



# **Policy on Safeguarding Children and Adults at Risk**

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# **Policy on Safeguarding Children and Adults at Risk**

## **1. POLICY INTRODUCTION, PURPOSE AND AIMS**

- 1.1. The University is both legally obliged and committed to safeguarding and promoting the welfare of those who are under 18 years of age, or who are adults at risk, within its community. These obligations extend to all who participate in our activities, services or facilities, whether they are staff, students<sup>1</sup> or visitors regardless of whether they take part in- situ or virtually through online communication systems. Within this context, the Policy on Safeguarding Children and Adults at Risk, hereafter known as 'The Policy', sets out (i) the legislation that establishes the University's statutory obligations associated with safeguarding children and adults at risk; and (ii) the measures, procedures and governance structures the University has in place to meet these requirements, including the key elements of the University's Safeguarding Function and the procedures underpinning the University's approach to compliance. The Policy is considered and approved by the University's Council as the governing body.

## **2. LEGISLATION, GUIDANCE AND UNIVERSITY GOVERNANCE**

- 2.1. Legislative Requirements & Statutory Guidance

The Policy is established in order to meet the following statutory requirements:

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<sup>1</sup> Including all students who are registered with the University and learners who are undertaking a University of Essex degree apprenticeship

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- Care Act 2014
  - Children Act 1989
  - Children Act 2004
  - Counter Terrorism and Security Act 2015, and the Prevent Duty Guidance 2015
  - Data Protection Act 2018, the General Data Protection Regulation and the Data Protection (processing of Sensitive Personal Data) Order 2000
  - Domestic Abuse Act 2021
  - Equality Act 2010
  - Human Rights Act 1998
  - Safeguarding Vulnerable Groups Act 2006
  - Protection of Freedoms Act 2012
  - Sexual Offences Act 2003
  - Mental Capacity Act 2005, and the Mental Capacity (Amendment) Act 2019
  - HM Government (2018) *Working together to safeguarding children. A guide to inter- agency working to safeguard and promote the welfare of children*
  - Management of Health and Safety at Work Regulations 1999

## 2.2. University Governance

Responsibility for monitoring effective implementation and operation of the Policy is undertaken by the University's Safeguarding Advisory Group which is supported by the University's Safeguarding Operational Group. Formal approval of the Policy is undertaken by the University Council upon recommendation by the University Steering Group and Senate.

### 3. POLICY FRAMEWORK

- 3.1. The University's duty of care to safeguard others is the responsibility of all members of the University, whether staff, students or visitors, and places particular emphasis on safeguarding those who are most vulnerable, principally those who are under 18 years of age<sup>2</sup> and 'adults at risk'<sup>3</sup>. The scope of the duty of care extends across all University activities, particularly those whose function includes 'regulated activity'<sup>4</sup>, and/or for those who are in a 'position of trust'<sup>5</sup>, including activities related to programmes of study validated by the University and delivered in partnership by external providers.
- 3.2. The Policy makes clear the University's commitment to undertaking reasonable steps to promote and safeguard the welfare of children and adults at risk from abuse or neglect; to safeguard those vulnerable to radicalisation; and to ensuring that relevant legislation and government guidance, and local guidelines and processes, are followed.
- 3.3. All University staff are in a position of trust, in particular those staff who teach, support, guide or in any way interact with students. It is incumbent on all staff to be aware of their responsibilities and act accordingly at all times.

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<sup>2</sup> Hereafter known as a child/children, which includes both children and young people. The term 'child' as defined in the UN (1990) Convention on the Rights of a Child.

<sup>3</sup> As defined in Section 42 (Care Act 2014).

<sup>4</sup> Regulated activity is defined in the HM Government (2006) Safeguarding Vulnerable Groups Act (Chapter 47) and subject to amendments in the HM Government (2012) Protection of Freedoms Act (Chapter 1). The definition of regulated activity in relation to adults outlines those activities which, if provided to any adult who requires them, will mean that the adult is considered vulnerable at that particular time. The definition of regulated activity in relation to children includes: (i) unsupervised activities, including teaching, training, instructing, caring for and/or supervising children; the provision of advice and/or guidance on wellbeing; and/or the conveying of a child; (ii) work for a limited range of establishments (specified places), with opportunity for contact: eg: schools, children's homes, childcare premises, but which excludes supervised volunteers.

<sup>5</sup> Where a person cares for, or has responsibility for, a child or adult at risk.

