

**Hertfordshire International College**  
**CPR M1: Students Under 18**  
**Version 1.13**

**1. Introduction**

HIC is committed to providing a safe and secure environment for children and vulnerable adults. This Policy outlines how the College network seeks to deliver its social, ethical and legal responsibilities to protect and safeguard children and vulnerable adults to the highest possible standards.

A small proportion of the students admitted to HIC will be enrolled before they reach their eighteenth (18<sup>th</sup>) birthday. HIC UK, through its Colleges, has specific responsibilities towards those who are under 18 years of age, as they are classified as children under [The Children Act 1989](#). This document defines HIC policy for the treatment of international students under the age of eighteen years at the time of their enrolment. As most of these students will remain under age for a short time only it is the policy of the College to treat them as 'students' from the outset.

Students under the age of 18 years (17 years in Scotland) are legally considered minors in the UK and as such each College formally recognises their existence and accepts a higher level of responsibility for their educational, social and welfare provision under the Protection of Children's Act 1999 and 2004 for persons under 18 and the Further and Higher Education Act 1992. This higher level of responsibility is extended to vulnerable adults aged 18 or over who may be unable to take care of themselves against significant harm or exploitation.

HIC does not however act in *loco parentis* with the exception of cases of medical emergency or when a student is unable to make a decision for themselves and the next point of contact is unreachable and there is a need to act quickly. However, it should be noted that all students U18 years of age are required to have a UK guardian who will act in *loco parentis* for this cohort.

HC is scrupulous in its safeguarding responsibilities. Key stakeholders in the UPE structure for safeguarding are as follows:

- Lead Safeguarding Officer (LSO): has overall accountability and strategic oversight for safeguarding vulnerable groups within the organisation. The LSO will delegate day to day responsibility to the College Director/Principal (CDP). The LSO for HIC UPE is the Chief Operating Officer (COO).
- Designated Safeguarding Leads (DSL): have operational responsibility for safeguarding vulnerable groups within Colleges. CDPs or their nominee are required to act as the DSL.
- Safeguarding Officer (SO): represent their College on the UPE Wellness, Health and Safety Committee and act as a point of referral for safeguarding concerns raised locally. It is acceptable for the DSL to discharge the duties of the SO but in this case the appointment of a Deputy DSL is recommended.

**2. HIC UPE responsibilities**

- 2.1 HIC has specific legal responsibilities to ensure that children and vulnerable adults are safeguarded against the risk of harm and abuse.
- 2.2 HIC recognises that abuse or harm or the risk of abuse or harm to a child or vulnerable adult may take many different forms and that individuals may have different perceptions of what constitutes harm or abuse. HIC regards harm or abuse as including any physical, sexual or emotional abuse or neglect, bullying, harassment or intimidation. Further guidance on the forms that harm or abuse might take is at Annex A.
- 2.3 It is not the responsibility of HIC to investigate harm or abuse. However, it has a duty of care to act if there is cause for concern, to protect the welfare of children and vulnerable adults, and to notify the appropriate agencies about any concerns so that they can investigate.
- 2.4 The lead member of staff within HIC with responsibility for safeguarding children and vulnerable adults is the

LSO, or in their absence, the CDP.

- 2.5 HIC UPE will keep this Policy under review to ensure that children and vulnerable adults are safeguarded and that this Policy complies with developments in legislation, regulations and good practice.
- 2.6 In line with the partner ethos, HIC will comply as closely as possible with policies and regulations of the Partner University, UKVI regulations, UKCISA and British Council guidelines.
- 2.8 HIC UPE recognises that it has a duty to help staff and students through guidance, support and training in order to promote safe working practices to minimise risk to Under 18 and vulnerable individuals.

### **3. The Purpose of this Policy**

- 3.1 This Policy sets out HIC UPE's corporate arrangements for securing the safety and wellbeing of children and vulnerable adults who are on HIC UPE's premises or who engage in activities controlled by HIC UPE. It sets out the steps that HIC UPE will take to ensure that concerns about a child's or vulnerable adult's wellbeing or risk of harm or abuse to them arising from activities connected with the HIC UPE can be addressed quickly and appropriately, in accordance with statutory duties.
- 3.2 Some Colleges within HIC UPE operate their own specific procedures for securing the safety and wellbeing of children and vulnerable adults in accordance with guidance from relevant professional or sponsoring bodies. Colleges are required to ensure that their own specific procedures comply with the requirements of this overarching corporate Policy.

