THE UNIVERSITY OF LEEDS

**Guidance on the admission of young persons and children and on safeguarding students under 18 and adult students in vulnerable circumstances**

**Introduction and Executive Summary**

This procedural Guidance is referred to in the University Policy on Safeguarding children, young persons and adults in vulnerable circumstances <http://www.leeds.ac.uk/secretariat/documents/safeguarding_policy.pdf>.

The Guidance seeks to assist all staff dealing with under 18 applicants; and with under 18 and adult students in vulnerable circumstances, once registered.

Under English law, a person under 18 is regarded as a child. Whilst there is no specific statutory duty on a HEI to safeguard children, the common law duty of care is enhanced as a result of the age of the student. However, the Equality Act 2010, prevents the University from refusing admission purely on the grounds of age. Accordingly, a balance must be achieved between allowing admission when appropriate and ensuring that the University’s enhanced duties towards the under 18 student are met in providing a reasonably safe environment.

It applies to:-

(a) the process for assessing applicants for admission onto an academic programme who will be under 18 on 1 October in the year of the commencement of their programme of study (year of entry*);* and

(b) after admission, the ongoing safeguarding duties (i) towards the under 18 student by the University, and (ii) in respect of activities carried out which, if any adult student requires them, lead to that adult student being considered vulnerable at that particular time.

Accordingly, a review of Part (b) should be undertaken as part of the process set out in part (a). Safeguarding is relevant to meeting any duty of care that the University owes towards the under 18 student.

This Guidance does not apply to the provision of activities for children or adults in vulnerable circumstances who are not members of the University, which is subject to the Guidance on Organising Activities for Children or Adults in Vulnerable Circumstances.

Some Schools and Services may have procedures and guidance specifically tailored to their requirements as a result of specific relationships with children, young persons and adults in vulnerable circumstances by virtue of level or frequency of provision of service to such groups and/or areas where external professional bodies require specific procedures to be in place. Examples include Disabled Students’ Assessment and Support, The Edge Sports Centre, IFY, Language Centre, School of Healthcare, School of Medicine, School of Education.

Where local policies and procedures have been approved by Heads of School/Service, this Guidance is intended to complement rather than replace those. This Guidance sets out the minimum requirements for safeguarding. Heads of School/Service should satisfy themselves that the local procedures adhere to and do not contradict the principles of safeguarding set out in the University Policy on Safeguarding Children, Young Persons and Adults in Vulnerable Circumstances and Guidance under the Policy.

Effective safeguarding practice starts with having in place effective procedures. Lines of responsibility must be clear, with leadership from the highest level. Representatives from across the University should be involved in implementation and in contributing to a culture in which safeguarding is taken seriously. The Guidance sets out whose responsibility it is to implement processes to meet the duties owed. Staff with particular responsibilities will need appropriate training and all staff will need to be aware of the University’s Policies and Guidance.

The Guidance provides advice on procedures to be followed in the event of a safeguarding incident including how it should be responded to and reported, together with details of individuals from whom further advice and information can be obtained, and associated University policies which may be applicable.

The Guidance is supplemented by detailed and specific guidance aimed at staff with particular roles in relation to under 18s, contained within the Appendices 1-8.

Appendices 1, 3 and 4 contain suggested notifications to applicants and their parents/guardians during the admissions process.

Appendices 2 and 2A provide guidance on the risk assessment process to be undertaken.

Appendix 5 provides detailed guidance on staffing, behaviour around protected persons, abuse, the Disclosure and Barring Service’s (DBS) role and the roles of the persons predominantly responsible for safeguarding within the University.

Appendices 6-8 provide guidance to be followed in the event of a safeguarding incident occurring.

The flowchart on page 5 follows the process from the point at which an under 18 applicant submits an application, through to interaction with the under 18 once registered as a student.

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**Part (a) – The process for assessing applicants under 18**

1. **Policy framework**
	1. The University Council has formally adopted[[1]](#footnote-1) a policy on safeguarding children, young persons and adults in vulnerable circumstances. The main features of the policy as it relates to admissions of persons under 18 are
		1. that no child[[2]](#footnote-2) or young person[[3]](#footnote-3) may be registered as a student of the University unless and until an individual risk assessment has been completed
		2. in the case of a child, the risk assessment must be completed to the satisfaction of the University Secretary
		3. in the case of a young person, the risk assessment must be completed to the satisfaction of the Admissions Officer responsible for the School concerned, with advice as appropriate.
		4. any child or young person admitted shall be assigned a personal tutor
		5. unless living with his or her parent/guardian, any child or young person will be required to live in such hall of residence as may be specified.
	2. This Guidance is set within the policy framework summarised above; it provides guidance and advice on the interpretation of the policy. This Guidance does not apply to Activities organised for Children who are not to be admitted as registered students of the University. There is separate Guidance on Organising Activities for Children and Adults in Vulnerable circumstances.
2. **Background**
	1. Recruitment and admission to undergraduate programmes is undertaken in accordance with the University of Leeds undergraduate Admissions Policy. Age and safeguarding are referred to at paragraph 4.9 of that Policy.

