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**SAFEGUARDING POLICY:**

**PROTECTION OF CHILDREN AND ADULTS AT RISK**

**REPORTING CONCERNS**

**This Policy and Procedure is also available in Welsh**

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**Contents**

**Summary**

**Policy**

1. Scope Page 5
2. Application Page 5
3. Review Page 5
4. Safeguarding Policy Page 6
5. Legal Framework Page 6
6. Creating a Safe Environment Page 7

**Procedure**

7. Reporting Concerns Page 8

8. Immediate Danger Page 10

9. Confidentiality Page 10

10. Allegation against a Staff Member Page 10

11. Allegation against a Student Page 11

12. Training Page 11

13. Case Closed Page 11

14. Student Services Page 11

15. Definitions Page 11

16. Designated Safeguarding Officers Page 15

17. Further Documents Page 16

**Summary**

* **What is safeguarding?**

Protecting children, young people (under 18) or an “adult at risk” from abuse or neglect.

In the context of Cardiff Metropolitan University, this means providing a safe environment for them to study, visit and participate in activities hosted by the University.

The University also has a legal responsibility to act when it becomes aware that a child, young person or adult at risk is subject to abuse, neglect or harm outside of the University.

* **Who is responsible for Safeguarding?**

Every member of the University community at Cardiff Met has a responsibility to report a Safeguarding concern. This includes staff, students, volunteers, agency staff, contractors. and to any event or activity organised and /or delivered by Cardiff Met representatives, regardless of where it takes place.

External groups and organisations running activities on our campuses are required to do so in accordance with their own approved risk assessments and safeguarding policies.

* **What is an Adult at Risk?**

There is a move away from the former terminology ‘vulnerable adult’ and it has been recommended that the term ‘vulnerable adult’ reflect a medical model of disability. The term ‘Adult at Risk’ is more in keeping with the social model of disability and recognition that a person should not be defined by their vulnerability and that many of the risks posed to individuals are situational. Adults are persons over the age of 18.

* **When should I report a Safeguarding concern?**

Immediately, so that appropriate action can be taken to protect the individual and to support you. Guidance on how to deal with a disclosure can be found in Appendix SG3.

* **How do I report a Safeguarding concern?**

If you feel that a child, young person, or adult at risk is the victim of abuse or neglect you should immediately contact the Local Safeguarding Officer for your School or Unit. In the event that this person is not available, you can contact the Safeguarding Lead. A diagram of the reporting procedure can be found in Appendix SG1.

The Local Safeguarding Officer or the Safeguarding Lead will talk to you about your concerns and assess what action to take. This can sometimes be a difficult process, and support will be made available to you for as long as is required.

* **Referrals to Social Services**

Following the report, it may be necessary for the Local Safeguarding Officer or Safeguarding Lead to make a formal referral of the matter to the local authority’s Social Services Department for investigation and action.

The Local Safeguarding Officer will work closely with the relevant Social Services department and ensure all the appropriate information is recorded and any issues are reported correctly.

**Cardiff Metropolitan University**

**Safeguarding Policy:**

**PROTECTION OF CHILDREN AND ADULTS AT RISK**

**REPORTING CONCERNS**

**1. Scope**

This Policy replaces two previous separate policy documents entitled:  i) Child Protection Policy and Procedure (version 5); and ii) Protection of Adults at Risk of Significant Harm Policy and Procedure (formerly Protection of Vulnerable Adults Procedure) (version 6).

It sets out Cardiff Metropolitan University’s (‘the University’s’) duties in relation to safeguarding Children and Adults at Risk. The Procedure for Reporting Concerns contained within it ensures those duties are met in an effective and timely manner.

Complaints unrelated to alleged abuse or harm must be made through the University’s Complaints Procedure: <http://www.cardiffmet.ac.uk/registry/Pages/Complaints.aspx>

**2. Application**

All staff, students, and volunteers who are working with children and individuals who may fall within the definition of adults at risk, which the University encounters through its teaching and research activities, as well as through its outreach programmes, are subject to this Policy.

