



ABUSE OF TRUST POLICY AND PROCEDURE

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| AREA: Human Resources | |
| Policy prepared by: Director of HR and Student Services Manager | Approved by: SMT BOARD |
| Date: August 2020 | Review Date: Annually |

***SAFEGUARDING AND PROMOTING THE WELFARE OF CHILDREN AND
VULNERABLE ADULTS***

BOLTON COLLEGE

ABUSE OF TRUST POLICY, PROCEDURE AND CODE OF CONDUCT

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ABUSE OF TRUST – POLICY AND PROCEDURE

1. Policy Statement – Introduction

- 1.1. Bolton College recognises that it is an organisation which has a statutory and moral duty to ensure the safeguarding and promotion of welfare of children and/or adults at risk receiving education and training at the College (The Children Act 1989 and The Education Act 2002 Section 175).
- 1.2. As part of its duty of care, and in accordance with The Sexual Offences Act (2003), the College has adopted a policy, procedure and code of conduct for staff, designed to protect children (those under the age of 18) and adults at risk from abuse of trust in the form of inappropriate sexual relationships.
- 1.3. The purpose of this policy, procedure and code of conduct is to protect:
 - a. Young people in the College who are over the age of consent but under 18 years of age; and
 - b. Adults at risk.
- 1.4. Those in a position of trust: all staff, including agency staff and volunteers working at the College. These staff are in a position of trust and as such carry the responsibility for ensuring that they do not abuse their position where an allegation of abuse of trust, whether justified or unfounded, could be made.
- 1.5. A relationship of trust must not be distorted by fear or favour and those in positions of trust must exercise responsibility as a consequence of the power they have over those they care for. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship will be intrinsically unequal within a relationship of trust and therefore unacceptable. It is also inappropriate since the professional relationship of trust would be altered.

2. Scope of Policy

- 2.1 The Sexual Offences Act (2003) establishes a criminal offence of the abuse of trust, affecting teachers and others who are in a relationship of trust with 16 – 18 year olds. It is an offence for a person (over 18) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. This applies when the person works in the same establishment where the child is educated, even if he/she does not teach the child.
- 2.2 The College supports the following definition of relationships of trust. A relationship of trust arises where one party, through their work or activity, paid/unpaid or as a volunteer, has the responsibility for the care of a young person/adult at risk in a way which gives them power or influence over her/him. Such relationships, would clearly cover all staff, including agency workers, regardless of their age or job function.
- 2.3 The College extends its duty of care to protect students from abuse of trust, from 16 –18 year olds to also include relationships between adults at risk and the staff who are working with them at College, where any sexual relationship would be unacceptable while the “relationship of trust” continues. Usually adults over the age of 18 should be seen as fully competent and able to make their own decisions whatever age or any disability they may have, except where deemed incapable of consent by reason of mental incapacity or learning disability.
- 2.4 The policy, procedure and code of conduct apply irrespective of sexual orientation; neither homosexual nor heterosexual relationships are acceptable within a relationship of trust.

The principles also apply equally to all without regard to gender, race, religion, sexual orientation or disability.

3. Code of Conduct – Unacceptable Behaviour

- 3.1. Any behaviour, which might allow a sexual relationship to develop between a person in a position of trust and individual(s) in their care, should be avoided. Furthermore, any sexual activity within a relationship of trust is unacceptable for as long as the relationship of trust continues.
- 3.2. Unacceptable activity includes sexual intercourse, masturbation and oral or other sexual activity including sending inappropriate emails, text messages, sexting, inappropriate photographs / video or via social networking. This is not an exhaustive list and an objective test is important in this context, i.e. what a reasonable observer would consider sexual in all the circumstances. Thus, some behaviour such as hugging another person when they are hurt or distressed or spontaneous activity such as celebratory embraces, would not normally be construed as sexual. However, all staff are advised that any activity involving physical contact could be open to misinterpretation and, accordingly, should only be undertaken with due care and attention.
- 3.3. Any member of staff who has concerns relating to this is encouraged to seek advice from their line manager or Human Resources with regards to what behaviour is deemed appropriate. Additional guidance is outlined in Appendix 4, Safeguarding Advice for Staff.