* 1. The University admits around 60-70 under 18s onto its undergraduate programmes each year. Other programmes, such as IFY will have much higher numbers of under 18s. In respect of the undergraduate programmes, the vast majority are likely to be 18 by the end of the first semester.
	2. Any student who has not attained the age of 18 at the start of their course will be regarded, in law, as a child[[4]](#footnote-4). As a consequence, the University owes an “enhanced duty of care” towards such students.
	3. Special measures will be put in place to identify such students and procedures adopted to ensure that the University takes reasonable care to discharge the enhanced duty owed, as referred to in part (b) of this Guidance.
	4. The University cannot reject an Applicant purely on the grounds of age. In line with the University’s Equality and Inclusion Framework and related policies (<http://www.equality.leeds.ac.uk/university-policies>) and the Admissions Policy referred to at 2.1 above, the University is committed to equal opportunities in its admissions process. The Equality Act 2010 provides that treating an Applicant less favourably on grounds of age is unlawful discrimination, unless the treatment can be shown to be a proportionate means of achieving a legitimate aim.
		1. Making general assumptions about age is likely to be regarded as age discrimination. It is expected that, in the majority of cases, Applicants of 16 or 17 will be treated in the same way as a student over the age of 18, subject to a risk assessment process being undertaken.
1. **Pre-admission process**
	1. Applicants who will be under 18 on 1 October in the year of entry will be identified by the relevant application business management process and flagged.
	2. Only once the Applicant has met the academic/other criteria and a decision taken to make an offer, will age be considered.
	3. Once identified, the procedure below should be followed. The Head of School is responsible for ensuring that the procedure is followed. Tasks may be delegated to appropriate officers as identified below.
	4. Where the Applicant will be 16 or 17 on 1 October in the year of entry, the subsequent procedure will be undertaken by the Education Service Officer (Undergraduate Admissions) responsible for the School concerned (the ESO).
	5. Where the Applicant will be under 16 on 1 September in the year of entry, the decision taken following the subsequent procedure must be approved by the University Secretary.
	6. Upon receipt of an application from a child or young person to whom the School wishes to make an offer and having identified the procedure to be followed in accordance with the paragraphs above, the ESO, will:
		1. Consider whether there are any practical reasons for refusal due to age. By way of example, where a particular programme involves a student undertaking Regulated Activity (see Part 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>), which requires a DBS check, the minimum age at which a DBS check can be undertaken is 16.
		2. Notify the Applicant that the academic offer will also be conditional upon successful completion of a risk assessment, explaining the special procedures which will need to be followed by the University as a result of the University having an enhanced duty of care towards the Applicant. An example of guidance to be included within the conditional offer letter is at Appendix 1 <http://ses.leeds.ac.uk/download/1132/appendix_1_guidance_for_applicants>.
		3. Ensure that the risk assessment process set out below is undertaken. A copy of the Applicant’s application should be forwarded to the relevant Health & Safety Manager (HSM) and arrangements made to undertake the risk assessment process with that HSM.
2. **Risk assessment**
	1. A Risk Management approach to safeguarding will be taken by the University in respect of the admission of Applicants under 18. A risk assessment must be undertaken in accordance with the University Health & Safety Policy and Risk Assessment Protocol <http://www.leeds.ac.uk/safty/risk/index.htm>.
	2. In respect of Applicants under 18 on 1 October in the year of entry, the ESO (in conjunction with input identified in 4.3 below) will determine whether the University is in a position to fulfil its enhanced duty of care referred to at 2.3 above, (with specific reference to the safeguarding criteria at 12.2 below), in relation to the Applicant undertaking the programme of study applied for. Accordingly, regard should be had to the factors set out in part (b) of the Guidance.
	3. The ESO must ensure that a risk assessment is undertaken in conjunction with the relevant Faculty/Service HSM with input from Programme Leaders/Admissions Tutors, as appropriate. The purpose of the risk assessment is to identify risks and adopt control measures to safeguard the Applicant’s wellbeing, having particular regard to their age. Any conditions imposed as a result of the risk assessment should be defendable, fair and proportionate as a means of achieving the legitimate aim of safeguarding the Applicant’s wellbeing. Specific regard should be directed towards risks which are enhanced as a consequence of the Applicant’s lack of experience and awareness of risks due to the stage of the Applicant’s maturity. Guidance on completion of the risk assessment is at Appendix 2 <http://ses.leeds.ac.uk/download/1147/appendix_2-risk_assessment_guidance_notes>. A risk assessment form is at Appendix 2A <http://ses.leeds.ac.uk/download/1133/appendix_2a_risk_assessment_form>.