This Policy and Procedure for Reporting Concerns contained within it, are restricted to reporting concerns of abuse, and /or neglect to children and those individuals that fall within the definition of Adults at Risk. If a member of staff, student, or volunteer has a concern regarding a student that falls outside of these 2 specific groups, then they can use the Student Services - ‘Cause for Concern Procedure’.

The reporting procedure contained within this policy is not applicable to students who are undertaking a placement as part of a programme with the Cardiff School of Education and Social Policy. A local policy created entitled “The Cardiff Partnership for Initial Teacher Education (ITE), Safeguarding Children: Child Protection” will apply to reporting concerns about children.

**3. Review**

This Policy has been developed by a Safeguarding Policy Group formed of representatives from across the University community. It is the responsibility of the group to review this Policy at least every three years. The University will further develop the procedure made under this Policy where necessary, in line with changes in legislation and best practice, and following internal review of the effectiveness of the procedure.

**4. Safeguarding Policy**

Safeguarding is about protecting children and adults at risk from abuse, neglect, or harm and about educating those around them to recognise the signs and dangers.

Cardiff Metropolitan University aims to provide a safe and secure environment for all students, staff and individual visitors who attend and access its facilities and services.

The Social Services and Well-being (Wales) Act 2014 [Part VII) introduced a strengthened, robust and effective partnership approach to safeguarding. One of the most important principles of the Act is that safeguarding is everyone’s responsibility. Each organisation must do everything it can, to ensure that children and adults at risk are protected from abuse. Accompanying the Act, the Welsh Government published “Working Together to Safeguard People”.

The University is committed to working with relevant authorities and organisations to take all necessary steps to identify and report cases of alleged abuse and / or harm to children and adults at risk.

The University is also committed to protecting children and adults at risk and ensuring all members of the University community are aware of their responsibilities in relation to safeguarding.

Staff, students and volunteers within the University may on occasions work with children or adults at risk. This may arise from an event or activity arranged within, or by a particular School or Professional Unit. In undertaking that work, individuals may come across possible signs or receive a disclosure concerning suspected abuse, neglect, and/or harm. In such circumstances the member of staff, student, or volunteer needs to ensure that any concerns for the wellbeing of the child or adult at risk are recorded and reported to the appropriate person (identified below) as quickly as possible and, at most, within 24 hours.

The University has developed a procedure (Para 6. below) which sets out the overall processes by which University staff, students or volunteers can report concerns about a child or adult at risk.

Staff designated as a Local Safeguarding Officers will have responsibility for receiving information from staff, and reporting concerns in line with relevant legislation and guidance.

**5. Legal Framework**

This Policy adopted by the University and procedure applied within have been informed by a wide range of legislation, external policies and guidance. The University’s approach to safeguarding is based on principles enshrined in UK and International law and guidance from the Welsh Government. The primary legislation that informs the University’s responsibility for safeguarding is the Children Act 1989, Children Act 2004 and the Social Services and Wellbeing (Wales) Act 2014.

The Children Act 1989 established the principles:

* The welfare of the child is paramount;
* Parental responsibility applies until the child is aged 18 years;
* All other adults supplying services to children are under a duty of care to maintain their safety and well-being.

The Children’s Act 2004 required local authorities across England and Wales to set up a Local Safeguarding Children Board, whose purpose is to ensure collective accountability for safeguarding children.

The Social Service and Wellbeing (Wales) Act 2014 reinforces the rights of children and adults as provided in the United Nations Convention on the Rights of the Child (including article 19, the right to protection from violence, abuse or neglect) and the Human Rights Act 1998. It also established the National Independent Safeguarding Board for Wales to provide support and advice to the local Children’s Safeguarding Boards and new Adult Safeguarding Boards.

The University has a common law duty of care to take the necessary (reasonable) steps to ensure that children and adults at risk are safe and that reasonably foreseeable harm does not occur because of a careless act or omissions of the institution.

**6. Creating a Safe Environment**

In organising events and activities on campus, or other premises, that deliver learning and teaching, or services to students and the public, Schools and Professional Units are required to complete risk assessments in respect of that event or activity. Further advice on risk assessments is available from the Health, Safety and Well-Being team within Human Resources.

