# LIMT Safe guard policy

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| Name of Policy | LIMT safeguard policy |
| Purpose | Safeguarding for vulnerable adult |
| Responsible body | Learning and Teaching Panel |
| Lead LIMT officer responsible for policy update | Principal |
| Persons consulted during policy development | Principal, Vice-Principal, LIMT staff and faculty, |
| Policy Finally approved by: | Principal, Vice-Principal |
| Implementation Date | September 3, 2015 |
| Dissemination | Learning and Teaching Panel; faculty and senior management in August 2015 |

**1** **BACKGROUND**

1.1 What is Safeguarding?

"Safeguarding", as defined by NIACE ("Safer Practice, Safer Learning") is the duties

and responsibilities that those providing an education service must carry out to protect individuals from harm.

The Children Act 1989 and Joint Chief Inspectors Report on Arrangements to

Safeguard Children (2002) describe safeguarding as meaning that:

"Agencies (and organisations) working with children and young people take all

reasonable measures to ensure that the risks of harm to the individual's welfare are

minimised; and where there are concerns about children and young people's welfare,

all agencies (and organisations) take all appropriate actions to address those

concerns, working to agreed local policies and procedures, working in partnership

with other local agencies."

The Safeguarding Vulnerable Groups Act 2006 extends this legal duty to vulnerable

adults. The Act sets out the type of activity in relation to children and vulnerable adults which is regulated.

1.2 Who Are We Safeguarding?

The Children Act 1989 states the legal definition of a child is 'a person under the age

of 18'. 'Young person' is not a legal term, for the purposes of the policy and

procedures, a young person is someone who might not perceive themselves as a

child, but who is still in the age range of the legal definition, and therefore fall within the term 'child'.

A vulnerable adult is a person, aged eighteen and over, 'who is or may be in need of

community care services by reason of mental or other disability, age or illness; and

who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation' (Department of Health, 2000). The Safeguarding Vulnerable Groups Act 2006 defines a vulnerable adult as someone

aged eighteen and over who:

 *is in residential accommodation,* (Section 59 (2)(a) indicates this in

connection with care or nursing or a residential special school)

 *is in sheltered housing,*

 *receives domiciliary care,*

 *receives any form of health care,*

 *is detained in lawful custody,*

 *is by virtue of an order of a court under supervision by a person exercising*

*functions for the purposes of Part 1 of the Criminal Justice and Court*

*Services Act* [*2000 (c. 43),*](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000043_en_1)

 *receives a welfare service of a prescribed description,* (Section 16 (5)(a)

indicates this includes counselling or advice)

 *receives any service or participates in any activity provided specifically for*

*persons who has particular needs because of his age, has any form of*

*disability or has a prescribed physical or mental problem.* (Dyslexia,

dyscalculia and dyspraxia are excluded disabilities)

 *receives payments (directly or via payments made to another on his*

*behalf) in pursuance of arrangements under section 57 of the Health and*

*Social Care Act* [*2001 (c. 15),*](http://www.opsi.gov.uk/acts/acts2001/ukpga_20010015_en_1) *or*

 *requires assistance in the conduct of his own affairs.* (Section 59 (10)(a)

indicates this is where a lasting power of attorney exists)

1.3 Why is Safeguarding necessary at LIMT?

LIMT does not have frequent contact with children. We take pride in supporting vulnerable adults in their studies, not only by including courses specifically

for adults with learning and other disabilities in our course offer, but by facilitating their participation in our main and community learning programmes.

Section 175 of the Education Act 2000, which reinforces the Children Act 1989, places a statutory duty on governing bodies of schools and colleges to promote the welfare and safety of children. The Safeguarding Vulnerable Groups Act 2006 and the Further Education (Providers of Education) (England) Regulations 2006 extend this statutory duty to vulnerable adults. The Safeguarding Vulnerable Groups Act 2006 places a legal obligation on the College to ensure that every person who wants to work or volunteer with children and vulnerable adults is duly registered with the Independent Safeguarding Authority (when fully operational) and has been assessed using data gathered by the Criminal Records Bureau (CRB), including relevant

criminal convictions, cautions, police intelligence and other appropriate sources.

**2** **STATEMENT OF POLICY**

London Institute of Management and Technology is committed to safeguarding and promoting the welfare of young people and vulnerable adults, engaged in the breadth of its activities by ensuring that there are appropriate arrangements in place to enable it to discharge its duty to provide a safe and secure environment and to deal with issues concerned with suspected or reported abuse of children and vulnerable adults.

The College seeks to ensure that its policy and procedures comply with statutory

duties;

reflect guidance and good practice in safeguarding children and vulnerable

adults; and

that safeguarding arrangements are proportionate and based upon common sense.

