

# Safeguarding Policy Protecting Children, Young People, Adults at Risk and Staff

June 2016

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and electronic format.

Ask Student Services for details.

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## Version Control History

Version Number	Date of Change	Summary of Revisions Made
5	June 2016	<ol style="list-style-type: none"><li>1 Incorporation of the new legal responsibilities and duties on Colleges/Universities for<ol style="list-style-type: none"><li>a Corporate Parenting and Counter Terrorism (Prevent) agendas.</li><li>b Hate Crime from the Equalities Act 2010.</li><li>c Online Safety.</li></ol></li><li>2 More recently, Perth College UHI have been made aware of the need to consider the processes and revised systems used to gather and store sensitive personal data.</li><li>3 Procedure split as QUAL045a.</li></ol>
5.1	December 2018	Change of role to Quality Manager and other job title changes to adhere to new structure.

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# Safeguarding Policy

## 1 Purpose

The purpose of this policy is to outline the College's framework for protecting children, young people and adults at risk from harm, abuse and exploitation, and supporting our students and staff through our general Duty of Care. The Policy details the action that will be taken within the College in response to concerns about children, young people and adults at risk, and to allegations of harm, abuse or exploitation.

Safeguarding is an umbrella policy (incorporating a diverse range of areas, topics and agendas) but it will include sections referencing both the Prevent and Corporate Parenting agendas.

The College has identified 4 main groups for safeguarding purposes, these are: minors (anyone under age 16) Children (those under 18) Vulnerable Adults (over 16 but at risk) Staff.

## 2 Scope

Contractors, volunteers and other people working for or with the College will also be required to operate within the spirit of the policy and its associated procedure. All contractors agree to follow College policy and procedure as appropriate at all times as part of any work or business they undertake on campus.

Our ethos surrounds a general duty of care to ensure we provide a safe environment and protect from harm everyone who is part of our College learning community, and contractors must participate in this endeavour.

Perth College UHI are active local partners within a multi-agency model and approach for safeguarding and related public protection issues. Recent legislation has named Colleges and Universities to have specific legal duties and obligations for both Corporate Parenting and Prevent government agendas. (See separate inclusions on these areas appendix 1 and 2.) These are Two (high profile) examples of new emerging themes and topics under safeguarding which include many others.

Every member of College staff has a role to play in safeguarding, as such this policy is relevant and applicable to all staff including senior and middle managers, permanent and temporary teaching and support staff, students, the Principal and the Safeguarding Co-ordinator.

Contractors, volunteers and other people working for or with the College will also be required to operate within the ethos and parameters of the policy (and its associated procedure). All contractors agree to follow College policy (and procedure) at all times as part of any work or business they undertake on campus. This applies to policy (and procedure) for our Safeguarding duties and obligations.

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**Version/Status:** Version 5.1, Final

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The College ethos encompasses a general duty of care to ensure we provide a safe environment and protect from harm everyone who is part of our College learning community.

Since safeguarding involves a general duty of care towards students and staff, along with ensuring the welfare and safety of children and adults at risk; the policy (and its accompanying procedure) applies to all students and staff.

The policy (and procedure) will also apply within the College's Student Residences, and therefore to all students living there and to any member of staff and other contractors working there.

This Policy also applies to activity undertaken by the Students' Association and Student Union/Link staff, including those activities directly connected to Association Clubs and Societies.

The College Nursery operates under its' own specific procedure for Child Protection and Safeguarding. These comply with both Perth College UHI and Perth & Kinross Council policy structures and practice.

(A copy of the Nursery Child Protection Procedure is included in the main Safeguarding procedure at Appendix 5.)

Safeguarding 'under specific circumstances' includes emerging areas such as; Residences, Hate crime, Slavery, Forced marriage, Care Experienced Children and Young People, Online safety (Fraud, Extremism etc) Belief in 'Spirit' (possession and witchcraft) and Human Trafficking.

### 3 Definitions

These definitions have been taken from a range of legal and statutory sources including legislation relating to the protection of children and adults, and guidance from the UK and Scottish governments and their associated agencies.

