



## **Policy and Procedures on Safeguarding Children & Vulnerable Adults**

### **Policy**

#### **1 Legal framework**

- 1.1 DfES circular 10/95 set out the role of FE colleges in helping to protect children from abuse, under the terms of the Children Act 1989.
- 1.2 The Children Act 1989 placed a duty on local authorities to investigate situations where a child is at risk of significant harm. Schools and colleges had a legal obligation to work with investigating agencies acting on behalf of children in need.
- 1.3 Section 175 of the Education Act 2002, which came into force in June 2004, places a duty on local authorities, the governing bodies of maintained schools and the governing bodies of Further Education institutions to have arrangements in place to ensure that they safeguard and promote the welfare of children. This duty is very general but acquires substance in guidance issued by DfES. S175 imposes a statutory duty to have regard to the guidance issued by the Secretary of State.
- 1.4 Initial guidance was contained in the document 'Safeguarding Children in Education' published in September 2004. Safeguarding Children sets out the requirements to provide a safe learning environment, identify young people suffering, or likely to suffer, significant harm and take appropriate action in full partnership with other local agencies. It therefore encompasses wider issues such as health, safety, drug/substance abuse and bullying as well as the contribution made to safeguarding in relation to individual children, and underpins our common law duty of care.
- 1.5 This was replaced and extended in January 2007 by 'Safeguarding Children and Safer Recruitment in Education' which includes more specific guidance (including some statutory requirements) relating to the recruitment and vetting of staff, in the light of the Bichard enquiry into the Soham murders.
- 1.6 The responsibility for making sure appropriate arrangements are in place lies with the governing body. Staff members are responsible for carrying out their duties in compliance with the arrangements set out by the governing body.
- 1.7 The Children Act 2004 resulted from Lord Laming's report into the death of Victoria Climbié. Section 11 of the Act, which came into force in October 2005, brings other key agencies, including Connexions, into line with the duties already placed on schools and colleges by s175 of the Education Act 2002.

- 1.8 The duties to safeguard and promote welfare are part of the comprehensive strategy of change for children which began with the publication of Every Child Matters in September 2003.
- 1.9 Bedford College is not an investigating agency. This function will normally be carried out by Social Services, or other agencies with statutory powers (the police and NSPCC), as set out in the manual of safeguarding inter-agency procedures published by the Bedfordshire and Luton Local Safeguarding Children's Board.
- 1.10 The Children Act 1989, and subsequent legislation and guidance, are concerned with the emotional, physical or sexual abuse or neglect of children, defined as under the age of 18. However, it is recognised that children acquire degrees of legal capacity (for example, the ability to give informed consent) and maturity prior to their 18<sup>th</sup> birthday, and also that there are adults over 18 who continue to be vulnerable due to a learning difficulty and/or disability.

## **2 Commitment**

- 2.1 Bedford College is committed to its duty in safeguarding and promoting the welfare of children and vulnerable adults, and recognises its role in identifying cases of suspected abuse and making referrals to the appropriate investigating agency.
- 2.2 It takes seriously its obligations under the Every Child Matters agenda. In the context of this policy the 'Staying Safe' and 'Being Healthy' outcomes are paramount.
- 2.3 The College recognises the need to work with other agencies in performing its duties under the Education Act 2002, as set out in the statutory guidance. These are, in summary:
  - to have in place and follow procedures in keeping with local inter-agency (Local Safeguarding Children's Board) guidelines
  - to operate safe recruitment procedures
  - to have in place procedures to deal with allegations against staff
  - to designate a senior member of staff as having lead responsibility for safeguarding children, and ensure that they receive appropriate training
  - to liaise with schools regarding pre-16 students
  - to ensure all staff working with young people under 18 receive appropriate safeguarding children training and are aware of their responsibilities
  - to review policies and procedures annually.
- 2.4 The safety and well-being of children is paramount and all concerns about abuse are taken seriously.
- 2.5 The College is also committed, as good practice, to applying these principles in respect of those over 18 felt to be 'vulnerable'. Definitions of abuse as they relate to vulnerable adults, together with procedures to be followed, are given at annex A.
- 2.6 The College reserves the right to refuse admission to any person who may pose a threat to children or vulnerable adults.

### **3 Equality and diversity statement**

- 3.1 Bedford College is committed to the promotion and development of equality and diversity. We aim to provide a working and learning environment which values individuals equally regardless of age, disability, ethnic origin, gender, sexual orientation, marital status, religious belief or trade union membership.
- 3.2 This policy and procedure will be implemented in accordance with our policies on equality and diversity, disability and race equality, and decisions/actions taken in relation to a potential safeguarding children/vulnerable adult incident will not be influenced by the background or situation of any persons involved. Each case will be dealt with on its own merits.

