



Safeguarding Vulnerable Groups

Essential Recruitment and Selection Practice Procedure

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.

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 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
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: January 2021

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| Directorates and Departments affected by this Procedure | All staff |
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New College Durham

Safeguarding Vulnerable Groups- Essential Recruitment and Selection Practice Procedure

1. Introduction

- 1.1 New College Durham (the College) is committed to Safeguarding and promoting the welfare of all vulnerable groups (children and adults). As part of this commitment 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” (latest version).
- 1.4 All staff of the College should read part 1 of Keeping Children Safe in Education (latest version) 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), 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.

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 with appropriate barred list check. The nature of the College establishment means that for the purposes of this, all posts will be subject to an Enhanced DBS check with Children's Barred List as it falls under the definition of a role that is undertaken within a specified establishment - *"an educational institution exclusively or mainly for the provision or full-time education of children"* - 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;
- applicant's commitment to Safeguarding principles and affirmation of the commitment detailed in this Procedure.
- Applicant's commitment to upholding the College's commitment to the embedding of PREVENT and Fundamental British Values in all aspects of work and learning.

3.4 All applications will be scrutinised by those tasked with shortlisting potential employees. Any member of staff who undertakes shortlisting activities must have completed specific training on Safe Recruitment. 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 (latest version).
- 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;
 - a prohibition from teaching check (for applicable posts)
 - a criminal record check from the relevant country's embassy or police force if the candidate has lived abroad for a period of 12 months or more in the last 5 years;
 - Satisfactory completion of all mandatory training (including Safeguarding and Safer Recruitment (for applicable posts);
 - 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. The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act), section 24B of the Immigration Act 1971, and Schedule 6 of the Immigration Act 2016.

In accordance with the Act, 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. The full legal definition of regulated activity which is used to determine the appropriateness of and undertaking of the relevant DBS check is set out in Schedule 4 (Parts 1 and 2) of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

4.4 **DBS Checks**

- 4.4.1 The College ensures compliance with the DBS Code of Practice and ensures checks are undertaken in accordance with relevant legislation to determine ‘eligibility’ (ie. Rehabilitation of Offenders Act 1974 (ROA) 1974 (Exceptions Order / Police Act 1997).

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

| Type of Check | What it will check for |
|----------------------------------|--|
| Standard | this provides information about convictions, cautions, reprimands, and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the ROA Act 1974. The law allows for certain old and minor matters to be filtered out. |
| Enhanced | As above – plus any approved information held by the police which a chief officer reasonably believes to be relevant and ought to be disclosed |
| 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’ and the appropriateness of the level of check.

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.

4.4.5 The College ensures that they adhere to the requirements of the Data Protection Act 2018 in terms of the storage and handling of DBS certificates. When a DBS certificate is presented to the HR department, a scanned copy is made, and this is stored electronically in line with the retention period (ie. for no longer than 6 months).

4.4.6 Individuals are eligible to join the DBS Update Service at the point a new DBS check is made. The DBS Update service allows for the portability of a certificate across employers. Where an individual details that they have joined the DBS Update Service, the HR department will:

- obtain written consent from the applicant to access their record via the Update service;
- see the original DBS certificate and confirm that it matches the individual's identity; and
- ensure that the appropriate level of check e.g. Enhanced certificate including relevant barred list information matches the requirements of the post that the individual has been appointed to

The College will then check the individuals online record to see if any changes to the record have been made since the initial certificate was issued.

The individual, via their own online record, will be able to see the full list of those organisations that have carried out a status check on their record.

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 and a separate barred list has been undertaken. 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 professional qualifications required for the job including those detailed as 'essential' within the person specification 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. References will be scrutinised and any concerns

resolved before the appointment is confirmed. Where the candidate allows (as stated on the application form) references will be requested prior to interview. However, where a candidate expressly states that they do not wish for the referees to be contacted prior to interview, the HR department will ensure that this is adhered to, and the offer of employment will be subject to satisfactory references.