If the event or activity involves children, young people or adults at risk, then suitable consideration of safeguarding issues should be undertaken as part of that risk assessment. This may involve making reasonable, proportionate, adaptions to the event or activity.

Where adaptions are reasonable and proportionate, the University then puts in place a number of ‘control measures’ in order to safeguard the individual.

The University reserves the right to refuse to admit an individual to a programme of study, or other managed event or activity, if it is judged that the adaptions necessary to safeguard that individual’s wellbeing go beyond what is reasonable and proportionate.

The Local Safeguarding Officer designated for that School or Professional Unit will be named as the point of contact for safeguarding issues, in that risk assessment.

In completing the risk assessment, advice and support can be provided to the School or Professional unit by the University’s Safeguarding Lead.

Where children of students, staff members or visitors are present on the University campus or premises used by the University, they remain the responsibility of their parent /guardian or those acting in loco parentis.

**7. Procedure for Reporting Concerns on Safeguarding matters**

It is the responsibility of the Local Safeguarding Officer (“LSO”), and Safeguarding Lead (“SL”) to ensure the appropriate procedure is engaged, and action taken to ensure the child or adult at risk is safeguarded.

The flowchart annexed at SG1 sets out the steps a member of staff, student, or volunteer should follow when a concern is raised, by or about a child or adult at risk. It also sets out the procedure for designated safeguarding officers to follow to report the matter.

* ***Duty to report to Social Services***

There is a duty for the University to report instances of suspected abuse, neglect, or harm to the appropriate Social Services department.

 The appropriate Social Services (local authority) for such a report will depend upon where the incident occurred. Therefore, if a concern were raised by a member of staff, student, or volunteer working off campus and in a different local authority area, then the report would be made to the Social Services department responsible for that local authority.

The relevant Social Services department will then exercise their functions in accordance with the Codes of Practice, and statutory guidance issued under the Social Services and Well-being (Wales) Act 2014.

The duty to report the suspected abuse of any child or adult at risk applies for all activities organised by University staff, students or volunteers whether or not the person is a member of the University community.

* ***Reporting concerns to a Local Safeguarding Officer (LSO)***

The University expects all staff, student or volunteers to be alert to any concerns about the welfare of children or adults at risk and to report any such concerns they have. They are also expected to assist and co-operate with any Police or Social Services enquiries or investigation into an allegation of abuse that may arise.

A Code of Good Practice which all staff, students, and volunteers must adhere to in relation to working with children and adults at risk is provided at Annex SG3.

To be clear a safeguarding concern can follow a disclosure of alleged abuse made by or about an individual, or may follow an observation and assessment of potential harm and /or abuse of a child or adult at risk.

Any staff member, student or volunteer who has a concern regarding potential abuse, neglect and /or harm against a child or adults at risk **must** immediately inform, and seek advice and assistance from the LSO who is designated for that School or Professional Unit.

Prior to informing the LSO, the person reporting the concern should make a full note of the facts that gave rise to their concern.

The University acknowledges that some members of staff may have additional responsibilities for safeguarding outside of those categorised in this Policy, and as such, may be required to report directly to Social Services. In such cases, the member of staff is asked to notify the LSO as soon as possible after reporting the matter to Social Services.

* ***Local Safeguarding Policies***

If a disclosure is made to a member of staff, student or volunteer whilst the individual is located within another organisation e.g. school, hospital etc. then the safeguarding policy of that organisation may have to be followed. This includes placements that form part of a programme of study. As such, a member of staff, student or volunteer must make themselves aware of any local safeguarding policy if they are working at another organisation, and believe they may be working with children and /or adults at risk.

* ***Referral to Social Services***

Under this procedure it is the responsibility of the LSO to report a matter of potential abuse, neglect, or harm to the appropriate Social Services department, after seeking advice from that department. The duty to report is actioned by an individual completing the required referral form made available by the Social Services department

A referral should be made to Children’s Services if the allegation involves actual or possible abuse, neglect or harm to a child or to Adult Social Services if the allegation involves actual or possible abuse, neglect or harm to an adult at risk. The relevant Social Services department has a duty to provide guidance and advice on how to make a referral.

