

### CHILD PROTECTION POLICY - July 2006

#### 1. Introduction

1.1 The text of the policy and procedures follows the guidance provided in:

- "Working Together to Safeguard Children" (1999 and 2006)
- The "Framework for the Assessment of Children in Need and Their Families" (2000)
- The Protection of Children Act" (1999).
- Safeguarding Children in Education (DfES) 2004
- "What to do if you are worried a child is being abused" – Children Services Guidance (DOH) 2003.
- Every Child Matters: Change for Children (DfES) 2004
- Summary of Children Act (DfES) 2004
- Safeguarding Children in Education – Dealing with allegations against teachers and other staff – November 2005
- Sexual Offences Act 2003

This policy adheres to the guidelines and procedures produced by the Local Safeguarding Children Board (s) (LSCBs).

1.2 All staff working at The College play an important part in the prevention of child abuse and neglect. This Child Protection Policy will help to safeguard young people and staff who are working and studying at The College.

1.3 The College will ensure that all staff are aware of the written policy and procedures.

1.4 It is recognised that The College has many diverse groups of students including:

1. Those with learning difficulties
2. Those with English as a second language
3. International students
4. Those of statutory school age
5. The children of students and staff (College Nurseries)

Therefore any application of the policy and procedures will need to be sensitive to the differing needs of each individual student. (See Appendix 1 for further clarification).

#### 2. Policy Statement

2.1 The Bournemouth and Poole College has a legal and moral duty under the Education Act 2002 (s 175) to promote and safeguard the welfare of children.

2.2 Throughout this policy and procedures, reference is made to "children and young people". This term is used to mean "those under the age of 18".

2.3 The College recognises that some adults are also vulnerable to abuse, and accordingly, the procedures may be applied (with appropriate adaptations) to allegations of abuse and the protection of vulnerable adults.

2.4 The Corporation is committed to ensuring that The College:

- Provides a safe environment within which children and young people can learn
- Identifies children, young people and vulnerable adults who are suffering, or who are likely to suffer, significant harm, and
- Takes appropriate actions to see that such children, young people and vulnerable adults are kept safe, both at home and at The College.
- The College also contributes through the curriculum by developing understanding, awareness and resilience

2.5 Creating a safe learning environment means having effective arrangements in place to address a range of issues. Some are subject to statutory requirements, like protecting people who are vulnerable to abuse, learner safety and bullying. Others include arrangements for meeting the health needs of children with medical conditions, providing first aid, security, tackling drugs and substance misuse, and having arrangements in place to safeguard and promote the welfare of children on extended vocational and work experience placement.

2.6 In developing the policies and procedures, The College will consult with, and take account of, guidance issued by the Department for Education and Skills and other relevant bodies and groups. The Child Protection Policy has been developed in accordance with the procedures of the Local Safeguarding Children Board (LSCB).

2.6 The College will refer concerns that a child or young person may be in need or at risk of suffering significant harm, to Children and Families Services.

### **3. Responsibilities**

3.1 The Corporation will approve and annually review policies and procedures with the aim of:

- Ensuring that The College has procedures and policies which are consistent with the Local Safeguarding Children Board's procedures
- Raising awareness of issues relating to the welfare of children, young people and vulnerable adults and the promotion of a safe environment for the all learners within The College.
- Aiding the identification of children, young people and vulnerable adults at risk of significant harm, and providing procedures for reporting concerns
- Establishing procedures for reporting and dealing with allegations of abuse against members of staff
- The safe recruitment of staff.

3.2 There will be a member of the Senior Management Team with special responsibility for child protection issues (the designated senior member of staff with lead responsibility for child protection). He/she shall be assisted by other members of staff with responsibility for child protection.

The designated senior member of staff with lead responsibility for child protection is the Assistant Principal (Student Services).

- 3.3 The Principal and all designated staff will receive training as directed by the LSCB to familiarise themselves with child protection issues and responsibilities and the College Policy and Procedures, with refresher training at least every three years.
- 3.4 The senior member of staff with lead responsibility will take lead responsibility for dealing with child protection issues and provides advice and support to other staff, liaison with the Local Safeguarding Children Board (LSCB) and other organisations as necessary. (Please see section 2.1 of the Child Protection Procedures).
- 3.5 The senior member of staff with lead responsibility will ensure that staff receive basic training in child protection issues and are aware of the College child protection procedures.
- 3.6 The Corporation will receive from the designated senior member of staff with lead responsibility for child protection, an annual report, which reviews how the duties have been discharged and including details of the training that staff have undertaken.

