

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

Purpose and scope

- 1.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains how the College seeks to protect the children and vulnerable adults it interacts with, what students and staff should do if they have concerns about the safety or security of children and vulnerable adults, and how students and staff can avoid putting themselves in an unnecessarily vulnerable position.

- 1.2. This policy applies to any activity where children or vulnerable adults are involved. The College's procedures relate to scenarios like these where students and staff may come into contact with children during its activities, including:
 - a) staff working with students who are under eighteen (18);
 - b) staff working with visiting children on or off campus;
 - c) students in contact with children while volunteering on behalf of the College;
 - d) staff on a work experience placement involving children;
 - e) staff and students working as mentors to children on or off campus.

NOTE: This policy applies to all disclosures from children either direct, e.g. mentioning the child themselves or another child; or indirect, e.g. sounding out information and reaction by asking 'what if my friend...?'. All disclosures should be taken equally seriously and be followed up as described below.

NOTE: For disclosures made in an external setting, please refer to the section below on 'Disclosures made on external premises' for specific additional guidelines.

NOTE: Under the Sexual Offences Act 2000 s4(5) it is a criminal offence for anyone in a position of trust – e.g., an adult with power or authority to exert influence through their role in the College – to engage in sexual activity with a young person above the age of consent (i.e., sixteen (16) or seventeen (17) years old).

Definitions

- 1.3. 'Child' means someone under eighteen (18) years of age.

- 1.4. 'Young person' means someone who is sixteen (16) or seventeen (17) years of age.

- 1.5. 'Position of trust' means the role of a person who is not receiving education at the College but who looks after, supervises, or otherwise has a professional obligation towards someone who is.
- 1.6. 'Vulnerable adult' means a person aged eighteen (18) or over who is or may be in need of community care services because of mental or other disability, age or illness, and who is or may be unable to take care of or protect themselves against significant harm, abuse or exploitation.
- 1.7. In this policy, 'regulated activity' means regularly teaching, training, instructing, caring for or supervising a child; providing advice or guidance on the well-being, treatment or therapy of a child; or driving a vehicle only for children.
- 1.8. 'Safeguarding' means putting in place arrangements to take all reasonable measures to minimise the risk of harm – including harm from neglect – to a child's or vulnerable adult's welfare.
- 1.9. 'Abuse' means a person's action that causes harm and violates another individual's human and civil rights. (For specific definitions of physical abuse, emotional abuse, sexual abuse, see the end of this policy.)
- 1.10. 'Home student' means a student who meets the residency criteria of Student Finance England to qualify for funding from the UK Government in support of their study (Currently the residency requirement is five (5) years residency in the UK)

Introduction

Overview

- 1.11. The College aims to ensure that every child can achieve their full potential. Safeguarding children from harm is important in meeting this goal. It is also relevant in meeting the duty of care that the College may owe towards children with whom it has contact.

1.12. Legislation about safeguarding does not specifically mention Higher Education institutions (HEIs). However, some pieces of legislation and, in some circumstances, the common law place responsibilities on all organisations. Also, the Independent Safeguarding Authority Scheme applies to HEIs.

Principles

1.13. Every child who takes part in a College-organised activity should be able to do so in a stimulating and safe environment and be protected from neglect and physical, sexual and emotional abuse. The principles that underpin this policy are as follows:

- a) The College regards anyone under the age of eighteen (18) as a child.
- b) All children have the right to protection from abuse.
- c) The College will take all abuse allegations seriously and will respond to them swiftly and suitably.
- d) The College will educate its staff and students about best practice so that they can protect children in their care and avoid placing themselves in an unnecessarily vulnerable position.

1.14. Effective safeguarding starts with effective procedures. Lines of responsibility should be clear, with leadership from the highest level. Representatives from across the College should help to implement and contribute to a culture in which safeguarding is discussed openly. Staff with particular responsibilities will get suitable training, and all staff need to be aware of College policies and procedures.

1.15. This policy seeks to support, not discourage, activities involving children in the interests of building the academic community in its teaching, research and pastoral roles. It also aims to reassure staff, students, volunteers and visitors that the College will protect children, young people and vulnerable adults when they come into contact with our students and staff acting in a paid or unpaid capacity.

1.16. The College will maintain the highest possible standards in meeting its social, moral and legal responsibilities to protect and safeguard the welfare of children, young people and vulnerable adults with whom its work brings it into contact.

However, the College cannot act 'in loco parentis' (in place of parents). Ultimate responsibility continues to rest with parents and guardians.

1.17. Our policy, procedures and guidelines aim to help the College manage the risks associated with its duty to protect children, young people and adults.

