

12 February 2018

Karen MacLean

By email to: [request-458062-34397213@whatdotheyknow.com](mailto:request-458062-34397213@whatdotheyknow.com)

Dear Karen

### Freedom of Information Request

Thank you for your email of 18 January 2018 in which you seek information from the College in relation to our Safeguarding Policy and Procedure. I note that you have made your request under the Freedom of Information (Scotland) Act 2002.

As indicated in my email of 8 February 2018, a review of outstanding requests highlighted that we had not responded to a request you had submitted in November 2017. I have, therefore, included the necessary information for that earlier request in this response.

Having considered your request and consulted with relevant colleagues, I can provide the following information to you.

### Request of 29 November 2017

- 1. How many students have you enrolled in your college in the following academic years (2015/16, 2016/2017 and 2017/18), in the knowledge that they were listed on the Sex Offenders Register at that time?**

The College has not enrolled any students within the College in these academic years who were listed on the Sex Offenders' Register.

However, you should be aware that until 1 August 2017, and within the time period covered by your request, New College Lanarkshire delivered education services under contract to the Scottish Prison Service in seven prison based learning centres in the West of Scotland. In this setting, the College had access to limited information regarding the offending histories of those attending within our learning centres and any queries regarding students in this area of our former provision should be directed to the Scottish Prison Service (SPS).

### **How many of these students were subject to a MAPPA plan or similar conditions?**

There have been no students enrolled at the College who have been subject to a MAPPA plan or similar conditions. See previous answer in relation to contracted provision delivered at SPS establishments.

### **How many of these students failed to adhere to the conditions applied?**

This is not applicable to college based students, as no students have been enrolled who have been subject to such conditions. Again, any queries related to prison based students must be directed to SPS.

**2. How many of these students attained the qualification they were seeking?**

This is not applicable to college based students, as no students have been enrolled who have been subject to such conditions. Again, any queries related to prison based students must be directed to SPS.

**Request of 18 January 2018**

**1. Does your college have a named safeguarding officer?**

Yes. The designated College lead for safeguarding is Brian Gilchrist, Assistant Principal: Organisational Development and the depute lead is Ann Baxter, Assistant Principal: Quality Enhancement, both of whom are members of the College's senior management team.

The safeguarding leads are supported by a team of 17 Safeguarding Officers based across the College, who act as a point of contact and support for any member of staff who has a safeguarding concern.

**2. If your college was considering enrolling a student who was listed on the sex offenders register, how would you deal with such a situation?**

In this situation, our procedure is to undertake a formal risk assessment which will involve discussion with the student and, with their agreement, any social worker or other appropriate professional who is involved in their case.

**3. What is your risk assessment procedure in such a situation?**

Our risk assessment procedure is to meet with the prospective student to discuss the circumstances of the offence and any restrictions that may be placed on their movements, access to ICT or other issues that may impact on their ability to complete their chosen course successfully. In gathering information as part of a risk assessment, the College takes account of the Disclosure Scotland Code of Practice, which states that 'recruiters and employers' should take into account:

- whether the conviction or other matter(s) revealed on the disclosure is relevant to the position in question;
- the nature of any offence or other matter(s) revealed;
- whether the person is barred from working with particular vulnerable groups;
- the length of the time since the offence or other relevant matter(s) occurred;
- whether the individual has a pattern of offending behaviour or other relevant matters; and
- whether the individual's circumstances have changed since the offending behaviour or the other relevant matters.

The Disclosure Scotland Code of Practice is available at the following link and the relevant section is at paragraph 108 on page 18:

<https://www.mygov.scot/disclosure-code-of-practice/disclosure-scotland-code-of-practice.pdf?inline=true>

While disclosure of information is voluntary, should the College consider that the level of information provided is insufficient to make an informed decision regarding the prospective student's application, this will be declined.

To ensure consistency in conducting risk assessments, these are always carried out by our small team of Student Advisers (all of whom are nominated Safeguarding Officers). Two Student Advisers will undertake each risk assessment, with one facilitating the discussion and one concentrating on taking a note of the discussion.

Once complete, the risk assessments are provided to the Safeguarding Lead or Depute Safeguarding Lead who, as senior managers of the College, will be responsible for making a decision regarding the student's application or continuation of his or her studies (if they are listed after their course commences).

The possible outcomes of a risk assessment may be that the student:

- is not permitted to attend College due to an unacceptable level of risk or an inability to meet any conditions or restrictions imposed by the individual's status on the register or any other legal order;
- is permitted to attend the course for which s/he applied, with appropriate support and taking account of any conditions or restrictions that must be met in terms of their offence;
- is advised of an alternative course of study

**4. What types of mitigation would you consider as a result of any risk assessment procedure?**

See bullet points listed under our response to Q3 above, in relation to the Disclosure Scotland Code of Practice.

**5. How do you record these processes, and what are your retention periods for the data?**

The risk assessment processes are recorded using a standard proforma, which is held in both paper and electronic form. All records are stored securely by the student advisors and access is limited to those who are part of the decision making process. The College currently retains all records of risk assessments conducted since our creation on 1 November 2013 and standard retention periods are currently under review as part of our preparations for the implementation of the General Data Protection Regulations in May 2018 and the new UK Government's data protection legislation. At present, our insurers request that any documents or information related to individuals about whom we have taken action in relation to assessing their ability to work with children or vulnerable adults in relation to convictions or behaviour are retained for 25 years.

If you are unhappy at the way in which the College has considered your request, or the decision we have taken with regard to releasing information, you may request that we review our decision-making processes by writing to Derek Smeall, Vice Principal: Strategy and Corporate Performance ([derek.smeall@nclan.ac.uk](mailto:derek.smeall@nclan.ac.uk)). If you remain dissatisfied following a request for an internal review, you are entitled to appeal our decision to the Scottish Information Commissioner. The Commissioner has recently launched an online appeals process and the relevant information can be found here: <http://www.itspublicknowledge.info/appeal>

On receipt of the outcome of any appeal to the Scottish Information Commissioner, a further appeal against the decision of the Commissioner may be made (on points of law only) to the Court of Session, under Section 56 of the Freedom of Information (Scotland) Act 2002.

If you have any questions regarding the information presented, please do not hesitate to contact me.

Yours sincerely



Brian Gilchrist

**Assistant Principal: Organisational Development**