



Adult Safeguarding Policy

Version Number	Date Approved	Author	Next Review Date	Action
V1	February 2017	JSager	Annually	Completed
V2	November 2019	JSager	Annually	Completed
V3	November 2019	J Sager	Annually	
V4	August 2020	J Sager	Annually	

Table of Contents

1. Scope of Policy/Procedure/Guideline:	4
2. Safeguarding Adults Policy Statement	4
3. Safeguarding Adults Procedure	6
Introduction	6
Preventing abuse	6
Recognising the signs and symptoms of abuse.....	7
How this policy is used	7
Designated Named Person for safeguarding adults.....	8
Consent and confidentiality.....	9
Recording and managing confidential information	9
Related Departmental Policies	10
Support and Training.....	10
Disseminating/Reviewing policy and procedures	10
Appendix 1: How to Raise a Concern	11
Appendix 2: Do's and Don'ts	13
What happens if I make a referral?	13
What happens next?	13
Will my identity be shared?	14
Appendix 3: Glossary of Terms	15
Appendix 4: Students under the age of 18	18
Summary	18
Introduction	18
Admissions	18
Admission of International Students or those on Tier 4 Visas under the age of 18	18
Parents and guardians	19
Students' general rights and responsibilities	19
Privacy & how we use your information	20
Student support and safeguarding	21
Disclosure and Barring Service (DBS)	21
Emergencies	21
Contracts and holding office	22

What to do if you're worried someone is experiencing, or at risk of, radicalisation, harm or abuse

In any emergency situation, call 999. If you're unsure, contact a member of the Senior Management Team (SMT) i.e. Principal/Head of Osteopathy/Head of Clinic

In non-emergency situations, contact the Designated Safeguarding Lead. They will respond as soon as possible the next working day. Email the Lead at jsager@bcom.ac.uk.

If your concerns relate to Prevent / counter-terrorism, contact the Designated Safeguarding Lead as above in the first instance before anyone else. If you cannot make contact with Jemma please contact the Principal or the Head of Osteopathy.

1. Scope of Policy/Procedure/Guideline:

This policy will enable BCOM to demonstrate its commitment to keeping safe the vulnerable adults with whom it works alongside. BCOM acknowledges its duty to act appropriately to any allegations, reports or suspicions of abuse

2. Safeguarding Adults Policy Statement

It is important to have the policy and procedures in place so that staff, students, service users and carers, and anyone working on behalf of BCOM can work to prevent abuse and know what to do in the event of abuse.

BCOM defines safeguarding as “the act of protecting people’s health, wellbeing and human rights”. We practice safeguarding by supporting people to live free from harm, abuse, neglect and radicalisation. This includes preventative measures as well as risk assessment and response to incidents, including referral to appropriate Adult Social Care services and the local Prevent Teams in the local authority and police.

Two groups of people are defined within legislation governing safeguarding, they are: Children (covered in the ‘BCOM Child Safeguarding Policy’)

Adults at risk of harm or abuse

In addition, we recognise ‘Prevent’ as the anti-radicalisation agenda embedded in the Counter Terrorism and Security Bill 2015, and referred to as ‘Prevent’ in this policy. A person may become at risk of exploitation, harm or abuse in relation to violence, incitement to violence, terrorism, incitement to terrorism or other activities that may result in violent behaviour or terrorist activities in the name of an ideology or a set of beliefs.

This document explains how BCOM approaches safeguarding and compliance with the Prevent Duty, which we see as part of an overarching aim to safeguarding the members of our community.

The Policy Statement and Procedures have been drawn up in order to enable BCOM to:

- promote good practice and work in a way that can prevent harm, abuse and coercion occurring.
- to ensure that any allegations of abuse or suspicions are dealt with appropriately and the person experiencing abuse is supported.
- and to stop that abuse occurring.

We exercise our duty of care along with other legal obligations such as those owed under the Safeguarding Vulnerable Groups Act 2006, the Care Act 2014, Health and Safety at Work Act 1974, the Counter Terrorism and Security Bill 2015, the Equality Act 2010, the Data Protection Act 2018, the Equality Act 2010, the Mental Capacity Act 2005, and the Protection of Freedoms Bill.

The Policy and Procedures relate to the safeguarding of vulnerable adults.

Vulnerable adults are defined as:

- People aged 18 or over
- Who are receiving or may need community care services because of learning, physical or mental disability, age, or illness
- Who are or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.
- An individual's status may change over time

The policy applies to all staff, students and anyone working on behalf of BCOM. The College is committed to supporting and promoting the welfare and safety of students, staff and visitors throughout our operations and environment.