The College recognises that it has a duty to help staff and students recognise their

responsibilities (through guidance, support and training), minimise risk and avoid situations (where possible) where abuse or neglect might be alleged.

The College will ensure that processes are in place to check the suitability of staff and students working directly with young people and vulnerable adults. Some staff and students across the College will be in regular or significant occasional contact

vulnerable adults in the course of their teaching or other work. There is a

commitment that such staff and students have satisfactory Criminal Records Bureau

(CRB) disclosures, at an appropriate level, before working with vulnerable adults.

London Institute of Management and Technology takes seriously its duty of pastoral care and will be proactive in

seeking to prevent vulnerable adults becoming the victims of abuse or neglect. It will

do this in a number of ways:

 Through the creation of an open culture which respects all individuals' rights

and discourages bullying and discrimination of all kinds

 By identifying a member of the Board of Governors and a member of the

College Leadership Team who have overall responsibility for vulnerable adult

matters and two other staff as Designated Persons, who will receive training

in this field and act as a source of advice and support to other College staff

especially tutors and front-of-house staff

 By informing vulnerable adults of their rights to be free from harm and

encouraging them to talk to College staff if they have any concerns

 Through the ongoing programme of support, at an appropriate

level, to promote self-esteem and social inclusion and address the issue of

the protection of vulnerable adults in the wider context

**3.**  **SCOPE OF POLICY**

This Policy applies to all staff (including agency staff and governors), academic and business support staff employed by the College, temporary staff and volunteers. All have a legal responsibility to take seriously any vulnerable adult concerns that come to their attention and follow the procedures given.

Subcontractors must be informed of this Policy and deal with any concerns reported to them by contacting the Designated Person with responsibility for Vulnerable Adult Protection in College.

Students who have concerns about other students or the behaviour of adults towards them can use this Policy to ensure they are taken seriously.

It is not the College's responsibility to investigate abuse. Nevertheless, it has a duty

to act if there is a cause for concern and to notify the appropriate agencies so that they can investigate and take any necessary action.

**4** **SAFEGUARDING STRUCTURE**

4.1 The College has identified an organisation structure for safeguarding

vulnerable adults, with key staff having designated safeguarding responsibilities

including:

 **Vice Principal Finance & Resources**: overall leadership of Safeguarding

Centre incharges: telephone 02038071494

info@limt.co.uk

 **For student-related issues:**

Designated Safeguarding Officer, Manager of Central Administration &

Student Services provides management and coordination role including investigations if required.

Info@limt.co.uk: telephone: 02038071494

 **For staff-related issues:**

Designated Safeguarding Officer, Principal supports key staff and

provides legislative support.

Info@limt.co.uk: telephone: 02038071494

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 **Governors with responsibility for overview of safeguarding:**

Farhan Younus and Asif choudhary

4.2 In those areas where staff and students work with vulnerable adults as part of

their roles, responsibility for ensuring safeguarding arrangements are in place and

are adhered to rests with the manager of the area concerned: i.e. the Additional

Learning Support Manager, Community Learning Co-ordinator, or Curriculum Manager as appropriate.

4.3 All staff and students are required to take a shared responsibility for the

protection and safety of any vulnerable adults. They must be aware of and abide by the College's Policies and Codes of Good Practice.

4.4 The Head of Recruitment is responsible for ensuring the College operates safe recruitment procedures and ensures that appropriate checks are carried out on all new staff, governors and volunteers.

4.5 Where an allegation of abuse or inappropriate behaviour is made against a member of staff and relates to their actions as a member of the College, in addition to actions set out above, Human Resources will advise and guide the line manager of the member of staff against whom allegations have been made in relation to employment issues. Further information on what constitutes abuse is given in Appendix 3.

4.6 Where an allegation of abuse or inappropriate behaviour is made against a student and relates to their actions as a member of the College, in addition to actions set out above, the Deputy Principal will advise on the disciplinary procedure. Further information on what constitutes abuse is given in Appendix 3.

**5.**  **RESPONSIBILITIES OF STAFF**

5.1 Staff and students working in direct contact with vulnerable adults on a day-to-day basis may come across signs of harm and/or abuse. Staff must ensure that significant concerns for the wellbeing of a child or vulnerable adult are reported to the appropriate nominated manager. This will invoke the appropriate procedures to protect the vulnerable adult, involving Social Services and/or the Police as appropriate. Where staff members are unsure and need guidance about safeguarding issues, they are encouraged to seek support from their nominated manager.

5.2 In the event of any concern by any member of staff, or if any member of staff

is approached by a vulnerable adult student, regarding any matter concerning abuse,

they must tell the student that they are bound to pass on the information to the designated person. The person receiving the information should pass it on as a

matter of urgency to ensure the matter can be dealt with as soon as possible. If the

designated person is not available, the staff member should contact a member of the Senior Management Team. No student must be promised that anything they say will be kept confidential if the matter is related to vulnerable adult protection or abuse. It

is helpful for a member of staff to tell the student they will jot down anything the student actually says to ensure an exact a record as possible is kept for future reference.

