

# Safeguarding Students – UAL Policy

## 1. Statement of Intent:

1.1 University of the Arts London (UAL) is committed to providing a safe and secure environment for all students, staff and visitors.

1.2 Safeguarding and protecting students and promoting their welfare is very important to the University. We aim to provide a safe environment for those who wish to visit and engage in the breadth of the University's activities by ensuring that there are appropriate arrangements in place. We believe that individuals have a right to work, learn and develop within a safe environment.

1.3 University of the Arts London expects that all staff, students and volunteers accept the fundamental principle and legal requirement that, in any given situation, the welfare of students (especially children or adults at risk) is paramount.

1.4 Duties around the safeguarding of children apply to the University with anyone under the age of 18, and requires UAL to: protect children from abuse and maltreatment; prevent harm to children's health or development; ensure children grow up with the provision of safe and effective care; and to take action to enable all children and young people to have the best outcomes.

1.5 Safeguarding adults at risk means protecting their right to live in safety and free from abuse and neglect. Safeguarding duties for adults at risk apply to the University with anyone aged 18 or over who has needs for care and support (whether or not a local authority is meeting any of those needs) and is experiencing (or is at risk of) abuse or neglect, where the adult is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

1.6 The University recognises its responsibility to develop awareness of safeguarding issues and is committed to practice which reflects the University's duty of care across all of our Colleges and sites and protects students from harm. We recognise our duty to support staff and students (through guidance, support and training) and to promote safe working practices in order to minimise risk to vulnerable individuals.

1.7 UAL organises and participates in a wide range of activities both on and off our sites that involve our staff and students working with children and adults at risk.

1.8 In all of our activities the University is committed to safeguarding and promoting the welfare of children and adults at risk as part of its common law duty of care and in response to specific legislation. We will take all reasonable measures to:

- Ensure a safe and secure environment, both physical and online;
- Take appropriate measures to identify and prevent anyone who is unsuitable to work with children and adults at risk from doing so;
- Ensure that any young person or vulnerable adult who is suffering or has suffered harm is identified and responded to appropriately and quickly;
- Ensure that all concerns are taken seriously and responded to appropriately and quickly;
- Work co-operatively with other agencies that provide safeguarding services for children and adults in need of safeguarding;

- Ensure that reasonably foreseeable harm does not occur as a result of careless acts or omissions of the University.
- Ensure that University staff have the appropriate level of awareness, training and guidance to undertake their duties in safeguarding and support.

## **2. Policy Application**

2.1 This policy applies to all governors, staff, agency staff, student staff, contractors, visitors and volunteers working for UAL.

2.2 The University will work within the relevant and most up-to-date relevant guidance, including, but not limited to: Working Together to Safeguard Children; Keeping Children Safe in Education; and Care Act Guidance.

2.3 Further Education courses and OFSTED regulated courses: The University will ensure that its delivery of courses inspected by OFSTED will have due regard to the inspection regime and the safeguarding requirements laid out within OFSTED and DfE guidance. This includes aspects related to OFSTED's ability to review any work UAL undertakes itself, or with partners, that includes participant students under 16 years old. At UAL, Further Education (FE) courses and compliance for OFSTED regulated courses will be overseen by FE governors and dedicated FE staff within the University's structure. There are specific training and employment checks laid out by statutory guidance, with which the University will comply. The PREVENT Duty sits explicitly in safeguarding duties within FE.

2.4 Working on University premises with partners or groups from other organisations: Children under 16 years old who are enrolled at Schools or other organisations are, in normal circumstances, also subject to the policies of the organisation in question. However, in urgent situations the University will contact external agencies without delay and then coordinate with the partner institution. Managers within the University's outreach / partner / group activities will ensure dedicated staff are aware of safeguarding protocols.

2.5 Under 18s on other courses/ UAL activities: The University acknowledges that under 18s can participate on a number of courses and activities provided across the range of academic levels, from short taster courses through to substantive courses at a higher level of study than that inspected by OFSTED. All functional areas with under 18s attending courses or activities will adopt these safeguarding protocols and ensure that there are dedicated staff trained in safeguarding. The University will use all the relevant guidance and processes to respond to issues in a consistent way, involving designated safeguarding contacts, and raising causes for concern as required.

