

Durham University Safeguarding Children Policy

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Key Definitions

- **Children** refer to those members of or visitors to the University who are under 18 years of age.
- **Disclosure and Barring Service (DBS)** is the government department in England and Wales responsible for ensuring employers make safer recruitment decisions through the checking of persons to prevent unsuitable individuals from working with vulnerable groups, including children.
- **Frequently**, for the purpose of this policy, means at least once a week, or more, for a period of three weeks; or four or more days in a 30 day period.

Harm to a child may be physical or mental and includes actual harm to a child, causing a child to be harmed, putting a child at risk of harm, attempting to harm a child and/or inciting another to harm a child. The Government's *Working Together* document¹ states that "Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children". Children may therefore be harmed either directly or indirectly through online contact, such as through the use of social media.

¹ Department for Health document, HM Government (2018) *Working Together to Safeguard Children* which can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

- **Lead Safeguarding Officer (LSO)** is the University's main point of contact for individuals wishing to report any incidents of harm or potential harm. From the date of approval of this policy the University's LSO (hitherto the Director of Student Support and Wellbeing) will be the University Secretary who is the Executive lead for safeguarding.
- **Deputy Lead Safeguarding Officer (DLSO)** is the nominated deputy for the LSO and the operational lead for safeguarding in the University. From the date of approval of this policy the Deputy Lead Safeguarding Officer will be the Director of Student Support and Wellbeing. The DLSO will work in close partnership with the Deputy Director of HR in the application of this policy to staff. The DLSO is also the University's lead counter signatory with the DBS.
- **Safeguarding** is defined by the Government's *Working Together* policy as ensuring: protection of children from maltreatment; prevention of the impairment of children's health or development; that children are growing up in circumstances consistent with the provision of

safe and effective care; and that action is taken to enable all children to have the best chances.

- **Regulated Activity** includes carrying out the following activities frequently (and/or overnight) with children (save where the University member is always being supervised by another adult who has been DBS checked):
 - o Caring for, being in charge of, or supervising a child;
 - o Teaching, training, or instructing a child;
 - o Giving advice or guidance to a child about their physical, emotional, or educational well-being;
 - o Conveying children in a vehicle; and/or
 - o Carrying out a role which includes frequent contact with children who are not otherwise supervised by an appropriate adult (such as a parent, guardian, or teacher).

- **University Members** includes all staff and students in the University, and third parties; namely, Recognised JCRs.

Policy Statement

1.1. Durham University believes that all children have the right to grow up in a safe and caring environment, free from the threat of all types of harm or abuse; from neglect to physical, sexual, or emotional harm or abuse. Children also have the right to expect adults in positions of responsibility to do everything in their power to foster and uphold these rights. Whilst the University does not act *in loco parentis*, it does recognise that it has a duty of care to children and young people, staff, parents and carers of children in our care.

1.2. In addition to our moral and ethical obligations, the University has a legal responsibility to safeguard the welfare of children who are on our premises, or who come into contact with our staff, in accordance with the Children Acts (1989 and 2004), along with the Health and Safety at Work Act (1974) and the DfE (2022) *Keeping children safe in education 2022. Statutory guidance for schools and colleges*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf. In addition, the Safeguarding Vulnerable Groups Act (2006), (as amended by the Protection of Freedoms Act 2012), and the DfE 2022 Regulated activity in relation to children: scope https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf requires organisations to ensure safe recruitment practices and environments for children as well as an obligation to refer any harm or potential harm of children to the DBS.

1.3. The University will therefore ensure that:

- This policy is disseminated University-wide and is communicated effectively to ensure that individuals whose activities on behalf of the University involve frequent engagement with children understand their responsibilities and are able to maintain adherence to this policy and code of conduct when engaged with children;

- All members of the University who frequently come into contact with children as part of their role have an awareness and understanding of issues pertaining to safeguarding children, and know who the relevant University contacts and safeguarding officers are;
- All members of the University who have frequent and/or overnight contact with children are checked by the DBS before they are engaged in regulated activity with children;
- All relevant staff have access to training at an appropriate level in the safeguarding of children;
- Risk assessments for activities involving children include relevant mitigations where applicable;
- Members of the University know to immediately contact the LSO with any concerns about harm or potential harm to children. Contact should be made in a swift and appropriate manner in the event of any concerns about the safety and welfare of any child;
- Effective links are forged between relevant agencies and the University, to facilitate swift cooperation as required;
- Written records of concerns relating to children are kept and secured in accordance with the Data Protection Act (1998).