It is acknowledged that significant numbers of vulnerable adults are abused and it is important that BCOM has a Safeguarding Adults Policy, a set of procedures to follow and puts in place preventative measures to try and reduce those numbers.

In order to implement the policy the BCOM will work:

- to ensure the safety and well being of people who do not have the capacity to decide how they want to respond to abuse that they are experiencing
- to manage services in a way which promotes safety and prevents abuse
- recruit staff and volunteers safely, ensuring all necessary checks are made
- provide effective management for staff and volunteers through supervision, support and training

BCOM:

- will ensure that all staff and students are familiar with this policy and these procedures
- will work with other agencies where necessary and within established legal frameworks
- will act within its data protection policy and will usually gain permission from service users before sharing information about them with another agency
- will inform service users that where a person is in danger, a child is at risk or a crime has been committed then a decision may be taken to pass information to another agency without the service user's consent
- will make a referral to the Adult Social Care Direct team as appropriate
- will endeavour to keep up to date with national developments relating to

- preventing abuse and welfare of adults
- will ensure that the Designated Named Person understands his/her responsibility to refer incidents of adult abuse to the relevant statutory agencies

The Designated Named Person for Safeguarding Adults in BCOM is the Head of Clinic and should be contacted for support and advice on implementing this policy and procedures.

3. Safeguarding Adults Procedure

Introduction

BCOM provides osteopathic and naturopathic treatment to private patients. These procedures have been designed to ensure the welfare and protection of any adult who accesses services provided by BCOM, and of students or staff who may become vulnerable, be that due to a deterioration in their health or some other reason. The procedures recognise that adult abuse can be a difficult subject to deal with. BCOM is committed to the belief that the protection of vulnerable adults from harm and abuse is everybody's responsibility and the aim of these procedures is to ensure that all staff, students and contractors act appropriately in response to any concern around adult abuse.

Preventing abuse

BCOM is committed to putting in place safeguards and measures to reduce the likelihood of abuse taking place within the services it offers and that all those involved within BCOM will be treated with respect.

Therefore this policy needs to be read in conjunction with the following policies:

- Equal Rights and Diversity
- Complaints
- Whistle Blowing
- Confidentiality Code of Conduct
- Fitness to Practice
- Data Protection
- Bullying and Harassment

BCOM is committed to safe recruitment policies and practices for staff and students. This includes DBS disclosures for staff and students, ensuring references are taken up and adequate training on Safeguarding Adults is provided for clinical staff and students

All staff and students are required to have a DBS check and provide references, where appropriate.

The organisation will work within the current legal framework for reporting staff or volunteers that are abusers.

BCOM's Safeguarding Adults Policy and Complaints Policy will be available to service users and their carers/families, staff and students on the BCOM website.

Recognising the signs and symptoms of abuse

“Abuse is a violation of an individual’s human and civil rights by any other person or persons”¹ (1No Secrets, Department of Health, 2000)

Examples of abuse are given in Appendix 3.

Abuse may be carried out deliberately or unknowingly. Abuse may be a single act or repeated acts.

People who behave abusively come from all backgrounds and walks of life. They may be doctors, nurses, social workers, advocates, staff members, volunteers or others in a position of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

How this policy is used

- a. The College relies on good communication and wants to reassure all staff and students that they must speak up if they have any worries that someone may be at risk of harm, abuse or radicalisation.
- b. We will apply this policy in the following types of situation:
 - I. When someone tells us or causes us to be concerned that they are at risk of, or experiencing, harm, abuse or radicalisation;
 - II. When someone tells us that another person may be at risk of, or experiencing, harm, abuse or radicalisation;
 - III. When someone discloses information involving themselves or family members, which gives rise to concern that a potential perpetrator may be harming or abusing vulnerable individuals;
 - IV. There are suspicions or indicators (see Appendix 3) that someone is being abused or harmed or is at risk of harm or abuse;

Please note:

The indicators of abuse, harm or radicalisation are sometimes very difficult to recognise, they are not always ‘clear cut’.

It is not the responsibility of the College to decide whether a person has been abused, harmed or radicalised, but to raise concerns with appropriate services who can help.

- V. There are changes in somebody’s appearance or behaviour that may be related to harm, abuse or radicalisation;
- VI. A concern arises that an individual presents a risk of abuse or harm towards someone else in relation to, for example, his/her criminal convictions or downloading, possession or distribution of inappropriate images or extremist material.

If there is a concern that an employee or student may present such a risk, we will follow the guidelines outlines in this procedure and/or take action under another relevant policy e.g. disciplinary procedure or student conduct.

