PASTORAL CARE DOCUMENT

for

COLLEGE OF AGRICULTURE, FOOD and RURAL ENTERPRISE

Incorporating: The Child Protection Policy

Updated - July 2015
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ACKNOWLEDGEMENTS

The context of this booklet has been based on Child Protection Guidelines and other literature issued by the Department of Education Northern Ireland, Child Care (NI) and the Northern Health and Social Services Board.
INTRODUCTION

This document provides guidance to all College staff on its legal responsibilities in relation to the protection of Children, including how to protect the children in their care. It includes Codes of Conduct and the action to be taken to ensure that cases of suspected abuse are properly considered and dealt with.

While College staff have always had and will continue to have responsibility for the care, welfare and safety of students attending the College, they now have a legal duty to ensure that the welfare of the child is paramount.

CAFRE promotes the welfare and safety of all children to ensure that they are protected from exploitation, abuse and neglect when engaged in education at CAFRE. It supports the application of the highest standards of safeguarding practice, including robust recruitment, selection and supervision procedures for all staff and volunteers engaging with children and/or vulnerable adults. This includes taking all necessary steps to prevent unsuitable people from having access to children/vulnerable adults, and where required to complete an appropriate level of check through Access NI to ensure the completeness and accuracy of the application of the preferred candidate.

This policy document should be read in conjunction with the following CAFRE policies on:

- bullying and harassment;
- use of college vehicles for student trips;
- policy on disclosure and barring;
- planning student residential events
- dealing with self harm
- keeping safe on-line
BACKGROUND

Who is a Child?

For the purpose of this policy, the term “CHILD” refers to “any child or young person under the age of 18”.

The United Nations Convention on the Right of the Child

United Nations Convention on The Rights of A Child

In 1991, the United Nations Convention listed a number of statements setting out the rights which all children and young people up to the age of 18 years should have, no matter where they live or whatever their circumstances. This International Treaty was signed by the British Government, which committed itself to giving children the rights and protection written in the convention.

The Children’s (NI) Order 1995

The Children’s (NI) Order 1995 deals with the care, upbringing and protection of children. The aims of the order are to set balances between:

- the rights and responsibilities of parents;
- the child’s own view of his or her needs and how these needs can be met.

The key principles of the order are:

- Paramountcy
- Parental Responsibility
- Prevention
- Partnership
- Protection

The Protection of Children & Vulnerable Adults (NI) Order 2003 (POCVA)

The Protection of Children & Vulnerable Adults (NI) Order legislation came into effect on 1st April 2005 to strengthen the safeguarding of children and vulnerable adults from unsuitable people in any organisation. This legislation made the checking of staff who are working with young people a statutory requirement rather than good practice. It introduced new criminal offences including Disqualification Orders. In addition it created a “whistle blowing” facility for child care organisations and their staff/volunteers. POCVA has been substantially amended by the Protection of Freedoms Act following concerns about proportionality and bureaucracy.
The Special Educational Needs and Disability (NI) Order 2005

The Special Education Needs and Disability (NI) Order (SENDO) came into effect on 1st September 2005. This law relates to disability discrimination and places duties on bodies responsible for the provision of education and associated services/admissions and expulsions. For the purposes of SENDO a person is regarded as disabled if he/she has “a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities”. This is the same definition as that used in the Disability Discrimination Act 1995.

Safeguarding Vulnerable Groups Order (NI) 2006

The order provided the legislative framework for a new Vetting and Banning Scheme (VBS) for people who work with children and vulnerable adults. The purpose of the new scheme was to minimise the risk of harm posed to children and vulnerable adults by those who might seek to harm them through their work (paid or unpaid). It seeks to do this by banning unsuitable individuals not just on the basis of referrals but also at the earliest possible opportunity as part of a centralised vetting process that all those working closely with children and/or vulnerable adults will need to go through. These arrangements will enable vetting and banning processes to operate coherently across the UK. The SVGO was also amended with the introduction of the Protection of Freedoms Act 10 September 2012.

