



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: December 2015**

<b>Procedure Title</b>	<b>Safeguarding Vulnerable Groups – Essential Recruitment and Selection Procedure</b>
<b>Document Owner</b>	<b>Director of HR and Corporate Services</b>
<b>Owning Directorate</b>	<b>Corporate Services</b>
<b>Owning Department</b>	<b>Human Resources</b>

<b>Directorates and Departments affected by this Procedure</b>	<b>All staff</b>
<b>Procedure Effective From</b>	<b>26 June 2013</b>
<b>Next Review Date</b>	<b>January 2021</b>

<b>Contents</b>		<b>Page</b>
<b>1.</b>	<b>Introduction</b>	<b>4</b>
<b>2.</b>	<b>Prevailing Legislation and Check Levels</b>	<b>5</b>
<b>3.</b>	<b>The Recruitment Process</b>	<b>6</b>
<b>4.</b>	<b>Checking Procedures and Information</b>	<b>7</b>
<b>5.</b>	<b>The Single Central Record</b>	<b>13</b>
<b>6.</b>	<b>Code of Conduct</b>	<b>13</b>
<b>7.</b>	<b>Procedure Review</b>	<b>13</b>
<b>Annex</b>		
<b>A.</b>	<b>DBS Guidance</b>	<b>15</b>
<b>B.</b>	<b>NCD Roles covered by the Rehabilitation of Offenders Act 1974 (ROA) Exceptions Order 1975.</b>	<b>25</b>
<b>C.</b>	<b>Glossary of Terms</b>	<b>26</b>
<b>D.</b>	<b>Flowchart – DBS and Barred Lists Decision</b>	<b>28</b>
<b>E.</b>	<b>New College Durham Code of Conduct</b>	<b>29</b>

# **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 "Keeping Children Safe in Education" (July 2015).
- 1.4 All staff of the College should read part 1 of Keeping Children Safe in Education (July 2015) which can be found on the College's HR intranet page.

- 1.5 This Procedure is designed to inform staff of the College's legal responsibility to safeguard vulnerable groups and to ensure safe working practices apply.
- 1.6 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.
- 1.7 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 (supported by 'Keeping Children Safe in Education', requires 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, students 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 All interview panels will consist of at least one member who has undertaken Safer Recruitment Training, which covers as a minimum, the guidance as outlined in Keeping Children Safe in Education (July 2015).
- 3.8 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.
- 3.9 All new staff will be appropriately inducted with training and information regarding the College's Policies and Procedures including those related to SVG.
- 3.10 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 regulated activity. A role involves regulated activity if as a result of their work they:

- Will be responsible, on a regular basis in a College, for teaching, training, instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid, work regularly in a College where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once.

For staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an

enhanced DBS certificate, which does not include a barred list check, will be appropriate.

#### 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 3.8) 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 Where a newly appointed lecturer does not hold a recognised teaching qualification, it will be the College's expectation that they undertake the College's "Teaching, Learning and Assessment Toolkit" programme within their probationary period.

#### **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*". If a candidate for a teaching post (unless this is their first teaching post) is not currently employed as a teacher the College will check with the school, college or local authority at which they were most recently employed and previously undertook teaching, to confirm details of their employment and their reasons for leaving.
- 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 Code of Conduct**

6.1 The College's Code of Conduct applies to all College employees and can be found at Annex E. Employees should be aware that failure to comply with the Code of Conduct could result in disciplinary action including dismissal. The Code of Conduct is designed to give clear guidance on the standards of behaviour all staff are expected to observe.

## **7 Procedure Review**

7.1 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.

7.2 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 (completed)	June 2013
Second Review (completed)	December 2015
Third Review	January 2021

## **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 individual 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 staff member.

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 18<sup>th</sup> 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.*

**NO**

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

**YES**

**NO**

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

**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.*

**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.

## **New College Durham Code of Conduct**

This code of conduct shall provide clear guidance on the standards of behaviour all college staff are expected to observe. Failure to comply with the Code of Conduct could result in disciplinary action including dismissal. A serious breach of this code may result in a referral being made to an external or statutory agency.

New College Durham seeks to provide a safe and supportive environment where the welfare and health and safety of students and staff is paramount. Staff should act professionally at all times. All staff have a duty of care to keep students safe and are accountable for the way in which they use their authority and position of trust.

### **1. Setting An Example**

a. All staff must:

- avoid using inappropriate or offensive language at all times;
- demonstrate high standards of conduct to encourage students to do the same;
- avoid putting themselves at risk of allegations of abusive or unprofessional conduct.

### **2. Safeguarding**

- All staff have a role to play in safeguarding children;
- All staff are responsible for their own actions;
- All staff are required to read Part 1 of Keeping Children Safe in Education (July 2015) as well as the College's relevant safeguarding policies and procedures;
- All staff are required to undertake Safeguarding Training which should be refreshed every three years;

- All staff should take reasonable care of students under their supervision with the aim of ensuring their safety and welfare;
- Any safeguarding concerns should be reported to the College's designated safeguarding lead;
- All staff and work placement providers should be aware of, and follow, the College's safeguarding procedures;
- Staff should never give out their own personal details or the personal details of other members of staff or students;
- Staff must never access, store or disseminate inappropriate images;
- Staff should never make contact with students outside of College for the purpose of 'friendship', including via the use of Social Media;
- All staff must accept the terms of the College's E-Mail, Internet and Telephone Monitoring Policy and Data Protection Policy and they must adhere to the College's Acceptable Use Policy for Network Registration, by signing and dating the statement. Staff who do not adhere to this, will not be given access to College systems or networks;
- Staff are encouraged to report any suspected infatuation or any situation which they may feel compromises their professional standing;
- Staff are vulnerable to accusations when working alone with a student. If possible leave the door open or use a room with a window in the door. Avoid travelling in a car with one student.



**New College Durham**

**Policy on  
Safeguarding Young People  
and  
Adults at Risk**

**Reviewed and Approved  
Vice Principal Team  
December 2015**

**Revised: December 2015  
Review Date: September 2016**

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

This Policy applies to all activity undertaken by the College in pursuing its purpose as an educational institution whilst serving its students, community and wider stakeholder interests.

If you require this document in an alternative format and/or language, please contact Lynne Moore, 0191 375 4027 or email [lynne.moore@newdur.ac.uk](mailto:lynne.moore@newdur.ac.uk)

This policy is available via College Intranet at <https://ncdonline.newdur.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;
- To make suggestions or for further information please contact the Policy Author:

Malcolm McBain, Head of Student Progression  
Curriculum and Quality Directorate

Tel: 44 191 375 4374

Email: [malcolm.mcbain@newdur.ac.uk](mailto:malcolm.mcbain@newdur.ac.uk)

or

Minicom: +44 191 3832371

Fax: +44 191 3754222

#### \*Equality Impact Assessment

This policy has been subjected to a rigorous assessment for any potential impact on the full range of stakeholders with those impacts being assessed and considered and, where appropriate, suitable adjustments to the policy have been included prior to the adoption of the policy.

#### *Footnote*

*In an effort to keep costs to a minimum a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Intranet.*

## Contents

1.	Rationale .....	2
	Key Definitions and Concepts .....	2
2.	Aim .....	3
3.	Principles on Which the Policy is Based.....	3
4.	Student Entitlements .....	4
5.	Student Responsibilities .....	4
6.	Teaching Staff Responsibilities.....	4
7.	College Management Responsibilities.....	5
	The Corporation.....	5
	The Principal and Chief Executive.....	6
	College Managers .....	6
	Designated Safeguarding Lead .....	6
8.	Standards by which the Success of this Policy can be Evaluated .....	7
9.	Responsibility for Implementing this Policy.....	7
10.	Review of this Policy.....	8
11.	Associated Policies, Procedures, Legislation and Guidance .....	8

# 1. Rationale

New College Durham recognises its legal duty under the Education Act 2002 and the 1989 and 2004 Children Acts and that it has an important role to play in helping to promote and safeguard the welfare of Young People and Adults at Risk to help protect them from abuse. This Policy has regard to the statutory guidance Working Together to Safeguard Children, 2015 and Keeping Children Safe in Education, 2015

In reviewing this Policy, the following key representatives were consulted:

Training and Communications Officer, Durham County Council

Safeguarding Officer, Durham County Council

New College Durham Students

PREVENT Co-ordinator

## Key Definitions and Concepts

### a. Young People

Those under the age of 18, that is, up until his/her 18th birthday”.

