

---

**POLICY**

Safeguarding Policy

**Owner:**

Chief Operating Officer

**THE COLLEGE  
OF HEALTH****Document Control**

Reference: COH-HR-140

Status: Issued

Classification: Confidential

Issue No.: 7.0

Issue Date: 30/03/24

Page: 1 of 20

---

## Safeguarding Policy

### 1. SCOPE

- 1.1 This policy covers the following aspects of Safeguarding at the College of Health:
- Part A: The Safeguarding of Children, Young People and Vulnerable Adults
  - Part B: The Safeguarding Officer & their Responsibilities
  - Part C: Monitoring & Reporting of Safeguarding Cases
- 1.2 The policy covers all the functions and services of the College, its Board of Directors, staff and contractors.
- 1.3 It does not cover the College's approach to countering radicalisation. For more information regarding the College's approach to this please see the Prevent Strategy or contact the College Prevent Lead: Matt Green; 07411 183702; prevent@collegeofhealth.uk.

### 2. PART A: SAFEGUARDING OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS

#### 2.1 INTRODUCTION TO PART A

- 2.1.1 The College believes that all children, young people and vulnerable adults have the right to be safe, happy and healthy and deserve protection from abuse. The College is committed to safeguarding from harm all children, young people and vulnerable adults using any of its services and involved in any of its activities, and to treat them with respect during their dealings with the organisation.
- 2.1.2 Part A of this policy is in respect of the College's responsibility towards:
- a) Children, young people (legally defined as any person under the age of 18) and vulnerable adults, defined, for the purposes of this policy, as
  - b) anyone over the age of 18 who because of a disability or illness may be in need of community care services and who may be unable to take care of themselves or protect themselves from significant harm or exploitation
  - c) anyone detained by Her Majesty's Government or in contact with probation services
  - d) anyone receiving any form of healthcare, including Chiropractic treatment.
- 2.1.3 The policy also includes those who are responsible for upholding this policy, including:

---

**NOTE:** Printouts of policy documents must be compared with the master copy on the Intranet to determine whether they are up to date. This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact the document owner.

- a) employees of the College who have dealings with children, young people and vulnerable adults
  - b) college employees who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work
  - c) volunteers, students and other workers involved in the provision of College services but not employed directly by the College.
- 2.1.4 This policy is based on our responsibilities under the Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.
- 2.2 GLOSSARY AND ACRONYMS USED IN PART A OF THE POLICY**
- 2.2.1 **Abuse:** A person may abuse a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family, institutional or community setting; by those known to them or, more rarely, by a stranger.
- 2.2.2 **The College:** The College of Health
- 2.2.3 **Children or Young person:** legally defined as any person under the age of 18, (under 16 if in employment or acting as a volunteer, for instance work experience placements)
- 2.2.4 **Disclosure and Barring Services Check:** The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). It is responsible for processing requests for criminal records checks; deciding whether it is appropriate for a person to be placed on or removed from a barred list; placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.
- 2.2.5 **HR Lead:** HR Lead at the College
- 2.2.6 **Management Committee:** The Management Committee ensures there is effective day to day leadership, management and co-ordination of all the major academic and support activities undertaken by the College. The Management Committee is responsible for developing the detailed operational plans and supporting strategies to deliver the College's Vision.
- 2.2.7 **Vulnerable Adults:** for the purposes of this policy, as:
- a) anyone over the age of 18 who because of a disability or illness may be in need of community care services and who may be unable to take care of themselves or protect themselves from significant harm or exploitation
  - b) anyone detained by Her Majesty's Government or in contact with probation services
  - c) or, anyone receiving any form of healthcare, including chiropractic treatment

## **2.3 AIMS OF PART A OF THE POLICY**

2.3.1 The aims of Part A of the policy are to:

- a) Clarify the roles and responsibilities of all parties (staff, students and third-party contractors) within this part of the policy.
- b) Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and vulnerable adults are protected and respected, in line with the organisations strategic values.
- c) Promote best practice in how employees, students and third-party contractors interact with children, young people and vulnerable adults whilst providing College services.
- d) Develop clear guidance, procedures, training and support for those employees and students working with children, young people and vulnerable adults, to ensure that they are aware of these issues, are able to implement them and the information is disseminated freely.