		1. The risk assessment should include all learning and teaching activities which form a requisite part of the programme for which the Applicant has applied, including the content and delivery of modules, seminars, lectures, tutorials, laboratory practicals, any aspects involving viewing restrictions e.g. 18 certificate films and internet content, field work, placements (if such are to be undertaken whilst the Applicant is still under 18), off campus activities and residentials together with any non-academic elements such as pastoral care, personal tutoring and other potential one to one contact situations.
			1. Guidance from relevant Schools and Services should be sought as required in order to inform the Risk Assessment process for elements outside the immediate academic department or School.
			2. Specific consideration should be given to the need for DBS and/or other checks to be undertaken (see 16.2 below) and arrangements made for these to be carried out if and when any offer is taken up (see 6.4 below).
			3. The Risk Assessment process must identify the need for any training to be provided to those staff who would have significant contact with the Applicant.
			4. Additional control measures should be considered including the examples set out at 5.3.1 below and Appendix 1 <http://ses.leeds.ac.uk/download/1132/appendix_1_guidance_for_applicants>. However, each risk assessment will vary according to the circumstances above and the individual Applicant.
			5. Specific controls to eliminate or manage risk should be highlighted within the risk assessment along with details of those responsible for adopting those control measures.
		2. Where a programme requires a student to undertake units/modules in other Schools, the process should include the ESO from that School to liaise and consider the factors detailed in this section.
		3. Where Discovery or other optional modules may be undertaken by a student, choice may be subject to further risk assessment following admission.
		4. In the event that a placement or field work is to be undertaken before the Applicant will reach the age of 18, consideration should be given to the ability to comply with the relevant University Protocols: http://www.leeds.ac.uk/safety/fieldwork/ and <http://www.leeds.ac.uk/safety/placements/intro.htm>.
	4. The University may refuse to admit an Applicant under 18 if the adjustments identified by the process above, as necessary to safeguard the Applicant’s wellbeing and reduce the level of risk to one which is acceptable, would go beyond what would be considered reasonable and proportionate.
	5. Where adjustments would be reasonable and proportionate, the University will put control measures in place to safeguard the wellbeing of the Applicant and reduce risks to an acceptable level. Individuals responsible for such control measures will be identified in the Risk Assessment. Other factors identified in the Risk Assessment process, for example, recommended level of enhanced personal tutor contact or additional induction support and ongoing pastoral care provision should be documented.
	6. The above process should be documented as a formal Risk Assessment and kept under review in accordance with the University’s Health and Safety Policy and Risk Assessment Guidance (<http://www.leeds.ac.uk/safety/risk/index.htm>).
	7. The ESO, in conjunction with the relevant HSM and Admissions Tutor/Programme Leader as appropriate should consider the following criteria (which is not intended to be an exhaustive list) in undertaking the procedure.
		1. The Applicant’s age (at 1 October in the year of entry) bearing in mind that usually, the younger the age, the greater the risk.
		2. Any indications as to the Applicant’s personal and academic maturity detailed in the application e.g. personal statement, school reference, interview.
		3. Where the ESO feels it appropriate, consideration should be given to interviewing the Applicant to assess personal maturity.
		4. Any minimum age restrictions in relation to the course e.g. from regulatory body requirements or necessity for professional registration.
		5. Any legal considerations which would apply under the Management of Health & Safety at Work Regulations (see Appendix 2 <http://ses.leeds.ac.uk/download/1147/appendix_2-risk_assessment_guidance_notes>).
		6. Any inherently dangerous elements of the course which may, by virtue of the age of the Applicant present a greater risk, having regard to the factors listed above.
		7. Whether the programme would result in the Applicant being exposed to age inappropriate materials e.g. 18 certificate films and publications.
	8. Generic risk assessments can be used as a starting point in the process but must be updated to ensure that they are made specific to the Applicant.
	9. Programmes will be identified as “low risk” where a previous risk assessment concluded that the programme presents a very low risk with no or minimal control measures needing to be put in place. This assessment can be used to inform the process where the only differentiating factor to be considered is age (having considered all of the factors listed above). An offer can be made in accordance with the outcome of a previous risk assessment where all other factors are constant.
	10. Programmes will be identified as “high risk” where the risk assessment process has indicated that the programme presents a high risk or where a number of, or complex control measures have to be put in place. All applications must be considered in detail and individually. High risk programmes will require careful consideration by HSMs.
	11. In respect of Applicants aged under 16 on 1 September in the year of entry, the University Secretary with input, as appropriate, from Admissions Tutors, Programme Leaders, HSMs, Legal Advisers and other relevant sources, will review the outcome of the procedure set out above and approve or reject the decision reached. It would not be appropriate for generic risk assessments (as referred to in 4.8 above) to be utilised in respect of an Applicant under 16. Each application will be considered on an individual basis.
