people includes:-

- a. Ensuring the safe recruitment of staff (Recruitment & Selection Procedure, Criminal Records Bureau Service Utilisation Policy);
- b. Having effective arrangements in place to promote and maintain a safe learning environment. (Prevention of Bullying Policy, Health, Safety and Welfare Policy Manual – Prevention of Violence Policy, Work Placement Policy, First Aid, Medical Needs Policy, Prevention and Management of Substance Misuse Policy, Young Persons Policy, Work Placement Policy, Disciplinary Procedures, Race Equality Policy, Tutorial Policy). This list is not exhaustive and new policies will be developed to discharge the duties relating to this Policy;
- c. Raising awareness of issues and equipping young people to keep themselves safe (opportunities through the curriculum, tutorial, preparing for work experience, through the relevant themes of Every Child Matters and links with ASC, Youth Development Officer and Student Union);
- d. Maintaining an environment where young people feel secure, are encouraged to talk and are listened to;
- e. Ensuring young people know that there are staff whom they can approach if they are worried;
- f. Promoting procedures for identifying and reporting cases or suspected cases of abuse;
- g. Providing information and training for staff on safeguarding young people - College policy and procedures, recognition of signs and symptoms of abuse;
- h. Providing guidance on working with young learners. (Guidelines for Staff Working with Young Learners);
- i. Maintaining procedures for reporting and dealing with allegations of bullying or abuse including any made against another student or member of staff.

3. Legislation and Guidance

This Policy and accompanying procedures are underpinned and shaped by the relevant legislation and guidance including:-

- a. The Children Act 1989
- b. The Education Act 2002
- c. The Children Act 2004
- d. Working Together to Safeguard Children – DfES 2006

- e. What To Do If You're Worried A Child Is Being Abused – DfES 2006
- f. Safeguarding Children and Safer Recruitment in Education – DfES January 2007
- g. Durham Local Safeguarding Children Board (LSCB) Child Protection Procedures (www.durham-lscb.gov.uk)
- h. Working Together to Safeguard Children – March 2010

4. Responsibilities

The Corporation ensures that:

- a. There are effective safeguarding policies and procedures that are in line with the Local Safeguarding Children Board (Durham LSCB) procedures and that the policy is made available to students or parents on request;
- b. The College operates safe recruitment procedures and appropriate checks are carried out on staff and volunteers who work with children and young people;
- c. Procedures for dealing with allegations of abuse against members of staff or volunteers comply with the LSCB inter agency procedures;
- d. There are Designated Staff, including a Senior Manager who takes lead responsibility for dealing with safeguarding issues, and a Deputy Manager;
- e. Designated Staff undertake approved training to the standards agreed by the LSCB every 2 years and support other staff;
- f. The Principal and Chief Executive and other staff who work with young people undertake appropriate safeguarding training at least every 3 years. Temporary staff and volunteers are made aware of the College's arrangements and their responsibilities for safeguarding young people;
- g. It monitors the College's compliance and undertakes an annual review of the Safeguarding Young People Policy and Procedures. It amends as soon as practicable any weaknesses in arrangements as these are brought to its attention;
- h. The Chair of the Corporation takes responsibility for liaising with the local authority and/or partner agencies in the event of an allegation of abuse being made against the Principal & Chief Executive;

The Principal and Chief Executive ensures that:

- a. The policies and procedures adopted by the Corporation are implemented and followed by staff;
- b. Sufficient resources and time are allocated to the Designated Staff to discharge their responsibilities;
- c. All staff and volunteers feel able to raise concerns about poor or unsafe practice with regards to young people and such concerns are addressed sensitively and effectively in accordance with the Public Interest Disclosure Policy, where appropriate;
- d. Cases are reported to the Secretary of State if a person ceases to work in education and there are grounds for believing that she/he may be unsuitable to work with young people or may have committed misconduct.

Designated Staff (Safeguarding Young People) responsibilities include:-

- a. Director Curriculum and Quality (14-19 Developments), the Senior Manager who will take lead responsibility for dealing with safeguarding issues.
- b. Head of Student Support Services.
- c. ASC Manager, the Deputy Manager who is normally the first contact for dealing with individual cases;
- d. Links and Referrals**
 - i. Liaison with the local authority, other agencies and schools, including those with Key Stage 4 pupils attending College;
 - ii. Referral of cases of suspected abuse or allegations of abuse to the relevant investigating agencies, contributing to assessment /case conferences as appropriate;
 - iii. Acting as a source of support, and expertise within the College when deciding whether to make a referral and liaising with relevant agencies;
 - iv. Liaising with the Principal and Chief Executive to inform him of any issues and ongoing investigations and ensure there is always cover for this role.
- e. Training**
 - i. Undertaking child protection and inter-agency training, including refresher training every 2 years, to ensure roles and responsibilities are carried out effectively;
 - ii. Ensuring staff who work with young people have information on the Safeguarding Young People Policy and Procedures and they participate in appropriate induction and training;
 - iii. Maintaining accurate, secure records of referrals or concerns.
- f. Raising Awareness**
 - i. Working with the Corporation to ensure that the Safeguarding Young People Policy is updated and that arrangements are reviewed annually;
 - ii. Identifying appropriate methods to inform students, parents and carers of the College's safeguarding and partnership arrangements (Student and Parents' Handbook);
 - iii. Forwarding relevant information when young people who are subject to a Child Protection Plan, move to another educational establishment.
- g. All College staff and volunteers have a responsibility to:**
 - i. Be aware of and implement the College's Policy on Safeguarding Young People
 - ii. Provide a safe, secure and supportive environment for young people.
 - iii. Listen to young people and respond in an appropriate way.
 - iv. Protect young people from abuse.
 - v. Make referrals, preferably via the Designated Staff, in accordance with the College and LSCB procedures.

- vi. If they work with young people, undertake basic child protection training, appropriate to their role.

5. Key Definitions and Concepts

a. Children in Need of Protection

Some children and young people are in need because they are suffering or likely to suffer 'significant harm'. Where local authorities believe a young person is suffering, or likely to suffer, significant harm, they have a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a young person.

b. Children in Need

Children and young people who are defined as being 'in need' under Section 17 of the Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of service(s). A child with a disability is a child in need.

c. Significant Harm

The concept of significant harm is the threshold that justifies compulsory intervention into family life in the best interests of the child or young person and gives local authorities a duty to make enquires as to whether to take action (Section 47, Children Act 1989) to safeguard or promote the welfare of a young person who is suffering, or likely to suffer significant harm. The Act also gives powers to the Police to take emergency action to protect a young person from significant harm.

d. Categories of Abuse

- i. *Working Together to Safeguard Children (2010)* (paras 1.33 – 1.36) sets out definitions of the four broad categories of abuse which are used for the purposes of making a child or young person subject to a Child Protection Plan. Further details on recognising signs and symptoms of abuse are available on NCD online – ECM (Staying Safe) or from ASC.
- ii. Physical Abuse – may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in a child.
- iii. Emotional Abuse – is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child though it may occur alone.

- iv. Sexual Abuse – involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- v. Neglect – is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:
 - Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
 - Protect a child from physical and emotional harm or danger;
 - Ensure adequate supervision (including the use of inadequate care-givers);
 - Or ensure access to appropriate medical care or treatment;

It may also include neglect of, or unresponsiveness to a child’s basic emotional needs.

- vi. Specific Issues and Further Information - Specific advice should also be sought in relation to specific situations including forced marriage, the effects of domestic violence on young people, female genital mutilation, children and young people who sexually abuse or who are exploited and those affected by drug and alcohol abuse in families.
- vii. Abuse of Trust - under the Sexual Offences Act 2003 it is an offence for a person over 18 to have a sexual relationship with a young person under 18 where that person is in a position of trust in respect of that young person, even if the relationship is consensual. This includes teaching and a range of support staff within educational establishments.

6. Recruitment and Selection

The College has an established recruitment and selection procedure and human resources management processes that seek to identify individuals who are unsuitable to work with children. The College will undertake appropriate recruitment and vetting checks on individuals who are being considered for employment working with children and young people. The procedure and process ensure compliance with guidance issued from the Department for Education and Skills, UK employment legislation, and appropriate professional bodies (e.g. CIPD)

7. Responding to Allegations of Abuse and Follow Up Procedures

College staff who have regular contact with students are well placed to observe significant changes in a young person’s behaviour, a failure to thrive or outward signs of abuse. In addition, young people may choose to share their concerns with staff they feel they can trust and with whom they are comfortable. Staff need to know how to respond sensitively to a young person’s concerns and who to approach for advice. Whilst college staff are not responsible for investigating abuse it is essential that any suspicions of significant harm or allegations of abuse are acted on and treated seriously.