1. Safeguarding Children Policy

1.1. This policy sets out the University's arrangements for the protection and safeguarding of children within the University. It also sets out the guidelines and procedures employed by the University for the reporting of harm or potential harm of children in the University.

1.2. The policy covers the responsibilities of all members of the University engaged in any University activities in which children are present (and not just those engaged in regulated activities). All members of the University, particularly staff and students engaged in activities involving children, either as a volunteer, researcher, worker, or employee, are expected to familiarise themselves with all aspects of this policy as it identifies vital information about which all staff should be aware. University members should bring this policy to the attention of all visitors to the University and others involved in activities with children led by the University. For information relating specifically to student members, see 6.1-6.2.

1.3. Additionally, it is recognised that some members of the University will be required to familiarise themselves with and adhere to the safeguarding policies of partners with whom the University works. This includes students who are registered for programmes that require them to engage in regulated activity. For example, students undertaking a PGCE programme will be required to meet the safeguarding requirements of the schools in which they undertake their placements. In addition, research staff and students working with children should also be mindful of the need to comply with both internal policy and external ethical regulations and requirements set by research partners. Research that emerges with safeguarding issues should be dealt with via discussion with the relevant Ethics Committee to ensure that appropriate controls are in place to determine how unanticipated safeguarding concerns will be managed.

1.4. The policy and accompanying documents will be kept under review to ensure that children are safeguarded in the University environment. There is supplementary guidance pertaining to specific areas of the University whose function necessitates interaction with children. For example, Student Recruitment and Admissions and Experience Durham, who run summer schools, have dedicated safeguarding guidance. Such guidance will be implemented and monitored by the relevant owner, and such guidance will be regularly reviewed alongside this policy.

2. Responsibilities and Accountabilities

2.1. The University has a responsibility to safeguard any children on its premises or in contact with its staff from any form of harm. The Children's Act 1989 places duty on local authorities to take steps to protect children when appropriate, and gives powers to the police to take any necessary actions. The [Safeguarding Children: Guidance for English HEIs](#) document (2017) from the Department for Innovation, University & Skills states that all staff in the education service should be aware of the need to alert appropriate authorities should instances of harm, or suspected harm to children arise. The University must be diligent in monitoring the legislative framework within which it operates, and will update practices and policy accordingly.

2.2. Ultimate accountability for matters pertaining to the safeguarding of children lies with the Lead Safeguarding Officer (LSO). The LSO is responsible for: implementing and promoting this policy, and for ensuring it is monitored and reviewed according to legal developments; acting as the main point of contact in the University for the protection of children; ensuring that appropriate University members are provided with information, advice, and training on the protection of children; establishing and maintaining contacts with the Local Safeguarding Children Board and the police; maintaining confidential records of reported child abuse/harm cases in accordance with the Data Protection Act (1998); referring and providing any relevant issues or information to the DBS; and maintaining the University's relationship with the DBS. A Deputy Safeguarding Officer deputises for the LSO.

2.3. As with all policies and procedures, Heads of Department and Heads of College, as part of their role, will be responsible for the implementation and dissemination of this policy in their area, ensuring compliance.

2.4. Whilst the LSO is to act as the main point of contact in the University and as the University-wide responsible party, **all** University members have a responsibility to report any incidents of harm or potential harm to children, (even if potentially minor). Such concerns should be raised without delay.

2.5. The University is accountable to its students, not their parents, in issues relating to child protection. It is the University's policy to deal directly with students, with whom it has a contractual arrangement, and not their parents. This policy extends to U18 students. It is, however, a condition of admission to the University for U18s that a parent or guardian

confirms, by signing a pro forma, acceptance of the arrangements detailed in this policy. In the case of international students whose family remains overseas, the University requires details of a guardian for the child, resident in the UK, who may be contactable and accessible should a need arise.