### **4 Definitions**

- 4.1 Throughout this document the following definitions apply:

<b>Child</b>	- a young person under the age of 18
<b>Child abuse</b>	- may be physical, sexual or emotional abuse, or neglect
<b>Significant harm</b>	- ill treatment or the impairment of health or development (compared with the health or development which might be expected of a similar child)
<b>Physical abuse</b>	- actual or likely physical injury to a child, or failure to prevent injury
<b>Sexual abuse</b>	- actual or likely sexual exploitation of a child, including prostitution
<b>Emotional abuse</b>	- actual or likely significant adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill-treatment or rejection
<b>Neglect</b>	- persistent or severe neglect of child, or failure to protect a child from exposure to any kind of danger, including cold or starvation, or extreme failure to carry out important aspects of care
<b>Safeguarding</b>	- includes promotion of health and well-being as well as protection of specific individuals
<b>Designated person(s)</b>	- the staff member designated by the Chief Executive as having responsibility for liaising with the investigating agency

### **5 Supporting documentation**

- 5.1 This policy should be read in conjunction with the following documents:
- Bedfordshire and Luton Local Safeguarding Children's Board Manual of Safeguarding Inter-Agency Procedures

- Bedford College Counselling Service Policy
- Bullying/Harassment Procedure
- Grievance Procedure
- Confidentiality Procedure
- Every Child Matters Strategy
- Bedford College Nursery Child Protection Policy
- DfES Circular 10/95
- The Children Act 1989
- The Children Act 2004
- Education Act 2002 (s175)
- Working Together to Safeguard Children (Dept. of Health, 1999)
- Safeguarding Children in Education (September 2004)
- Statutory Guidance on s11 of the Children Act 2004 (August 2005)
- Safeguarding Children and Safer Recruitment in Education (January 2007)
- Protecting Vulnerable Adults (Bedfordshire County Council 2004)

## **Procedures**

### **6 Designated staff**

- 6.1 The designated persons with responsibility for safeguarding children are:
- |                        |                              |          |
|------------------------|------------------------------|----------|
| <b>Lesley Ferguson</b> | Director of Student Services | ext 5908 |
| <b>Saima Nasir</b>     | Student Wellbeing Manager    | ext 5915 |
| <b>Emma Binns</b>      | Student Finance Manager      | ext 5470 |

The governor with specific responsibilities for safeguarding children, including policies and practice within the institution, is the Chief Executive.

### **7 Responding to an allegation of abuse**

- 7.1 Any member of staff who has knowledge of, or a suspicion that, a child is or has been suffering significant harm must refer their concern to the designated member of staff as soon as possible. All allegations or suspicions must be taken seriously. The student must be advised that this information cannot be kept confidential and will be passed on to the designated member of staff in college in the first instance.
- 7.2 Staff who receive an allegation or disclosure of abuse should make an immediate written record of the conversation, including the following information:
- date and time of report
  - date, time and place of alleged abuse
  - your name and name of complainant
  - name of child alleged to have been abused, if different from above
  - nature of alleged abuse
  - description of any injuries observed, if any
  - any other information given, including siblings if relevant
  - confirmation that the student has been advised of the next steps
- 7.3 Questions should be kept to the minimum required for clarity, and leading questions must be avoided.
- 7.4 If abuse is suspected but not disclosed, it may be appropriate to remind the student about the availability of the College Counselling Service or external help lines.

### **8 Students aged 16 and 17**

- 8.1 These students are covered in law by the Children Act. This means that allegations or suspicions of abuse must be taken seriously by the College and acted upon appropriately.
- 8.2 Students aged 16 and 17 should be encouraged to report the abuse, or give consent for a report to be made, to an investigating agency (usually the Social Services department in the area where the student lives). However, they should be made aware that it may be necessary to report the abuse even without their consent.

8.3 Concerns or suspicions must be referred to the designated staff member even if the student's stated wishes are to the contrary. They will seek advice from the appropriate investigating agency and agree any further action which may be necessary. If it is agreed with the investigating agency that a formal referral should be made, this must be followed up in writing within 48 hours, using the agency's proforma where available.

8.4 The following issues are relevant:

- what are the wishes of the student?
- are younger siblings involved?
- is a criminal act being committed?
- is there risk of significant harm?

## **9 Students aged under 16**

9.1 The development of the 14-19 curriculum has led to increasing numbers of pre-16 students attending college.

9.2 All allegations or suspicions of abuse must be reported to the designated member of staff, even if the student's stated wishes are to the contrary. The student must be informed that the information will be passed to someone else within college, and possibly also to the school and/or Social Services.