**Signed** .....

**Date** 20 July 2006

**Designation:** Chair of the Board of Corporation

**Policy Ref/Version Number:** SC03/V2

This policy is to be reviewed by the Board of Corporation by July 2007.

## CHILD PROTECTION POLICY

### CHILD PROTECTION PROCEDURES



In developing The Child Protection Policy and Procedures, The College has taken account of guidance issued by the Department for Education and Skills and other relevant bodies and groups. The Child Protection Policy and Procedures have been developed in accordance with the procedures of the Local Safeguarding Children Boards (LSCB).

The procedures apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word "staff" is used for ease of description.

#### 1. Definitions

1.1 The College recognises the following as definitions of abuse:

**Physical Abuse:-** Physical abuse causes harm to a child's person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury occurring.

**Neglect:-** Neglect is the persistent or severe failure to meet a child or young person's basic physical and/or psychological needs. It will result in serious impairment of the child's health or development.

**Sexual Abuse:-** Sexual abuse involves a child or young person being forced or coerced into participating in or watching sexual activity. It is not necessary for the child to be aware that the activity is sexual and the apparent consent of the child is irrelevant.

**Emotional Abuse:-** Emotional abuse occurs where there is persistent emotional ill treatment or rejection. It causes severe and adverse effects on the child's or young person's behaviour and emotional development, resulting in low self worth. Some level of emotional abuse is present in all forms of abuse.

**Domestic Violence:-** Prolonged and/or regular exposure to domestic violence can have a serious impact on a young person's development and emotional well-being, despite the best efforts of the parent who may be the victim, to protect the young person.

Young people's exposure to parental conflict, even where actual violence is not present can lead to serious anxiety and distress.

Young people are likely to show signs of stress because of domestic violence. This may result in behavioural problems, depression, and a tendency to aggression or withdrawal.

#### 1.2 Bullying

Staff should also be mindful of the threat of bullying. Young people are vulnerable to bullying, which is deliberately hurtful and harmful behaviour, usually repeated over a period of time from which it is difficult to defend themselves. It can take many forms but the three main types are:-

**Physical** (For example, hitting, kicking, theft, extortion)

**Verbal** (For example, racist or homophobic remarks, threats, name-calling)

**Emotional** (For example, isolating an individual from the activities and social acceptance of other young people).

The damage inflicted by bullying must not be under-estimated; it can cause considerable distress, affect the young person's health and development and cause significant harm.

Therefore staff should also report suspicions or allegations regarding bullying to their line manager who must investigate and possibly invoke the Child Protection procedures.

## **2. Designated Staff with Responsibility for Child Protection**

### **2.1 Senior Staff Member with Lead Responsibility**

The College's designated senior manager with the lead responsibility for child protection issues is **The Assistant Principal (Student Services)**

Shaun Kelly

North Road site,

Tel. x 5661 (internal), 07734478760 (Mobile),

e-mail: skelly@bpc.ac.uk

The Assistant Principal (Student Services) takes lead responsibility for dealing with child protection issues and provides advice and support to other staff, liaison with the Local Safeguarding Children Board (LSCB) and other organisations as necessary.

The Senior Staff Member with Lead Responsibility has received training in child protection issues and inter-agency working, as required by the Local Safeguarding Children Board (LSCB), and will receive refresher training at least every 2 years and keep up to date with developments in child protection issues.

The designated senior member of staff is responsible for:

- Overseeing the referral of cases of suspected abuse or allegations to [the relevant investigating agencies as agreed with LSCB]
- Providing advice and support to other staff on issues relating to child protection
- Maintaining a proper record of any child protection referral, complaint or concern (even where that concern does not lead to a referral)
- Ensuring that parents of children and young people within the College are aware of The College's child protection policy
- Liaising with the LEA and LSCB and other appropriate agencies
- Liaising with secondary schools which send pupils to the College to ensure that appropriate arrangements are made for the pupils
- Liaising with employers and training organisations that receive children or young people from the College on long term placements to ensure that appropriate safeguards are put in place
- Ensuring that staff receive basic training in child protection issues and are aware of The College Child Protection Procedures.