- c. Safeguarding concerns, from whoever, must be reported to the Designated Safeguarding Lead. If a concern arises outside of office hours, the

Designated Safeguarding Lead should be contacted as soon as office hours resume

- d. If there is an urgent concern outside of office hours, emergency services must be contacted. If a direct referral is made to emergency services, the Designated Safeguarding Lead must be informed at the earliest opportunity.
- e. Anybody wanting advice before making a referral is encouraged to talk to the Designated Safeguarding Lead, who will advise upon the course of action.
- f. It is better to refer any concern than not to make one because of uncertainty.
- g. It is the remit of Children and Adult Social Care and/or the police to investigate safeguarding and Prevent-related concerns; the Designated Safeguarding Lead will liaise with the appropriate external agencies to determine whether a formal referral is required.

Designated Named Person for safeguarding adults

BCOM has an appointed individual who is responsible for dealing with any Safeguarding Adults concerns. In their absence, a deputy will be available for staff/students to consult with. The Designated Safeguarding Lead within BCOM is:

Jemma Sager
Head of Clinic
0207 435 7830
jsager@bcom.ac.uk

If the designated member of staff is not available, a member of the Senior Management Team (SMT) should be consulted.

The roles and responsibilities of the named person(s) are:

- to ensure that all staff and students are aware of what they should do and who they should go to if they have concerns that a vulnerable adult may be experiencing, or has experienced abuse or neglect.
- to ensure that concerns are acted on, clearly recorded and referred to an appropriate agency.
- to follow up any referrals and ensure the issues have been addressed.
- consider any recommendations from the Safeguarding Adults process
- to reinforce the utmost need for confidentiality and to ensure that staff and students are adhering to good practice with regard to confidentiality and security. This is because it is around the time that a person starts to challenge abuse that the risks of increasing intensity of abuse are greatest.
- if appropriate staff or students will be given support and afforded protection, if necessary under the Public Interest Disclosure Act 1998: they will be dealt with in a fair and equitable manner and they will be kept informed of any action that has been taken and its outcome

Consent and confidentiality

If you have a concern that someone is at risk of radicalisation or may be at risk of exploitation, harm or abuse in relation to violent extremism, you must contact the Designated Safeguarding Lead. You must not discuss your concern with the person you are concerned about, until you have advice from the Lead.

If you have a concern not relating to radicalisation or Prevent, please be aware of the following principles:

1. The College aims to obtain consent to share information. We prefer for the person or people involved in a safeguarding referral to be engaged with it being made.
2. Prioritising safety, choice and emotional connection will help to address some of the barriers to accessing care and support which traumatised individuals may experience. For us and our approach to safeguarding, we will try to be led by those people experiencing or at risk of harm and abuse, subject to the below points.
3. However, safeguarding issues can present major challenges to consent and confidentiality; it is likely that someone being abused will fear information being passed on to others, including the police. This also applies to someone seeking help with their own violent/abusive behaviour or thinking.
4. Safeguarding issues are also highly sensitive. There is potential for harm to be done, e.g. to the person being abused or, in some cases, the person accused (if false allegations are made or if information is misinterpreted).
5. The need to break confidentiality is rare but applies where the welfare of another person is at risk and where it is deemed appropriate to make a referral to the Designated Safeguarding Lead regardless of consent, in order to protect the wellbeing and human rights of a person or people.
6. If you are worried about whether it is appropriate or not to break confidentiality, please contact the Designated Safeguarding Lead, who can initially discuss your concerns anonymously.
7. There may be exceptional circumstances where it is not possible or practical to inform the person making the disclosure that the information will be passed on e.g. if by doing this the safety of others might be put at risk or if it would impede the investigation of a crime. In such cases, speak to the Designated Safeguarding Lead for advice.
8. Only those who need to know from a professional perspective will be informed or receive written information about allegations; these issues are governed by legislation relating to confidentiality, human rights and data protection.

Recording and managing confidential information

BCOM is committed to maintaining confidentiality wherever possible and information around Safeguarding Adults issues should be shared only with those who need to know. For further information, please see BCOM's Data Protection Policy and Confidentiality Code of Conduct.

All allegations/concerns should be recorded in name of place/file/log where safeguarding adults concerns will be recorded. The information should be factual and not based on opinions, record what the person tells you, what you have seen and witnesses if appropriate.

The information that is recorded will be kept secure and will comply with data protection. It will be kept separate from employee or student records.

This information will be secured in a locked filing cabinet in Designated Safeguarding Lead's office. Access to this information will be restricted to the Designated Named Person and the Senior Management Team as required.