#### 3.1 Safeguarding

Involves carrying out our 'Duty of Care' responsibilities as a College; in relation to minors, children, adults at risk, students and staff; ensuring the safety and welfare of all at risk. It involves protecting people's health, wellbeing and human rights, thus enabling all to live and study free from harm, abuse and neglect. It's fundamental to high quality learning and engagement.

#### 3.2 Duty of Care

The College's responsibility to use professional expertise and judgement to protect and promote the best interests of students and staff, and to ensure that we exercise an appropriate level of care towards them, as is reasonable within the parameters of our relationship.

#### 3.3 Minor

Any child under the age of 16. For example, a school pupil studying at College on a school link program.

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- 3.4 Child**  
Someone who is aged under 18 years.
- 3.5 Child Protection**  
Child Protection is a part of the overall area of safeguarding and refers to the activities undertaken to protect specific children who are being harmed or are at risk of suffering harm.
- 3.6 Adult at Risk**  
Someone who is aged 16 or over and who is, or may be, in need of community care services by reason of mental or other disability, age or illness; and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.
- 3.7 Vulnerable Adult**  
Vulnerable Adult is the term that was previously used to refer to someone we would most often now refer to as an Adult at Risk.
- 3.8 Harm**  
Harm is most broadly defined as being all harmful conduct, but more specifically is: conduct which causes physical, psychological or self-harm or unlawful conduct which appropriates or adversely affects property, rights or interests. More detailed definitions are provided in the associated Safeguarding procedure 2.
- 3.9 Abuse**  
A broad definition of abuse is: all forms of physical and/or emotional ill treatment, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to health, survival, development or dignity in the context of a relationship of responsibility, trust or power.
- 3.10 Trafficking**  
The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation.
- 3.11 Exploitation**  
Includes the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- 3.12 Corporate Parenting**  
Is a legal duty placed on all Colleges and Universities in relation to those applicants and learners from 'Looked After backgrounds'. It involves a number of key duties and obligations – see detailed summary in Appendix 1.

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### 3.13 **Prevent**

All Colleges and Universities have to fulfil new obligations under the Counter Terrorism and Security Act 2015: to have due regard to the need to prevent learners from being drawn into terrorism – see details summary in Appendix 2.

### 3.14 **Hate Crime**

The Scottish Government defines hate crime as: "Crime committed against a person or property that is motivated by malice or ill-will towards an identifiable social group". In other words, a hate crime is a crime against someone because of who they are. Characteristics covered by Scots law include race, religion, sexual orientation, transgender identity, and disability.

(Hate crime legislation does not cover crimes against someone because of their gender, although other laws may apply based on the crime.)

Perth College UHI is a Third Party Reporting Organisation for hate crime – committing to report any form of hate crime and to work with local Police and partners to encourage a tolerant and diverse learning community. This definition also applies to activities online and also to hate speech.

### 3.15 **Looked After Children and Young People**

Any child or young person living in foster care, residential accommodation, living at home but under a Supervision Order, those in kinship care, or living in a secure unit (see Appendix 1).

### 3.16 **E-safety**

The dangers associated with being online are huge: but here are some of the main risks and most common issues. Some of the risks and dangers are exclusively related to being online, but for some issues the dangers can happen off-line as well (in the real world). Some dangers can apply to both realms and in some cases can happen in both simultaneously. Bullying, harassment, grooming or stalking, are examples of inappropriate behaviour that can happen both online and in the real world or can take place in both realms simultaneously.

Safeguarding for issues that happen online is becoming increasingly important, especially for sexually motivated activities like grooming, or sexting, – which in turn can include blackmail or fraud.

Blackmail and Identity Fraud are also examples of online crimes that are increasingly committed using others personal details or accounts on-line.

Safeguarding includes ensuring learners are aware of the dangers online and know how to protect themselves online and how to report an issue or concern.

New legislation connected to **Prevent** have placed a duty on Universities and Colleges around e-safety – as part of our duty to prevent vulnerable students being radicalised and being drawn into extremism.