2.6 Working at non-UAL premises with partners, or groups from other organisations: When University staff are working with children in Schools or other organisations they will, in normal circumstances, be subject to the policies of the other organisation. However, University staff should inform themselves, and where possible agree with that organisation, the protocols for reporting concerns. In all cases, staff will report any concerns without delay, coordinate with the partner institution as required, and log the concern internally within the UAL management structure.

2.7 Staff recruitment processes, criminal records checking policies and procedures, and staff disciplinary actions will be applied according to statutory duties and UAL policies, owned by Human Resources.

2.8 Student support processes, professional casework and in depth support for students are owned by Student Services and other relevant University departments. Students should be

referred to Student Services for any professional support related to the impact upon them of any concerns related to financial, emotional or physical well-being, and of any legal requirements related to immigration or student status. Student Services will also provide guidance to staff on how to support students and making referrals to support provision.

### **3. Definitions**

For the purposes of this policy:

- i. a 'child' is someone who has not yet reached their 18th birthday. Students aged 18 or above will not be defined, or treated, as children.
- ii. an 'adult at risk' or 'vulnerable adult' is any person over the age of 18, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation because of mental or other disability, age or illness.
- iii. 'staff' means all employees, full-time or fractional and all agency, contract and volunteer staff working at or for UAL;
- iv. the term 'student' is used in the context of this safeguarding policy to refer to anyone who is participating in an official UAL course or activity who is under the age of 18 or who meets the definition of an adult at risk or vulnerable adult. Outside of safeguarding duties, UAL students who do not fit within this definition will be supported by UAL's support teams or referred to external agencies, but not necessarily under statutory safeguarding terms.
- v. 'visitor' means any person who enters the building who is not a staff member or student of UAL
- vi. 'volunteer' means any person who is unpaid employment in UAL

### **4. Legislative Context and Framework**

- Keeping Children safe in Education: Statutory Guidance for Schools and Colleges
- Working Together to Safeguard Children
- Children Act 2004
- Children Act 1989
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012 (particularly sections 5 & 6)
- Human Rights Act 1998
- Sexual Offences Act 2003
- Rehabilitation of Offenders Act 1974
- UN Convention on the Rights of the Child (came into force 1990)
- Data Protection Act 1998
- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers – HM Government guidance 2018
- Police Act 1997
- Criminal Justice and Court Services Act 2000
- Care Standards Act 2000
- Care Act 2014
- Prevent Duty Guidance for England issued under section 29 of the Counter terrorism and security Act 2015.

## **5. Statutory Responsibilities**

5.1 All staff, volunteers and staff working on site employed by other services and agencies and those working with students on placements have a statutory responsibility to safeguard and promote the welfare of students and must adhere to this policy.

5.2 All FE teaching and administrative staff are given a copy of Keeping Children Safe in Education and must sign to say that they have read, understood it and will adhere to it.

5.3 It is neither the role nor responsibility of those working with students at UAL to assess, diagnose or investigate whether a student is at risk of or is suffering harm. It is the responsibility of all staff to be aware of the need to report any concerns about a student to the designated members of staff.

5.4 The University will ensure that it has robust recruitment and vetting mechanisms to minimise the risk of employing people, who might abuse children and/or adults at risk in need of safeguarding, or who might be unsuited to working with them. It has a policy and framework for conducting pre-employment checks. The policy includes self-disclosure and criminal records checks through the Disclosure and Barring Service (DBS). It also sets out the procedure that will be followed for new recruits and for staff moving posts within the University.

## **6. The University's safeguarding structure**

6.1 The University has an organisational structure in place for children and adults in need of safeguarding. The Designated Safeguarding Lead (DSL) is supported by designated safeguarding contacts. The DSL may designate up to two deputy DSLs from the designated safeguarding contacts group.

6.2 The University's Safeguarding Steering Group is chaired by the Designated Safeguarding Lead and includes the designated safeguarding contacts and other relevant staff. The steering group meets at least twice a year (and as required) in order to ensure successful implementation, monitoring and evaluation, review and development of the work of the University in delivering its duty of care.

## **7. Safeguarding support and training for staff**

7.1 The University is committed to supporting the practice of all staff. This support is provided through induction and mentoring processes, continuing performance review and assessment processes and provision of learning and training opportunities appropriate to their role and responsibilities in relation to vulnerable students. Staff also have a responsibility to highlight areas where they feel they require additional support and/or training in relation to safeguarding.

