

Safeguarding Young People and Vulnerable Adults Policy

TYPE: Policy

PURPOSE: To inform staff, students, parents/ guardians and all other service users of the policy and procedures Solihull College & University Centre and Stratford upon Avon College has in place to ensure that the welfare of young people and vulnerable adults receiving education and training is safeguarded and promoted.

SCOPE: This policy applies to all students, staff and visitors

RESPONSIBILITY: The Vice Principal HR & Student Services is responsible for this policy. The Director Student Services is responsible for the monitoring of the policy.

LEGAL CONTEXT: Keeping Children Safe in Education Statutory Guidance for Schools and Colleges (September 2018); Children Act 2004; The Prevent Duty

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A General Policy Statement

Solihull College & University Centre and Stratford-upon-Avon College (hereafter referred to as the College) has a statutory and moral duty to ensure that the welfare of young people and vulnerable adults receiving education and training is safeguarded and promoted.

Throughout these policies and procedures, reference is made to “young people”. This term is used to mean those under the age of 18. The Corporation recognises that some adults may also be vulnerable to abuse, and, accordingly, the procedures may be applied to allegations of abuse and the protection of vulnerable adults.

The Corporation is committed to ensuring that the College:

- 1 Provides a safe environment for young people and vulnerable adults;
- 2 Identifies young people and vulnerable adults who are suffering, or likely to suffer, significant harm; and
- 3 Takes appropriate action to see that such young people and vulnerable adults are kept safe, both at home and at the College.

Significant Harm

The Children Act 1989 introduced the concept of **significant harm** as the threshold that justifies compulsory intervention in family life in the best interests of a child, and gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm.

Safeguarding and promoting the welfare of children is defined in Working Together to Safeguard Children (2018) as:

- protecting children from maltreatment;
- preventing impairment of a child’s health or development;
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes (DfE, September 2016)

All people working in schools, further and higher education institutions contribute to and have a statutory duty to safeguard and promote the welfare of young people and vulnerable adults. Consequently, staff in these establishments play an important part in safeguarding young people and vulnerable adults from abuse by early identification of those students who may be vulnerable or at risk of harm and by educating students, about managing risks and improving their resilience through the curriculum.

All further and higher education institutions should create and maintain a safe environment for young people and vulnerable adults, and should be able to manage situations where there are welfare and/or safeguarding concerns.

In pursuit of these aims, the Corporation will review this policy and procedures annually with the aim of:

1. Raising awareness of issues relating to the welfare of young people and vulnerable adults and the promotion of a safe environment for the young people learning within the College or whilst on placement in the workplace.
2. Aiding the identification of young people and vulnerable adults at risk of significant harm, and providing procedures for reporting concerns.
3. Establishing procedures for reporting and dealing with allegations of abuse against members of staff.
4. The safe recruitment of staff.

In developing the policies and procedures the College will take account of, guidance issued by the Department for Education (DfE), OFSTED and other relevant bodies and groups. The procedures have been developed in co-operation with the Local Safeguarding Children's Board and the Safeguarding Adults Board.

The College will refer concerns that a young person might be at risk of significant harm to Children's Services, Multi-Agency Safeguarding Hub (MASH).

The Corporation has a nominated governor, Geraldine Swanton, as the Governor with special responsibility for safeguarding issues.

The College has, from 2006, held a Single Central Record of all staff which details relevant checks that have been undertaken. The College deems itself to be a specified place and, therefore, all new staff are checked against the Children's List and Vulnerable Adults list and are also subject to enhanced DBS checks.

In addition to safeguarding training at induction, all staff have and will continue to receive safeguarding training at level 1, in order to familiarise them with safeguarding issues, their responsibilities and the College procedures and policies. Additionally, all staff should receive on-line training updates eg via email, the staff hub etc, at least annually.

There is a designated senior member of staff with lead responsibility for safeguarding. This person is assisted by other senior staff and a team of trained safeguarding officers.

The Corporation will receive, from the designated senior member of staff with lead responsibility for safeguarding, an annual report that reviews how the duties have been discharged.

The Corporation recognises the following as definitions of abuse:

A1. Abuse: a form of maltreatment of a child/young person. Somebody may abuse or neglect a child/young person by inflicting harm, or by failing to act to prevent harm. Children/young people may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or another child or children.

A2. Physical abuse: a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child/young person. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child/young person.

A3. Emotional abuse: the persistent emotional maltreatment of a child/young person such as to cause severe and adverse effects on the child's emotional development. It may involve

conveying to a child/young person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child/young person opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child/young person participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), 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/young person, although it may occur alone.

A4. Sexual abuse: involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child/young 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 non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child/young person 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.

A5. Neglect: the persistent failure to meet a child or young person's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child or young person's basic emotional needs.

A6. Specific Safeguarding Issues

In addition to the four categories of abuse, Keeping Children Safe in Education (2018) identifies the following safeguarding issues:

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

All staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:

- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexual violence and sexual harassment;
- sexting (also known as youth produced sexual imagery); and
- initiation/hazing type violence and rituals.

All staff should be clear as to the school or college's policy and procedures with regards to peer on peer abuse.

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.

B. Designated Staff with Responsibility for Child Protection

Senior Staff Member with Lead Responsibility

The designated senior member of staff with lead responsibility for safeguarding is Adam Thomas, the Director of Student Services.