Access NI 2008

With effect from 1 April 2008 responsibility for carrying out pre-appointment checks passed from the PSNI and DHSSPS to a new disclosure body Access NI. Access NI is a criminal history disclosure service established under Part V of the Police Act 1997. The service enables organisations to obtain criminal history information prior to appointment, including a check of the disqualification lists.

The Central Personnel Group (CPG) in the Department of Finance and Personnel is registered with Access NI and all disclosure certificates required by HR Connect as part of the NICS recruitment process are handled through this registration.

Protection of Freedoms Act 2012

With effect from 10th September 2012 new safeguarding arrangements came into effect. These included a new and more limited definition of regulated activity and reduced the number and scope of positions requiring criminal record checks with the Barred List to be completed.

The definition of regulated activity covers all CAFRE staff involved in:
- teaching, training or instruction;
- Driving a vehicle being used only for conveying children and carers or supervisors;
- Care or supervision;
- Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being;
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children;
• Day-to-day management or supervision on a regular basis of a person carrying out a regulated activity.

Supervised activity - an individual who is under reasonable day-to-day supervision by another person engaging in regulated activity is excluded from the definition.

**Process**
CAFRE is aware of its responsibility to request an Enhanced Disclosure certificate with a Barred List check for any individual they wish to appoint into regulated activity.

For further details on the Act and CAFRE’s responsibilities see Appendix 9.

**POLICY STATEMENT**

The College of Agriculture, Food and Rural Enterprise is committed to practices which protect students from harm. The College accepts and recognises its responsibilities and will endeavour to:

- ensure that staff show respect and understanding for student rights, safety and welfare and conduct themselves in a way that reflects these principles;
- follow carefully the procedures for recruitment and selection of staff;
- provide awareness training and support for staff and specialist training for designated officers;
- provide information to students, parents and staff;
- share information about concerns with statutory child protection agencies/staff who need to know and involve parents and students as necessary;
- ensure that all staff recruited post the introduction of POCVA who have contact with students will be registered with the Independent Safeguarding Authority and subject to an Enhanced Disclosure with a Barred List check prior to employment (see Appendix 8).

**ANNUAL REVIEW OF PASTORAL CARE AT CAFRE**

The CAFRE Director will meet annually with the SDG Deputy Secretary to review Pastoral Care at CAFRE and discuss any child protection issues that have arisen during the year.

**OTHER PEOPLE/GROUPS USING COLLEGE FACILITIES**

- recommend that they adhere to the principles and practices of the Children’s (NI) Order 1995 and all relevant legislation regarding the Protection of Children and Vulnerable Adults.
DESIGNATED PERSONS

Each Campus will have a number of designated persons who have specific responsibilities for Child Protection matters. Designated Officers will receive the recommended training for the role they undertake. There will be one at least designated officer for each 250 students enrolled at each Campus and a minimum of two officers per Campus at least one of which will be male and another female. The CAFRE Student Support Officer will act as a designated officer in their own right and substitute as necessary for absent colleagues. In addition they will support, advise and update other designated colleagues.

CAFRE Designated Officers:

- Greenmount – Brian Simpson/Barry Kelly/Steven Girvan
- Loughry – Judith Mullan/Roisin Talbot/Cormac Doherty
- Enniskillen – Sharon Armstrong/Michelle McKenna/David Downey
  Deputies Kathryn Hazlett and Catherine Crowley
- Cross-campus – Alison Young

DEFINITION OF ABUSE

Child abuse occurs in families from all social classes and cultures and it also occurs in institutions and organisations. Abusers come from all walks of life and all occupations and professions. Child abuse consists of anything which individuals, institutions, or processes do, or fail to do, which directly or indirectly harms children or damages their prospects of safe and healthy development.

