

# SAFEGUARDING CONCERN POLICY



This document sets out the University's safeguarding policy.

<b>Version</b>	1.1
<b>Executive Sponsor</b>	Executive Director of Human Resources and Organisational Development
<b>Officer Responsible for Policy/ Procedures</b>	Associate Pro Vice Chancellor (Students)
<b>Consultation Process</b>	UCU, Aston Nursery, Aston Institute of Health & Neurodevelopment,
<b>Date of Approval and Committee and/or Executive Officer</b>	Executive Academic Group Executive
<b>Effective Date</b>	11 April 2022

## 1. SCOPE OF THE POLICY

### 1.1 Purpose of this Policy

This Policy aims to ensure reasonable and effective steps are taken by the University to safeguard children, young people and adults at risk, both through the provision of a safe environment and through the provision of effective and supportive mechanisms for responding to safeguarding concerns, disclosures and allegations.

### 1.2 What is covered by this Policy

The Policy is designed to support the activities of the University involving children, young people and adults at risk and demonstrates that the University takes safeguarding seriously.

The University will do so by taking the following actions:

- seeking to make the University a safe and welcoming environment for all that is free from harm and all forms of prejudice, harassment, discrimination and bullying
- giving all staff information, training and guidance about how to recognise potential harm when it has occurred, how to respond appropriately and how to report it
- making sure anyone can raise safeguarding concerns about any child, young person or adult at risk involved in the activities of the University
- ensuring that staff are suitable to act in their roles, through the provision of relevant and appropriate checks (including DBS) and training
- ensuring there are staff with designated safeguarding responsibilities who are trained in responding to safeguarding concerns and disclosures and take a survivor-focussed approach
- having an appropriate referral system in place for dealing appropriately and effectively with serious safeguarding incidents, including reporting to the relevant external organisations
- providing accessible support services for students and staff.

### 1.3 Who is covered by this Policy

This Policy and the Safeguarding Procedures apply to:

- All currently enrolled students of Aston University including students registered on Degree Apprenticeships
- All contracted staff on Aston University Payroll
- Participants in Aston University activities
- Participants in Aston University research activities
- Visitors to Aston University

***Please note:***

Aston University Nursery and Aston Institute of Health & Neurodevelopment have their own safeguarding policy infrastructure and any issue relating to them should be reported through their procedures.

#### **1.4 Breach of this Policy**

This Policy works on the principle that no member of staff or student would raise a cause for concern unless they had a genuine reason to do so. Staff and students should be assured that if they raise a genuine concern in good faith they will not be penalised or the subject of reprisals even if they turn out to be mistaken. Should it be discovered that the concern was voiced in bad faith and for vexatious motivations, the person raising those concerns will be investigated for a potential disciplinary case which could ultimately result in dismissal if a member of staff or expulsion if a student.

#### **1.5 Policy Ownership**

The Executive has approved this Policy. The Executive Director of Human Resources and Organisational Development is the Executive Sponsor and the Associate Pro Vice Chancellor (Students) is the owner of the Policy. This Policy is subject to review annually. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to either The Executive Director of Human Resources and Organisational Development or the Associate Pro Vice Chancellor (Students).

## **2. THE POLICY STATEMENT**

Aston University fundamentally believes that students, staff and visitors have a right to protection and recognises that people of all ages may come into contact with our services and campus. The University prides itself on being a safe, secure and healthy environment for its students, staff and visitors and this policy is one of the tools we use to realise an effective safeguarding culture. At all times the University aims to promote wellbeing and awareness and protect adults and children who may be at risk of harm.

Aston University recognises that it has social, moral and legal obligations to safeguard the wellbeing and safety of children, young people and adults at risk involved in any Aston University activities, whether these are conducted in person or online. It further believes that students, staff and visitors to the University have the right to learn and work in a positive environment that is free from harm and all forms of prejudice, harassment, discrimination and bullying.

This includes the University's duty of care to safeguard children, young people and adults at risk of harm and exploitation during the course of any activity relating to the University, irrespective of duration or location.

All universities have a duty to take reasonable and necessary steps to ensure that children and adults at risk are safe and that reasonably foreseeable harm does not occur as a result of careless acts, deliberate acts or omissions of the institution. These measures are in addition to those required under general health and safety requirements and legislation.

This Policy sets out the University's responsibilities in ensuring the protection of these groups in accordance with the Safeguarding and Vulnerable Groups Act 2006. This applies to all staff, students and volunteers (irrespective of whether they act in a paid or unpaid capacity), who may be working with children, young people or adults at risk of harm through the University's teaching, research, accommodation provision or other activities, including outreach programmes.

It is expected that all individuals will conduct themselves whilst on University business in a professional manner, with integrity, upholding the reputation of the University at all times and in line with the University's published regulations, policies and guidance.