	12. The risk assessment must be retained for the purpose of updating at the point of registration (see 9.6 below).
3. **Admission process**
	1. If, having carried out the risk assessment process above, the ESO is satisfied that sufficient control measures can be put in place to reduce the risk to an acceptable level the Head of School/Faculty may approve the making of an offer in accordance with the process set out below.
	2. Where the risk assessment process indicates that reasonable and proportionate measures cannot reduce the risk to an acceptable level the School/Faculty should notify the Applicant in accordance with the process set out below. In such a case, reasons should be given and the rejection will be put forward as having been objectively justified (see 2.5 above).
	3. Applicants must be advised of the outcome of the Risk Assessment process before they are required to make their firm/insurance choices. Having completed the Risk Assessment process, the ESO will notify the Applicant of the outcome of that process by either:
		1. Confirming the positive outcome of the risk assessment, together with a notification of any special conditions identified by the risk assessment, which will apply to the offer and which the Applicant will be required to accept in order to take up the offer made (see Appendix 3 <http://ses.leeds.ac.uk/download/1134/appendix_3_conditions_of_offer> ). By way of example, these may include:
			1. Amendments/restrictions to module choice
			2. conditions regarding University accommodation (see paragraph 7 below)
			3. provisions regarding field trips etc
			4. details of enhanced personal tutor contact
			5. details of the type and level of any additional pastoral care provision or induction processes identified as appropriate by the risk assessment
			6. that the offer is subject to the return of a parental consent form. An example of a parental consent form is at Appendix 4 <http://ses.leeds.ac.uk/download/1135/appendix_4_parental_consent_form>.
			7. requirements that the Applicant has a responsibility to disclose their age, especially in relation to activities away from their School e.g. social and non-academic, and in any Students’ Union contact.
		2. Notifying the Applicant that their application has not been successful. If the Risk Assessment has identified that reasonable adjustments cannot be put in place to ensure that the enhanced duty of care owed can be met, the Applicant must be notified as soon as possible. Reasons for the decision should be set out in the letter.
	4. If the Applicant is not satisfied with the decision reached following the completion of the risk assessment process, they may complain in accordance with paragraph 5.11 University Undergraduate Admissions Policy.
	5. The ESO should keep a record of the Applicant’s under 18 status for future reference and use in relation to confirmation of offers in August, as appropriate.
4. **Acceptance of an offer by applicant**
	1. The Applicant must accept the conditions notified at 5.3.1 above and return required consents and forms, prior to or at the time of acceptance of an offer.
	2. ESOs should send a list of all firm Applicants under 18 to relevant Student Education Services Managers (SESMs).
	3. Following confirmation and clearing, a finalised list of placed Applicants under 18 should be provided to SESMs for tracking to registration.
	4. The SESM should then notify the relevant Head of School and HSM for the School in which the Applicant will be based, together with any other Schools and Services who may be involved in the Applicant’s experience at the University including:
		1. The relevant Countersignatory where a necessity for any enhanced DBS and/or barred list check has been identified as part of the risk assessment process referred to at paragraph 4 above.
		2. Relevant student services colleagues including SESMs and other ESOs.
		3. Any pastoral support services identified as appropriate within the risk assessment.
	5. Upon notification in accordance with paragraph 6.4 above, the Head of School will appoint a personal tutor to the Applicant.
		1. Schools may wish to consider putting forward one or more members of academic staff with experience to act as personal tutors for all students who are under 18.
		2. The personal tutor should be encouraged to discuss any concerns with the Head of School and the Head of School should make themselves available for such discussions.
		3. The personal tutor should undertake or have in place, an enhanced DBS/barred list and other checks (as appropriate), in accordance with paragraph 16.2 below.
		4. The relevant Head of School should ensure that any personal tutors assigned to children and young persons are given sufficient time from their other duties to allow for meetings with tutees on a regular basis (the frequency of which will be considered as part of the Risk Assessment process at paragraph 4 above).
		5. Personal tutors should be given training as appropriate, including training on the University’s Safeguarding duties in accordance with paragraph 17 below.
	6. The relevant SESM should review the applicable risk assessment to ensure:
		1. Any training identified for members of staff is undertaken;
		2. HSMs have arranged a review of the risk assessment with the Student prior to registration (see 9.6 below).
		3. Arrangements are in place for the Personal Tutor appointed, to see the Student once registered, in accordance with the risk assessment.
5. **Accommodation**
	1. Where an application has been made by the Applicant for University accommodation, it may be a condition of offer that an Applicant who will be 16 or 17 at 1 October in the year of entry, reside in specific University accommodation. However, within the information provided in paragraph 3.6.2 above, it should be made clear that this does not imply that the University is acting in loco parentis.