This person is a senior member of the College management team. He has a key duty to take lead responsibility for raising awareness within the staff of issues relating to the welfare of young people and vulnerable adults, and the promotion of a safe environment for the young people and vulnerable adults learning within the College.

He has received training in safeguarding issues and inter-agency working, as required by the Local Safeguarding Children's Board, and will receive refresher training at least every 2 years. He will keep up to date with developments in safeguarding.

The designated senior member of staff is responsible for:

1. Overseeing the referral of cases of suspected abuse or allegations;
2. Providing advice and support to other staff on issues relating to safeguarding;
3. Maintaining a proper record of any safeguarding referral, complaint or concern (even where that concern does not lead to a referral);
4. Ensuring that parents of young people within the College are aware of the College's Safeguarding of Young People and Vulnerable Adults Policy;
5. Liaising with the Education and Children's Service and the Local Safeguarding Children's Board, the Safeguarding Adults Board and other appropriate agencies such as those working to prevent radicalisation and violent extremism;
6. Liaising with secondary schools which send pupils to the College to ensure that appropriate arrangements are made for the pupils;
7. Ensuring that the appropriate liaison takes place with employers and training organisations receiving young people and vulnerable adults from the College on long term placements to ensure that appropriate safeguards are put in place; and
8. Ensuring that staff receive training in safeguarding and are aware of the College safeguarding procedures.

The DSL (Designated Safeguarding Lead) will provide an annual report to the Corporation setting out how the College has discharged its duties. He is responsible for reporting deficiencies in procedure or policy identified by the Local Safeguarding Children's Board or others bodies to the designated Governor at the earliest opportunity.

Designated Staff Members

Pete Haynes, the Vice Principal HR & Student Services and Peter Stone, the Caring Services Coordinator Stratford College act as Deputy DSL's (Designated Safeguarding Lead). There are a

further nine trained safeguarding officers including the Caring Services Manager and the Campus Manager, Woodlands Campus.

These designated staff members:

1. Report to the senior member of staff with lead responsibility;
2. Will know how to make an appropriate referral;
3. Will be available to provide advice and support to other staff on issues relating to safeguarding;
4. Have particular responsibility to be available to listen to young people and vulnerable adults studying at the College;
5. Will deal with individual cases, including attending case conferences and review meetings as appropriate; and
6. Have received training in child protection/ safeguarding issues and inter-agency working, as required by the Local Safeguarding Children's Board and will receive refresher training at least every 2 years.

Designated Governor

The designated member of the governing body with responsibility for safeguarding issues is Geraldine Swanton.

The designated governor is responsible for liaising with the Principal, the Clerk and the Senior Staff Member with lead responsibility over matters regarding safeguarding, including:

1. Ensuring that the College has procedures and policies which are consistent with the Local Safeguarding Children's Board and the Safeguarding Adults Board.
2. Ensuring that the College policy on safeguarding is reviewed annually and recommended to the Corporation for approval.
3. Ensuring that, each year, the Corporation is informed of how the College and its staff have complied with the policy, including but not limited to a report on the training that staff have undertaken.

Where there are allegations against the Principal or any other senior post holder or against the Senior Staff Member with lead responsibility, the designated governor will inform the Chair of the Corporation (or in his/her absence the Vice Chair) and in consultation with the Clerk, Chair or Vice Chair of the Corporation, oversee the liaison between appropriate agencies. This liaison will not involve undertaking any form of investigation, but will ensure good communication between the parties and provide information to assist enquiries.

The designated governor shall receive appropriate training and all members of the Corporation will be briefed on their responsibilities in relation to safeguarding.

C. Dealing with Disclosure of Abuse and Procedure for Reporting Concerns

The procedure will be determined primarily by the Local Safeguarding Children's Board and Safeguarding Adults Boards, which establish the locally agreed inter-agency procedures. However, all staff should observe the following guidelines.

If a young person or vulnerable adult tells a member of staff about possible abuse:

- Listen carefully and stay calm;
- Do not interview the person, but question normally and without pressure, in order to be sure that you understand what the person is telling you;
- Do not put words into the person's mouth;
- Reassure the person that by telling you, s/he has done the right thing;
- Inform the person that you must pass the information on, but that only those who need to know about it will be told. Inform him/her of to whom you will report the matter;
- Note the main points carefully in the person's own words; and
- Make a detailed note of the date, time, place, what the person said, did and your questions.

If a young person/ vulnerable adult is freely recalling events, the response should be to listen, rather than stop him/her; questioning of the information being given must be limited to confirming factual accuracy required to provide a quality referral, e.g. who are the people involved, what has actually happened and when and where did any incident occur.

If the young person/ vulnerable adult has an injury but no explanation is volunteered, it is acceptable to enquire how the injury was sustained.

However, the young person/vulnerable adult must not be pressed for information, led or cross-examined or given false assurances of absolute confidentiality. Such well-intentioned actions could prejudice Police investigations.

It is important that the young person/ vulnerable adult should not be asked to repeat the information to a colleague or write the information down. Making an accurate and verbatim record of what the young person/ vulnerable adult has said (disclosure), (or evidence that has led to the concerns) recording the young person/ vulnerable adult's own words, is the responsibility of the person to whom s/he has disclosed. **This should be recorded, in writing and sent directly to the DSL.** If a member of staff has a concern about a student and calls in a safeguarding officer then the safeguarding officer is responsible for the initial record as well as any follow on.