- 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 Where references are received electronically, the HR department will ensure that that they originate from a legitimate source/email address.
- 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 both mentally and physically 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 Occupational Health Department, via the online Cohort system, 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).

4.9 Prohibition Check

- 4.9.2 A Prohibition from teaching check is undertaken for all staff that undertake “teaching work” and ensures that no sanction or restriction has been imposed on the individual by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency.
- 4.9.3 The College is required to undertake such a check by virtue of the Terms and Conditions of funding in respect of the Education and Skills Funding Agency (ESFA) where the College cannot employ or engage a person who is subject to a prohibition order to carry out teaching work.
- 4.9.4 For the purposes of carrying out a Prohibition Check, “teaching work” is defined as “*planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting the development progress and attainment of pupils*”.

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.

Prohibition Checks (where applicable)

5.2 In addition to the above checks, the College will record:

- whether the person's position involves 'relevant activity' ie. Regularly caring for, training, supervising, or being solely in charge of persons under the age of 18;
- all mandatory training, including Safeguarding Training which is undertaken prior to commencement at the College, and then refreshed on a three-yearly basis, in addition to Safer Recruitment training (where relevant).

6. Agency and Third-Party Staff

At times there may be a requirement to engage the services of staff from an external agency/third party to provide cover on a short-term basis. Where such occurrences are approved, the HR department will ensure that written confirmation is obtained from the agency/third party that declares that they have carried out all appropriate recruitment checks (as detailed above in section 4, and the same checks had the College undertaken to recruit that individual themselves). At the point all checks are in place, the HR department will agree a start date. On the first day of the assignment, and prior to undertaking any work at the College the individual must present themselves to HR with appropriate phot identification to confirm that they are who they say they are. This information is recorded on a SCR for External Agency staff.

7. Contractors

All contractors working on College premises are subject to the appropriate level DBS check prior to the commencement of any work on-site. Any contractor engaged in regulated activity will undertake a DBS check including the relevant barred list check.

Where work is needed to be undertaken in advance of a DBS check being received, approval must be sought from the Deputy Chief Executive and permission will only be given if the activity/attendance on-site is fully supervised by an individual that has all appropriate checks in place.

The identity of all contractors to site is checked upon arrival to site.

8. Staff Code of Conduct

The College's Staff Code of Conduct applies to all College employees and is published separately on the College's HR and Safeguarding intranet pages.

Section 3 of the Staff Code of Conduct details behaviour /conduct that is expected of all staff specifically in relation to Safeguarding.

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.

9. Procedure Review

- 9.1 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.
- 9.2 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.

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|---------------------------|------------------|
| Implementation | June 2009 |
| First Review (completed) | June 2013 |
| Second Review (completed) | December 2015 |
| Third Review (completed) | January 2021 |
| Fourth Review Due | January 2026 |

Guidance issued by Disclosure and Barring Service (DBS)

1. Background

- 1.1 The Disclosure and Barring Service (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 follows established guidance based on the government's statutory guidance on the supervision of children/vulnerable adults and the definition of Regulated Activity to determine the appropriate level of check to be undertaken.
- 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, then their application will not be progressed.

3. Responsibilities

- 3.1 DBS checks for staff can only be processed by the College’s HR department. The Deputy Chief Executive, 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 will staff be allowed to commence work prior to receiving the appropriate clearance and only subject to a separate barred list being undertaken and all other checks completed.

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 an application form (either electronic or paper), 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. Posts eligible for DBS checks within the College

- 5.1 The process used by the HR department to identify if a post is eligible for a DBS check is in line with the statutory guidance.
- 5.2 Where an individual is appointed to a new role and has not previously been subject to the required level of DBS check then the relevant check will be undertaken prior to their commencement in the new post

6. Secure Storage, Handling, Use, Retention and Disposal of Disclosure Information

- 6.1 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 General Data Protection Regulation 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.
- 6.2 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.
- 6.3 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.