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- 3.4. The operation of the Policy is supported by the Safeguarding Function and related procedures, described in Section 4 of the Policy, including the appointment of a team of trained Designated Safeguarding Officers (DSOs), and underpinned by audit mechanisms to enable assurance of compliance with the Policy and associated statutory obligations across all areas of University activity, as described in Section 3.1.
  - 3.5. Casework records relating to safeguarding are held confidentially in accordance with relevant Data Protection legislation. As the University's Strategic Safeguarding Lead, the Academic Registrar has oversight of the management of such cases and where it is necessary to do so and within the law, the University shares information with external multi-agency organisations.
  - 3.6. The University's approach to compliance is underpinned by appropriate training to ensure that staff are aware of their safeguarding responsibilities, including those staff members who have a recognised role in relation to the safeguarding policy and associated procedures.

## **4. THE SAFEGUARDING FUNCTION AND ASSOCIATED PROCEDURES**

### **4.1. Leadership and Monitoring**

The University has an appointed Strategic Safeguarding Lead, the Academic Registrar, who has oversight of the operation of the Policy and associated safeguarding activities, and who is supported by an Operational Safeguarding Lead, the Senior Compliance and Development Manager. The University is required to report annually to the Office for Students.

### **4.2. Safer Recruitment & Disclosure and Barring Service (DBS) checks**

The University requests a DBS check in accordance with the Safeguarding Vulnerable Groups Act 2006 for job roles or courses that include regulated activity, and for other positions where it is appropriate and legal to do so. This

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forms part of the safer recruitment process and ensures that all staff<sup>6</sup> and students<sup>7</sup> engaged in University-related regulated activity are suitable to do so.

#### 4.3. Training

4.3.1. To ensure that all members of staff understand how to report and escalate safeguarding related concerns, the University requires that all staff, regardless of their role or responsibility, complete the Essential training 'How we Work at Essex' Moodle course, which includes information on our safeguarding policy and processes<sup>8</sup>.

4.3.2. The University makes available training resources to meet our legislative obligations and to support members of our community as set out in the Safeguarding Training Plan.

#### 4.4. Designated Safeguarding Officers

The University ensures that it has trained Designated Safeguarding Officers (DSOs) who are responsible for co-ordinating the response to safeguarding concerns within the University. Information on how to contact a DSO is published on the University website<sup>9</sup>.

#### 4.5. Escalation of Safeguarding concerns

4.5.1. Information for anyone who wishes to:

- make an allegation against a member of the University community;
- make a safeguarding disclosure; and/or

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<sup>6</sup> University of Essex [Recruitment of ex-offenders and Disclosure and Barring Service](#)

<sup>7</sup> University of Essex [Disclosure and Barring Service \(DBS\) check](#)

<sup>8</sup> University of Essex [Essential Training Policy](#)

■ <sup>9</sup> <https://www.essex.ac.uk/staff/emergencies-security-and-safety/reporting-a-concern-about-someone>

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- express a cause for concern about the welfare of a member of the University community is available on the University website.
- 4.5.2. A safeguarding concern may originally be raised by a member of the University community or externally, for example by a member of the public or an external multi-agency organisation. All staff have a responsibility to respond if a safeguarding disclosure, allegation and/or cause for concern has been brought to their attention. In the first instance, the matter should be raised with a DSO who will ensure that the appropriate procedure is followed.
- 4.5.3. Where an allegation, disclosure or cause for concern is raised, the DSO initiates the University's safeguarding procedures in accordance with a process agreed and reviewed regularly by the Safeguarding Advisory Group and in collaboration with at least one other DSO or appropriate member of University staff. Where a person is deemed an immediate risk to themselves or to the University community, and unless the situation is such that it is necessary to contact the emergency services, a member of the Security staff is contacted immediately. Matters relating to a child are given priority.
- 4.5.4. Appendix B provides an overview of the escalation process, including where cases may be referred to external agencies. The policy is supported by associated process documents used by DSOs which describe in detail the processes for undertaking such referrals.
- 4.6. Safeguarding Partners
- 4.6.1. Wivenhoe Park Day Nursery – In order to be compliant with those requirements of legislation and of regulatory bodies that are specific to the Early Years Foundation Stage, the Nursery operates a separate Child Protection and Safeguarding of Children Policy.
- 4.6.2. In implementing this Policy and in appropriate circumstances, the University will engage proactively with statutory local authority boards and organisations, including the Essex Safeguarding Children Board, Essex Safeguarding Adults Board and the Eastern Region Special Operations Unit and, when necessary and appropriate to do so, follow their published guidelines, policies and procedures.
- 4.6.3. Report and Support – the University has a zero tolerance to sexual violence, harassment and hate crime and manages an online Report and Support system which is available to staff, students and visitors to report incidents or concerns anonymously and/or request support.