The University must not undertake its own internal enquiries into an allegation, but must refer concerns to Social Services for investigation and further action.

Any decision not to report a safeguarding concern to Social Services must be recorded on Form SG2, along with reasons as to why that decision was made.

* ***Informing Line Manager***

The LSO should, prior to making the referral ensure, their Dean of School or Director of Unit is aware of the potential safeguarding matter.

Any local protocols developed within a specific School or Unit to cover the sharing of information between LSO, Dean or Director of Unit should be agreed by a convened Panel of the SL and LSO’s. Any local protocol should be in adherence to this Policy.

Information about the safeguarding matter should be recorded by the LSO using the standard form provided at Annex SG2.

A copy of the form should be retained by the LSO, and a copy provided to the SL for overall case management purposes.

The LSO can contact the SL for advice and assistance in relation to making the referral. It can also be agreed by the SL and the Dean of School / Head of Unit that the referral is made directly by the SL. A determination of whether the SL should make the referral will be based upon the urgency of the matter. For the SL to submit a referral on behalf of School /Unit may lead to further delay

The following principles should be applied in completing the form:

* Record Relevant information
* Record the voice of the individual
* Share the information to the appropriate people
* Take appropriate action.

The LSO should inform the SL when the Social Services Referral has been acknowledged by Social Services, and when an outcome to any investigation, subsequent action is provided.

The LSO or SL may agree which officer will contact Social Services for an update on the case. Any outcome should be recorded on the Form SG2.

**8. Immediate Danger**

In urgent cases where an individual has an immediate concern, believing a child /adult at risk is in danger, then they must make direct contact with the police by calling 999, reporting later to the Local Safeguarding Officer.

The police should also be contacted if the alleged abuse amounts to a criminal offence.

**9. Confidentiality**

It may be the case that an individual may make a disclosure about a child /adult at risk, and in turn, ask the member of staff, student, or volunteer for the matter to remain confidential between them and /or that they wish to remain anonymous in making the disclosure. In such cases, the individual should be informed that confidentiality could not be guaranteed, as there is a duty for the matter to be reported. In such cases, the staff member /student /volunteer can say that the number of people to be informed of the alleged abuse, reported to the statutory authorities is to be kept to a minimum.

Any forms completed or records made as part of this procedure should be prepared and stored in a confidential manner.

**10. Allegation against a Staff Member**

Where an allegation of abuse or inappropriate behaviour is made against a member of staff, Human Resources will provide advice and guidance to the appropriate line manager of the member of staff against whom the allegations have been made in relation to employment or disciplinary issues.

The University recognises that as an employer it has a duty of care to all employees. Any member of staff facing an allegation, and the alleged victim, if he /she is a student of the University, will be offered counselling advice and support.

**11. Allegation against a Student**

Where an allegation of abuse or inappropriate behaviour is made against a student, the Complaints Manager will provide advice in relation to student discipline and other student procedures.

The University recognises that it has a duty of care to all students. Student Services will offer any student facing an allegation, and the alleged victim, if he /she is a student of the University, counselling advice and support.

**12. Training**

A member of staff who is designated a particular function for safeguarding will be provided with appropriate training by the University to assist them in identifying and dealing with cases of abuse or neglect of children and adults at risk.

If, at any time, a LSO is not sure of their role, or has questions regarding the operation of this procedure, then they can contact the SL for advice and assistance.

**13. Case Closed**

If the University is informed by Social Services and / or the Police that they do not intend to take any further action on a case, then the University will also close the safeguarding case. However, the University may decide to initiate action under its own policies and procedures, if considered appropriate.

**14. Student Services:**

Where the University identifies that an adult at risk has enrolled, the Disability Team of Student Services will assess the support needs of the individual and carry out necessary risk assessments.

**15. Definitions:**

* **Children**

Safeguarding practices, such as included within this Policy and procedure are most commonly applied to children and young people under the age of 18 years.

The Children Act 1989 defines a ‘child’ as a person under the age of 18. This definition was also used in the Social Services and Well-Being (Wales) Act 2014. The Management of Health and Safety Regulations 1999 regard a ‘child’ as a person who is not over the minimum school leaving age and a ‘young person’ as a person who had not yet attained the age of 18 years.

