

# **Safeguarding Children and Vulnerable Adults**

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<b>This policy has been agreed by:</b>	<b>Student Services Board</b>	<b>31/01/2014</b>
<b>This policy will be reviewed by:</b>	<b>Student Services Board</b>	<b>31/01/2016</b>

## **Introduction**

The University of Southampton provides services for a wide range of people. Some of these people are likely to be a) vulnerable adults or b) children. The welfare and protection from abuse of vulnerable adults and children is paramount and central to this policy.

A multi-agency approach is recommended as best practice for all safeguarding activity; however, this policy reflects the different practices necessary to ensure that the needs of children (under 18) are met.

Depending upon the nature and requirements of particular Faculties and/or Professional Services; or the requirements of particular funders and/or partner agencies, this policy should be read in conjunction other relevant policies and procedures. It is not the University's responsibility to diagnose, investigate or provide a therapeutic response to abuse. Nevertheless, it has a duty to act if there is a cause for concern and to notify the appropriate agencies.

This policy and related appendices will be freely available on the external University website.

## **Definition & Legislation**

This policy is referenced from The Safeguarding Vulnerable Groups Act 2006 (c 47).

**1. Children:** In accordance with the Children Act 1989 and 2004, a child is any person who has not yet reached their 18<sup>th</sup> birthday. The definition of safeguarding for children referenced in 'Arrangements to Safeguard Children' (2002) means that:

'Agencies [and organisations] working with children and young people take all reasonable measures to ensure that the risks of harm to the individual's welfare are minimised; and where there are concerns about children and young people's welfare, all agencies [and organisations] take all appropriate actions to address those concerns, working to agreed local policies and procedures, working in partnership with other local agencies'.

Legislation and guidance use two terms which are sometimes differentiated:

- Children - refers to those under the age of eighteen who are still in full-time education.
- Young people - refers to those under the age of eighteen who have left full-time education.

For the purposes of clarity, throughout this policy and related procedures, the University uses the term 'child' for any person who has not yet reached their 18<sup>th</sup> birthday.

**2. Vulnerable Adults:** The only legislative provisions that apply directly to the safeguarding of adults are contained in the Mental Capacity Act 2005. However, the 'No Secrets' (Department of

Health, 2000) policy guidance is widely accepted as representing best practice. It gives the following definition of a vulnerable adult:

- A person who is or may be in need of community care services by reason of mental or other disability, age or illness
- A person who is or may be unable to take care of himself or herself
- A person who is unable to protect himself or herself from significant harm or exploitation.

Vulnerable adults may be students, members of staff or people that students come into contact with during their programme of activities

Other relevant legislation includes the Equality Act 2010 and associated legislation relating to disability and equality.

A full list of legislation that applies to children in particular and to vulnerable adults to various extents is listed in the DfES (2006) guidance Safeguarding Children and Safer Recruitment in Education (1.6–1.8).

### **Scope**

Everyone employed directly by or working for UoS has a responsibility to:

- Understand what abuse is, prevent, recognise and act on abuse
- Promote the safety of service users
- Listen carefully to children, vulnerable adults and their carers
- Be aware of and act in accordance with the organisation's safeguarding policy and procedures.
- Understand their role in responding to and reporting suspected abuse and take appropriate action in line with this policy wherever abuse is suspected
- Participate in any appropriate safeguarding training
- Contact emergency services if there is an immediate and substantial threat to life. An example may be an assault taking place in front of you.

Recruitment and selection

- The organisation has a responsibility to carefully recruit, select and vet staff. This includes taking up written references, disclosure and barring checks and professional registration where appropriate.

Service Delivery

- The University takes a risk management approach to safeguarding children and vulnerable adults, in organising learning and teaching, delivery of services to students and University-managed activities involving the wider public.
- Faculties and Professional Services carry out regular risk assessments and make reasonable, proportionate adaptations to their activities to address areas of concern as appropriate. These adaptations are kept under review by each Safeguarding Lead as part of usual business activity –appendix 2.
- The University does not consider it practicable to take steps other than those described 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 children or vulnerable adults.