Related Departmental Policies

A number of College departments have policies which may relate to a safeguarding concern and from time to time we may refer to these, for instance:

- Registry: Academic Regulations; Fitness to Practice Policy; Complaints Procedure; Bullying and Harassment Policy; DBS Policy
- HR: Staff Handbook
- Facilities: Data Protection Policy; Information Security Policy; IT & Communication Systems Policy

Support and Training

- The prospect of dealing with safeguarding or hearing about radicalisation, harm or abuse can be very worrying. Hearing of, or dealing with, a concern can generate stress, anxiety or upset for those involved. It may also trigger upsetting memories.
- Given the nature and sensitivity of safeguarding, it is impossible to predict the support that may be required for someone; the College offers counselling to both staff and students.
- BCOM is committed to ensuring that all staff and students undertake training to gain a basic awareness of signs and symptoms of abuse. BCOM will ensure that the Designated Named Person is trained and that staff and students have training, where appropriate

Disseminating/Reviewing policy and procedures

This Safeguarding Adults Policy and Procedure will be clearly communicated to staff, students and service users/ carers. The Designated Named Person will be responsible for ensuring that this is done.

The Safeguarding Adults Policy and Procedures will be reviewed annually by the Designated Named Person.

Appendix 1: How to Raise a Concern

BCOM recognises that it has a duty to act on reports, or suspicions of abuse or neglect. It also acknowledges that taking action in cases of adult abuse is never easy.

Your role, in relation to safeguarding and Prevent, is not to make a decision, judgement or any conclusion about whether harm or abuse has taken place. Your role is to refer to the Designated Named Person for Safeguarding Adults in order that trained professionals can sensitively and appropriately assess the situation and respond accordingly.

How to respond if you receive an allegation:

- Reassure the person concerned
- Listen to what they are saying
- Record what you have been told/witnessed as soon as possible
- Remain calm and do not show shock or disbelief
- Tell them that the information will be treated seriously
- Don't start to investigate or ask detailed or probing questions
- Don't promise to keep it a secret

If you witness abuse or abuse has just taken place the priorities will be:

- To call an ambulance if required
- To call the police if a crime has been committed
- To preserve evidence
- To keep yourself, staff, volunteers and service users safe
- To inform the Designated Named Person in your organisation
- To record what happened in name of place/file/log where safeguarding adults concerns will be recorded

All situations of abuse or alleged abuse will be discussed with the Designated Safeguarding Lead. They will need to know:

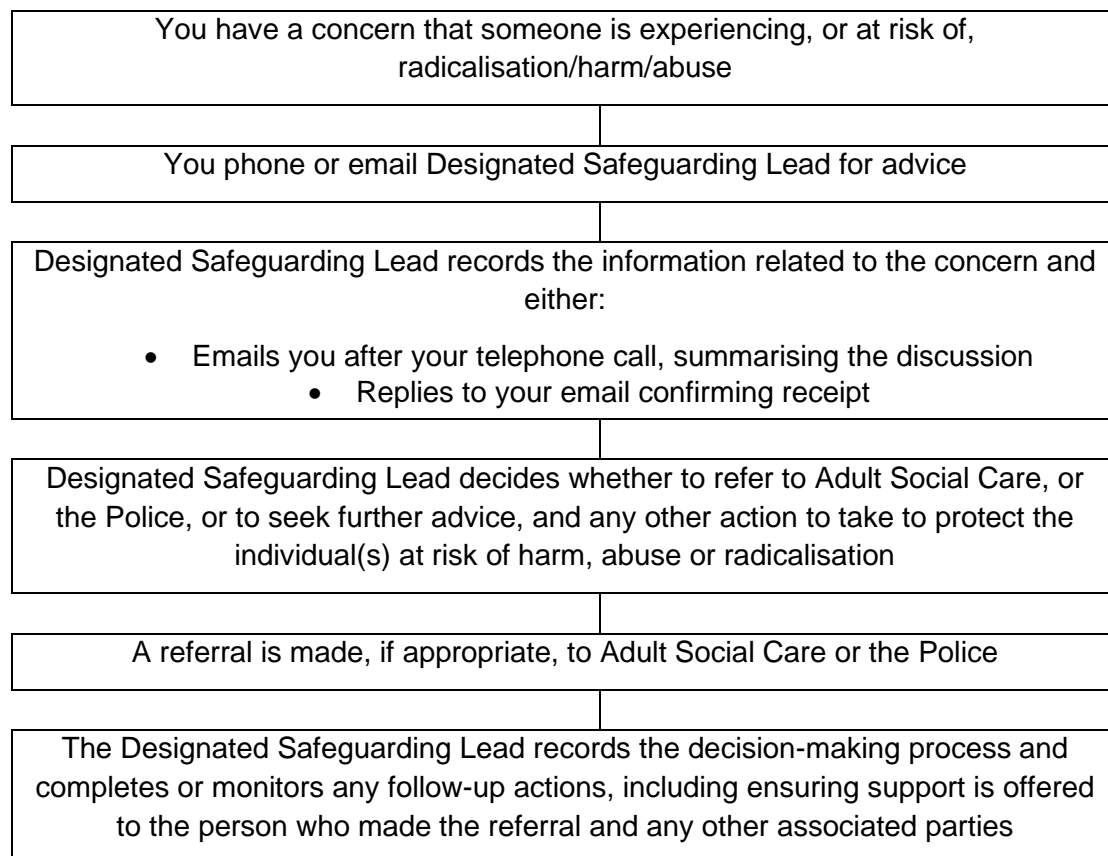
- The name of the person you're worried about (if known)
- The name of anyone else involved (if known), e.g. witnesses
- If you have it, any more information about the person you're worried about e.g. their age, sex, religious affiliation, whether they have a disability
- What it is that has worried you, for instance what you heard, observed or something that was reported to you by someone else
- Any relevant dates or times
- Details of any actions you (or others) have already taken
- Whether the person you're concerned about knows you're contacting the Designated Safeguarding Lead (NB. In the case of Prevent concerns, do not discuss your concern with the person you're concerned about before seeking advice from the Prevent Lead)