5.3 Summary Guidance is set out in Appendix 1; Detailed Guidance is set out in

Appendix 2. Staff should make themselves familiar with these documents.

**6.**  **CONTROLS**

6.1 Risk assessments must be carried out for all activities involving vulnerable adults, and reasonable, proportionate adaptations made to those activities as a result in order to safeguard the wellbeing of such individuals.

6.2 The College reserves the right to refuse to admit a vulnerable adult to a

programme of study, or other college-managed activities, if we judge that the adaptations necessary to safeguard that individual's wellbeing go beyond what is reasonable and proportionate, including measures to manage inappropriate or disruptive behaviour.

6.3 Where students work or volunteer on specified activities or in specified settings they will be subject to the relevant checks as outlined in the relevant departmental procedures.

6.4 Where children of students, staff members or visitors are present on College premises, they remain the responsibility of their parent/guardian.

6.5 Safeguarding the wellbeing of any children visiting the College without their

parent/guardian is the responsibility of the organiser of the activities in which the child is participating.

6.6 Regulated and Controlled Work: The Safeguarding Vulnerable Adults Act,

2006 requires work that involves contact with children or vulnerable adults is designated as either "regulated" or "controlled". The definitions of regulated and controlled work are given in Appendix 4 and the types of jobs which fall into each category and which wil reaquire a CRB disclosure and/or ISA registration are outlined in Appendix 5. The designation of regulated and controlled posts will be reviewed annually and updated where necessary.

6.7 Independent Safeguarding Authority (ISA) Registration: Where work is either

regulated or controlled, ongoing ISA registration is a condition of employment and withdrawal of registration will result in dismissal due to the contravention of a statutory duty.

 New starters will be required to demonstrate ISA registration before starting

work.

 Current workers will be required to demonstrate ISA registration as required

by statute.

 The College will refer information to the ISA as required by statute. The

circumstances, for example where there is a concern relating to the risk of harm to children or vulnerable adults, in which reference will be made are set out in Appendix 6.

 The College will adhere to all relevant regulations and codes of practice as

issued by the ISA.

6.8 Disclosure Checks: Disclosure checks will be obtained when required by the

designation of work as "regulated" or "controlled" or by the Criminal Records Bureau (CRB). These requirements will be reviewed annually and updated where necessary.

 Disclosure checks will be obtained for new starters prior to the

commencement of any work where the Disclosure check is required.

 The College will adhere to all relevant regulations and codes of practice as

issued by the CRB.

 All information regarding Disclosure certificates will be processed by Human

Resources and will not be passed to third parties.

 Recruitment department which is currently seen by the Principal will confirm to the relevant programme / service manager whether a satisfactory disclosure has been obtained. This information will be recorded securely on the central Human Resources database and any certificate then destroyed. If items appear on the Disclosure that give cause for concern, Human Resources will discuss these with the relevant line manager. Human Resources will then discuss with the applicant whether the employment can continue or whether any conditions are to be applied.

6.9

**7**

Employing Persons with Criminal Records:

 The possession of a criminal record is not a bar to employment at the

LIMT. If an offer of employment has been made that is dependent on the obtaining of a Disclosure by the successful applicant the offer will only be withdrawn if the disclosed information is relevant to the duties of the post or the selection criteria for that post. If appropriate consideration will be given modifying the offer of employment rather than withdrawing it.

 Where a post is exempt from the Rehabilitation of Offenders Act, 1974.

(where it involves working with children, the elderly or the sick) this will be identified in the job description.

 If employment is not dependent on a Disclosure and the applicant declares

convictions the offer will only be withdrawn if the conviction(s) is relevant to the duties of the post or the selection criteria for that post.

**RECORD KEEPING**

The lead designated officer for the protection of vulnerable adults will retain the

central record of all allegations and actions taken. This will include:

 The formal report on form VAPC - see Appendix 7

 Any notes, memoranda or correspondence dealing with the matter

 Any other relevant material

Copies of reports, notes etc will be kept securely locked at all times, but will be shared in accordance with the Data Protection Act 1998.

**8** **TRAINING**

All staff within the College will undergo training so that they are fully aware of this

policy and their responsibilities. Designated Protection of Vulnerable Adults Officers will receive additional training so that they can effectively fulfil their responsibilities to

the protection of vulnerable adults at London Institute of Management and Technology

**9** **REVIEW AND MONITORING OF POLICY AND PROCEDURES**

The Vice Principal (Finance & Resources) will review and monitor the policy and

procedures on an annual basis and will recommend and implement approved

changes where necessary. A revised version of the policy will be submitted to the

Governing Body on an annual basis to ensure that any identified deficiencies or weaknesses have been dealt with without delay.