- Reporting deficiencies in policy or procedure to the Corporation at the earliest opportunity and prepare an annual report for the Corporation on how The College has discharged its duties.

## 2.2 Designated Staff Members

Other designated members of staff with responsibility for child protection Issues are:

The Head of Student Support. – Robin Coe (Tel: 01202 205450)  
e-mail: [rcoe@bpc.ac.uk](mailto:rcoe@bpc.ac.uk)

The Key Stage 4 Co-ordinator - Kim Relf (Tel: 01202 205153)  
e-mail: [krelf@bpc.ac.uk](mailto:krelf@bpc.ac.uk)

These designated staff members:

- Report to the senior member of staff with lead responsibility
- Will know how to make an appropriate referral
- Will be available to provide advice and support to other staff on issues relating to child protection
- Have particular responsibility to be available to listen to children and young people studying at the College
- Will deal with individual cases, including attending case conferences and review meetings as appropriate
- Have received training in child protection issues and inter-agency working, as required by the LSCB, and will receive refresher training at least every 3 years

## 3. Dealing with Disclosure of Abuse and Procedure for Reporting Concerns

The College follows procedures determined by the Local Safeguarding Children Board (LSCB), which establishes the locally agreed inter-agency procedures.

- 3.1 Staff should not investigate concerns or allegations themselves, but should report them immediately to a designated staff member (see 2 above).
- 3.2 Staff working at The College do not have a direct investigative responsibility in Child Protection but they do have a **role** in assisting the statutory agencies by alerting concerns and a **duty** to provide information to the statutory agencies when appropriate.
- 3.3 Any member of College staff to whom any disclosure is made which leads them to believe that a student, a student's friend or a family member is at risk of significant harm is not bound in law by confidentiality, (please see Appendix 1 from Counselling Confidentiality statement. Therefore action should always be taken.
- 3.4 If a child or young person tells a member of staff about possible abuse:

Listen carefully and stay calm.

Do not interview the child, but question normally and without pressure, in order to be sure that you understand what the child is telling you.

Do not put words into the child's mouth.

Reassure the child that by telling you, they have done the right thing.

Inform the child that you must pass the information on, but that only those that need to know about it will be told. Inform them of to whom you will report the matter.

Note the main points carefully.

Make a detailed note of the date, time and place, what the child said, did and your questions etc.

- 3.5 Concerns about significant harm will be referred to Children and Families Services at the earliest opportunity. Any delay may result in a child being placed at increased risk. Staff should report their concerns to the designated staff member immediately.
- 3.6 Remember an allegation of child abuse or neglect may lead to a criminal investigation so it is important not to do anything that may jeopardise a police investigation such as asking a child leading questions or attempting to investigate the allegations of abuse yourself.
- 3.7 Any member of staff, who discovers that a student or other member of staff has a previous history of abuse, should contact the College Designated Person for Child Protection, immediately.

#### **Protocol for Schedule 1 and/or Potentially Dangerous Students**

(Schedule 1 Offenders include those convicted of child-abuse)

Occasionally, outside agencies will request that a student enrolls at The College who may have convictions in their past which may cause concern or display behaviour which could place other students or staff at risk. It is vitally important that, before a student enrolls, a meeting between the referring agency and The College must take place, to discuss strategies and provide an action plan to help the student whilst he/she continues his/her studies, plus ensuring the protection of other students. The meeting **must** include The Designated Person for Child Protection

- 3.8 In the unlikely event that a designated member of staff is not available and you have serious concerns, you should speak to a member of The College Executive for advice. A duty worker at Children and Families Services is always available during office hours to give advice and offer consultation.