If a member of the management committee, a trustee, staff member or volunteer

feels unable to raise this concern with the Designated Named Person then concerns can be raised directly with SMT. The alleged victim will be told that this will happen. This stage is called the alert.

If it is appropriate and there is consent from the individual, or there is a good reason to override consent, such as risk to others, a referral (alert) will be made to the relevant agency.

If the individual experiencing abuse does not have capacity to consent a referral will be made without that person's consent, in their best interests.



Appendix 2: Do's and Don'ts

If someone discloses that they are experiencing harm, abuse or are feeling vulnerable to radicalisation, or if there are suspicions that someone is at risk of harm, abuse or radicalisation, consider the following guidance:

Do	Don't
In the case of a direct disclosure, be supportive	Panic
Take what the child or adult says seriously	Delay
Remain calm	Promise to keep secrets
Reassure them that it was right to tell someone	Ask them to repeat the story unnecessarily
Explain what will happen next i.e. that you may refer to a Designated Safeguarding Lead	Express any of your own opinions
Write down word-for-word immediately afterwards what was said, including the time, place, and any other observations: sign and date this record	Discuss with anyone else what was told to you, other than with the Designated Safeguarding Lead and other relevant personnel
Pass the referral to the Designated Safeguarding Lead	Start to investigate
Seek support for yourself from the Designated Safeguarding Lead	Contacted the alleged abuser or other people mentioned/involved
Ask the individual to clarify anything you might have misunderstood	Ask closed questions or repeatedly question the individual

What happens if I make a referral?

If someone discloses to you, remember you are not investigating. Remember the "Do's and Don'ts" (Appendix 2). Remember, if the concern relates to Prevent, do not discuss it with the person you're concerned about, instead contact the Designated Safeguarding Lead.

In cases where the concern is not related to Prevent, after you have finished your conversation with the person who is at risk of or experiencing harm or abuse, you must contact the Designated Safeguarding Lead as soon as possible and follow the flowchart in Appendix 1.

What happens next?

- The Designated Safeguarding Lead will make a record of your conversation or, if you emailed them, they will probably telephone you to discuss the email – as a minimum, they will reply to you to confirm they have received your email
- The Designated Safeguarding Lead will review the information they have about the person/people involved in the referral
- The Designated Safeguarding Lead may contact the relevant local authority as appropriate

Will my identity be shared?

- We recognise that you may be worried about the people involved knowing that you raised a concern to a Designated Safeguarding Lead
- The College is required to share your name with the local Adult Social Care/Police teams
- If possible, your identity will be kept confidential, aside from sharing with the relevant Social Care services
- You will be supported by the College particularly if you have to take part in any further investigation, which may happen if the matter proceeds to a criminal investigation
- We hope that through this policy, the support of the College is clearly emphasised and our interest is to protect the wellbeing, welfare and safety of all those involved in our activities – whether as someone making a referral or as the person who we are concerned about.

Appendix 3: Glossary of Terms

Any examples given are illustrative rather than an exhaustive list.