**Appendix 1**

**SUMMARY PROCEDURE FOR REPORTING INSTANCES OF ALLEGED ABUSE**

This procedure **must** be followed whenever any member of College staff hears an allegation from a vulnerable adult that abuse has, or may have, occurred or where

there is a significant concern that a vulnerable adult may be abused:

**RECEIVE**

 What is said

 Accept what you are told - you do not need to decide whether or not it is true

 Listen without displaying shock or disbelief

**REASSURE**

 The student

 Acknowledge their courage in telling

 Do not promise confidentiality

 Remind them they are not to blame - avoid criticising the alleged perpetrator

 Do not promise that "everything will be alright now" (it might not be)

**REACT**

Do not delay in resgistering your suspicions or concerns

 Respond to the student but do not interrogate

 Avoid leading questions but ask open ended ones

 Clarify anything you do not understand

 **Explain what you will do next, i.e. inform a Designated Person - Vice**

**Principal Finance & Resources, Central Administration & Student**

**Services Manager, or the HR Manager**

**RECORD**

 Make notes as soon as possible - during the interview if you can

 Use Form VAPC /Appendix 4 - Vulnerable Adult Protection Concern and

Report Form

Include: time, date, place, the student's own words - do not assume - ask, e.g. "Please tell me what xxxxx means".

 Describe observable behaviour and appearance

 Cross out mistakes - do not use Tippex

 Do not destroy your original notes - they may be needed later on and must

be given to the Designated Person.

**SUPPORT**

 Consider what support is needed for the student- you may need to give them

a lot of your time or they may need to be referred

 Ensure you are supported - such interviews can be extremely stressful and

time consuming

 Once reported to them, the Designated Person will take responsibility for the

matter and will take the necessary actions. However, if you have questions or

need additional support then do ask

7

**Appendix 2**

**Detailed Guidance & Procedure for staff in dealing with instances of abuse**

London Institute of Management and Technology recognises its legal duty to work with other agencies in safeguarding vulnerable adults and in responding to abuse. All members of staff involved with vulnerable adults (teaching and non-teaching) have a responsibility to be mindful of issues related to vulnerable adult safety and welfare and a **duty** to report and refer any concerns however "minor" they appear to be.

IT IS NOT THE JOB OF COLLEGE STAFF TO INVESTIGATE THESE CONCERNS

In cases where it is deemed that a vulnerable person lacks sufficient understanding

to make informed decisions about his/her own care and treatment, parents/carers

have a right to be informed about any concerns about the vulnerable person's

welfare or any action taken to safeguard and promote the vulnerable adult's welfare,

providing this does not compromise the vulnerable adult's safety. Where there are

possible concerns about a vulnerable adult's safety, unconditional confidentiality cannot be guaranteed and should not be offered.

London Institute of Management and Technology will be proactive by taking positive steps to inform students of their

rights to safety and protection and the options available to express their fears or

concerns:

• information regarding safeguarding of vulnerable adults and a summary of

the College's policy will be included in the student handbook

• the safeguarding policy will be made available on the College website

• staff most likely to encounter vulnerable adults will be provided with

appropriate training

When students make allegations about abuse or neglect, they should always be

listened to, have their comments taken seriously and, where appropriate, the allegations should be investigated thoroughly.

If you suspect that a student is going to discuss abuse, either towards themselves or

another, establish GROUND RULES CONCERNING CONFIDENTIALITY. This

information must be shared with a nominated person for safeguarding vulnerable adults and possibly with a counsellor.

The designated person will then contact the Local Authority Adult Protection Unit in

order to discuss appropriate action. The Local Authority Adult Protection Unit is

responsible for coordinating action in vulnerable adult cases, including liaison with police.

**Note:** It is important to convey that the Adult Protection Unit will need to assess the

situation and would want to work **with** the vulnerable adult in determining what

could/should happen next. They would wish to respect the vulnerable adult's wishes and feelings provided no one is at immediate risk of harm.

If the student is fully aware of what could happen, they can:

 choose whether they want to speak now or have time to think about it

 be as informed as possible regarding the implications of passing on this

information.

8If the complainant is the vulnerable adult him/herself, questions should be kept to the

minimum necessary to understand what is being alleged. Leading questions must be

avoided as the use of leading questions can cause problems for the subsequent investigation and any court proceedings.



**What is Abuse?**

Appendix 3 sets of definitions of abuse but it can be

 physical

 neglectful

 sexual

 financial

 psychological/emotional

 institutional or

 discriminatory in nature

Abuse is behaviour towards a person that either deliberately or unknowingly causes

a vulnerable adult harm, or endangers their life or their human or civil rights. It can be

passive, e.g. failing to take action to care for someone, or failing to raise the alert about abuse; or active, e.g. hitting, stealing or doing something that causes harm. Abuse can be a one-off or something that is repeated.

