

BHASVIC

PARENT CARER EMERGENCY CONTACT POLICY

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1. Policy Statement

As a sixth form college of further education, BHASVIC ("the college") has a duty of care to all members of its community, which includes the responsibility to act reasonably to protect the health and safety of all students and staff. Our duty of care must be balanced with our obligations under UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 and other relevant legislation and statutory duties such as; the Further & Higher Education Act 1992, Working Together to Safeguard Children (latest version), Keeping Children Safe in Education (latest version) and the Skills and Post-16 Education Act.

This policy sets out our approach to engaging with parents and carers and is a key part in ensuring the safety and wellbeing of students and staff. It also outlines the steps taken when a student withdraws their consent for the college to contact their parent(s) / carer(s) and the expectations the college has in determining an alternative suitable emergency contact.

This policy helps the college to manage risk effectively and to comply with our duty of care and safeguarding responsibilities.

2. Policy Scope

This policy applies to all students studying at the college aged 16-18 and to those who turn 19 whilst enrolled at BHASVIC due to repeating a year of study. It does not apply to adult learners studying part-time evening language or leisure courses.

3. Policy Aims

- To safeguard students by communicating risk quickly and effectively to a parent, carer or suitable alternative emergency contact, thus facilitating the timely taking of protective actions both internally and externally.
- To ensure support for a student, particularly those experiencing a crisis, can be sustained outside college operating hours.
- To outline the steps taken when a student withdraws their consent for the college to contact their parent(s) / carer(s) and the expectations the college has in determining an alternative suitable emergency contact.

4. Monitoring and Review of Policy and Procedures

This policy will be reviewed annually. However, if significant changes occur in our operational environment or in relevant legislation and/or statutory guidance, the policy may be reviewed and updated sooner.

The review process will be initiated by the Head of Student Support who will consult with all staff with responsibilities relevant to this policy.

5. Policy Details

Providing Parent/Carer Contact Information

For the purposes of this policy, 'next of kin' refers to the primary emergency contact, usually a parent or carer. It is mandatory for all full-time students to provide at least one 'next of kin' contact at the point of application, and they are encouraged to provide a second where possible. The 'next of kin' contact is usually an adult with parental responsibility i.e. a parent or carer. Information gathered for each contact is as follows:

- Name
- Relation to Applicant
- Email Address
- Mobile Number
- Home Telephone

This information is verified during the interview and enrolment process. If a second contact has not been provided, college staff will encourage the student to provide one, understanding that this may not be possible for some students.

Emergency contact information is retained in line with the college's Data Retention Policy.

How we use Parent/Carer Contact Information

The college actively engages with the parents/carers of all young people enrolled on full-time study programmes. For those turning 18 during their time at the college, this includes the whole academic year following the student's 18th birthday.

The reasons for the college contacting parent(s)/carer(s) include, but are not limited to:

- **Student-specific educational information**, such as:
 - Attendance alerts
 - Log in details for the parent/carers portal and other relevant college systems
 - Support plans, concerns or commendations about a relevant young person
 - Financial information such as invoices outstanding or payment information for college trips or activities
 - Contact from an individual member of staff about the educational performance of a relevant young person
- **Student-specific concerns relating to physical and/or mental health and wellbeing**, such as:
 - Ill health, accident, physical injury or hospitalisation, including self-harm
 - When a student has disclosed or is displaying symptoms of serious physical or mental ill health, or where there are concerns about behaviour which might indicate serious and/or immediate physical or mental illness
 - When a student has an ongoing illness, and they appear to be significantly deteriorating
 - When a student is the victim of a crime and/or when the student is suspected of being involved in criminal activity

- Non-response: if a student ceases to engage with the college and/or professional support and is not responding to attempts to contact them
- When a student cannot be located and is believed to be a 'missing person'
- **Subject-specific information**, such as:
 - information about upcoming trips or other curriculum activities
- **Whole college, or entire year group, communications**, such as:
 - College newsletters
 - Urgent college business such as unexpected closure days due to adverse weather conditions, or changes to examination schedules
 - Information about the tutorial programme being followed by the relevant young person(s), for example, content descriptions for upcoming sessions
 - Invitations to college events such as parent/carer evenings, or promotion of external events which may be relevant to parents/carers of post-16 students, for example, local careers fairs or apprenticeship opportunities

Enrolling at the college and signing the related paperwork is the student's consent to the college communicating with their parent(s)/carer(s) as described above, without us gaining express consent for each individual occasion. By enrolling, students acknowledge that the college will ordinarily communicate with parents/carers where appropriate, in line with safeguarding duties and UK GDPR lawful bases.