Staff should not investigate concerns or allegations themselves but should report them immediately to the DSL (Designated Safeguarding Lead).

In exceptional circumstances, when it is not possible to locate or contact the Designated Safeguarding Lead or any of the safeguarding team, the Principal, any other member of the Executive or Senior Management Teams or the Designated Governor, a member of staff may make a referral direct to the appropriate Social/Children's or Adult services department. This should be reported to the DSL or the Principal at the earliest opportunity.

D. Reporting and Dealing with Allegations of Abuse against Members of Staff

The procedures apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word “staff” is used for ease of description.

1 Introduction

- 1.1 In rare instances, staff in educational institutions have been found responsible for abuse of a young person or vulnerable adult. Because of their frequent contact with young people, staff may have allegations of abuse made against them. The College recognises that an allegation of abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and those investigations are thorough and not subject to delay.
- 1.2 The College recognises that the Children Act 1989 states that the welfare of the young person is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual’s reputation, confidence and career. Therefore, those dealing with such allegations within the College will do so with sensitivity and will act in a careful, measured way.
- 1.3 The College also recognises that the Sexual Offences (amendment) Act 2000 established a criminal offence of the abuse of trust affecting teachers and others who are in a relationship of trust with 16-18 year olds; a relationship of trust being one where a member of staff or volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken.

The legislation is intended to protect young people in education who are over the age of consent but under 18 years of age.

The principle of equality embedded in the legislation applies irrespective of sexual orientation: neither homosexual nor heterosexual relationships are acceptable within a position of trust.

2 Receiving an Allegation from a Young Person or Vulnerable Adult

- 2.1 A member of staff who receives an allegation about another member of staff from a young person or vulnerable adult should follow the guidelines in Part C for dealing with disclosure.
- 2.2 The allegation should be reported immediately to the Principal. If the allegations are against the Principal or any other senior post holder, the report should be made to the Senior Staff Member with lead responsibility and the Designated Governor, who will inform the Clerk and the Chair/Vice Chair of Governors. The Principal (or the designated person if the allegation is against the Principal or another senior post holder) should:
 - 2.2.1 Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or designated person).
 - 2.2.2 Record information about times, dates, locations and names of potential witnesses.

3 Initial Assessment by The Principal (or designated person)

- 3.1 The Principal (or designated person) should make an initial assessment of the allegation, consulting with the Senior Staff Member with lead responsibility, the Designated Governor and the LADO (Local Authority Designated Officer) as appropriate. Where the allegation is considered to be either a potential criminal act or indicates that the young person or vulnerable adult has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the appropriate Social/Children's services department.
- 3.2 It is important that the Principal (or designated person) does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.
- 3.3 Other potential outcomes are:
- 3.3.1 The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the young person or vulnerable adult. The matter should be addressed in accordance with the College disciplinary procedures.
- 3.3.2 The allegation can be shown to be false because the facts alleged could not possibly be true.

4 Enquiries and Investigations

- 4.1 Safeguarding/Child protection enquiries by Social/Children's services or the police are not to be confused with internal, disciplinary enquiries by the College. The College may be able to use the outcome of external agency enquiries as part of its own procedures. The safeguarding agencies, including the police, have no power to direct the College to act in a particular way; however, the College should assist the agencies with their enquiries.
- 4.2 The College shall hold in abeyance its own internal enquiries while the formal police or Social/Children's services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing staff disciplinary procedure or the disciplinary procedure for senior post holders.
- 4.3 If there is an investigation by an external agency, for example the police, the Principal (or designated person) should normally be involved in, and contribute to, the inter-agency strategy discussions. The Principal (or DSL) is responsible for ensuring that the College gives every assistance with the agency's enquiries. S/he will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Principal (or DSL) shall advise the member of staff that s/he should consult with a representative, for example, a trade union officer.
- 4.4 Subject to objections from the police or other investigating agency, the Principal (or DSL) shall:
- 4.4.1 inform the young person/vulnerable adult or parent/guardian/carer making the allegation that the investigation is taking place and what the likely process will involve.
- 4.4.2 ensure that the parents/guardians/carers of the young person/vulnerable adult making the allegation have been informed that the allegation has been made and what the likely process will involve.

- 4.4.3 inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.
- 4.4.4 inform the Chair of the Corporation and the designated governor of the allegation and the investigation.

4.5 The Principal (or DSL) shall keep a written record of the action taken in connection with the allegation.

5 **Suspension of Staff**

5.1 Suspension should not be automatic. In respect of staff, other than senior post holders, suspension can only be carried out by the Principal or a designated senior post holder where the Principal has delegated responsibility (as in the disciplinary procedure). In respect of the Principal and other senior post holders, suspension can only be carried out by the Chair of the Corporation (or in his/her absence, the Vice Chair).

5.2 Suspension may be considered at any stage of the investigation. It is a neutral, not a disciplinary act and shall be on full pay. Consideration should be given to alternatives: e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties. Any suspension should remain under review in accordance with the College's disciplinary procedure for staff or the disciplinary procedure for senior post holders.

5.3 Suspension should only occur for a good reason. For example:

- 5.3.1 where a young person/vulnerable adult is at risk.
- 5.3.2 where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.
- 5.3.3 where necessary for the good and efficient conduct of the investigation.

5.3 If suspension is being considered, the member of staff should be encouraged to seek advice, for example from a trade union.