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- 3.17 **Sexting**  
Is when someone sends or receives a sexually explicit text, image or video on their mobile phone, usually in a text message.
- 3.18 **Grooming**  
Grooming is when someone builds an online relationship with a young person and tricks them or forces them to do something sexual. It might include trying to meet up with the young person. People who do this often lie about who they really are.
- 3.19 **Forced marriage**  
A forced marriage is one where people are made to get married against their will. It may also involve physical or emotional abuse. (This is not arranged marriage – which is consented to by both parties.)
- 3.20 **Blackmail**  
The crime of threatening to reveal embarrassing, disgraceful or damaging facts (or rumours) about a person to the public, family, spouse or associates unless paid off to not carry out the threat. It is one form of extortion (which may include other threats such as physical harm or damage to property). Online blackmail can be connected to the posting or sending of compromising photos, videos or details.
- 3.21 **Identify fraud**  
Is the act of deliberately using a stolen or fictitious identity to make applications for new products or services or to open a new account. **Facility takeover fraud**, or account takeover fraud, is when a fraudster has enough details (like passwords) to bypass security on your existing accounts and take them over.
- 3.22 **Female genital mutilation: (FGM)**  
Is the partial or total removal of external female genitalia for non-medical reasons. It's also known as female circumcision, cutting or sunna. Religious, social or cultural reasons are sometimes given for FGM. However, FGM is child abuse. It's dangerous and a criminal offence.

## 4 Key Principles

- 4.1 The College is committed to providing children and adults at risk who are College users with a safe, supportive environment in which they can prosper and are protected from harm, abuse and exploitation.
- 4.2 The College is equally committed to supporting staff in creating an environment in which they can work together to develop an ethos for children and adults at risk to feel secure, and one in which they have a clear structure within which to work safely with all students in their care.
- 4.3 The College recognises and complies with our legal and statutory obligations that arise from legislation including the Children and Young Person (Scotland) Act 2014, Counter Terrorism & Security Act 2015 Protection of Children (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007 and other relevant guidance and regulation.
- 4.4 The Duty of Care that the College has towards all its students remains of paramount focus and importance in our work. As such, the measures and structures detailed in this policy document exist in addition to core welfare and support measures, and general quality of provision that are provided to students through the course of our work.
- 4.5 Our prime concern at all times must be the safety and interests of all students who are attending the College, including children and adults at risk.
- 4.6 All employees, and other people working in the College, have a role to play in protecting students from harm.
- 4.7 The College recognises people with protected characteristics, whilst acknowledging they may suffer discrimination and may be especially vulnerable to harm.
- 4.8 Any specific needs of children who are looked after will be recognised and addressed through our legal duties as Corporate Parents (see Appendix 1).
- 4.9 Perth College UHI will carry out its legal obligations under the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism (see Appendix 2).

Perth College UHI is a 'Third Party Reporting Organisation for Hate Crime: ensuring the safety and well-being of all of our students is paramount in an increasingly diverse College community. This links to the equalities legislation around protected characteristics.
- 4.10 Reasonable steps will be taken to prevent foreseeable harm to children and adults at risk. A full description of the College's position on this issue is given in the Safeguarding procedure.

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- 4.11 The procedure associated with this policy is intended to support appropriate action being taken immediately where it is suspected that a child or adult at risk is being harmed.
- 4.12 Staff will be provided with a Code of Conduct that they should follow in undertaking their role at the College in order to ensure their conduct at work is consistently professional and appropriate to all our students. Guidance and support on any safeguarding matter will be available to staff through the Safeguarding Coordinator on an on-going basis, and specifically for staff who are involved in a referral under this policy/procedure. The Code of Conduct can be found in the Safeguarding procedure.
- 4.13 The College will ensure that all staff, including temporary, part-time and voluntary staff, who could potentially have unsupervised contact with children and/or adults at risk are deemed to be appropriate to work with them in terms of the relevant legislation.
- 4.14 Guidance on the College policy and procedure and our expectations in terms of conduct towards students is highlighted to contractors and other people working with the College who are not employed by the College. All contractors agree to follow College policy and procedures whilst on Campus as part of any business arrangements they have with the College.
- 4.15 It will also be ensured that all staff receive mandatory and ongoing training in their legal and professional obligations to protect children and adults at risk from harm, abuse and exploitation, as well as in relation to the procedure in place within the College.
- 4.16 A systematic means of recording details of and monitoring students known or thought to be at risk of harm will be employed, including the recording of concerns.
- 4.17 The College recognises the statutory responsibility of the Education and Children's Services section within Perth and Kinross Council to ensure the welfare of children and adults at risk. The College Safeguarding Coordinator is a key member of both the local Child Protection, and Adult Protection Committees. Perth College UHI is committed to work in partnership and as part of a local multi-agency approach, including around operational protocol information sharing if necessary and appropriate.
- 4.18 The process followed to review and implement the policy (and accompanying procedure) will involve the Students' Association with the aim of ensuring that awareness is raised of the existence and nature of the documents, among Student Representatives, and in turn, other students.