**Procedure for staff dealing with suspicions or allegations of abuse to a**

**vulnerable adult**

Any suspicion, allegation or incident of abuse must be reported to the designated

member of staff with responsibility for the protection of vulnerable adults as soon as

possible and in any event within 2 hours. If this is not possible, a member of the

Senior Management Team must be notified. The nominated member of staff must

immediately discuss the matter with the Local Authority Adult Protection Unit on: Redbridge council - **020 8708 3885**(9.00am to 5.00pm) or **020 8708 5897**(outside office hours);

(NB: The Local Authority Adult Protection Unit is responsible for coordinating action in vulnerable adult cases, including liaison with police).

If it is agreed to be a Vulnerable Adult matter, a written record of the date and time of

the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in

writing to the local authority Adult Protection Unit within 24 hours. If the consent has

not been gained from the vulnerable adult, the nominated member of staff

should discuss with the Local Authority Adult Protection Unit what action will be taken

to inform the parents / carers of the vulnerable adult and a note of that conversation

should be made. The nominated member of staff must notify the Principal of the

College as soon as practicable and in any event within 2 hours of the initial concern arising.

**Responding to an Allegation**

A full record shall be made as soon as possible on Form VAPC/Appendix 6 of the

nature of the allegation and any other relevant information including:

 The date

 The time

 The place where the disclosure of information took place

 The place where the alleged abuse happened

 Your name and the names of others present

 The name of the complainant and, where different, the name of the vulnerable

adult who has allegedly been abused

 The nature of the alleged abuse

 A description of any injuries observed

 The account which has been given of the allegation

**Responding to an allegation about a member of staff**

Any suspicions, allegations of actual abuse of a vulnerable adult by a member of staff must be reported to the lead designated member of staff **and** the Principal or vice Principal immediately. On being notified of any such matter, the designated member

of staff shall:

**Notify** the Principal, who will initiate an investigation of this incident in line with the

disciplinary procedure,

**Take** such steps as he/she considers necessary to ensure the safety of the person in question and any other person who might be at risk.

**Report** the matter to the Adult Protection Unit on 020 8708 5897 in accordance with the procedure set out in the previous paragraph.

**Ensure** that a report of the matter is completed by the person who reported the

original concern. If the complaint is made against any member of the Senior

Management Team or a designated safeguarding officer, then the person dealing

with the complaint must be either the Principal, a Vice Principal. If the complaint is made against the Principal then the Chair of the Governing Body should be immediately notified.

**Appendix 3**

**Definitions of Abuse (Vulnerable Adults)**

**Physical Abuse**

Physical abuse is the physical ill treatment of an adult, which may or may not cause physical injury and causes harm to the individual's person. It may involve pushing, slapping, pinching,

punching, hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating,

force feeding, improper administration of medicines or denial of prescribed medicines, forced

isolation and confinement, including a person being locked in a room or inappropriate

sanctions or restraint, or inappropriate manual handling. It may be the result of a deliberate failure to prevent injury occurring.

**Psychological and Emotional Abuse**

Psychological abuse may involve the use of harassment, bullying, intimidation, indifference, hostility, rejection, threats, humiliation, name-calling, other degrading behaviours, shouting,

swearing, discrimination or the use of oppressive language, mobile phone texting abuse, email, emotional abuse and all forms of cyber abuse. It can result in feelings of low self-worth. Some level of psychological or emotional abuse is present in all forms of abuse.

**Sexual Abuse**

Sexual abuse involves a vulnerable adult participating in, or watching, sexual activity to which they have not consented or were pressured into consenting, or to which they cannot give informed consent. It is not necessary for the individual to be aware that the activity is sexual.

The activities may include: physical contact, including penetrative or non-penetrative acts, e.g. rape, buggery, indecent assault or inappropriate touch, incest, and situations where the perpetrator touches the abused person's body (e.g. breasts, buttocks, genital area); Non-contact activities, e.g.exposing genitals to the abused person, or coercing the abused person into participating in or watching pornographic videos or photographs.

**Neglect**

Neglect is the deliberate withholding or unintentional failure to provide help or support, which is necessary for the adult to carry out activities of daily living. It also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to

assess risk. Neglect may involve: failing to provide adequate food, shelter and clothing; failure to ensure access to appropriate medical care or treatment; neglect of basic emotional needs

**Financial/Material Abuse**

Financial/Material Abuse is the exploitation, inappropriate use or isappropriation of a person's financial resources or property. It occurs when the individual is deprived of their own financial assets, for example, by holding money back from the individual, obtaining money by deception, or stealing money. It includes the withholding of money or the improper use of a person's money or property, usually to the disadvantage of the person to whom it belongs.