Children may be abused by a parent, a sibling or other relative, a carer (i.e. a person who has actual custody of a child such as a foster parent or staff member in a residential home), an acquaintance, a fellow student or a stranger, who may be an adult or a young person. The abuse may be the result of a deliberate act or of a failure on the part of the parent or carer to act or to provide proper care, or both. The abuse may take a number of forms, including:

**Physical Abuse**

Physical abuse is the deliberate physical injury to a child or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, or suffocating. ‘Munchausen Syndrome by Proxy’, whereby a parent or carer feigns the symptoms of, or deliberately causes ill health in a child, may also constitute physical abuse. For children with disabilities it may include confinement to a room or cot, or drugs administered incorrectly to control behaviour.

**Emotional Abuse**

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. For children with disabilities it may include over–protection or conversely failure to acknowledge or understand a child’s disability and thus have unrealistic expectations.
Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

**Sexual Abuse**

Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non–penetrative acts. They may include non–contact activities, such as involving children in looking at pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways. Sexual activity involving a child who is capable of giving informed consent on the matter, **while illegal**, may not necessarily constitute sexual abuse as defined for the purpose of these procedures. One example which would fall into this category is a sexual relationship between a 16 year old girl and her 18 year old boyfriend. The decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects of the case will, of course be dealt with by the Police.

**Neglect**

Neglect is the persistent failure to meet a child’s basic physical and psychological needs, likely to result in the serious impairment of the child’s health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, failing to ensure access to appropriate medical care or treatment, lack of stimulation or lack of supervision. It may also include neglect of a child’s basic emotional needs.

**Young Person whose behaviour places him at Risk of Significant Harm** – a child whose own behaviours, such as alcohol consumption or consumption of illegal drugs, while placing the child at risk of significant harm, may not necessarily constitute abuse as defined for the purposes of these procedures. If the child has achieved sufficient understanding and intelligence to be capable of make up his own mind, then the decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects of the case will be dealt with by the Police.

**Self Injury**

Self injury or self harm is on the increase. Cutting can begin at a very young age and can range from scratching to deep cuts being self inflicted, often requiring medical treatment. Disclosure of any self injury should never be ignored; it is a clear sign that something serious is wrong and that self esteem is low.

**Bullying**

Bullying is defined as deliberately hurtful behaviour, repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms but the main types are:

- Physical (e.g. hitting, kicking, theft);
- Verbal (e.g. sectarian/racist remarks, name calling);
- Indirect (e.g. spreading rumours).
- On-line (e.g. sending text messages, photographs,).
The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children, to the extent that it affects their health and development or, in the extreme, causes them significant harm (including self-harm). In its more severe or persistent forms, bullying can constitute child abuse and should be treated as such.

For further details on bullying, see CAFRE Anti-Bullying Policy.

It is important to distinguish between bullying and abuse which is carried out by another child – see definition of child abuse (page 3). Where this is suspected, the appropriate child protection procedures must be followed for both the victim and the alleged abuser. These types of abuse apply equally to children with disabilities but the abuse may take slightly different forms, for example, lack of supervision, or the use of physical restraints such as being confined to a wheelchair or bed.

Risks posed by Developments in Communications Technology

In an increasingly complex world, the opportunities for child abuse are growing. Staff need to be aware of the opportunities for abuse through the misuse of video, computer, internet, text messaging and other media. While good use of such media can be beneficial, staff must be vigilant and alert to the possibilities of misuse and consequent harm that can result to young people.

- **The Internet**
  Whilst the development of the internet has revolutionised communication systems throughout the world and if used in the right way is an excellent resource, care in its application needs to be exercised so that the safety of a child is not compromised.

  All internet access by students will be monitored and recorded.

- **Photographs**
  Following the introduction of the Data Protection Act in 1998, CAFRE will monitor the use of photographs, videos and webcams of clearly identifiable people. The following guidelines will apply:-

  - Permission (verbal or written) should be obtained of all the people (students and adults) who will appear in a photograph, video or webcam image before the photograph is taken or footage recorded.
  