Safeguarding arrangements are proportionate and based upon common sense. It is not intended that staff or students should be restricted from normal ways of working and studying by application of this policy.

### **Roles & Responsibilities**

The University has a duty to help staff recognise their responsibilities (through guidance, support and training), minimise risk and avoid situations (where possible) where abuse or neglect might be alleged. A definition of abuse can be found in Appendix 3.

Staff working in direct contact with children and vulnerable adults on a day-to-day basis (i.e. staff involving in teaching and providing pastoral guidance to students and students in placements where there are children or vulnerable adults) may come across signs of abuse. Staff are to ensure that significant concerns for the wellbeing of a child or vulnerable adult are reported to the appropriate Safeguarding Lead as quickly as possible.

### **Guidelines for working with children**

Where children of students, staff members or visitors are present on the University campuses, they remain the responsibility of their parent/guardian, unless they are:

- Placed in the University's day nursery – Early Years Centre, which works within the legislative framework for safeguarding children required of all childcare providers.
- Enrolled as students
- Involved in a University-managed activity. Safeguarding the wellbeing of children visiting the campus (without their parent/guardian) is the responsibility of the organiser of the activities in which the child is participating.

All University staff members, contractors and volunteers working with children are advised to familiarise themselves with the definitions of abuse – see Appendix 3.

### **Guidelines for Response**

Safeguarding procedures should be simple and robust so that any member of staff can access and understand exactly what to do if faced with an abuse situation. All Faculties and Professional Services will have appointed a Safeguarding Lead who will be responsible and will also be the person to whom any safeguarding concerns will, in the first instance, be reported to and who will then advise on the appropriate action to take in Appendix 1.

## **Appendix 1**

### **Handling a Safeguarding Disclosure or Concern**

Anyone in a position of responsibility, support or friendship with a vulnerable person or child may be approached with confidential information, a request for help and advice, or have a suspicion raised. If any of these things happen, it's important that you act upon it. In cases of disclosure, don't draw on your own opinion but advise that there are proper routes that should be followed.

You should always deal with any emergency needs first.

#### **The procedure**

1. If you suspect, become aware of a situation, have concerns about a vulnerable adult/child, or a vulnerable adult/child discloses information about a safeguarding incident to you, report this to the designated safeguarding lead the same day.
2. Where there is an immediate and substantial threat to life and you have taken action in an emergency situation, follow this up by informing and seeking safeguarding guidance from:

0800– 1800: Principal Safeguarding Officer, via **First Support** on 023 8059 9022 (int 29022)  
24/7: Duty On-call Manager via **Security** on 023 8059 2811 (int 22811)

3. If an incident or disclosure is made to you, please follow this guidance:
  - Take all complaints, allegations or suspicions seriously.
  - Ensure the immediate safety of the person affected (e.g. is emergency accommodation needed?)
  - Stay calm, and offer support and reassurance to the person making the disclosure.

- Don't make any promises of confidentiality as this may conflict with ensuring the safety and welfare of the individual, refer to the University Confidentiality statement.
  - Make sure that you listen to the person affected and keep questions to a minimum. Establish the basic facts, make careful notes and check that the person affected agrees with these.
  - Explain to the person what you will do.
  - Report the incident, disclosure or suspicion to the designated safeguarding lead.
4. It's important to use your common sense in any safeguarding situation – so don't:
    - Panic
    - Confront the alleged abuser
    - Ignore the allegation
    - Investigate beyond what is necessary to establish the basic facts
    - Ask leading questions (e.g. where you at home when you were hit/hurt?)
    - Assume anything or elaborate in your notes
    - Make promises
    - Clean up or tidy the area where an allegation took place
    - Consult with people who aren't directly involved in the situation
    - Be judgmental or voice your own opinion
    - Be dismissive about the abuse incident, allegation or suspicion.
  5. You may wish to use the *safeguarding incident report form* to help you record what has happened. If so please give this form to the appropriate safeguarding lead.
  6. This procedure must be followed whenever an allegation of abuse is made, or where you or someone else suspects that a child or vulnerable adult has been abused. Any suspicion, allegation or incident of abuse must be reported to the designated safeguarding lead.
  7. It may also be necessary to report a concern about a colleague to a line manager. Any staff member who considers that they have been subject to inappropriate behaviour or abuse and/or faces allegations of inappropriate behaviour, abuse and/or neglect, will have access to support detailed on the HR website.