It is expected that all staff will be aware, through effective communication of this Policy and appropriate associated training, of how to recognise and respond appropriately to safeguarding concerns.

Those with specific responsibilities as set out in this Policy are expected to have read and understood their responsibilities, to attend training, to ensure that appropriate records are kept relating to safeguarding matters and to ensure that local procedures/arrangements for meeting safeguarding responsibilities are kept up to date and are in line with this Policy.

This Policy is informed by a collection of legislation and guidance, including:

- Children Act 1989
- Data Protection Act 1998
- Sexual Offences Act 2003
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Counter-Terrorism and Security Act 2015
- Protecting Vulnerable Adults 2017

### 3. DEFINITIONS

The terms set out in this section 3 apply to this Policy.

**Adults at risk** means an adult is any person aged 18 or over. Some adults may be deemed at risk and therefore, entitled to be safeguarded because they are unable to protect themselves against harm or exploitation. An adult at risk may be a person who:

- is elderly and frail due to ill health, physical disability or cognitive impairment;
- has a learning disability;
- has a physical disability and/or a sensory impairment;
- has mental health needs such that their capacity is reduced;
- has a long-term illness/condition;
- misuses substances or alcohol;
- is a carer, such as, a family member/friend who provides personal assistance and care to adults and is subject to abuse; or
- is unable to demonstrate the capacity to make a decision and is in need of care and support.

**Age of consent in the UK** means a person can legally consent to sexual activity if they are 16 years old or over. However, it is illegal under the Sexual Offences Act 2003 for an adult in a position of trust to engage in sexual activity with a person under the age of 18. Staff employed by the University are in a position of trust when working with children and young people.

**Child / children** means a person / people under the age of 18.

**Safeguarding** means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially adults at risk and children, from that harm; and to respond appropriately when harm does occur. Safeguarding applies consistently and without exception across all activities associated with the University. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until a decision is made.

**Young people** means children who are 16 or 17 years old.

## 4. ROLES AND RESPONSIBILITIES IN RELATION TO SAFEGUARDING CONCERNS

### 4.1 In an emergency

If a student of the University, member of staff, or member of the public is in immediate danger or at risk of harm to themselves or others contact Campus Safety on +44 (0)121 359 2922 or emergency services on 999. You should inform the relevant Designated Safeguarding Lead as soon as possible.

### 4.2 Key contacts

#### **Designated University Safeguarding Lead (primary point of contact)**

Richard Billingham, Executive Director of Human Resources and Organisational Development

#### **Designated University Deputy Safeguarding Leads**

- Alison Levey, Pro Vice Chancellor (Students)
- Ravteq Singh Dhesi, Director of Student Welfare

#### **College Designated Officers (as nominated to and approved by the Designated University Safeguarding Lead) for each of the Colleges:**

- Business and Social Sciences
- Engineering and Physical Science
- Health and Life Sciences

#### **Accountable Officer**

Saskia Loer Hanson, Interim Vice Chancellor and Chief Executive Officer

## 5. SAFEGUARDING CONCERN SITUATIONS

### 5.1 Overview

This Policy establishes how to identify risks and is supported by the Safeguarding Procedures that details the reporting safeguarding concerns and ensuring that appropriate action is taken where there are concerns that children, young people or adults are or are in danger of becoming vulnerable.

Types of situations from which children, young people and adults at risk should be safeguarded include, but are not limited to, the following:

- Financial exploitation
- Sexual harassment, abuse, or exploitation
- Physical, emotional, psychological abuse
- Enticement into illegal activities
- Domestic violence

- Cyber abuse
- Modern day slavery
- Forced marriage
- Female genital mutilation
- Data breaches
- Suicidal thoughts
- Self-harm
- Radicalisation and/or recruitment to radical extremist organisations
- Being abused sexually, bullied or discriminated against
- Displaying damaging behaviours to themselves
- In danger of harming others

Identifying abuse or exploitation can be difficult, but there are a number of ways in which this might become apparent:

- Disclosure of the abuse – self disclosure or disclosure by a third party. This might be full disclosure or that which raises suspicions of abuse
- Signs of abuse, including physical injury for which there appears to be no satisfactory explanation
- Particular behaviour that leads to a suspicion that someone is being or has been abused or exploited

It is not a staff member's responsibility to decide where a child, young person or adult has been abused or harmed or subjected to abuse or harm, only to raise concerns that they may have.