2.3.2 This policy should also be used in conjunction with the following College policies:

- a) Student Health & Wellbeing Guide
- b) Disciplinary and Capability Procedure
- c) Grievance Procedure
- d) Whistleblowing Policy
- e) Data Protection Policy
- f) IT Policy
- g) Social Media Policy
- h) Equality and Diversity Policy
- i) Anti-bullying and Harassment Policy
- j) Health & Safety at Work Policy
- k) Personal Screening Policy

## **2.4 REVIEW**

2.4.1 This policy and the guidance will be reviewed annually or whenever there is a change in the related legislation or when an incident occurs. This will help us ensure that these documents are up to date and fit for purpose.

## **2.5 PART A: GUIDANCE FOR STAFF, STUDENTS, VOLUNTEERS AND OTHER RELATED PARTIES**

### **A) WHAT IS ABUSE?**

- 2.5.1 A person may abuse a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family, institutional or community setting; by those known to them or, more rarely, by a stranger.
- 2.5.2 **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm, including by fabricating the symptoms of, or deliberately causing, ill health.
- 2.5.3 **Emotional abuse** is the persistent emotional ill-treatment of a child or vulnerable adult such as to cause severe and persistent adverse effects on the victim's emotional development or self-esteem. It may involve conveying to the victim that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may involve age or developmentally inappropriate expectations being imposed, causing the victim frequently to feel frightened, or the exploitation or corruption of children or vulnerable adults. It may involve deprivation of contact, control, coercion, intimidation or harassment.
- 2.5.4 **Sexual abuse** involves forcing or enticing a child or vulnerable adult to take part in sexual activities, whether or not the victim is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include involving the victim in looking at, or in the production of, pornographic material, or encouraging them to behave in sexually inappropriate ways.
- 2.5.5 **Neglect** is the persistent failure to meet a child's or vulnerable adult's basic physical and/or psychological needs, likely to result in the serious impairment of their health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to basic emotional needs. In vulnerable adults this may appear to be as a result of self-neglect but still requires action.
- 2.5.6 **Financial abuse** is particularly relevant to vulnerable adults and may include theft, fraud, exploitation and pressure in connection with wills, property or inheritance or financial transactions. It may include the misuse or misappropriation of property, possessions or benefits by someone who has been trusted to handle their finances or who has assumed control of their finances by default.

### **B) WHO IS RESPONSIBLE FOR PROTECTING CHILDREN AND VULNERABLE ADULTS?**

- 2.5.7 Responsibility for the implementation of this policy lies at all levels of the organisation.
- 2.5.8 The Board of Directors are responsible for ensuring that the College has a policy, which adequately provides protection for children and vulnerable adults in receipt of its services and for the regular review of this policy in the light of changes to legislation or new legislation or regulation.

2.5.9 Where the guidance states the employees should report any concerns to their Line Manager, Board Directors should report any concerns to the Chairman of the Board.

2.5.10 Management Committee Responsibilities:

- a) Identifying those services and posts that are likely to have an involvement with children and vulnerable adults.
- b) Ensuring that those people appointed by them to the College, whose normal duties involve treating, training, supervising or being in sole charge of children or vulnerable adults are screened via the Disclosure and Barring Services process at the appropriate level in line with the Personal Screen Policy and are appropriately qualified and/or trained in working with these groups.
- c) Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees and students involved with them.
- d) Ensuring that employees, students, volunteers and other third-party contractors dealing with these groups are adequately trained and aware of their responsibilities in this area.
- e) Ensuring that external contractors delivering College Services are aware of the College's expectation that workers are aware of and abide by the standards of behaviour expected of College employees and students.
- f) Ensuring that carers and/or parents of the children and vulnerable adults are aware that: in providing services, College employees and students are not acting in loco parentis.
- g) Ensuring that this policy is made available to carers and/or parents of the children and vulnerable adults to whom the College is providing services.
- h) Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate local safeguarding body e.g. the Social Services Children's Service Duty Protection Co-Ordinator or Adult Protection Referral Co-Ordinator or if immediate attention is required then the Police. The HR Lead will need to be informed where members of staff are involved.
- i) Ensuring employees, students and others do not work with children or vulnerable adults on regulated activities without a Disclosure and Barring Service (DBS) check in line with our Personal Screening Policy.
- j) Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the HR Lead if the incident involves a member of staff.
- k) Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and vulnerable adults, in line with current legislation, where necessary.