In all cases:

- The safety and protection of a child or vulnerable person must be the priority in any decision that is made.
- Measures must be in place to support the vulnerable adult or child appropriately depending on Faculty and activity
- It is important to keep an open mind and consider what is known about the child or vulnerable person and his or her circumstances.
- It is important that any accusation is listened to carefully and reported to the safeguarding lead
- No action should be taken without first a discussion with a nominated safeguarding lead or their representative.
- The Principle Safeguarding Officer should be kept informed of formal University representations to local social services, police and adult safeguarding boards.
- It's important to remember that the person who first comes across a case of alleged abuse is not responsible for deciding whether abuse has taken place. This is a task for the designated safeguarding leads and professional protection agencies following referral.

## Appendix 2

### Governance



The role of Student Services is:

- To apply governance and a structural approach to reporting to Executive
- To develop and review the institution safeguarding policy
- To ensure that decisions which affect the whole organisation take safeguarding into account
- To report on any safeguarding issues on an annual basis to the appropriate Executive body

The role of senior leadership roles within Faculties and Professional Services is to manage their own safeguarding procedures:

- To ensure there are adequate resources available for required safeguarding activities
- To ensure all regulatory requirements with regard to specific programmes are complied with; e.g. (but not limited to) Health Sciences, Medicine and Teaching.
- To ensure safeguarding is embedded in curricula and professional registrations as appropriate
- To nominate a safeguarding lead – see Appendix 1.
- To have a procedural process in place to include but not limited to:
  - Ensuring response processes to safeguarding issues are followed
  - Procedures for contacting the safeguarding lead
  - Policy on appropriate and inappropriate physical contact with learners.

The role of the University is:

- To be responsible for the wellbeing of staff, and to ensure appropriate arrangements are in place to ensure compliance with current legislation
- To make arrangements for appropriate members of the Executive to hold overall accountability for safeguarding within the organisation

## **Appendix 3 Definition of Abuse**

### **(Applying to all persons regardless of age)**

So we can be mindful of safeguarding, it helps to know what can constitute abuse, as well as those clients who are especially vulnerable.

Vulnerability can vary according to things such as time and place, which people are present and what activities are being carried out. So this means safeguarding decisions need to be adaptable too. What does not change is the ethos of wellbeing, safety and security that we offer to everyone we work with, through sensible, balanced judgements that support our work.

- Abuse is a violation of human and civil rights by another person or persons.
- It may consist of a single act or repeated acts.
- It may be planned or unplanned.
- It may be the result of deliberate intent, negligence or ignorance.
- It may happen when an adult at risk is persuaded to enter into a situation that they are unable to consent or have not consented to as a result of a learning or physical disability (not normally to include dyslexia); a physical or mental illness chronic or otherwise (including an addiction to alcohol or drugs); or a reduction in physical or mental capacity.
- It may vary, from treating someone with disrespect in a way that significantly affects the person's quality of life, to causing actual physical or mental suffering
- Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.
- Abuse is usually carried out by person/s or institution/s that is in a position of power, trust or authority, and can be perpetrated by a wide range of people including relatives and family members, neighbours, friends, professional staff, care workers, volunteers, or other service users.
- Abuse can be in person or online

Abuse can take many forms and includes but is not limited to:

- physical abuse – for example hitting, pushing, shaking, over-medicating or otherwise causing physical harm
- sexual abuse – for example, unwanted touching, kissing or sexual activity, where the adult at risk cannot or does not give their consent
- emotional abuse – including verbal abuse, humiliation, bullying or the use of threats
- financial abuse – the illegal, dishonest or improper use of a person's money, property, bank account or other belongings
- neglect or acts of omission – the repeated deprivation of help that an adult at risk needs which, if withdrawn, will cause them to suffer
- discriminatory abuse – including racist or sexist abuse, and abuse based on a person's disability, and other forms of harassment, slurs or similar treatment
- honour based violence, human trafficking and radicalisation

### **Applying specifically to Under 18's**

All of the above information can apply to children, however, for the purposes of clarity there are four defined types of child abuse.

