



Student Support and Protection Policy

Date of most recent review: June 2012

Date of next review: June 2015

Responsibility: Assistant Principal (Support)

Approved by: Board of Management

Please ask if you, or someone you know, would like this document in a different format or language.

1. Introduction

1.1. Moray College is committed to ensuring the safety and well-being of all students, staff and visitors to the College.

2. Key Principles

2.1. The College recognises that specific arrangements are necessary in respect of all children and young persons who come within the scope of the Protection of Children (Scotland) Act 2003, and adults at risk who come within the scope of the Adult Support and Protection (Scotland) Act 2007.

2.2. All College staff will respect the right to confidentiality of all students. The Student Confidentiality Policy describes the scope of confidentiality, including circumstances in which information CAN be divulged without an individual's prior consent, and circumstances in which the College is legally obliged to disclose information held.

2.3. Information will be shared only with those who "need to know." This requires that a differentiated approach needs to be taken, i.e. not all staff who need to be aware of a situation will need to have access to information to the same level of detail.

2.4. A single referral point will be maintained for staff to use if they are concerned about the safety or well-being of a child or adult who is at risk. Arrangements will be put in place for alternate referral points in the event of absence of key members of staff.

2.5. The scope of this policy includes physical, sexual, verbal and psychological harm, including neglect.

2.6. Support and guidance will be provided on working with children and adults at risk to minimise the risk to staff of allegations of inappropriate conduct.

3. Definitions

3.1. For the purposes of the Protection of Children (Scotland) Act 2003 and this policy, a child is defined as anyone under the age of 18.

3.2. A person 16 or over may be considered to be at risk if he/she meets all of the following criteria;

- is unable to safeguard his/her own well-being, property, rights or other interests;
- is at risk of harm;

- because he/she is affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

3.3. This policy includes all harmful conduct and, in particular, includes:

- conduct which causes physical harm
- conduct which causes psychological harm
- conduct which causes self-harm
- unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion).

4. References

4.1. The key references relevant to this policy are listed at Appendix 1.

5. Responsibilities

5.1. The Assistant Principal (Support) is responsible for:

- 5.1.1. ensuring that this policy is reviewed as required;
- 5.1.2. ensuring that appropriate arrangements are in place with local schools and other agencies for relevant communication about individual children and adults at risk;
- 5.1.3. ensuring that appropriate arrangements are in place for referrals to the local authority;
- 5.1.4. ensuring that relevant information is made available to Directors on a "need to know" basis;
- 5.1.5. arranging for staff guidance and training;
- 5.1.6. ensuring that relevant information about the College's safeguarding arrangements is made available in accessible formats for schools, parents, students/pupils and staff.

5.2. The Student Advice Manager is responsible for:

- 5.2.1. liaison with schools and other external agencies about individual children covered by Child Protection arrangements, and adults at risk;
- 5.2.2. providing relevant information to Directors on a "need to know" basis;

- 5.2.3. maintaining a referral point for staff to use if they are concerned about the safety or well-being of a child or adult at risk;
 - 5.2.4. maintaining secure records of cases;
 - 5.2.5. monitoring the implementation of this policy and associated procedures and reporting annually to the Learning, Teaching and Quality Committee.
- 5.3. Directors are responsible for ensuring that staff teaching children or adults at risk are provided with any relevant information for the protection of the child or adult at risk. This extends to staff of other directorates, and to staff undertaking temporary cover.
- 5.4. The Head of Human Resources is responsible for:
- 5.4.1. ensuring that appropriate Disclosure checks are carried out and maintained for all College staff in accordance with the Disclosure Policy and Procedure.
 - 5.4.2. ensuring that the College complies with requirements for reporting to the Scottish Executive any individuals for inclusion on the Disqualified From Working With Children List (and amended arrangements in the future);
 - 5.4.3. College compliance with the Rehabilitation of Offenders Act 1974 and related employment legislation.
- 5.5. All staff are responsible for:
- 5.5.1. familiarising themselves with this policy;
 - 5.5.2. attending appropriate training;
 - 5.5.3. reporting any instances of harm of children or adults at risk within the College they may witness;
 - 5.5.4. reporting any instances of suspected non-accidental injury or behaviour which give rise to concerns that a child or adult at risk may be the victim of harm or neglect;
 - 5.5.5. acting in accordance with the Student Confidentiality Policy.