4. Procedure for Raising Concerns Relating to Abuse of Trust

- 4.1 All staff have a duty to raise concerns about the behaviour of other staff, managers, volunteers, staff of related agencies or others, which may be harmful to those in their care, without prejudice to their own position. Any such staff concerns should be raised in the first instance as described in the Colleges Safeguarding Children / Adult at Risk Policy.
- 4.2 Where a member of staff is concerned that they are developing an inappropriate relationship, or a young person/adult at risk is becoming attracted to them, or their actions/words may have been misunderstood, they should notify their line manager/supervisor of their concern and give the full details of any incident(s) which has taken place. The line manager/supervisor can contact the College's Designated Person for Safeguarding Children/Adult at Risk Protection for advice and assistance.
- 4.3 Any young person/vulnerable adult who feels they have been subjected to inappropriate behaviour should discuss this with a member of staff who they trust. All such complaints will be dealt with sensitively, effectively and speedily in accordance with the Safeguarding Children / Adult at Risk Policy.

5. Staff Training.

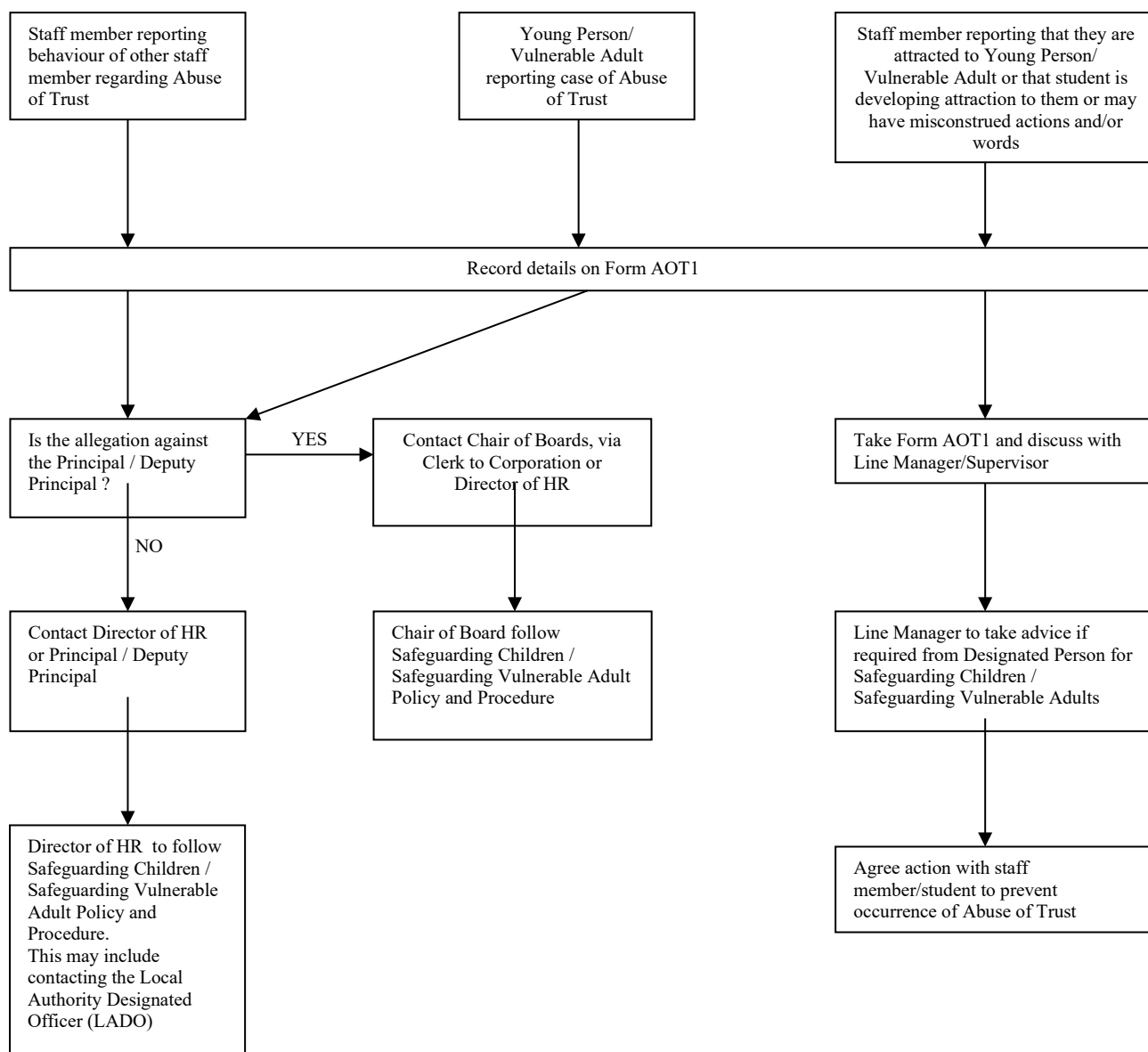
- 5.1 Bolton College will make all its staff aware of this policy through regular safeguarding training. Our agency staff, including contractors, will be made aware of this policy.

