



## **CORPORATE POLICY AND PROCEDURES FRAMEWORK**

### **Policy and Procedures for the Protection of Under 18's and Adults at Risk**

#### **1.0 Introduction**

- 1.1 This policy and procedures detail the processes by which Jewel & Esk College will protect those students under 18 and Adults at Risk.

#### **2.0 Policy Statement**

Jewel & Esk College is committed to providing all College users with a safe, supportive environment in which they can learn and prosper.

#### **3.0 Scope**

- 3.1 The College recognises its obligation to protect under 18s and Adults at Risk from instances of physical, emotional, sexual or institutional abuse whilst attending College as defined in Appendix I.
- 3.2 This policy addresses the principles outlined in the Protection of Children (Scotland) Act 2003, part V of the Police Act 1997 and the legislation framework detailed in Appendix II. It also addresses the legislative requirements of the Disability Discrimination Act.
- 3.3 This policy covers those under 18 who under current legislation are regarded as children.
- 3.4 All people could be considered as potentially at risk from time to time but this policy focuses on those who for reasons of ill health, disability, frailty or special circumstances depend on others to provide and promote their well being or protection.
- 3.5 This policy deals with abuse, regardless of when it occurred and therefore includes retrospective disclosure.
- 3.6 This policy should be read in conjunction with the College Equality Diversity & Inclusion Policy and its separate Disability, Race and Gender Equality Schemes.

#### **4.0 Responsibility**

- 4.1 The Principal is accountable for the protection of under 18s and adults at risk at the College.

- 4.2 The Depute Principal is responsible for the overall management and review of this policy.
- 4.3 A Student Services Co-ordinator is designated as the College Protection Officer.
- 4.4 All members of staff are responsible for ensuring that this policy is operated as per Appendix V.

## **5.0 Guiding Principles**

The College will:-

- 5.1 Ensure that all staff understand their legal and moral obligations to protect under 18s and adults at risk from harm, abuse and exploitation. This duty also extends to anyone who may be at risk because of their disability and the College will ensure that they are not discriminated against and are protected from harm, abuse and exploitation by reason of their disability.
- 5.2 Ensure that staff or students who come into contact with under 18s and Adults at Risk understand the boundaries of appropriate behaviour.
- 5.3 Ensure all staff are disclosure checked in a regularly planned sequence.
- 5.4 Be proactive in promoting good lines of communication and ensuring that all children, parents and carers are familiar with the College's procedures.
- 5.5 Provide opportunities for staff to develop their skills and knowledge particularly in relation to the care and protection of under 18s and adults at risk.
- 5.6 Work effectively with key partners and other agencies. A list of agencies can be found at Appendix III.
- 5.7 Ensure that all staff understand their obligations to report care or protection concerns about an under 18 or adult at risk to the Designated Protection Officer.
- 5.8 Implement a systematic means of recording, reporting and monitoring under 18s or adults at risk known or thought to be at risk of harm.
- 5.9 Provide support for staff who are involved in a referral under this policy.

## **6.0 Linked Policies**

- 6.1 This policy should be understood in conjunction with other College policies and procedures, particularly those as listed in Appendix IV.

## **7.0 Review**

- 7.1 This policy and procedure will be reviewed in May 2009.

## **Definition of Abuse**

These definitions are taken from PROTECTING CHILDREN – A SHARED RESPONSIBILITY Guidance for Education Authorities, Independent Schools, School Staff and all others working with children in an education context in Scotland. The same principles can be applied equally to under 18s and adults at risk.

### **1. General definition of abuse**

- 1.1 Children and young people may be in need of protection where their basic needs are not being met, in a manner appropriate to their stage of development, and they will be at risk from avoidable acts or omission on the part of their parent(s), sibling(s) or other relative(s), or a carer (ie the person(s) while not a parent who has actual custody of a child).

### **2. Categories of abuse**

- 2.1 For recording all cases the following are the standard categories of abuse.

#### 2.1.1 Physical Injury

Actual or attempted physical injury to a child, including the administration of toxic substances, where there is knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented.

#### 2.1.2 Sexual Abuse

Any child may be deemed to have been sexually abused where any person(s), by design or neglect, exploits the child, directly or indirectly, in any activity intended to lead to the sexual arousal or other forms of gratification of that person or any other person(s) including organised networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated, or consented to, the behaviour.