- a. The following guidelines should be used:-
- i. Stay calm and reassure the young person that she/he is right to tell someone of his/her concerns.
 - ii. Do not promise confidentiality. Be honest. Explain who you need to pass the information on to and why (i.e. the appropriate person in college who will seek further advice and help.) The young person can accompany you if he/she wishes. Only the people who need to know will be told.
 - iii. Allow the young person to speak in his/her own way and at his/her own pace, avoid interrupting when the young person is recalling significant events.
 - iv. Do not make judgements.
 - v. Do not interview the young person; do not ask leading questions or probe for details. This may jeopardise future investigations.
 - vi. Only clarify what the young person is trying to say and ascertain whether there are any immediate issues of safety for the young person or any other children.
 - vii. Note as accurately as possible what was said, use the young person's own words do not interpret. Include the time, context and location of the disclosure. Date and sign the notes. In addition to the young person's name, add the address, date of birth, telephone contact and college course, if known. A College, Safeguarding Young People Concern Form is available to write up "rough notes" taken at the time of disclosure. All notes should be passed on to the Designated Staff.
 - viii. Do not investigate any suspicions, allegations or incidents of abuse, but report them as soon as practicable (or within the hour) to the Designated Staff (refer to section 4.c) and pass on the written notes
 - ix. Do not contact the young person's parents or carers.
 - x. The Designated Staff member will seek advice from Social Care Direct – Children's Initial Response Team - 0845 8505010
 - xi. Where there is concern that a young person is experiencing, may already have experienced abuse or neglect, is suffering or is likely to suffer 'significant harm' the Designated Staff will refer immediately to Social Care Direct – Children's Initial Response Team. This will be followed up with a Referral Form within 2 days.
 - xii. In exceptional circumstances if the Designated Staff are not available advice should be sought from the Principal and Chief Executive, or in his absence a member of the Senior Executive Group, who will liaise with Social Care Direct – Children's Initial Response Team as appropriate.
 - xiii. In an emergency it may be necessary for Designated Staff, the Principal and Chief Executive or a member of the Senior Executive Group to call the police if Social Care Direct - Children's Initial Response Team cannot be contacted or if life appears to be in danger and immediate protection is required.
 - Police Vulnerability Team, Child Protection Unit 0845 6060365

- xiv. If urgent hospital treatment is needed for a young person whilst on College premises, a Designated Staff Member should be informed if it relates to a child protection issue. The Designated Staff Member will discuss arrangements to escort the young person, inform the hospital of the circumstances and will contact Social Care Direct – Children’s Initial Response Team. Advice on contacting parents will also be sought. In the absence of the Designated Staff or the Principal and Chief Executive, a member of the Senior Executive Group will be contacted.
- xv. Copies of the referral, related notes and correspondence will be kept securely by the Designated Member of Staff, separately from the main student records. The student file will be marked to show the existence of the referral file.
- xvi. Personal information about the young person’s situation his/her family will be regarded as confidential and only disclosed to those who need to know. This will be discussed with the young person, who will be informed of any follow up arrangements.
- xvii. The Designated Staff Member will co-ordinate any requests for information which will contribute to an assessment of the young person and agree monitoring and follow up arrangements as appropriate.
- xviii. Both the young person, and if required, the member of staff to whom the disclosure was made can access support from the College’s counselling and support services.
- xix. When a young person, who is subject to a Child Protection Plan, leaves College the Designated Staff Member will inform the new education establishment and arrange the transfer of appropriate information to the appropriate Designated Staff Member.
- xx. Evidence on the extent of abuse among young people with learning difficulties and disabilities suggests that some may be especially vulnerable to abuse, for example those who have difficulty communicating. Those working with young people with special educational needs and/or disabilities often provide close support and may encounter indications of possible abuse. Whilst extra care may be needed to ensure that signs of abuse and neglect are interpreted correctly, any suspicions should be reported in exactly the same manner as for other young people.

8. Dealing with Allegations of Abuse Against College Staff

In addressing allegations of abuse made about staff, the College will seek to ensure compliance with the prevailing guidance from the Local Safeguarding Children Board, Department for Education and Skills (now Department for Children, Schools and Families), United Kingdom employment legislation, laws of natural justice and its own internal procedures. The arrangements relate to all staff and volunteers working at New College Durham.

a. Initial action by the person receiving or identifying an allegation or concern.

The person to whom an allegation or concern is first reported should treat the matter seriously, keep an open mind and follow the approach identified in section 7.a.

S/he should not:

- i. Investigate or ask leading questions if seeking clarification.
- ii. Make assumptions or offer alternative explanations.
- iii. Promise confidentiality, but give assurance that the information will only be shared on a ‘need to know’ basis.

S/he should:

- i. Make a written record of the information (where possible in the person's own words) including the time, date and place of incident(s), persons present and what was said.
- ii. Sign and date the written record.
- iii. Immediately report the matter to one of the Designated Staff and/or the Principal and Chief Executive, or in their absence a member of the Senior Executive Group. If the allegation is about the Principal and Chief Executive it should be reported to the Chair of the Corporation.

b. Initial action by the Principal and Chief Executive

The Principal and Chief Executive will follow the LSCB procedures (outlined below) if there is a concern or it is alleged that a member of staff has:

- i. Behaved in a way that has harmed or may have harmed a young person.
- ii. Possibly committed a criminal offence against or related to a young person, or;
- iii. Behaved towards a young person/or young people in a way that indicates s/he is unsuitable to work with children or young people.

The Principal and Chief Executive will not investigate the matter nor interview the member of staff, young person concerned nor potential witnesses. He will:

- i. Obtain written details of the concern/allegation, signed and dated by the recipient (not the young person making the allegation).
- ii. Countersign and date the written details.
- iii. Record any information about times, dates and location of incident(s) and names of any potential witnesses.
- iv. Record discussions about the young person and/or members of staff, any decisions made and the reasons for those decisions.
- v. Report to the Local Authority Designated Officer (via Pupil Services) as soon as practicable (e.g. the same day).
- vi. Consult the Emergency Duty Team (through Social Care Direct – Children's Initial Response Team) or local police if the allegation requires immediate attention but is received out of hours, then inform the Local Authority Designated Officer as soon as practicable.

c. Initial consideration

- i. The Local Authority Designated Officer will discuss the matter with the Principal and Chief Executive and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence or information that establishes that the allegation is false or unfounded. The College will not instigate any investigation into the allegation at this stage. However, this does not preclude the College from considering and actioning suspension from duty for the member staff whom the allegation has been made against.

- ii. If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the Local Authority Designated Officer will immediately refer to Children and Young Peoples Services and ask for a Strategy Discussion in accordance with Working Together to Safeguard Children to be convened straight away. In those circumstances the Strategy Discussion should include the Local Authority Designated Officer and Principal & Chief Executive. If there is not cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the Local Authority Designated Officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed.
- iii. Where it is determined that a criminal offence might have been committed the College will stay its internal discipline investigation, until a conclusion is reached by the police/Crown Prosecution Service (CPS).
- iv. If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the College within three working days of the decision. The College will then consider the matter under section 8.d.
- v. If the person is convicted of an offence the police should also inform the College Principal & Chief Executive immediately so that appropriate action can be taken.

d. Action following initial consideration

- i. Where the initial consideration decides that the allegation does not involve a criminal offence the College will consider the matter under its prevailing discipline procedure. In such cases, if the nature of the allegation does not require formal disciplinary action, the College will institute an appropriate response/ action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held as soon as practicable.
- ii. Where further investigation is required to inform consideration of disciplinary action the College's lead Human Resources professional will discuss who will undertake that with the Local Authority Designated Officer. The investigation will seek to be concluded as soon as practicable, resulting in a formal report for the consideration of the Principal and Chief Executive.
- iii. Within two days of receipt of the report of the disciplinary investigation, the Principal and Chief Executive will consult the Local Authority Designated Officer, and determine if a prime facie case exists in relation to the allegations and whether a disciplinary hearing is needed. In all cases in which Children and Young Peoples Services has undertaken enquiries to determine whether the young person is in need of protection, the College will take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- iv. If it is determined that a discipline hearing is needed it should be held as soon as practicable. The Local Authority Designated Officer will provide advice or support when required or requested. The discipline hearing will be held in accordance with the College's prevailing policy.