1.18. *General code of conduct when working with children*

To protect themselves from allegations of abuse, all College staff and students should behave in an exemplary way. Stated below are the standards of behaviour the College requires of its staff and students to fulfil their roles in the College and to ensure the College has a positive and healthy culture in all its activities involving contact with children:

- a) Always work in an open environment (e.g., avoiding private or unobserved situations) and encourage an open environment (e.g., not encouraging children to keep secrets).
- b) Treat all children equally and with respect and dignity.
- c) Maintain a safe and appropriate distance from children.
- d) Build balanced relationships based on mutual trust, which empower children to share in the decision-making process.
- e) Involve teachers, parents/carers and other key influencers wherever possible.
- f) Ensure that during residential events adults do not enter children's rooms or invite children into their rooms unless there are exceptional reasons for doing so.
- g) Be an excellent role model – this includes not smoking or drinking alcohol in the company of children or using inappropriate language.
- h) Give supportive and constructive feedback rather than negative criticism.
- i) In advance, get parental consent to administer emergency first aid and other medical treatment if prior permission seems appropriate.
- j) Get written consent from parents/carers before any photography, videoing or audio recording.
- k) Be aware of children's presence while they are at the College or involved in College-organised or related activities.

1.19. *Practices that are never acceptable*

The following should never be allowed:

- a) Spending excessive amounts of time alone with children away from others.
- b) Taking children to your home where they will be alone with you.
- c) Allowing a child to travel on their own with you in a vehicle.
- d) Engaging in rough, physical or sexually provocative games, including horseplay.
- e) Sharing a room with a child.
- f) Entering a toilet with children unless another adult is present or gives permission (this may include parent, teacher or group leader).
- g) Allowing or engaging in any form of inappropriate contact.
- h) Allowing or encouraging abusive peer activities (e.g. any game or activity where an individual may be held up to ridicule).
- i) Allowing children to use inappropriate language unchallenged.
- j) Making sexually suggestive comments to, or within the hearing of, a child, even in fun.
- k) Reducing a child to tears as a form of control.
- l) Allowing abuse allegations made by a child to go unrecorded or not to act upon them.
- m) Doing things of a personal nature for children that they can do for themselves.
- n) Physically restraining a child unless the restraint is to:
 - i. prevent physical injury to someone, including you and the child;
 - ii. prevent damage to property;
 - iii. prevent or stop a criminal offence;
 - iv. prevent behaviour that is contrary to good order and discipline at the event or activity location or among children.

1.20. *Identifying child abuse*

The following list gives some of the ways in which abuse may be identified; there may be others. The College staff member or student is responsible only for reporting their concerns, not for judging whether abuse is occurring:

- a) Changes in behaviour – immediate or over a length of time.
- b) Bruises and injuries that do not reflect the activity the child is involved in and where the explanation is not consistent with the injuries.
- c) Fear of certain adults.
- d) Use of sexually explicit language and actions.
- e) Reluctance to take part, including changing and showering, or to go home.
- f) Telling you they are being abused.
- g) A third party telling you the child is being abused.
- h) A child seeming to be a 'loner' who does not integrate with the group.
- i) A child whose physical appearance or hygiene standards have clearly deteriorated.

1.21. Some disabled and young children may feel more vulnerable in making others aware of abuse because they rely on the abuser.

1.22. Procedures

Staff and students should use the following guidelines when a child discloses to them abuse or similar misconduct (for example, such as bullying). Disclosure, even if retracted, must still be recorded and dealt with as described below.

1.22.1. *Step 1: Recognise*

Children experiencing distress or abuse often seek to disclose or 'tell' in safe environments. It is common for children to choose staff members they see as 'on the periphery' (cleaning staff, caretakers, reception staff) because they may regard them as having less authority and thus be less intimidating.

If a child discloses abuse or similar misconduct to any staff member, it is important to remember that the staff member's role is to 'recognise, record and refer', not to investigate. Questions should be kept to a minimum. This is to avoid contaminating the evidence in any subsequent investigation by police or social services (for criminal or child-protection purposes). It also ensures that the child is not stressed by having to repeat their story several times.

The staff member or student should listen and reassure the child, remembering that the child's welfare and interests are always paramount.

In doing so, the staff member or student should act as follows:

- a) Listen carefully and actively to the child. At this stage there is no need to ask questions. Let the child guide the pace.
- b) Stay calm and reassure the child they have done the right thing in talking to you.
- c) Do not show shock at what you are hearing. This may discourage the child from continuing their disclosure as they will feel you cannot cope with what you are hearing and may think badly of them.
- d) Do not investigate. Keep questions to a minimum; if you need to clarify what is being said, keep your questions open and not leading and think 'TED' (Tell, Explain, Describe). You should follow the basic rule of ONLY asking enough questions to clarify whether there is a child-protection concern. Avoid the question 'why?' as this can put guilt or responsibility on the child.
- e) Maintain confidentiality but do not make promises you cannot keep. Explain you will have to pass on the information and what action you will take in doing so.