The Contact Tel. Numbers are:

Bournemouth	01202 458000 (general) 01202 458101 (Duty Officer) 01202 668123 (out of hours)
Poole	01202 735046 01202 668123 (out of hours)
Dorset	08453 552099 01305 668123 (out of hours)

#### **4. Reporting and Dealing with Allegations of Abuse Against Members of Staff**

The College uses the guidance as recommended by the Department of Education and Skills in the publication: "Safeguarding Children in Education: Dealing with allegations of abuse against teachers and other staff – November 2005. Copies of this document can be downloaded at:

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DfES+0027+2004&>

#### 4.1 Introduction

In rare instances, staff of education institutions have been found responsible for child abuse. Because of their frequent contact with children and young people, staff may have allegations of child abuse made against them. The College recognises that an allegation of child abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.

The College recognises that The Children Act 1989 states that the welfare of the child is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within The College will do so with sensitivity and will act in a careful, measured way.

#### Protecting people who are vulnerable to abuse – Sexual Offences Act 2003.

The guidance to the Act states that the overwhelming majority of people working with children and vulnerable adults are conscientious and responsible people, intent on providing a good service to them. However, the law must be able to deal with the minority of individuals who betray the trust placed in them, and use their position to take sexual advantage of those in their care and supervision. Staff working in educational institutions are deemed to be in "positions of trust" as defined by the Act. Further details on the Sexual Offences Act 2003 is attached at appendix 2.

#### 4.2 Receiving an Allegation from a Child

4.2.1 A member of staff who receives an allegation about another member of staff from a child should follow the guidelines in Section 3 for dealing with disclosure.

4.2.2 The allegation should be reported immediately to the Principal, unless the allegation is against the Principal or other Senior Postholder, in which case the report should be made to Chair of the Corporation. The Principal (or the Chair) should immediately liaise with the Senior Staff Member with Lead Responsibility and

- a) Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated by the Principal (or designated person).
- b) Record information about times, dates, locations and names of potential witnesses.

#### 4.3 Initial Assessment by The Principal (or designated lead person)

4.3.1 The Principal (or designated person) should make an initial assessment of the allegation, consulting with the Senior Staff Member with Lead Responsibility and the Local Safeguarding Children Board as appropriate. **Where the allegation is considered to be either a potential criminal act or indicates that the child has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the LSCB.**

4.3.1 It is important that the Principal (or designated person) does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision whether or not the allegation warrants further investigation.

4.3.3 Other potential outcomes are:

- A) The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the child. The matter should be addressed in accordance with the College performance procedures.
- B) The allegation can be shown to be false because the facts alleged could not possibly be true.

#### **4.4 Enquiries and Investigations**

4.4.1 Child protection enquiries by children and families services or the police are not to be confused with internal, performance enquiries or investigations by The College. The College may be able to use the outcome of external agency enquiries as part of its own procedures. The child protection agencies, including the police, have no power to direct the College to act in a particular way; however, The College should assist the agencies with their enquiries.

4.4.2 The College shall hold in abeyance its internal enquiries while the formal police or children and families services investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform with The College's Disciplinary Policy and Procedures.

4.4.3 If there is an investigation by an external agency, for example the police, the Principal (or designated person) should normally be involved in, and contribute to, the inter-agency strategy discussions. The Principal (or designated person) is responsible for ensuring that The College gives every assistance with the agency's enquiries. He/she will ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made. The Principal (or designated person) shall advise the member of staff that he/she should consult with a representative, for example, a trade union.

4.4.4 Subject to objections from the police or other investigating agency, the Principal (or designated person) shall:

- A) inform the child/children or parent/carer making the allegation that the investigation is taking place and what the likely process will involve.
- B) ensure that the parents/carers of the child making the allegation have been informed that the allegation has been made and what the likely process will involve.
- C) inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.
- D) inform the Chair of the Corporation of the allegation and the investigation.

4.4.5 The Principal (or designated person) shall keep a written record of the action taken in connection with the allegation.

#### **4.5 Suspension of Staff**

4.5.1 Suspension should not be automatic. In respect of staff other than the Principal or a Senior Postholder, suspension can only be carried out by the Principal (or another Senior

Postholder in the absence of the Principal). In respect of the Principal or Senior Postholder, suspension can only be carried out by the Chair of the Corporation (or in his/her absence, the Vice Chair).