	2. Where University accommodation is requested by the Applicant as in 7.1 above, a risk assessment will be undertaken by the Accommodation Office. If possible, young persons should be accommodated within halls of residence which have previously been identified as suitable for under 18s and where appropriate DBS checks, training and any other control measures have been put in place to take account of the age of the Applicant.
	3. Where a student decides to live in private accommodation, parents/guardians are responsible for approving this.
	4. Unless there are exceptional circumstances evidenced from the risk assessment process, it would not be usual for an Applicant who will be under 16 on 1 September in the year of entry, to be accommodated in University accommodation. In such circumstances, the University would expect a parent/guardian to accompany the child and make their own arrangements for accommodation. However, where it has been agreed that exceptional circumstances apply and University accommodation will be provided, a detailed risk assessment should be undertaken by the Accommodation Office and the child placed in suitable accommodation.
6. **International Applicants**
	1. Where the Applicant is from overseas or where parents/guardians are not resident in the UK, the University should make parents/guardians aware that they remain primarily responsible for the welfare of their child unless arrangements are made by them for a responsible adult to accept parental responsibility for the child on their behalf. Parents/guardians should be asked to consider the appointment of a local guardian to exercise parental responsibility.
		1. Whilst the University does not become involved in the choice of guardian, Applicants may be referred to the Association for the Education and Guardianship of International Students (AEGIS); [www.aegisuk.net](http://www.aegisuk.net) for advice.
	2. The ESO/University Secretary, as appropriate, should bear in mind that the Applicant’s age will be an additional factor to add to the cultural differences etc which can pose a risk to overseas students. Such a factor should be addressed within the risk assessment process at paragraph 4 above.
	3. All Home Office requirements must be adhered to.
		1. The University does not have a Tier 4 (Child) student sponsor licence.
		2. Under Tier 4 (General), Students must be 16 or over: <https://www.gov.uk/tier-4-general-visa>. Accordingly, the University cannot assign a CAS for anyone under 16.
		3. This means that the University can only sponsor non-EEA (or Swiss) nationals under Tier 4 if they are aged 16 or over. If Schools are considering making an offer to a non-EEA (or Swiss) national under 16, the Central Admissions Team should be contacted for further information.
	4. The UKCISA guidance on international students under 18 <http://www.ukcisa.org.uk/Info-for-universities-colleges--schools/Publications--research/resources/15/International-students-under-18-guidance-and-good-practice> provides extensive guidance but should be used selectively as it applies right across the education sector and includes age groups which the University is unlikely to encounter. Nevertheless, it is a useful reference document for a number of sector specific issues.
7. **Other factors for consideration prior to registration**
	1. Emergency contact details must be obtained in respect of children and young persons, prior to arrival at University and should be sought as part of the process at paragraph 5.3.1 above.
	2. The parental consent form, including consent in respect of treatment following a medical emergency must be obtained and should be sought as part of the process at paragraph 5.3.1 above (see Appendix 4 <http://ses.leeds.ac.uk/download/1135/appendix_4_parental_consent_form> ).
	3. Although students under 18 are regarded as children, their rights under the Data Protection Act 1998 require that no information be disclosed about them (including to parents) without their consent. Accordingly, all correspondence with the Applicant and, once admitted, the Student must be addressed directly to the Applicant/Student and not to a parent unless written consent from the Student indicates otherwise. A need to have communication with the parent/guardian may arise from the risk assessment, in exceptional circumstances.
		1. Permissions relating to use of photographs should be sought in accordance with 14.2.3 below.
	4. Children and young persons do not have full legal capacity to enter into contracts. Accordingly where necessary, consideration should be given to seeking parental input including by acting as guarantors.
	5. Where the Applicant’s course involves field trips, placement or other periods away from the University, permission should be sought from parents as part of the process at paragraph 5.3.1 above. In addition, the relevant University policy on such activity should be followed (see paragraph 4.3.4 above). As part of the risk assessment process within the relevant policy, the factor of the Applicant’s age should be taken into account.
	6. Any special conditions identified as a result of the Risk Assessment at paragraph 4 above and notified to the Applicant in accordance with paragraph 5.3.1 above should be reviewed and implemented at the point of registration. HSMs should confirm with the relevant ESO/SESM, whether any under 18s are due to register and arrange to update the Risk Assessments on arrival.
8. **Further guidance**
	1. Although specifically aimed at overseas students under 18, used selectively, the UKCISA guidance referred to at paragraph 8.4 above is useful in respect of all Applicants/students under 18.