### b. Adults at Risk (formerly known as Vulnerable Adults)

Anyone over 18 years of age who:

- may have learning or physical disabilities
- may have mental health problems
- may be old, frail or ill
- cannot always take care of his/herself or protect his/herself without help

The Safeguarding Adults Board defines an Adult at Risk as:

*Someone aged 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.*

### c. PREVENT

An element of CONTEST, the UK Government’s counter-terrorism strategy, defined as:

*Stopping people becoming or supporting terrorists or violent extremism.*

*Violent extremism in the name of ideology or belief is defined as violence, incitement to violence, terrorism, incitement to terrorism, or other activities that may result in violent behaviour or terrorist activity in the name of an ideology or a set of beliefs.*

An integral element of the College’s Safeguarding ethos is encouraging students to respect the Fundamental British Values of:

- democracy and the rule of law
- individual liberty and mutual respect
- tolerance of those with different faiths and beliefs

## 2. Aim

This policy will enable New College Durham to demonstrate its commitment to keeping young people and adults at risk with whom it works safe. It should be read in conjunction with all of the associated College Policies and Procedures. The College acknowledges its duty to act appropriately and immediately to any allegations, reports or suspicions of abuse. Underpinning the aim is a series of objectives which, once achieved will demonstrate the fulfilment of the stated aim of this policy.

This policy will fulfil the stated aim by ensuring that the College will:

- a. establish a safe environment in which its learners can learn and develop;
- b. ensure safe recruitment in checking the suitability of staff to work with young people and/or adults at risk;
- c. develop and implement procedures for identifying and reporting cases, or suspected cases, of abuse;
- d. have a Designated Safeguarding Lead (DSL) and provide his/her name to all staff and students;
- e. promote good practice and work in a way that can prevent harm, abuse and coercion occurring by providing training for all staff in, and raising awareness of, safeguarding issues within the whole college;
- f. ensure that any allegations of abuse or suspicions are dealt with appropriately and immediately, and that the person experiencing abuse is supported.

## 3. Principles on Which the Policy is Based

New College Durham believes that all those who come into contact with young people and/or adults at risk in their everyday work have, and must discharge, a duty to safeguard and promote their welfare. The College seeks to achieve this by:

- a. providing a safe environment free from disruption, violence, bullying and any form of harassment;
- b. assessing the risk that harm will be caused to young people and/or adults at risk;
- c. providing clearly defined reporting procedures and response mechanisms that ensure safeguarding responsibilities are met;
- d. ensuring that measures exist to minimise the risk of abuse and maximise the potential for safeguarding from abuse by those in a position of trust;
- e. having due regard to the need to combat discrimination and ensure procedures are equitably applied to all young people and adults at risk;
- f. provide initial and refresher training and development opportunities for designated staff and representatives;
- g. ensure advice and support is in place to help its staff and representatives play their part in safeguarding young people and adults at risk;

- h. evaluate the implementation, monitoring and evaluation of its safeguarding policy.

## **4. Student Entitlements**

All students are entitled to:

- a. be taught in environments which are safe, conducive to learning and free from disruption or threat of harm;
- b. expect appropriate action from the college to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment;
- c. have any report of safeguarding issues taken seriously by the college and investigated/resolved as necessary;
- d. be treated with respect;
- e. contribute to the review of this policy.

## **5. Student Responsibilities**

Providing a safe atmosphere which enhances a learner's college experience is a shared responsibility which also places responsibilities on students. Student entitlements are most likely to be met fully when they:

- a. show respect to college staff, fellow students, college property and the college environment;
- b. take a positive and proactive role within the College and online to keep themselves and others safe;
- c. follow the reasonable instructions of college staff and others involved with their learning;
- d. report any incidents of concern (and are encouraged to do so);
- e. appreciate that they are not allowed to increase safeguarding risks to themselves or others, or use the College identity online (or in other media) inappropriately;
- f. adhere to the student charter and do not contravene any aspect of the student disciplinary code;
- g. co-operate with, and abide by, any arrangements put in place to support their behaviour.

## **6. Teaching Staff Responsibilities**

All College staff and volunteers have a responsibility to:

- a. be aware of and implement the College's Policy and Procedure on Safeguarding Young People and Adults at Risk;
- b. provide a safe, secure and supportive environment for Young People and Adults at Risk;
- c. listen to Young People and Adults at Risk and respond in an appropriate way;
- d. protect Young People and Adults at Risk from abuse;

- e. make referrals, preferably via a Designated Safeguarding Lead, in accordance with the College, LSCB, SAB and procedures;
- f. recognise that, if at any time there is a risk of immediate serious harm to a person, a referral should be made to First Contact immediately. Anybody can make a referral. If the person's situation does not appear to be improving, the staff member with concerns should press for re-consideration. Concerns should always lead to help for the person at some point;
- g. undertake Safeguarding training, appropriate to their role.

## 7. College Management Responsibilities

### The Corporation

“Governing bodies must ensure that they comply with their duties under legislation. They must also have regard to this guidance to ensure that the policies, procedures and training in their colleges are effective and comply with the law at all times.” [DfE (2015), Keeping Children Safe]. The Corporation ensures that:

- a. there are effective safeguarding policies and procedures that are in line with the Local Safeguarding Children Board (Durham LSCB) and County Durham Safeguarding Adults Board (SAB) procedures and that the policy is made available to students or parents/carers on request;
- b. the College operates safe recruitment procedures and appropriate checks are carried out on staff and volunteers who work with Young People and Adults at Risk;
- c. procedures for dealing with allegations of abuse against members of staff or volunteers comply with the LSCB and SAB inter agency procedures;
- d. there are Designated Safeguarding Leads (DSLs), including a Senior Manager who takes lead responsibility for dealing with safeguarding issues;
- e. Designated Safeguarding Leads undertake approved training to the standards agreed by the LSCB and SAB every 2 years and support other staff;
- f. the Principal and Chief Executive and other staff who work with Young People and Adults at Risk 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 and Adults at Risk;
- g. it monitors the College's compliance and undertakes an annual review of the Safeguarding Young People and Adults at Risk 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 and Chief Executive;

## The Principal and 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 Safeguarding Leads 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 Adults at Risk and that 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 s(he) may be unsuitable to work with Young People and Adults at Risk.

## College Managers

- a. embrace a whole College approach to promoting and safeguarding the welfare of young people and adults at risk;
- b. consider how learners may be taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum, including covering relevant issues through personal and social health education (PSE);
- c. 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;
- d. ensure that all students are taught in environments which are safe, conducive to learning and free from disruption or threat of harm;
- e. ensure this policy and its associated procedure are implemented within their areas.

## Designated Safeguarding Lead

The Governing body should ensure that the college designates an appropriate senior member of staff to take lead responsibility for young people and adults at risk protection. This person should have the status and authority within the college to carry out the duties of the post including committing resources and, where appropriate, supporting and directing other staff (*ibid* Keeping Children Safe). When required, (s)he has the responsibility for:

- a. liaison with the local authority, other agencies and schools, including those with Key Stage 4 pupils attending College;
- b. the referral of cases of suspected abuse or allegations of abuse to the relevant investigating agencies, contributing to assessment /case conferences as appropriate;

- c. acting as a source of support, and expertise within the College when deciding whether to make a referral and liaising with relevant agencies;
- d. liaising with the Principal and Chief Executive to inform him/her of any issues and on-going investigations and ensure there is always cover for this role;
- e. undertaking child protection and inter-agency training, including refresher training every 2 years, to ensure roles and responsibilities are carried out effectively;
- f. ensuring staff who work with Young People and Adults at Risk have information on the Safeguarding Young People and Adults at Risk Policy and its associated Procedure and they participate in appropriate induction and training;
- g. maintaining accurate, secure records of referrals or concerns;
- h. working with the Corporation to ensure that the Safeguarding Young People and Adults at Risk Policy and its associated Procedure are updated and that arrangements are reviewed annually;
- i. identifying appropriate methods to inform students, parents and carers of the College's safeguarding and partnership arrangements;
- j. forwarding relevant information when Young People and Adults at Risk who are subject to a Child Protection Plan, or move to another educational establishment.