#### **2.5.11 HR Lead Responsibilities:**

- a) Working with the Management Committee in maintaining a record of those posts that are likely to work with children and vulnerable adults and identifying the level of involvement and the appropriate level of screening in line with the Personal Screening policy is required.
- b) Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- c) Ensuring that all DBS checks are carried out at the level required in respect of every job identified as working with children and vulnerable adults.
- d) Supporting the Management Committee in dealing with allegations of abuse or lack of care by staff.
- e) Referring any information about individuals who may pose a risk to the DBS, in line with current legislation.

#### **2.5.12 Employee Responsibilities:**

All employees and particularly those working with children and vulnerable adults are responsible for:

- a) Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and vulnerable adults.
- b) Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- c) Treating all children and vulnerable adults with whom they come into contact while carrying out their work, equitably and with respect, in line with the Colleges's values.
- d) Reporting to the Safeguarding Lead any concerns they may have about abuse or a lack of care of children and vulnerable adults either from other staff, from students, carers, parents or those in loco parentis or between members of the group.

#### **2.5.13 Students, volunteers, third party contractors and other workers responsibilities:**

- a) Working with employees of the College, to the same standard, in ensuring the safety and well-being of children and vulnerable adults within their scope.
- b) Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

#### **C) WHAT DO I DO IF I THINK A CHILD OR VULNERABLE ADULT IS IN DANGER?**

2.5.14 If the matter has arisen within the clinic then please raise your concerns immediately with your clinic supervisor and/or the clinic manager in the first instance.

2.5.15 Make a record of your actions using the Safeguarding Report Form (Appendix 2) and report it to the Safeguarding Lead.

2.5.16 In the event of a Mental Health Crisis:

- a) Take the individual in question to a quiet room
- b) Seek to provide reassurance to the individual
- c) Ensure that the individual is accompanied by a member of staff at all times
- d) Attempt to contact the Student Support Manager ( for students) or Safeguarding Lead (for staff/members of the public)
- e) A member of staff trained in Mental Health First Aid should also be called to assist if needed
- f) Call 111 for advice
- g) Use the form in Annex 2 to keep a record of actions taken

2.5.17 In the case of of non-urgent concerns then the following should be contacted in the first instance:

- a) Any queries or concerns regarding a student should be directed to our Student Support Manger
- b) Any queries of concerns regarding a staff member should be directed to our HR Lead
- c) Any queries on concerns regarding the clinic should be directed to our Clinic Manager

2.5.18 If you think that a child or vulnerable adult is in **immediate danger or that a crime has been committed contact the police on 999**, e.g. if an incident is taking place involving aggressive or abusive behavior. Otherwise discuss your concerns with the Safeguarding Officer. If you still have concerns, contact:

- a) The local Social Services Children's Service Duty Protection Co-Ordinator
- b) The local Safeguarding Vulnerable Adults Team

2.5.19 If the Safeguarding Lead does not agree with you that anything further needs to be done but you still have strong concerns that a child or vulnerable adult is in danger you should still contact the local Social Services team.

2.5.20 The College believes that all children and vulnerable adults have the right to be safe, happy and healthy and deserve protection from abuse and will fully support and protect anyone, who in good faith, reports a concern about abuse.