**Institutional Abuse**

Institutional abuse can be defined as abuse or mistreatment by a regime as well as by individuals within any building where care is provided. Examples include lack of flexibility and

choice, lack of consultation,public discussion of personal matters, inadequate or delayed responses, staff overly controlling service users' relationships and activities.

**Discriminatory Abuse**

Repeated, ongoing or widespread discrimination on the grounds of age, race, disability, religion, sexual preference or gender, slurs, harassment, name-calling, breaches in civil liberties, unequal access to health or social care.

**Significant Harm**

Sometimes, a single traumatic event may constitute significant harm, eg violent assault,

suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the adult's physical and psychological development.

**Appendix 4**

**Safeguarding definitions**

**Regulated activity**

Any activity (paid or unpaid) which involves contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, instruction, care, supervision, advice, treatment, therapy, or transport) or is in a specified setting (e.g. schools, care homes, relevant childcare premises) and is carried out frequently, intensively, and/or overnight.

**Controlled activity**

Work which is not regulated activity but which gives the post holder the opportunity to have

any form of contact with children/vulnerable adults or access to children's educational records

or children and vulnerable adult's health or social services records and is carried out

frequently or intensively. Activity that involves regular management or supervision of a person carrying out this type of work is also considered as controlled activity.

*Examples:* caretakers, cleaners, security guards, catering staff, receptionists and business

support roles that do not involve teaching, training, supervising or being in sole charge of

children/vulnerable adults but which bring the post holder into frequent contact with

children/vulnerable adults.

**Any person working in a regulated or controlled activity is required to have an enhanced CRB check.**

However, a Tutor teaching one vulnerable adult in a group of students aged 18 and over will

not necessarily be engaged in regulated or controlled activity e.g. if the College provides

education mainly to adults. However, if the College provides a course wholly or mainly for people with learning disabilities to help them learn a particular skill or support them in living independently, this will be regulated activity.

