

## Students, Staff and Equalities Committee

<b>Date of Meeting</b>	<b>26 October 2017</b>
<b>Paper No.</b>	<b>SSEC1-D</b>
<b>Agenda Item</b>	<b>7</b>
<b>Subject of Paper</b>	<b>Safeguarding of Children and Vulnerable Adults (Inc. Prevent Duty) Policy</b>
<b>FOISA Status</b>	<b>Disclosable</b>
<b>Primary Contact</b>	<b>Gillian Plunkett   Student Experience Director</b>
<b>Date of production</b>	<b>12 October 2017</b>
<b>Action</b>	<b>For Approval</b>

### 1. Recommendations

Students, Staff and Equalities Committee is asked to approve the College Safeguarding of Children and Vulnerable Adults (Inc. Prevent Duty) Policy (Annexe A) and Safeguarding Framework (Annexe B).

## 2. Purpose of Report

Safeguarding and child protection legislation has been strengthened in recent years by the introduction of both the Corporate Parent Duty and Prevent Duty. This has led to a review of college safeguarding arrangements and procedures.

The updated college Policy on the Safeguarding of Children and Vulnerable Adults (Inc. Prevent Duty) Policy together with associate procedures outlined in the Safeguarding Framework documents attached will provide clarity for staff on the various duties and responsibilities of the College and themselves, as staff members and individuals. This will be supported by college wide dissemination and training.

## 3. Strategic Context

3.1 City of Glasgow College has a duty to safeguard children, young people and vulnerable adults who may be at risk of harm, abuse, neglect, exploitation, discrimination or radicalisation.

3.2 Providing a safe and supportive environment for students and staff is essential in the pursuance of the Colleges' **Strategic Priority 2 – To enable individuals to excel and realise their full potential** and **Strategic Priority 3 - To live our values, value our people, and innovate in partnership.**

3.3 The new External Quality Arrangements for Scotland's Colleges have introduced the term 'child protection' and have linked arrangements for Safeguarding and Child Protection under Access, Inclusion and Well Being.

3.4 SMT have previously agreed that the College Prevent Duty should be considered under Safeguarding, and a separate Prevent Action Plan and brief Prevent Policy statement are currently in development.

3.5 SMT have previously approved the Corporate Parenting Action Plan, which is published on the College website, and the College Duties related to the special circumstances of care experienced young people (CEYP). CEYP are also specifically referred to within the College Safeguarding Policy and Procedures.

## **2. Finance & Resource Implications**

There are no finance or resource implications.

## **3. Risk to the College**

Failing to have robust Safeguarding Policy and Procedure in place could result in criticism from the Scottish Government and reputational damage.



# Safeguarding of Children and Vulnerable Adults (Inc. Prevent Duty) Policy

(Formerly Safeguarding Procedure)

Date: June 2017

Version 3

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Charity Number: SC0 36198

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## 1. Purpose

- 1.1 The purpose of this Policy is to outline the commitment of City of Glasgow College in its duty to safeguard children, young people and vulnerable adults who may be at risk of harm, abuse, neglect, exploitation, discrimination or radicalisation.

## 2. Scope

- 2.1 This Policy applies to all staff, students, stakeholders, volunteers, agency workers and any other contractor/consultant who may be engaged by the College.

## 3. Policy Statement

- 3.1 Section 4 outlines the definitions related to the Safeguarding of Children and Vulnerable Adults.
- 3.2 All children and young people have the right to be cared for and protected from harm, and to grow up in a safe environment in which their rights and needs are respected. The National Guidance for Child Protection in Scotland, which was published in December 2010, provides a clear definition of what abuse is as well as expectations for all those working with children and young people regarding identifying and acting on child protection concerns. (*National Framework for Child Protection and Learning 2012*).
- 3.3 A child's network of support will almost always have at its heart their parents, carers and family. It will also include the universal services of health and education. Some statutory agencies have legal duties towards children and young people, but everyone who comes into direct or indirect contact with them has a fundamental duty of care. The "Getting It Right For Every Child" (GIRFEC) approach is multi-agency and puts the well-being of the child and

young person at the centre of how services for them are designed, planned and delivered. It is based on early intervention as soon as a concern is identified. (*National Guidance for Child Protection in Scotland 2015*).

- 3.4 The *Children and Young People (Scotland) Act 2014* outlines the duties and responsibilities for the 24 public bodies listed, including Colleges and Universities as Corporate Parents. These duties require all corporate parents to collaborate with each other to promote the wellbeing of looked after children and care leavers in their care and enable them to achieve the best outcomes
- 3.5 The *Adult Support and Protection (Scotland) Act 2007* seeks to protect and benefit adults at risk of being harmed. The Act requires councils and a range of public bodies to work together to support and protect adults who are unable to safeguard themselves, their property and their rights
- 3.6 The College's responsibilities for the safeguarding of children and vulnerable adults at risk includes:-
- Prevention;
  - Recognising symptoms and behaviours through support and training of staff;
  - Recording concerns;
  - Reporting concerns; and
  - Inter – Agency Working
- 3.7 The College Safeguarding of Children and Vulnerable Adults Procedure is comprehensive, with clear lines of responsibility and reporting takes place on an annual basis through the Staff, Students and Equalities Committee of the Board of Management.