**D) WHAT DO I DO IF A CHILD OR VULNERABLE ADULT DISCLOSES TO ME THAT THEY ARE BEING ABUSED?**

**2.5.21 Do:**

- a) Stay calm
- b) Listen carefully
- c) Find an appropriate, early opportunity to explain that it is likely that the information will need to be shared, but only with people who need to know and who can help.
- d) Allow the victim to continue at their own pace
- e) Ask questions for clarification only and at all times avoid asking questions that suggest a particular answer.
- f) Reassure the victim that they have done nothing wrong in telling you.
- g) Find out if they are already known to Social Services and if so, it would be best to contact someone who already has knowledge of the situation.
- h) Tell them what you will do next and with whom the information will be shared.
- i) After the victim has disclosed, record in writing what was said using the victim's own words as soon as possible. Note the date and time, any names mentioned and to whom the information was given. Ensure the record is signed and dated.
- j) Relay this information as soon as possible to the Safeguarding Officer and/or the HR Lead if the incident involves a member of staff.

**2.5.22 Do not:**

- a) Dismiss the concern
- b) Panic
- c) Allow your shock or distaste to show
- d) Probe for more information than is offered
- e) Make promises you cannot keep: such as agreeing not to tell someone else, keeping secrets
- f) Speculate or make assumptions
- g) Approach or contact the alleged abuser
- h) Make negative comments about the accused person
- i) Pass on the information to anyone other than those with a legitimate "need to know"
- j) Delegate to others as the victim has specifically chosen you to talk to.

**2.5.23 Remember that you are not responsible for deciding whether or not abuse has occurred or what the next steps should be. This is the task of the Police and child or adult protection agencies following referral to them.**



**E) WHAT DO I DO IF I HAVE SUSPICIONS THAT A COLLEAGUE MAY BE ABUSING A CHILD OR VULNERABLE ADULT, OR NOT FOLLOWING GOOD PRACTICE?**

- 2.5.24 Any member of staff who suspects that a colleague may be abusing children or vulnerable adults should act on their suspicions. Action should also be taken if it is felt that colleagues are not following Good Practice for dealing with children and vulnerable adults. This action will serve not only to protect children and vulnerable adults, but also colleagues from false accusations.
- 2.5.25 If the matter has arisen within the clinic then please raise your concerns immediately with your clinic supervisor and/or the clinic manager in the first instance.
- 2.5.26 Write down the details of the incident using the Safeguarding Report Form (Appendix 2) and pass this report to the Safeguarding Lead immediately following the incident being reported.
- 2.5.27 The Safeguarding Lead should then take appropriate action to ensure the safety of the child or vulnerable adult and any other people who may be at risk.
- 2.5.28 The matter should then be discussed with the HR Lead, who will then consider in liaison with the Management Committee whether the matter is an issue relating to poor practice, or to abuse.
- 2.5.29 If the matter relates to poor practice, procedures relating to misconduct should be followed.
- 2.5.30 The College acknowledges that this is an extremely sensitive issue for staff and assures all staff and persons working on its behalf that it will fully support and protect anyone, who in good faith, reports a concern that a colleague is, or may be, abusing a child or vulnerable adult.

**F) SHOULD I TELL THE PARENTS/CARERS OF THE CHILD OR VULNERABLE ADULT ABOUT MY CONCERNS?**

- 2.5.31 There is always a commitment to work in partnership with parents/carers where there are concerns about their children or adults in their care and in most circumstances, it would be important to talk to parents/carers to clarify any initial concerns. For example, if a child or vulnerable adult seemed withdrawn, there may be a reasonable explanation; they may have experienced an upset in the family.
- 2.5.32 BUT if you are suspicious that the parents or carer may be the abuser or you believe that the parent/carers may not be able to respond appropriately to the situation, speaking to them regarding the matter might place the child or vulnerable adult at greater risk. You should report the suspicion to the Safeguarding Officer and advice must be sought from Social Services with respect to consulting parents/carers.

**G) WHAT INFORMATION SHOULD I RECORD?**

- 2.5.33 In all situations, including those in which the cause for concern arises from a disclosure made in confidence, it is vitally important to record the details of an allegation or reported incident, regardless of whether or not the concerns are shared with a statutory agency.

2.5.34 As far as possible an accurate note should be made of:

- a) The date and time of the incident and disclosure
- b) The parties who were involved
- c) What was said and done by whom
- d) Description of any visible injuries or bruising
- e) Any further action taken by the College to investigate the matter
- f) Any further action e.g. the suspension of a worker
- g) Where relevant, reasons why there was no referral to a statutory agency.
- h) The full name of the person/s reporting and whom it was reported to.