Where there are concerns relating to physical and/or mental health and wellbeing, in the interest of transparency and adopting a person-centred approach we try to contact the student first. However, if we cannot contact a student within a timeframe proportionate to the level of risk (which may be immediate in high-risk situations) and their welfare could be compromised by delay, we will contact parent/carers/next of kin to uphold our duty of care to safeguard their young person.

The Rights of a Parent/Carer

We recognise the importance of the involvement and support of parents and carers of all of our students throughout their time at the college. We aim to keep parents and carers informed about their young person's experience at college whilst encouraging the increased student independence required for post-16 study and beyond.

However, in the UK, the rights of a parent/carer to access information about their child attending a further education provider are different to those in place for a school.

The Education (Pupil Information) (England) Regulations 2005 affords parents/carers the right to request information from schools. **However, there is no equivalent legal right of access to information from a further education college.** Further information about the legal position can be found in Appendix 1.

The Rights of a Young Person

Under UK data protection legislation, any minor with capacity to understand the issues has the right to control access to their personal information. As such, students in further education reserve the right to withdraw their consent for the college to contact their parent(s)/carer(s). This is referred to by the college as a 'Do Not Contact' request.

6. 'Do Not Contact' Procedures

Responding to a 'Do Not Contact' Request from a Student

Should a student wish to withdraw their consent for the college to contact their parent(s)/carer(s), they will be referred to their named Guidance Manager, the Head of Guidance, the Designated Safeguarding Lead (DSL), a Deputy Designated Safeguarding Lead (DDSL), or a member of the Senior Leadership Team who will take the following steps:

- Explore with the student the reason(s) for their request. The reason(s) given will be recorded within CPOMS, our secure safeguarding system. If the reason(s) given by the student pertains to any safeguarding risk, the member of staff will refer to the guidance set out in our 'Safeguarding and Child Protection Policy', including making referrals to external statutory agencies where needed. Please see 'Safeguarding and Child Protection Policy' for further information.
- Make clear to the student that it is their responsibility to inform their parent/carers of the 'Do Not Contact Request'.
- Ensure the student understands that the college may inform the parent(s)/carer(s) that the student has withdrawn consent to speak to them if the parent(s)/carer(s) contacts the college seeking information about the student. The college will not disclose the reason(s) given and will refer the parent(s)/carer(s) back to the student and to this policy.
- Request that the student nominates at least one, but preferably two, 'Suitable Alternative Emergency Contacts' that can be used in case of an emergency (see the 'Suitable Alternative Emergency Contact' and 'What Constitutes an Emergency for the College' sections below).
 - If the student is unable to provide at least one 'Suitable Alternative Emergency Contact', the college will seek to retain consent to contact parents/carers in the case of emergencies only (see 'What Constitutes an Emergency for the College' section below), but will comply with the request for all other purposes as described in section 8 below.
 - If a student cannot nominate at least one 'Suitable Alternative Emergency Contact' and does **not** consent to the college retaining parent(s)/carer(s) contact for emergency purposes, then their place at BHASVIC may be subject to review under safeguarding and risk management procedures. Cases like this should be referred to a Designated Safeguarding Lead (DSL) or a Deputy Designated Safeguarding Lead (DDSL). The DSL/DDSL will undertake a thorough risk assessment which will consider factors including; the age of the student, historic and current safeguarding and/or mental health risks, and length of time remaining at college. The student can only remain enrolled at the college if the risk is considered manageable.
- Contact the nominated 'Suitable Alternative Emergency Contact(s)' to ensure the person(s) agrees to act in this capacity and take reasonable steps to ensure they meet the requirements set out by the college (see below).
- If the student wishes to proceed, and the previous steps have been completed, request that the student completes an electronic 'Do Not Contact Request Form' which is then passed

to the college's Registry team who will make the necessary changes on the student database.

