



MORLEY COLLEGE

SAFEGUARDING POLICY

November 2010

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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)*,
- *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), 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 Morley?

Morley has frequent contact with children through taster days, summer schools, family classes, and other community learning opportunities. We also 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

Morley College is committed to safeguarding and promoting the welfare of children, 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 vulnerable adults and children. 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.

Morley College 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
Nick Rampley: telephone 0207 450 1852
nick.rampley@morleycollege.ac.uk
- **For student-related issues:**
Designated Safeguarding Officer, Manager of Central Administration & Student Services provides management and coordination role including investigations if required.
Alton Metzger: telephone: 0207 450 1860
alton.metzger@morleycollege.ac.uk
- **For staff-related issues:**
Designated Safeguarding Officer, HR Manager supports key staff and provides legislative support.
Michelle Punt: Human Resources 0207 450 1816
michelle.punt@morleycollege.ac.uk

- **Governor with responsibility for overview of safeguarding:**

Linda Gainsbury

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 HR 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 children and 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 child or 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 children and 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 will require 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.

- Human Resources 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 Employing Persons with Criminal Records:

- The possession of a criminal record is not a bar to employment at the Morley. 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.

7 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 Morley College

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.

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 registering 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

Appendix 2

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

Morley College 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.

Morley College 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.

If 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: Lambeth - **020 7926 5555** (9.00am to 5.00pm) or **020 7926 1000** (outside office hours); Southwark – **0845 600 1287** (9.00am to 5.00 pm) or **020 7525 5000** (outside office hours) to determine whether it is a protection of vulnerable adult matter.

(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 Deputy 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 0207 525 1754 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 or Deputy Principal. If the complaint is made against the Principal then the Chair of the Governing Body should be immediately notified.

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 misappropriation 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.

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	Regulated / controlled activity?	ISA	CRB
Tutors teaching classes specifically for adults with learning difficulties.	Regulated – contact with vulnerable adults of a specified nature (teaching), frequently and intensively	Yes	Enhanced
In class support workers (including volunteers), either working in classes specifically for adults with learning difficulties or with vulnerable adults in mainstream classes.	Regulated – contact with vulnerable adults of a specified nature (instruction), frequently and intensively	Yes	Enhanced
Tutors working on a one to one basis with vulnerable adults	Regulated – contact with vulnerable adults of a specified nature (teaching), frequently and intensively	Yes	Enhanced
Additional Learning Support Office staff	Regulated – contact with vulnerable adults of a specified nature (advice), frequently and intensively. Access to vulnerable adults' health and social service records.	Yes	Enhanced
Counsellors	Regulated - contact with vulnerable adults of a specified nature (treatment or therapy), frequently and intensively.	Yes	Enhanced
Community 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.	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	Yes	Enhanced
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 activity	Yes	Enhanced

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.