9.3 The designated member of staff will discuss the case with the Senior Manager (14-16) and liaise with the school as appropriate, ensuring that the matter is reported to the investigating agency, either by the school or by the College. A written record of any discussions/referrals will be made.

## **10 Work Placements**

10.1 Staff organising any work placements should take safeguarding children into account when assessing the suitability of the placement, although students are more vulnerable to harm or abuse when in long-term placement in the workplace. The College has a duty to put in place additional safeguards when **one or more** of the following conditions apply:

The placement is

- For more than one day per week
- For longer than one term in any academic year
- Aimed at students who are vulnerable (e.g. those who have special needs or are aged under 16), **regardless of the length of placement**
- Where the workplace supervisor or a colleague will have substantial unsupervised/one-to-one access to the student (e.g. sole trader)
- Has a residential component.

If **any** of the above factors apply:

- staff arranging, vetting or monitoring work placements should have received training in safeguarding children
- employers taking students on long-term placements should be asked to commit to safeguarding their welfare by endorsing this policy
- anyone in the workplace who is specifically designated as having responsibility for caring for, training, supervising or being in sole charge of a student should be subject to disclosure procedures. (For CRB purposes these people are classed as volunteers, therefore there is no cost.) They should also be briefed about what to do if they are concerned about a student's welfare.

All students on work placement should have a regular point of contact within college, and be advised that they can discuss with that person any concerns about their placement. Any concerns raised about their work placement or any suspicions of abuse must be reported to the designated member of staff immediately and procedures followed as outlined in paragraphs 7 - 9 above.

## **11 Confidentiality**

- 11.1 A good working relationship between staff and students depends to a large extent on the establishment of trust. This may be described as a 'confidential relationship'. However, guarantees of absolute confidentiality should not be given as it may prove necessary to make a referral to an appropriate agency.
- 11.2 If a student discloses abuse to a member of staff, it is important that the boundaries of confidentiality and the need to pass on that information are explained to the student. It is often easier to explain to the student that you have a responsibility to pass on information on certain matters than to get into a situation where you break a confidence.
- 11.3 The College counsellor works to the British Association for Counselling and Psychotherapy Ethical Framework. This allows the counsellor to break confidentiality in exceptional circumstances, with or without the student's consent if necessary where, in her/his professional judgement:
- there is a serious risk of the student harming themselves or being harmed
  - there is a serious risk of another person being harmed
  - there is a risk of a serious crime being committed

## **12 Record keeping**

- 12.1 All written records must be passed to the designated staff member.
- 12.2 Records will be kept securely within Student Services, and held for a period of 5 years.
- 12.3 Records are confidential. They may be accessed by the subject of the record but not by any third party other than the designated staff member and/or the originator.

12.4 Personal tutors must not retain any records relating to a safeguarding children issue.

### **13 Safe recruitment of staff**

13.1 The College undertakes best endeavours to ensure that its employees are fit to work with children. It also reserves the right to refuse admission to any person whom it believes may pose a risk to children.

13.2 The Further Education (Providers of Education) (England) Regulations 2006 place on colleges a duty to undertake an Enhanced Criminal Records Bureau Disclosure for all new staff who are providing education, training or care to young people under 18.

13.3 The College accordingly has the following systems in place to prevent unsuitable people from working with children and young people and promote safe practice:

- references are required for all new staff
- checks are made on the identity, nationality, residency and right to work status for all new staff
- evidence of qualifications are required for all new staff
- all staff new to the College are List 99 checked
- all staff providing education or working in a one-to-one situation with students are required to complete CRB Disclosure at Enhanced level
- CRB Disclosures are re-checked after three years
- International Disclosures are required for relevant overseas staff
- All job descriptions and person specifications contain statements relating to safeguarding the welfare of children and young people.

13.4 In accordance with the regulations, a central record is kept of all checks carried out on staff.

### **14 Training staff**

14.1 Designated staff will receive training in safeguarding children and inter-agency working to standards approved by the Local Safeguarding Children's Board, and refresher training every 2 years.

14.2 All other staff who work with young people under 18 will receive training through the College staff development programme to ensure they are aware of their responsibilities for safeguarding children and of the college's policies and procedures. Refresher training will be held every 3 years.

### **15 Allegations of abuse against staff**

15.1 All allegations and concerns must be taken seriously and dealt with according to the guidance given in 'Safeguarding Children and Safer recruitment in Education'.

15.2 Where an allegation of abuse is made against a member of staff, the relevant disciplinary procedures may be invoked as well as reporting the case to the appropriate authorities. Any investigation taken under Local

Safeguarding Children's Board procedures must take precedence over internal college procedures.