- Contact the student's teachers, Personal Tutor and Guidance Manager to inform them of the 'Do Not Contact' request and flag this within the student's CEDAR profile (student record system).

Additional Advice for Parents/Carers

We understand how challenging and upsetting it may be for a parent/carer to experience their young person making a 'Do Not Contact' request. Whilst our staff are trained to manage these requests with discretion and sensitivity, they will not be able to share with parents/carers the specific reason(s) for the request being made. For parents or carers in this situation here are a few suggestions which may help:

- Try to have an open and honest conversation with your young person about why they have made this decision and share the concerns you have. It is important to respect your young person's autonomy whilst also ensuring they understand the implications of their decision.
- If you have serious concerns about the safety and wellbeing of your young person, these should be raised with the appropriate external agency(s), for example, Children's Social Care, Police, Mental Health Services. If you feel your young person is in immediate danger, please contact emergency services in the first instance. Useful contacts can be found in Appendix 2.

You can also share serious concerns with the Student Support team at the college but if a 'Do Not Contact' request is in place staff would only be able to record concerns and provide general signposting and advice; staff would not be able to discuss specific details about the student as this would be in direct breach of the 'Do Not Contact' request and in breach of Data Protection law. Staff would take precautionary measures if the information provided indicated the student was at risk of harm.

7. Suitable Alternative Emergency Contacts

A 'Suitable Alternative Emergency Contact' should meet the following criteria:

- **Availability:** the contact should generally be available and easily contactable, especially between the hours of 08:00 and 18:00 when the college site is open to students.
- **Proximity:** the contact should live and/or work near the college site so they can quickly arrive at the college if necessary. We would expect an emergency contact to be no more than 1 hour's travelling time from the college site and should have access to either a vehicle or the funds needed to travel by public transport.
- **Relationship:** the contact should have a close relationship with the student and would ideally be a person who is aware of the student's medical and social history and any current physical or mental health concerns. The emergency contact **cannot** be another BHASVIC student.
- **Responsibility:** the contact should be a responsible individual who can handle emergency situations calmly, effectively and decisively.

- **Legal Age:** the emergency contact should be an adult aged 18 or over. In most cases the college would prefer the contact to be over the age of 25.
- **Consent:** the nominated individual(s) should agree to act in the capacity of emergency contact and should be aware they could be contacted at any time during the student's time at the college for the purposes described in section 8.
- **Language:** Where possible, emergency contacts should be able to communicate effectively in English, or the student should identify a way communication can be supported in an emergency. The college does not have access to immediate translation services so in an emergency, clear and quick communication is crucial.

8. What constitutes an Emergency Situation for the College:

An 'emergency' for the college can be defined as any event that poses a significant threat to the health, safety or wellbeing of an individual student, staff member or visitor, to the whole campus community or to the operations of the college. The following scenarios would prompt a call to a student's parent, carer or suitable alternative emergency contact, with or without the student's express consent.

This list is illustrative, not exhaustive:

- When a student has disclosed or is displaying symptoms of serious physical or mental ill health, or where there are concerns about behaviour which may indicate a serious and/or immediate risk to their or another person's physical or mental safety.
- When a student has been involved in an accident or has suffered a serious physical injury, including an episode of self-harm
- A student has attended or been admitted to hospital for non-routine treatment
- A student has an ongoing illness, and they appear to be significantly deteriorating
- When a student is the victim of a crime and/or when the student is suspected of being involved in criminal activity
- When a student cannot be located/ is believed to be a 'missing person'
- When a student ceases to engage with their studies and/or professional support and is not responding to attempts to contact them

9. Sharing Information with Third Parties

The college may also pass contact details and relevant information to external parties if we believe there is an immediate risk to the physical or mental safety of a student or another person. This can include the police, emergency services or NHS staff within hospitals and/or mental health services.