#### 2.1.3 Non-Organic Failure to Thrive

Children who significantly fail to reach normal growth and developmental milestones (ie physical growth, weight, motor, social and intellectual development) where physical and genetic reasons have been medically eliminated and a diagnosis of non-organic failure to thrive has been established.

#### 2.1.4 Emotional Abuse

Failure to provide for the child's basic emotional needs such as to have a severe effect on the behaviour and development of the child.

### 2.1.5 Physical Neglect

This occurs when a child's essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. A lack of appropriate care, including deprivation of access to health care, may result in persistent or severe exposure, through negligence, to circumstances which endanger the child.

## 3. Recognition of Abuse

Staff, both teaching and ancillary, because of their day-to-day contact with individuals, are well placed to observe outward symptoms of abnormality or change in appearance, behaviour, learning pattern or development. Such symptoms may be due to a variety of other causes, including bereavement, domestic violence or other changes in family circumstances, or drug, alcohol or solvent misuse. Sometimes, however, they may be due to child abuse.

3.1 For example the following may be noticeable:

- bruises, particularly bruises of a regular shape which may indicate the use of an implement such as a strap, or the marks of a hand, lacerations, bite marks or burns;
- possible indicators of physical neglect, such as inadequate clothing, poor growth, hunger, poor hygiene;
- possible indicators of emotional abuse, such as excessive dependence; attention seeking; self harming;
- possible indicators of sexual abuse – physical signs such as bruises, scratches or bite marks; or behavioural such as precocity, withdrawal or inappropriate sexual behaviour.

3.2 Other possible signs are:

- withdrawn behaviour
- agitated or anxious behaviour
- student being isolated by other students
- student isolating him/herself from fellow students
- inappropriate/improper dress
- unkempt, unwashed, smelly
- overly anxious to please
- bruising and minor injuries
- frequent absences for admission to hospital
- atypical incidence of absence from College
- sudden changes in behaviour eg secretiveness
- atypical aggressive, acting-out behaviour
- precocious sexual behaviour

3.3 Any of the above may be accompanied by marked deterioration in performance or increased absenteeism – both of which can in themselves be indicators of abuse.

- 3.4 No list of symptoms can be exhaustive. Also alternative medical, psychological or social explanations may exist for the signs and symptoms described. In particular bruises to the legs are usually accidental.

### **Relevant Legislation and Guidelines**

This Policy and associated Procedures have been drawn up in accordance with current legislation and principles derived from the following:-

- Additional Support for Learning (Scotland) Act 2004
- Anti-Social Behaviour Legislation
- 'It's everyone's job to make sure I'm alright' (Scottish Executive Nov 2002)
- Legislation outlined Annex C of 'Protecting Children and Young People: Framework for Standards (Scottish Executive March 2004)
- Protecting Children – A Shared Responsibility – Guidance on Inter-Agency Co-operation (Scottish Office 1998)
- Protecting Children and Young People: Framework for Standards (Scottish Executive March 2004)
- Protecting Children and Young People: The Charter (Scottish Executive March 2004)
- Protection of Vulnerable Groups (Scotland) Act 2007
- The Age of Legal Capacity (Scotland) Act 1991
- The Children (Scotland) Act 1995
- The Data Protection Act 1998
- The Police (Scotland) Act 1997
- United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991
- Sexual Offences (Amendment) Act 1998 (Section 3)
- Adults with Incapacity (Scotland) Act 2000
- Safe & Well (Scottish Executive 2006) – Good Practice in Schools & Education Authorities for Keeping Children Safe & Well
- Disability Discrimination Act (2005) and Special Educational Needs and Disability Act (2001)

**Key Agencies and Personnel**

- College local partnerships and networks
- Social Work
- Health:- doctors, nurses, therapists
- Schools
- Housing officers
- Community police officers
- Youth Leaders
- Staff who work in mental health or drug and alcohol services
- The reporter to the Children's Panel
- Local Voluntary Agencies
- Looked-After Children Co-ordinators

This policy should be understood in conjunction with other College policies including:-

- Code of Conduct
- Complaints
- Data Protection Policy
- Disciplinary Code and Procedure
- Disclosure of Information by Students Policy
- Equality Diversity & Inclusion Policy and its separate Disability, Race and Gender Equality Schemes
- Student Reference Policy
- Freedom of Information Policy
- Health and Safety Policy
- ICT Policy
- Internal Communication Strategy
- Learning Support Policy
- Mentoring Policy
- Out of College Activities Policy
- Recruitment and Selection Policy
- Stress Management Policy
- Student Appeals
- Student Discipline Policy
- Whistleblowing Policy
- Work Placements Policy

## RESPONSIBILITIES FOR CHILD PROTECTION

## Appendix V

The College recognises its duty of care to students, staff and the wider community. The policy outlines the steps the College will take to maintain a safe and secure learning environment.

