



# Safeguarding Policy

## Protecting children and vulnerable adults

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The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales and a charity registered in Scotland (SC 038302). The Open University is authorised and regulated by the Financial Conduct Authority in relation to its secondary activity of credit broking.

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**If you - or another person - are in immediate danger, then call 999 straight away.  
For students outside the UK, please call 112.**

This policy contains topics which some readers might find distressing.

## Summary of policy

This policy describes how The Open University meets its statutory safeguarding obligations to protect the safety and wellbeing of children and vulnerable adults. Safeguarding concerns may emerge about the safety and wellbeing of children and vulnerable adults associated with students, staff or other activities during the course of Open University business. Other disclosures may also be made, such as regarding historic abuse, involving perpetrators who may still pose a risk. This policy outlines the procedure to follow if you have a safeguarding concern and how decisions are made.

Safeguarding is everyone's responsibility; we are committed to creating and sustaining a culture of vigilance among our staff and students to recognise, respond, record and report safeguarding concerns across the life course and provide a proportionate response. **Note:** The scope and terminology of this document takes into equal account the legislation and guidance of England, Wales, Scotland, Northern Ireland and other territories including the Channel Islands, and refers to 'children' as those under 18 years of age and 'vulnerable' adults or groups as those also recognised as 'protected' or 'at risk of harm'.

If you are concerned about the welfare or safety of a child or vulnerable adult, you can contact our Safeguarding Referrals Team by email [safeguarding-referrals@open.ac.uk](mailto:safeguarding-referrals@open.ac.uk).

**If you are concerned someone is at immediate risk of harm in the UK, phone 999 Emergency Services. (For students outside the UK please call 112)**

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## Summary of significant changes since last version

- a) Updated legislation references
  - b) Updated scope of the policy
  - c) Updated guidance on how to report a concern about the safety or welfare of a child or vulnerable adult
  - d) Updated links to Related Documentation
  - e) Updated glossary
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## Policies superseded by this document

This document updates the previous version of the Policy for ensuring the safety of children and vulnerable adults at The Open University, dated July 2020.

## Scope

### What this document covers

This policy and its related procedures apply to:

- All current and prospective students including those under 18 years old, Apprentices, and students studying on either the employment-based or part-time PGCE programme in Wales.
- Students participating in placement settings should also follow local safeguarding policies and procedures of those settings.
- Vulnerable adults (or protected adults<sup>1</sup>) registered as students or prospective students (see the Glossary for descriptions).
- Open University staff in the course of their duties (including postgraduate research students, and staff connected with [International Development Office](#) business).

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<sup>1</sup> 'Protected adult' is a term used in Scotland (see Glossary). The term 'vulnerable adult/s' in the rest of this document also refers to protected adult/s.

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- External organisations/individuals engaged with official Open University activities.
- All children/vulnerable adults with a connection to The Open University business directly or indirectly.

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### What this document does not cover

- Students or staff experiencing mental health difficulties who may pose a risk to themselves or others but are not vulnerable adults or under 18 years old and do not pose a safeguarding risk. Those in this position can access support via:
  - Students: [Your Student Support Team](#) or [StudentHome](#) or the [HelpCentre](#)
  - Staff: Your manager; and/or People Services, who may refer you to the Employee Assistance Programme
- Students who may be in prison or in a secure environment and are under the remit of the Students in Secure Environments team. For more information, see our [Supporting Students in Secure Environments](#) website.

<h2>The Open University Student Charter Values</h2>
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This policy aligns with the [Open University Student Charter Values](#), specifically:

- 1 We treat each other with courtesy and respect, respecting the rights of individuals to hold different beliefs and views and to express them appropriately.
- 2 We value diversity and challenge inequalities and we are stronger for doing so.
- 8 We challenge bullying and harassment and are committed to supporting the mental health and wellbeing of all members of our University community.
- 11 We work to maintain and enhance the standards and reputation of our University recognising the contributions that all members make to its success.