### **4. Definitions**

HIC uses the following definitions for the purposes of this Policy:

- 'Child' or 'children' refers to a person or persons under the age of 18 years. In Scotland, the definition of a 'child' varies according to the legal circumstances. Part 1 of the National guidance for child protection in Scotland explains that a child is generally defined as someone under the age of 18. But in some child protection contexts, including children's hearings and child protection orders, a child is someone who is under 16.
- 'Vulnerable adult' refers to a person who is aged over 18 years who is or may be in need of community care services for reasons of mental health or other disability, age or illness, and is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.
- 'Safeguarding' refers to the arrangements made to ensure that all reasonable measures are taken to prevent harm to children and/ or vulnerable adults.
- 'Controlled posts' refers to posts that have frequent or intensive contact with children or vulnerable adults or have frequent access to sensitive information about children or vulnerable adults.
- 'Regulated activity' refers to activities and work that a person who has been barred by the Disclosure and Barring Service (DBS) must not do. It encompasses:
  - a) activity involving contact with children or vulnerable adults that is of a specified nature (e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport) carried out on a frequent, intensive and/or overnight basis;
  - b) activity involving contact with children or vulnerable adults in a specified place (for example, schools or care homes), conducted either frequently or intensively;
  - c) fostering and childcare; and
  - d) certain specified positions of responsibility (for example, a school governor or the director of a health and social care trust responsible for the delivery of personal social services, and trustees of certain charities).

These are activities that, generally speaking, may place someone in a vulnerable position, for example, through a relationship of trust or dependency.

## **5 Admission of Students**

### **5.1 Introduction**

No student under the age of 18 years [17 for Scotland] can be refused admission to a pathway of study under the Equality Age legislation of 2006. Throughout the admission process all applicants must be treated with equality and on academic and English language achievement grounds as the basis for entry to a pathway of study for international students under Tier 4. Where the Partner University has specific risk assessment requirements surrounding students on a course under 18 years of age, these should be consulted, discussed in full and agreed with the University prior to any admission being granted. Deferred entry to a pathway will be granted where appropriate.

All applicants under the age of 18 years at their time of enrolment are required to inform the College of all/any disabilities or intermittent/ongoing medical conditions at the time of admission.

HIC UPE further requires, that parents/legal guardians sign the Acceptance of Offer Form contained within the Offer Pack to acknowledge that they have read and understood the requirements of a mature learning environment and the responsibilities that they and their son/daughter/ward are entering into. They are also required to complete the Consent Form, indicating that they understand the UKVI requirements for travel and living arrangements for students under the age of 18. UKVI Tier 4 sponsor guidance states that students between the ages of 16 and 18 years who apply to study in the UK, must provide parental consent.

Applicants and parents/legal guardians not resident in the UK, will be made aware that it is good practice and advisable for them to appoint a UK Guardian until the student turns 18 years of age. Colleges will advise parents/legal guardians to approach the Association of Educational Guardians for International Students (AEGIS) for advice on the appointment of a Guardian or to assist more generally in the process of determining a suitable UK based Guardian.