## **8. Standards by which the Success of this Policy can be Evaluated**

- a. Learner voice feedback received from surveys, focus groups, forums and during tutorials;
- b. Formal reflection of, and reporting on, operating safeguarding procedures through the recording, monitoring, and analyses of Safeguarding Concern forms submitted relating to student behaviour;
- c. Self-Assessment and External Review;
- d. staff responses to training and employing appropriate strategies.

## **9. Responsibility for Implementing this Policy**

- a. the Deputy Principal and Chief Executive has overall responsibility for the implementation of this policy and its associated procedure across the College;
- b. the Heads of Department/School and Assistant Principals are responsible for overseeing the operation of this policy and its associated procedure in the Departments/Schools;
- c. Curriculum Managers are responsible for ensuring that course teams collaboratively address the requirements of this policy and its associated procedure;
- d. the teaching staff, including tutors and subject lecturers, are responsible for meeting Student Entitlements;

- e. The College's Equality/Safeguarding Steering Group is a standing body which is accountable, amongst other activities for ensuring intelligence and information is shared to build a comprehensive picture of any Safeguarding issues/problems.

## **10. Review of this Policy**

- a. The Vice Principal Team is responsible for the periodic review of this Policy and its associated Procedure.
- b. the next review is due to take place in December 2016. However, it is recognised that, should there be changes in the relevant legislation or seminal reference points, then this will necessitate an earlier review.

## **11. Associated Policies, Procedures, Legislation and Guidance**

Promoting and Safeguarding the Welfare of Young People and Adults at Risk includes:

- a. ensuring the safe recruitment of staff (Recruitment and Selection Procedure, Disclosure and Barring 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 Harassment, Bullying and Victimisation in the Workplace Policy, Work Placement Policy, First Aid Policy, Prevention and Management of Substance Misuse Policy, Young Persons Policy, Disciplinary Procedure, Race Equality Policy, Tutorial Policy, PREVENT Strategy). 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 and Adults at Risk to keep themselves safe (opportunities through the curriculum, tutorial, preparing for work experience, through the relevant themes of Spiritual, Moral, Social and Cultural development and links with Advice, Support and Careers (ASC) service, Learner Development Co-ordinator and New College Durham Students' Union);
- d. taking all measures to ensure that students are suitably protected from the risks associated with radicalisation and extremism;
- e. refer to Procedure for Safeguarding Young People and Adults at Risk for Key Definitions and Concepts (page 2), and Types of Abuse and How to Recognise Them (Appendix A).

This policy and its accompanying procedure are underpinned and shaped by the relevant legislation and guidance including:-

- a. Working Together to Safeguard Children 2015 (DfE)
- b. Keeping children safe in education – DfE April 2015 \*

- c. Counter-Terrorism and Security Act February 2015
- d. The Children Act 1989
- e. The Education Act 2002
- f. The Children Act 2004
- g. What To Do If You're Worried A Child Is Being Abused – DfE 2006
- h. Safeguarding Children and Safer Recruitment in Education – DfE January 2007
- i. Durham Local Safeguarding Children Board (LSCB) Child Protection Procedures ([www.durham-lscb.gov.uk](http://www.durham-lscb.gov.uk))
- j. County Durham Safeguarding Adults Inter-Agency Partnership (<http://www.safeguardingdurhamadults.info>)
- k. County Durham Practice Framework: Single Assessment Procedure and Practice Guidance – April 2014
- l. Care Act May 2014
- m. The Human Rights Act 1998
- n. Equality Act Oct 2010
- o. No Secrets' Guidance – Department of Health 2000
- p. Mental Capacity Act 2005
- q. Safeguarding Adults – National Framework of Standards, Association of Directors of Social Services 2005
- r. Safeguarding Vulnerable Groups Act 2006
- s. Safeguarding Adults – County Durham Inter-Agency Policy Statement of Commitment, 2012
- t. Safer Practice, Safer Learning – a whole organisation approach. National Institute of Adult and Continuing Education 2007
- \* This is the key statutory document for Safeguarding in Schools and Colleges. All schools and colleges must have regard to this statutory guidance when carrying out their duties to safeguard and promote the welfare of children.



**New College Durham**

**Procedure  
for  
Safeguarding Young People  
and  
Adults at Risk**

**Reviewed and Approved  
Vice Principal Team  
December 2015**

**Revised: December 2015  
Review Date: December 2016**

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

An integral element of the College's Safeguarding ethos is encouraging students to respect the Fundamental British Values of:

- democracy and the rule of law
- individual liberty and mutual respect
- tolerance of those with different faiths and beliefs

This Procedure refers to the New College Durham Policy on Safeguarding Young People and Adults at Risk and serves to demonstrate the College’s commitment to keeping safe those young people and adults at risk with whom it works. It should be read in conjunction the PREVENT Strategy along with all other associated College Policies and Procedures.

## Contents

<a href="#">1. Equality and Diversity Assessment</a> .....	1
<a href="#">2. Scope and Purpose</a> .....	2
<a href="#">Key Definitions and Concepts</a> .....	2
<a href="#">3. Responding to Disclosures and Allegations of Abuse</a> .....	4
<a href="#">Receiving a Disclosure</a> .....	4
<a href="#">4. Following up a Disclosure, Allegation or Suspicion of Abuse</a> .....	5
<a href="#">5. Dealing with Allegations of Abuse Against College Staff</a> .....	7
<a href="#">6. Referral to Department for Education</a> .....	10
<a href="#">Appendix A: Types of Abuse and how to recognise them</a> .....	i
<a href="#">Physical Abuse</a> .....	i
<a href="#">Emotional Abuse</a> .....	ii
<a href="#">Neglect</a> .....	iii
<a href="#">Sexual Abuse</a> .....	iv
<a href="#">Financial and Material Abuse</a> .....	vi
<a href="#">Discriminatory Abuse</a> .....	vi
<a href="#">Multiple or Institutional Abuse</a> .....	vi
<a href="#">Domestic violence</a> .....	vi
<a href="#">Forced marriage</a> .....	vi
<a href="#">Specific Issues and Further Information</a> .....	vii
<a href="#">Appendix B: Consultation</a> .....	viii
<a href="#">Appendix C</a> .....	1

# Procedure for Safeguarding Young People and Adults at Risk

## 1. Equality and Diversity Assessment

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. 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 the Safeguarding Young People and Adults at Risk Policy Author:

Malcolm McBain, Head of Student Progression  
Curriculum and Quality Directorate  
Tel: 44 191 375 4374  
Email: malcolm.mcbain@newdur.ac.uk  
or  
Minicom: +44 191 3832371  
Fax: +44 191 3754222:

Equality Impact Assessed: December 2015

## 2. Scope and Purpose

This procedure applies to all employees of the New College Durham. The College has an important role to play in helping to promote and safeguard the welfare of Young People and Adults at Risk to help protect them from abuse.

The purpose of the procedure is to help and encourage all staff to achieve and maintain the highest standards of Safeguarding Young People and Adults at Risk.

### Key Definitions and Concepts

a. Young People

Those under the age of 18, that is, up until his/her 18th birthday

b. Adults at Risk (formerly known as Vulnerable Adults)

Anyone over 18 years of age who:

- may have learning or physical disabilities
- may have mental health problems
- may be old, frail or ill
- cannot always take care of his/herself or protect his/herself without help

The Safeguarding Adults Board defines an Adult at Risk as:

*Someone aged 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.*

c. Abuse

The misuse of power by one person over another.

d. Neglect

Can prevent a person, who is dependent on others for his/her basic needs, from exercising choice and control over the fundamental aspects of is/her life and can cause humiliation and loss of dignity.

e. Children in Need of Protection

Some 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.

f. Children in Need

Children and Young People and Adults at Risk 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.

g. Child Sexual Exploitation

The sexual exploitation of children and young people is a form of child sexual abuse. Working Together to Safeguard Children and the National Working Group for Sexually Exploited Children and Young people define sexual exploitation as:

*“Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (eg. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.”*

Sexual exploitation can take many forms from the seemingly ‘consensual’ relationship where sex is exchanged for attention, affection, accommodation or gifts, to serious organised crime and child trafficking. What marks out exploitation is an *imbalance of power* within the relationship. The perpetrator always holds some kind of power over the victim, increasing the dependence of the victim as the exploitative relationship develops.

Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from their peers to have sex, sexual bullying (including cyber bullying), and *grooming* for sexual activity. Technology can also play a part in sexual abuse, for example, through its use to record abuse and share it with other like-minded individuals or as a medium to access children and young people in order to groom them. A common factor in all cases is the lack of free economic or moral choice.

h. 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.

### 3. Responding to Disclosures and Allegations of Abuse

College staff who have regular contact with students are well placed to observe significant changes in a learner's behaviour, a failure to thrive or outward signs of abuse. In addition, Young People and Adults at Risk may choose to share their concerns with staff whom they feel they can trust and with whom they are comfortable. Staff need to know how to respond sensitively to a learner's concerns and whom 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 upon and treated seriously.

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) or Adult at Risk (18 or over). Full details of the Safeguarding Young People and Adults at Risk Policy are available on the College Intranet.

Where a member of staff has any concerns about the risk of possible or actual radicalisation of an individual, then (s)he is required to report that immediately to a Designated Safeguarding Lead (DSL), see Section 4, page 5. The DSL will then refer the concern via CHANNEL, which uses existing collaboration between local authorities, statutory partners, the police and the local community to identify individuals at risk of being drawn into terrorism, assess the nature and extent of that risk and develop the most appropriate support for the individuals concerned.

#### Receiving a Disclosure

##### *You Must ...*

- take allegations or suspicions of abuse seriously;
- respond with tact and sensitivity to anyone who confides in you;
- stay calm and reassure the learner that (s)he is right to tell someone of her/his concerns;
- re-assure the learner that it is right to speak to someone;
- be honest with the learner, take time to explain:
  - the need to pass on the information, to whom, and why (ie. the appropriate person in college who will seek further advice and help);
  - that the learner can accompany you if (s)he wishes;
  - that only the people who need to know will be told;
- allow the learner to speak in her/his own way and time and at her/his own pace. Avoid interrupting when the learner is recalling significant events;
- only clarify what the learner is trying to say and ascertain whether there are any immediate issues of safety for the learner or any other learner(s);

- note as accurately as possible what was said, use the learner’s own words; do not interpret. Ensure the following:
  - include the time, context and location of the disclosure;
  - in addition to the learner’s name, add the learner’s:
    - address
    - date of birth
    - telephone contact
    - college course, if known;
  - date and sign the notes;
  - a College, Safeguarding Concern Form is available to write up “rough notes” taken at the time of disclosure. All notes should be passed on to a Designated Safeguarding Lead;
- report it as soon as practicable (or within the hour) to a Designated Safeguarding Lead.

*You Must Not ...*

- 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 (this may jeopardise future investigations)
- interpret what has been said or make assumptions/judgements about the situation
- contact parents/careers before seeking advice
- talk to the alleged perpetrator(s) or pass on any information about the learner

#### 4. Following up a Disclosure, Allegation or Suspicion of Abuse

- a. contact a College Designated Safeguarding Lead immediately

Malcolm McBain – Head of Student Progression  
+44 191 375 4374, Room B 0.35

Christine Padgett – ASC Manager  
+44 191 375 4163, B 0.17

Kay Wilson – Safeguarding Support Officer  
+44 191 375 4089, B 0.08

- b. in exceptional circumstances, if none of the above Designated Safeguarding Leads are available seek advice from the Principal and Chief Executive;
- c. if, at any point, there is a risk of immediate serious harm to a person a referral should be made to First Contact immediately. Anybody can make a referral. If the person’s situation does not appear to be improving the staff member with

concerns should press for re-consideration. Concerns should always lead to help for person child at some point;

- d. provide written details (a Safeguarding 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;
- e. all written information and rough notes will be retained by a Designated Safeguarding Lead;
- f. the Designated Safeguarding Lead will seek advice from First Contact  
**(03000 26 79 79)**
- g. First Contact will then pass the referral to the Durham Council Community Services Teams, the exact one of which will be determined by the nature of the referral;
- h. where there are serious concerns of 'significant harm' the Designated Safeguarding Lead will refer *immediately* to First Contact;
- i. a referral form will then be forwarded by the Designated Safeguarding Lead to First Contact within 2 days;
- j. in an emergency it may be necessary for a Designated Safeguarding Lead, the Principal and Chief Executive or a member of SEG to call the police if First Contact cannot be contacted or if life appears to be in danger and immediate protection is required;

#### Police Central Unit – 101

- k. inform the Designated Safeguarding Lead if urgent hospital treatment is needed which relates to a Safeguarding issue for a Young Person or Adult at Risk whilst on College premises. Contact the Principal and Chief Executive or a member of SEG in the absence of a Designated Safeguarding Lead;
- l. it may sometimes be necessary to respond immediately to a situation to prevent further harm
  - In an emergency, if the learner is in immediate danger, it may be necessary for a Designated Safeguarding Lead, 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 Safeguarding Lead, and there is immediate risk of harm or need for treatment, the staff member should
    - contact First Contact **(03000 26 79 79)** to make a referral  
(Durham Constabulary CSE Co-ordinator **07946 419 522** in a case of possible Child Sexual Exploitation)
    - follow up this action by informing a Designated Safeguarding Lead at the earliest opportunity;
- m. be aware that medical and criminal evidence may need to be preserved, so *do not* attempt to remove torn or soiled clothing

- avoid touching or moving anything in the immediate environment
- n. copies of the referral, all related notes and correspondence will be kept securely by the Designated Safeguarding Leads, separately from the main student records. The student file will be marked to show the existence of the referral file;
- o. personal information about the learner'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 learner, who will be informed of any follow up arrangements;
- p. the Designated Safeguarding Lead will co-ordinate any requests for information which will contribute to an assessment of the learner and agree monitoring and follow up arrangements as appropriate;
- q. when a young person, who is subject to a Child Protection Plan, leaves College the Designated Safeguarding Lead will inform the new education establishment and arrange the transfer of appropriate information to the appropriate Designated Safeguarding Lead;
- r. evidence on the extent of abuse among Young People and Adults at Risk 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 and Adults at Risk 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 and Adults at Risk;
- s. both the learner, and if required, the member of staff to whom the disclosure was made can access support from the College's Counselling and Support Services.

## 5. 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, Durham Safeguarding Adults Board, Department for Education, United Kingdom employment legislation, laws of natural justice and its own internal procedures. Particular attention will be given to Part Four: Allegations of abuse made against teachers and other staff, Duties as an employer and an employee [DfE (2014), Keeping Children Safe].

The following 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 4 (page 4);

(S)he must not:

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

(S)he must:

- 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 the Principal and Chief Executive, or in his 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 and Adults at Risk in a way that indicates (s)he is unsuitable to work with children or Young People and Adults at Risk

The Principal and Chief Executive will not investigate the matter nor interview the member of staff, person concerned nor potential witnesses. (S)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 (**01207 588247**) as soon as practicable (eg. the same day)
- vi. Consult the Emergency Duty Team through First Contact

**(03000 26 79 79)**

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's Care 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 and 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 suspend 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 6d;
- v. If the person is convicted of an offence the police should also inform the College Principal and 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's Care 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.

## 6. Referral to Department for Education

If, on conclusion of the process detailed in section 6 above, 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 Department for Education is required. If a referral is appropriate the report should be made within one month of the advice being sought.

## Appendix A: 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 (2013) and County Durham Safeguarding training materials.

Lists of signs and symptoms cannot provide a definitive diagnosis of abuse and many children or Young People and Adults at Risk at some time of their life may exhibit one or maybe more of them. However, such signs and symptoms may suggest abuse if a learner 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 learner is being abused should not be discounted. Any concern about a learner 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

Physical abuse is the physical ill treatment of a person which may or may not cause physical injury. It may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a person. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child. It can also occur when a person is not provided with adequate care and support, causing him/her unjustifiable physical discomfort. This can include inappropriate use of restraint or sanctions, withholding of food, drink or necessary aids to mobility or independence.