5.4 Prior to making the decision to suspend, the Principal or the designated senior post holder (or Chair or Vice Chair of the Corporation) should meet with the member of staff. This should occur with the approval of the appropriate agency from the Local Safeguarding Children's Board or Vulnerable Adult Board. In particular, if the police are engaged in an investigation the officer in charge of the case should be consulted.

5.5 The member of staff should be advised to seek the advice and/or assistance of his/her trade union and should be informed that s/he has the right to be accompanied by a friend. The member of staff should be informed that an allegation has been made and that consideration is being given to suspension. It should be made clear that the meeting is not a formal disciplinary hearing, but solely for raising a serious matter which may lead to suspension and further investigation. Care should be taken that any such meeting is carried out in accordance with the provisions in the College's disciplinary procedure for staff or senior post holders.

5.6 During the meeting, the member of staff should be given, as much information as possible, provided that doing so would not interfere with the investigation into the allegation. In particular the reasons for any proposed suspension should be set out. The meeting is not intended to establish the member of staff's innocence or guilt, but give opportunity for the member of staff to make representations about possible suspension. The member of staff should be given the opportunity to consider any information given to him/her at the meeting and prepare a response, although that adjournment may be brief.

- 5.7 If the Principal (or Chair/Vice Chair of the Corporation) considers that suspension is necessary, the member of staff shall be informed that s/he is suspended from duty. Written confirmation of the suspension, with reasons, shall be despatched as soon as possible and ideally within one working day. In the event that the Principal or other senior post holder has been suspended, the Chair/Vice Chair of the Corporation will report the suspension in writing to the Corporation and to the Local Authority Designated Officer (LADO) within 2 working days.
- 5.9 Where there is a suspension, the Principal (or Chair/ Vice Chair of the Corporation) should address the following issues:
- 5.9.1 the Chair of the Corporation and the Designated Governor should be informed of the suspension in writing and kept informed of the progress of any investigation.
 - 5.9.2 the Designated Governor will advise the Corporation that a member of staff has been suspended pending investigation. The detail given to the Committee should be minimal.
 - 5.9.3 where the Principal or another senior post holder has been suspended, the Principal and/ or the Chair or Vice Chair of Governors will need to take action to address the management of the College.
 - 5.9.4 the parents/carers of the young person/vulnerable adult making the allegation should be informed of the suspension. They should be asked to treat the information as confidential. Consideration should be given to informing the young person/vulnerable adult making the allegation of the suspension.
 - 5.9.5 senior staff who need to know of the reason for the suspension should be informed.
 - 5.9.6 depending on the nature of the allegation, the Principal should consider with the Chair/Vice Chair of the Corporation and the designated Governor whether a statement to the students of the College and/or parents/carers should be made, taking due regard of the need to avoid unwelcome publicity.
- 5.10 The Principal and Chair/Vice Chair of Governors shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The Local Safeguarding Children's Board or the Safeguarding Adults Board and external investigating authorities should be consulted.
- 5.11 The suspended member of staff should be given appropriate support during the period of suspension. S/he should also be provided with information on progress and developments in the investigation at regular intervals.
- 5.12 The suspension should remain under review in accordance with the College disciplinary procedures.

6 The Disciplinary Investigation

- 6.1 The disciplinary investigation should be conducted in accordance with the existing staff disciplinary procedures or the disciplinary procedure for senior post holders.
- 6.2 The member of staff should be informed of:
- 6.2.1 the disciplinary charge against him/her.
 - 6.2.2 his/her entitlement to be accompanied or represented by a trade union representative or friend.

- 6.2 Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension should be lifted immediately and arrangements made for the member of staff to return to work. It may be appropriate to offer counselling.
- 6.2.1 The young person or vulnerable adult making the allegation and/or their parents should be informed of the outcome of the investigation and proceedings. This should occur prior to the return to College of the member of staff (if suspended).
- 6.2.2 The Principal and the Chair/Vice Chair of Governors (or designated person) should give consideration to what information should be made available to the general population of the College.

7 Allegations without Foundation

- 7.1.1 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Local Safeguarding Children's Board in order that other agencies may act upon the information.
- 7.2 In consultation with the designated senior member of staff and the designated Governor, the Principal or in the case of a senior post holder, the Chair/Vice Chair of Governors shall:
- 7.2.1 inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or safeguarding action will be taken. Consideration should be given to offering counselling/support.
- 7.2.2 inform the parents/guardians/carers of the alleged victim that the allegation has been made and of the outcome.
- 7.2.3. where the allegation was made by a young person or vulnerable adult other than the alleged victim, consideration to be given to informing the parents/guardians/carers of that person also.
- 7.2.4. prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.
- 7.2.5 the outcome of any investigation will be reported to the Corporation.

8 Records

- 8.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file.
- 8.2 If a member of staff is dismissed, or resigns before the disciplinary process is completed, he/she should be informed about the College's statutory duty to inform the DBS.
- 8.3 Child protection records are to be kept for a minimum of 25 years.

9 Monitoring Effectiveness

- 9.1 Where an allegation has been made against a member of staff, the designated Governor, together with the senior staff member with lead responsibility should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or

policies and/or which should be drawn to the attention of the Local Safeguarding Children's Board and the Safeguarding Adults Board. Consideration should also be given to the training needs of staff. A report will be made to the Corporation setting out any recommendations.