## **5.2 Procedures for recruitment of students under 18 years of age.**

- 5.2.1 The Admission Recruitment Centre (ARC) is responsible for ensuring that all applicants under the age of 18 and their parent/s, carer/s or legal guardian/s are provided with information relating to the expectations and responsibilities of all parties involved in their enrolment. The candidate's Application Form will include his/her date of birth which must be checked in all instances prior to an Offer of Admission being made. An Offer of Admission may be made to a student under 18 with the provision that the Offer cannot be confirmed or approved as fully accepted by the Admission Office until such time as the parent/s or legal guardian/s have completed the Acceptance of Offer Form and given parental consent. In doing so they indicate that they agree to all statements and therein conditions of the status of their son/daughter/ward until they turn 18 years of age.
- 5.2.2 HIC reserves the right to refuse to admit a vulnerable person to a programme of study, or other HIC managed activities, if it judges that the adaptations necessary to safeguard that individual's wellbeing go beyond what is reasonable and proportionate.
- 5.2.3 Where adaptations are reasonable and proportionate, HIC then puts in place a number of 'control measures' in order to safeguard the wellbeing of vulnerable groups, for example the automatic enrolment of U18's on the SiJ programme
- 5.2.4 Except in relation to 5.2.5 below, HIC has a limited power to ask about unspent criminal convictions on admission as a student and where, in the course of exercising that power, a conviction is disclosed which indicates that the individual poses a clear risk to vulnerable groups, the HIC College has the right to deny admission as a student.
- 5.2.5 As a condition of admission to certain programmes of study, where they will come into close contact with vulnerable groups (typically in health and social care), students are required to undergo an enhanced DBS disclosure will be required prior to the commencement of placement activity. HIC is obliged to refuse admission if the DBS disclosure, on a reasonable assessment, would disqualify the applicant from entering placement or practising as the relevant health/social care professional.
- 5.2.6 HIC does not consider it practicable to take steps other than those described in paragraphs 5.2.1 and 5.2.3 above, to vet the backgrounds of students who, during the course of learning and teaching activities and administrative activities, come into contact with other students who are vulnerable. HIC takes a risk management approach to organising curriculum and service delivery; HIC carries out a risk assessment, and makes reasonable adaptations to the delivery of curriculum and/or services. HIC Admissions Policy is available on the College website.

## **5.3 Accommodation and Contracts**

- 5.3.1 HIC UPE aims to help support all new students to source accommodation if requested. In some cases this accommodation will be available on the Partner University Campus. It is ultimately the responsibility of each student (including students U18, their parent or guardian) to assess whether the accommodation on offer is suitable for their needs and whether the terms of occupancy are reasonable. The legal guardian of a student U18 will normally be asked to guarantee the payment of rent or other accommodation fees.
- 5.3.2 Any person under the age of 18 is unable to enter a legal contract. If a student U18 needs to enter a contract with, for example, an accommodation provider, a parent or guardian is required to guarantee the student's obligation under that contract. A failure to pay any sums due under a contract may result in demand being made by the contractor on the parent or guardian. Any continuing failure to pay may result in studies being interrupted.
- 5.3.3 U18 year olds are actively encouraged to participate in clubs and societies organised by the University's Student Union, however, they are unable to hold Office until they reach the age of 18, as they will be unable before then to discharge an office-holder's legal responsibilities.

## **6. Recruitment and employment of staff**

### ***a) Declaration of offences***

- 6.1 It is illegal for an organisation to knowingly allow a person barred by the DBS to work in regulated activity. HIC will therefore:
  - i) Require all applicants for employment at HIC to declare any criminal convictions on application forms for employment.
  - ii) Require persons appointed to regulated or controlled posts (including contractors or sub-contractors) to undertake standard or enhanced DBS checks. If the person appointed is from overseas or has lived overseas for a significant period of time then checks will be sought from the countries concerned. If such checks are not available from the countries concerned then the person appointed will be required to make a declaration concerning their previous life history.
  - iii) Exercise its legal right to require existing employees occupying regulated posts or undertaking regulated work to reveal their full criminal history, including any spent convictions and/or undertake standard or enhanced DBS checks. HIC may exercise this right as an annual requirement for certain roles.
- 6.2 HIC recognises the need to take a proportionate approach to personal and DBS disclosures and will treat all such information in the strictest confidence. HIC will not discriminate unfairly on the basis of such information.

### ***b) Consideration of offences***

- 6.3 Interview panels will ensure that a fair and measured discussion of any declared offences takes place either at the interview or is subsequently arranged. Guidance on the conduct of this discussion should be sought from the HR Shared Services Centre Europe. Guidance should also be sought from the HR Shared Services Centre Europe prior to any offer of employment being made.
- 6.4 If a subsequent DBS check shows a conviction or caution or contains other information in relation to a potential or existing employee then the CDP, HR Shared Services Centre Europe with responsibility for the area in which that individual intends to or already works, will form a view on whether this is sufficiently serious to constitute an impediment to their employment by HIC and should be referred for further consideration under the appropriate HIC policy. In forming this view, they will take account of factors such as the nature of the conviction or information, time elapsed, and whether this indicates a pattern of behaviour that may place children or vulnerable adults at risk. A confidential written record of this decision will be retained. Guidelines for informing this decision are at Annex B.