- **Abuse** (see also 'harm') is the intentional or unintentional misuse of the power and control that one person has over another; it does not matter whether the perpetrator intended the abuse to take place or not.
- There are many types of abuse which can include physical, sexual, psychological, financial or material, neglect, discriminatory, organisational and domestic.
- **Bullying** is threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge (see the College's Bullying and Harassment Policy and Procedure).
- **Child** is a person under the age of 18 (their living arrangement or attendance at College does not change the person's status as a child).
- **Discriminatory abuse** can manifest itself in many ways however it is motivated by unfair and inappropriate attitudes, feelings or behaviour towards an individual due to their race, gender, religion, age, sexuality or disability. It can take include serious, repeated or pervasive discrimination, which leads to significant harm or exclusion from mainstream opportunities or provision of poor standards of service/care.
- **Domestic abuse** includes psychological, physical, sexual, financial, emotional abuse and so-called 'honour'-based violence committed by a family member, carer or intimate/ex-partner, regardless of gender or sexuality. It can be controlling, coercive, threatening behaviour which implies that violence might occur or may have already occurred.
- **Emotional abuse** is persistent emotional ill-treatment such as to cause severe and persistent adverse effects on a child/vulnerable adult's emotional development.
- **Exploitation** is the deliberate maltreatment, manipulation or abuse of power and control over another person; it is taking advantage of another person or situation usually, but not always, for personal gain. Exploitation may include slavery, being controlled, forced or compulsory labour, domestic violence, sexual violence and human trafficking.
- **Female Genital Mutilation (FGM)** is the deliberate mutilation of female genitalia; often the removal, injuring or cutting of the labia and clitoris where there is no medical reason for this to be done. FGM is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It is illegal in the UK and is a form of child abuse.
- **Financial abuse** is the use of a person's property, assets, income, funds or any resources without their informed consent or authorisation; it may include theft, fraud, internet scamming, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse of misappropriation of property, possessions or benefits.
- **Forced marriage** is one in which one or both parties are married without their consent (unlike an arranged marriage where both parties consent to third party assistance in identifying a spouse); no-one can consent to marriage on behalf of someone else.
- **Grooming** is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, exploitation or trafficking.
- **Harm** is the ill-treatment or the impairment of health or development which

can be a single act, repeated acts of a similar or different nature, intentional or unintentional, or an act of neglect or failure to act.

- **Harassment** is unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual (see the College's Bullying and Harassment Policy and Procedure).
- **Historical abuse** is abuse that took place in the past, which must still be referred using the reporting procedure.
- **Peer abuse** is carried out by children and young people towards one another and must always be taken as seriously as abuse perpetrated by an adult.
- **Neglect** is the persistent failure to meet a child or vulnerable adult's basic physical and psychological needs, likely to result in the serious impairment of their health or development, such as failing to provide food, medical care, shelter, warmth and clothing.
- **Physical abuse** may include hitting, shaking, throwing, poisoning, burning, drowning, suffocating, or otherwise causing physical harm including by fabricating the symptoms or, or deliberately causing, ill-health to another.
- **Psychological abuse** includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- **Radicalisation** is the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.
- **Safeguarding** means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.
- Self-harm refers to a wide range of behaviours that someone does to themselves in a deliberate and usually hidden way, resulting in non-fatal injury or in the case of suicide, death.
- **Sexual abuse** is forcing or enticing a person to take part in sexual activities, whether or not they are aware of what is happening; this may involve physical contact, including penetrative or non-penetrative acts. This may include involving children and vulnerable adults in looking at, or the production of, pornographic material or encouraging children/vulnerable adults to behave in sexually inappropriate ways. It also includes situations where the individual does not have the capacity to consent or has been coerced because the other person is in a position of trust, power or authority.
- **Sexual exploitation** is a form of sexual abuse, where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or vulnerable adult into sexual activity in exchange for something the victim needs or wants and/or for the financial advantage or increased status of the perpetrator or facilitator. Sexual exploitation may occur even if the activity appears consensual, and it can occur through the use of technology.
- **Trafficking** is when people are illegally transported from one country or area to another, typically for the purposes of forced labour or commercial sexual exploitation.
- **Violent extremism** includes violence, incitement to violence, terrorism, incitement to terrorism, or other activities that may result in violent behaviour or terrorist activities in the name of an ideology or set of beliefs.
- **Vulnerability** describes a situation when a child or adult is at risk of

exploitation, harm or abuse. A person may join the College already vulnerable, or can become vulnerable because of specific circumstances, which may increase the risk of them experiencing harm or abuse.

- **Vulnerable adult** is term previously referred to in the context of safeguarding. Now, the term used is an 'adult at risk of harm or abuse'. This still refers to a person aged 18 or over who is, or may be, in need of additional care services because of mental or other disability, age, personal circumstances or illness.
- An individual may be at risk of harm or abuse through being unable to take care of himself or herself, or unable to protect him or herself against significant harm or abuse.