  - It should be made clear why that person’s image is being used, what you will be using it for, and who might want to look at the pictures.
  
  - Students should not be identified by personal details apart from name and area. Contact details such as email or postal addresses, telephone or fax numbers will not be included.
  
  - Written consent should be obtained from parents or carers before using photographs of children.
  
  - Do not insist that the student participates.
  
  - Signs will be displayed on buildings which have CCTV cameras in operation.

- **Mobile Telephones**
  With the increased use of mobile telephones, staff and students need to be aware of appropriate and inappropriate use of telephones. Staff should not use personal mobile phones to record images of students.
CODE OF CONDUCT FOR STAFF

All actions concerning young people must uphold the best interests of the young person. **Staff must always be aware of their position of trust, responsibilities under Child Protection Legislation and that their behaviour towards young people must be beyond reproach.** This Code of Practice is intended to assist staff in respect of the complex issues of child abuse, by drawing attention to areas of risk. These guidelines must be rigorously applied to students under the age of 18 years old. They are also recommended as good practice in respect of students over 18 years in conjunction with CAFRE Policy 420 – Staff Student Relationships.

Private Meetings with Students

- Staff should be aware of the risks which may arise from private interviews with individual students. It is recognised that there will be occasions when confidential interviews must take place. As far as possible, staff should conduct such interviews in a room with visual access, or with the door open.

- Where such conditions cannot apply, staff are advised to ensure that another adult knows that the interview is taking place. It may be necessary to use a sign indicating that the room is in use, but it is not advisable to use signs prohibiting entry to the room.

- Where possible another student or (preferably) another adult should be present or nearby during the interview and the College will take active measures to facilitate this.

- Staff should not spend excessive amounts of time alone with a student or small group of students away from others.

- Staff have a professional responsibility to share relevant information about the protection of children with other professionals, i.e. Social Services, investigating agencies. Where any type of abuse is suspected, there is a legal duty to report it.

- If a child provides confidential information to a member of staff which gives cause for concern about possible abuse and requests that the information be kept secret, it is important that the member of staff tells the child sensitively, that he/she has a responsibility to refer cases of alleged abuse to the appropriate people (usually a designated person) for the child’s own sake.

Physical Contact with Students

- As a general principle, staff are advised not to make unnecessary physical contact with students.

- However, it is unrealistic and unnecessary to suggest that staff should touch students, in emergencies only. A distressed student may need reassurance involving physical comforting, as a caring person would provide. Staff should not feel inhibited from providing this.

- Staff should never touch a child who has clearly indicated that he/she is, or would be, uncomfortable with such contact, unless it is necessary to protect the child, others or property from harm.
• Physical punishment is illegal, as is any form of physical response to misbehaviour, unless it is by way of necessary restraint or self defence.

• Staff who have to administer first aid to a student should ensure wherever possible that this is done in the presence of other students or another adult. Remember to get consent of the individual. **However, no trained member of staff should hesitate to provide first aid in an emergency simply because another person is not present.**

• Any physical contact, which would be likely to be misinterpreted by the student, parent or other casual observer, should be avoided.

• Following any incident where a member of staff feels that his/her actions have been, or may be misconstrued, a written report of the incident should be submitted to his/her line manager.

• Staff should be particularly careful when supervising students in the residential setting, whilst wardening, or in clubs and societies, where relationships tend to be more informal and where staff may be in proximity to students in circumstances different from the normal.

• Staff should not arrange to meet with individual or small groups of students outside organised club or society activities, unless it is with the knowledge and consent of parents and Head of Branch.

**Relationships and Attitudes**

• Staff should ensure that their relationships with students are appropriate to the age, maturity and sex of the student, taking care that their conduct does not give rise to comment or speculation.

• Staff must not make suggestive or inappropriate remarks/actions, even in jest.

• Staff are encouraged not to let students use inappropriate language unchallenged.

• Staff should not communicate with students by using social networking sites and chat rooms.