### ***c) Reporting to the DBS***

- 6.5 If HIC dismisses or removes someone from regulated activity (or would have done had they not already left its employment) because they have abused or harmed children or vulnerable adults then it has a legal

responsibility to report the person concerned to the DBS. This responsibility will normally be undertaken by the CDP in consultation with the HR Shared Services Centre Europe

## **7 Responsibilities of staff**

### **a) Statement of good practice**

7.1 HIC has a Statement of good practice for those who come into contact with children and vulnerable adults as part of their work or studies with HIC. This Statement is at Annex C and sets out examples of recommended behaviour towards children and vulnerable adults. All staff are expected to be guided by this Statement.

### **a) Higher Levels of Responsibility**

7.2 All students U18 and vulnerable adults are captured under the College Student in Jeopardy programme which provides additional oversight of the student's welfare and academic progress.

7.3 Each College will hold a record of all students emergency contact details for parents and legal guardians for U18 and vulnerable adults.

7.4 Each College will ensure that relevant staff, students and other personnel will receive appropriate training in working with those Under 18 and vulnerable adults.

7.5 Each College will seek to cultivate an environment that encourages students to approach staff if they have any concerns.

### **b) Declaration of investigations, cautions and criminal convictions**

7.6 All staff are required to notify the HR Shared Services Centre Europe if they are the subject of an investigation by the police or other safeguarding agency into an allegation of abuse of a child or vulnerable adult. Disciplinary action may be taken against staff failing to disclose this information.

7.7 All staff are required to notify the HR Shared Services Centre Europe if they receive a police caution or conviction for a criminal offence. Disciplinary action may be taken against staff failing to disclose this information.

### **c) Risk assessments**

7.8 Members of staff with responsibility for activities at HIC or run by HIC which involve children or vulnerable adults must ensure that they conduct a risk assessment of the activities involved and take appropriate steps to protect the welfare of the children or vulnerable adults involved. Guidance on producing risk assessments is available from the HIC's WHS.

7.9 Members of staff with responsibility for activities at HIC or run by HIC which involve children or vulnerable adults must confirm with the CDP that the College has appropriate insurances in place to indemnify the proposed activity.

### **d) Sexual relationships**

7.10 It is a criminal offence for any person in a position of trust to engage in sexual activity with someone who is subject to this trust and is under the age of 18 years. HIC will also consider this to be a disciplinary issue.

## **8 Recruitment**

### **a) Recruitment, studying and employment of students**

8.1 HIC will require DBS checks to be undertaken for the following groups of students:

a) All those offered places on professional programmes requiring placements in regulated positions (e.g., teaching, nursing and social work).

b) All those undertaking paid or voluntary work on behalf of HIC in a regulated setting.

- c) Students undertaking research which requires unsupervised access to children or vulnerable adults.
- 8.2 Where such students are from overseas or have lived overseas for a significant period of time, checks will be sought from the countries concerned. Students from countries where no such checks are available will be required to make a declaration concerning their previous life history.
- 8.3 If a DBS check indicates that an individual is barred from working with children or vulnerable adults then they will not be offered a place on any course requiring placement in a regulated position, allowed to work as a volunteer in such a position, or to undertake research involving children or vulnerable adults. They may be counselled to seek an alternative course if this is appropriate.
- 8.4 If a DBS check indicates that a student is barred from working with children or vulnerable adults, and that student is already engaged in a programme of study leading to regulated employment, the student's registration on the course will be terminated. They may be counselled to seek an alternative course if this is appropriate.

## **b) College Safeguarding Panels**

- 8.5 Where a DBS check indicates, or HIC becomes aware of other evidence of convictions or other information that indicates that children or vulnerable adults might be placed at risk, the College DSL will inform the Academic Registry, which in turn will establish a Panel, which may include representatives of the appropriate profession if required, to consider the student's or applicant's suitability for the course of study, volunteer position, or research. The Panel should normally be convened within three weeks of the evidence becoming available to HIC and its deliberations will be minuted. Students should normally be informed in writing of the decision of the Panel and of the process for any appeal within five working days of the Panel hearing.
- 8.6 Students should be advised in their invitation to the Panel hearing that they are able to access advice and support from the College.

