

Safeguarding Risk Assessment Panels

1. Purpose and content

The purpose of this appendix of the College Safeguarding Policy is to provide a clear set of guidelines to applicants, parent/carers, learners and staff regarding safeguarding risk assessment panels, including their role in the admissions process.

2. Safeguarding risks

Learner Applications

- All applicants are required to confirm whether they have any unspent criminal convictions on enrolment forms. Applicants for courses that will involve a placement working with children and/or vulnerable adults are required to confirm whether they have any criminal convictions that have not been filtered under the Rehabilitation of Offenders (ROA) Act 1974 (Exceptions) Order 1975 (as amended in 2014)
- Applicants who declare they have convictions will be provided with a standard College form to provide details of the offence/s, the date the offence/s was committed and the circumstances arising at the time/s, if appropriate
- Applicants will also be provided with a letter that explains why the College is asking for the information and the risk assessment process that will be undertaken. Disclosures will be treated confidentially and placed in a sealed envelope and passed directly to the Department Administrator for Higher Education, Health and Care who will log the information before passing it for review to the College Designated Lead for Safeguarding
- The Designated Lead for Safeguarding, and where required, in conjunction with the relevant head of department, will review the disclosure and make one of the following judgements:
 - Approved: The offence/s disclosed is judged to have no implications for safeguarding of the College community or others in any placement the learner may undertake as part of their programme
 - Approved with restrictions/Conduct Action Plan: The offence/s disclosed may have implications for safeguarding of the College community or others in any placement the learner may undertake as part of their programme, however, with careful management these risks are low
 - Approved for this course only: The offence/s may be classed as a significant (e.g. sexual offences and those involving violence, terrorism and the supply of drugs) risk for safeguarding of the College community, however, the course is

short and taking place at a time when the College has no learners (during holidays)

- Approved with Careers Guidance: The offence/s disclosed are judged to have no implications for safeguarding of the College community, however, there may be some placement considerations or possible implications when applying for jobs in the sector (e.g. due to issues such as a history of theft).
- Decline: The offence/s disclosed is significant (e.g. sexual offences and those involving violence, terrorism and the supply of drugs) and is judged to have implications for safeguarding of the College community or others in any placement the learner may undertake as part of their programme
- Where an 'Approved' rating has been applied the applicant will be informed they can progress to the next stage of the enrolment stage as appropriate
- Where an 'Approved with Careers Guidance' rating has been applied the applicant/learner will be informed that they can progress to the next stage of the application/enrolment stage as appropriate. They may be provided with appropriate IAG by the course team and the relevant head of department will review, and may amend planned placements or transfer to another more suitable course.
- Where a "Potential Decline" rating has been applied the Designated Lead for Safeguarding, or the Campus Principal in his absence, may invoke a safeguarding risk assessment. The panel will involve the relevant head of department and another appropriate manager. Written records of the risk assessment panel and outcomes will be maintained by the Designated Lead for Safeguarding. The applicant/learner will be informed of the outcome of the safeguarding risk assessment panel, normally by letter.

Other circumstances

The College reserves the right to conduct a risk assessment on any applicant or any learner at any time. When an applicant has already been made an unconditional or conditional offer of a place on a course and when learners are already on course. This may be in response to a range of circumstances including information on and EHCP, a Disclosure and Barring Service (DBS) certificate that was not disclosed at the application/enrolment stage and information received from social services, the police and other relevant agencies or organisations.

If the outcome is that an applicant is refused a place at the College, an offer of a place to an applicant is withdrawn or a learner on programme is withdrawn, the decision will be communicated in writing to the applicant or learner. This letter will be copied to the parent/carer for a learner under the age of 18.

14-16 Year Old Learners and Adults

The Further and Higher Education Act 1992 Section 52A (Duty to Safeguard Pupils Receiving Secondary Education) states:

Where secondary education is provided to persons of compulsory school age by a further education corporation (college). The governing body of the corporation or institution shall secure that, except in such circumstances as may be prescribed by regulations, no education is provided to a person who has attained the age of nineteen years in a room in which any [persons of compulsory school age] are for the time being receiving secondary education.

Where a 14-16 year old learner is placed or is planned to be placed in a class with a 19 or over year old learner with an EHCP, the Safeguarding Lead must be notified. The Safeguarding Lead will convene a panel immediately. The panel will be made up of the Head of Department where the learners are based, the Head of Learner Support and/or The High Needs Manager.

The panel will consider the following;

- The adult learners EHCP and any risks identified within the EHCP
- The learning support which is allocated to the adult and is this support available in every session?
- The risk that the adult will pose to the 14-16 year old

If the panel deems the risk to be the same or greater than educating the 14-16 year old learner with other adults, i.e. support for the learner with the EHCP is not always in place, or the learner with the EHCP has complex, challenging or behavioural needs which may cause distress, disruption or be a danger to a 14-16 year old, then the 14-16 year old must be removed from the class.

The 14-16 learner should be transferred to another group where no adults are educated if available, or, offered an alternative programme where no adults are enrolled.

3. Timescales

An initial review will be carried out within five working days of the information being received. Subsequent timescales will be dependent on a range of factors including the potential need to obtain further information from external sources (e.g. social services or previous educational providers) but the process will be carried out in a timely way to resolve application/enrolment status at the earliest possible opportunity. Please note a learner already on programme may be suspended during this process.

4. Appeals

Applicants who have been refused a place at the College or have had an offer of a place withdrawn; and learners on programme who have been withdrawn due to a safeguarding risk assessment panel, may appeal against this decision. Appeals must be made in writing and must be received by the College within 15 working days of the date of the panel outcome letter.

The appeal should be sent to the Executive Team and Secretariat Manager Cath Turner at the main College address: Harvard Avenue, Thornaby, Stockton on Tees TS17 6FB or by email to catherine.turner@stockton.ac.uk. Appeals will be heard by a member of the Senior Leadership Team, usually the Campus Principal, who will consider each individual case and confirm their decision to the applicant or learner in writing.

There can be no appeal where a 14-16 year old is removed from a class or a course where an adult is also enrolled. The appeal would involve discussing the adult or the adult with an EHCP directly, therefore, any decisions made by the college is final.

For the purposes of this policy, an appeal is defined as a request for a formal review of the outcome of a safeguarding risk assessment panel. The appellant may appeal a decision regarding the outcome of the panel if they feel that the panel was not conducted in accordance with this policy or that the decision did not take account of the available evidence or was unreasonable, given the evidence available. In making an application for an appeal, the appellant must state on which of these grounds the appeal is being made.