2.5.35 The report should be stored securely and shared only with those who need to know. All referrals made to Social Services or the Police, should be confirmed in writing and followed up with a copy of the incident report within 24hrs. Social Services should acknowledge your written referral within one working day of receiving it so if you have not heard back within 3 working days, contact Social Services again.

2.5.36 You should also record the Social Services member of staff to whom concerns were passed and the date and time of the call and subsequent letters sent.

2.5.37 These procedures not only serve to protect children but also protect employees, volunteers and the College itself.

#### **H) WHAT DO I DO IF I AM ASKED FOR INFORMATION BY ANOTHER ORGANISATION?**

2.5.38 If the information relates to a child:

- a) The legal principle that 'the welfare of the child is paramount' means that the considerations of confidentiality that might apply to other situations within the College should not be allowed to override the right of the child to be protected from harm.
- b) However, every effort should be made to ensure that confidentiality is maintained for all concerned both when the allegation is made and whilst it is being investigated.
- c) The College has a duty to share information with other agencies if requested in connection with an assessment of a child's needs under s17 of the Children Act 1989 or an enquiry under s47 of that Act or in connection with court proceedings.
- d) Although the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, Human Rights Act 1998 or common law duty of confidence would need to be considered, the welfare of the child would normally override the need to keep the information confidential.

2.5.39 If the information relates to a vulnerable adult:

- a) The same principle as for child protection applies, that the safety and wellbeing of the vulnerable adult overrides considerations of confidentiality.

- b) At present, the legal framework surrounding adult abuse is fragmented and there is no single duty to for us to provide information as there is in child protection cases. If you are asked by another agency to share information that relates to the assessment of a vulnerable adult you should comply but again if you have any concerns contact the Safeguarding Lead who will be able to advise you.

#### **I) WHERE CAN I FIND MORE INFORMATION AND USEFUL CONTACTS?**

Children and Young People – seeking further advice or guidance

<https://www.oxfordshire.gov.uk/residents/children-education-and-families/childrens-services>

[https://www.manchester.gov.uk/info/266/childrens\\_services](https://www.manchester.gov.uk/info/266/childrens_services)

If you want advice on whether or not a case may need social care involvement, and do not want to disclose an individuals' name or details, you can discuss this with the Children's Services Duty Protection Co-Ordinator.

To make a formal referral, contact the Services Team.

The NSPCC website provides advice on keeping children safe. Go to [www.nspcc.org.uk](http://www.nspcc.org.uk) and a 24hour Freephone service for adults, children or young people for advice or to give details about a child who may be at risk Tel: 0808 800 5000.

ChildLine ([www.childline.org.uk/](http://www.childline.org.uk/)) - 24-hour freephone for children and young people who need advice (Tel: 0800 1111).

Family Lives ([www.familylives.org.uk/](http://www.familylives.org.uk/)) - Freephone advice line for parents (Tel: 0808 800 2222).

The Manchester Safeguarding Hub provide useful resources:

<https://www.manchestersafeguardingpartnership.co.uk/>

The Department of Health website has information on vulnerable adults:

<http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/SocialCare/POVA/fs/en>

Social Care for the Institute of Excellence provides information including on adults and the Protection of Vulnerable Adults Scheme (POVA) scheme:

<http://www.scie.org.uk/publications/guides/guide03/law/adults.asp>

Protection of Vulnerable Adults Scheme (POVA):

<https://www.gov.uk/government/publications/protection-of-vulnerable-adults-scheme-record-retention-and-disposal-policy>

### 3. PART C: THE SAFEGUARDING LEAD & THEIR RESPONSIBILITIES

#### 3.1 The College's Safeguarding Lead:

Name	Role Title	Phone	Email
Matt Green	COO	07411 183702	safeguarding@collegeofhealth.uk

#### 3.2 The responsibilities of the Safeguarding Lead are:

- a) To act as a point of contact for safeguarding concerns, receiving information and recording those concerns.
- b) To act upon safeguarding concerns appropriate to the circumstances, e.g. making external referrals to social services or police.
- c) To liaise with the Student Support Team and HR Lead appropriate to the circumstances.
- d) To monitor the implementation of this policy and procedure.