- 6.4 Once the retention period has elapsed, the College will ensure that any certificate information is destroyed by secure means, ie file deletion. 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.

7. The Recruitment of Ex-Offenders

- 7.1 For those positions where a DBS check is required, staff will be asked to make declarations regarding criminal offences in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 noting that some convictions are deemed as ‘protected’ under current legislation. Staff/Applicants are directed to the Ministry of Justice Website for detailed guidance as to whether a conviction or caution should be disclosed. Any failure to disclose relevant convictions/cautions in line with the above legislative requirements 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.
- 7.2 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).
- 7.3 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.
- 7.4 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.

7.5 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 S/he will discuss the matter with the Principal and Chief Executive whose decision will be final.

8. DBS Code of Practice

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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, outlining their concerns and outcome sought from their enquiry

9. Referrals to the DBS

- 9.1 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 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.

Glossary of Terms

Safeguarding Vulnerable Groups Essential Recruitment and Selection Practice Procedure

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

Applicant: An individual that applies for a job.

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

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

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

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

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

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

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

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

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.

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.

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.



Policy on

Safeguarding Young People and Adults at Risk

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.

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| Policy Title | Safeguarding Young People and Adults at Risk Policy |
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| Document Owner | Deputy Chief Executive |
| Owning Directorate | Corporate Services |
| Owning Department | ASC |

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|---|------------------|
| Directorates and Departments affected by this Policy | All staff |
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New College Durham

Safeguarding Young People and Adults at Risk

(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:

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New College Durham

Safeguarding Young People and Adults at Risk

1. Rationale

This policy applies to all students and particularly children, young people and adults who may need support.

New College Durham recognises its legal duty under the Education Act 2011, Keeping Children Safe in Education (2020), Working Together to Safeguard Children Act (2018), Safeguarding Vulnerable Groups Act (2006), DfE Statutory guidance and regulations as stated by the Disclosure and Barring Service (DBS).

The College wants to ensure that children, young people and adults at risk are protected from abuse. All complaints, allegations or suspicions will be taken seriously and in accordance with this policy.

Safeguarding and promoting the welfare of children is defined for the purposes of this Policy as:

- protecting children from maltreatment;
- preventing impairment of children's mental and physical health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

For further guidance on key definitions underpinning this policy, please refer to both (a. to f.) (below) and Appendix A – Key Definitions.

Key Definitions and Concept

a. Young People

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

Young People in need of protection and early help

The College recognises that young people could be in need because they are suffering or likely to suffer significant harm. Where the Local Authority believes a young person is at risk, they have a duty to make enquiries to decide whether action should be taken and the College would have a duty of care to ensure information is shared under this Policy.

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

It is recognised within this policy that any adult may be vulnerable or become a victim of abuse. Specifically, an “adult at risk” is defined as any person who is 18 years of age or over and has a reduced capacity to give consent to disclosure of abuse allegations or suspicions. As defined by the Law Commission (1995) the following definitions for the purpose of this policy have been used;

An individual:-

- is or may be in need of community care services by reason of mental or other disability, age or illness;
- is or may be unable to take care of himself or herself;
- is unable to protect himself or herself against significant harm or serious exploitation

Whilst not definitive, the main categories of people covered by the definition of “adult at risk” for the purpose of this policy include those who;

- have a learning disability
- have a physical or sensory impairment
- have a mental illness
- are considered vulnerable and who may experience abuse due to problems with alcohol or drugs (or be vulnerable due to other circumstances such as being an asylum seeker)

c. Looked after Children

The College has a separate policy for Looked after Children and is reviewed within the guidelines of this policy and our safeguarding procedures.

d. Preventing Radicalisation and Terrorism (PREVENT)

Prevent is 1 of the 4 elements 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;
- the rule of law;
- individual liberty and mutual respect;
- tolerance of those with different faiths and beliefs.