They are defined in the UK Government guidance *Working Together to Safeguard Children 2010* (s1.33 – 1.36) as follows:

1. Physical abuse
2. Emotional abuse
3. Sexual abuse
4. Neglect

All University staff, contractors and volunteers are reminded of the offence of abuse of positions of trust under the Sexual Offences Act 2003 s.16-19, which makes it an offence for a person aged 18 or over intentionally to behave in certain sexual ways in relation to:

- a child (aged under 18), where the person (aged 18 or over) is in a position of trust (defined as looking after a child (aged under 18) who is receiving education at an educational institution, and a person (aged 18 or over) is not receiving, education at that institution).

A person “looks after” a child in this context if he/she is regularly involved in caring for, training, supervising or is in sole charge of a child or children.

Physical contact with children, except for reasons of health and safety, or where physical contact may be a necessary part of learning (e.g. safe manual handling of patients, for health-related study) should be minimised.

## **Appendix 4**

### **Admissions Policy**

The University of Southampton is committed to providing an admissions process that ensures fairness, transparency and equal opportunities within the legal framework of the UK. The University welcomes applications from candidates regardless of their background and aims to eliminate discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs, sexual orientation, religious beliefs or practices, disability, marital status, family circumstances, parental/carer status, spent criminal convictions, age or any other inappropriate ground.

However; successful applicants who will be aged under 18 years at the point of first enrolment should note that they are applying to study in an adult environment. As such, there may be some limitations placed upon their activities at University for the period up until they reach their 18<sup>th</sup> birthday. The University Calendar, Section IV concerning regulations for admission incorporates further information relating to the admission of minors.

Some programmes of study are bound by external professional or placement requirements concerning age and criminal convictions.

The University is also bound by the UK Border Agency’s rules regarding tier four (‘general student’) visas; this means that the University is unable to sponsor (for visa purposes) students under the age of sixteen years.

Where the age of an applicant would raise issues of safety, child protection, visa-sponsorship, personal support or issues of care, the Head of University Admissions should be notified in order to invoke appropriate measures to investigate and assess the situation prior to an offer being made.

## **Appendix 5**

### **Recruitment and Conduct whilst in employment**

The University complies with all required legislation for all staff and volunteers working in ‘regulated positions’ (as defined by the Criminal Justice and Court Services Act 2000). As well as references being checked there will also be a requirement for offences to be declared and a Disclosure and Barring Service (DBS) check undertaken.

For staff engaged in roles that are not ‘regulated positions’ yet are involved in activities that may also involve children or vulnerable adults, a risk management approach is taken to delivery of learning and teaching. In the Safeguarding Vulnerable Groups Act, 2006 there has been a responsibility placed on an organisation to inform the Disclosure and Barring Service if there is a concern that a person has caused harm, or poses a future risk of harm to vulnerable groups, including children.

The University has procedures to evaluate information about a staff member’s or volunteer’s criminal record, and making sensible, fair and consistent judgements about whether the individual is safe to engage (or remain engaged) in the employment role, office or voluntary activity. It should be noted that having a criminal record does not prevent someone from being recruited as a staff member or volunteer in all circumstances. Staff should seek the advice of HR in cases of doubt.