E. Recruitment and Selection Procedures

The College will ensure that its recruitment and selection procedures are regularly reviewed in order to take account of the following:

- They should apply to staff, senior post holders and volunteers who may work with children;
- The post or role should be clearly defined;
- The key selection criteria for the post or role should be identified;
- Vacancies should be advertised widely in order to ensure a diversity of applicants;
- Require documentary evidence of academic/vocational qualifications;
- Obtain professional and character references;
- Verify previous employment history including clarification /explanation of any gaps in employment;
- Disclosure and Barring Service checks/ Barred List checks in line with the DBS guidance; and
- Use a variety of selection techniques (e.g. qualifications, previous experience, interview, reference checks).

A DBS disclosure should, wherever possible, be obtained before an individual begins work. Where an individual is allowed to begin work pending receipt of the DBS disclosure, the College should undertake a risk assessment and ensure that the individual is appropriately supervised, does not undertake one to one activity and that all other checks, including the Barred List, have been completed.

If any offence is disclosed, which may pose a safeguarding risk, the Safeguarding Panel made up of the DSL and Deputy DSL, will consider the information. The Vice Principal HR and Student Services will inform the Principal, should there be recommendations from the panel meeting regarding the suitability of the appointment based on the information received.

In the event of a disclosure being made concerning a member of the Governing body a decision will be made as to the suitability of their appointment by the Chair of Governors, the Governor with responsibility for Safeguarding and the Principal.

F. Physical Contact with Students/Restraint

It is not realistic to suggest that lecturers should never touch students, and they and other staff in College have the right to use reasonable force to control or restrain students in certain circumstances. **Use of reasonable force, Advice for head teachers, staff and governing bodies DfE 2013** outlines what types of incidents may require the use of force and what constitutes reasonable force in the following terms:

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.

2. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools/colleges generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

Who can use reasonable force?

All members of school staff have a legal power to use reasonable force.

This power applies to any member of staff at the school/ college. It can also apply to people who have temporarily been put in charge of students such as unpaid volunteers or parents accompanying students on a school/ college organised visit.

Using Force

A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

Reporting Incidents of Restraint/ Physical Contact with Students

All incidents must be reported on the incident reporting form.

Staff Training

The college will train security staff in the proper use of restraint.

When can reasonable force be used?

- Reasonable force can be used to prevent pupils/students from hurting themselves or others, from damaging property, or from causing disorder; and
- In a school or college, force is used for two main purposes – to control students or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

Schools/ Colleges can use reasonable force to:

- remove disruptive students from the classroom where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip or visit;
- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the college grounds; and
- restrain a student at risk of harming themselves through physical outbursts.

Schools/colleges cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

Power to search students without consent

In addition to the general power to use reasonable force described above, **authorised** staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” **Searching, screening and confiscation, Advice for headteachers, school staff and governing bodies, DfE January 2018:**

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used: to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).

Staff should note that if this is deemed necessary the DSL should be informed and will, with the Head of Security, be present at the search. If the DSL is not available the search must be attended by a senior member of staff. The Head of Security may delegate search responsibility to search trained security officers only. If the student refuses to volunteer to a search and the situation warrants it the DSL will contact the police.

G. Safeguarding and Work Placements

Safeguarding should be given equal prominence to health and safety and should be considered as part of the initial assessment of the general suitability of any placement.

Long Term Placements

This guidance refers primarily to long term work placements. Long term work placements refer to activity that takes place regularly (eg. a day a week) over several months (i.e. more than two).

The measures that have to be in place for such activities are as follows:

- The placement will be given a copy of the College's Safeguarding Young People and Vulnerable Adults policy and the **Quick Guide** to Safeguarding Learners which they are expected to endorse. Where a placement has their own designated member of staff (DSL) for safeguarding any safeguarding issues arising at the placement should be dealt with by them in the first instance;
- Where the placement does not have a DSL the placement staff should follow College procedures and contact the College DSL or if the allegation refers to a member of staff the College Principal;
- All staff arranging work placements will have safeguarding briefing / training;
- The person who has prime responsibility for overseeing the student during the placement will be briefed by the placement organiser to ensure they understand the procedures outlined in the Quick Guide to Safeguarding Learners; and
- The person who has prime responsibility for overseeing the student during the placement will ensure that a risk assessment of the placement is carried out.

Short Term Placements

The measures outlined above should relate to short term placements in the following circumstances:

- Where the young person or adult may be vulnerable due to special needs, immaturity, abuse or neglect, substance misuse etc.;
- Where the work placement has a residential component.

H. Services or Activities provided by another Body on College Premises

- Where services or activities are provided by another body on College premises the College will seek assurance that the body concerned has appropriate policies and procedures in place in regard to safeguarding young people and there are arrangements to liaise with the College on these matters where appropriate.
- Young people should not be allowed in areas where builders are working. However, arrangements should be in place via the contract where possible to make sure that any of the contractor's staff who come into contact with young people undergo appropriate checks

I. Looked After Children/ Young People

The most common reason for children/young people becoming looked after by the local authority is as a result of abuse and/or neglect. We ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe. We ensure that:

- Appropriate staff have the information they need in relation to a young person's looked after legal status (this includes whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and contact arrangements with birth parents or those with parental responsibility.
- Appropriate staff have information about the young person's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her.
- The DSL, designated safeguarding lead, and the Caring Services Manager have the details of the child's social worker and the name of the virtual school head in the authority that looks after the young person.