The College works with the Local Authority and partners, including our Regional Prevent Lead to ensure that we are kept informed of any potential risks to our locality and to ensure that our staff and students have the most up to date information that is available.

e. Contextual Safeguarding

Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (or deputy) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. These threats can take a variety of different forms and children can be vulnerable to multiple threats, including: exploitation by criminal gangs and organised crime groups such as county lines; trafficking, online abuse; sexual exploitation and the influences of extremism leading to radicalisation.

f. Children staying with host families (Homestay/Private Fostering)

Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements. In some circumstances the arrangement where children stay with UK families could amount to "private fostering". Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer.

Such arrangements may come to the attention of school/College staff through the normal course of their interaction, and promotion of learning activities, with children and they should contact the DSL who will notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.

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:

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

3. 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.

4. 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.

5. Staff Responsibilities

All College staff (including supply staff) and volunteers have a responsibility to:

- a. complete mandatory safeguarding training on a 3 year basis and ensure that they read Keeping Children Safe in Education Part 1 annually to ensure that their knowledge relating to safeguarding is refer
- b. complete induction where it is outlined our responsibility to ensure the health, safety and wellbeing of our students.
- c. All staff should be aware of and implement the College's Policy and Procedure on Safeguarding Young People and Adults at Risk;
- d. provide a safe, secure and supportive environment for Young People and Adults at Risk;
- e. Abide by the College Staff code of conduct (Appendix B of this policy) and associated policies designed to responded positively and effectively to KCSIE (e.g. Social Media Policy)
- f. listen to Young People and Adults at Risk and respond in an appropriate way;
- g. protect Young People and Adults at Risk from abuse;
- h. make referrals, preferably via a Designated Safeguarding Lead, in accordance with the College, Local Safeguarding and Children Board (LSCB), Safeguarding Adults Board (SAB) procedures.

Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific legal duty on teachers. If a Lecturer, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the Lecturer must report this to the police.

- i. 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;
- j. undertake any additional Safeguarding training, appropriate to their role.

6. 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.” [Keeping Children Safe in Education 2020 Page 18 Para 60].

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. A staff behaviour policy (or code of conduct and social media policy exists and reflects key obligations of staff.
- d. there are procedures in place to manage safeguarding concerns, or allegations against staff (including supply staff and volunteers) that might indicate they would pose a risk of harm to children.
- e. procedures for dealing with allegations of abuse against members of staff or volunteers comply with the LSCB and SAB inter agency procedures;
- f. there are Designated Safeguarding Leads (DSLs), including a Senior Manager who takes lead responsibility for dealing with safeguarding issues;
- g. Designated Safeguarding Leads undertake approved training to the standards agreed by the LSCB and SAB every 2 years and support other staff;
- h. 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;
- i. 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 risk in arrangements as these are brought to its attention;

- j. 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.

Key College Managers/Committees

In addition to the Principal and Chief Executive there are a number of College Managers/Committees which have key responsibilities under this Policy:-

- a. The Heads of Department/School and Vice Principals are responsible for overseeing the operation of this policy and its associated procedure in the Departments/Schools.
- b. Curriculum Managers/other supervisor staff are responsible for ensuring that course teams collaboratively address the requirements of this policy and its associated procedure. Ensure staff are aware of the policy and procedures and that they receive appropriate training and support to undertake their roles effectively
- c. The College's Safeguarding and Prevent 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.

Everyone at New College Durham has the responsibility to:-

- a. Embrace a whole College approach to promoting and safeguarding the welfare of young people and adults at risk.
- b. Promote safeguarding best practice (including teaching and learning opportunities, as part of providing a broad and balanced curriculum, including covering relevant issues through personal and social health education (PSHE))..
- c. Ensure that all students are in environments which are safe, conducive to learning and free from disruption or threat of harm.
- d. Ensure this policy and its associated procedure are implemented across the College.