- 4.5.2 Suspension may be considered at any stage of the investigation. It is not a disciplinary action, and shall be on full pay. Consideration should be given to alternatives: e.g. paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.
- 4.5.3 Suspension should only occur for a good reason. For example:
- a) where a child is at risk.
  - b) where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct.
  - c) where necessary for the good and efficient conduct of the investigation.
- 4.5.4 If suspension is being considered, the member of staff should be advised to seek the advice and/or assistance of his/her trade union and should be informed that they have the right to be accompanied by a workplace representative. The member of staff should be informed that an allegation has been made and that consideration is being given to suspension. It should be made clear that the meeting is not a formal disciplinary hearing, but solely for raising a serious matter which may lead to suspension and further investigation.
- 4.5.5 Prior to making the decision to suspend, the Principal (or other Senior Postholder) or The Chair/Vice Chair (as appropriate), should meet with the member of staff. This should occur with the approval of the appropriate agency from the LSCB. In particular, if the police are engaged in an investigation the officer in charge of the case should be consulted. During the meeting, the member of staff should be given as much information as possible, in particular the reasons for any proposed suspension, provided that doing so would not interfere with the investigation into the allegation.
- 4.5.6 If the Principal (or Chair/Vice Chair) considers that suspension is necessary, the member of staff shall be informed that he/she is suspended from duty. Written confirmation of the suspension shall be despatched as soon as possible. The letter shall details the reasons for the suspension and include details of the length of the suspension and confirmation of payment of salary.
- 4.5.7 Where a member of staff is suspended, the Principal (or Chair/Vice Chair) should address the following issues:
- a) the Chair of the Corporation should be informed of the suspension in writing
  - b) the Board should receive a report that a member of staff has been suspended pending investigation, the detail given to the Corporation should be minimal
  - c) where the Principal has been suspended, the Chair or Vice Chair will need to take action to address the management of the College
  - d) the parents/carers of the child making the allegation should be informed of the suspension. They should be asked to treat the information as confidential. Consideration should be given to informing the child making the allegation of the suspension
  - e) senior staff who need to know of the reason for the suspension should be informed

- f) depending on the nature of the allegation, the Principal should consider with the Chair of the Corporation, whether a statement to the students of The College and/or parents/carers should be made, taking due regard of the need to avoid unwelcome publicity

4.5.8 The Principal shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The LSCB and external investigating authorities should be consulted.

4.5.9 The suspended member of staff should be given appropriate support during the period of suspension. He/she should also be provided with information on progress and developments in the case at regular intervals.

4.5.10 The suspension should remain under review in accordance with The College's Disciplinary Policy and Procedures.

#### **4.6 The Performance Investigation**

4.6.1 The performance investigation will be conducted in accordance with the College's Disciplinary Policy and Procedure.

4.6.2 The member of staff should be informed of:

- a) the allegation(s) against him/her
- b) his/her right to be accompanied or represented by a trade union representative or work place colleague

4.6.3 Where the member of staff has been suspended and no disciplinary action is to be taken, the suspension should be lifted immediately and arrangements made for the member of staff to return to work. Records of the investigation will not be kept on the employee's personal file and it may be appropriate to offer counselling.

4.6.4 The child or children making the allegation and/or their parents should be informed of the outcome of the investigation and proceedings. This should occur prior to the return to College of the member of staff (if suspended).

4.6.5 The Principal (or designated person) should give consideration to what information, if any, should be made available to the general population of The College.

#### **4.7 Allegations without foundation**

4.7.1 Obviously false allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Local Safeguarding Children Board in order that other agencies may act upon the information.

4.7.2 In consultation with the designated senior member of staff and/or the designated Governor, the Principal shall:

- inform the member of staff against whom the allegation is made orally and in writing that no further disciplinary or child protection action will be taken. Consideration should be given to offering counselling/support.

- inform the parents/carers of the alleged victim that the allegation has been made and of the outcome.
- where the allegation was made by a child other than the alleged victim, consideration to be given to informing the parents/carers of that child.
- prepare a report outlining the allegation(s) and giving reasons for the conclusion that it had no foundation and confirming that the above action had been taken.

#### **4.8 Records**

- 4.8.1 It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal file.
- 4.8.2 If a member of teaching staff is dismissed or resigns before the disciplinary process is completed, he/she should be informed about The College's statutory duty to inform the Secretary of State for Education under the "List 99" procedures.