3.8 The College will ensure that any safeguarding concerns raised are dealt with appropriately, sensitively, proportionately and without undue delay in a confidential manner.

3.9 This Policy takes due cognisance of the relevant legislation, and other related legislation, regulation and guidance outlined in Annexe A. The College recognises that this guidance is not exhaustive and there is a need to be vigilant around emerging themes related to children and vulnerable adults within the College and wider society.

#### 4. Definitions

4.1 **Child:** Anyone under 18 years of age.

4.2 **Adult at Risk:** Anyone aged 16 or over whom for the time being:

- are unable to safeguard their own well-being, property, rights or other interests,
- are at risk of harm, and
- because they are affected by disability, mental condition, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

4.3 All three elements of the definition above must be met, and the presence of a particular condition does not automatically mean an adult is an 'adult at risk'.

4.4 It should be noted that a person may have a disability, physical and/or mental health condition and be fully capable of safeguarding their personal well-being and interests. It is the whole of an adult's particular circumstances which can combine to make them more vulnerable to harm than others and a **proportionate** response to the situation is an important consideration.



4.5 **Care Experienced Young People:** Previously known as 'Looked After Young People', care experienced young people (CEYP) includes anyone under 26 years old who has been or is currently in care or from a looked after background at any stage in their life. It includes people who have been in foster care, kinship care, and those who are looked after at home with a supervision requirement. (*Statutory Guidance on Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014*).

## 5. Responsibilities

5.1 All members of staff have a duty of care to protect and safeguard the groups defined in Section 4 from any situation where they may suffer verbal, physical or psychological abuse, bullying, harassment, ill-treatment, discrimination, exploitation or radicalisation.

5.2 The Student Experience Director (College Corporate Parenting Lead) is responsible for progressing the College's Corporate Parenting Action Plan which provides detailed actions related to the additional responsibilities which apply to the College as a Corporate Parent to treat CEYP as a parent would treat any child.

5.3 The Student Experience Director (College Lead Safeguarding) and appropriate Faculty Director, are responsible for the Applicants with Unspent Criminal Convictions Policy and Procedure ensuring that a risk assessment is undertaken for applicants with unspent criminal convictions who may pose a risk to other college students, staff and visitors.

5.4 The College Secretary (College Prevent Lead) is responsible for progressing the College Prevent Action Plan.

- 5.5 The Human Resources Director is responsible for the College Staff Protection of Vulnerable Groups Scheme which improves safeguarding for children and vulnerable adults by preventing (barring) unsuitable people from doing regulated work through the maintenance of lists of disqualified persons.
- 5.6 The appropriate Faculty Director is responsible for the College Student Protection of Vulnerable Groups Scheme which ensures that students working with children and/or vulnerable adults through their work placement, have a satisfactory report, and have been suitably disclosed; thus ensuring those barred from this type of work do not have access to children or protected adults.
- 5.7 The Performance Director is responsible for developing an induction and training plan for Safeguarding/Prevent and Corporate Parenting together with appropriate College Leads.
- 5.8 The Corporate Services Director is responsible for providing legal advice and guidance in relation to the College Safeguarding, Corporate Parenting and Prevent Duties.
- 5.9 The Vice Principal Infrastructure is responsible for ensuring the responsible use of digital technologies.
- 5.10 The Principal supported by the Vice Principal Student Experience, Vice Principal Finance and Human Resources and Vice Principal Infrastructure is responsible to the Board of Management for ensuring that the College's commitment to this Policy is effectively communicated and implemented.
- 5.11 The Board of Management is responsible for ensuring the College complies with its statutory obligations in terms of the Safeguarding of Children and Vulnerable Adults, Corporate Parenting and Prevent Duties.

## 6. References

### 6.1. Policy Framework

Associated Policies and Procedures	Title
National Guidance and Framework	<a href="#">National Guidance for Child Protection in Scotland</a>
National Guidance and Framework	<a href="#">Revised Prevent Duty Guidance for Scotland</a>
Policy	Prevent Policy
Procedures	Safeguarding of Children and Vulnerable Adults (Incorporating Prevent Duty) Procedure
Action Plan	College Corporate Parenting Action Plan
Action Plan	College Prevent Action Plan

### 6.2 Other College Policies and Procedures

Policy / Procedure	Title
Procedure	College Staff Protection of Vulnerable Groups Scheme (PVGS) Procedures.
Procedure Forms	College Students on Work Placement (PVG) Scheme PVG – Student Meeting Disclosure Form  PVG – Risk Assessment Record  PVG – Record Control Form
Procedure	Admissions for applicants with Relevant Unspent

Forms	Criminal Convictions Procedures. Declaration Form Risk Assessment Form
List	Safeguarding Coordinators Details List
Policy	Staff Dignity at Work Policy
Policy	Student Bullying and Harassment Policy