The Principal will

- consider and take account of the reputation of the College and deal with the media in relation to any Child Protection issues
- act as risk assessor for specific high-risk applicants (sex offenders, disqualified from working with children, those on parole and those on licence)
- act as referral point for external agencies for specific high-risk applicants

The Community Relations Manager will

- head the working group
- report to CMT on Child Protection issues

Short Term working group on Protection issues will comprise members from Human Resources, Faculties, Learning Resources, Equalities, Network Services, Communities Section, Student Services and will

- review and make recommendations to policies and procedures
- monitor the implementation of Child Protection and other related policies and procedures
- identify staff training requirements
- identify and recommend good practice (internal and external)
- provide support to each other and front line staff
- discuss incidents reported and extend good practice
- liaise with College managers on issues relating to the above

<p><u>HR Section</u></p> <ul style="list-style-type: none"><li>• ensure that recruitment policies fulfil requirement to protect vulnerable groups</li><li>• ensure policies address bullying, harassment and behaviour management (staff)</li><li>• organise staff training</li></ul>	<p><u>Network Services</u></p> <ul style="list-style-type: none"><li>• ensure restricted monitored access to the Internet for under 18s/vulnerable groups</li><li>• include recommendations for vulnerable groups in ICT Policy and Procedure</li><li>• address any incidents relating to misuse of ICT</li><li>• provide reports</li></ul>	<p><u>Community Section</u></p> <ul style="list-style-type: none"><li>• liaise with secondary school contacts to identify pupils who may be at risk and address issues that may invoke the school's Child Protection policy</li><li>• ensure that relevant College staff are aware of their responsibilities in relation to school pupils</li></ul>
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<p><u>Protection Officer</u></p> <ul style="list-style-type: none"><li>• discuss incidents reported on CP forms with group, agree recommendations for action</li><li>• respond to issues raised by staff and assist/advise as appropriate</li><li>• where concerns remain ongoing, maintain regular contact with staff to monitor the situation and deal with/record any further concerns</li></ul>
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**Procedures for the Protection of Under 18's and Adults at Risk**

**1.0 Introduction**

- 1.1 The purpose of these procedures is to support the effective implementation of the Protection of Under 18's and Adults at Risk Policy.
- 1.2 These procedures will provide step-by-step guidance on how to respond to a concern.
- 1.3 Concerns may arise because:-
  - An under 18 or adult at risk discloses abuse
  - An over 18 discloses abuse which took place when they were under 18
  - There are suspicions or indicators that an under 18 or adult at risk is being abused
  - There are observable changes in the behaviour of an under 18 or adult at risk that may relate to abuse
  - An under 18 or adult at risk may abuse another under 18 or adult at risk
  - The behaviour of a member of staff (as defined in the Protection of Under 18's and Adult at Risk Policy) towards an under 18 or adult at risk causes concern or there is suspicion that a staff member is harming an under 18 or adult at risk
- 1.4 These procedures apply to senior & middle managers, permanent and temporary, teaching and support staff involved in the supervision or instruction of under 18s and adults at risk.
- 1.5 Child protection is the responsibility of every adult. The publication '*It's everyone's job to make sure I'm alright*' (Scottish Executive, Nov 2002) emphasises the need for *all of us* to take responsibility in order to protect under 18s. These procedures are therefore mandatory.

**2.0 How to Respond if an Under 18 or Adult At Risk Discloses Abuse**

- 2.1 All staff must understand the importance of; staying calm, listening, reassuring, recording information, reporting appropriately and seeking support.

2.2 If an allegation is brought to your attention as a member of staff you should:-

- Be honest and transparent in relation to your professional responsibilities, for example, make it clear that you may have to share any information with others.
- Allow the under 18/adult at risk to speak without interruption.
- Stay calm – do not rush into inappropriate action.
- Listen to what the under 18/adult at risk says and show that you take them seriously.
- Complete the Protection Report (Annex 3), ensuring that you record EXACTLY what the under 18/adult at risk said and pass to the Designated Protection Officer.
- Reassure the under 18/adult at risk – confirm that you know how difficult it must be to confide.
- Discuss the issues with the Designated Protection Officer.
- Advise your Line Manager that you have had to refer a disclosure matter to the Designated Protection Officer.