Staff cannot guarantee confidentiality if something is disclosed to them that would reasonably lead them to believe that someone is in immediate risk of harm to self or others. If a member of staff is unsure if they can disclose the person's name for whom they have concerns they should seek advice from one of the University Safeguarding Leads. We value all members of our University community and it is appreciated that raising a concern about a potential safeguarding issue can be a difficult thing to do. Raising a concern may cause anxiety for the member of staff or student who is doing so in case they are mistaken or are not understanding what they are witnessing. There may also be concerns about setting a chain of events in motion that may have a momentum that is hard to stop. These concerns are recognised and acknowledged and whilst we recognise this we all have certain duties under the law that if we become aware of certain aspects of behaviour that may lead us to believe that a student or member of staff is at risk to themselves and/or others then we have to raise those concerns.

We all have a general social responsibility as members of the local, national, global and University community to care about others. The University is not however 'in loco parentis' (having the legal status of a parent) and does not and cannot accept the responsibilities of guardian to any member of its community.

## **5.2 Situations that may give rise to concern**

There are certain situations when you might think you need to raise a concern. This list are examples and are not exhaustive:

- a student or member of staff may tell you about something that implies that they are thinking in a certain way and you are concerned that they might be vulnerable/increasingly vulnerable
- someone else might report that a student or member of staff has told them, or that they have good reason to believe that a student or member of staff is or is becoming more vulnerable
- a student or member of staff might show signs of physical injury for which there appears to be no explanation

- a student or member of staff behaviour may suggest they are being abused/becoming vulnerable
- the behaviour or attitude of a student or member of staff towards others worries you
- you witness worrying behaviour from one student or member of staff to another.
- you notice something worryingly out of character that is hard to explain.

The Safeguarding Procedures are to be followed whenever a concern is raised or a disclosure made that a child, young person or adult may be a victim of abuse or exploitation.

## 6. RAISING A CONCERN

Safeguarding concerns, allegations and disclosures are treated in confidence.

To ensure the safety and welfare of all children, young people and adults information is shared with organisations who will be involved in addressing the safeguarding concern (this may include other educational organisations, the local authority, the police). Every effort will be made to gain the consent of the individual prior to sharing information but information may be shared without consent where there is good reason to do so. The child, young person or adult at risk should be advised that the information will be shared with those who will address the concern. The University's record will include who has been given the information and why.

You might want to clarify a situation before raising a concern if it is possible to do so. You may want to talk to the member of staff or student as this may clarify any vague concerns and may result in you taking no action as a result. This may often not be possible, and you should not engage in discussions that you are uncomfortable with or feel are too sensitive for you to handle.

If you are a member of staff you may wish to discuss your concern with your line manager, Human Resources or with a Union representative. If your concern is relating to your line manager – you may refer your concern to the Designated University Safeguarding Lead who will decide who the best person is to handle your concern.

If you are a student you may wish to discuss your concern with a Student Union Sabbatical Officer, however the responsibility on whether the concern is passed through this procedure will remain your decision.

Your concern will be received sensitively and in a confidential manner. Your identity will not be disclosed to the person you have raised the concern about unless it is absolutely necessary for an internal or external investigation to be carried out properly and/or it becomes apparent that the concern was not made in good faith.

Concerns are to be reported in accordance with the Safeguarding Procedures.

If your concern is urgent and there is good reason to believe that there is an immediate risk of harm/to life then you should contact the Police directly. You should then inform one of the Deputy Safeguarding Officers.

## 7. WHISTLEBLOWING/SPEAKUP POLICY

Users of this Policy are reminded that the University has a Whistleblowing Policy that they may use if they believe their concern has not been handled appropriately.

## **8. VEXATIOUS CONCERNS**

This Policy works on the principle that no one would raise a cause for concern unless they had a genuine reason to do so. Staff and students should be assured that if they raise a genuine concern in good faith they will not be penalised or the subject of reprisals even if they turn out to be mistaken. Should it be discovered that the concern was voiced in bad faith and for vexatious motivations, the person raising those concerns will be investigated for a potential disciplinary case which could ultimately result in dismissal if a member of staff or expulsion if a student.

## **9. RECORD KEEPING**

The University is responsible for ensuring it maintains accurate records of safeguarding concerns, allegations and disclosures in accordance with the Privacy Policy. The Designated Safeguarding Lead is responsible for ensuring mechanisms for appropriate recording are in place and for onward (anonymised) reporting into relevant committees of the University.

## **10. SAFEGUARDING AND PROTECTION BOARD**

The Policy comes under the remit of the Safeguarding and Protection Board who oversee and review the implementation of this policy.

Safeguarding Concern cases may be discussed internally with the Deputy Safeguarding Officers. They may be referred to the University Counselling and Mental Wellbeing Services, the relevant Personal Tutor, the Vulnerable Students Group or the University Channel Panel depending on the specific circumstances.

A safeguarding concern may be referred externally if it is believed that external services may need to be involved in addressing the safeguarding concern. External services may include the police, NHS, the appropriate Local Authority department.

All the groups involved in Safeguarding Concerns work in a context of strict confidentiality and nothing is discussed with anyone without there being a legitimate reason for doing so.



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