### 4. PART D: MONITORING & REPORTING OF SAFEGUARDING CASES

#### 4.1 The Board of Directors shall receive an anonymised annual report of Safeguarding cases to monitor the effectiveness of this policy.

### Equality, Diversity and Inclusion

We are committed to fostering an environment where all members of our community feel safe, respected, and valued. This policy is therefore guided by the principles of equality, diversity, and inclusion.

We recognise and celebrate the diversity of our student body, staff and members of the public, and we are dedicated to ensuring that everyone has equal access to support. Through our safeguarding policy, we aim to create a secure and inclusive environment where everyone can thrive academically, professionally, and personally.

Intrinsic to this policy is the commitment that discrimination, harassment, and any form of harm are not tolerated within our institution. We are committed to promoting a culture of respect, understanding, and empathy. We therefore actively encourage reporting of any concerns related to safeguarding, and we will take prompt and appropriate action to address them in accordance with EDI principles.

## **APPENDIX 1: THE LEGAL FRAMEWORK**

### **CHILDREN ACT 2004**

Section 10 requires each Local Authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners (see the table below) and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the well-being of children in the authority's area - which includes protection from harm or neglect alongside other outcomes. This Section of the Children Act 2004 is the legislative basis for children's trust arrangements.

Section 11 requires a range of organisations to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

### **CHILDREN ACT 1989**

Section 27 places a specific duty on other local authority services i.e. those not directly children's services, and health bodies to co-operate in the interests of children in need.

Under s47, the same agencies are placed under a similar duty to assist local authorities in carrying out enquiries into whether or not a child is at risk of significant harm.

### **DATA PROTECTION, PRIVACY & ELECTRONIC COMMUNICATIONS (AMENDMENTS ETC) (EU EXIT) REGULATIONS 2019**

A new Data Protection Act 2018 replaced the old Data Protection Act 1998, to implement the provisions of the General Data Protection Regulation (GDPR) - the European legislation which came into force in May 2018.

Following Brexit, the UK government enacted the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 which amends the DPA, merging it with the requirements of the EU GDPR, this means the GDPR has been kept in UK law as the UK GDPR.

### **HUMAN RIGHTS ACT 1998**

Section 6(1) places a duty on all public authorities to act in a way that is compatible with the rights and freedoms of the European Convention of Human Rights that have been incorporated by the 1998 Act. These convention rights include Article 2 - the right to life, Article 3 – "no one shall be subjected to torture or inhumane or degrading treatment or punishment" and Article 8 – "everyone has the right to respect for his private and family life, his home and his correspondence...There shall be no interference by a public authority with exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, protection of health or morals or for the protection of rights and freedom of others".

### **THE SEXUAL OFFENCES ACT 2003**

The Sexual Offences Act 2003 was passed with the aim of protecting vulnerable adults and children from sexual abuse and exploitation.

A number of the Act's provisions may be relevant to older people with mental health problems, including:

- The introduction of a number of new offences to protect 'at risk' groups such as people with learning disabilities and other groups with reduced capacity such as people with advanced dementia
- Strengthening the Sex Offenders Register to ensure that the location of people who have committed serious sex-related crimes are known to the police
- Addressing the fear of sexual crime
- Strengthening and clarifying the meaning of 'non-consensual' sex and overhauling the law on consent: the Act introduces a test of 'reasonableness' on consent and a list of circumstances in which it can be presumed that consent was very unlikely to have been given, e.g. when the victim was asleep.

The sections of the Act covering offences committed against those who, because of a very profound mental disorder, lack the capacity to consent to sexual activity may be relevant to older people with a 'mental disorder' who are service users. The Act specifically recognises that whilst the vast majority of people working in the care professions act compassionately, it is clear that some unscrupulous individuals have taken advantage of their position to commit a 'breach of a relationship of care' by sexual abuse. It is now an offence for those engaged in providing care, assistance or services to someone with a learning disability or mental disorder to engage in sexual activity with that person whether or not that person has the capacity to consent. However, this does not apply if the sexual relationship pre-dates the relationship of care: for example, where a spouse (or long-term partner) is caring for their partner following the onset of a mental disorder, e.g. dementia, and continues to have a consensual sexual relationship with that person.