## **9 Reporting**

### **a) Reporting suspicions, allegations or actual incidents**

- 9.1 The welfare of a child or vulnerable adult must be paramount. Members of staff have a duty to report suspicions, allegations or actual incidents to the Safeguarding Officer in the first instance, regardless of whether the information has been disclosed in confidence to them or if they remain unsure of their suspicions. Suspicions must not be discussed with anyone else on campus other than the Designated Safeguarding Lead and CDP. Staff who fail to discharge this responsibility may be liable to disciplinary action.
- 9.2 Any suspicions, allegations or actual incidents must be recorded in the prescribed form (Annex D) which will then be handed/sent IMMEDIATELY to the Safeguarding Officer. This form must be completed as soon as possible after receiving information that causes suspicion or an allegation of the abuse of a child or vulnerable adult. Do not delay by attempting to obtain information to complete all the details. If the concern arises out of normal Office hours contact should be made with the local Social Services emergency duty team. Advice can also be sought from the NSPCC Help Line on 0800 800500 or from the Police Child Protection Team on 0116 222222. It is recognised that staff may need support after receiving a disclosure and will be offered appropriate counselling.
- 9.3 The College Safeguarding team (CDP, Designated Safeguarding Lead and Safeguarding Officer) will collate details of the allegations or suspicion and refer the matter to the appropriate statutory authority. Staff must not attempt to deal with a suspicion, allegation, or actual incident themselves but must report it through the channels outlined above. All suspicions and allegations will be taken seriously and will be responded to swiftly and appropriately.
- 9.4 As far as possible, the confidentiality of all individuals involved in any allegation, investigation or resulting disciplinary proceedings will be respected by HIC. However, there may be circumstances in which it is necessary for HIC to share information with parties such as social services, the police, and the parents, guardians or carers of the child or vulnerable adult concerned. Information may also need to be disclosed if

there is a public interest imperative. HIC cannot therefore guarantee that the confidentiality of any disclosures can be maintained in all circumstances.

### ***b) Reporting concerns about staff***

- 9.5 In the event of any suspicion, allegation or apparent abuse committed by a member of HIC's staff, the matter should be reported to the College DSL in the first instance and/or SO, and a member of HR Shared Services Centre Europe. Where the situation involves a member of staff from the partner university, the University Key Contact should be informed along with HR Shared Services Centre Europe.
- 9.6 If it is not possible to contact the abovementioned, it must be reported to another senior member of College staff.
- 9.7 On being notified of any suspicion, allegation or apparent abuse by DSL/SO involving HIC staff, the CDP shall:
- a) Take such steps as she or he considers necessary to ensure the safety of the child or vulnerable adult in question and any other child or vulnerable adult who might be at risk.
  - b) Liaise with the person who reported the original concern and ensure that a report of the incident(s) is completed.
  - c) Consult with other HIC staff members if deemed appropriate or advice is required.
  - d) Report the matter to the local social services.
- 9.8 If the CDP is the subject of the suspicion, allegation or the claim of apparent abuse then this must be reported to the LSO directly.
- 9.9 Any notification of suspicion, allegation or evidence of abuse or harm may result in the LSO or their nominee taking the decision to suspend the member of staff concerned whilst investigations proceed. Suspension in this context is not a disciplinary measure and implies no assumption of guilt.
- 9.10 HIC may refer a member of staff to the relevant professional body if there are concerns over their suitability to practise and/or remain on the professional register or equivalent. The CDP will normally make this referral on behalf of HIC.

### ***c) Reporting concerns from placements, mentoring schemes, projects or external visits***

- 9.11 Staff and students who are undertaking activities at the premises of another organisation should familiarise themselves with the host organisation's safeguarding policies and procedures and the name and contact details of the organisation's safeguarding officer.
- 9.12 Staff with concerns about a child or a vulnerable adult with whom they come into contact in a placement setting or in the course of external visits should follow the procedure in place at the school, hospital or other institution concerned. If, for whatever reasons, the member of staff feels that this is inappropriate then they must refer their concerns to the CDP who will contact the appropriate agency.
- 9.13 Students with concerns about a child or a vulnerable adult with whom they come into contact in a placement, through a mentoring scheme, a project setting or in the course of external visits should follow the procedure in place at the school, hospital or other institution concerned. If, for whatever reasons, the student feels that this is inappropriate or they lack the confidence to raise their concerns then they should refer their concern to the member of HIC staff who is supervising their placement, mentorship scheme or project. This member of staff should then follow the procedure set out in paragraph 8.11.