7.2 The University accepts that it is important to ensure that its staff are adequately trained to safeguard both the young and vulnerable students they work with and themselves.

7.3 The University will ensure that all staff with safeguarding responsibilities receive appropriate training as a priority. Academic staff and technicians working with FE students, staff working in outreach activities, student staff employed as ambassadors and in similar roles and staff working in support services for students are required to attend safeguarding awareness training provided by the University.

7.4 The University will also promote awareness of safeguarding issues in order to ensure that all staff are alert to indicators of concerns and understand what to do if they have safeguarding concerns or if a student or visitor covered by this policy discloses abuse or any other safeguarding issue. UAL will also seek to ensure that all students know who to contact if they have any concerns.

## **8. Relationships with young people and positions of trust**

8.1 Sexual offences legislation already provides that any sexual activity involving children under 16 is unlawful. The primary motivation for legislation which addresses the abuse of positions of trust is the need to protect young people aged 16 and 17 who, despite reaching the age of consent for sexual activity, are considered to be vulnerable to sexual abuse and exploitation, in defined circumstances. This includes sexual activity and relationships with adults who hold a position of trust, responsibility or authority in relation to them and, as a result, have a considerable amount of power and influence in their lives.

8.2 The University considers that all staff hold positions of trust as their relationship with students places them in a position of power and/or influence over young and vulnerable students. No member of staff should enter an intimate relationship with any student aged under 18 and professional boundaries between students and staff should always be maintained.

## **9. Reporting a cause for concern in relation to staff**

9.1 Where concerns arise relating to a member of staff, support will be sought directly from the Local Authority Designated Officer (LADO) in the relevant Local Authority. The LADO is responsible for providing advice, coordinating inter-agency communication and monitoring the progress of cases where allegations have been made against people who work with children. The LADO will be informed directly of all allegations that come to the University's attention where it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child; or
- Possibly committed a criminal offence against children, or related to a child; or
- Behaved towards a child or children in a way that indicates they are unsuitable to work with young people

This applies to paid and unpaid roles, volunteers, casual, agency or self-employed roles and captures concerns/allegations/offences emanating from outside of work as well as within the workplace. The University's Designated Safeguarding Lead and Safeguarding contacts will provide support with referrals to the LADO where necessary.

9.2 The University will ensure that there are also records of any low-level concerns relating to staff. The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns will be noted, but if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

9.3 Low-level concerns will be treated in the same way as any other staff grievance or disciplinary matter. Standards of staff behaviour are laid out in HR policy documents.

## **10. Reporting a cause for concern in relation to children (under 18s)**

10.1 Any incidents which cause concern in respect of a child are required to be reported immediately to a designated safeguarding contact. Below are examples of incidents which are required to be reported. When:

- a child or young person is accidentally hurt;
- there is a concern that a relationship is developing which may be an abuse of trust;
- you are worried that a child or young person is becoming attracted to you or a colleague who has regular contact with them;
- you receive a report from a child or young person alleging abuse regarding a staff member, volunteer or a member of an external organisation using the University's facilities;
- you have been required to physically restrain a child or young person to prevent them from harming themselves or another or from causing significant damage to property;
- you see any suspicious marks on a child or young person;
- you observe behaviour which is concerning, such as:
  - a child or young person shares concerns with you that might indicate that they are being groomed, harmed or are at risk of harm;
  - the work being produced by a child or young person indicates that they may be being groomed, harmed or are at risk of harm;
- you hear of any disclosures or allegations made by a child or young person of events inside or outside the University (this may include through posts on social media).

## **11. Reporting a cause for concern in relation to adults at risk**

11.1 Indicators of abuse for adults at risk may mirror those for under 18s but can differ in some areas, particularly within a 'working' environment like the University where the abuse of older students may not be readily recognised. Additional vulnerabilities in relation to financial and material abuse and harassment or bullying should be considered alongside with differing ways in which concerns may present.

11.2 Guidance on whether causes for concern in adults might be a safeguarding issue can be provided by DSL and deputies, safeguarding contacts or Student Services managers.

## **12. Recording Information**

12.1 Immediate referral and discussions of any concerns with the appropriate safeguarding contact should be supported by recording any relevant information as quickly as possible. A report should be provided to the appropriate designated safeguarding contact who will keep a confidential record of any such incidents. The safeguarding contact may read out the written record to the reporter to confirm its accuracy. Where an initial report or concern comes in the form of email, follow up and recording will usually follow the process above.