The term ‘child’ /’children’ and ‘young person /young people’ are used interchangeably under this Policy and are used to refer to people who are under the age of 18 years. The fact that a child has reached the age of 16 years of age, considers themselves, as a ‘young person’ in that they live alone, or attend further education does not change his or her status or entitlement to protection under the law.

There is no legal requirement to gain the consent of a child before reporting concerns about a child to the relevant statutory authority [police, social services), nor to determine mental capacity.

* **Adult at Risk**

The Social Services and Wellbeing (Wales) Act 2014 defines an “adult at risk” as a person who is

(a) is experiencing or is at risk of abuse or neglect,

(b) has needs for care and support, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

People with learning disabilities, mental health problems, older people or disabled people may fall within this definition.

Under the Mental Capacity Act 2005 an adult is deemed to have capacity to give or withhold consent (including a referral to Social Services). If it is believed that an adult is at risk of harm and may need protection, a ‘responsible person’ must consider if the individual is capable of giving consent. If ‘capacity’ is so determined, a professional acting on behalf of the organisation must seek the individual’s consent before taking any action, such as a referral to Social Services or the Police.

There are some exceptions to this, where consent is not required:

* Where there is a legal duty to act (a crime has taken place); or
* When it is in the public interest to act (another person is put at risk); or
* When it is suspected that the individual may be under the undue influence of someone else.

It is acknowledged that this is a difficult assessment to make and any person who is considering making a report, but is unsure of whether consent is required, should seek advice of the LSO or SL. Advice may also be sought from the University’s Information Manager.

* **Abuse**

Section 197(1) of the Social Services and Wellbeing (Wales) Act 2014 provides a definition of “abuse”.

“Abuse” means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place).

Working Together to Safeguard Children (NAFW 2006) describes child abuse in the following way: “Someone may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting; by those known to them or more rarely by a stranger”.

Non –Exhaustive list of examples for each category of abuse in relation to a person categorised as a child or adult at risk:

1. ***Physical abuse*** may involve hitting, slapping, etc. It may also include unreasonable restraint, misuse of medication.
2. ***Psychological abuse*** may include threats of physical abuse, abandonment, intimidation humiliation, verbal criticism.
3. Under Section 197(1) ***Financial Abuse*** incudes:
   * Having money or other property stolen;
   * Being defrauded;
   * Being put under pressure in relation to money or other property;
   * Having money or other property misused.

Financial abuse in relation to a person categorised as an adult at risk, may include the following possible indicators:

* Unusual activity in bank account;
* Additional names included on bank account;
* Variation in signatures used;
* Reluctant of person to discuss financial matters;
* A sudden interest of a third party into the accounts of that person;
* Bills not being paid;
* Complaints that property is missing.

1. ***Sexual abuse*** may include rape and sexual assault or sexual acts to which the adult at risk has not nor could not consent to and /or was pressured into consenting.

No child under the age of 13 years is able to consent to sexual activity.

Sex between young people (peer to peer) where both individuals are under the age of 18 years should be consensual e.g. without coercion, exploitation or manipulation etc.

Under Section 16 of Sexual Offences Act 2003 intimate relationships between adults (over 18 years) who are in a ‘position of trust’ and young people (under 18 years) in their care are considered to be an abuse of that position of trust, and is a criminal offence.

Sections 14 and 15 of the Sexual Offences Act 2003 made ‘Grooming’ a criminal offence. Grooming is where a perpetrator uses online facilities to talk to children or young people with the ultimate goal of meeting them for committing a sex offence.

The Domestic Violence, Crime and Victims Act 2004 closed a loophole for murder /manslaughter and the 2012 Amendment includes “causing a child or vulnerable adult to suffer physical harm.”

1. ***Online Abuse*** is any type of abuse that happens on the internet, whether through social networks, online games, or mobile phone service.

Children and adults at risk may experience cyberbullying, grooming, sexual abuse, sexual exploitation or abuse. Such abuse may be from strangers or people they know. Online may abuse may be an extension of behavior happening in real life, or online only.