9. Referral to Department for Children, Schools and Families (formerly DfES)

If on conclusion of the process the College ceases to use the person's services, or the person ceases to provide his or her services, the College will consult the Local Authority Designated Officer about whether a referral to DCSF is required. If a referral is appropriate the report should be made within one month of the advice being sought.

10. Policy Review

- a. Academic Board is responsible for the periodic review of this Policy.
- b. The next review is due to take place in January 2011.

New College Durham

Safeguarding Young People

Procedures for Responding to Disclosures and Allegations of Abuse

The following brief notes provide guidance for staff who receive a disclosure or who have concerns about allegations of abuse against a young person (under 18). Full details of the Safeguarding Young People Policy and Procedures are available on the College Intranet.

In addition staff are encouraged to contact the Designated Staff if they have any initial concerns about the possible child protection situation. ASC Counselling Services are also available for students and staff.

Receiving a Disclosure

DO

- Take allegations or suspicions of abuse seriously
- Respond with tact and sensitivity to anyone who confides in you
- Re-assure the person that it is right to speak to someone
- Allow the person to speak in his/her own way and time
- Discuss the need to refer to the appropriate person in College
- Make brief notes using the person's own words

DON'T

- Promise confidentiality (only those who need to know will be told)
- Make judgements
- Investigate the allegation or suspicion of abuse
- Ask leading questions or probe for details
- Interpret what has been said or make assumptions about the situation
- Contact parents/careers before seeking advice

Following up a Disclosure, Allegation or Suspicion of Abuse

- Contact a College Designated Staff Member as soon as practicable (or within an hour)
 - Peter Rasmussen – Director of Curriculum and Quality (14-19 Developments) via ext 4301, SPG23

- Malcolm McBain – Head of Student Support Services, via ext 4374, BI 0.35.
- Christine Padgett – ASC Manager, via ext 4163, BI 0.10
- If the Designated Staff are not available seek advice from the Principal and Chief Executive, or in his absence a member of the Senior Executive Group (SEG).
- Provide written details (A Safeguarding Young People and Adults at Risk Concerns Form can be downloaded from the Intranet). Include the time, context and location of the disclosure, the name, address, date of birth, telephone contact and College course, if known. Sign and date the notes.
- All written information and rough notes will be retained by the Designated Staff.
- The Designated Staff will seek advice from Social Care Direct – Children’s Initial Response Team - 0845 8505010
- Where there are serious concerns of ‘significant harm’ the Designated Staff will refer immediately to Social Care Direct – Children’s Initial Response Team.
- A referral form will be forwarded by the Designated Staff to Social Care Direct – Children’s Initial Response Team within 2 days.
- In an emergency it may be necessary for Designated Staff, the Principal and Chief Executive or a member of SEG to call the police if Social Care Direct – Children’s Initial Response Team cannot be contacted or if life appears to be in danger and immediate protection is required.
 - Police Vulnerability Team, Child Protection Unit – 0845 6060365
- If urgent hospital treatment is needed for a young person whilst on College premises, inform the Designated Staff if this relates to a child protection issue. Contact the Principal and Chief Executive or a member of SEG in the absence of Designated Staff.
- Both the young person, and if required, the member of staff to whom the disclosure was made can access support from the College’s counselling and support services.

New College Durham

Safeguarding Young People

Types of Abuse and how to recognise them

The following explanations of types of possible signs of abuse are taken from Working Together to Safeguard Children (2006) and County Durham Safeguarding and Specialist Services Level 1 training materials.

Lists of signs and symptoms cannot provide a definitive diagnosis of abuse and many children or young people at some time of their life may exhibit one or maybe more of them. However, such signs and symptoms may suggest abuse if a young person exhibits either several of them, perhaps within a short space of time, or an extreme form of a particular symptom, or if a pattern of signs and symptoms emerges.

It is important that staff are aware of the signs and symptoms and, whilst they may be indicative of some other problem or issue, the possibility that the young person is being abused should not be discounted. Any concern about a young person who is showing signs of abuse or of being at risk of abuse should be followed up with the Designated Member of Staff.

Physical Abuse

May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

Possible signs

- Fractures or any bruising on a baby
- Bruises and scratches to face and head
- Pinch bruises or bite bruises
- Bruising around both eyes simultaneously
- Torn frenulum (skin linking upper jaw and lip)
- Finger tip bruising on front and back of chest (gripping)
- Finger or hand marks on any part of the body
- Ligation marks on either neck, arms or legs
- Cigarette burns
- Linear or shaped burns or bruises (e.g. iron/radiator)
- 'non-cascade' scalds
- Head injury, may be no outward sign of injury
- Poisoning
- Bald patches
- Recurrent unexplained/untreated injuries or lingering illness

Possible behaviour

- Explanation inconsistent with injury
- Refusal to discuss injuries
- Fear of going home or parents being contacted
- Arms and legs kept covered in hot weather or fear of undressing
- Aggressive bullying behaviour

- Frozen watchfulness/cowering/flinching at sudden movements
- Withdrawal from physical contact
- Fear of medical help
- Admission of excessive punishment
- Running away
- Self destructive tendencies

Emotional Abuse

Is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying) causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Possible Signs

- Speech delay, poor verbal ability, lack of communication skills
- Bed wetting, soiling (without physical cause)
- Lack of concentration, learning problems
- Unreasonable fear of new situations
- Eating disorders (over eating and under eating)
- Inappropriate emotional responses to stressful situations
- Low self-esteem
- Self-mutilation
- Alcohol, drugs, solvent misuse

Possible Behaviour

- Over reaction to mistakes
- Obsessive behaviour (e.g. rocking, twisting hair, sucking thumb)
- Withdrawal from relationships with other children
- Fear of parents being contacted
- Extremes of passivity or aggression
- Attention seeking
- Chronic running away
- Compulsive stealing, scavenging for food or clothes
- Impaired capacity to enjoy life

Neglect

Is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in a serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical harm and external harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Or ensure access to appropriate medical care or treatment.

It may also include neglect or, or unresponsiveness to a child's basic emotional needs.

Possible Signs

- Unkempt appearance, poor personal hygiene
- Poor skin/hair condition
- Drop through height/weight centiles
- Small stature (where not a family characteristic)
- Constant tiredness
- Repeated accidents
- Untreated medical conditions
- Inappropriate clothing
- Constant hunger
- Frequent lateness, or non-attendance at school
- Accidental self-poisoning

Possible Behaviour

- Chronic running away
- Compulsive stealing
- Scavenging of food and clothes
- Low self-esteem
- Neurotic behaviour (e.g. rocking, thumb sucking, hair twisting)
- Inability to make social relationships
- Tendency to destroy things

Sexual Abuse

Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Possible Signs

- Wetting and soiling themselves
- Sudden drop in College performance/poor concentration
- Obsessed with sexual matters as opposed to normal exploration
- Changes from being happy and active to being fearful and withdrawn
- Unexplained sources of money/gifts
- Urinary infections, bleeding or soreness in the genital/anal areas
- Vaginal discharge – vaginal warts
- Soreness and bleeding to the throat
- Chronic ailments e.g. stomach pains, headaches without obvious cause
- Eating disorders
- Becomes severely depressed
- Has a poor self image
- Uses drugs/alcohol to excess
- Not allowed to have friends around or to go out on dates
- Fearful of undressing for physical education

- Venereal infection
- Pregnancy

Possible Behaviour

- Overly compliant behaviour
- Behaves in a sexually inappropriate way in relation to their age
- Withdrawn and unhappy, insecure and 'clingy'
- Plays out sexual acts in too knowledgeable a way for their age
- Regresses to behavioural pattern of much younger children
- Say of themselves that they are bad or wicked
- Arriving early at school/College and leaving late with few, if any, absences
- Excessive masturbation – exposing themselves
- Drawings of sexually explicit nature
- Attempts to sexually abuse another child
- Recurring nightmares and/or fear of the dark
- Had a 'friend who has a problem' and then tells about the abuse of 'a friend'
- Self-mutilates/attempted suicide
- Running away
- Prostitution