Designated Safeguarding Lead

The Corporation should ensure that the College designates an appropriate senior member of staff to take lead responsibility for young people and adults at risk. This person is currently the Deputy Chief Executive and has both 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. When required, 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 two 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 move to another educational establishment.
- k. informing the local authority of any known private fostering arrangement that occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

7. Standards by which the Success of this Policy can be Evaluated

The College will monitor the effectiveness of this policy notably via:-

- 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.

8. 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;

This policy and procedure are underpinned and shaped by the relevant legislation and guidance

9. Review of this Policy

All policies will be subject to a review either as a consequence of the changing landscape, against which the policy was originally drafted, or in keeping with good governance.

The effectiveness of this policy will be monitored annually and reviewed every five years in light of experience and best practice. This mechanism recognises that changes to legislation may prompt a review of the policy before the five years stipulated

10. History of Policy Reviews

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| Implementation Date: | January 2019 |
| 1st Review Date: | September 2020 |
| 2nd Review (proposed) | September 2021 |

Appendix A - Key Definitions

(definitions as stated by Keeping Children Safe in Education September 2020 – Part 1)

Young people and adults at risk 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.

Young People and Adults at Risk in Need

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.

Young people and adults at risk students missing from education

All staff should be aware that young people and adults at risk going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and can also be a sign of child criminal exploitation including involvement in county lines.

It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their school's or college's unauthorised absence and young people and adults at risk missing from education procedures.

Young people or adults at risk with family members in prison

It is not uncommon for 000 young people and adults at risk students to have a parent sent to prison each year. These families are at more risk of poor outcomes including poverty, stigma, isolation and poor mental health. NICCO provides information designed to support professionals working with offenders and their young people and adults at risk students, to help mitigate negative consequences for those young people and adults at risk students.

Child Criminal Exploitation (CCE)

Although the term refers to CCE this incorporates young people and adults at risk students and can be described where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence.

Some of the following can be indicators of CCE:

- Young people and adults at risk students who appear with unexplained gifts or new possessions;
- Young people and adults at risk students who associate with other young people involved in exploitation;
- Young people and adults at risk students who suffer from changes in emotional well-being;
- Young people and adults at risk students who misuse drugs and alcohol;
- Young people and adults at risk students who go missing for periods of time or regularly come home late
- Young people and adults at risk students who regularly miss school or education or do not take part in education.

Modern Day Slavery and Human Trafficking

These crimes include holding a person in a position of slavery, servitude, forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of modern day slavery within your own country. It is possible to be a victim even if consent has been given to be moved.

Children cannot give consent to being exploited therefore the element of coercion or deception does not need to be present to prove an offence.

Child Sexual Exploitation (CSE)

CSE occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a young or adults at risk person into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual.

CSE does not always involve physical contact; it can also occur using technology.

CSE can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media).

The above CCE indicators can also be indicators of CSE, as can:

- Young people and adults at risk students who have older boyfriends or girlfriends; and
- Young people and adults at risk students who suffer from sexually transmitted infections or become pregnant.

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.

Sexting or Youth Produced Imagery

Sexting or Youth Produced Imagery is sending and/or receiving sexually explicit messages or images primarily between mobile telephones.

Sexting or Youth Produced Imagery can include sexual dialogue (chat) or requests for pictures/images of a sexual nature and can be illegal. The question of legality depends on what the image is or what the chat involves and who it is sent between. However, it is a crime to possess, take, make, distribute or show anyone an indecent or abusive image of a child or young person under 18 years of age. Also, while the age of consent is 16, the relevant age in relation to indecent images is 18.

County lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

Exploitation is an integral part of the county lines offending model with young people and adults at risk students and adults at risk adults exploited to move [and store] drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Young people and adults at risk students can be targeted and recruited into county lines in several locations including schools, further and higher educational institutions, pupil referral units, special educational needs schools, children’s homes and care homes. Young people and adults at risk students are often recruited to move drugs and money between locations and are known to be exposed to techniques such as ‘plugging’, where drugs are concealed internally to avoid detection. Young people and adults at risk students can easily become trapped by this type of exploitation as county lines gangs create drug debts and can threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

One of the ways of identifying potential involvement in county lines are missing episodes (both from home and school), when the victim may have been trafficked for the purpose of transporting drugs and a referral to the National Referral Mechanism should be considered.

Types of Abuse and how to recognise them

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 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.

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 on-going 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.

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'

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 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:

medical or physical care needs being ignored to such an extent that a person's health and well-being is impaired;

administering too much, too little, or the wrong type of medication;

a failure to allow the person access to appropriate health, social care or education services;

withholding of the necessities of life, eg adequate nutrition, heating or clothing;

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.

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 Harassment

When referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos (both often referred to as sexting); inappropriate sexual comments on social media; exploitation; coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

It is important to consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

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.

Domestic abuse

The cross-government definition of domestic violence and abuse as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to:

- psychological;
- physical;
- sexual;
- financial;
- emotional.

All young people and adults at risk students can witness and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members.

Mental Health

Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Staff should note that only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy and speaking to the designated safeguarding lead or a deputy.

Upskirting

The Voyeurism (Offences) Act, which is commonly known as the Upskirting Act, came into force on 12 April 2019. 'Upskirting' is where someone takes a picture under a person's clothing (not necessarily a skirt) without their permission and or knowledge, with the intention of viewing their genitals or buttocks (with or without underwear) to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is a criminal offence. Anyone of any gender, can be a victim.

Homelessness

Being homeless or being at risk of becoming homeless presents a real risk to a child's welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes into the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst referrals and/or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, this does not, and should not, replace a referral into care where there is harm or is at risk of harm.

Honour-based abuse (including Female Genital Mutilation (FGM) and Forced Marriage (FM))

Honour-based' abuse (HBA) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving "honour" often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBA are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBA, or already having suffered HBA.

FGM

Comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences. **FGM mandatory reporting duty for teachers Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon teachers along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18.**

Forced marriage

Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some perpetrators use perceived cultural practices to coerce a person into marriage. Schools and colleges can play an important role in safeguarding young people and adults at risk students from forced marriage.

Preventing radicalisation

Young and adults at risk people are more likely to be exposed to extremist ideology and radicalisation. Similar to protecting from other forms of harms and abuse, protecting young and adults at risk people from this risk should be a part of a colleges' safeguarding approach.

Extremism - is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs.

Radicalisation - refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

Terrorism is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system.

The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause. There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media or the internet) and settings (such as within the home).

Peer on peer abuse

Young people and adults at risk can abuse others. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to): abuse within intimate partner relationships; bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiation/hazing type violence and rituals.

Sexual violence and sexual harassment between young people and adults at risk students in schools and colleges

Sexual violence and sexual harassment can occur between two young people and adults at risk students of any age and sex. It can also occur through a group sexually assaulting or sexually harassing a single person or group of. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable.

It is important that all victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows young female students', adults at risk students and students with SEND and LGBT are at greater risk. Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up.
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”.
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting skirts (up skirting). Dismissing or tolerating such behaviours risks normalising them.

The Prevent duty

All schools and colleges are subject to a duty under section 26 of the Counter Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have “due regard²¹ to the need to prevent people from being drawn into terrorism”. This duty is known as the Prevent duty.

Channel

A voluntary, confidential support programme which focuses on providing support at an early stage to people who are identified as being adults at risk to being drawn into terrorism. Prevent referrals may be passed to a multi-agency Channel panel, which will discuss the individual referred to determine whether they are adults at risk to being drawn into terrorism and consider the appropriate support required. A representative from the school or college may be asked to attend the Channel panel to help with this assessment. An individual’s engagement with the programme is entirely voluntary at all stages.

Appendix B

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 (September 2020) 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.