Possible Signs of Physical Abuse:

- 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)
- Fingertip bruising on front and back of chest (gripping)
- Finger or hand marks on any part of the body
- Ligature 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

This is the persistent emotional maltreatment of a person such as to cause severe and persistent adverse effects on his/her emotional development. It may involve conveying that (s)he is worthless or unloved, inadequate, or valued only insofar as (s)he meet the needs of another person. It may include not giving the person opportunities to express her/his views, deliberately silencing her/him or deriding what (s)he says or how (s)he communicates.

It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a 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.

It may include a calm but destructive attitude towards an 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.

### Possible Signs of Emotional Abuse:

- Speech delay, poor verbal ability, lack of communication skills
- 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

Neglect is the persistent failure to meet a person's basic physical and/or psychological needs and a necessary level of care and support, likely to result in the serious impairment of the person's health and/or development. Neglect can be deliberate or unintentional. Neglect can be:

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

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.

Neglect may also include neglect of, or unresponsiveness to, a person's basic emotional needs.

### Possible Signs of Neglect:

- 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

Sexual abuse includes acts which involve physical contact; it may also include those acts which do not. 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.

Sexual abuse involves forcing or enticing a person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the person 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 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.

Sexual abuse can include an isolated incident of assault, or sexual acts within an ongoing relationship where the person 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.

Sexual abuse usually involves acts performed by the perpetrator on the person being abused, but a person might be forced or persuaded to do things to themselves, the perpetrator or others.

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

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.

Possible Signs of Sexual Abuse:

- Young People 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

## 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. With Adults at Risk, 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 (s)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.

## 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.

## 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. It 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 an organisation's resources.

## 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.

## 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 Online, Safeguarding Adults and Young People Policy or from ASC.

## Specific Issues and Further Information

Further information and specialist 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 involved, as a form of child abuse. Initial concerns should be reported to the Designated Manager who will liaise with appropriate agencies, First Contact Services or the Police. Contact should *not* be made with the 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 the above hours through the Foreign Office Response Centre on: 02070081500)
- via email [fm@fco.gov.uk](mailto:fm@fco.gov.uk) or [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage)

## Appendix B: Consultation

In reviewing the Policy on Safeguarding Young People and Adults at Risk Policy and this resultant Procedure, the following key representatives were consulted:

Training and Communications Officer, Durham County Council

Safeguarding Officer, Durham County Council

New College Durham Students, including:

Further Education Course Representative

Quote: "I feel that the policy covers a lot of detail and I especially like the detail the types of abuse. The policy gives me confidence that staff will follow the policy. The dealing with an allegation of abuse against college staff was also well detailed."

Part Time Representative

Quote: "I have been through both policies, and now feel that the college take full responsibility of my safety within New College Durham. All the posters are in good appropriate places."

Higher Education Course Representative

Quote: "I like how the policy describes and instructs about the different forms of abuse. The safeguarding procedures are distinctive around the college, and the staff and pupils know how to approach the subjects."

LGBT Representative:

Quote: "I feel as though the safeguarding policy, both Young People and Adults at Risk adults [at] risk, are thorough and give me confidence that the college takes safeguarding very seriously. From what I have seen, they have covered all the necessary areas, and I particularly like the fact that they promote '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.' The policies also show a good range and description of types of abuse. I am confident and continue to feel safe at New College Durham. With the safeguarding posters in all the visible places, such as the LRC, Starbucks, Students' Union and etc – I am pleased that they promote safety."

**Confidential**



New College Durham

Appendix C

# New College Durham

## Safeguarding Concerns Form

### Student Details

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Course (if known): \_\_\_\_\_

Address (if known): \_\_\_\_\_

Home Tel No: \_\_\_\_\_

Mobile Tel No: \_\_\_\_\_

### Staff Identifying Concerns Details

Name: \_\_\_\_\_ Rôle: \_\_\_\_\_

Contact Tel No: \_\_\_\_\_ Alerted to: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Nature of Concerns:

### Designated Manager to Complete

Date Identified: \_\_\_\_\_ Time Identified: \_\_\_\_\_

Date Referred to First Contact (FC): \_\_\_\_\_ Time Referred to FC: \_\_\_\_\_

Signed: \_\_\_\_\_

Please contact the Designated College Managers about any concerns (Direct Line):  
4089, 4163 or 4374



**New College Durham**

**Policy on**

**Looked After Children, Care Leavers  
and  
Young Carers**

**Reviewed and Approved by Vice Principals Team**

**Next Review Date: December 2016**

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

This Policy applies to all activity undertaken by the College in pursuing its purpose as an educational institution whilst serving its students, community and wider stakeholder interests.

If you require this document in an alternative format and/or language, please contact Lynne Moore on 0191 375 4027 or email [lynne.moore@newdur.ac.uk](mailto:lynne.moore@newdur.ac.uk).

This policy is available via College Intranet at <https://ncdonline.newdur.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;

To make suggestions or to see further information please contact:

## **Policy Author**

Head of Student Progression

### **Malcolm McBain**

Curriculum and Quality Directorate

Tel: 0191 375 4374

Email: [Malcolm.McBain@newdur.ac.uk](mailto:Malcolm.McBain@newdur.ac.uk)

Minicom: 0191 383 2371

Fax: 0191 375 4222

## **Equality Impact Assessment**

\*Equality Impact Assessment

This policy has been subjected to a rigorous assessment for any potential impact on the full range of stakeholders with those impacts being assessed and considered and, where appropriate, suitable adjustments to the policy have been included prior to the adoption of the policy.

## **Footnote**

**In an effort to keep costs to a minimum a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Intranet.**

## Contents

Rationale .....	4
Key Definitions and Concepts.....	4
Aim.....	5
Principles on Which the Policy is Based .....	5
Student Entitlements .....	6
Student Responsibilities .....	6
Teaching Staff Responsibilities.....	7
College Management Responsibilities.....	7
The Corporation.....	7
The Principal and Chief Executive.....	7
College Managers .....	8
Nominated Person.....	8
Standards by which the Success of this Policy can be Evaluated .....	8
Responsibility for Implementing this Policy.....	9
Review of this Policy.....	9
Associated Policies, Procedures, Legislation and Guidance .....	10

## Rationale

New College Durham recognises that it has an important role to play in helping to promote and safeguard the welfare of all students each of whom have the right to learn, enjoy and achieve; regardless of their personal circumstances. This Policy relates specifically to learners who are looked after children (LAC), care leavers (CL) and young carers (YC).

In May 2010, the College successfully gained the Buttle Quality Mark, having developed formal systems, processes and support mechanisms specifically aimed at the admission, monitoring, support and progression of LAC, CL, and YCs.

### Key Definitions and Concepts

#### a) Looked After Children

The term 'Children Looked After' has a specific legal meaning based on the Children Act (1989). A child is looked after by a local authority if (s)he has been provided with accommodation for a continuous period of more than 24 hours, in the circumstances set out in sections 20 and 21 of the Children Act 1989, or is placed in the care of a local authority by virtue of an order made under part IV of the Act.

#### b) Care Leaver

A person who has been looked after for at least 13 weeks since the age of 14, and who was in care on her/his 16th birthday. A young person's status as a Care Leaver can be divided into the following:

- i. *Eligible Child* - a young person who is 16 or 17 and who has been looked after by the local authority/Health and Social Care Trust for at least a period of 13 weeks since the age of 14, and who is still looked after;
- ii. *Relevant Child* - a young person who is 16 or 17 who has left care after her/his 16th birthday and before leaving care was an eligible child;
- iii. *Former Relevant Child* - a young person who is aged between 18 and 21 (or beyond if being helped with education or training) who, before turning 18 was either an eligible or a relevant child, or both.

#### c) Young Carer

A young person under 18 years of age who helps to look after a family member who is disabled, physically or mentally ill or has a substance misuse problem. Caring can involve physical or emotional care, or being responsible for someone's safety and wellbeing. The level of responsibility assumed by a Young Carer is often inappropriate to her/his age and beyond the level of simply helping out at home as part of the process of growing up.