3. Safeguarding Procedures

3.1. The University will ensure that all staff recognise their responsibility to report any concerns about safeguarding through the channels set out below. Staff are to respond immediately to any allegations or suspicions of harm, informing the relevant contacts in the University. Confidentiality should never be promised, and all harm or potential harm to welfare should be reported in the best interests of the child. Staff should remember that it is not the responsibility of the University to investigate harm, (although the University may choose to investigate if it considers it appropriate to do so), but that it does have a duty to a) act if there is a cause for concern, and b) notify the appropriate agencies which can take forward investigations.

3.2. The University recognises that responding to allegations or suspicions of harm to children can be distressing, and that initial concerns may be tentatively raised. Staff are to be assured that if they report any concerns according to the procedures outlined below that they will be wholly supported by their line manager and the LSO. Basic procedures to follow are:

- Remain calm and do not over-react or panic;
- Listen, giving time to the person to speak, without paraphrasing or providing different explanations for actions;
- Reassure the person that they have done the right thing in speaking up;
- Explain that only the professionals who need to know will be informed, but never promise confidentiality;
- Act immediately in accordance with the policy and do not try to address the issue yourself;
- Record in writing as near verbatim as possible what was said;
- Report to your line manager in the first instance, who is then responsible, as appropriate, for contacting the LSO. It is the duty of anyone working with children to report disclosure or harm. It is not for staff to decide whether or not a suspicion or allegation is true; all instances must be taken seriously.

3.3. If a person to whom the matter is reported is concerned that a child may be at risk of harm as determined in Durham Local Safeguarding Children Board's Child Protection Procedures², then the matter should be reported according to this procedure for reporting allegations or suspicions of abuse³:

- Report incidents or suspicions as soon as they occur (or as soon as you become aware of them). Concerns should be reported to your line manager who will then liaise with the DLSO as appropriate. Similarly, report any concerns you may have

that a child may be suffering harm or potential harm, even if you are unsure about your suspicions.

- In some situations, it may be appropriate to immediately inform relevant external agencies before notifying your line manager. For example, should a safeguarding concern arise in the course of work in a school, the school's relevant contact should be notified immediately. Should a concern arise in the course of volunteering work via Experience Durham, the initial response team at the child's relevant local authority should be contacted⁴. If you are unsure whether to contact any external agencies, you should contact the DLSO who will be able to advise. In all cases where an external report has been made, the DLSO should also be notified internally as soon as possible, to ensure that the University are aware of the incident.
- In reporting any incidents, always provide the date and time of the disclosure, and of any incident or suspicion, what exactly was said or observed, an indication of the parties involved, as well as a summary of what you said and how you acted. It is important that complainants are as accurate as possible. The DLSO may make a telephone referral, either to the police or social services, within 24 hours of the initial allegation/suspicion.
- The relevant statutory agency may issue instructions for next steps. It may be that the initial recorder of the alleged harm is not contacted again as it is not usual practice for agencies to update the University with developments. If the initial reporter is dissatisfied with the action taken by the statutory agency, and feels that the child is still at risk, they should discuss this with the DLSO.

² According to the LSCB Child Protection Procedures, there are no absolute criteria on which to rely when judging what constitutes significant harm. For a full definition of significant harm, please see <http://www.durham-lscb.org.uk/file-download/100> section 1.20-1.25.

³ For a flowchart of how to respond to allegations/suspicions of abuse, see Appendix 1.

⁴ Within County Durham, this is First Contact.

- The DLSO will also retain a copy of any report detailing concerns raised under this policy and any subsequent actions (including relevant documents), as well as any reports sent to social services or the police. These records will be held securely and, in compliance with the Data Protection Act, stored for 25 years.
- The DLSO will also notify the LSO of safeguarding cases to ensure that they retain full oversight.
- **If you are concerned that there is an immediate risk of serious harm to a child, please contact the emergency services without delay on 999 or 101.**

- 3.4. All staff should be made aware that any allegations made against them under this policy may be considered as allegations of gross misconduct and that the individual may be suspended while an investigation is carried out. The University has a duty to refer any harm or potential harm of a child to the DBS, including where an individual is removed from undertaking regulated activity and/or where an individual leaves the University before any concerns which have been raised are considered or investigated.
- 3.5. This policy will be distributed to all incoming staff as part of their induction, and will be communicated to all existing members via standard communication channels, including publication on the University website. This is vital to raise awareness of the policy and procedures involved, and to highlight individual responsibilities and accountabilities.