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## Introduction

The Open University respects that all individuals regardless of race, gender, disability, religion, sexual orientation, family status, age or social background have a right to equal protection from all types of harm or abuse. Safeguarding is our responsibility to ensure that our staff, students and other individuals connected to our activities, operations and programmes do no harm to children and adults at risk. It is also our responsibility to manage any concerns raised and report them on to the appropriate authorities. Abusive behaviours can take many forms, including, but not limited to:

- Physical abuse
- Emotional or psychological abuse
- Sexual abuse (ongoing, recent or which happened in the past)
- Neglect
- Domestic Abuse/Gender-Based Violence (and its impact on victims and their children who witness it)
- Child criminal exploitation
- Financial abuse
- Discriminatory abuse
- Modern slavery

The Director, Academic Services, is the Designated Safeguarding Lead (DSL) for The Open University. They have overall responsibility for the safety of vulnerable groups in accordance with relevant legislation in each of the countries and territories of the UK and is accountable for The Open University's practice.

The Safeguarding Steering Group has oversight of all safeguarding matters and issues relating to protection within the Open University and assists the Director Academic Services, in fulfilling the institution's responsibilities as outlined in this Policy.

Definitions of terms used in this policy can be found in the Glossary at the end of this document.

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# Policy

## 1. Policy principles

- 1.1 It is not our responsibility to make judgements about safeguarding concerns reported, but to ensure they are processed and referred on, as appropriate. Protecting people’s health, wellbeing and human rights, and enabling them to live free from harm, is fundamental to creating a safe learning environment.
- 1.2 Wherever possible or appropriate, we aim to seek the consent of the student in order to share their information such as names, contact details and the nature of a concern, with an external agency, for example, a social services department.
- 1.3 The Safeguarding Steering Group oversees safeguarding policy; a Designated Safeguarding Lead (DSL) and a trained Safeguarding Referrals Team process reports of concerns raised and make referrals to external agencies, where appropriate. Safeguarding training is mandatory for all staff and relevant parties involved in The Open University’s business.
- 1.4 The Open University has safeguarding protocols in place which are coordinated and implemented consistently through its Safeguarding Referrals Team across the institution.
- 1.5 The Safeguarding Referrals Team records all queries received via [safeguarding-referrals@open.ac.uk](mailto:safeguarding-referrals@open.ac.uk) and verifies details where appropriate, in order to refer concerns to external agencies, such as emergency services or relevant social services. Information and Data received will be stored in accordance with [Safeguarding Privacy Notice Appendix B](#).
- 1.6 The Safeguarding Referrals Team makes available information, advice, guidance and training on what to do in the event of a safeguarding concern arising, and this is quality-assured on a regular basis. This includes all relevant partner organisations and individuals associated with Open University business.

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- 1.7 The Open University works in partnership with the Open University Students Association to promote the safety of children and vulnerable adults.
- 1.8 Safeguarding best practice in the higher education sector as a whole is reviewed regularly via the Safeguarding Steering Group to ensure a consistency of approach, procedures and actions to lead to a safe culture within Open University settings.
- 1.9 The Open University has a statutory duty regarding the need to prevent people being drawn into terrorism. If there is reason to believe that a member of staff or student may be at risk of being drawn into terrorism, any action taken under this policy will be taken in consultation with [The Open University Prevent Co-ordinator](#).
- 1.10 Students or staff of The Open University who have concerns about irregularities in Open University business can bring this to the attention of management according to [Whistleblowing Procedures and Guidance](#).
- 1.11 The Open University makes all reasonable efforts, through its recruitment procedures, to ensure that all members of staff whose role involves specific activity with children and/or vulnerable adults have no known history of harmful behaviour and are suitable for the position in line with policy and legislation requirements.
- 1.12 The Safeguarding Referrals Team members are regularly Disclosure and Barring Service (DBS) checked, or Nation equivalent.

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## Procedure

### 2. What to do if you are concerned about the safety or welfare of a child or vulnerable adult

Someone may disclose something which prompts a concern, such as in a conversation, in a written assignment or a posting on a forum. You may receive information about someone in a position of authority which raises a concern, and this may relate to incidents which occurred recently, or in the past.