NOTE: Once the child has clarified they are being harmed or are at risk (or you are sure the child is safe), you should not ask further questions. You should record the details the child has given.

If you have serious concerns and suspicions about abuse that indicate immediate and grave safety worries for the child, the need to avoid compromising any investigation through questioning may be outweighed by the need to keep the child safe. In these circumstances, you should immediately contact the College's designated safeguarding lead or a College officer. You should refer the matter to the police.

1.22.2. Step 2: Record

You must record details of the alleged abuse correctly, clearly and legibly as this will be critical in any proceedings. The College provides a disclosure of information form as a guide to show what type of information you should record. Make your record as soon as possible, preferably immediately and certainly within 24 hours.

If you have seen bruising or an injury, use a body map to record details. Date the map and attach it to information about the child's comments on the injury.

You are not responsible for deciding whether abuse has occurred, only for reporting your concerns to the designated member of College staff responsible

for safeguarding on the activity or event and to the College's designated safeguarding lead.

If a child alleges bullying against another child, you should follow the guidance above. However, you should try to include the following information in your record: the seriousness of the bullying incident(s); the duration (was it a single incident or has it been taking place over a period of time); the likelihood of the alleged bully being a threat to other children; the age difference of the children involved.

1.22.3. *Step 3: Refer*

If you think abuse or similar misconduct has been disclosed or you suspect it is happening, you must inform the College's designated safeguarding lead or any of the College's officers. Do this as soon as possible, preferably immediately and certainly within 24 hours.

You may choose to discuss or report matters to the NSPCC through its website: www.nspcc.org.uk/preventing-abuse/child-protection-system by email help@nspcc.org.uk or by calling 0808 800 500.

If a child is at risk of immediate harm, you should contact the police by phoning 999 and, within 24 hours, notify the College's designated safeguarding lead or officer.

1.22.4. *Stage 4: After referral*

The College's designated safeguarding officer will review the material received and make a decision on the most appropriate action.

The staff member or student must not gossip to others about what they have heard. The information should remain confidential to those who 'need to know'.

All staff and students should consider the support they need to manage the information they have received. The College will give them an opportunity to discuss their feelings with someone whenever they consider this is most appropriate.

1.23. *Risk assessments*

All activities involving children must have a comprehensive risk assessment completed beforehand.

You can get guidance on completing risk assessments from the College's Health and Safety Department, Human Resources, and whoever is responsible for health and safety in the Faculty or Department that is hosting the activity.

Each risk assessment should be signed off by two (2) people.

1.24. If there is no disclosure but you have concerns

If there is no disclosure but you suspect abuse, you should record your suspicions by completing the disclosure of information form and following the same procedure in referring your suspicions to the appropriate person.

1.25. If you have concerns about a member of staff or student

If you have concerns about a staff member or student behaving inappropriately while working with children, in the first instance you should try to talk calmly and confidentially with the staff member or student.

If this is not possible, you should confidentially state your concerns to your line manager or the designated member of College staff responsible for child protection for that event. (At organised events, it is usual in some areas of the College to nominate an individual to be responsible for child protection.)

1.26. Disclosures made on external premises.

If a child discloses abuse or misconduct to you as a staff member or student during a meeting or placement on school or other external premises, you should follow the guidelines above.

However, you should only briefly document the disclosure, and report the allegation to the person responsible for child protection at the external setting. You should consider carefully who needs to be informed as it is a confidential matter.

If possible, the contact details of the designated child protection officer should be made available to College staff and students before they attend the external setting.

1.27. Disclosure and Barring Service (DBS) checks

It is often necessary to get DBS checks of College staff and student volunteers. The staff member responsible for running an activity should decide whether any staff or students need a DBS check. The risk assessment process will help inform them about this and what level of check (basic, enhanced) is needed.

The Safeguarding & Vulnerable Groups Act 2006 states that DBS checks should be carried out on staff who are regularly carrying out a "regulated activity". There are no defined hours and durations of contact. A staff member who has frequent unsupervised contact may need to be DBS checked.

If a role has some limited, short-term or supervised contact with children or vulnerable adults (for instance on work experience placements, summer schools, normal teaching duties or standard outreach activities), this is unlikely to meet the definition of regulated activity and so would not be subject to a DBS check.

All home students who engage in College activities involving extensive lone contact with children will have undergone an enhanced DBS check and appropriate training on child safety.

Occasionally a student volunteer may begin working on a College-run activity while the outcome of their application for a DBS check is unknown. If so, the staff member responsible for leading the activity will ensure that this situation is brought to the attention of the relevant teachers, parents/carers, careers advisers or other adults who are responsible for looking after the children.