The Caring Services Manager, who is the designated member of staff for looked after children, is responsible for ensuring a Personal Education Plan (PEP) is in place for each looked after young person in the College, and is responsible for liaising with the home local authority virtual school for looked after children to ensure the highest expectations around educational attainment. The Caring Service Manager will work in partnership with the designated safeguarding lead and the social work team of the home local authority around any safeguarding concerns and placement stability issues. The Caring Services Manager receives appropriate training to undertake the role effectively.

J. Safeguarding in Tutorial and in the Curriculum

As a College we will educate and encourage students to keep safe through the provision of curriculum opportunities which include safeguarding. Tutorial for full-time 16 -18 year old students and aspects of the curriculum (for example, personal, social and health and economic education, PSHE) includes an emphasis on relationships (relationships and sex education), building confidence and resilience in students, developing preventative strategies to ensure their own protection and that of others whilst promoting fundamental British Values. Opportunities are provided for students to develop the knowledge, skills and strategies they need to stay safe from abuse. For example: assessing risk, positive self-esteem, emotional literacy, assertiveness, and understanding of healthy relationships, sex and relationships education (including consent and CSE), online safety, preventing radicalisation, female genital mutilation, and anti-bullying. Clear advice and guidance is built into the curriculum to ensure that students understand who they can turn to for advice and support and that they know where and how to report abuse.

K. Safeguarding, Bullying and Internet Safety

This section must be read in conjunction with the College's Computer Acceptable Use Policy and the E Communication policy. The Computer Acceptable Use Policy, issued to students during induction and accessible online, advises on safe use of the internet including the protection of personal information and guidance on personal safety. It defines, in detail, the College etiquette for computer use. The E Communication Policies provides guidelines for staff and students advising on the appropriate use of social media and acceptable contact. The College blocks access to websites considered inappropriate for students to access, including some social networking sites. The College recognises that these sites are accessed by students outside of College and at times are used inappropriately. The College monitors use of these sites monthly, regardless of known incident, and requests removal of any unacceptable material that references the College. Induction tutorials brief students in being safe online.

The College has a duty to protect all its members and provide a safe, healthy environment. A range of Education Acts and government initiatives highlight these obligations. The Education and Inspections Act 2006 (EIA 2006) outlines some legal powers which relate more directly to cyber bullying. Head teachers and College Principals have the power 'to such an extent as is reasonable' to regulate the conduct of pupils/students when they are off site. The EIA also provides a defence for college staff in confiscating items such as mobile phones from pupils/students.

What is Cyber bullying?

Cyber bullying is the use of Information Communications Technology (ICT), particularly mobile phones and the internet, deliberately to upset or harass someone else.

If a young person or vulnerable adult reports that s/he is being bullied or harassed or has been subject to any other form of abuse either face to face, or through internet or mobile phone technology we will follow the procedure as outlined in section C.

Any allegation of bullying or harassment will be investigated under the Student Disciplinary Procedure, the staff disciplinary procedure or the disciplinary procedure for senior post holders.

L. Safeguarding and Forced Marriages

A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults with learning difficulties or disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

The Forced Marriage (Civil Protection) Act 2007 provides for three types of applicant who may apply for a forced marriage protection order. They are the victim, anyone on their behalf with the permission of the court and a relevant third party. A relevant third party such as a local authority may apply on behalf of a victim and does not require the leave of the court.

Following the Government's consultation, on 8 June 2012, the Prime Minister announced that the Government has decided to make Forced Marriage a criminal offence.

[The Anti-social Behaviour, Crime and Policing Act 2014](#) makes it a criminal offence to force someone to marry. This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place)
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not)
- Breaching a Forced Marriage Protection Order is also a criminal offence
- The civil remedy of obtaining a Forced Marriage Protection Order through the family courts will continue to exist alongside the new criminal offence, so victims can choose how they wish to be assisted

M.1. First Steps in All Cases if a member of staff suspects or is approached by a student who is being forced into marriage

- See her/him immediately in a secure and private place where the conversation cannot be overheard;
- See the student on his/her own – even if they attend with others;
- Listen carefully and stay calm;
- Do not interview the person, but question normally and without pressure, in order to be sure that you understand what the young person is telling you;
- Do not put words into the person's mouth;
- Reassure him/her about confidentiality i.e. family members will not be informed
- Inform the person that you must pass the information on, but that only those who need to know about it will be told. Inform him/her of to whom you will report the matter;
- Note the main points carefully;
- Make a detailed note of the date, time, place, what the person said, did and your questions etc.;
- Agree a discreet way of contacting him/her in the future; and

- Refer immediately to the DSL

Do Not:

- Send him/her away;
- Approach members of their family or the community;
- Share information with anyone other than the designated members of staff with responsibility for Safeguarding; and
- Attempt to be a mediator.

M.2. What To Do When a Student Is Going Overseas Imminently

If a student tells you that s/he is travelling overseas within days, a second meeting may not be possible so you should try to get as much of the following information from the student as is possible before referring to the designated member(s) of staff with responsibility for Safeguarding.

The designated person will need to have as much information as possible to pass on to the Forced Marriage Unit to help them to locate the student and assist to repatriate him/her.