• Mobile telephone texting should only be used to remind students of meetings. If this turns into conversation, communication must be ended.

The Code is not intended to frighten staff from working with young people, but to make them aware of the best practices. There will be circumstances which will not be covered by the Code. On these occasions it is important that staff use their professional judgement and act in a manner where their conduct cannot be misconstrued.

**Staff offering lifts to students**

Staff should never approach a student/students to offer them a lift. However, where a student/students approaches a member of staff to request a lift e.g. to take them home;
• If the student is over the age of 18, it is unlikely that there will be any child protection issues.

• Where the student is under 18, the member of staff should ideally first obtain permission from the parent/guardian and be entirely “comfortable” with reliability of the individual concerned. However in circumstances where there is any concern for the health, safety or welfare of the student/students and where contact with parents/guardians has not been possible a lift can and should be given. The member of staff should inform the relevant course manager or Head of Branch what they are doing and explain the circumstances prevailing.

Best practice would suggest that the young person should sit in the back of the car.

Talking to a Young Person where there is an Allegation of Possible Abuse

Care must be taken in asking and interpreting young people’s responses to questions about indications of abuse. The extent of questioning should, therefore be kept to a minimum and where possible should be quickly delegated to a designated officer.

• It is the right of the young person to be heard, listened to and taken seriously and to be consulted with, according to age and understanding about the proposed action.

• Staff should not ask the young person leading questions, as this can later be interpreted as putting ideas into the person’s mind.

• Questions which encourage the child to change his/her version of events in any way or which impose the adult’s own assumptions should not be asked. For example, “Did they do X to you”? Rather it should be “Tell me what has happened”?

• The chief task at this stage is to listen to the child and not to interrupt or try to interpret if he/she is freely recalling events. As soon as possible afterwards make a note of the discussion and pass to the designated person.

• If physical abuse is suspected, under no circumstances should the young person’s clothing be removed.

• Staff should not give the child or young person undertakings of confidentiality but should reassure them that the information will only be disclosed to those who need to know.

• The member of staff should make a report on the discussion. The summary should include:
  - the date and brief details of the nature of the complaint;
  - by whom and against whom it was made;
  - include dates and times of specific incidents;
  - if the complaint was formally referred, to whom it was referred and the date of referral;
  - any physical/behavioural changes of the complainant or any indirect signs of distress.
PROCEDURES FOLLOWING AN ALLEGATION OR SUSPICION OF CHILD ABUSE

Who is the Complaint About?
If it is:

(a) Person other than a member of staff – see Appendix 1.
(b) Member of staff – see Appendix 2.
(c) Head of Branch– see Appendix 3.
(d) Designated Person – see Appendix 4.

1. Record the discussion stating clearly why you are concerned, from whom you received the information and when.

2. Contact the designated person immediately who will contact the Head of Service/Head of Branch, Departmental HR to arrange a meeting as soon as practicable within 24 hours. If the allegation is about the designated person, contact the Head of Service/Head of Branch directly. Those invited to attend should include only those who need to know about the incident or concern. **Confidentiality must be preserved.**

3. The purpose of the meeting is to consider the available information and decide the way forward.

4. If a student is considered to be in any form of imminent danger, the College Director, Social Services and/or the Police will be contacted immediately by the Designated Officer or Head of Services/Head of Branch. Advice can be sought from the Social Services at any time.

5. Where a member of College of Agriculture, Food and Rural Enterprise staff is involved, Departmental HR must, where at all possible, be informed before the Police are contacted.

6. A clear record must be made of the meeting, the decision reached and why i.e. take no further action, arrange a preliminary discussion with Social Services or make a formal report to Social Services or Police.