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- 4.6.4. Hate Incident Reporting Centre – hate crimes or prejudiced-based incidents are defined as any criminal offence which is perceived by the victim, or any other person, as being motivated by prejudice or hostility towards a personal (protected) characteristic<sup>10</sup>. The University is a Hate Incident Reporting Centre (HIRC) supported by Hate Crime Ambassadors (HCA), who are members of the University Community.
- 4.7. Confidentiality & record keeping
- 4.7.1 Where a member of the University community wishes to raise a concern, they may seek to do so in confidence, by contacting a DSO. Whilst the University seeks to promote an environment in which concerns can be raised confidentially, where it is believed that a person poses a risk to themselves or others, it is the responsibility of the person receiving the information to escalate the information to a DSO and, at the time of the concern being raised, should always explain clearly that they have a duty to report the concern and to whom, noting that this may include reporting the concern to external agencies if required.
- 4.7.2 The processing of sensitive personal data will be in accordance with the principles of the relevant Data Protection Act and legislation and where relevant, in line with any information sharing agreements and/or with professional codes of conduct. Information relating to safeguarding cases will be stored in accordance with the University's *Information Security Policy*.
- 4.7.3 An Information Sharing agreement exists between the University and the Students' Union, the Faith Centre and the University of Essex International College in relation to safeguarding cases to enable information to be shared appropriately. The agreement is provided at Appendix A.
- 4.8. Under 18s
- 4.8.1. The University has within its community registered students who are under 18 years of age. The admission and registration process for Under 18s includes additional documents outlining the University's responsibility to such persons.

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<sup>10</sup> Equality, diversity and inclusion policy and Codes of Practice

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- 4.8.2. Work experience and apprenticeship placements for those who are under 18 – The University, in accordance with guidance from the Health and Safety Executive<sup>11</sup>, aims to safeguard children throughout the duration of their work placement at the University. Although the work placement itself may not meet the definition of regulated activity (as set out in Safeguarding Vulnerable Groups Act 2006), the University has a duty of care to safeguard those on work placement whilst they are participating in a University-related activity.
- 4.8.3. Those working at the University are in a position of trust. In accordance with the Sexual Offences Act 2003, it is a criminal offence for any adult who is in a position of trust to engage in, incite, or promote sexual activity with a child or young person, even if the relationship is consensual. This includes young people who are aged 16 or 17.
- 4.8.4. The University provides services and activities for, and engages in academic research with, children and young people through initiatives such as Outreach, the Uni Connect, Sports Development, CHUMS holiday camps and summer schools, and the University of Essex Babylab. Those who participate in any activity with a child or young person on behalf of the University, regardless of whether they are on or off campus, or involved in an online activity<sup>12</sup>, are in a position of trust. They must uphold this Policy and where relevant, ensure that they are familiar with the safeguarding policy and procedures of participating schools or educational partners.
- 4.9. Photography, social media & online services and activities<sup>13</sup>
- 4.9.1. Photographs - In accordance with the Data Protection Act 2018, photographs are personal data and should be treated accordingly. Where photographs are taken for the explicit purposes of publication, consent should be granted by

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<sup>11</sup> Health and Safety Executive. *Young People and Work Experience. A guide to health and safety for employers.*

<sup>12</sup> University of Essex *Safeguarding guidance and information for staff or volunteers who are providing online activities and services to children who are not registered students at the University*

<sup>13</sup> *Safeguarding Children and Adults at Risk: Guidance for adults visiting, volunteering or working at the University of Essex* leaflet outlines practical guidance which incorporates this area.

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those whose pictures will be taken. Where pictures are not directed at any one individual, consideration should be given to safeguarding and treated with the same care as that of any one person<sup>14</sup>.

4.9.2. Social Media – Considerations relating to safeguarding are as applicable to processing data for social media as they are to any other form of interaction between those who are in a position of trust, and those within their care, or who are deemed vulnerable. Thought should be given to the duty of care when publishing photographs, comments and personal data on the web, including on all social media sites<sup>15</sup>.

4.9.3. Online services and activities – In accordance with GDPR<sup>16</sup>, the University recognises that a child aged 13 or over can consent to the processing of their own data for an online service or activity which is provided by the University. Consent must be provided by a parent or guardian for children under the age of 13. The University ensures that relevant online services comply with the standards set out in the Children’s Code<sup>17</sup> to protect children’s data online.

