

## Policy for the safeguarding of under 18s and vulnerable adults<sup>1</sup>

### Background

1. In recent years there has been increasing concern about the safety and welfare of both children and young adults<sup>2</sup>. HEIs have traditionally considered the welfare of under 18s as part of their Duty of Care obligations. Whilst there is currently no specific directive relating to HEIs, legal opinion is that there are a number of statutory and other provisions relating to child protection that could be applied to HEIs and which HEIs would be expected to take into account. These include:
  - The Education Act (2002) Section 175
  - The Children Act (1989 and amendments)
  - Local authority child protection committee procedures
  - The Bichard Enquiry Report (2004)
  - Protection of vulnerable adult schemes
  - *Aimsafer: A Framework for Safeguarding Children and Young People in Higher Education Institutions*
2. As a consequence the University has taken the view that in the interests of good practice there should be a clear policy and associated practices to guide work with under 18s. In addition, there is a body of opinion which holds that within HE there are a number of potentially vulnerable adults<sup>3</sup> who should also be covered by such a policy.

### Principles

3. Newcastle University wishes to ensure that all students enjoy the best possible experience during their studies. In the case of those students who are under 18 or who may be vulnerable for other reasons (e.g. some disabled students), the University wishes to make certain that those students can be confident that their safety is taken extremely seriously and that all reasonable steps have been taken to provide a safe learning environment. The policy also provides protection for staff by ensuring that appropriate systems are in place.
4. Students aged under 18 and vulnerable adults could be studying in any part of the University. In addition, the University runs pre-application open days, visit days, summer schools and other activities on campus for young people, and University staff and current students go into schools, colleges and many community settings as part of aspiration raising and recruitment activities, as volunteers or as part of degree programmes. The University also has a duty of care to the children of staff and students whilst they are on campus.

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<sup>1</sup> We acknowledge with gratitude the contribution made by London Metropolitan University to the drafting of this policy

<sup>2</sup> The Children Act 1989 states the legal definition of a child as “a person under the age of 18”.

<sup>3</sup> Section 115(4)(a) of the Police Act 1997 states that a person can be considered to be vulnerable if they are “substantially dependent upon others in performing basic physical functions, or his ability to communicate with other providing services, or to communicate with others, is severely impaired, and, as a result, he would be incapable of protecting himself from assault or other physical abuse, or there is a potential danger that his will or moral well-being may be subverted or overpowered”. Another useful definition of a vulnerable adult is from The Protection of Vulnerable Adults Regulations 2002 and is: A vulnerable adult is defined as a person aged 18 or over who has one or more of the following conditions (a) a learning or physical disability; or (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or (c) a reduction in physical or mental capacity.

5. The University may also employ, or offer work experience opportunities to under 18s and vulnerable adults and wishes to ensure that appropriate safeguards are in place for their safety and welfare.

### **Responsibilities on the part of the institution**

6. 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 us all to be aware of this and to act accordingly at all times.
7. The University already has processes in place in some areas to check the suitability of staff and students working directly with children and young people. However, many other staff across the University will be in contact with under 18s or vulnerable adults in the course of their teaching or other work. Advice from the Criminal Records Bureau (CRB) is that the Police Act 1997 requires criminal record checks to be undertaken in respect of those individuals:
  - a) whose **normal duties** involve them in **substantial unsupervised access** to children under 18 (and vulnerable adults) and those who supervise or line manage them;
  - b) where they are in **sole charge** of children under 18

It should not be necessary, therefore, for those University staff who come into occasional contact with these groups to be subject to CRB checks.

Heads of Schools and Services need to identify which members of staff need to undergo CRB checking and to make arrangements with Human Resources for this to be done. Academic schools should contact their Faculty Head of Administration for assistance. It is recommended that staff are re-vetted every three years where appropriate. Staff are also responsible for informing the University if there is any change in their circumstances which may affect their clearance. Schools and services should also review their staff recruitment practices and where appropriate, include the requirement to undergo CRB checks prior to confirmation of appointment within job descriptions and selection processes. Faculty and Service Human Resources Officers can provide advice on amending recruitment and selection processes in this way.

It should be noted that there is no intention to require members of staff to submit to CRB clearance in a blanket fashion. In some instances, it may be possible to re-design existing practice to significantly reduce or eliminate one-to-one contact with students under the age of 18 or vulnerable adults. For example, some areas of the university have implemented a team approach to admissions interviews; others have arranged for one-to-one contact to take place in public rather than in private space. Colleagues are invited to consider whether similar systems and approaches might be feasible within their own areas of responsibility.

Schools and services need to ensure that all appropriate staff are notified when there are under 18s or vulnerable adults as part of the student cohort.

A designated member of staff in each area should complete a risk assessment before any new or changed event or visit takes place. The risk assessment will help to mitigate or remove any potential risks but will also be a prompt to consider / review working practices.

The risk assessment should include the following:

The standard health and safety risk assessment;  
Identify the nature, length and frequency of contact;  
Consider under 18s and vulnerable adults who are particularly at risk;  
Identify any potential areas for harm and detail the action to prevent harm occurring;  
Identify where staff and students will require a CRB check

### **Procedure for reporting concerns and allegations**

8. Where under 18s are concerned there are statutory responsibilities for any organisation to follow regarding the safety of young people, as referenced above.
9. The Local Safeguarding Children Board is a multi-agency group which has established a child protection policy and practice for the Newcastle area in accordance with the law and statutory

regulation. The University supports its statements of belief and intention and will work within this policy framework.