- Listen to what they are saying to you calmly so as not to make them more anxious.
- Respect the person's right to privacy but do not promise confidentiality - say that you may have to pass on information if a child or vulnerable adult is at significant risk of harm.
- Reassure the person that they have done the right thing in telling you this information.
- Make notes as soon as you can, using the exact words that you can remember.

If you are concerned that a child/young person/vulnerable adult is in possible **IMMEDIATE** danger, please take action to ensure their safety by contacting the Emergency Services by telephoning 999 or 112 from outside the UK.

- Then email details about the incident to [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk)
- If you cannot send an email, call Tel +44(0) 1908 858284, and leave a message and the Safeguarding Referrals Team will contact you during standard business hours. Where appropriate, your concern will be escalated to the Head of the Safeguarding Referrals Team, Deborah Peat, Assistant Director Safeguarding, Quality and Inclusion

If you are concerned about the risk to a child/vulnerable adult and do not think they are in immediate danger, fill in the [webform](#) if you can access it, and then send an email detailing your concern and your contact details to [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk).

If you cannot fill in the webform, please send an email with as much detail as possible and your contact details to [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk).

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### **Open University staff:**

Should report details of concerns at the earliest opportunity to the Safeguarding Referrals Team via the [internal webform](#). Staff may wish to discuss this with a line manager, who will support the completion of the webform.

### **Outside standard business hours or during holidays:**

If you are concerned about the risk to a child/young person/vulnerable adult outside business hours and expert advice is needed, you can contact the local Children's Social Care or Adult Social Services. Or you can contact:

- [NSPCC Helpline](#) 0808 800 5000 Mon- Fri 8am – 10pm or 9am – 6pm at the weekends
- [Domestic Abuse](#) Helpline Tel 0808 2000 247, 24 hours a day

If you do this, please also email [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk) with the information that you have reported.

The Safeguarding Referrals Team may require further information from the person who has made the initial referral at some point following the referral.

- The Safeguarding Referrals Team will seek advice regarding further action required. Following advice they will refer, if necessary, to the relevant local authority children's social care, adult safeguarding service or the police.
- A member of the Safeguarding Referrals Team may report back to you once the case is closed on the action taken, as appropriate.

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### **3. Allegations against Open University staff**

- 3.1 Any allegations of abuse involving a member of Open University staff will be taken seriously by the University. A student can report an allegation about a member of staff to the Safeguarding Referrals Team ([Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk)) which will then be referred to People Services and external agencies, as appropriate.
- 3.2 Any member of Open University staff who has a concern about abuse by another member of staff should report their concern to an appropriate senior manager, who will follow the University's safeguarding and disciplinary procedures and refer the matter to People Services (as in 3.1, above).

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### **4. Students under the age of 18**

- 4.1 The Open University is mindful that some modules may contain material or require work experience in a particular field which is unsuitable for students who are under the age of 18 and that some modules leading to professional qualifications may stipulate minimum requirements relating to age. The Open University has procedures in place to help children who are considering applying to study according to the [Admission of Applicants under the age of 18](#).
- 4.2 No images in any format will be circulated or stored by staff involving students under the age of 18 without first gaining explicit written informed consent of those involved and their parents/guardians/carers. Online conduct and principles are set out in the Open University's Student [Social Media Policy](#).