**Part (b) – Safeguarding students under 18 and adult students in vulnerable circumstances:**

1. **Relevant legislation and guidance**
	1. Higher Education Institutions (HEIs) owe a duty of care under the Common Law and Statute including the Health and Safety at Work Act 1974, Data Protection Act 1998, Equality Act 2010 and the Occupier’s Liability Act 1957 towards persons with whom it has contact. In respect of Children, Young Persons and Adults in vulnerable circumstances, such duties are often enhanced. Safeguarding those groups involves putting arrangements in place to take all reasonable measures to ensure that risks of harm are minimised.
		* 1. The principal legislation relating to safeguarding is the Safeguarding Vulnerable Groups Act 2006 (SVGA) as amended by the Protection of Freedoms Act 2012 (PFA).
			2. Under the Sexual Offences Act 2003, it is a criminal offence for any person in a position of trust (which will include a teacher, student mentor, academic and other members of staff) to engage in sexual activity with a person under 18, irrespective of apparent consent.
	2. It is illegal for alcohol to be sold to anyone under 18. The University will take reasonable steps to ensure that alcohol is not sold to an Applicant/Student under 18 and individual services are responsible for carrying out the usual checks.
		1. Whilst the University recognises its enhanced duty of care to students under 18, it expects Students to act responsibly, appropriately and within the law by not attempting to purchase alcohol, and otherwise to abide by the law. The University is not expected to supervise individuals to ensure compliance.
	3. There is no legislation specifically directed towards HEI’s in relation to safeguarding. Sector guidance[[5]](#footnote-5) has been archived by BIS.
	4. This Guidance defines the University’s duties in accordance with the law and its commitments under the Policy to protect and safeguard vulnerable groups coming into contact with the University as registered students.
	5. Detailed advice on definitions and on implementation of this Guidance in relation to Staffing; Behaviour around Protected Persons; Abuse; the DBS and Roles of those with specific safeguarding responsibilities is at Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
	6. It is understood that BIS are currently considering the position of HEIs in relation to safeguarding and several changes are anticipated. This Guidance will be updated as and when such changes are notified to the University.
2. **Purpose**
	1. The University’s commitment to promoting good practice in relation to safeguarding requires procedures to be put in place, responsibilities to be clear and leadership to come from the highest level. All members of staff have a responsibility for safeguarding. They must be made aware of relevant policies and procedures and will be expected to observe guidance set out therein. Members of staff with particular responsibilities for safeguarding by virtue of their role will be provided with training. Heads of Schools/Services have a duty to ensure all members of staff are made aware of this Guidance, including through the induction process for new members of staff and to ensure that adequate training is made available to members of staff undertaking Regulated Activity and/or roles involving significant contact with Protected Persons (see section 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>).
	2. Procedures must be in place to ensure that:
		1. the welfare of the Protected Person (see paragraph 14.1 below) is paramount;
		2. the safeguarding and health and safety culture of the University is upheld;
		3. staff feel confident and able to work with Protected Persons;
		4. all Protected Persons have the opportunity to undertake their programmes of study in a reasonably safe and secure environment;
		5. unsuitable persons are prevented from working with Protected Persons;
		6. staff do not put themselves in a position where an allegation of abuse can be made against them;
		7. any Protected Person who is harmed, is identified and responded to appropriately and quickly;
		8. signs of abuse are recognised[[6]](#footnote-6) and addressed;
		9. any disclosures of abuse are dealt with appropriately and quickly;
		10. the duties to refer individuals to the Disclosure and Barring Service (DBS) for consideration for barring in relevant circumstances, and to provide information to the DBS upon request, are met.
	3. The cornerstones of safeguarding are Risk Assessment (see paragraph 4), Recruitment and Training (see paragraphs 16 and 17), Responsibility (see paragraph 13) and Dealing with Abuse (see paragraph 18).
3. **Responsibilities**
	1. The Designated Senior Office (DSO) with responsibility for safeguarding Protected Persons is Roger Gair, the University Secretary (see paragraph 20 below). The role of the DSO is set out in Section 5 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
	2. The DSO will be supported in his role by a University Safeguarding Officer (USO) (see paragraph 20 below) together with a network of Support Officers (SO) as detailed at paragraph 20 below. Their respective roles are set out at Section 5 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes> .
	3. It is the responsibility of Faculty Deans and Heads of Schools/Services to ensure that staff are aware of this Guidance. Heads of Schools/Services must ensure that measures described below are made known to staff. Staff are expected to fully comply with the procedures and guidance.
	4. Each Head of Service/Faculty/School should consider the need for a Designated Safeguarding Person to lead the implementation of safeguarding principles in their area and to whom concerns relating to allegations and disclosures of abuse should be expressed. Level of frequency of provision of service or contact with Protected Persons will vary and the need for a Designated Safeguarding Person should be considered in the light of that. Advice is available from the SOs at paragraph 20 below and appropriate training would be required.
4. **Definitions**
	1. Protected Persons:
		1. For the purpose of this Guidance, a child is any person under the age of 16, a Young Person is a person aged 16 or 17. However, in law, a **child** is defined as anyone under 18. It is recognised that the younger the child, generally, the greater the risk. Such factor should be taken into account in the risk assessment process carried out prior to admission (see paragraph 4 above). An **adult in vulnerable circumstances** is defined by reference to the activity being carried out (see section 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>). The term “**Protected Persons**”, will be used as a generic term to describe either of the above defined categories.
	2. Safeguarding:
		1. Safeguarding involves caring for vulnerable groups appropriately and protecting them from harm.
		2. Reference should be made to Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes> with particular emphasis on staffing considerations in paragraphs 1 and 2.
		3. Under the Data Protection Act 2008, an image of a Child is personal data where the Child is identifiable. Written consent must be obtained before the images are created, in the form set out within Appendix 3 <http://ses.leeds.ac.uk/download/1134/appendix_3_conditions_of_offer> (or other form approved within the University Policy on Data Protection <http://www.leeds.ac.uk/secretariat/data_protection_code_of_practice.html>). Whenever an image of a child is to be published (even with consent), the data subject should generally not be identified further through, for example, details of their name being provided.
	3. Countersignatory:
		1. A countersignatory is a member of staff who is registered with the DBS to countersign criminal record check applications and to view/check the Disclosure on behalf of the University of Leeds.
5. **Accommodation**
	1. Where applicable, following the risk assessment process at 7.2 above, the Protected Person will be placed in suitable accommodation.
	2. Wardens, sub-wardens, night porters and hall managers of accommodation occupied by Protected Persons are to be criminal record checked and trained. Cleaners should not enter rooms occupied by Protected Persons whilst the Protected Person is alone.
6. **Staffing**
	1. Recruitment and selection:
		1. For the purposes of this Guidance the term Staff will include volunteers, (including student volunteers). All staff must be appropriately recruited, trained and managed.