7. All reports are confidential and must be retained.

8. It is important that these matters are treated as urgent and dealt with accordingly, preferably within 24 hours.

**KEEP A WRITTEN RECORD OF THE COMPLAINT AT ALL STAGES/STEPS**

CONFIDENTIALITY

Confidentiality is of paramount importance and must be adhered to throughout the procedures following allegations. It is the College Director’s decision as to how much information about a particular incident is shared with other College staff.
APPENDIX 1

PROCEDURE TO FOLLOW WHEN THE COLLEGE HAS CONCERNS, OR HAS BEEN GIVEN INFORMATION, ABOUT POSSIBLE ABUSE BY SOMEONE OTHER THAN A MEMBER OF THE COLLEGE STAFF

The complaint is about possible abuse by someone outside the College  
Keep a written record of complaint at all steps

Tell the Designated Person/Head of Branch who will take the complaint forward

Tell the College Director

Is a referral necessary, or do doubts remain?

Don't know – consult Social Services/College Director  
Yes – refer to Social Services/Police/College Director  
No

Tell complainant

Yes – discuss with Social Services/Police/College Director how parent will be informed  
Is parent the alleged abuser?  
No – tell parent
APPENDIX 2

PROCEDURE WHEN A COMPLAINT HAS BEEN MADE ABOUT POSSIBLE ABUSE BY A MEMBER OF THE COLLEGE STAFF

The complaint is made about abuse by a member of staff

Keep a written record of complaint at all steps

It is about someone other than the Head of Branch or Designated officer

Tell the Designated Officer

The Designated Officer will tell the Head of Service/Head of Branch who will inform and seek advice from Departmental HR /College Director

No – further action

If a referral is necessary, or if doubt remains, seek advice from the Social Services

Yes

1 Tell Social Services/Police/College Director

No – but disciplinary action

Instigate disciplinary action – College Director/Departmental HR

Consider precautionary suspension/remove from direct contact duties

2Suspension to be actioned by the Departmental HR in consultation with the Head of Service

Tell the complainant/parents

1 Where a member of College of Agriculture, Food & Rural Enterprise staff is involved, Departmental HR should, where possible, be informed before the Police are contacted.

2 Where a complaint relates to a member of Industrial staff, suspension will be actioned by the College Director who has delegated authority.

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APPENDIX 3

PROCEDURE WHEN A COMPLAINT HAS BEEN MADE ABOUT POSSIBLE ABUSE BY THE HEAD OF BRANCH

The complaint is about the Head of Branch

Keep written records of complaint at all steps

Member of staff contacted should tell the Designated Officer

Designated officer should tell the College Director who will inform and seek advice from Departmental HR

No further action

If a referral is necessary or if doubts remain, seek advice from Social Services

Yes

Tell Social Services/Police

Consider precautionary suspension/ remove from direct contact duties

Investigate disciplinary action – College Director/ Departmental HR

Suspension to be action by the Departmental HR in consultation with the Head of Service

Tell the complainant/parents

Tell subject of complaint

No – but disciplinary action

1 Where a member of College of Agriculture, Food and Rural Enterprise staff is involved, Departmental HR must, where at all possible, be informed before the Police are contacted.

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APPENDIX 4

PROCEDURE WHEN A COMPLAINT HAS BEEN MADE ABOUT POSSIBLE ABUSE BY THE DESIGNATED PERSON

The complaint is about the Designated Person

Keep written records of complaint at all steps

Member of staff contacted should contact the Head of Branch/Head of Service

Inform the College Director and seek advice from Personnel Division

Tell subject of complaint – College Director/Departmental HR

If a referral is necessary or if doubts remain, seek advice from Social Services

No further action

Yes

Tell Social Services/Police/College Director/Departmental HR

No – but disciplinary action

Consider precautionary suspension/remove from direct contact duties in consultation with Departmental HR

Instigate disciplinary action – College Director/Departmental HR

Suspension to be actioned by Departmental HR in consultation with the Head of Service

Tell the complainant/parents

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1 Where a member of College of Agriculture, Food and Rural Enterprise staff is involved, Departmental HR must, where at all possible, be informed before the Police are contacted.
APPENDIX 5

CHILD PROTECTION INCIDENT REPORT FORM

Try and keep this process friendly rather than formal, you want the young person to feel as comfortable as possible during this stressful process. Do not run and get this form. Rather, take notes during the conversation, and then complete this form immediately after you finish talking to the young person.