Appendix 4: Students under the age of 18

Summary

This document outlines the approach of the College towards prospective and current students who are under the age of 18, both in terms of safeguarding this group and ensuring an enjoyable College experience, providing reassurance to the student themselves as well as their family and support network, be that locally or internationally.

Under the Children Act 1989, a child is defined as “a person under the age of 18”. Accordingly, any students yet to reach the age of 18 years are regarded as children, including within this policy. This Appendix should therefore be read in conjunction with the BCOM Children’s Safeguarding Policy which is available on the BCOM website.

Introduction

Most students will be aged 18 or over when they commence their studies, or they will turn 18 very soon after they start. This guidance outlines the College’s approach to all applicants and students (including those holding Tier 4 visas and other international students) under the age of 18 and until their 18th birthday.

Admissions

The College welcomes applications from candidates irrespective of age, including those who are under the age of 18.

Applications are considered on their merits and we may offer a place to under 18 students if we believe the student has the potential, intellect and academic ability to successfully complete the relevant programme of study and have sufficient personal maturity to benefit from higher education.

Admission of International Students or those on Tier 4 Visas under the age of 18

Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Home Office must have regard to the need to safeguard children and protect their welfare. All children studying in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements while here. This applies up to a child’s 18th birthday.

If upon the date the Confirmation of Acceptance for Study (CAS) is issued to a Tier 4 applicants, or upon the date a place is confirmed as unconditional or unconditional firm for an international student, a student is under the age of 18, this procedure will be followed.

Upon application, the Admissions Team will advise the student of the information they are required to supply (see section 5), and will advise the student that this information is required at either a date prior to the CAS being issued, the date of the CAS being issued or on the date their unconditional offer is made, if they do not require a CAS. This document will be made available to this group of prospective students.

For Tier 4 applicants, when all academic conditions are met:

- The student or their agent/representative will be emailed the ‘Under 18 Consent letter’ which must be completed by the parent or legal guardian and signed and returned to the College.
- The student is required to supply contact details (see Section 4)

Upon these requirements being met, and when all other conditions are satisfied, the CAS will be issued as per the usual procedures.

It is a condition of legislation that any 16 or 17 year old prospective students, applying as a Tier 4 (General) student, must have their parent(s) or legal guardian(s) consent that they can live and travel independently. The College therefore has to ensure this consent has been received, which happens through the 'Under 18 Consent Letter'. This letter must be retained by the College.

The College does not have a license to sponsor students under Tier 4 (Child).

For other international applicants, when all academic conditions are met:

Section 4 applies.

Parents and guardians

Prior to arrival at the College, any student under the age of 18 at their enrolment date must provide the College with contact details for their:

- Parent, or
- Other legal guardian if both parents are deceased, overseas or otherwise unavailable. Such a guardian should:
 - Agree with the parents to act on their behalf and to perform the parental tasks and responsibilities delegated by them until the student's 18th birthday;
 - Ideally live near London; and,
 - If necessary, be available to the student and College when required

The College requires a copy of the guardian's agreement with the parents, as part of any offer made to the student.

A guardian is normally a friend of the family or relative living in the UK; the College is not able to appoint, or assist in finding, a suitable guardian. A list of accredited agencies is available from the Association of Educational Guardians for International students (AEGIS) – www.aegisuk.net.

The majority of Tier 4 or other international students' parents or legal guardians will reside outside of the UK. In such cases, the College requires Tier 4 and other international students to obtain a UK-based legal guardian. Alternatively, they must provide upon application the contact details of their parent(s) or legal guardian(s) if they are ordinarily resident in the UK. No CAS will be issued without details of the student's guardian being confirmed.

Students' general rights and responsibilities

The College offers an adult environment and treats all students as mature, independent individuals. In particular, the College will normally deal and correspond with its students than with their parents.

Under the Data Protection Act 2018, students (including those under the age of 18) have the legal right for information about them not to be disclosed without their consent. Accordingly, unless this explicit consent is granted, the College is unable and will not give information to parents regarding any student's progress, results or personal circumstances. This applies to all students regardless of age.

Students are expected to seek support as they require it, and should do the following:

- Act as adults and behave in an appropriate manner

- Assume responsibility for their studies and lifestyle, including adapting to living away from home
- Engage with their personal tutor to maintain contact and allow the tutor to support them
- Have the right skills to study and live independently with diverse groups of people
- Comply with the laws of the UK, for instance the purchase, selling or use of alcohol or tobacco prior to age 18

Although we acknowledge that anyone under the age of 18 is legally a child, and may have additional needs for support and welfare, the College will not take on the usual rights, responsibilities and authority that parents have in relation to a child and it will not act in ‘loco parentis’¹ in relation to students under age 18. The College also will not assume responsibility for any students’ acts or omissions.