Specific Issues and Further Information

Further information and specialise advice is available on areas such as forced marriage, female genital mutilation, those affected by drugs and alcohol abuse in families, fabricated illness, children abused through prostitution, complex (organised or multiple) abuse involving one or more abusers and a number of children. Forced marriage is a marriage conducted without the full consent of both parties where duress is a factor. This should not be confused with an 'arranged marriage'. Forced marriage is regarded as a form of domestic abuse for adults, and where children are involve, as s form of child abuse. Initial concerns should be reported to the Designated Staff who will liaise with appropriate agencies, Social Care Direct – Children's Initial Response Team or the Police. Contact should not be made with the young person's family. For further information on forced marriages the Forced Marriage Unit can be contacted on 02070080151, Monday – Friday 9.00 am until 5.00 pm (outside these hours through the Foreign Office Response Centre on 02070081500), via email fm@fco.gov.uk or www.fco.gov.uk/forcedmarriage

NEW COLLEGE DURHAM



Safeguarding Young People and Adults At Risk Concerns Form

Name of Student.....Date of Birth.....	
Course (if known).....	
Address and Telephone Number (if known).....	
.....	
.....	
Name of Staff Identifying Concerns	
Role and Contact Number:	
Nature of Concerns.....	
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.....	
.....	
Date & time identified.....	
Date recorded..... Signed.....	
Please contact the Designated College Staff about any concerns. Peter Rasmussen (Director of Curriculum and Quality, 14 – 19 Developments), Malcolm McBain (Head of Student Support Services, Christine Padgett (Manager, ASC).	



New College Durham

Safeguarding Adults at Risk Policy

Reviewed and Approved by Academic Board

November 2010

This policy is available on-line at www.newcollegedurham.ac.uk

- We will consider any request for this policy to be made available in an alternative format.
- We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments*. We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, age, religion or sexual orientation

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For all enquiries please contact:

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Fax: 0191 3754222

1. Rationale

New College Durham is committed to providing a safe and supportive learning environment that promotes well being and security for all learners and staff. Through this policy the College also recognises its particular contribution to safeguarding “adults at risk” and protecting them from abuse. The policy incorporates County Durham’s Inter-Agency Procedures for Safeguarding Adults and is informed by the relevant legislation and guidance.

The Policy informs College staff and management of their responsibilities towards safeguarding adults. Essential information on responding to an allegation or suspicion of abuse is contained within Appendix A. Appendix B provides further information on definitions and types of abuse. The full policy and procedures are available to learners and members of the public. Advice from learners is informing continuing Equality Impact Assessments, the development of materials and alternative formats.

2. Definitions

“**Adults at risk**” replaces the previously used concept of “vulnerable adults”. The Safeguarding Adults Board defines “an adult at risk” as:-

“Someone age 18 or over, who is or maybe eligible for community care services and whose independence and well being would be at risk if he/she did not receive appropriate health and social care support”.

Where necessary, a person should not delay in contacting emergency services. The County Durham definition also includes people in the above categories whose need in relation to safeguarding is for access to the Police. The Safeguarding Adult Process involves police from the Vulnerability Unit but may involve police from the domestic violence unit or other relevant police units.

The adult at risk may have a physical impairment, a sensory loss, or a learning disability, perhaps present from birth or due to advancing age, chronic illness or injury, or experience physical or mental ill-health. In some circumstances “a carer” may also be identified as being at risk (a family member or friend who provides personal assistance and care to another adult on an unpaid basis).

Adult “abuse” and “neglect”

Abuse – “the misuse of power by one person over another”

Neglect – can prevent a person, who is dependent on others for their basic needs, from exercising choice and control over the fundamental aspects of their life and can cause humiliation and loss of dignity”. (Safeguarding Adults – Association of Directors of Social Services 2005).

a. **Abuse:**

- i. Is a violation of an individual’s human and civil rights.
- ii. May consist of single or repeated acts.

- iii. May be deliberate or unintentional.
- iv. May cause harm temporarily or over a period of time.
- v. Can occur when there is an imbalance of power or control.

b. People who abuse:

- i. Are often well known to their victims but can be strangers.
- ii. Might be a relative, partner, friend or neighbour, a paid or voluntary care worker, or a health or social care worker.
- iii. Could be another vulnerable adult or service user.
- iv. May not realise they are abusing and can sometimes act out of character and abuse because of the stress of caring.

c. Types of abuse

Abuse of a person often includes behaviour that is abusive in one or more of the categories described below. Many or all of these types of abuse may be the result of deliberate intent, negligence or ignorance. An explanation of each type of abuse is included in Appendix B. Advice on recognising signs and symptoms of abuse is on NCD On-line or from Advice Support Careers.

- i. Psychological abuse
- ii. Physical abuse
- iii. Sexual abuse
- iv. Financial and material abuse
- v. Neglect and acts of omission
- vi. Discriminatory abuse
- vii. Multiple or institutional abuse
- viii. Domestic violence
- ix. Forced marriage

3. Aims of the Policy

This policy links to a number of New College Durham policies, procedures and guidelines. The aims of the policy are to support a whole College approach to safeguarding adults by:

- a. Raising awareness of safeguarding issues amongst learners and staff.

- b. Ensuring a robust approach to the safe recruitment of staff and volunteers through policies and procedures which incorporate current guidance and legislation. (Human Resources policies and procedures implementing the provision of the Safeguarding Vulnerable Groups Act 2006 and the role of the Independent Safeguarding Authority).).
- c. Having effective arrangements in place to promote and maintain a safe learning environment.
- d. Ensuring that adults at risk know how to gain information on safety from abuse and violence, and know that there are staff they can approach to talk about any concerns.
- e. Implementing procedures to identify and report cases, or suspected cases of abuse, which reflect Durham County Council guidelines.
- f. Providing information and training for staff on safeguarding and working with adults at risk.
- g. Ensuring arrangements are in place to monitor and review safeguarding issues and procedures.

4. Principles

This policy and its procedures are underpinned by the good practice principles agreed by County Durham Safeguarding Adults Partnership:

- a. To work co-operatively on the identification, investigation, treatment and prevention of abuse of vulnerable adults.
- b. To maintain equal opportunities by ensuring that:
 - i. equality and opportunity will be available to all adults at risk, regardless of their identity or personal circumstances (avoiding discrimination on the grounds of race, religion, ethnicity, age, gender, sexual orientation, disability or language).
 - ii. College communication and responses are appropriate to the level of understanding and cultural background of those concerned
- c. To endorse the joint agency procedures on safeguarding adults.

5. Entitlements

Adults have the right to access the College free from fear of harm and to be protected from mistreatment and abuse. In addition, adults at risk should be able to access learning with as much independence as is appropriate and within their capabilities to make choices, even if those choices involve a degree of risk. Where a risk is identified, a risk assessment will be completed.

All complaints, allegations or suspicions will be taken seriously and normally dealt with through the College Designated Staff in the first instance. However, in keeping with the Safeguarding Adult Partnership Board Policies, any person can make a referral to Social Care Direct – Adults initial Response Team; a neighbour, friend, professional. If designated staff are not available staff need to ensure that they pass on their concerns to SCD without delay. Where action is necessary, this will be undertaken with due regard to the College Safeguarding Adults at Risk Policy.

Issues regarding consent are complex. Whilst adults at risk have the right to make their own decisions about their own personal wellbeing and safety there are limits to these choices:

- a. The mental and cognitive ability of the person to make an informed choice.
- b. Whether decisions are made under duress or coercion
- c. Whether the decision would put the individual and others at serious risk of harm.

Where appropriate, Designated Staff will seek further advice on these issues from Adult Health and Wellbeing.

6. Responsibilities

a. College staff responsibilities

All College staff and volunteers have a responsibility to:

- i. Be aware of and implement the College policy on Safeguarding Adults at Risk.
- ii. Promote a safeguarding ethos, provide a secure and supportive environment for all learners, including “adults at risk”.
- iii. If they work with adults at risk undertake staff development appropriate to their role.

b. Management responsibilities

College Managers have a responsibility to:

- i. Embrace a whole College approach to promoting and safeguarding the welfare of adults at risk.
- ii. Ensure staff are aware of the policy and procedures and that they receive appropriate training and support to undertake their roles effectively, including “Alerter training” refreshed every 3 years.
- iii. Ensure this policy is implemented within their areas, centres, Schools.

c. Designated Staff responsibilities

The Designated Staff responsible for safeguarding adults:

- i. ASC Manager, normally the first contact for safeguarding issues.