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<td>Date of Birth:</td>
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<td>Address:</td>
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Parents/Carers’ Names:

| Address:               |

Record what was said and reported (use additional paper, as required)

Please complete the next page of this form
Action taken:

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<td>Name:</td>
<td>Date &amp; Time:</td>
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<td>Position:</td>
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<td>Details of advice received:</td>
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| Asked Advice:                                      |
| Organisation:                                      |
| Person whom advice received from:                 |
| Date & Time:                                       |
| Details of advice received:                        |

Signed by interviewer: ..................................  Date: ..................

A copy of this form should be kept in a secure place and the original forwarded to the appropriate CAFRE Designated Person who has been contacted.
Appendix 6

Clearance of Staff in Regulated Activity – CAFRE Policy

1. All CAFRE Grade, Group, Support Grade Band 2, Accommodation Management, Industrial and Domestic posts and any other posts in regular contact with students will be deemed by CAFRE to be regulated.

2. All new staff appointed to regulated posts will be required to undergo an enhanced check prior to appointment.

3. Existing staff, continuing to work in the same roles will not be checked/rechecked. The Civil Service Handbook requires staff to disclose any criminal charges and convictions. The onus is therefore on staff to report to management anything that would impact on working with students.

4. Staff transferring into CAFRE regulated posts from other parts of the Civil Service would be required to have an enhanced check and barred list check completed prior to appointment.

5. Existing staff who were recruited prior to the implementation of POCVA and who wish to move to a higher risk post such as warden, library duties, managing clubs/societies or industrials who are required to drive a minibus on a regular basis will be required to have an enhanced check completed prior to undertaking these roles.

6. Temporary staff appointed through a recruitment agency at short notice to cover for staff absence would be required to work under close supervision until an enhanced check and check against the barred list could be completed.

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Appendix 7

CAFRE Responsibilities under the Protection of Freedoms Act 2012

On the 10th September 2012, new safeguarding arrangements came into effect in Northern Ireland, arising from the new Protection of Freedoms Act. These include a new and more limited definition of regulated activity which will reduce the number and scope of positions which require a criminal record check with Barred List information.

What is regulated activity?
The following is a summary of regulated activity relevant to those working with children in CAFRE. The full definition of regulated activity (i.e. work that a barred person must not do) is defined in the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012.

Working in a paid or voluntary capacity with children is regulated activity if (a) it is one of the activities listed below (b) it is done “regularly”.

(a) The activities include:
- Teaching, training or instruction;
- Care or supervision;
- Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being;
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children;
- Driving a vehicle being used only for conveying children and carers or supervisors;

Day-to-day management or supervision on a regular basis of a person carrying out one of the activities listed above is also a regulated activity.

Activities that are excluded from the definition of regulated activity are;

- Activity or participation with children that is merely incidental to what would normally be an adult activity.
- Supervised activity - an individual who is under reasonable day-to-day supervision by another person engaging in regulated activity.
- Activity by a person in a group assisting or acting on behalf of, or under the direction of, another person engaging in regulated activity in relation to children. This is the “peer exemption”.

(b) ‘Regularly’ is defined as: carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight*. NOTE: Definition of “overnight”: In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2.00 a.m. and 6.00 a.m. and with an opportunity for face-to-face contact with children.

Regulated activity: is redefined and the scope of positions which fall into this category reduced*. Staff and others working in the redefined regulated activity will require a check against the relevant barred list to be completed prior to their appointment. Staff and volunteers outside of regulated activity, but who have significant contact with children/young people, can avail of an Enhanced Disclosure check without a check against the relevant barred list.