### 6.3 External References

Source	Title
Scottish Government Website	National Guidance for Child Protection in Scotland (2015)
Scottish Government Website	(National Guidance for Child Protection in Scotland 2015)
Scottish Government Website	The Children and Young People (Scotland) Act 2014
Scottish Government Website	The Adult Support and Protection (Scotland) Act 2007

## 7. Document Control and Review

<b>Approval Status</b>	
<b>Approved by</b>	Students, Staff and Equalities Committee of the Board of Management.
<b>Date Approved</b>	
<b>EQIA Status</b>	EQIA Conducted? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
<b>Proposed Review Date</b>	July 2019
<b>Lead Department</b>	Student Experience
<b>Lead Officer(s)</b>	Student Experience Director
<b>Board Committee</b>	Student, Staff and Equalities Committee of the Board of Management.
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## 8. Revision Log

Version Date	Section of Document	Description of Revision
Version 1 15 May 2013	n/a	Created
Version 2.1 21 July 2014	Footer	Revised to reflect new roles after re-structure.
Version 2.2 23 April 2015	All	Reviewed and College Policy Template applied.
Version 3 2016	All	New Government Legislation 2014 and 2015
Version 4 August 2017	All	Includes Prevent Duty and Corporate Parenting. Updated emphasis on child protection and emerging themes in Annexe A

## Annexe A

### **Safeguarding of Children and Vulnerable Adults – Related Legislation, Regulation and Guidance.**

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1. The United Nations Convention (of the rights of the child 1992) states that each child has a right to be treated as an individual and have protection from all forms of abuse, neglect or exploitation. For a child to require protection from abuse it does not require it to have actually taken place but there must be prior assessment that identifies a significant likelihood or risk that abuse could occur.

2. The Sexual Offences (Amendment) Act 2000 – Abuse of Trust makes it an offence for a person aged 18 years and over to have sexual intercourse or engage in any other sexual activity with or directed towards a person under that age if the person aged 18 and over is in a position of trust in relation to the younger person. A person convicted of such an offence, unless they are under 20 years of age will be subject to the notification requirements under the Sex Offenders Act 1997 and may be the subject of an extended sentence by the court.

3. The Female Genital Mutilation (FGM) (Scotland) Act 2005 extends the 1985 legislation by making it a criminal offence to have FGM carried out either in Scotland or abroad.

4. A Forced Marriage (FM) is a marriage conducted without the valid consent of one or both parties and where duress is a factor. FM is now a specific offence under Section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014.

5. There is no specific offence of "honour based crime". It is an umbrella term to encompass various offences covered by existing legislation. Honour based violence (HBV) can be described as a collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. This is a violation of human rights and form of domestic and/or sexual violence.

6. Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on public bodies to have, in the exercise of their functions, "due regard to the need to prevent people from being drawn into terrorism". For the purposes of the City of Glasgow College Policies and Procedures this will mean prevention of extremist views of any nature aimed at the radicalisation or exploitation of children, vulnerable individuals or groups. The term "due regard" as used in the Act means that the authorities (the College) should place an appropriate amount of weight on the need to prevent people being exploited when they consider all the other factors relevant to how they carry out their usual functions.

7. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 criminalises behaviour which is threatening, hateful or otherwise offensive at a regulated football match including offensive singing or chanting. It also criminalises threats of serious violence and threats intended to incite religious hatred, whether sent through the post or posted on the internet.



8. The Human Trafficking and Exploitation (Scotland) Act 2015 relates to the illegal trade of human beings for exploitation. Some examples of the forms of exploitation which victims can be subjected to are below:

- Sexual – including commercial sexual exploitation such as prostitution, pornography, lap dancing and stripping.
- Labour - factory, agricultural, food industry, care work, hospitality industry and construction
- Domestic Servitude – housework, cooking, childcare
- Criminal – cannabis cultivation, shoplifting, petty crime, fraud (benefits/identity thefts), forced and sham marriages
- Organ Removal.

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# Annex B

## Safe staff & student recruitment & selection

Protection of Vulnerable  
Groups Scheme (Staff)  
No Policy or Procedure?



Admission for Applicants with  
Unspent Criminal Convictions  
(Students) (Procedure)



## Duty of Care through internal policy and procedures

Data Protection  
(Staff and Student Policy and a Guidance)



Safeguarding and Child Protection inc.  
Prevent Duty  
(Safeguarding Policy, Procedure, Prevent  
Policy, list of Coordinators, Incident Form)



- ✓ Health and Safety
- ✓ Anti Bullying and Harassment Policies
- ✓ Staff Code of Conduct
- ✓ Staff Behaviours
- ✓ Staff and Student Induction
- ✓ Complaints Procedure
- ✓ Whistle Blowing Procedure
- ✓ Equality, Diversity and Inclusion (EDI)
- ✓ Cyber Safety
- ✓ Curriculum Design Promoting EDI
- ✓ Corporate Parent Duty
- ✓ Prevent Duty

## External Partnerships

Police Access  
Notification  
(Guide)



Partnership working –  
Local Authorities,  
Schools, Social Work,  
Police Scotland



PVG for students on  
work placement  
(specific courses).  
(Procedure)