**Frequent**

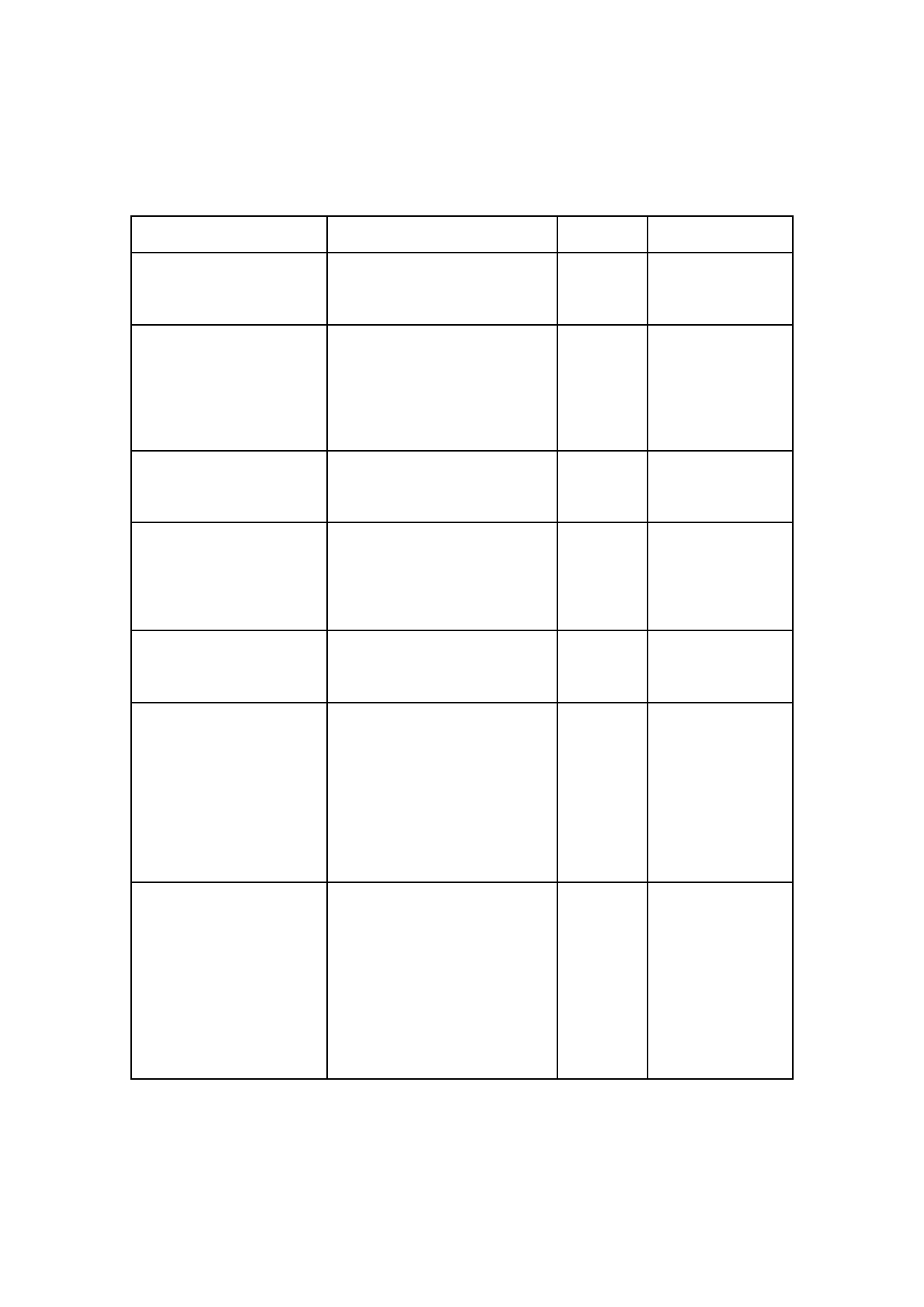
Once a week or more

**Intensive**

4 days or more in a single month

**Children**

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed).

**Appendix 5**

**Posts identified as needing CRB checks and ISA registration**

**Type of post**

Tutors teaching classes

specifically for adults with learning difficulties.

In class support workers

(including volunteers),

either working in classes specifically for adults with learning difficulties or with

vulnerable adults in mainstream classes.

Tutors working on a one

to one basis with vulnerable adults

Additional Learning Support Office staff

Counsellors

Learning staff

who have frequent or intensive contact with

vulnerable adults or children that is of a

specified nature and / or is in a specified setting. such as a school, care

home or childcare premises.

Managers / supervisors

who regularly manage or

supervise post holders

undertaking specified activities to children or vulnerable adults

(teaching,

training,

instruction or supervision;

providing advice or

guidance or healthcare

treatment or therapy)

**Regulated / controlled**

**activity?**

Regulated - contact with

vulnerable adults of a specified

nature (teaching), frequently

and intensively

Regulated - contact with

vulnerable adults of a specified nature (instruction), frequently

and intensively

Regulated - contact with vulnerable adults of a specified nature (teaching),

frequently

and intensively

Regulated - contact withvulnerable adults of a specified nature (advice), frequently and

intensively. Access to vulnerable adults' health and social service records.

Regulated - contact withvulnerable adults of a specified

nature (treatment or therapy),

frequently and intensively.

Regulated activity - Contact with children or vulnerable adults that is of a specified nature (providing teaching, training, instruction, care, or supervision) and / or is in a specified setting

**ISA**

Yes

Yes

Yes

Yes

Yes

Yes

Yes

**CRB**

Enhanced

Enhanced

Enhanced

Enhanced

Enhanced

Enhanced

**Appendix 6**

**Duty to refer**

The College is under a duty to refer information to the ISA in certain circumstances, for example, where there is a concern relating to the risk of harm to children or vulnerable adults.

*Information that is required to be referred:*

If the College holds information on disciplinary proceedings related to a person engaged in regulated or controlled activity**, it will be under a duty to provide the ISA with information**

**if the College 'withdraws permission for the person to engage in the activity'**. The College may take action to stop an employee working in regulated or controlled activity when:

 the person has committed an offence that is subject to an automatic bar, or a bar with the right to make representations;

 the person has engaged in 'relevant conduct' as defined in the Act (see below); or

 the 'harm test' is satisfied (see below).

'**Relevant conduct**' is:

 conduct which endangers or is likely to endanger a child or vulnerable adult;

 conduct which, if repeated against or in relation to a child or vulnerable adult, would

endanger or would be likely to endanger that child or vulnerable adult;

 conduct involving sexual material relating to children (including possessing such material);

 conduct involving sexually explicit images depicting violence against humans; and

 conduct of a sexual nature involving a child or vulnerable adult. .

The '**harm test**' is that the person may:

 harm a child or vulnerable adult;

 cause a child or vulnerable adult to be harmed;

 put a child or vulnerable adult at risk of harm;

 attempt to harm a child or vulnerable adult; or

 incite another to harm a child or vulnerable adult.