6. Sanctions

6.1 Concerns about or by members of staff with regard to preventing abuse of trust will be dealt with in accordance with:

- Criminal Investigations by Police
- Safeguarding Children Policy & Procedure
- Safeguarding Adult at Risk Policy and Procedure
- Staff Disciplinary Policy
- Personal and Professional Relations at Work Policy

APPENDIX 1 : PROCEDURE FOR RAISING CONCERNS RELATING TO ABUSE OF TRUST



Chair of Board: Dr Andrew Roberts

Principal: Bill Webster

Deputy Principal: Mark Burgoyne

Designated Persons for Safeguarding Children / Vulnerable Adults:

- ♦ Mark Burgoyne Deputy Principal
- ♦ Eileen Nicholson (Student Services Manager)
- ♦ Jane Marsh (Director of HR)
- ♦ Rosie Croarkin (Safeguarding Support Officer)

APPENDIX 2: FORM AOT1 – REPORT FORM FOR CONCERNS RELATING TO ABUSE OF TRUST

Complete this form as accurately as possible. It will support those making decisions about any further actions deemed necessary. Please pass the completed form **immediately** to the Director of HR, Principal or Deputy Principal or your Line Manager, in accordance with Appendix 1 of the Abuse of Trust Policy.

| | | | |
|---|---------------------------------|---------------------------------------|----------------------|
| Form completed by: | | Contact Tel No: | |
| Post held: | | | |
| This concern is about: (Student's name) | | Date of birth: | |
| Address: | | Age: | |
| | | Gender: | |
| | | Ethnicity: | |
| Contact Tel No: | Additional needs/health issues: | | |
| This concern involves: (Staff Member's name) | | Area of work: | |
| This concern was reported by (please circle): | | | |
| You | Above Student | Above Staff Member | Another Staff Member |
| Parent/Carer | Employer | Staff Member for another organisation | |
| Please give their name, address, contact details and relationship to student: | | | |
| <u>Nature of Concern</u> Please give a full account of the concern or disclosure overleaf. | | | |
| Signed: | | Date: | |
| Name: | | Form passed to: | |
| <u>Nature of Concern</u> | | | |
| <ul style="list-style-type: none"> • Use your own words or the student's words or the words of the person reporting the concern. • Record the date, time and place of any incident(s); if you don't understand what the student says – ask, don't assume, describe observable behaviour and do not destroy your original notes. • Write down any outcome requested by the student. | | | |

- Assess any immediate risk to the student and include it in this report.