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## 5. Data protection

- 5.1 Under The Open University's Statutory Safeguarding duty, Open University staff must report any safeguarding concerns to the Safeguarding Referrals Team. Whilst measures will be taken to protect individuals' privacy on a need-to-know basis, confidentiality levels will be managed as outlined in Appendix B.
- 5.2 The Safeguarding Referrals Team keep electronic records of referrals/concerns securely and confidentially on a restricted server with restricted access, in accordance with data protection guidelines. Data held is retained on a need-to-know basis according to the Safeguarding Privacy Notice – see [Appendix B](#).
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## 6. Implementation and enforcement of procedure

- 6.1 Safeguarding is a statutory duty of The Open University's business, and, as such, there is no flexibility or exemption to this policy. The Safeguarding Steering Group oversees safeguarding policy and the Safeguarding Referrals Team implements it. A failure to comply with the safeguarding policy and procedures will be investigated and may result in dismissal or exclusion from The Open University.
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## 7. Non-compliance

- 7.1 Breaches of codes of conduct may lead to disciplinary action according to the following policies or codes:
- Students: [Code of Practice for Student Discipline](#)
  - Staff: Disciplinary procedures for staff (via the internal [People Services website](#)).

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## **Commitment to Equality, Diversity and Inclusion at The Open University**

Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

### **Safe Space Reporting**

The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through an online tool through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

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## Related Documentation

Other documentation relevant to safeguarding at The Open University include:

- [Admission of applicants under the age of 18](#)
- [Advocacy policy](#)
- [Code of Practice for Student Discipline](#)
- [Distressed and suicidal students guidelines](#) (available only to staff)
- [Fitness to Practise Procedure](#)
- [Fitness to Study Policy](#)
- [Information Security Policy Set](#) (available only to staff)
- [Student Computing Policy](#)
- [Social Media Policy](#)
- [Open University Prevent Principles](#)
- [Policy for ensuring the safeguarding of children overseas for the International Development Office](#)
- [Whistleblowing Policy](#)
- [Student Privacy Notices](#)

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**This policy is informed by legislation and guidance including:**

- [Counter-Terrorism and Security Act 2019](#)
- [Keeping Children Safe in Education \(September 2020\)](#)
- [Modern Slavery Act 2015](#)
- [Special educational needs and disability \(SEND\) code of practice: 0-25 years – Statutory guidance 2014](#)
- [Safeguarding Vulnerable Groups Act 2006](#)
- [United Nations Convention on the Rights of the Child](#)
- [Children Act 2014](#)

**England:**

- [Working together to safeguard children](#) - A guide to inter-agency working to safeguard and promote the welfare of children, updated December 2020
- [The Care Act 2014](#)
- [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#)

**Channel Islands:**

- [Children \(Guernsey and Alderney\) Law 2008](#)

**Northern Ireland:**

- [Co-operating to Safeguarding Children and Young People in Northern Ireland](#)
- [Domestic Abuse Bill \(niassembly.gov.uk\)](#) (Northern Ireland)

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**Scotland:**

- [National Guidance for Child Protection in Scotland 2014](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)
- [Equally Safe: Scotland's strategy to eradicate violence against women - gov.scot \(www.gov.scot\)](#)
- [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)

**Wales:**

- [Social Services and Wellbeing Act \(Wales\) 2014](#)
- [Keeping Learners Safe](#)
- [All Wales Safeguarding Procedures](#)
- [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#)

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## Glossary of terms/Definitions

This Glossary has been informed by sources including Women’s Aid, Refuge and NSPCC.

### **Child and childhood sexual abuse**

When a child or young person is sexually abused, they're forced or groomed into sexual activities. They might not understand that what's happening is abuse or that it's wrong. There are two types of sexual abuse:

1. Contact abuse can include touching, kissing and oral sex – sexual abuse isn't just penetrative.
2. Non-contact abuse is where a child is abused without being touched by the abuser. This can be in person or online.

### **Consent**

This means giving permission for something to happen or agreeing to do something and being comfortable with that decision. Consent can be withdrawn at any time.

### **Controlling behaviour**

This is a range of acts designed to make a person subordinate and/or dependent by, for example: isolating the individual from sources of support; depriving them of the means needed for independence, resistance and escape; regulating their everyday behaviour.

### **Coercive behaviour**

This is defined as an act or pattern of acts of assault, threats, humiliation and intimidation or other abuses that is used to harm, punish or frighten a victim. This involves controlling and manipulating small aspects of everyday life that, on their own, can be difficult to see as a criminal offence. However, when considered together, they add up to a pattern of violence and abuse.