10. In accordance with this guidance the University has a “Designated Officer” to be the lead and coordinating person with regard to child protection issues. At Newcastle the Designated Officer is the Director of Human Resources. There are two Assistant Designated Officers to work with the Designated Officer and to ensure that there is always a Designated Officer to act in her absence. The Assistant Designated Officers are the Head of the Student Welfare Service and the Assistant Director of Human Resources (Operations).
11. All University staff **must** contact the Designated Officer (or Assistant) if they have any cause to believe that a person covered by this policy is in any way at risk. Where this involves a person under 18, the Designated Officer will contact the children and families section of the relevant Social Services Department in accordance with the requirements of the Newcastle Child Protection Procedures and will follow their instructions. Where the concern involves a vulnerable adult, the Designated Officer will consult relevant agencies in order to determine the most appropriate course of action.
12. Records will be kept of all such incidents and their outcomes and held by the Designated Officer in accordance with the Data Protection Act.
13. If a person under 18 or a vulnerable adult discloses abuse to a member of staff (or to a student working with under 18s or vulnerable adults on the University’s behalf), they **MUST** report it to the Designated Officer or assistants. Staff must indicate to an under 18 or vulnerable adult that they are obliged to do so and cannot keep the matter confidential.

#### **Allegations of abuse or inappropriate behaviour involving staff**

14. Allegations involving a member of university staff and a person under 18 or vulnerable adult should be reported to the Director of Human Resources. Concerns for the safety and well being of under 18s or vulnerable adults could arise in a variety of ways and in a range of different settings. Any concerns or suspicions regarding possible abuse should be raised with the Director of Human Resources. Consideration will be given where the allegation is in relation to under 18s as to whether this constitutes a child protection issue. The Director of Human Resources will determine how the matter should be dealt with and, where appropriate, the relevant procedure to follow.
15. Allegations involving a student volunteer or a student on “placement” should be brought to the attention of the Head of School or Service (or nominee) who placed the student and an appropriate member of staff in the host organisation. The two bodies will agree which will lead on initiating the necessary investigation, depending on the specific circumstances of the allegation. The Head of Student Welfare can provide advice and assistance if required.

#### **Outreach, recruitment and admissions activity**

16. The Marketing and Student Recruitment Service and the Careers Service, in partnership with academic schools and other services, carry out a wide range of activities for young people in order to increase levels of participation in higher education. Given this specific nature of this work, detailed guidelines, procedures and training have been produced based on “[Aimhigher Aimsafer: A Framework for Safeguarding Children and Young People in Higher Education Institutions](#)” <http://www.londonaimhigher.co.uk/docs.Aimsafer.pdf> and advice from the NSPCC’s guide “Stopcheck: a step by step guide for organisations to safeguard children”. For more information, contact the Assistant Director of Student Recruitment (Widening Participation).
17. A policy and procedures for the admission of students under 18 to degree programmes have been established for some years and are operated mainly by the Undergraduate Admissions Office. The policy and procedures aim to ensure that appropriate measures are taken by the University to fulfil its special duty of care towards very young students, such as making sure where appropriate that personal tutors have Criminal Records Bureau clearance. They are also designed to ensure that parents or guardians are aware of, and agree to undertake, certain continuing responsibilities such as acting as guarantors for tuition and accommodation fees. Where students will be 16 or under on entry, the procedures seek to establish not only whether they are academically qualified to enter a degree programme but also whether they have sufficient personal maturity to cope with and benefit from higher education. Full details are available at [http://www.ncl.ac.uk/internal/admissions/admissions\\_process/under18apps.htm](http://www.ncl.ac.uk/internal/admissions/admissions_process/under18apps.htm)

## **Training**

18. In accordance with good practice, the University will ensure that the Designated Officer, officers deputed to act on her behalf and other staff likely to be in regular contact with under 18s and vulnerable adults receive appropriate training. This will also include students acting as volunteers and helpers, together with those whose degree programmes involve them in working with these groups, e.g. MBBS, PGCE etc.
19. The University will also provide information to raise awareness to ensure that all staff understand what to do if a person covered by this policy discloses abuse or any other protection issue.

## **Sexual relationships with young people aged 16-17**

20. It should be noted that whilst a young person can consent to sexual activity once they reach the age of 16, the Sexual Offences (Amendment) Act 2000 makes it a criminal offence for a person to engage in any kind of sexual activity with a person under 18 where the adult is in a position of trust.

## **Data Protection**

21. It should be noted that although technically a “child”, consent is still required from young people in the same way as for an adult with regard to matters of data protection.

## **Review**

22. The Designated Officer will ensure that this policy is reviewed in response to any legal or other developments in this area. It will also be reviewed annually to ensure that the policy still fits within the organisation of the institution.

## **Related University policies**

Health and Safety Policy  
Staff Recruitment Policy  
Student and staff policies relating to conduct  
Data protection Policy  
Student Mental Health Policy  
Disability policies  
Admissions policies

## **Other references**

Criminal Records Bureau <http://www.crb.gov.uk/>  
Disclosure Service <http://www.disclosure.gov.uk/>  
Government Every Child matters website: <http://www.everychildmatters.gov.uk>