International students are welcome to apply to take part in College events that involve working with children. However, such students need to give our staff member overseeing the event a document with equivalent status in their home country to the DBS disclosure. Such a document must include statements of good conduct provided by the relevant foreign embassy or police department.

If an international student is already resident in the UK, the staff member should request a DBS check. If the student has been resident in the UK for less than five (5) years, they will also need to provide a statement of good conduct from their home country.

Summary of basic guidelines for dealing with disclosures of alleged abuse or other misconduct

- Remember that the child's welfare and interests are always paramount.
- Listen carefully and actively to the child. At this stage there is no need to ask questions. Let the child guide the pace.
- Do not show shock at what you are hearing. This may discourage the child from continuing their disclosure as they will feel you cannot cope with what you are hearing and may think badly of them.
- Do not investigate. If you need to clarify what is being said and whether the child is at risk, ask open questions and think 'TED' (Think, Explain, Describe) but only to achieve clarity. Avoid asking 'why?' as this can imply the child's guilt or responsibility.
- Stay calm and reassure the child they have done the right thing in talking to you.
- Never promise to keep a secret or confidentiality. To keep the child safe, you have a duty to ensure you pass the information to the designated safety officer (and ultimately the designated safety lead). If a child requests confidentiality, use a 'prepared' response, such as 'I'm really concerned about what you have told me. I'm responsible for helping ensure you are safe. To help with this, I have to tell someone (name person), who will know better than me what has to be done.'
- Make sure the child understands what will happen next with their information.
- Record factually what the child has told you and what you have observed as soon as possible. Ensure your record includes the date, time, place of disclosure, and the behaviour and words used by the child. Failure to accurately record information or writing down your 'interpretation' of the child's account may lead to it being treated as inadmissible evidence.
- If you have seen bruising or an injury, use a body map to record details. Date the map and attach it to information about the child's comments on the injury.
- Tell your designated safety officer (or the designated safety lead) as soon as possible. Do not ask the child to repeat what they have told you to another staff member because this is stressful. The more times a child is asked to tell their story, the greater the chance of the facts becoming lost and any subsequent investigation being compromised.

- Do not gossip to other staff or students about what you have heard. The information should remain confidential to those who 'need to know'.
- Maintain contact with the child. They have trusted you enough to 'tell', will need to know you have not rejected them as a result, and may need continued support.
- Ensure you have support for yourself in managing the information you have received.

Advice and support

- 1.28.If you wish to discuss issues relating to safeguarding anonymously with a third party, telephone the NSPCC on 0808 800 5000.
- 1.29.Further information on the Disclosure and Barring Service and requirements is available at: www.gov.uk/disclosure-barring-service-check/overview
- 1.30.Advice for students on safeguarding, and the associated lower-level rules, is available from the Admissions Team (admissions@gsmlondon.ac.uk). More complex queries may be referred to appropriate individuals.
- 1.31.Advice for staff on safeguarding is available from their nominated Academic Policy Partner or the Designated Safeguarding Lead.
- 1.32.If any staff development needs are identified, they may be discussed with members of the Staff and Educational Development Team.

Fees

- 1.33.A fee may be charged for risk assessments of student events as set out in the College's list of charges.
- 1.34.The College is not liable for financial or other consequences arising from action under these regulations.

Legal and regulatory context

- 1.35.The policy has taken account of the Children Act 1989, Children Act 2004, Safeguarding and Vulnerable Groups Act 2006, Protection of Freedoms Act 2012, Rehabilitation of Offenders Act 1974, Sexual Offences (Amendment) Act 2000, and the Sexual Offences Act 2003, all as amended. Additionally, the UN Convention (Rights of a Child), ratified by UK legislation, recognises those under eighteen (18) as children.
- 1.36.In addition, the development of this policy has had regard to the guidance outlined in both the "Working Together to Safeguard Children 2015" and "UKVI Sponsor a Tier 4 Student – guidance for educators", the College's duties on the

safety and security of all its members and visitors under the Health and Safety at Work Etc. Act 1974, and under the statutory regulations made under this act.

1.37. The College may not be bound by the principles in all of these Acts and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

1.38. If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.

1.39. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied. The annual report must include statistical data on the number of incidents reported the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those reporting.

1.40. The legal context of safeguarding is complex and evolving, so this policy will be continually reviewed. However, at minimum every two (2) years, the College must review this policy to ensure that:

- a) it remains up to date and continues to meet the expectations of the UK Quality Code, applicable legislation or guidance;
- b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
- c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

Responsible Officer: Provost

Approved by: Board of Directors and Academic Board

Version: 1.0

Date: 1 June 2017

Monitoring and Review Body: Academic Regulations and Awards Committee

Effective From: 1 June 2017

Next Scheduled Review: April 2018