S.15A of the Sexual Offences Act 2003 makes criminal any intentional communication with a child by a person aged 18 or over for the purpose of obtaining sexual gratification where that communication is sexual, or the intention is to elicit a sexual response. The communication can be written, verbal or pictorial and made in person, by phone, internet or by any other means - such as via a gaming system.

One important indicator that an individual is subject to any form of abuse may be their isolation or withdrawal from support or services.

* **Neglect**

**Section 197(1) of the Social Services and Wellbeing (Wales) Act 2014 provides a definition of “Neglect”.**

“Neglect” means a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in the impairment of the person’s wellbeing (for example, an impairment of the person’s health or, in the case of a child, an impairment of the child’s development). This may include:

* Failure to access medical or support services;
* Negligence in relation to risk taking;
* Failure to assist in personal hygiene;
* Failure to provide food, shelter, clothing;
* Emotional neglect.

An indicator of neglect may include decline of personal appearance that may evidence diet and personal needs are being ignored.

For each category (above), the impact upon the victim is the primary consideration, not whether the abuse or neglect is intentional.

**16. Designated Safeguarding Officers:**

The following functions for safeguarding are designated under this Policy;

* **Safeguarding Lead (SL)**

The University has designated the Head of Compliance in the Secretariat as the Safeguarding Lead for the University (“SL”). The SL has a duty to perform the following functions:

* Accountable for the University’s practice in relation to safeguarding, ensuring that safeguarding is afforded the utmost priority;
* Development and implementation of Policy and Procedure(s) to safeguard children, young people and adults at risk;
* Ensure the Vice Chancellor’s Executive Group is made aware of the necessary funding and resource implications for the University to fulfil its safeguarding responsibilities;
* Effective management of safeguarding concerns within the University;
* Maintain an up-to-date register of Local Safeguarding Officers. The Dean of School or Director of Unit is responsible to notifying the SL of any changes;
* Keep a secure central record of all reported safeguarding concerns for a period of up to six years, in line with the University’s document retention policy;
* Ensure that Local Safeguarding Officers receive training, advice, and support to enable them to carry out their functions.
* **Local Safeguarding Officer (LSO):**

The Dean of each School and Head of Professional Unit will designate at least one person in their School /Unit to act as a Local Safeguarding Officer (“LSO”). The LSO has a duty to perform the following functions:

* To act as the point of contact for each School /Unit with respect to any event or activity involving children, young people or adults at risk;
* Specific responsibility for responding to safeguarding concerns raised by staff, students, volunteers within their own School /Unit;
* Receive concerns and disclosures made to staff, students etc., decide upon the appropriate course of action and document the decisions made;
* Attend training organised by SL on safeguarding matters;
* If necessary, following receipt of a concern or disclosure make a referral to local Social Services or the Police;
* Provide necessary information to statutory authorities, but not to investigate any safeguarding matter, nor compromise any ongoing investigation;
* Support and debrief any member of staff, student or volunteer who has passed on a concern or disclosure, recording relevant information, and keep them update with appropriate information;
* Complete the necessary University paperwork, ensuring records are completed appropriately, filed confidentially and arranged in accordance with institutional requirements.
* Keep the SL informed of any safeguarding issues and liaise with the SL with regard to any specific concerns or disclosure.

**17. Further Documents:**

Annex SG1: Flowchart for Reporting Concerns on Safeguarding Matters.

Annex SG2: Form for Recording and Reporting Concerns by LSO.

Annex SG3: Code of Good Practice for Staff, Students and Volunteers when working with Children and

Adults at Risk - Receiving Disclosures / Reports.

**18. Wales Safeguarding Procedures:**

The procedure specified in this Policy document is guided by the Wales Safeguarding Procedures for children and adults at risk of abuse and /or neglect. These procedures are issued by the Welsh Government (November 2019).

The All Wales Procedure is issued for use by statutory practitioners, but provides useful guidance relating to practitioner roles and responsibilities following receipt of a report by Social Services about a child or adult at risk of abuse or neglect: [www.safeguarding.wales](http://www.safeguarding.wales).