4. Recruitment and Admissions

- 4.1. Safeguarding can also be achieved through recruitment activities and employment checking, as well as training programmes. Safe recruitment can be achieved through checking eligibility and suitability to work with children.
- 4.2. All individuals who, as part of their role in the University, have frequent contact with children (whether they are being recruited into the University or potentially moving into a new role in the University which involves frequent contact with children) will be required to undertake a DBS check prior to the University offering the employment (or a new role). Some roles are covered by specific legislation, such as the Criminal Justice and Court Services Act (2000) and the Protection of Children Act (1999) which makes it compulsory/strongly recommends that DBS checks be carried out. A list of roles which require DBS checking will be made available following an audit of activities involving contact with children. For non-UK nationals, or for those who have worked and lived abroad, a check may also be required from that country. The LSO should be consulted if any doubts concerning the requirement for DBS checks arise.
- 4.3. A DBS check will provide the University with certainty that the individual is not barred from working with children. It is a criminal offence for the University to knowingly allow anyone to undertake regulated activity with children if they are on the barred list.
- 4.4. If an applicant or existing member of the University has to work with children, (and has no prior experience of working with children), they will be required to undertake specific training as a requirement of their appointment.
- 4.5. If, during a recruitment process, concerns about a potential colleague's suitability to undertake a role arise, (because they may be barred from engaging with children or they may be subject to an investigation), these must be immediately raised with the LSO.
- 4.6. The University ensures that appropriate checks are undertaken for students on programmes that will require them to engage in regulated activity. The requirement to be checked is included in any offer letters (as a non-academic requirement), but does not itself form part of

a conditional offer; although it is a prerequisite to registration and progression onto the programme. Individual departments are responsible for coordinating appropriate checks. The departments which offer programmes requiring DBS checks are: Education, Medicine, Pharmacy and Health, and Applied Social Sciences. In addition to these, there are some departments which may offer placements or undertake research work involving regulated activity. Ad hoc checks are therefore issued by these departments as and when necessary.

4.7. Students or staff undertaking volunteering arranged by the University may be required to undergo DBS checks if the activity involves frequent and/or overnight contact with children. For instance, volunteers working on a residential camp would be checked. In addition, this applies to students or staff volunteering to work with children overseas in an official University capacity. For those volunteers not frequently working with children, a declaration of suitability to work with children form is required.

5. General Guidance for Safeguarding of Children

5.1. There are a number of general principles which exemplify best practice in working with children and which should be observed by all University members. Some of the guidance is general in nature, although there are a number of elements which relate to specific scenarios.

5.1.1 University members **should**:

- Be aware of the needs of children, and should be vigilant for signs of harm or potential harm inflicted either from a personal or institutional setting, or from online sources, especially social media accounts;
- Take seriously anyone's complaint or information on which appropriate action should be taken as soon as possible;
- Remember that children can be responsible for harming their peers;
- Avoid unnecessary physical contact with children. There are some cases where physical contact may be necessary such as the provision of physical support; this should only take place with the consent of the child;
- Comply with all health and safety rules and guidance;

- Report any incidents or accidents as soon as possible, and keep a written record of these;
- Be aware that it is a criminal offence (Sexual Offences Act (2003)) for anyone in a position of trust to have a sexual relationship with a child (U18), regardless of consent;
- Be aware that breaches of this policy and/or allegations of misconduct concerning children and/or harm/potential harm of children may result in Disciplinary Procedures being instigated;
- In instances of medical emergency where it is not possible to contact named individuals, obtain consent for treatment from a member of the University, on behalf of parents/guardians, as in the best interest of the child;

- Forbid alcohol or illicit substance consumption by staff or University members whilst responsible for children, and also forbid consumption of alcohol or other illicit substances by children. The police should be contacted if any illegal substances are discovered in the possession of children;
- Ensure that those involved with children in the University understand that they must report any harm or potential harm to a child to the LSO through their line manager, and that they must not try to deal with such a situation themselves.