		2. Where a member of staff is responsible for recruiting a member of staff or assigning an existing member of staff to carry out a role which may involve Regulated Activity and/or significant contact (see guidance at section 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>) with Protected Persons (as identified in the risk assessment process at paragraph 4 above), that member of staff must consider and risk assess the role in accordance with procedures set out below, to determine the prospective suitability of the individual to undertake that role. Advice should be sought from the relevant countersignatory/ disclosure manager in order to determine applicability of “Regulated Activity” or “significant contact”, to ensure the legal entitlement for and submission of a check are at the correct level and type.
		3. Only trained and registered countersignatories/disclosure managers are authorised to carry out criminal record checks on behalf of the University.
		4. Safe, careful recruitment is essential and all sensible steps must be taken to identify the right person for the role including notification that the post falls under the remit of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and requires a barred list check and/or Enhanced/Standard Disclosure from the DBS. All reasonable steps must be taken to verify identity; carry out relevant reference checks, foreign checks as applicable, look carefully at career gaps and conduct face to face interviews. Any issue raised must be fully addressed.
		5. Staff employed in such posts have an ongoing duty to disclose any convictions, cautions, reprimands and warnings as soon as they are imposed, including pending criminal proceedings (save for motoring offences unless a custodial sentence is imposed or the role requires driving) during the course of their employment.
		6. The University Policy statement on candidates for employment and existing staff with criminal records is at <http://hr.leeds.ac.uk/info/33/recruitment_and_redeployment/13/criminal_records>.
		7. New staff will receive a copy of this Guidance as part of the induction process.
		8. DBS guidance on recruitment and checking is included at section 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
	2. When is a criminal record check necessary?
		1. The DBS Countersignatory/disclosure manager for the relevant School/Service will provide advice regarding the requirement for a check and the appropriate level and type. Details of the University Lead Countersignatory/disclosure manager are set out below at paragraph 20. It should, however, be remembered that formal checks are only a part of safeguarding and good practice should be observed, as set out in Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
		2. Whilst the definition of Regulated Activity covers all unsupervised teaching, training and instruction of under 18s, thereby enabling a DBS check to be obtained, a risk assessment would normally conclude that lecturers and group tutors would not pose a risk. Accordingly, a DBS check of lecturers and group tutors will not normally be required, unless a risk assessment indicates otherwise.
		3. At present, DBS checks are not compulsory but are advisable in appropriate circumstances, subject to eligibility. However, it is understood that the intention is that the DBS will make checks compulsory in due course. It is also understood that there may be exemptions proposed for HEIs. As soon as more information is available, an update will be made within this Guidance.
	3. Staff conduct**:**
		1. Appendix 5, sections 1 and 2 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes> will be relevant to staff undertaking Regulated Activity or having significant contact with Protected Persons.
7. **Training**
	1. Training and support on Policy requirements and good practice will be provided for all University of Leeds Staff to be engaged in Regulated Activity, to those whose roles involve significant contact with Protected Persons and to staff involved in facilitating appointments and checking of such staff. Training needs are likely to be informed by the results of the risk assessment and the nature of the contact with Protected Persons specific to their role. Staff are expected to participate in training available, as assessed appropriate to the role being carried out.
	2. Approval for taking on the role of countersignatory/disclosure manager is required from the appropriate Head of Department/Service and guidance about the process to become a DBS countersignatory/disclosure manager for the University can be obtained from Liz Felgate, University Lead Countersignatory/disclosure manager (see paragraph 20.3.7 below).  Information about the requirements and responsibilities of this role is given to countersignatories/disclosure managers before they start to check and sign off criminal record applications, and annually, they may be asked to attend training and information sessions for countersignatories/disclosure managers.  They are also expected to keep themselves up to date with change and development through the DBS monthly news and information in the links at section 4 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.  DBS countersignatories/disclosure managers are responsible for training and keeping up to date, all staff who support them with this process.
	3. Other members of staff having any contact with Protected Persons must have a general awareness of the Policy and Guidance and be aware of who to contact in the event of any concerns.
8. **Responding to allegations and disclosures of abuse**
	1. All Staff must be aware of the possibility that Protected Persons may be at risk of abuse[[7]](#footnote-7) either within or outside the University. Whilst it is not the responsibility of any member of Staff working with a Protected Person to investigate and decide whether abuse has taken place, it is the responsibility of all Staff to act on concerns regarding abuse to safeguard their welfare. Detailed guidance on recognising and acting upon suspicions of abuse is at Section 3 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes> . All incidents, allegations or suspicions of abuse must be reported immediately, as detailed in Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>and will be taken seriously and dealt with quickly and appropriately in accordance with the guidance.
	2. Any allegation made against a member of staff must be reported immediately and directly to the Designated Senior Officer (DSO) (see paragraph 20) and be handled fairly, quickly and consistently to provide effective protection for the Protected Person making the allegation and support for the person who is the subject of the allegation. Staff against whom allegations have been made should seek the advice of their HR Manager, Union or professional association. The procedure to be followed is included in the Guidance Notes at section 3 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
	3. Where it is suspected that a Protected Person may have suffered abuse which is unconnected with the University, advice should be sought in accordance with paragraph 20 below and the procedure set out in the Guidance Notes at section 3 of Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes> followed for submission of a report to the DSO.
	4. **Prevent**
		1. Where there is reason to believe that a Protected Person may be at risk of being drawn into terrorism, advice should be taken from the University Deputy secretary, David Wardle.
9. **Referrals to the Disclosure and Barring Service (DBS)**
	1. The University has a duty to make appropriate referrals to the DBS. If a person is dismissed or removed from Regulated Activity (or would have been if they had not already left) because they harmed or posed risk to Protected Persons, there is a legal duty to inform the DBS and not to do so is a criminal offence. It is an offence to knowingly allow a barred person to work in Regulated Activity. Referrals will be made in accordance with the guidance set out at section 3 of Appendix 5. Staff have a duty to report any such incident in accordance with the guidance set out at Appendix 5 <http://ses.leeds.ac.uk/download/1146/appendix_5-staff_guidance_notes>.
	2. Where a Student, during the course of undertaking a programme of study, is removed from Regulated Activity, the duty to refer will apply as in 19.1 above.
10. **Further information and advice**
	1. The University Designated Senior Officer (DSO) is the University Secretary, Roger Gair: email j.r.gair@adm.leeds.ac.uk, telephone 343 4011.
	2. The University Safeguarding Officer (USO) is Iain Moody:

email i.j.moody@leeds.ac.uk, telephone 343 9418;

* 1. Further information and advice can be obtained from Support Officers (SO) on the following areas:
		1. Policy Framework: Caroline Coulsey, email c.e.coulsey@adm.leeds.ac.uk, telephone number 343 3942 or Adrian Slater, email a.j.slater@adm.leeds.ac.uk, telephone number 343 4078 of the University’s Legal Adviser’s Office;
		2. Health and Safety Risk Assessment: Paul Veevers of Health and Safety Services, email p.veevers@leeds.ac.uk, telephone number 343 2407;
		3. Responding to Allegations against members of Staff and referrals to the DBS: Linda Mortimer-Pine of Human Resources, email l.mortimer-pine@adm.leeds.ac.uk, telephone number 343 4912;
		4. Responding the Allegations concerning persons other than members of Staff and referrals to Social Services: Iain Moody of School of Healthcare, email i.j.moody@leeds.ac.uk , telephone number 343 9418;
		5. Staffing: Linda Mortimer-Pine (as above);
		6. Accommodation: Ian Robertson of Residences, email i.w.robertson@adm.leeds.ac.uk, telephone number 343 6366;
		7. DBS/criminal records: Liz Felgate (University Lead Countersignatory/disclosure manager) of Human resources, email e.j.felgate@adm.leeds.ac.uk, telephone number 343 4149;
		8. General: Caroline Coulsey or Adrian Slater (as above).
	2. Should an emergency situation arise outside normal office hours, the above persons may be contacted via Security Services on 343 5494.
1. **Related University Policies**
	1. Equal Opportunities – <http://www.leeds.ac.uk/secretariat/documents/equality_and_diversity_policy.pdf>
	2. Anti-bullying – <http://www.equality.leeds.ac.uk/DMR/DMR-policy.htm>
	3. Whistleblowing – <http://hr.leeds.ac.uk/info/26/conduct_capability_and_grievance/12/whistle_blowing>
	4. Concerns regarding the above may also be raised with the relevant HR Manager. The University of Leeds treats all forms of abuse, bullying, intimidation, sexist and racist behaviour very seriously.
2. **Review**
	1. Review of this Guidance should take place every 12 months by the Legal Adviser’s Office.
1. 17 July 2007 (as amended 14 January 2015) [↑](#footnote-ref-1)
2. For the purposes of this Guidance, a child is any person under the age of 16 years [↑](#footnote-ref-2)
3. For the purposes of this Guidance, a young person is a person aged 16 or 17 [↑](#footnote-ref-3)
4. Section 60 – Safeguarding Vulnerable Groups Act 2006 [↑](#footnote-ref-4)
5. Safeguarding Children: Guidance for English HEIs issued by the Department for Innovation, Universities and Skills (DIUS Guidance) [↑](#footnote-ref-5)
6. The NSPCC guidance on definitions and signs of child abuse is at <http://www.nspcc.org.uk/inform/trainingandconsultancy/consultancy/helpandadvice/definitions_and_signs_of_child_abuse_pdf_wdf65412.pdf> [↑](#footnote-ref-6)
7. The NSPCC guidance on definitions and signs of child abuse is at <http://www.nspcc.org.uk/inform/trainingandconsultancy/consultancy/helpandadvice/definitions_and_signs_of_child_abuse_pdf_wdf65412.pdf> [↑](#footnote-ref-7)