#### **4.9 Monitoring Effectiveness**

Where an allegation has been made against a member of staff, the Principal together with the senior staff member with lead responsibility should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the College's procedures and/or policies and/or which should be drawn to the attention of the LSCB. Identified issues should be reported to the Corporation as part of the Annual Report.

Consideration should also be given to the training needs of staff.

### **5 Recruitment and Selection Procedures**

- 5.1 The College's Recruitment and Selection Procedures are reviewed on a regular basis to reflect changes in legislation and current HR best practice.
- 5.2 The College will undertake a List 99 check on teachers and apply for an enhanced Criminal Records Bureau Disclosure on all appointed employees.
- 5.3 All new appointments will be made subject to medical clearance, which is satisfactory to The College.
- 5.4 The Recruitment and Selection Procedures have been prepared to take account of the following:
- They apply to staff and volunteers who may work with children.
  - The post or role is clearly defined.
  - The key selection criteria for the post or role is clearly identified.
  - Vacancies are advertised widely in order to ensure a diversity of applicants.
  - Require documentary evidence of academic/vocational qualifications.
  - Obtain professional and character references.
  - Verify previous employment history.

- Verification of eligibility to work in the UK for all appointees.
- Criminal Records Bureau disclosure/List 99 checks (maintain sensitive and confidential use of the applicant's disclosure).
- Use of a variety of selection techniques (eg qualifications, previous experience, interview, reference checks, skills testing).

## **Appendix 1**

### **The Bournemouth and Poole College Counselling Service Confidentiality Statement**

We will always try to treat all information you share with us as confidential. However, sometimes you might tell us something that we have to take action on for instance:-

- If you tell us you are in danger or have been abused and inaction could place you back in the same situation
- when your younger brothers and sisters or other members of your family are in danger or at risk from abuse
- when there is a high risk of you hurting yourself or others

Action that would be taken

- The counsellor would need to refer the information to another agency – most likely being Social Services Children's Service or Dorset Police Child Protection Unit with the student present if appropriate.

## Appendix 2 - Child Protection for discrete groups within College

### 1. **Students with learning difficulties and/or disabilities.**

These may include students of any age because of their vulnerability. They may be considered especially vulnerable to abuse due to:-

- Fewer outside contacts than other young people
- May have an impaired capacity to resist or avoid abuse
- Having communication difficulties, which may make it difficult to tell others what is happening
- Be fearful about complaining
- Be especially vulnerable to bullying and intimidation
- Be more vulnerable than other young people to abuse by their peers

### 2 A number of young people study at The College whilst living in **residential schools** or **homes** or are '**looked after**' by the local authority.

All these students have key workers, advocates or social workers who will normally wish to liaise with staff at The College. Unfortunately, staff from outside agencies, schools or foster carers may be subject of allegations of abuse made by students to staff at The College. It is therefore extremely important to follow our Child Protection Procedures i.e., contacting the designated person at The College before making any contact with the young person's key worker/social worker if an allegation is made.

3. In addition to those outlined above The College has a large number of **secondary school pupils** attending College courses as part of their Key Stage 4 programme. Each secondary school also has designated persons with responsibility for child protection, however College staff should still contact the designated person in College before any contact with the school is made.
4. **International Students** who are studying at The College for longer than 28 days are treated in exactly the same way as 'home students' under the Child Protection and Policy Procedures. However, they are sometimes the victims of racism and violence outside The College and may therefore need additional support from all College staff to help them feel welcome and at ease in their new environment.
5. **Vulnerable Adults** At present "Protection from Abuse Procedures" are being updated by a multi-agency group at which The College is represented. A copy of these procedures will be circulated to all staff when they are complete.

### **Appendix 3 - Child Pornography**

All College staff should be alerted to the fact that when enquiries show that an individual has created or accessed child pornography, including via the internet, the Police will normally consider whether that individual might also be involved in the active abuse of children.

All staff should be aware that adults are now using the Internet to try to establish contact with young people with a view to "grooming" them for inappropriate or abusive relationships. Therefore any member of staff with concerns about a student or other member of staff accessing pornography should contact Shaun Kelly as soon as possible without alerting the student, the student's family or the member of staff.