Privacy & how we use your information

We request and store details of parents/legal guardians for under 18 applicants in order to exercise our duty of care (and in the case of Tier 4 students this is a requirement of the visa). This information is stored on the relevant College information systems (e.g. Dataease) in accordance with legislative requirements including the General Data Protection Regulation and Data Protection Act 2018.

We use the details of parents or legal guardians very rarely. It is the College’s usual policy to correspond with students and not with parents or legal guardians and this approach will also apply to students who are under the age of 18 years. Although those under 18 are regarded as children under UK law, they still generally have the legal right under the Data Protection legislation for information about them not to be disclosed. This means that the College will not usually give information to parents or legal guardians regarding the student’s progress, results or any other personal circumstance unless the student has given specific consent or specific circumstances apply when the College is obliged to contact their named parent/legal guardian.

Wherever possible, the student’s permission will be sought prior to us contacting their parent or legal guardian. If this is not possible, for instance because the student is incapable or unconscious, or if permission is denied or the law requires it, in very exceptional circumstances the College may contact the parent or legal guardian. This will normally be where there are serious concerns for the welfare of the individual student for example, the College becoming aware of the student being admitted to hospital, a serious illness (mental or physical), or when a student is ‘missing’. Making a decision to contact a parent or legal guardian will only be made by a member of the Senior Management Team.

For those students not studying on a Tier 4 visa, data around parents/legal guardians will be retained until the student’s 18th birthday. Following that, the information will be removed from our records. In order to continue to exercise our duty of care, we ask for next of kin/emergency contact details for all BCOM students.

¹ This is a legal term derived originally from English common law, it means “in the place of a parent”

Student support and safeguarding

BCOM wants all students to have the best possible experience while studying at the College.. This is a hugely formative and exciting time for young people. For any students under the age of 18, we take steps to safeguard their health, safety and welfare.

This will normally include:

- The names of under 18 year old students will be communicated in confidence by Admissions to the relevant departments
- Through notification to Faculty, the personal tutor will be made aware of the name of the under 18 student(s) and will meet with the student at regular intervals, agreed by the student and tutor, to discuss his or her studies
- A member of Registry will meet with students under the age of 18 at regular intervals, agreed by the student and member of staff, to discuss his or her wellbeing and living arrangements

The College is responsible for protecting those under the age of 18 years from harm, abuse and radicalisation. All College staff must report any suspicious, concerns, allegations or risks of child abuse to the Designated Safeguarding Lead, details of which are provided in the Child Safeguarding Policy available on Osteonet.

Similarly, if a student under the age of 18 discloses harm or abuse to a member of staff, the member of staff must report this to the Designated Safeguarding Lead.

Disclosure and Barring Service (DBS)

The College conducts DBS checks for staff who satisfy the relevant criteria, to ensure suitability for working with under 18 year olds and vulnerable groups. More information is available in the DBS Policy.

Emergencies

In an emergency, the College will contact the parent or guardian of an under 18 student using the most recent contact details provided to it, the 'next of kin' or 'emergency contact'. Accordingly, it is important for the student to keep these details up to date.

In extreme cases (for instance where emergency medical treatment is required for the student), action may need to be taken in the best interests of the student before his or her parents or guardians can be contacted. In such cases, parents are deemed (by virtue of this policy) to permit a senior member of the College (acting in accordance with medical advice, as appropriate) to do whatever is necessary in the student's best interests.

Parents or guardians must keep the College informed of a student's special needs or requirements, if applicable, by contacting College departments as follows:

- For support with study for students who have a disability², please contact Registry (this service can be used by prospective students as well as current students)

² This could include dyslexia, specific learning difficulties, mental health difficulties, autism, a long term health condition

- For personal development and wellbeing support, supporting students to make their most of their academic and personal life, please contact Registry.

Contracts and holding office

Any person under the age of 18 is unable to enter into a legal contract. If a student under the age of 18 needs to enter into a contract with the College, for instance relating to tuition fees, the student's parent or guardian is required to guarantee the student's obligations under that contract.

A failure by a student to pay any sums due under a contract may result in demand being made by the College on the parent or guardian. Any continuing failure to pay the College may result in studies being interrupted.

Under 18 year olds are encouraged to actively participate in College life e.g. the Student Union, however they are unable to hold office until they reach age 18, as they will be unable before this age to discharge an office-holder's legal responsibilities.