So, where the College takes action to stop an employee working in regulated or controlled activity for any of these reasons, there will be a legal duty to refer information to the ISA. This could be a situation involving:

 dismissal;

 a case that could have resulted in dismissal had the employee not resigned before

the procedure concluded; or

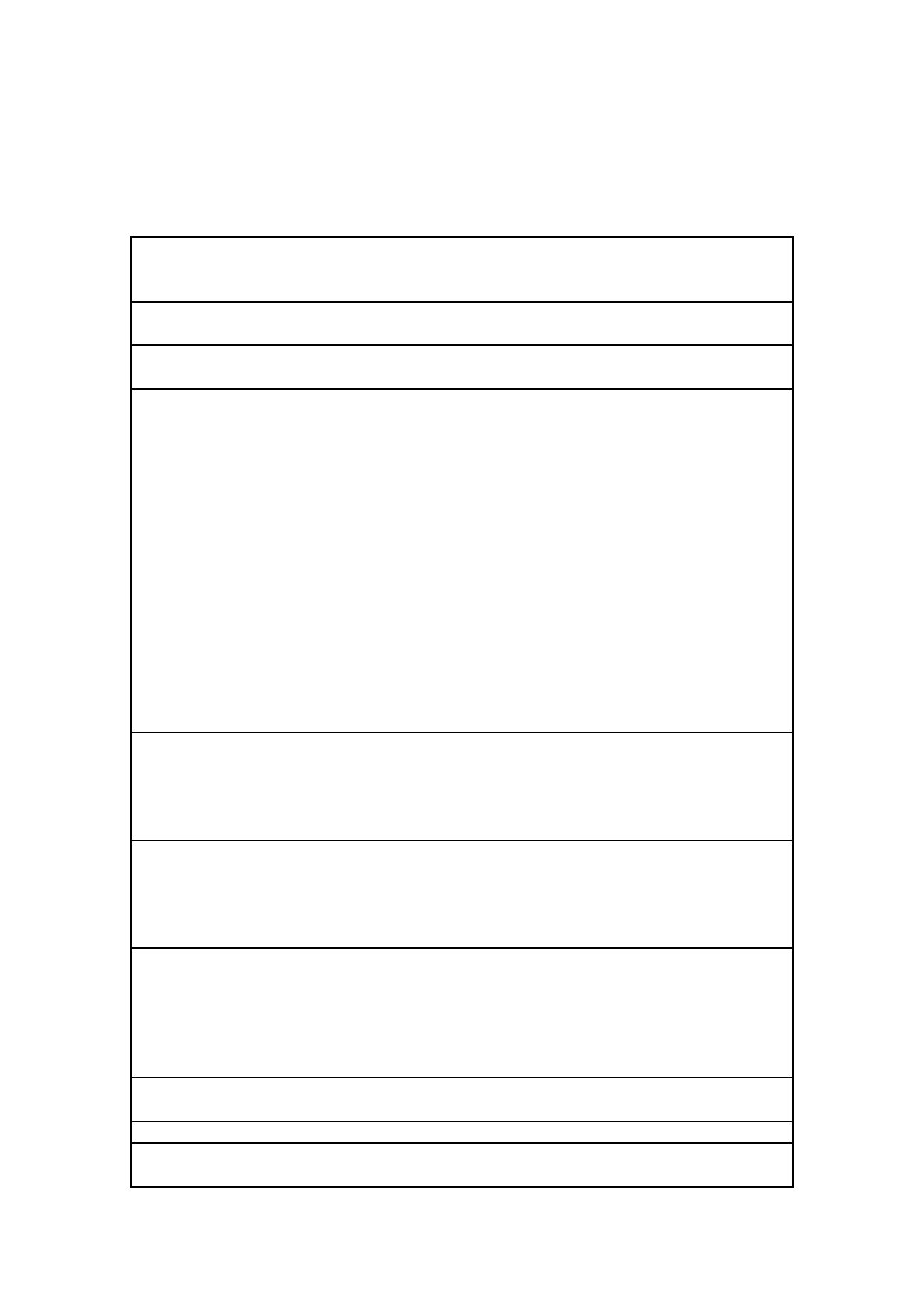
 where the College stops a person working in regulated/controlled activity but continues to engage him/her in other that is neither regulated nor controlled activity.

**Information that may be referred:**

If the College has a concern about an employee's behaviour, they may report this to the ISA.

The ISA will consider all relevant information. For example, if a disciplinary case has not

been completed but the college suspects that the individual may pose a risk of harm, it may refer him to the ISA.

**Appendix 7**

**Vulnerable Adult Protection Concern and Report Form (VAPC)**

**Date of alleged incident (all areas of this form relate to an alleged**

**incident)**

**Time of incident**

**Place of incident**

**Details of incident (using students' own words)**

***Please continue on another sheet if necessary***

**Notes on student behaviour and appearance**

**Supportive action taken? If so, please describe this**

**e.g. lengthy conversation with student**

**Report passed to designated person:**

**Vice Principal, Finance & Resources, Central Administration & Student**

**Services Manager, or the Principal**

**In an emergency the report may also be passed to the Duty Manager, the Academic head, or to the Principal.**

**Who has this form been passed to?**

**Name of student**

**Student number & class**

**Name of member of staff taking this report. Date passed on.**

Implemented: 3rd September 2015

Next review: 3rd September 2026