2.3 As a member of staff you should not:-

- Make promises you cannot keep
- Make the under 18/adult at risk repeat the story unnecessarily, or ask leading questions
- Delay
- Panic
- Take sole responsibility for further action

2.4 **In all cases, go straight to the Designated Protection Officer**

2.5 Where it is necessary for a member of staff to physically assist an under 18 or adult at risk, for example to demonstrate a teaching point, they should request permission first and ensure there are others present, e.g. other students in the class or supporting member of staff.

2.6 To protect themselves from allegations, members of staff should restrict physical contact with under 18s or adults at risk to those situations where there is immediate danger of personal injury, including self-injury, or significant damage to property. A Physical Contact Incident Form (Annex 2) should be completed and retained by the Head of Faculty or Schools Coordinator until the end of the academic session or a minimum of six months from the date of the incident. It may be used in any subsequent investigation.

### **3.0 Allegations Against Staff**

- 3.1 An allegation may be made against a member of staff. If an allegation is made, the member of staff receiving the allegation will immediately inform the Designated Protection Officer.
- 3.2 Whenever an allegation against any member of staff is received by the Designated Protection Officer advice should be sought from the Director of Human Resources.
- 3.3 If the allegation involves the Designated Protection Officer the matter should be reported to the Principal.

### **4.0 Contact with Pupils by Staff on School Premises**

- 4.1 The authority Child Protection procedures must be followed and the issue referred to the appropriate School Staff.

### **5.0 Recording Information**

- 5.1 Copies of the Protection Report Form are available on JET, from Student Services, Faculty Assistants and Reception.
- 5.2 Complete the Protection Report Form immediately.
- 5.3 Observe standard guidelines for holding sensitive information in accordance with current legislation and College policy.
- 5.4 All recorded information must be handled sensitively. All conventions of confidentiality must be adhered to at all times.

### **6.0 Referring Information to Relevant Agencies**

- 6.1 No external reference should be made by staff members **other than to the Designated Protection Officer.**

### **7.0 Confidentiality**

- 7.1 The welfare of under 18s or adults at risk places a responsibility on members of staff to take appropriate action overriding general principles of confidentiality.
- 7.2 Information should be shared on a 'need to know' basis in accordance with current legislation.
- 7.3 The College Information Management Officer can advise on access to information related to this issue.

### **8.0 How to Keep Under 18s/Adults at Risk Informed and Involved in the Process**

- 8.1 Students will be informed about the Protection of Under 18s and Adults at Risk Policy during induction and in appropriate College publications.

8.2 The Designated Protection Officer will keep the under 18/adult at risk informed while the matter is within the jurisdiction of the College.

8.3 The Designated Protection Officer should take account of the views of the under 18/adult at risk involved in the process.

## **9.0 Support and Staff Development**

9.1 The College will provide initial, ongoing and appropriate training to Board and staff members on the protection policy and associated procedures.

9.2 The College will support staff by providing an opportunity to talk through related issues with their Line Manager or the Designated Protection Officer and offer reasonable appropriate support from external agencies if requested.

9.3 The Director of Human Resources is also available to discuss these matters if required.

## **10.0 Linked Procedures**

10.1 These procedures should be understood in conjunction with the relevant College procedures.

## **11.0 Review**

11.1 These procedures will be reviewed on a regular basis.

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**Annex 1**

### **Code of Conduct for the Protection of Under 18's and Adults at Risk**

#### **Things we must do:**

- **We must** treat all under 18s and adults at risk with respect
- **We must** respect a person's right to personal privacy
- **We must** remember that someone else might misinterpret our actions, no matter how well intentioned
- **We must** recognise that special caution is required when discussing sensitive issues with under 18s or adults at risk
- **We must** challenge any inappropriate behaviour
- **We must** minimise physical contact to situations where there is immediate danger of injury or significant damage to property

#### **Things we must not do:**

- **We must not** discourage an under 18 or adult at risk who wants to talk about attitudes or behaviour they do not like
- **We must not** encourage inappropriate attention seeking behaviour
- **We must not** make derogatory remarks about colleagues and students
- **We must not** exaggerate or trivialise child protections issues
- **We must not** let emotions get in the way of a practical and prudent response
- **We must not** ignore the Protection of Under 18s and Adults at Risk Policy and Procedures operating in the College
- **We must not** physically assist an under 18 or adult at risk without first securing their permission and ensuring there are witnesses.