NB - Controlled activity, registration and continuous monitoring is repealed – these aspects of the Vetting and Barring Scheme were never implemented and will now be abolished.
The functions of the Independent Safeguarding Authority (ISA) and the Criminal Records Bureau (CRB) will merge to establish one new agency in England and Wales – the Disclosure and Barring Service (DBS). The DBS will have responsibility for disclosure and barring in England and Wales, and may extend its barring functions to Northern Ireland. However there is currently no change to the Access NI service in Northern Ireland or its functions in providing disclosure certificates.

**What is not changed?**
- There is no change to the requirement for organisations to make a check against the relevant Barred List before employing/offering a volunteering role in regulated activity.
- There is no change to the requirement to refer to the ISA/DBS, any individual who has harmed, or who poses a risk of harm to vulnerable groups.
- There is no currently change to the Access NI service in Northern Ireland or its functions in providing disclosure certificates.

**Further changes are being phased in:**
- A new portable disclosure service is being introduced in Northern Ireland to allow individuals to apply for a criminal record certificate once, and then use this certificate when applying for similar subsequent posts (paid or unpaid).

**Definition of regulated activity relating to CHILDREN**

From 10 September 2012 regulated activity relating to children includes:
1. Unsupervised activities: teaching, training, instructing caring for or supervising children, providing advice/guidance on wellbeing and driving a vehicle only for children.

2. Work for a limited range of establishments (specified places) with an opportunity for contact with children for example schools, Work undertaken by supervised volunteers in these places is not regulated activity.

1. Work under 1 or 2 is regulated activity if undertaken regularly. Regular means carried out by the same person frequently (once a week or more) or on 4 or more days in a 30 day period or overnight.

2. Relevant personal care, for example washing or dressing, or health care by or supervised by a professional; (even if carried out once)

3. Government has stipulated that the level of supervision would be determined by the organisation to the degree that was reasonable to protect children.

**Definition of regulated activity relating to ADULTS**

The new definition of regulated activity for adults no longer labels adults as ‘vulnerable’. Instead the definition identifies the activities that, if an adult needs them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activity or service required by the adult – not the setting in which the activity or service is received. The focus is removed from the personal characteristics or circumstances of the adult receiving an activity or service. There are six categories of workers who fall into the new definition of regulated activity relating to adults but these relate mostly to those involved in Social Services provision for example assistance with washing, dressing, eating, drinking and toileting, or teaching someone to do one of these tasks. There is no requirement for a person to do any of
the identified activities a certain number of times before they are engaging in regulated activity. It is unlikely that any CAFRE staff will ever be involved in these activities.

**Process**

Employers and voluntary organisations will retain the responsibility to request an Enhanced Disclosure certificate with a Barred List check for any individual they wish to appoint into regulated activity. It is an offence to knowingly employ a barred person in regulated activity in a paid or unpaid capacity.

Employers and voluntary organisations can request an Enhanced Disclosure certificate without a Barred List check for those individuals they intend to appoint in positions which are no longer defined as regulated activity, but where there is a significant degree of contact with vulnerable groups.

**Referral to Independent Safeguarding Authority (ISA)**

CAFRE needs to be aware of its duty under the Safeguarding Vulnerable Groups (NI) 2007 Order to refer information to the Independent Safeguarding Authority (ISA) in certain circumstances. In all cases there are two conditions, both *must* be met to trigger a referral to the ISA by a regulated activity provider.

A referral must be made to the ISA when a regulated activity provider, such as an employer or volunteer coordinator:

a. withdraws permission for an individual to engage in *regulated activity*, or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not *regulated activity*; because

b. they think that the individual has:
   i. engaged in *relevant misconduct*;
   ii. satisfied the *Harm Test*; or
   iii. received a caution or conviction for a *relevant offence*.

If both conditions have been met, the information must be referred to the ISA. The referral should be made to the ISA when the regulated activity provider has gathered sufficient evidence as part of their investigations to support their reasons for withdrawing permission to engage in *regulated activity* and in following good practice, consulted with their Health and Social Care Trust and/or PSNI Child Abuse Investigation Unit if appropriate.