Signed:

Date:

Name:

APPENDIX 3 : RELATED DOCUMENT AND GUIDANCE

- Children Act (1989) and Children Act (2004)
- Keeping Children Safe in education (September 2019)
- Working Together to Safeguard Children (2018)
- The Sexual Offences Act (2003)
- Care Act (2014)

Other linked College Policies and Procedures

- Safeguarding Children Policy and Procedure
- Safeguarding Adult at Risk Policy and Procedure
- Staff Disciplinary Policy and Procedure
- Personal Relations at Work Policy

APPENDIX 4 : SAFEGUARDING ADVICE FOR ALL STAFF

The following is a summary of the advice that the College would want to give to you, as a member of College staff, with regards to keeping yourself safe. The advice provided has been fully supported and endorsed by the trade unions and the College's safeguarding officers.

- Staff on occasions will be required to meet with learners (i.e. 1:1 tutorials); however staff **should not** spend excessive amounts of time discussing personal issues for example with learners. Meetings, where possible and where appropriate should take place within sight of others. Where possible, the door should remain open and others should be aware of the meeting. Try to use a room with a window in it so others can see into it.
- Staff **should not** give learners their personal email address / mobile / contact telephone numbers. Staff are therefore advised to provide learners with College contact numbers / email address.
- Staff **should not** accept learners as their 'friends' on social networking sites (face book etc). However, if a member of staff has a learner on their personal networking site, then you should inform your line manager who will record this information & make a note of the relationship. The College recognises that some staff, through their personal networks, have personal / family connections with students and whilst the College understands this, we do also want to ensure that you are keeping yourself and your learners safe.
- Staff are **advised not to** make unnecessary physical contact with learners. However, there may be occasions when physical contact is unavoidable, e.g. providing comfort at times of distress. In all such cases contact should only take place with the consent of the learner and again this is best if others are around to see the context in which it's meant.
- It is **not good practice** to take learners alone in a car, however short the journey. Where this is unavoidable, it should be with the full knowledge and consent of the parents (or carers) of the learner and your line manager. A risk assessment should also be undertaken and shared with your line manager.
- Staff **should not** start an investigation or question anyone after an allegation or concern against a member of staff has been raised. This is the job of the authorities. You should record the facts and report these to a Safeguarding Officer.
- Staff should **never** (even in fun):
 - Initiate or engage in sexually provocative conversations or activity
 - Engage in 'banter' or behaviour which could be interpreted as bullying
 - Allow the use of inappropriate language to go unchallenged
 - Do things of a personal nature for learners that they can do themselves
 - Allow any allegations made by a learner go without being reported and addressed
 - Trivialise or exaggerate abuse issues

- Make promises to keep any disclosure confidential from relevant authorities
- Staff **should not** show favouritism to any one learner.

You must:

- Staff **must respect** a learner's rights to privacy and encourage learners to feel comfortable enough to report attitudes or behaviour they do not like
- Staff **will be expected** to act with discretion with regards to their personal relationships. They should ensure their personal relationships do not affect their role within the organisation. All pre-existing relationships between staff and learners must be declared to the member of staff's line manager.
- All staff **should be aware** of the procedures for reporting concerns or incidents, and should familiarise themselves with the contact details of the Safeguarding Officers.
- If a member of staff finds himself or herself the subject of inappropriate affection or attention from a learner **they should** make others aware of this.
- If a member of staff has any concerns relating to the welfare of a learner in their care, be it concerns about actions/behaviours of another staff member or concerns based on any conversation with the learner; particularly where he/she makes an allegation, they should report this to a Safeguarding Officer.

If you have any questions with regards safeguarding, including on how best to keep yourself safe, then please discuss these with your line manager, trade union or a member of the College's Safeguarding Team (Jane Marsh, Eileen Nicholson, Rosie Croarkin or Mark Burgoyne).

Thank you

Safeguarding Team