- ii. Senior Manager with lead responsibilities for safeguarding issues:

Director Curriculum and Quality (14 – 19 Developments)

Head of Student Support Services

The Designated Staff are responsible for:

- i. Promoting a whole College approach to safeguarding the welfare of adults at risk.
- ii. Undertaking specialist training to ensure their roles are carried out effectively including managing an alert and referral.
- iii. Advising on induction and staff development arrangements for College staff.
- iv. Liaising with College management, the local authority and other agencies in relation to policies, procedures and individuals.
- v. Gathering and reviewing information concerning cases of suspected abuse or allegations, making referrals to the relevant agencies.
- vi. Contributing to strategy discussions as appropriate.
- vii. Maintaining confidential records relating to safeguarding issues.
- viii. Liaising with the Principal and Chief Executive to inform him of any issues and on-going investigations.
- iv. Reporting to the Corporation to ensure that the policy is updated and reviewed annually.

d. Responsibility for Implementing the Policy

The Principal and Chief Executive:

- i. Has overall responsibility for the implementation of this Policy across the College.
- ii. Has overall responsibility for liaison with the local authority or other agencies regarding allegations made against staff including any allegations concerning the Designated Staff.

e. Corporation Responsibility

- i. The Chair of the Corporation has responsibility for liaison with the local authority or other agencies regarding allegations made against the Principal and Chief Executive.
- ii. The Corporation reviews the policy and receives annual reports on safeguarding issues.

7. Policy Review

- a. Academic Board is responsible for the periodic review of this Policy.
- b. The next review is due to take place in January 2012.

1. Procedures for Staff Responding to Allegations or Suspicions of Abuse

Students may choose to share concerns with staff they feel they can trust and with whom they feel comfortable. Staff need to know how to respond sensitively and who to approach for advice. Whilst College staff are not responsible for investigating abuse it is essential that any allegations or suspicions of abuse are acted upon and treated seriously. Concerns should be passed on immediately to the Designated Staff in College so that appropriate action can be taken.

The following guidelines should be followed:

- a. Do not put yourself at risk, stay calm and reassure the person that he/she was right to tell you.
- b. Listen carefully, allow the person to recall significant events – they may not tell anyone again.
- c. Do not press for more details or ask leading questions. This may jeopardise future investigations.
- d. Do not promise confidentiality. Be honest. Explain who you need to pass the information to and why (i.e. the Designated Person in College who can follow up and seek further advice). Only those who need to know will be told.
- e. Be aware that medical and criminal evidence may need to be preserved, so do not attempt to remove torn or soiled clothing and avoid touching or moving anything in the immediate environment.
- f. Do not talk to the alleged perpetrator(s) or pass on any information about the adult at risk. This is particularly important where “forced marriage” is concerned.
- g. Alerts to the Designated Staff should be made as soon as abuse or neglect is witnessed or suspected.
- h. It may sometimes be necessary to respond immediately to a situation to prevent further harm.
- i. In an emergency, if the adult at risk is in immediate danger, it may be necessary for the Designated Staff, the Principal and Chief Executive or member of Senior Executive Group to call the police and/or ambulance service. If there is a delay in contacting a designated member of staff and there is immediate risk or harm or need for treatment, the staff member should contact SCD to make a referral indicating that a ‘vulnerable adult’ and follow up this action informing the designated officer at the earliest opportunity.
- j. Immediate protective actions should not incur irresponsible risk for the person identifying the concern.
- k. Forms for recording this information are available from the Designated Staff, New College Durham On-line or Advice Support Careers (but are not essential provided the appropriate information is recorded).

- l. As soon as practicably possible write down what you saw if you witnessed the abuse or what was said if the disclosure was made to you, including date, time and place where the alleged abuse happened.
- m. Use the exact words and phrases wherever possible.
- n. Note the setting and anyone there at the time – describe any significant points about the adult's appearance, demeanour and mood and also the environment, e.g. furniture disturbed, or if any property was missing or damaged.
- o. Separate out factual information from your opinion, take care not to interpret responses.
- p. A body map can be used to illustrate any physical injuries.
- q. Use dark ink so your notes can be photocopied if required, sign and date everything you have written, pass notes to the Designated Staff.
- r. If the Designated Staff are not available advice should be sought from the Principal and Chief Executive, or in his absence a member of Senior Executive Group, who will liaise with Social Care Direct, or the Police, as required.

2. Procedures to address allegations of abuse made about staff

In addressing allegations of abuse made about staff the College will seek to ensure compliance with the prevailing guidance from the Durham Safeguarding Adults Board, United Kingdom employment legislation, laws of natural justice and its own internal procedures. These arrangements relate to all staff and volunteers working at New College Durham.

- a. The person to whom an allegation or concern is first reported should treat the matter seriously, keep an open mind and follow the guidance on responding to an allegation or suspicion of abuse.
- b. The concern should be reported immediately to the Designated Staff or in their absence to the Principal and Chief Executive or a member of the Senior Executive Group.
- c. The Designated Staff should contact the Principal and Chief Executive or a member of the Senior Executive Group so that action is taken both to protect the adult and accused member of staff. This may involve 3 main strands:
 - i. Referral to Social Care Direct using the normal referral or consultation procedure required by the Designated Staff.
 - ii. An internal investigation and consideration of any action involving staff or learners (Disciplinary Procedure for Staff). In safeguarding cases where an allegation of abuse has occurred against a member of staff, the staff member will be suspended without prejudice.
 - iii. Investigation of a possible criminal offence by the Police. If a crime is suspected the College will consult with the Police regarding their investigation, until such guidance is given, the College will suspend its investigation.

Incidents of physical, sexual and financial abuse may all constitute potential criminal behaviour and must be treated as such until otherwise determined by the Police/Crime Prosecution Service

Where allegations relate to a member of staff, who also has contact with young people under 18 years of age, the Principal and Chief Executive will refer to the Local Authority Designated Officer for multi-agency discussions.

Under the Sexual Offences Act a relationship between a member of staff and a learner, considered to be an “adult at risk”, may constitute an “abuse of trust” particularly where there is a power imbalance and the adult does not have the capacity to consent.

If necessary, the College will comply with guidance on making staff referrals to the Independent Safeguarding Authority.

Designated Staff

The Designated Staff responsible for safeguarding adults:

- a. ASC Manager, normally the first contact for safeguarding issues.
- b. Director of Curriculum and Quality (14-19 Developments).
- c. Head of Student Support Services.

3. Procedures for Designated Staff on receiving an alert of suspected or alleged abuse

a. On receipt of an alert of suspected or alleged abuse the Designated Staff member will:

- i. Review the information given about the alleged abuse and any action taken by the alerter.
- ii. Gather as much additional information as possible from whichever necessary source to enable a decision to be made about whether or not the reported concerns constitute abuse.
- iii. If appropriate, liaise with a relevant specialist Curriculum Leader/Co-ordinator within the School of Learning Support and Skills for Life.

b. Where the possibility of abuse cannot be ruled out, within one working day of receiving the alert the Designated Staff member will:

- i. Not investigate the abuse but refer to Social Care Direct – Adult Initial Response Team on 0845 8505010 or Police, as appropriate. Any investigation could interfere with police questioning. Designated staff should not be trying to ‘rule out’ abuse.
- ii. Produce a verbal and subsequent written report, which includes precise factual details of the allegation, and where available the identity of the alerter (giving reasons to support decisions made).

- c. If uncertain how to proceed and whether or not to refer a matter to Social Care Direct – Adult Initial Response Team the Designated Staff member will, within one working day of receiving the alert:**
- i. Request a formal pre-referral consultation and seek advice from a safeguarding worker team – 0191 3835165.
 - ii. Record the identified concerns and consultations relating to the allegation (a safeguarding referral or referral for social work involvement/assessment will be advised by the Team).
- d. Continued involvements (providing the College is not implicated in the allegation)**
- i. A manager usually the Designated Staff member who received the alert, will be involved in the strategy discussion/meeting and investigation processes.
 - ii. The College will co-operate with any safeguarding investigations and will comply with recommendations identified as part of the adults' post incident safeguarding care plan and any additional safeguarding organisational/remedial plan.