Related Documents

Internal Policies/Links:

- BHASVIC Safeguarding and Child Protection Policy
- BHASVIC EDI Policy

- BHASVIC Data Protection Policy
- Complaints Policy
- Data Retention Policy
- Educational Trips & Visits Policy
- Health & Safety Policy
- Student Contract

External information:

- The Education (Pupil Information) (England) Regulations 2005
- Further and Higher Education Act 1992
- Education Act 1996
- The Data Protection Act 2018
- Working Together to Safeguard Children (latest version)
- Keeping Children Safe in Education (DfE) (latest version)
- Parents and Carers: External Support page

Appendix 1: Parental Right of Access to Educational records

Education regulations

Those with parental authority can request access to a child's education record under education regulations.

An education record covers information that comes from a teacher or other employee of a local authority or school, the pupil or a parent, and is processed by or for the school's governing body or teacher. This is likely to cover information such as; the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and a parent, carer or guardian.

Information provided by the parent of another child or information created by a teacher solely for their own use would not form part of a child's education record.

Access to education records is a separate right and is not covered by Data Protection legislation. Unlike the right to access under Data Protection legislation, this right does not extend to pupils.

In England, schools are regulated by The Education (Pupil Information) (England) Regulations 2005. Those with parental authority can apply to the school to view an education record or receive a copy.

In England, this right only applies to **all local authority schools, and all special schools, including those which are not maintained by a local authority.**

Schools are further defined in the Education Act 1996.

Education Act 1996

Section 4 (1) of the Education Act 1996 sets out that a 'school' is an institution:

which provides full-time education suitable to the requirements of **persons who are over compulsory school age but under the age of 19,**

and

is outside the further education sector

and

is outside the higher education sector.

Section 4 (3) of the Education Act 1996 states that an institution is outside the further education sector if it is not an institution conducted by a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992.

BHASVIC was so established.

Further and Higher Education Act 1992

Under the Further and Higher Education Act 1992 section 15 prescribes that the Secretary of State ("SOS") shall order that body corporate shall be established for each county school, controlled school or grant-maintained school which on 17th January 1991 had not less than 60 per cent of the pupils at the receiving full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of nineteen years. Under the Further and Higher Education Act 1992 section 16 no such order could be made by the SOS without the consent of the governing body.

Do the Education Act 1996 or the Education (Pupil Information) (England) Regulations 2005 (the 'Regulations') apply?

BHASVIC is incorporated with Instrument and Articles under the 1992 Further and Higher Education Act. We are conducted by a further education corporation/ body corporate, so the college is not a school for the purposes of the Education Act 1996 or the Regulations and therefore they do not apply.

Therefore, the rights of a parent/carer to information about their child **do NOT apply**.

The Data Protection Act 2018

The Data Protection Act ("DPA") still applies. There are no age minimums or limits referred to in the DPA. The DPA refers specifically to an individual's rights regarding how data about that individual may be used. There is guidance stating that a minor should understand the issues to apply their rights under the DPA, but it goes no further than that.

Assuming the Education Act requirement does not apply, BHASVIC should not make information available to a 3rd party that could not lawfully be disclosed under the DPA. BHASVIC is not obliged to comply with the request unless:

- (a) the student has consented to the disclosure of the information to the person making the request;
- (b) it is reasonable in all the circumstances to comply with the request without the consent of the student

The DPA 2018 says that you must take into account all the relevant circumstances, including:

- the type of information that you would disclose;
- any duty of confidentiality owed to the third party;
- any steps taken by you to try to get the third party's consent;
- whether the third-party individual is capable of giving consent; and
- any stated refusal of consent by the third-party individual

The DPA sets out that a data subject has a right to prevent the disclosure of personal information, in circumstance **where the disclosure will cause substantial damage or substantial distress to them** or to another, and that damage or distress is or would be unwarranted.

Summary

Considering the college's status as a body corporate, there is no obligation to comply with a parental request under the Education Act 1996 or the Regulations.

However, the college has a duty, as data controller, to consider a request under the DPA. In light of a student's express views, and with due consideration of the guidance, the college is entitled to refuse to give a parent information.

Further, consideration must also be given to any effect disclosing a student's information would have on their physical/mental health.