## 5 Responsibilities

- 5.1 The Board of Management has overall strategic responsibility for the Safeguarding Policy and Procedure and for ensuring that all children and adults at risk involved in any way with the College are protected.
- 5.2 The Depute Principal Academic has overall responsibility for the implementation of the policy and execution of the procedures.
- 5.3 The Head of Student Experience is the nominated Safeguarding Co-ordinator, working alongside the Depute Principal (Academic). Matters will be reported to the Senior Management Team as appropriate as both overview reports and particular cases as per risk assessment considerations.
- 5.4 The Head of Student Experience is the nominated Perth College UHI person to lead on both Prevent and Corporate Parenting agendas.
- 5.5 The Head of Student Experience will be responsible for training and updating SMT and board members on both these agendas and to report on how we are carrying out and meeting our legal duties and obligations.
- 5.6 The Student Services Manager is also responsible for the review and update of the Safeguarding policy and procedure.
- 5.7 All staff members have a responsibility to work within the Code of Conduct contained within the safeguarding procedure.
- 5.8 The quality approval check of the final policy is the responsibility of the Quality Manager who will arrange for the policy to be posted on the intranet and College Website where applicable.

## 6 Linked Policies/Related Documents

- Dignity in the College Community Policy.
- Data Protection Policy.
- E Safety Policy.
- Fitness to Study Guidelines.
- Freedom of Information Policy.
- Guidance for Child Protection in Scotland (2014).
- Getting it Right for Every Child (GIRFEC) National approach to improving the wellbeing of children and young people in Scotland (Scottish Government – 2010).

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- Health and Safety Policy.
- Information Services – Acceptable Use Policy.
- ICT Security Policy.
- Learning Support Policy.
- Extended Learning Support Policy and Procedure.
- Recruitment and Selection Policy.
- PVG Scheme Policy.
- Safeguarding procedure.
- Social Media policy.
- Student Disciplinary Code.
- Student Disciplinary Procedure.
- Staff Disciplinary Policy and Procedure.
- Safe and Well: A Handbook for Staff, Schools and Education Authorities (Scottish Executive, 2005).
- 'It's Everyone's Job to Make Sure I'm Alright' (Scottish Executive, November 2002).
- Safeguarding Scotland's Vulnerable Children from Child Abuse (Brock report Scottish Government 2015).
- SSSC Codes of Practice.
- Perth and Kinross Council Inter-Agency Child Protection Guidelines.
- Perth and Kinross Council Adult Support and Protection Multi-Agency Guidelines.
- HMle Aspect Report on Safeguarding arrangements and practice in Scotland's colleges (2010).

## 7 Relevant Legislation

- Adult Support and Protection (Scotland) Act (2007).
- Equalities Act (2010).
- Counter Terrorism & Security Act (2015).