## **5. WHISTLEBLOWING**

The University is committed to the highest standards of openness, probity and accountability. Cases where an individual discovers information which they believe shows malpractice/wrongdoing within the organisation are handled in accordance with the University’s Whistleblowing Policy<sup>18</sup>, which is designed to enable employees or other members of the University to disclose the information without fear of reprisal, and for the disclosures to be made independently of line management where appropriate.

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<sup>14</sup> University of Essex [Information Security](#)

<sup>15</sup> University of Essex [Social Media Guidance](#)

<sup>16</sup> University of Essex [Working with information and data](#)

<sup>17</sup> As set out in the Information Commissioner’s Office “[The Children’s Code](#)” (2 September 2021)

<sup>18</sup> University of Essex [Whistleblowing Policy and Procedure](#)

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## **6. POLICY REVIEW**

The Policy and associated procedures and documents are reviewed annually by the Safeguarding Advisory Group in each academic year. Any revisions are submitted to the University Steering Group and Senate for consideration and recommendation to Council for approval as necessary.

Compliance Manager (Safeguarding)

June 2022

<b>Title</b>	<b>Policy on Safeguarding Children and Adults at Risk</b>
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If you require this document in an alternative format, such as braille, please contact the nominated contact at [safeguard@essex.ac.uk](mailto:safeguard@essex.ac.uk).

## Appendix A

### **Information Sharing Agreement in Safeguarding cases - University of Essex and the University of Essex Students' Union, the University of Essex Faith Centre and the University of Essex International College**

The safeguarding policies published by the University and the Students' Union, and the University of Essex International College (henceforth known as on-campus partners) outline legislative and statutory obligations, as well as internal requirements governed by the organisations' policies, guidance and codes of practice. Within these policies, the organisations will ensure that they take reasonable steps to:

- Promote and safeguard the welfare of children and adults at risk from abuse or neglect
- Safeguard those vulnerable to radicalisation
- Ensure that relevant legislation and government guidance, and local guidelines and processes are followed

The University and their on-campus partners recognise that appropriate sharing of information in relation to specific cases is intrinsic to safeguarding those most vulnerable. Consideration should be given to whether the sharing of information can support the duty of care and the organisations' safeguarding obligations. Such considerations<sup>19</sup> should include:

- Whether the information to be shared is necessary and proportionate
- That the information is relevant, adequate and accurate, and shared in a timely manner – cases involving children and young people must be given priority and treated as a matter of urgency
- That any information sharing, and associated record-keeping, is conducted securely and safely

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<sup>19</sup> As set out in HM Government (July 2018) *Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers*.

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For the purposes of this agreement the University's Guidance for Responding to Concerns about a Missing Person is associated with the University's Policy on Safeguarding Children and Adults at Risk and therefore includes considerations around sharing information in these cases.

A decision to share information should only be taken after discussion with one or more Safeguarding Officers or a relevant senior manager. If there is uncertainty surrounding the decision to share information initial reference should be made to the flowchart of when and how to share information. Accurate records must be kept of the justification of the decision to share.

This agreement sits outside existing confidentiality policies associated with University and any on-campus partners support services. Discussions relating to sharing of information must take these policies into account.

Where a member of the University or their on-campus partners believes that there is malpractice in relation to sharing of information in safeguarding context it is important that they have the opportunity to raise concerns or disclose information at a higher level. The organisations' whistleblowing policies<sup>20</sup> are designed to enable individuals to do so and are separate to this Information Sharing Agreement.

Compliance Manager

June 2022

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<sup>20</sup> University of Essex Whistleblowing Policy and SU Whistleblowing Policy

## Appendix B

### Process for Escalating a Safeguarding Concern

A concern has been raised, or an allegation had been made, from or about a member of our community



A Designated Safeguarding Officer has been contacted  
***Early assessment is necessary to establish whether this is a safeguarding concern or if the concern should be referred to other support services***



Inform the Case Work Lead



- Consider whether there is an immediate risk to the person or our community
- Start information gathering and record this on the Safeguarding Report Form (SRF).
- Who is the concern about? And are they a member of our community?
- ***The SRF must be completed within 1 working day of receiving the initial concern***

***Further action can be recorded on a new SRF***



Do we need to have a case conference?  
Has the Operational Safeguarding Lead been informed?  
***You should refer to the DSO Guidance for the case conference process and always ensure you record any actions on the SRF***



Establish whether we need to refer the concern to an external agency?  
***External referral forms must be completed within 2 working days of receiving the initial concern and always ensure you record any actions on the SRF***



Do we need to take any further action?



Case Closed

***Consider whether we should review our actions for future cases***