- Follow the first steps set out in section M.1; and
- In addition collect as much as possible of the information set out below:
 - A photocopy of their passport for retention;
 - Encourage them to keep details of their passport number and the place and date of issue; and
 - As much information as possible about the family including:

Full name and date of birth of the person under threat, their father's name, any address where they may be staying overseas, potential spouse's name (if known), date of the proposed wedding (if known), the name of the potential spouse's father (if known), addresses of the extended family in the UK and overseas and any known phone numbers.

- Information that only they would be aware of (if the victim is a British national, this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same age and gender is produced pretending to be him/her);
- Details of any travel plans and people likely to accompany him/her;
- A safe means by which to contact him/her e.g. a mobile telephone that will function overseas - record the number;
- Details of the third party in order to maintain contact in case the person contacts him/her whilst overseas or on his/her return;
- An estimated return date. Ask that they contact you without fail on their return; and
- A written statement by the person explaining that they want the police, adult or children's social care, a teacher or a third party to act on their behalf if they do not return by a certain date.

The designated member of staff with responsibility for safeguarding will report details of the case, with full family history, to the Forced Marriage Unit. Only in exceptional circumstances (absence of designated member(s) of staff for safeguarding and senior staff) should this be done directly. If in exceptional circumstances a direct report is made, the designated member of staff should be informed immediately.

N. Female Genital Mutilation

Female genital mutilation (FGM) is a collective term for all procedures involving the partial or total removal of external female genitalia for cultural or other non-therapeutic reasons. The procedure is typically performed on girls aged between four and 13 years, but in some cases FGM is performed on new born infants or on young women before marriage or pregnancy. The age at which girls undergo FGM varies according to the community. FGM is illegal in the UK. It is also illegal to take a child abroad to undergo FGM. FGM is considered child abuse in the UK and causes physical, psychological and sexual harm.

FGM is much more common than many realise and there are substantial populations from countries where FGM is endemic across the UK, the Birmingham area being one of these.

The College will follow the guidelines published on the DfE website and as with other forms of abuse staff are asked to be vigilant to the risk of it being practised and to report any concerns to a safeguarding officer.

It should be noted that the Female Genital Mutilation Act 2003, as amended by section 74 of the Serious Crime Act 2015, has introduced the legal duty for regulated health and social care professionals and teachers to make a report to the police if:

- they are informed by a girl under the age of 18 that she has undergone an act of FGM

or

- they observe physical signs that an act of FGM may have been carried out on a girl under the age of 18.

Summer holidays, or other extended holiday absence during the college year, are particular periods when colleges are encouraged to be alert to the signs of potential or actual abuse.

O. Protection from Extremism and Radicalisation

The Vice Principal HR & Student Services has been trained to deliver WRAP3 (Workshop to Raise Awareness of Prevent). The College works closely with Prevent Officers from the West Midlands Counter Terrorism Unit to ensure that:

- College staff are adequately trained to recognise and refer concerns with regard to student radicalisation using normal safeguarding procedures
- Managers are trained in incident management
- Staff and students are trained in Stay Safe
- Learners are able to discuss radicalisation and extremism in a safe environment and know who to refer to if they have concerns

The DSL is a member of the local Prevent Partnership Group.

This should be read in conjunction with the College's Policy to Prevent Radicalisation and Violent Extremism and action plan.

Supporting Documents

- Keeping Children Safe in Education Statutory guidance for schools and colleges (September 2018);
- **Working Together to Safeguard Children (2015);**
- **Local Safeguarding Children Board Procedures;**
- Guidance for Individuals Working with Children and Young People - **What to do if you are worried a child is being abused (2015);**
- Children Acts 1989, 2004;
- Safeguarding Vulnerable Groups Act 2006;
- Safe From Bullying in Further Education Colleges (DIUS, 2009);
- The Forced Marriage (Civil Protection) Act 2007;
- Multi-agency practice guidelines: Handling Cases of Forced Marriage;
- [The Anti-social Behaviour, Crime and Policing Act 2014](#)
- Female Genital Mutilation Act 2003, amended by section 74, Serious Crime Act 2015
- Multi-agency practice guidelines: Female Genital Mutilation (2011).
- The Prevent Duty Guidance for England and Wales, 2015

Appendix

Policy and Procedure for DBS and the Barred Lists checks and Registration

1. Introduction

The aim of this policy and procedure is to ensure that appropriate DBS and Barred List checks are in place for staff, governors and volunteers across the College.

Under government legislation, the College is obliged to ensure that all staff apply for and receive an enhanced DBS disclosure. The College operates its DBS policy in line with the DBS Code of Practice (available on the College Intranet).

2. General Principles

- 2.1. The College application form contains a section concerning Rehabilitation of Offenders Act 1974 where applicants are requested to disclose pending criminal convictions, criminal charges or summonses whether or not the conviction is regarded as “spent”. The College as an employer is exempt from the provisions of the Rehabilitation of Offenders Act. All successful applicants are informed that the offer of employment is subject to a satisfactory DBS disclosure.
- 2.2. All staff are subject to an enhanced DBS disclosure as the College deems itself to be a “specified place” *.
- 2.3. Disclosure information is treated as confidential and only handled by authorised signatories and the HR team.
- 2.4. Disclosures and information pertaining to these are securely stored in a central file, which is kept locked away except when in use by an authorised signatory.
- 2.5. Copies of disclosure application forms will be destroyed upon receipt of the disclosure. Members of staff only have to show a DBS disclosure, they may refuse to provide the College with a copy. However, disclosure numbers and records of convictions highlighted will be noted, if present and followed up.
- 2.6. Disclosures and records relating to these are not kept for lengthy periods of time, with disclosures being safely destroyed after 6 months of being issued by the DBS. This is in line with DBS requirements.
- 2.7. The College’s computerised HR system will hold the following information:
 - the date the clearance is issued;
 - the disclosure number; and
 - the date of the Barred List check.
- 2.8. The College will fund all disclosures for staff.