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- Protection of Children and Prevention of Sexual Offences (Scotland) Act (2005).
- Protection of Children (Scotland) Act (2003).
- The Children and Young Person (Scotland) Act (2014).
- Protection of Vulnerable Groups (Scotland) Act (2007).
- Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act (2011).
- Additional Support for Learning (Scotland) Act (2004).
- Sexual Offences 2003.
- Adults with Incapacity (Scotland) Act (2005).
- Mental Health (Care and Treatment) (Scotland) Act (2003).
- European Convention on Action Against Trafficking in Human Beings.
- The Data Protection Act (1998).
- The Police (Scotland) Act (1997).
- Trafficking & Exploitation bill (Scotland) 2015.
- EU Directive of 5th April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

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## Appendix 1

### Corporate Parenting:

Under the terms of the Children and Young People (Scotland) Act 2014, Colleges and Universities in Scotland have, from April 2015, become Corporate Parents.

This statement has been prepared to provide an overall context within which the College will carry out and fulfil its duties as Corporate Parents under the new legislation.

(Perth College UHI is committed to equality of opportunity, respect for all individuals and to celebrating cultural diversity.)

The Corporate Parenting duties will apply in relation to children and young people (YP) who:

- Are **looked after**; or
- Who are between 16 and 26 and were looked after at their 16th birthday;
- There is scope for the Scottish Ministers to add to the categories of children and young people (under the age of 26) that will be covered by the duties.

**'Looked After Children and Young People'**: this includes children and YP living in foster care, residential accommodation, those living at home under a supervision order, children or YP living in a secure unit, and those in kinship care.

(When a child or young person becomes 'looked after' the state assumes duties and responsibilities to safeguard and promote their welfare and wellbeing.)

### Planning and Reporting by Corporate Parents

**A Corporate Parent will have to prepare a plan** showing how it proposes to exercise its corporate parenting responsibilities. That plan must be kept under review. Corporate Parents will also have to consult prior to preparing or revising plans. Plans will also have to be published. **Corporate Parents will have to report** on how they have exercised their legal responsibilities. Reports will be expected to include information about performance and outcomes.

### The Act sets out 6 main duties for Corporate Parents (these are listed below)

- 1 To be alert to matters which might adversely affect the wellbeing of children and young people covered by the duties;
- 2 To assess the needs of those children and young people for services and support the Corporate Parent provides;
- 3 To promote the interests of those children and young people;
- 4 To seek to provide those children and young people with opportunities to participate in activities designed to promote their wellbeing;

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- 5 To take action to help those children and young people access those opportunities and to make use of services and support the Corporate Parent provides;
- 6 To take such other action as it considers appropriate for the purposes of improving the way in which it exercises its functions in relation to children and young people.

**Additionally:** There is also a duty on all Corporate Parents to collaborate with each other when exercising their corporate parenting responsibilities.

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## Appendix 2

### Prevent

The following summary has been prepared to provide an overall context within which the College will fulfil its obligations under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

Perth College UHI is committed to equality of opportunity, respect for all individuals and to celebrating cultural diversity.

The College also recognises its responsibilities not only to help all students to develop the specific skills and attributes that are the focus of their course of study, but also to acquire those broader social and life skills that underpin effective participation in society.

The College further recognises that students of the College are subject to a whole range of influences some of which may well be inimical to the values of a liberal society.

While respecting an individual's right to freedom of thought and, within the normal constraints, expression, and welcoming the free exchange of ideas and ideologies, the College also recognises its responsibilities to be aware of situations where radical ideas are being developed, shared or promoted which are or could become injurious to social order and social cohesion.

While ensuring that no individual will be discriminated against because of race, culture, political views or religious beliefs, staff of the College will also remain alert to the possibility of an individual developing ideas or intentions that are or might become dangerous or destructive, and will raise any such concerns with the appropriate managers within the College, who after due consideration may raise the issues with the appropriate civil authorities.

**Universities and Colleges have responsibilities and legal obligations under the act, the guidance for these have been badged as Prevent duties: (the duties are listed below).**

- 1 Leadership (including: a named member of staff/contact – for Prevent and associated responsibilities);
- 2 Managing speakers and events (effective policy, protocol and processes);
- 3 Staff training (including WRAP);
- 4 Online safety (policies on acceptable use of IT, policy that refers specifically to the counter terrorism act, web filtering structures, and e-safety provision);
- 5 Welfare and pastoral care (including policies highlighting the use of prayer and other faith-based facilities);
- 6 Monitoring and Enforcement (including through local Contest partnerships).

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