## Aim

This policy will enable New College Durham to demonstrate its commitment to supporting the engagement, admission, monitoring, support and progression of LAC, CL, YCs. It should be read in conjunction with all of the associated College Policies and Procedures. The College acknowledges its duty to provide these learners with an excellent learning experience, as well as providing them with the confidence and motivation to succeed in their lifelong learning and wider life experiences. Underpinning the aim is a series of objectives which, once achieved will demonstrate the fulfilment of the stated aim of this policy.

This policy will fulfil the stated aim by ensuring that the College will:

- g. establish a safe, supportive and productive environment in which its learners can learn and develop;
- h. promote College support for potential LAC, CL, YCs and those colleagues in local authorities / Health and Social Care Trusts, etc., who are supporting them in their educational progression;
- i. have a nominated person (see page 34) who will have a lead responsibility to act as a key point of contact and advisor for LAC, CL YCs, to provide support prior to and on entry, as well as throughout the learning programme. The duly nominated person is:  
  
ASC Manager  
+44 191 375 4163  
Christine.padgett@newdur.ac.uk
- j. ensure that information on the full range of support (financial, welfare and academic) offered to LAC, CL, YCs is readily available, easily accessible and formally reported;
- k. maintain effective links with local authorities/Health and Social Care Trusts, schools, colleges and other partners in order to make available relevant information, advice and guidance about progression to and study options at FE/HE.

## Principles on Which the Policy is Based

New College Durham believes that all those who come into contact with LAC, CL YCs in their everyday work have, and must discharge, a duty to provide an excellent learning experience for all learners. The College seeks to achieve this by:

- i. providing clearly defined reporting procedures and response mechanisms that ensure its responsibilities to LAC, CL YC are met;

- j. providing a safe environment for all learners free from being potentially stigmatised owing to being LAC, CL YC;
- k. ensuring that tutors are aware of any issues which may affect learning, behaviour or attendance, which will require intervention strategies, eg., advocacy, targeted support, early one to one meetings;
- l. ensure advice and support is in place to help its staff ensure learners satisfactory progress, by taking part in discussions regarding their programme of support;
- m. evaluate the implementation, monitoring and evaluation of its LAC, CL YC policy.

## **Student Entitlements**

All students are entitled to:

- f. personal support having been identified before the course starts;
- g. be taught in an environment which ensures that their circumstances are reflected in the support offered and accommodated;
- h. expect appropriate action from the College to tackle any incidents of violence, threatening behaviour, abuse, discrimination or harassment;
- i. be accorded confidentiality and treated with respect;
- j. contribute to the review of this policy.

## **Student Responsibilities**

Providing a safe atmosphere which enhances a learner's College experience is a shared responsibility which also places responsibilities on students. Student entitlements are most likely to be met fully when they:

- h. disclose any and all pertinent information at the earliest possible opportunity;
- i. show respect to College staff, fellow students, College property and the College environment;
- j. take a positive and proactive role within the College and online to keep themselves and others safe;
- k. follow the reasonable instructions of College staff and others involved with their learning;
- l. report any incidents of concern (and are encouraged to do so);
- m. adhere to the student charter and do not contravene any aspect of the student disciplinary code;

- n. co-operate with, and abide by, any arrangements put in place to support their behaviour.

## **Teaching Staff Responsibilities**

All College staff and volunteers have a responsibility to:

- h. be aware of and implement the College's Policy and Procedure on Looked After Children, Care Leavers and Young Carers;
- i. provide a safe, secure and supportive environment for LAC, CL YC;
- j. listen to LAC, CL YC and respond in an appropriate way;
- k. protect LAC, CL YC from abuse;
- l. provide regular attendance and performance monitoring to the nominated person;
- m. undertake Safeguarding training, appropriate to their role.

## **College Management Responsibilities**

### **The Corporation**

"Governing bodies must ensure that they comply with their duties under legislation. They must also have regard to this guidance to ensure that the policies, procedures and training in their colleges are effective and comply with the law at all times." [DfE (2014), Keeping Children Safe]. The Corporation ensures that:

- i. there are effective safeguarding policies and procedures that are in line with the Local Safeguarding Children Board (Durham LSCB) and County Durham Safeguarding Adults Board (SAB) procedures and that the policy is made available to students or parents/carers on request;
- j. the College operates safe recruitment procedures and appropriate checks are carried out on staff and volunteers who work with LAC, CL YCs;
- k. there is a nominated person whom ensures the implementation, including monitoring and evaluation, of the College's commitment to LAC, CL, YCs across the institution. The nominated person will liaise with local authorities / Health and Social Care Trusts as appropriate;
- l. it monitors the College's compliance and undertakes an annual review of the Safeguarding Young People and Adults at Risk Policy and Procedures. It amends as soon as practicable any weaknesses in arrangements as these are brought to its attention.

### **The Principal and Chief Executive**

The Principal and Chief Executive ensures that:

- e. the policies and procedures adopted by the Corporation are implemented and followed by staff;
- f. sufficient resources and time are allocated to the nominated LAC, CL, YC person to discharge her/his responsibilities;
- g. all staff and volunteers feel able to raise concerns about poor or unsafe practice with regards to LAC, CL, YC and that such concerns are addressed sensitively and effectively in accordance with the Public Interest Disclosure Policy, where appropriate.

## **College Managers**

- f. Embrace a whole College approach to promoting and safeguarding the welfare of LAC, CL, YCs.
- g. Consider how learners may be taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum, including covering relevant issues through personal and social health education (PSE).
- h. Ensure staff are aware of this policy and procedure and that this policy and its associated procedure are implemented within their areas.
- i. Ensure that all students are taught in environments which are safe, conducive to learning and free from disruption or threat of harm.

## **Nominated Person**

The Governing body should ensure that the College designates an appropriate member of staff to take lead responsibility for LAC, CL, YCs. This person should have the authority within the College to carry out the duties of the post including committing resources and, where appropriate, supporting and directing other staff (*ibid* Keeping Children Safe). When required, (s)he has the responsibility for:

- k. liaison with the local authority, other agencies and schools, including those with Key Stage 4 pupils attending College;
- l. acting as a source of support, and expertise within the College when deciding how best to support LAC, CL, YCs;
- m. liaising with the Principal and Chief Executive to inform him/her of any issues and on-going investigations and ensure there is always cover for this role;
- n. maintaining accurate, secure records of LAC, CL, YC attendance and performance;
- o. working with the Corporation to ensure that the Safeguarding Young People and Adults at Risk Policy and its associated Procedure are updated and that arrangements are reviewed annually;
- p. forwarding relevant information when LAC, CL, YCs move to another educational establishment.

## **Standards by which the Success of this Policy can be Evaluated**

- e. Formal reflection of, and reporting on, operating LAC, CL, YC safeguarding procedures through the recording, monitoring, and analyses of regular tutor reports.

- f. Learner voice feedback received from surveys, focus groups, forums and during tutorials.
- g. Recording, monitoring, and analyses of Safeguarding Concern forms submitted relating to student behaviour.
- h. Self-Assessment and External Review.

### **Responsibility for Implementing this Policy**

- f. The Vice Principals has overall responsibility for the implementation of this policy and its associated procedure across the College.
- g. The Heads of Department/School and Assistant Principals are responsible for overseeing the operation of this policy and its associated procedure in the Departments/Schools.
- h. Curriculum Managers are responsible for ensuring that course teams collaboratively address the requirements of this policy and its associated procedure.
- i. The teaching staff, including tutors and subject lecturers, are responsible for meeting Student Entitlements.
- j. The College's Equality/Safeguarding Steering Group is a standing body which is accountable, amongst other activities for ensuring intelligence and information is shared to build a comprehensive picture of any Safeguarding of LAC, CL, YC issues/problems.

### **Review of this Policy**

- c. CQMT is responsible for the periodic review of this Policy and its associated Procedure.
- d. The next review is due to take place in **December 2016**. However, it is recognised that, should there be changes in the relevant legislation or seminal reference points, then this will necessitate an earlier review.