*Specified place – “paid workers remain in regulated activity even if supervised” ref: Keeping children safe in education Statutory guidance for schools and colleges

- 2.9. HR will request and verify evidence as outlined in DBS guidance when completing disclosure applications.
- 2.10. The College will ensure it does not contract staff from an external teaching staffing agency unless the agency confirm they undertake DBS clearance checks for their staff, in accordance with DBS and legislative requirements.
- 2.11. Where there has been a breach of Child Protection Policies and action under the disciplinary procedure has been taken, the College may refer names to the relevant external Government authorities e.g. Local Children's Safeguarding Board and ISA.

3. Roles and Responsibilities

- 3.1. The Lead Signatory for the College is the Vice Principal HR and Student Services. For staff and governor checks the HR Manager and one other nominated member of the HR team are Counter Signatories. The Clerk to the Corporation needs to ensure HR are advised when new governors are appointed in order that DBS checks are undertaken.
- 3.2. It is the responsibility of the HR team to operate the process described within the policy.
- 3.3. Line managers are responsible for checking that members of their team have followed the appropriate process.
- 3.4. Staff are responsible for applying for disclosure and for declaring any offences, on the College application form.

4. Reporting and Review

- 4.1. The Vice Principal HR and Student Services and the HR team will review this procedure regularly, taking account of legislative changes and the DBS Code of Practice. The Corporation will review the policy annually.

5. Procedures

5.1. New Starters

All new staff joining the College will be required to complete an enhanced DBS disclosure and all appointments are subject to a satisfactory DBS check.

All new staff are required to have a Barred List check in place before they start work. A completed DBS form and supporting evidence will also need to be provided. HR will advise Line Managers when this is complete and also when full clearance is received. However, the College accepts that due to operational reasons members of staff may be required to start before DBS clearance is received. In these circumstances a risk assessment needs to be in place and actions taken to ensure no one to one contact is required and the individual is appropriately supervised.

HR must make sure that every effort is made to ensure a quick turnaround on the application and receipt of the DBS disclosure certificate.

5.2. Existing Members of Staff

Existing members of staff must declare any criminal offences or cautions that they receive during their employment with the College.

The DBS will be formally notified of individual staff details where disciplinary action has led to dismissal and the College deems that the individual's behaviour is such as to put young and vulnerable people at risk. The DBS will decide whether to take further action.

5.3. Governors

Governors will be required to agree to a DBS enhanced disclosure. They will also be issued with a visitors badge when attending the College premises and must wear this at all times whilst on College premises.

5.4. Volunteers

It is the responsibility of the area manager to ensure that details of volunteers are passed to HR in order that appropriate checks are in place. A DBS disclosure certificate is required before a volunteer can start at the College.

Such volunteers must be issued with a staff ID card. Authorisation will be given by the HR manager in order that an ID card can be issued.

Volunteers must also complete a volunteer checklist which will be kept in HR as a central register of Volunteers. It is the responsibility of the employing Manager to advise HR when Volunteers leave in order that an accurate record of current volunteers can be maintained.

5.5. Consultants

In the case where consultants are likely to work for the College on a regular or for a sustained period, the College should ensure appropriate checks have taken place either through the College or with the supplying agency.

5.6. Visitors

It is not necessary or practical for the College to require a DBS disclosure for visitors who may have not or only have incidental contact with children and vulnerable adults and will only be in the College for a short period of time. In all cases such individuals must sign in and out via reception and will be issued with a visitor's card by Reception staff. The relevant member of College staff will be required to meet the visitor in reception.

Responsibility for supervision of these visitors will lie with the employee they are meeting or working for.

6. Criminal Convictions

Where an applicant discloses a criminal conviction on their application form this should be discussed with the candidate if selected for interview.

When a DBS disclosure indicates conviction or caution the HR Manager will arrange to meet them to discuss the nature of their conviction. Each case will be dealt with on an individual basis, depending upon the nature of the conviction and the job role of the member of staff. This information will be forwarded for consideration by the Safe Recruitment Panel which comprises:

- Vice Principal HR and Student Services (Deputy DMS);

- Designated member of staff for Safeguarding (Director of Student Services) and / or designated Deputy (Vice Principal HR & Student Services).

In the absence of one of the above, the HR Manager

If it is deemed that the conviction(s) do not pose a safeguarding risk the matter will be taken no further and the member of staff will be advised accordingly.

If the panel feels that the nature of the conviction(s) are such that the offer of employment should not be made or withdrawn the panel will refer the matter to the Principal for a final decision. If it is deemed that the convictions are not acceptable the offer of employment will be withdrawn.

In the case of existing staff, if a caution/conviction is disclosed and following an assessment of risk to Children and Vulnerable Adults the College decides that the employee is unable to continue in their current role, the College will consider options of alternative employment within the College. However, if it is felt that the caution / conviction is sufficiently serious dismissal would take place in accordance with the Instrument and Articles of Government.

7. Other relevant documents

- Safeguarding Young People and Vulnerable Adults Policy