6. Reporting

- 6.1. Members of staff who either witness an incident which they consider to be covered by Child Protection or Adult Support and Protection arrangements, or suspect non-accidental injury, or observe behaviour which suggests that a student at risk may be the victim of harm or neglect, are required to report their concern within the College.
- 6.2. Concerns should be reported to the Student Advice Manager, who is the College's nominated Student Support and Protection Officer. If the Student Advice Manager is not available staff should approach the Assistant Principal (Support). If however the concern involves another member of staff then this should be reported in the first instance to the Head of Human Resources.
- 6.3. The report should be in writing, preferably using the proforma developed for this purpose. It should include all relevant information, including the names of any other witnesses.
- 6.4. If the report arises from an approach by a child or adult at risk, the member of staff should record the statements made as accurately as possible **in the individual's own words**. Staff MUST NOT ask leading questions or appear to be conducting an investigation into the complaint.
- 6.5. Staff should seek advice from their line manager, the Student Advice Manager or the Assistant Principal (Support) if they are unsure whether a concern should be regarded as a child protection or an adult at risk issue.
- 6.6. If neither of the above are available staff should contact Reception and ask for the Duty Head. This facility is intended to ensure that there is a referral point available outwith the normal working day.
- 6.7. Only if none of the above can be contacted, and if there is concern about imminent harm to the individual should a member of staff make direct contact with the police and/or social services.

7. Referrals

- 7.1. It is anticipated that some concerns will clearly be sufficiently serious for it to be clear that they should be referred to the Local Authority. In such cases the Student Advice Manager (or alternative colleague receiving the report from a member of staff) may make the external referral without discussion, particularly if there is perceived to be imminent risk to the individual.
- 7.2. Refer to Appendix 2 for Local Authority contacts.

7.3. If there is doubt about the appropriateness of making an external referral, and there is not perceived to be imminent risk to the individual, a panel will be convened to consider the case and determine the appropriate course of action.

7.4. The panel will consist of:

- Assistant Principal (Support) (Chair)
- Student Advice Manager (as Student Support and Protection Officer)
- Any member of staff on the Duty Head rota

Appropriate substitutions may be made in the event of absence, or if any of the panel has a direct interest in the individual case.

7.5. It is NOT the function of the panel to investigate the complaint made, merely to establish whether the particular case should be referred to the Local Authority.

7.6. All referral decisions, including reasons for the course of action decided upon, will be recorded and filed.

8. Targets

8.1. All College students who are at risk should be made known to the Student Advice Manager before enrolment through the transition arrangements with schools.

8.2. All adults at risk should be made known to the Student Advice Manager before enrolment through liaison with responsible individual carers or agencies.

8.3. If a referral to the Student Advice Manager indicates that a child or adult at risk has been a victim of harm, or is in imminent danger, the matter will be referred to the local authority on the same day. It is NOT a requirement that the individual at risk be consulted or notified about this referral.

8.4. All other referrals will be referred to the appropriate agency within three days of the referral to the Student Advice Manager. It is NOT a requirement that the individual at risk be consulted or notified about this referral.

9. Complaints and Appeals

9.1 If any student wishes to complain about the way in which he/she is treated in relation to this policy, he/she should raise the concern with the individual

against whom he/she has the complaint. If the matter is not resolved in this way the student should refer to the College Complaints Procedure.

- 9.2 If any external individual or agency wishes to complain about the way in which this policy is implemented for a student for whom the individual or agency has a responsibility, they should raise the matter with the Assistant Principal (Support).
- 9.3 Responses will be made within 10 working days of a complaint being raised.
- 9.4 If a student, or an individual or agency acting on behalf of the individual, is not satisfied with the outcome of the complaint there is the right of appeal. This should be done by writing to the Principal within 10 working days of receiving the outcome of the complaint.

10. Review

- 10.1 This policy will be reviewed on a 3-yearly cycle.

Appendix 1

Key References:

Internal:

Student Confidentiality Policy
Complaints Procedure
Student Disciplinary Procedure
Student Bullying and Harassment Policy
Bullying and Harassment Policy
Protecting Vulnerable Groups (PVG) Scheme & Disclosure Policy and
Procedure for new and existing staff

External

Protection of Vulnerable Groups (Scotland) Act 2007
Mental Health (Scotland) Act 2003
Children (Scotland) Act 2004
Protection of Children (Scotland) Act 2003
Adult Support and Protection (Scotland) Act 2007
Rehabilitation of Offenders Act 1974
Exclusions and Exceptions (Scotland) Order 2003
Police Act 1997
Regulation of Care (Scotland) Act 2001
Data Protection Act 1998

Scottish Executive Guidance and Information Notes

Adult Protection Legislation Team
2 East Rear, St Andrew's House,
Regent Road, Edinburgh, EH1 3DG

Email: ASPunit@scotland.gsi.gov.uk Website:

www.scotland.gov.uk/topics/health/care/VAUnit/ProtectingVA

Appendix 2

Local Authority Contacts

Relating to Child Protection

Mark Elvines
Learning and Teaching Officer (Asfl), Educational Services

tel: 01343 563632
email: mark.elvines@moray.gov.uk

Relating to Adult Protection

Richard Donald
Head of Educational Support Services

tel: 01343 563182
email: richard.donald@moray.gov.uk