5.1.2 University members **should not**:

- Spend time alone with children, whenever possible, especially if physically located away from other individuals. Meetings should take place as openly as possible;
- Travel with children in a vehicle; if this cannot be avoided, staff should only travel in appropriately insured vehicles;
- Contact children outside of official activities.

5.2. Code of Conduct

5.2.1. All University members should adhere to the principles contained below in the code of conduct and should familiarise themselves with the appropriate behaviours and approach for working with children. University members should remember that they have a duty of care to all children, and should ensure that they work toward the creation of a safe environment.

5.2.2. University members **should**:

- Treat everyone with respect;
- Be sensitive to children's appearance, race, culture, religious beliefs, sexuality, gender, or disability;
- Provide an example others should follow, acting as an appropriate role model;
- Remember that actions may be misinterpreted, no matter how well intentioned;
- Plan activities to involve more than one person, or locate activities within physical sight of others;
- Provide an environment where children and adults feel comfortable enough to point out attitudes and behaviours they do not like, and to provide a caring, safe atmosphere;
- Be cautious about physical contact and avoid gratuitous physical contact with a child;
- Ensure mixed gender groups are supervised by both male and female staff;
- Question any unknown adult who enters University premises and/or who attempts to engage with children;
- Obtain parental consent for those who cannot consent for themselves to take/use images prior to the taking of images.

5.2.3. University members **should not**:

- Engage in sexually provocative or rough physical games with children;
- Allow children to use inappropriate language unchallenged e.g. racist, sexist, homophobic language;
- Make any sexually suggestive comments in front of, or to, or about a child, even in jest;
- Let allegations made by a child go unaddressed or unrecorded;
- Deter children from making allegations through fear of not being believed;
- Jump to conclusions without checking facts first;
- Rely on your own good name for protection;
- Fail to report any incidents of harm or potential harm;
- Promise confidentiality;
- Use physical force against a child, unless it constitutes reasonable restraint to protect him/her or another person. Incidents should be reported and recorded in writing with a witness statement (where possible) immediately afterwards;
- Undertake things of a personal nature which children can do for themselves;
- Humiliate or shame a child, including reducing a child to tears as a form of control;
- Be inappropriately familiar with a child.

This guidance is not only applicable to staff relating to U18s, or students relating to U18s in a voluntary, or educational role, but also to students interacting with fellow U18 students. Mindful of the developmental stage of those involved, this is general advice regarding the recommended behaviours to avoid.

6. Risk Assessment

6.1. For activities involving children there may be added health and safety risks. A Health and Safety risk template, available from the Health and Safety Services, may be used to capture these risks. Such risk assessments should not be used to assess individual cases of alleged or suspected harm. Such disclosures should be referred through the appropriate channels, as outlined in this policy.

7. Application of policy to students

7.1. As stipulated, this policy is applicable to all members of the University; including students. The University recognises that although the majority of students will not encounter children whilst in a position of responsibility, there are those who act as volunteers or staff, and who come into contact with children as a result of such roles. For instance, student community volunteers and student representatives on summer schools or open days will work in a position of trust with children. In addition, as noted in 4.6 above, there are some programmes of study which necessitate interaction with children. Some of these programmes will require a DBS check.

7.2. Students in such positions should receive a copy of this policy, and, regardless of their role, familiarise themselves with its contents; particularly the general guidance and code of conduct found in sections 5.2-5.2.3. Staff with responsibility for activities on site are ultimately responsible for the dissemination of this policy to students, and are also responsible for

ensuring both appropriate behaviour and an understanding of child protection issues. Managers are also responsible for ensuring appropriate risk assessments are undertaken.

7.3. It is the University's responsibility to provide relevant checks for students on site, but once on a placement, students must make themselves aware of the relevant institutional policies and guidance to ensure compliance.

8. Assurance

8.1 This policy will be reviewed on a regular basis by the Safeguarding Operations Group. The Group has responsibility for providing assurance to UEC that the University is compliant with regulatory and legislative requirements regarding safeguarding, and will review the policy to ensure it remains fit for purpose.

Appendix 1: Flowchart of what to do in the event of an allegation/suspicion of harm