The University reserves the right, in accordance with its employment procedures, to suspend and/or dismiss staff members from employment or from undertaking a specific role with respect to that employment (e.g. academic staff acting as personal tutor). This may be in circumstances where the individual acquires or extends a relevant criminal record, or where they have withheld information about their criminal record at the point of employment. Disciplinary action may also be taken against staff, in accordance with the University's employment procedures, for a failure to comply with this policy.

Where an allegation of a safeguarding nature (ie. inappropriate behaviour, abuse or neglect) is made against a member of staff (occurring in the course of their work), the University, in accordance with the University's employment procedures, will carry out a full investigation in to the circumstances before any action is taken. It may be necessary to suspend the individual for their own protection until this is concluded. The involvement of the local authority designated officer (LADO) may also be required.

## **Appendix 6**

### **Related policies**

It is not necessary for you to know all the legislation about safeguarding in detail, but it is important you have an awareness of it.

Any relevant University of Southampton policy or procedure can be used as appropriate during any safeguarding issue.

The following is a list of the main policies referenced in conjunction with the Safeguarding policy. It is not an exhaustive list of the University of Southampton's policies and procedures:

- University Residences Under18 policy
- Student Services Confidentiality Statement
- **Disclosure and Sharing of Personal Information Relating to Students**
- The Equality Plan – Equality & Diversity Policy
- Dignity at Work and Study Policy
- Grievance procedures
- Early Years Centre (EYC) Safeguarding Statement
- Camera, Mobile Phone and Video Equipment Policy
- Sports and Wellbeing Operating Procedures
- University Admissions (to study) policy
- Regulations covering student discipline
- Procedures relating to handling applications (to study) where a criminal conviction is declared
- Staff policies A-Z <http://www.southampton.ac.uk/hr>
- IT Privacy Policy and Information Security Policy

The following is a list of the main legislative information pertinent to this policy, correct as of academic year 2013-14; it is not an exhaustive list:

- Sexual Offences (Amendment) Act 2000 (s.3), Abuse of positions of trust'.
- Association of Directors of Social Services (2005) Safeguarding Adults: A National Framework of Standards for good practice and outcomes in adult protection work
- The Children Act (2004)
- Sexual Offences Act 2003 s.16-19
- The Safeguarding Vulnerable Groups Act 2006 (c 47).
- Department of Health (DoH) (2000) document 'No Secrets' Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse.
- DfES (2006) guidance Safeguarding Children and Safer Recruitment in Education (1.6–1.8).
- The Human Rights Act 1998
- The Education Act 2002
- The Safeguarding Vulnerable Groups Act 2006
- Working Together to Safeguard Children 2013
- Safeguarding Children and Safer Recruitment in Education 2007
- The Equality Act 2010

- The Protection of Freedoms Act 2012 (which describes the work or regulated activity that barred people must not engage in and incorporates the Disclosure and Barring service).

The policy is consistent with LSCB and SSAB procedures

<http://www.4lscb.org.uk>

<http://www.southampton.gov.uk/living/adult-care/safeguarding-adults-from-abuse/safeguarding-adults-board.aspx>

### Safeguarding Lead

The role of the Safeguarding lead within Faculties/ Professional Services is to highlight and champion best practice within their own local safeguarding procedures:

- To ensure there are adequate resources available to support safeguarding activities relevant to each Faculty/PS, e.g. for training
- To ensure all regulatory requirements with regard to specific degree programmes are complied with; e.g. (but not limited to) Health Sciences, Medicine, Law and Teaching.
- To ensure safeguarding is embedded in curricula and professional registrations as appropriate
- To ensure a nominated safeguarding lead is identified within the list of Contacts shown in Appendix 1.
- To ensure appropriate local procedures are in place, to include but not limited to:
  - Ensuring response processes to safeguarding issues are followed
  - Procedures for contacting the safeguarding lead
  - Policy on appropriate and inappropriate physical contact with learners.
- To review any risk assessments for Safeguarding and ensure reasonable adjustments are made to activities
- To report annually to the PSO
- To inform the PSO of any issues which have required referral to social services, local authority (LSCB and/or LSAB) or police
- To undertake basic training provided by PSO every 2 years