Types of Abuse

a. Psychological abuse

There is a psychological element to all forms of abuse. The adult at risk may be left feeling very insecure, hopeless, fearful, low in self respect or rejected. This can be damaging to the person's physical and mental health.

It may include a calm but destructive attitude towards the adult, intimidation, threats of harm or abandonment, indifference, isolation or withdrawal from services/support, humiliation, blaming, controlling, coercion, harassment, verbal abuse, emotional blackmail, the denial of basic human rights, denial of sexuality and the treatment of adults as children.

b. Physical abuse

Physical abuse is the physical ill treatment of an adult which may or may not cause physical injury.

It may include hitting, punching, slapping, pushing, shaking, kicking, pinching or scratching, improper administration or denial of medication/treatments. It can also occur when people are not provided with adequate care and support, causing them unjustifiable physical discomfort. This can include inappropriate use of restraint or sanctions, withholding of food, drink or necessary aids to mobility or independence.

c. Sexual abuse

Sexual abuse includes acts which involve physical contact and others that do not. It can include an isolated incident of assault, or sexual acts within an ongoing relationship where the adult is unable to give consent, either because of impaired capacity or because the power imbalance in the relationship is too great for the consent to be considered important by the perpetrator.

Abuse usually involves acts performed by the perpetrator on the person being abused, but the adult at risk might be forced or persuaded to do things to themselves, the perpetrator or others.

Contact sexual abuse may include sexual acts to which the adult has not consented or could not give consent, or was pressured into giving consent or being touched in a sexualised manner.

Non-contact sexual abuse may include voyeurism, (coerced into being photographed or videotaped), being subjected to indecent exposure, serious sexual harassment and innuendo. It could also include showing sexual material to a person who does not consent to, or have the capacity to consent to watching such material.

d. Financial and material abuse

Financial and material abuse involves an individual's funds, resources or possessions being taken or inappropriately used by a third party. This may include theft, fraud, or extortion through threat, exploitation, misuse or misappropriation of property or possessions by someone trusted to handle the adult's finances, preventing the adult's access to his/her funds.

Risks of financial abuse may increase if she/he lacks capacity or numeracy skills, lives alone and is regarded as “vulnerable” within the local community, and where there is a dependence on other people with the management of finances.

e. Neglect and acts of omission

Neglect is the deliberate withholding of, or unintentional failure to provide, a necessary level of care and support for an adult to meet his or her identified/assessed needs.

- i. An adult’s medical or physical care needs being ignored to such an extent that their health and well-being is impaired.
- ii. Administering too much, too little, or the wrong type of medication.
- iii. A failure to allow the adult access to appropriate health, social care or education services.
- iv. The withholding of the necessities of life, such as adequate nutrition, heating or clothing.
- v. A failure to intervene in situations assessed to be dangerous to the adult or others around them, especially when the person lacks capacity to assess risk.

f. Discriminatory abuse

Discriminatory abuse is motivated by oppressive and prejudicial attitudes towards a person’s disability, (including physical or sensory impairment, learning difficulty or mental ill health), their age, race, gender, religion, cultural background, sexual orientation or social situation, or dependence on substances such as drugs or alcohol. It may include all the above types of abuse, inequality in access to statutory service provision or breaches in civil liberties and denial of rights. Incidents or crimes caused by someone who has a prejudice against a group of people are sometimes described as equality or hate incidents or crimes.

g. Multiple or institutional abuse

Multiple or institutional abuse includes the practice of an abusive regime or culture which denies an adult or group of adults care, support, dignity and respect to which every human has a right.

Institutional abuse may occur when an individuals’ needs and choices are ignored or trivialised in order to make an institution or organisation easier to manage and run and/or to save an organisation’s resources.

h. Domestic violence

Domestic violence may include any or all of the types of physical, sexual, emotional and financial abuse listed above. It can happen in any family relationship. It can be carried out by men against women, but also by women against men.

i. Forced marriage

A forced marriage is one where one or both of the partners do not, or perhaps in the case of an adult at risk, are not able to consent to the marriage and an element of duress is involved. Duress or “force” can include physical, psychological, sexual or emotional pressure. Forced marriage is a form of domestic abuse for adults, and where children are involved, child abuse. It happens to males and females and should not be confused with an “arranged marriage”, where the partners have a choice to accept or reject the arrangements.

NB: Advice on recognising signs and symptoms of abuse is available on NCD On-line – Safeguarding Adults and Young People or from ASC.

Legislation, Guidance and Related College Policies

This Policy and accompanying procedures are underpinned and shaped by the relevant legislation and guidance including:

- a. The Human Rights Act 1998
- b. Disability Discrimination Acts
- c. 'No Secrets' Guidance – Department of Health 2000
- d. Mental Capacity Act 2005
- e. 'Safeguarding Adults' – National Framework of Standards, Association of Directors of Social Services 2005
- f. Safeguarding Children and Safer Recruitment in Education – Department for Education and Skills, 2006
- g. Safeguarding Vulnerable Groups Act 2006
- h. Safeguarding Adults – County Durham Inter-Agency Policy Statement of Commitment, 2007
- i. Safer Practice, Safer Learning – a whole organisation approach. National Institute of Adult and Continuing Education 2007

This Policy links to the following College policies:

- a. Equal Opportunities Policy
- b. Race Equality Policy
- c. Health, Safety and Welfare Policy
- d. Medical Needs Policy
- e. Safeguarding Young People Policy
- f. Recruitment and Selection Procedure, Criminal Records Bureau Service Utilisation Policy

Types of abuse and how to recognise them

The following information is taken from the County Durham Inter-Agency Policy Safeguarding Adults and relates to the New College Safeguarding Adults at Risk Policy.

Abuse of a person often includes behaviour that is abusive in one or more of the categories described below. Many or all of these types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

There are general indicators, or signs and symptoms that if present separately or in combination, may suggest the possibility of some kind of abuse or neglect. These are outlined below. More specific indicators linked to the different types of abuse are described under each heading.

None of these indicators are conclusive to an act of abuse having taken place, but members of staff should be alert to the possibility.

General signs that abuse may have taken place, or may still be ongoing may become evident in College or relate to concerns raised about life outside College. These may include:

- concerns about attendance, changes in attitude or behaviour;
- reluctance by the adult or his supporters to seek GP or medical help;
- the adult not getting access to medical care or appointments with other agencies;
- repeated visits by the adult to a General Practitioner (GP) or Accident & Emergency department for no obvious reason, or where there is no apparent change in health or medical circumstances;
- isolation of the adult;
- refusal by the adult to accept support from a previously trusted carer/care worker;
- where one or more agencies – e.g. Police or welfare, raise concerns;
- regular transferring of the adult's case from one agency to another, or 'agency hopping'.

Psychological abuse

There is a psychological element to all forms of abuse, whether sexual, financial, physical, institutional, familial or professional. The adult at risk may be left feeling very insecure, hopeless, fearful, low in self-respect or rejected. Inevitably this can be damaging to the person's physical and mental health.

Psychological abuse may include:

- a calm but very destructive attitude toward the adult;
- intimidation, e.g. threats of physical harm, shouting, swearing or name-calling, racist comments, withdrawal of the adult from a valued activity, or deprivation of normal contact;
- humiliation, e.g. name calling, making a person feel ashamed of involuntary behaviour, or making physical appearance or disability a target for ridicule;
- indifference, e.g. denying or failing to recognise the adult's choice, opinion, privacy and dignity, or the intentional or unintentional withholding of information from the adult;
- emotional blackmail, e.g. threats of abandonment by a partner/carer to leave;
- the denial of basic human rights and civil liberties, e.g. negating a person's beliefs or culture through racial abuse;
- denial of the adult's sexuality;
- the treatment of adults as children (infantilisation).

Signs that psychological abuse may be taking place include:

- low self esteem, depression or tearfulness;
- lack of confidence or anxiety;
- a feeling of worthlessness, and perhaps self-abuse or self-neglect;
- agitation;
- ambivalence or resignation;
- increased levels of confusion, a decreased ability to communicate or urinary or faecal incontinence;
- sleep disturbance;

- the adult feeling or acting as if they are being watched all of the time;
- the adult withdrawing themselves from valued social activities or contacts;
- the adult using language that they wouldn't normally, e.g. communication that sounds like things that the perpetrator might say;
- the adult showing signs of behaviour that is out of character, e.g. overtly promiscuous, sexually overt, anger or verbal outbursts;
- the adult showing deference or submission to the perpetrator.