12.2 Safeguarding contacts can receive reports of concerns from outside UAL. Only safeguarding contacts or staff within UAL Student Services team should make and maintain a record of these concerns. Reports should be managed by Student Services to avoid duplicating information and storing it outside the control of designated staff. Where an initial report or concern comes in the form of email, follow up and recording will usually follow the process above.

12.3 Ordinary personal data for the purpose of safeguarding will be processed under UAL's Legitimate Interests to support and protect students.

12.4 Reports relating to safeguarding of children or adults may contain GDPR Special Category data relating to the health, sex life or sexual orientation of the person at risk, or the allegation of a crime relating to an accused person. If the data comes directly from the data subject, Special Category data may be processed with the person's consent or explicit consent under GDPR articles 6 & 9 where the nature of UAL's use of the data is clear in writing at the time, for example within the text of the data subject's email. Where consent is not in writing, or where there is a need to establish a lawful purpose, safeguarding contacts may ask for written consent for the processing, if appropriate in the circumstances.

12.5 Special Category data will be processed without a subject's consent where processing is necessary to safeguard children and adults at risk or to provide counselling in circumstances when asking for consent would not be practical or appropriate. The lawful basis for processing data in these circumstances will be GDPR Art.9(2)(g) Substantial Public Interest, as governed by provisions in the Data Protection Act 2018, Schedule 1 relating to safeguarding.

12.6 This policy is the appropriate policy document as referred to under the Schedule.

12.7 The data mentioned above will be processed in compliance with the data protection principles in the following ways:

- Transparency - The processing will be covered in the privacy notice at <https://www.arts.ac.uk/general-data-processing-information>
- Lawfulness - The lawful basis will be as described in 12.3
- Purpose – data will only be processed for the purpose of safeguarding, and only recorded by or within the designated safeguarding contacts and Student Services. Interventions and any necessary further data sharing needed to support these will be approved by the Designated Safeguarding Lead.
- Minimisation – records will contain only the necessary personal data to safeguard the individual and the information will only be recorded within Student Services and by designated safeguarding contacts outside of Student Services. Potential external reporters e.g. in halls of residence, will be given training and guidance and discouraged from recording the data themselves.
- Accuracy – information will be checked against other records held on students to ensure accuracy of contact details etc. Records of reports may be verbally checked or shared via non-editable link with the reporter to confirm the accuracy of the contents.
- Retention – information necessary for safeguarding purposes without consent will be retained for 6 years after the student leaves the University and then deleted.
- Security internal to UAL – records will be held only in UAL's M365 environment or secured system only accessible to the Student Services, protected to the necessary standards. Data will be shared outside of the safeguarding contacts or Student Services teams only if necessary for safeguarding, via a direct controllable link to this data.
- Externally shared information that is not encrypted email will be sent as a password protected document.

### **13. Confidentiality and Information sharing**

13.1 The University will use the principles laid out in UK Government guidance: Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2018)

13.2 The University commits to treating student and staff information, including any declarations around safeguarding concerns, or other causes of concern, with an appropriate level of confidentiality.

13.3 In principle, information provided by students will not be disclosed to any person or any body outside the University, unless the student gives consent to do so; or, there is a statutory duty to do so; or, it is considered that there is a serious risk of harm to the student or a third party if information is not disclosed. It is the University's intent to always seek consent when sharing information, and making a judgement on its duties to share when no consent is provided.

13.4 Information should only be shared (internally or externally) on a strict "need to know" basis in the interests of protecting a student. Guidance on information sharing and confidentiality within a safeguarding context can be provided by Student Services managers, including the Designated Safeguarding Lead.

#### **14. Review of the University's Safeguarding Policy and Procedures**

14.1 This policy and procedures will be regularly monitored and reviewed by the University's Designated Safeguarding Lead and Safeguarding Steering Group:

- In accordance with key changes in legislation and guidance in relation to the safeguarding of children and adults at risk or any changes within the University
- Following any key learning from practice and arising from case management and/or any issues or concerns raised about the safeguarding of children or adults in need of safeguarding within the University
- In all other circumstances, at least annually to ensure the University meets its responsibilities.

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