### **Links for the Acts**

Children Act 2004:

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

Children Act 1989:

<http://www.legislation.gov.uk/ukpga/1989/41/contents>

Data Protection, Privacy and Electronic Communications

(Amendments etc) (EU Exit) Regulations 2019:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-data-protection-privacy-and-electronic-communications-amendments-etc-eu-exit-no-2-regulation-2019>

Human Rights Act 1998:

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

---

**NOTE:** Printouts of policy documents must be compared with the master copy on the Intranet to determine whether they are up to date. This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact the document owner.

Sexual Offences Act:

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

## APPENDIX 2: SAFEGUARDING REPORT FORM

This form is designed for use if you have to report an incident or disclosure relating to the treatment of a child or vulnerable adult including an individual vulnerable to radicalisation that cannot be satisfactorily resolved informally and you feel that it is your best judgement that the issue needs to be formally reported.

The details of the formal reporting process can be found within the College's Safeguarding Policy accompanying this form.

**Please note that if you are reporting a matter that has arisen within the clinic then please raise your concerns immediately with your clinic supervisor and/or the clinic manager in the first instance before completing this form.**

To help us understand the issue you are reporting and deal with it efficiently please give as much detail as you can. Please complete this either electronically or in **blue or black ink, IN CAPITALS**. If you are unsure about anything and would like to speak with someone about completing this form then please contact the Safeguarding Lead on 07411 183702.

To be completed by the witness of incident/disclosure (Tutor/Student/Other)

<b>Your full name:</b>	
<b>Your job title/year group:</b>	
<b>Your contact phone number:</b>	
<b>Your contact e-mail (if you have one):</b>	
<b>Name of staff member reported to:</b>	
<b>Date:</b>	
<b>Time:</b>	
<b>Signature of declaration:</b>	



**Please tell us why you are concerned about this child/vulnerable adult/individual's safety.**

**Keep your answers factual, stating what you heard/saw and what you said/did.**

**Did you speak to the child/child's parent or guardian/vulnerable adult/individual about your concerns?**

**If yes, what did they tell you?**

If needed, please use separate sheets and attach these securely to this form. Please tick here if you have used separate sheet (s): ☐

**Did you receive any information from other people or sources? If  
yes please give details:**

**Who else have you reported the incident to?  
E.g. Your line manager, safe guarding lead, children's services, police.**

**What action has been taken to protect the child/vulnerable adult/individual?**

**Were there any witnesses to the incident? If so, please provide witness name and contact telephone number below:**

Witness Full Name:

Telephone Number:

Witness relation to child/vulnerable adult:

-----  
Witness Full Name:

Telephone Number:

Witness relation to child/vulnerable adult:

-----  
Witness Full Name:

Telephone Number:

Witness relation to child/vulnerable adult:

## **Checklist**

Have you:

Given clear details of how to contact you?	
Signed the declaration statement?	
Described the issue as fully as possible?	
Attached additional sheets if used?	
Included details of any related actions or investigations as fully as possible?	

## 1. Document Controls

### 1.1. Document Approvals

Named person(s) below indicates that this document has been reviewed and approved by the appropriate people. This document is subject to formal change control procedure.

Date	Role/Position	Name
08/12/20	Chief Operating Officer	Matt Green
12/05/21	Chief Operating Officer	Matt Green
02/11/23	Chief Operating Officer	Matt Green
13/12/23	Chief Operating Officer	Matt Green
30/03/24	Chief Operating Officer	Matt Green

### 1.2. Amendment History

Date	Version	Author	Description
12/05/21	4.0	Matt Green	Addition of Prevent Lead contact details
02/11/23	5.0	Matt Green	Update of GDPR legislation reference
13/12/23	6.0	Matt Green	Minor changes
30/03/24	7.0	Matt Green	Annual update and enhancement of crisis guidance