Physical abuse

Physical abuse is the physical ill-treatment of an adult, which may or may not cause physical injury.

This may include:

- hitting, punching or slapping;
- pushing or shaking;
- kicking;
- pinching or scratching;
- improper administration of medications or treatments or denial of prescribed medications/treatments.

Physical abuse can also occur when people are not provided with adequate care and support, causing them unjustifiable physical discomfort. This can include:

- inappropriate use of restraint or sanctions such as forced isolation;
- the withholding of food, drink or necessary aids to mobility or independence such as walking aids, hearing aids, spectacles or dentures.

Signs that physical abuse may be taking place can include:

- injuries in unusual places, e.g. cheeks, ears, neck, inside of mouth or buttocks;
- injuries that are the shape of objects, e.g. a hand, teeth marks, a cigarette burn or rope burn;

- injuries to head or scalp, e.g. black eyes;
- the presence of several injuries, bruises or scars of a variety of ages (look for fading);
- burns or scalds with clear outlines or that have a uniform depth over a large area like the buttocks for instance;
- unexplained fractures, dislocations or sprains;
- injuries that have not received medical attention;
- marks of physical restraint;
- skin infections;
- dehydration or unexplained weight changes;
- medication being 'lost' or misplaced;
- evidence of over or under use of medication;
- sleep deficit or unexplained fatigue;
- a change in the adult's usual behaviour patterns or physical functioning;
- behaviour that indicates that the adult is afraid of the perpetrator or is avoiding the perpetrator, or is afraid in the presence of certain objects;
- the person flinches at physical contact or asks not to be hurt;
- he or she seems reluctant to undress or uncover parts of the body;
- a person being taken to many different places to receive medical attention.

Sexual abuse

Sexual abuse includes acts which involve physical contact, and others that do not. It can include an isolated incident of assault, or sexual acts within an ongoing relationship where the adult is unable to give consent, either because of impaired capacity or because the power imbalance in the relationship is too great for the consent to be considered important by the perpetrator.

Abuse usually involves acts performed by the perpetrator on the person being abused, but adults at risk might sometimes be forced or persuaded to do things to themselves, the perpetrator or others.

Contact sexual abuse may include:

- sexual acts to which the adult has not consented or could not consent, or where he or she was pressured into giving consent, e.g. rape, sexual assault, penetration or attempted penetration of vagina, anus or mouth with or by penis, fingers or other objects;
- being touched in a sexualised manner on the breasts, genitals, anus or mouth, or masturbation of either or both persons.

Non-contact sexual abuse may include:

- voyeurism, e.g. the adult being forced or coerced to be photographed or video-taped, or made to let other people look at their body;
- being subjected to indecent exposure;
- serious sexual teasing, innuendo or harassment.

Any sexual activity involving staff and service users will be regarded as contrary to professional standards and hence abusive.

Signs that sexual abuse may be taking place:

- sexually transmitted diseases, recurrent bouts of cystitis or unexpected pregnancy;
- pain, itching, tears, bruises or bleeding in genital or anal areas;
- bruises on the abdominal area, inner thighs or breasts;
- torn or blood-stained underwear;
- evidence of soreness when the adult is sitting or walking;
- unexplained problems with catheters or going to the toilet;

- oral infections;
- behaviour that shows the adult is trying to take control of their body image, e.g. symptoms of eating disorders such as anorexia or bulimia and evidence of self-harm;
- withdrawal;
- the adult using overtly sexualised behaviour or language that is unusual for them;
- disturbed sleep patterns;
- any sudden changes in behaviour, particularly incontinence or confusion.

Financial or material abuse

Financial or material abuse involves an individual's funds, resources or possessions being taken or inappropriately used by a third party. There are certain factors that may increase the risk of a person being financially abused: for instance where he or she lacks capacity or numeracy skills; where he or she lives alone and is regarded as 'vulnerable' within the local community; or where there is a dependence on other people with the management of finances.

Financial or material abuse may include:

- theft, fraud or extortion through threat;
- exploitation, e.g. preventing the adult access to independent legal advice, or exerting pressure to influence the drawing up of a will;
- the misuse or misappropriation of property, possessions or benefits by someone who has been trusted to handle the adult's finances, or who has assumed control of their finances by default;
- preventing the adult's access to his or her funds or possessions.

Signs that financial or material abuse may be taking place:

- sudden loss of assets or unexplained withdrawals from a person's bank/savings account;
- unusual or inappropriate financial transactions;

- the disappearance of bank statements, other documents or valuables including jewellery;
- visitors whose visits always coincide with the day the person's benefits are cashed;
- a person's inability to explain what is happening to their income;
- insufficient food in the house or bills not being paid;
- loans being taken out by the adult in circumstances that give cause for concern;
- disparity between the adult's assets and living conditions;
- reluctance on the part of family or friends or the person controlling funds to pay for replacement clothes or furniture;
- the person who is managing the adult's finances being overly concerned with money, or perhaps experiencing some kind of financial difficulty themselves;
- a feeling that the adult is being tolerated in the family home due to the income their benefits generate, and not being included in the activities the rest of the family enjoys;
- recent changes in property title deeds, or alteration of wills or signing over of assets.

Neglect and acts of omission

Neglect is the deliberate withholding of, or unintentional failure to provide a necessary level of care and support for an adult to meet his or her identified/assessed needs. Active neglect is a refusal to meet care-giving obligations. Passive neglect on the other hand is a general failure to fulfil those obligations.

Where either type of neglect results in the impairment of, or an avoidable deterioration in physical or mental health, or the impairment of physical, intellectual, emotional, social or behavioural development, this is considered ill-treatment.

An act of omission may also occur when a health or social care professional fails to meet the standards required of them by their professional code of conduct, e.g. standards set out by the Nursing and Midwifery Council (NMC) or the General Social Care Council (GSCC).

Significantly, the Mental Capacity Act 2005 introduces a new criminal offence of 'wilful neglect', which if proven in a court of law may result in prosecution.

Neglect and acts of omission may include:

- an adult's medical or physical care needs being ignored to such an extent that their health and well-being is impaired;
- administering too much, too little, or the wrong type of medication;
- a failure to allow the adult access to appropriate health, social care or education services;
- the withholding of the necessities of life, such as adequate nutrition, heating or clothing;
- a failure to intervene in situations assessed to be dangerous to the adult or others around them, especially when the person lacks capacity to assess risk.

Signs that neglect or acts of omission may be taking place:

- malnutrition and/or dehydration;
- unexplained rapid or continuous weight loss or weight gain;
- poor physical condition, e.g. skin ulcers or excoriation, pressure sores or a pale or sallow complexion;
- hypothermia due to inadequate heating or lack of suitable clothing;
- the adult not having access to necessary aids to mobility or independence, e.g. walking aids, hearing aids, spectacles or dentures;
- the adult being exposed to unacceptable risk;
- the wearing of inadequate or inappropriate clothing;
- evidence of untreated medical problems;
- evidence of personal care support not being given, e.g. poor hygiene, incontinence odour, dirty fingernails, old food residue in-between teeth, broken or missing dentures or stained clothing;

- the adult being left in a soiled or wet bed, or expected to sleep in dirty or soiled bedding;
- callers/visitors being refused access to the person;
- missed medical appointments and a carer's/care worker's reluctance to involve health and social care professionals in the person's care.

If neglect is due to a carer being overstretched or under-resourced, the carer may seem very tired, anxious or apathetic.

Discriminatory abuse

Discriminatory abuse is motivated by oppressive and prejudicial attitudes towards a person's disability (including physical or sensory impairment, learning difficulty or mental ill-health), their age, race, gender, religion, cultural background, sexual orientation or social situation, or dependence on substances such as drugs or alcohol.

Discriminatory abuse may include:

- psychological abuse, e.g. slurs, harassment, name-calling, bullying or indifference;
- physical abuse or assault;
- sexual abuse;
- financial abuse;
- inequality in access to or standards of statutory service provision such as health or social care or Police or housing services;
- breaches in civil liberties and denial of rights, e.g. the right to vote or to make a complaint;
- neglect.