## **Associated Policies, Procedures, Legislation and Guidance**

Promoting and Safeguarding the Welfare of Looked After Children, Care Leavers, Young Carers includes:

- f. ensuring the safe recruitment of staff (Recruitment and Selection Procedure, Disclosure and Barring Service Utilisation Policy);
- g. 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 Harassment, Bullying and Victimisation in the Workplace Policy, Work Placement Policy, First Aid Policy, Prevention and Management of Substance Misuse Policy, Young Persons Policy, Disciplinary Procedure, Race Equality Policy, Tutorial Policy). This list is not exhaustive and new policies will be developed to discharge the duties relating to this Policy;
- h. raising awareness of issues and providing Looked After Children, Care Leavers, Young Carers with development opportunities through the curriculum, tutorial, preparing for work experience, through the relevant themes of Spiritual, Moral, Social and Cultural development and links with Advice, Support and Careers (ASC) service, Learner Development Co-ordinator and New College Durham Students' Union;

This policy and its accompanying procedure are underpinned and shaped by the relevant legislation and guidance including:

- u. The Children Act 1989
- v. The Education Act 2002
- w. The Children Act 2004
- x. Safeguarding Children and Safer Recruitment in Education – DfE January 2007
- y. Durham Local Safeguarding Children Board (LSCB) Child Protection Procedures ([www.durham-lscb.gov.uk](http://www.durham-lscb.gov.uk))
- z. County Durham Safeguarding Adults Inter-Agency Partnership (<http://www.safeguardingdurhamadults.info>)
- aa. Working Together to Safeguard Children – 2015
- bb. County Durham Practice Framework: Single Assessment Procedure and Practice Guidance – April 2014
- cc. Keeping Children Safe in Education – DfE April 2014 \*
- dd. Care Act May 2014
- ee. The Human Rights Act 1998
- ff. Equality Act Oct 2010

- gg. No Secrets' Guidance – Department of Health 2000
- hh. Mental Capacity Act 2005
- ii. Safeguarding Adults – National Framework of Standards, Association of Directors of Social Services 2005
- jj. Safeguarding Vulnerable Groups Act 2006
- kk. Safeguarding Adults – County Durham Inter-Agency Policy Statement of Commitment, 2012
- ll. Safer Practice, Safer Learning – a whole organisation approach. National Institute of Adult and Continuing Education 2007
- \* This is the key statutory document for Safeguarding in Schools and Colleges. All schools and colleges must have regard to this statutory guidance when carrying out their duties to safeguard and promote the welfare of children.



New College Durham

## **PREVENT Duty for Staff Policy and 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  
PREVENT Duty for Staff  
Policy and 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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, 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](mailto: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: March 2016**

<b>Procedure Title</b>	<b>PREVENT Duty for Staff – Policy and Procedure</b>
<b>Document Owner</b>	<b>Director of HR and Corporate Services</b>
<b>Owning Directorate</b>	<b>Corporate Services</b>
<b>Owning Department</b>	<b>Human Resources</b>

<b>Directorates and Departments affected by this Procedure</b>	<b>All staff</b>
<b>Procedure Effective From</b>	<b>July 2016</b>
<b>Next Review Date</b>	<b>July 2021</b>

<b>Contents</b>	<b>Page</b>
1. Introduction	4
2. Background and Legal Position	4
3. CHANNEL	5
4. Roles and Responsibilities	5
5. PREVENT Training	7
6. Fundamental British Values	8
7. Visiting Lecturers / Guest Speakers and College Events	8
8. Reporting Process	9
9. Associated Policies and Procedures	9
10. Procedure Review	9
Annex A Visitors / Guest Speakers Approval Email (template)	10
Annex B Freedom of Expression – Code of Practice	11
Annex C Glossary of Terms	12

# **New College Durham**

## **PREVENT Duty for Staff Policy and Procedure**

### **5. Introduction**

New College Durham recognises that we have an obligation to ensure that we create a safe learning environment for staff, students and visitors alike. Under the Government's PREVENT Duty ("the duty") we have obligations to ensure that we protect our students from harm, by challenging extremist and radical views and ensuring staff are adequately trained to refer students who may be susceptible to such extremist views. This policy has been developed to detail these obligations and aid their dissemination and support of the Government's PREVENT agenda.

### **6. Background & Legal Position**

- 2.1 The specific legislation in relation to PREVENT is set out within Section 26 (1) of the Counter-Terrorism and Security Act 2015 ("the Act") and imposes a duty on "specified authorities" (as a provider of Further/ Higher Education this duty extends to the College), when exercising their functions to have due regard to the need to prevent people from being drawn into terrorism.
- 2.2 The PREVENT duty forms part of the Government's overall approach to countering terrorism and preventing people from becoming terrorists or supporting violent extremism. PREVENT is a key part of CONTEST, the United Kingdom's Strategy for Countering Terrorism. PREVENT is part of the existing College safeguarding framework.

The duty places mandatory duties and responsibilities on a range of public organisations, including Further Education Colleges, and seeks to:

- Respond to the ideological challenge of terrorism and aspects of extremism, and the threat we face from those who promote these views;
- Provide practical help to prevent people from being drawn into terrorism and violent extremism and ensure they are given appropriate advice and support;

- Work with a wide range of sectors where there are risks of radicalisation which needs to be addressed, including education, criminal justice, faith, the internet and health.

2.3 There are five clear strands of the duty which are detailed as:

- **Challenging** the violent extremist ideology and supporting mainstream voices;
- **Disrupting** those who promote violent extremism and supporting institutions where they may be active;
- **Supporting individuals** who are being targeted and recruited to the cause of violent extremism;
- Increasing the **resilience** of communities to violent extremism;
- **Addressing grievances**, both genuine and perceived, that ideologies are exploiting.

## 7. CHANNEL

CHANNEL is a key part of the duty and is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The programme uses a multi-agency approach to protect vulnerable people by:

- Identifying individuals at risk;
- Assessing the nature and extent of that risk; and
- Developing the most appropriate support plan for the individuals concerned.

The College ensures staff receive appropriate training and understand the role of CHANNEL. However, any concerns relating to PREVENT should initially be reported to one of our Designated Safeguarding Officers (contact details can be found on the College intranet or via the ASC Department) who will liaise with appropriate parties accordingly.

## 8. Roles and Responsibilities

All individuals at New College Durham have a responsibility for the successful implementation of this policy and associated processes, however this policy recognises that a number of individuals/groups have additional responsibilities to ensure the effective development, promotion, implementation and monitoring the adherence and observation of the principles of this policy.

The **College Corporation** will:

- Undertake training in the PREVENT Duty in their capacity as Board members;
- Ensure that they monitor and review the effectiveness of PREVENT processes and systems in place relating to the College's response to the duty.

**College Managers** will:

- Ensure that all Staff within their area of responsibility have undertaken training in the PREVENT Duty;
- Reflect the policy's principles and approaches within their own management practice in terms of exemplifying Fundamental British Values;
- Ensure staff within their area of responsibility are provided with appropriate advice and guidance in referring concerns about learners or fellow colleagues to the College's Designated Safeguarding Officer(s) (contact details can be found on the College intranet or from the ASC Department).

The College's **PREVENT Co-ordinator** will:

- Ensure that the College's PREVENT Strategy is implemented across College and liaise with partner organisations to ensure appropriate mechanisms are in place to support/minimise the risk of students/staff becoming involved in terrorist activity.

The College's PREVENT Co-ordinator works closely with our Designated Safeguarding Leads and is responsible for deciding on the most appropriate form of action to take to support the individual(s) concerned and/or to make a referral through CHANNEL.

**All Staff** will:

- Create and support an ethos that upholds the College's mission, vision and values including British Values, to create an environment of respect, equality and diversity and inclusion;
- Attend appropriate PREVENT updates/training in order to have the skills to recognise those who may be vulnerable to radicalisation, involved in violent or non-violent extremism, and to know the appropriate action to take if they have concerns;

- Report any concerns around extremism or radicalisation via the appropriate safeguarding reporting channels;
- Newly appointed staff will complete the mandatory online PREVENT and Safeguarding training, and will answer questions regarding the PREVENT duty as part of the recruitment process.