- 15.3 Any such allegation should be reported to the designated member of staff as soon as possible. The designated member of staff will inform the Director of Organisation Development and report the matter to the appropriate statutory agency as above.
- 15.4 If an allegation of abuse is made against the designated member of staff, the allegation must be reported directly to the Director of Organisation Development
- 15.5 Where an allegation is made by a student aged 18+, it will be investigated through internal college procedures.
- 15.6 If it is subsequently found that a student has made a false allegation, or that the allegation was prompted by inappropriate behaviour, the matter will be investigated through the student disciplinary procedures.

## **16 Support for staff**

- 16.1 This policy document is available to all staff via the staff intranet or from Student Services.
- 16.2 Where a member of staff finds a disclosure particularly distressing, they may wish to seek support through the Employee Assistance Programme (EAP). Details of the EAP are available on the College intranet or from Human Resources. Alternatively, they may talk through their concerns with the designated member of staff.

## **17 College Nursery**

- 17.1 Separate procedures are in place for children in the College nursery. The designated staff member is the Nursery Manager.

Submitted for information to the Board of Governors 25 March 2004  
Amended 5 April 2004, 23 November 2005 and 12 June 2007

Lesley Ferguson  
Director of Student Services

## Safeguarding vulnerable adults

### 1. Who is classed as a 'vulnerable adult'?

A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves or protect themselves from harm or exploitation. People who fall into the vulnerable category include those with learning disabilities or mental health problems. Adults may also be classed as being vulnerable if their situation is complicated by additional factors such as:

- Physical frailty
- Chronic illness
- Sensory impairment
- Challenging behaviour
- Social problems
- Emotional problems
- Poverty
- Homelessness
- Substance misuse

Vulnerable adults enrolling on courses at college will normally have a named advocate who should be identified at interview stage.

### 2. Definitions of abuse against vulnerable adults

**Physical abuse** - includes hitting, slapping, pushing, kicking, rough handling or unnecessary physical force, either deliberate or unintentional, misuse of medication, restraint or inappropriate sanctions.

**Sexual abuse** - includes rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent to, or was pressured into consenting to. Sexual abuse can occur between people of the same sex and it can also occur within a marriage or any long-term relationship.

**Psychological abuse** - includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse or isolation.

**Financial or material abuse** - includes theft, fraud, exploitation, pressure in connection with wills, property, enduring power of attorney, or inheritance or financial transactions, or the inappropriate use, misuse or misappropriation of property, possessions or benefits.

**Neglect and acts of omission** - includes ignoring or withholding medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition, clothing and heating.

**Discriminatory abuse** - includes racist, sexist, or discrimination based on a person's disability.

**Self neglect** - is not a direct form of abuse but staff need to be aware of it in the general context of risk assessment/risk management and to be aware that they may owe a duty of care to a vulnerable individual who places him/herself at risk in this way.

### **3. What to do if you suspect a vulnerable adult is being abused?**

Any member of staff who has knowledge of, or a suspicion that, a vulnerable adult student is or has been suffering abuse must refer their concern to the designated member of staff as soon as possible. All allegations or suspicions must be taken seriously. The student must be advised that this information cannot be kept confidential and will be passed on to the designated member of staff in college in the first instance.

The designated member of staff when dealing with vulnerable adults is:

**Katrina O'Brien** (Assistant Director, ext. 5652  
Foundation Education)

In her absence you should contact one of the designated staff members for safeguarding children (see section 6 of this procedure). Advice will then be sought from the appropriate Social Services department (see annex B).

In all other respects, including record-keeping and confidentiality, the procedure relating to vulnerable adults is identical to that which should be followed in respect of children and young people, and which is detailed in the main body of this document.

**Useful telephone numbers**

**Safeguarding children**

Children's Services Intake and Assessment Teams:

Bedford and East Beds	01234 223599
South, West and Mid Beds (inc Dunstable and Biggleswade)	01582 818499
Luton	01582 546000

Emergency (out of hours):

Bedfordshire and Luton	0870 238 5465
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NSPCC	01582 424888
NSPCC National Helpline	0800 800500
NSPCC minicom	0800 0560566
Childline	0800 1111

**Safeguarding vulnerable adults**

Adult Duty Desks:

Luton	01582 547759/547760
Amphill	01525 840543
Bedford	01234 363222
Biggleswade	01767 224224
Dunstable	01582 665861
Leighton Buzzard	01525 381775

Emergency (out of hours):

Bedfordshire and Luton	0870 238 5465
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Police Family Protection Team	01234 271212
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