Signs that discriminatory abuse may be taking place:

- an older person being acutely aware of their age or of 'being a burden';
- the same may apply to a person who has a physical or sensory impairment;

- the adult may seem overly concerned about how others perceive their behaviour, skin colour, sexual preference etc.;
- the adult may try to be more like other people and hide their individuality;
- the adult may react angrily when attention is drawn to their individuality;
- the adult's carer may be overly critical or anxious about these issues;
- disparaging remarks may be made;
- the person may be made to dress differently.

Equality/hate incidents and crime

Durham County Council's 'Corporate Equality Plan' describes equality or hate incidents as those which are caused by someone who has a prejudice against a group of people. The plan provides some examples of incidents which should be referred:-

- Any racist incident believed to be racist by the victim or any witnesses. It is unlawful to discriminate on grounds of race, colour, nationality, faith, ethnic or national origin. Gypsy and Traveller communities are also covered by race legislation;
- Homophobic incidents motivated by prejudice against lesbian, gay or bisexual people. 'Straight' people may also be victims of incidents related to sexual orientation;
- Incidents aimed at people of a particular faith, asylum seekers or refugees;
- Incidents aimed at disabled people, including people with learning disabilities or mental health needs;
- Incidents in which age may be a factor – particularly for older or younger people;
- Gender incidents, including those relating to the trans community (transvestite, transgender or transsexual people).

In the context of safeguarding work, adults at risk who are affected by/are victims of equality or hate incidents and crime should be referred to the safeguarding adults procedures. And, as with other safeguarding concerns that might constitute criminal activity, serious incidents including attack, domestic violence and threatening behaviour should always be reported to the Police who will take any necessary immediate action and may also choose to participate as partners in the safeguarding process.

Multiple or institutional abuse

Multiple or institutional abuse includes the practice of an abusive regime or culture which denies an adult or group of adults the care, support, dignity and respect to which every human has a right.

Institutional abuse may occur when an individual's needs and choices are ignored or trivialised in order to make an institution or organisation easier to manage and run and/or to save the organisation's resources.

Multiple or institutional abuse may include:

- any one or combination of the forms of abuse described above, especially neglect or omission;
- the involvement of more than one abuser, and sometimes a number of adults will experience the abuse, e.g. hate crime against particular groups, or several family members mistreating an adult who is dependent upon them in some way;
- professional and non-professional staff including managers and volunteers misusing their position of power over the adults in their care;
- inappropriate use of medications to manage an adult's behaviour;
- bad practice in services not being reported and going unchecked and unchallenged.

Multiple or institutional abuse may not come to light until years after the event. Signs that this type of abuse may be taking place are:

- arbitrary decision making by the agency/organisation or service;
- in residential homes, strict, regimented or inflexible routines for rising, retiring, mealtimes, going to the toilet and bathing etc.;
- over-medication of people;
- evidence of inappropriate physical interventions taking place;
- the absence of effective care plans and risk assessments;
- a lack of regard for people's dignity and need for privacy;
- denial of individuality and opportunities to make informed choices and take responsible risks;
- lack of stimulation and opportunities for people to engage in social and leisure activities;

- lack of provision to meet specific cultural or spiritual needs;
- lack of personal clothing and possessions;
- in care settings an unsafe and unhygienic living environment.

For multiple abuse, severe abuse or institutional abuse the Safeguarding Adults Team Practice Development Officers can be contacted for advice.

Domestic violence

Domestic violence may include any or all of the types of physical, sexual, emotional and financial abuse listed above. It can happen in any family relationship. It can be carried out by men against women, but also women against men.

Signs that domestic violence may be taking place:

- symptoms of physical abuse;
- symptoms of sexual abuse;
- the adult feeling guilty and 'to blame' for the abusive situation;
- a child in the family becoming unusually protective of its mother, father or siblings, sometimes by intervening to prevent physical assault;
- the adult 'escaping' into substance misuse or dependence;
- the adult expressing homicidal thoughts or actions.

Forced Marriages

A forced marriage is one where one or both of the spouses do not, or perhaps in the case of an adult at risk, are not able consent to the marriage and an element of duress is involved. Duress can include physical, psychological, sexual and emotional pressure. Forced marriage is regarded as a form of domestic abuse for adults, and where children are involved, child abuse. It is not a practice advocated in any religion or as a cultural norm. It is often used as a means to preserve the so called 'family honour' and is not to be confused with an arranged marriage, where the spouses have the choice to accept or reject the arrangement.

Forced marriage happens to both males and females. The majority of victims are females between the ages of 13 and 30 and it can occur in the UK or overseas. The majority of forced marriages reported to date are from victims in South Asian communities, although there have been cases involving families from Africa, Europe and the Middle East.

The Forced Marriage (Civil Protection) Act 2007 establishes a range of provisions to protect those who have been forced or are facing a forced marriage, and a 'Forced Marriage Protection Order' is to be introduced. The focus of such an order is on the protection of the

victim; it might require passports or travel documents to be handed over, stop someone from being taken abroad, prevent the marriage taking place, stop contact with the victim and can allow a change of name. Applications, which will need to be made to the Family Court, can be made by the victim, any person on behalf of the victim with the court's permission, or a relevant third party on behalf of the victim where the court's permission is not required (guidance regarding relevant third parties is yet to be developed although this category may well include Local Authorities).

Forced marriage cases require a completely different working approach to the usual guiding social work principles, since the victim's family - far from being advocates and protectors - are the perpetrators of abuse and pose the most risk to the adult at risk. The agencies involved in dealing with these cases will need to be fully sensitive to the issues surrounding forced marriage in order to understand the need for confidentiality, which is essential to the safety of the victim.

In the context of safeguarding, adults at risk who are forced into marriage or are facing forced marriage can be referred through the safeguarding procedural framework, but given the paramount importance of confidentiality, the Police must be contacted for advice immediately. Contact **must not be made** with the adult's family or supporters.

Honour-based violence

So-called 'honour based violence' (HBV) is a fundamental abuse of human rights. It cuts across all cultures, nationalities, faith groups and communities and transcends national and international boundaries. But HBV is not a *form* of violence; rather, it is a *reason* given for the perpetration of violence. HBV practices are used to control behaviour and exert power within families in order to protect perceived cultural and religious beliefs and/or honour, and to control female autonomy and sexuality. Such violence can occur when perpetrators perceive that an individual has shamed the family and/or community by breaking their 'honour code', and can be derived from issues such as:

- inappropriate make-up or dress;
- the existence of a boyfriend;
- rejecting forced marriage;
- pregnancy outside marriage;
- interfaith relationships;
- leaving a spouse or seeking divorce;
- kissing or intimacy in a public place;
- becoming too westernised in the eyes of the family.

Victims are predominantly (although not exclusively) women, and most are killed or injured by their husbands. Fathers, mothers and brothers too have been responsible for killing or injuring a daughter in the family. A small percentage of victims are male – those deemed to be involved in an inappropriate relationship (homosexual or as partners of the female party), or for showing support for the victim. HBV can additionally be a child protection issue.

Features of this type of crime include relatives colluding or conspiring and aiding and abetting the violence or killing, them planning the act in advance and/or trying to conceal the act to appear as suicide or accident, and an agreement that the victim deserves to die. Incidents of HBV can include murder, un-explained death (suicide), fear of or actual forced marriage, female genital mutilation, controlling sexual activity, domestic violence, child abuse, rape, kidnapping, false imprisonment, threats to kill, assault, harassment and forced abortion (this list is not exhaustive, indeed, any incident or crime can potentially be HBV motivated - e.g. missing person report).

In the context of safeguarding, adults at risk affected by honour based violence can be referred through the safeguarding procedural framework. However - as with forced marriage - given the paramount importance of confidentiality, the Police must be contacted for advice immediately. Contact **must not be made** with the adult's family or supporters.

This is not an exhaustive list.

NEW COLLEGE DURHAM



Safeguarding Young People and Adults At Risk Concerns Form

Name of Student.....Date of Birth.....

Course (if known).....

Address and Telephone Number (if known).....

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Name of Staff Identifying Concerns

Role and Contact Number:

Nature of Concerns.....

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Date & time identified.....

Date recorded..... Signed.....

Please contact the Designated College Staff about any concerns. Peter Rasmussen (Director of Curriculum and Quality, 14 – 19 Developments), Malcolm McBain (Head of Student Support Services, Christine Padgett (Manager, ASC).