## 9. PREVENT Training

- 5.1 The College will ensure appropriate training is made available to all staff, including Governors. The training will seek to ensure that staff have an understanding of the factors that make people vulnerable to being drawn into terrorism; to challenge extremist ideas which are being used by terrorist groups and provide an understanding of the CHANNEL programme.
- 5.2 Prior to having any provisional offer of employment confirmed, any potential appointee (including supply pool staff) will be required to complete a suite of mandatory on-line training packages. This training seeks to inform each individual of the key obligations underpinning their role within a College environment and covers topics that include:
- Safeguarding;
  - CHANNEL and PREVENT;
  - Equality and Diversity;
  - Safer Recruitment.

This training will be supplemented with face to face training that will be appropriate to the role of the member of staff.

Where concerns arise as a result of the answers provided from the training (ie they are not reflective of the ethos of the College), the individual will be invited in to discuss the nature of the concerns and consideration may be given to withdrawing the offer of employment.

- 5.3 The suite of PREVENT training includes e-learning, face to face training and it is covered in depth at Staff Induction. It provides guidance on how to identify people who may be vulnerable to radicalisation and how to refer them into the CHANNEL programme.

Staff with sufficient training will be able to recognise vulnerability (Radicalisation) and be aware of the action to take. They will understand when to make referrals to the CHANNEL programme and

the College process for reporting and where to get additional advice and support.

The promotion of British Values as well as Freedom of Expression is firmly embedded into PREVENT training. The training packages continue to be developed to ensure that the information is up to date and relevant.

## **10. Fundamental British Values**

As part of the duty the College has a responsibility to ensure the promotion of Fundamental British Values to all staff and learners. To this end it is mandatory as part of the recruitment process of both staff and Governors that they demonstrate the British values of:

- Democracy;
- The rule of law;
- Individual liberty; and
- Mutual respect and tolerance of those with different faiths and beliefs.

Staff have a duty to promote and embed Fundamental British Values into teaching, learning and assessment and support learners to understand the connection with PREVENT.

## **11. Visiting Lecturers/Guest Speakers and College Events**

- 7.1 Any meeting or activity that is external to the College's activities and is to be held or to take place on premises managed by the College will be dealt with in accordance with the College's Accommodation, Facilities and External Room Hire Policy.
- 7.2 Where the event is delivering a guest speaker session to College students, prior approval must be sought from the relevant Vice Principal using the approval email template, provided at Annex A. The nature/content of the session and the individual(s) delivering the session must be specifically detailed by the 'organising individual' so they are provided with the pertinent information to be about to make a sound judgement.
- 7.3 Approval needs to be sought via the approval email method, at least two weeks in advance of the session taking place.

- 7.4 If approval is not sought then the 'organising individual' may be subject to Disciplinary proceedings for failure to follow the specified process.
- 7.5 Arrangements are deemed to be provisional until permission has been granted by the relevant Vice Principal.
- 7.6 Where a session/visit is approved and the content being delivered breaches the terms of the duty, it will be stopped immediately.

## **12. Reporting Process**

- 8.1 Any concerns should be reported immediately to the PREVENT Single Point of Contact (SPC) whose contact details can be found on the College intranet or from the ASC Department.
- 8.2 The PREVENT SPC will then determine any further required action/referral, in line with the Durham Police Referral Flowchart, and any such alerts are recorded on the Central Safeguarding Database, which can only be accessed by the Designated Safeguarding Leads.

## **13. Associated Policies and Procedures**

The following represents the main policies and procedures that may be used to deal with and support issues in relation to our obligations/responsibilities under the duty. Thus it is important that this policy is read in conjunction with the following:

- Recruitment and Selection Procedure
- Safeguarding Policies
- Disciplinary Procedure
- Single Equality, Diversity and Inclusion Scheme
- PREVENT Strategy

## **14. Procedure Review**

- 10.1 The effectiveness of this Procedure will be monitored annually and reviewed every five years in light of experience, guidance from the Department for Education, 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.

10.2 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.

15. Implementation	March 2016
16. First Review Due	March 2021

**Visitor / Guest Speaker Approval Email (template)**

Dear *(Vice Principal)*

I wish to seek approval for *(insert name of individual)* to be present within the College to undertake a guest speaker session. The pertinent information regarding the session/activity is detailed below:

**Name:**

**Company Name (if applicable):**

**Date of event (including times of session):**

**Organising Individual:**

**School/Department:**

**Paid / Unpaid:**

**Nature of activity (please provide details of the content of the session):**

I confirm that the nature/duration of this session(s) as detailed above is being undertaken in accordance with the College's PREVENT and Safeguarding obligations.

I can confirm that as this work is to be paid, I attach a copy of the Paid Visitors Form and confirm that all relevant ID has/will be presented to HR in advance of the session taking place. I am aware that if sufficient and relevant ID is not presented to HR, then the session will be cancelled and *(insert name of the individual)* will not be paid. ***[delete if unpaid]***

I can confirm that *(insert name of individual)* will be supervised at all times whilst on College premises by myself or *(insert name of alternative staff member)*.

I can confirm that I am aware of the College's obligations in terms of the PREVENT duty and will immediately cease any session where the content being delivered breaches this duty.

I confirm that should approval be granted, it is based on the above information being detailed as accurate. Should any of the information change in advance of the session taking place I am aware that a new request will need to be made.

Furthermore I understand that if I wish to utilise this individual on a more regular basis to undertake paid work, *(insert name of individual)* will need to register with the College's supply pool.

Should you require any further information please do not hesitate to contact me

Kind regards

*(Name of organising individual)*

## **Freedom of Expression – Code of Practice**

The College has an obligation to issue and keep up to date a code of practice to be followed by staff, and visitors to the College for the organisation of meetings and other events taking place on the College premises.

### **Statement of Intent**

Freedom of expression is an important feature for the College as an open institution, where the freedom to express ideas and opinions is a fundamental principle. However, all such freedoms are subject to limitations under the law, to protect the rights and freedoms of others. The College acknowledges it clearly needs to balance its legal duties in terms of both ensuring freedom of speech and also protecting student and staff welfare.

New College Durham believes that all those who come into contact with young people and/or adults at risk in their everyday work have, and must discharge, a duty to safeguard and promote their welfare. The College seeks to achieve this by:

- a. not suppressing freedom to express controversial or unpopular views, provided that the expression of those views does not carry the attendant risk (whether or not intentional) of the encouragement of terrorism and inviting support for a proscribed terrorist organisation, incitement to riot, racial hatred, religious hatred, sexual harassment or other activities which are likely to be unlawful;
- b. upholding the principles of freedom to express potentially controversial or unpopular views;
- c. not permitting the College's premises or resources where the views being expressed, or may be likely to be expressed, constitute extremist views which risk drawing people into terrorism, or may be shared by terrorist groups;
- d. ensuring compliance by groups or individuals having their obligations under this, and related, policies;
- e. evaluating the implementation, monitoring and evaluation of this, and related, policies.

## Glossary of Terms

### PREVENT Duty for Staff Policy and Procedure

**Adult** - People aged 18 years or over.

**Breaches** – The breaking, violation or infringement of a promise or obligation (including Contractual. Other examples include a breach of trust, breach of confidentiality).

**CHANNEL** - A key part of the **PREVENT** duty, which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism.

**CONTEST** – The UK’s strategy for countering terrorism.

**Corporation:** The Governing Body of New College Durham.

**Extremism** – The holding of extreme political or religious views.

**Ideology** – A set of opinions or beliefs of a group or an individual, often political of cultural.

**Organising Individual** – A member of New College Durham who is arranging for a Guest Speaker or other visitor to attend a College event or session.

**PREVENT** - Falling within the College’s safeguarding framework, The PREVENT duty forms the Government’s approach to countering terrorism and preventing people from becoming terrorists or supporting violent extremism. PREVENT is a key part of **CONTEST**.

**Radicalisation** – A process by which an individual or group comes to adopt increasingly extreme political, social, or religious ideals and aspirations that (1) reject or undermine the status quo or (2) reject and/or undermine contemporary ideas and expressions of freedom of choice.

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

**Terrorism** – the unofficial or unauthorised use of violence and intimidation in the pursuit of political aims.

**Young Person** - A term used to define 'children' of College age who are under the age of 18.