## Appendix 4

### **BOURNEMOUTH AND POOLE COLLEGE – CHILD PROTECTION POLICY** **INFORMATION FOR STAFF – SEXUAL OFFENCES ACT 2003**

This Act sets clear limits and boundaries about behaviour with children. It acknowledges that children are at risk from people in positions of trust, and within families, it provides new legislation against abuse by people who work with children and people with mental disabilities.

It is recognised that sexual crime, and the fear of sexual crime, has a profound and damaging effect on the lives of individuals and communities. The College has a Child Protection Policy developed with other agencies with the aim of providing a safe environment within which our students can learn. This Act provides a comprehensive new legislative framework for sexual offences. It covers:

- Offences against adults (including people with mental disorders – including learning difficulties);
- Offences against children, and
- Familial sexual offences.
- It also makes amendments to laws governing the sex offenders register.

#### **Protecting people who are vulnerable to abuse**

The guidance to the Act states that the overwhelming majority of people working with children and vulnerable adults are conscientious and responsible people, intent on providing a good service to them. However, the law must be able to deal with the minority of individuals who betray the trust placed in them, and use their position to take sexual advantage of those in their care and supervision.

#### **Children and Young People: abuse of positions of trust**

Staff working in educational institutions are deemed to be in “positions of trust” as defined by the Act.

The Act (sections 16 – 20) defines the following as being in a “position of trust”:

- *looks after persons under 18 who are in education at an educational establishment and the child in question receives education at that establishment. Someone receives "education at an educational institution" if he is registered or enrolled there as a pupil or student or is educated there by arrangement with the educational establishment at which he is registered or enrolled (subsection 5);*

#### **Child Sex Offences – Exceptions**

**Specific amendments were made to the Act to ensure that people such as teachers, health professionals, care professionals, youth workers etc. are not liable to prosecution when they are acting to protect a child or young person, including those with a mental disorder.**

These exceptions cover people who are protecting a child from sexually transmitted infection, protecting the physical safety of a child, preventing a child from becoming pregnant or promoting the child's emotional well-being by the giving of advice. Therefore for example, a health professional who provides contraception to an under 16 year old, a teacher who promotes contraception as part of sex education, or a Connexions personal advisor who accompanies a young person to a sexual health clinic, would be exempt from these offences, providing they are acting to protect the child. The exceptions do not apply if someone acts to cause or encourage a sexual offence, or a child's participation in it, for their own sexual gratification. For example,

someone is explaining sexual activities to a child in order to assist their friend to engage in sexual activity with them.

### **The Age of Consent**

The legal age for young people to consent to have sex is still 16, whether they are straight, gay or bisexual. The aim of the law is to protect the rights and interests of young people and make it easier to prosecute people who pressure or force others into having sex they don't want.

- The law is not intended to prosecute mutually agreed teenage sexual activity between two people of a similar age.
- Young people still have the right to confidential advice on contraception, condoms, pregnancy and abortion, even if they are under 16.

### **Offences against people with Mental Disabilities**

Sections 38 – 44 of the Act contain new offences for people who are engaged in providing care, assistance or services to someone in connection with a mental disorder.

- *Mental disorder" is defined in section 79(6) as having "the meaning given by section 1 of the Mental Health Act 1983 ". In that Act, mental disorder is defined as "mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind". This definition includes "learning disability". "*

**Under the Act any sexual activity between a care worker and a person with mental disorder is prohibited whilst that relationship of care continues.**

### **Abuse of Trust Offences**

The offences for those working in positions of trust cover the same kinds of behaviour as offences which apply to the general public – except that, **where positions of trust are concerned, the offences apply where the young person is under 18, instead of under 16.**

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sex act

These do not apply in certain situations for example where a person is legally married to the young person, or where a lawful sexual relationship existed before the position of trust arose.

### **Further Information**

The Home Office has produced some information booklets on the Act which are available from their website: <http://www.homeoffice.gov.uk/documents/children-safer-fr-sex-crime?version=1>

*This is a summary for reference purposes only. It should not be substituted for professional legal advice.*