### ***d) Reporting concerns about students***

- 9.14 If a student engaged in activities with another organisation is alleged to have abused a child or vulnerable adult, the allegation will be investigated using the procedures of the College or University under whose auspices the abuse is alleged to have happened. The member of staff supervising the activity must inform the CDP of the details of the incident. The CDP, on the basis of evidence, may decide to suspend the student for

the period of the investigation. Suspension in this context is not a disciplinary measure and implies no assumption of guilt. Depending upon the outcome of the investigation, the student may be liable for further suspension and disciplinary action.

- 9.15 The CDP or nominee will notify social services if there is an unexplained absence of more than two (2) days of an enrolled student under the age of 18 years who is on the Child Protection Register.

#### ***e) Reporting other concerns***

- 9.16 There may be instances when a member of staff receives information in the course of their normal duties about allegations of abuse towards a child or vulnerable adult that are unconnected with the activities of HIC or the use of its premises. In such instances, staff must exercise a duty of care and should either encourage the informant to report the matter to the appropriate agencies or, if they remain concerned, make a report themselves. If, for whatever reasons, a member of staff in receipt of an allegation feels that it is inappropriate for them to make the report then they must refer their concerns to the CDP who will contact the appropriate agency.

#### ***f) Whistleblowing***

- 9.17 Whistleblowing is an important aspect of a safeguarded Institution. Any individual has the right and the responsibility to raise concerns, without prejudice to their own position, about the behaviour of staff, students or other persons which may be harmful to those in their care and will receive appropriate support when doing so. In accordance with the Public Interest Disclosure Act 1988, HIC will support and protect those individuals, who, in good faith and without malicious intent report suspicions of abuse or concerns. Staff are able to access free confidential advice about whistleblowing at [www.pcaew.org.uk](http://www.pcaew.org.uk)

#### ***g) Reporting/Record-Keeping***

- 9.18 All safeguarding correspondence and communication in relation to students will be recorded on the Navigate SMS. In the case of permanent staff all record keeping will be maintained on Cascade-Go, and in hard copy files for academic teaching staff.

### **10. Responsibilities of parents, guardians and carers**

- 10.1 The HIC cannot take responsibility for ensuring the wellbeing of children or vulnerable adults who are on its premises without its knowledge and consent. Parents, guardians or carers who bring children or vulnerable adults onto HIC premises must take responsibility for their safety and wellbeing and ensure that they do not place themselves at risk, disturb others or damage property.
- 10.2 Unless they are students of the HIC or are attending the HIC as part of an authorised visit or activity, children and vulnerable adults are not allowed to enter learning environments, laboratories, workshops or other premises which present hazards or contain valuable or fragile equipment.
- 10.3 In accordance with legislation, it is not possible to offer confidentiality to a person under 18 years. As such any disclosures must normally be disclosed to a student or legal guardian apart from child protection issues which will be reported to the appropriate UK authorities.

### **11. Accident Reporting involving children or vulnerable adults**

- 11.1 Any accident on HIC premises involving a child or vulnerable adult must be reported to the HIC's Health and Safety Team immediately and formally recorded on the accident reporting system as soon as possible.

### **12. Communication of the Policy**

- 12.1 All staff must be aware of this Policy and must abide by its requirements. It will be published on the HIC's website in the 'Document Warehouse' to ensure that it is available to all those within the HIC community who have a responsibility for the wellbeing of children and vulnerable adults.

### **13. Key contacts**

Lead staff member for safeguarding children and vulnerable adults

CDP: 01707285592

UH Security: 01707 281010

NSPCC Child Protection Helpline: 0800 800 5000

#### **14. Further information and guidance**

13.1 Further information, guidance and interpretation of this Policy should be sought from the CDP

13.2 The Disclosure and Barring Service maintains a guidance note of 'relevant offences' that are applicable to the safeguarding of children and vulnerable adults. This can be found at [www.gov.uk/guidance/making-barring-referrals-to-the-dbs#referrals-for-automatic-barring-offences](http://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#referrals-for-automatic-barring-offences)