#### **What to do....**

If an under 18 or adult at risk makes allegations of abuse by someone else:

- Advise the student that you must pass the information on
- Allow the student to speak without interruption, listen to what is said, but do not investigate

- Be sensitive to feelings of guilt and isolation, but do not make any judgement
- Reassure the student that they were right to share the information with you

**If you suspect an under 18 or adult at risk is being abused, emotionally, physically or sexually:**

- Report the matter to the Designated Protection Officer
- Ensure that you complete the appropriate Protection Report Form (PRF)
- Try to ensure that no-one is put in a position which could cause compromise

**In all cases:**

- Record the facts immediately – forms available from reception, Student Services, JEVI and Faculty Assistants
- **You must refer; you must not investigate**

Policy and Procedures available on JET

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**Annex 2**

**Physical Contact Incident Form**

Name of Student: ..... Date of birth: .....  
Course: ..... School (if under 16): .....  
Date/time of Incident: ..... Place: .....  
Reporting staff: ..... Position: .....

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**1 Incident record**

Concise details of how the incident began and the nature of student behaviour:

.....  
.....  
.....  
.....

De-escalation techniques used prior to physical contact (please tick):

- |                                                    |                                                        |
|----------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Verbal advice and support | <input type="checkbox"/> Reassurance                   |
| <input type="checkbox"/> Calm talking              | <input type="checkbox"/> Humour                        |
| <input type="checkbox"/> Distraction               | <input type="checkbox"/> Options offered               |
| <input type="checkbox"/> Step away                 | <input type="checkbox"/> Support systems               |
| <input type="checkbox"/> Negotiation               | <input type="checkbox"/> Non-threatening body language |
| <input type="checkbox"/> Instruction               | <input type="checkbox"/> Warning                       |
| <input type="checkbox"/> Other (please specify):   |                                                        |

.....  
.....

Reason for contact (please tick):

- Student liable to injury
- Other student liable to injury
- Staff liable to injury
- Property liable to damage
- Physically assist a student to demonstrate a teaching point

Damage to property Yes  No

Give brief details:

.....

Incident reported to:            Class Tutor             Schools Team             Student Services

**2        Witnesses**

Name

.....	Student/staff
.....	Student/staff
.....	Student/staff
.....	Student/staff
.....	Student/staff
.....	Student/staff
.....	Student/staff
.....	Student/staff

**3        Action taken**

- Talk through
- Booking/Strike
- Return to school
- Suspend pending investigation

Other relevant information:

Signed: .....  
          Class Tutor/Schools Team/Student Services (*delete as applicable*)

*This form will be retained by the appropriate Head of Faculty/Schools Co-ordinator/Student Services until the end of the academic session or for a minimum of 6 months from the date of the incident. It may be used in any investigation.*

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**Annex 3**

**Protection Report Form**

**Section 1**

To be completed by staff member student has confided in.

Your Name:
Your Position:
Student's Name:
Student's address:
Student's date of birth:
Name of School: (if student under 16)
Name and address of Parent/Carer:
Date and time of incident:
Your observations:

Record exactly what the student has said and what you said:  
(Remember do not lead the student – record actual details. Continue on separate sheet if  
necessary)

Action taken so far:  
(Remember: do not investigate allegations brought to your attention)

Signature:

Print Name:

Date:

**Report should now be passed to Designated Protection Officer.  
DO NOT TAKE A COPY OF THIS FORM**

**Section 2**

To be completed by Designated Protection Officer

External agencies contacted by Designated Protection Officer	
Police  Yes / No	Name of person and contact number:  Details of advice received:
Social Services  Yes / No	Name of person and contact number:  Details of advice received:

<p>Local Authority Education Department / School</p> <p>Yes / No</p>	<p>Name of person and contact number:</p> <p>Details of advice received:</p>
<p>Notes:</p>	
<p>Signature:</p> <p>Print Name:</p> <p>Date:</p>	
<p>Form sent to:</p>	

***Remember to maintain confidentiality to protect the student. Only discuss this incident with those who need to know.***