### **Economical abuse**

This is wider in its definition than ‘financial abuse’, as it can also include restricting access to essential resources such as food, clothing or transport, and denying the means to improve a person’s economic status (for example, through employment, education or training).

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**Emotional, mental and psychological abuse**

Often closely linked terms that can be used interchangeably. The aim of emotional abuse in relationships is to reduce confidence and esteem to make their victim increasingly reliant on them. They use tactics such as intimidation, bullying, constant criticism and keeping someone isolated from family and friends in order to exert control.

**Female genital mutilation (FGM)**

This is defined by the World Health Organisation (WHO) as the range of procedures that involve ‘the partial or complete removal of the external female genitalia or other injury to the female genital organs whether for cultural or any other non-therapeutic reason’.

**Financial abuse**

This involves a perpetrator using or misusing money which limits and controls their partner’s current and future actions and their freedom of choice. It can include using credit cards without permission, putting contractual obligations in their partner’s name, and gambling with family assets.

Financial abuse can leave individuals with no money for essentials such as food and clothing. It can leave them without access to their own bank accounts.

**Forced and child marriage**

Forcing a person into a marriage is a crime in England, Wales, Scotland, Northern Ireland and the Republic of Ireland. A forced marriage is one entered without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some perpetrators use perceived cultural practices to coerce a person into marriage.

**Gaslighting**

A form of manipulation and psychological control. Victims of gaslighting are deliberately and systematically fed false information that leads them to question what they know to be true, often about themselves. They may end up doubting their memory, their perception, and even their sanity. Over time, a perpetrator’s manipulations can grow more complex and potent, making it increasingly difficult for the victim to see the truth.

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**Harassment**

Any unwanted conduct which has the purpose or effect of violating the dignity of an individual, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, related to their gender, sexual orientation or gender identity.

**Historic abuse or Non-recent abuse**

This is when an adult was abused in any way, as a child or young person under the age of 18. This can also include abuse carried out by individuals who are the same age as the victim (peer on peer abuse).

**Honour based violence (HBV) or Honour based abuse (HBA)**

Or so-called HBV/HBA encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community. Abuse and violence may include female genital mutilation (FGM), forced marriage, restrictions on behaviour and communication and practices such as breast ironing. Abuse committed in the context of preserving “so called honour” often involves a wider network of family or community pressure and can include multiple perpetrators.

Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. Threats of such acts, coercion or deprivation of liberty, whether occurring in public or private life.

**Intimate Image Abuse/Revenge porn**

This is the distribution of a private sexual image of someone without their consent and with the intention of causing them distress, to shame, bully or take revenge on a person.

**Intimate partner**

This means (i) persons legally married/or in a civil partnership agreement to one another, (ii) persons formerly married/ or in a civil partnerships agreement to one another, (iii) persons who have a child in common, regardless of whether such persons are married or have lived together at any time, (iv) couples who live together or have lived together, or (v) persons who are dating or who have dated in the past. The definition of Intimate Partners includes same sex couples.

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**Online abuse**

Online domestic abuse can include behaviours such as monitoring of social media profiles or emails, abuse over social media such as Facebook or Twitter, sharing intimate photos or videos without your consent, using GPS locators or spyware.

**Physical abuse**

The most visible form of domestic abuse. It includes such behaviour as slapping, burning, beating, kicking, biting, stabbing and can lead to permanent injuries and sometimes death. Strangulation, Non-Fatal strangulation, along with suffocation are also classed as physical abuse.

**Sexual abuse**

Includes rape, forced sexual acts and sexual degradation. Any sexual act that involves force (including emotional blackmail) is abuse - this includes pestering, name calling and threatening to get sex from 'elsewhere' in order to manipulate someone who does not want to have sex at that time into having sex. Sexually abusive relationships can include being forced to watch pornography as well as being forced into having sex with the perpetrator's friends or engaging in prostitution.

**Stalking**

It is a pattern of persistent and unwanted attention that makes the victim feel pestered, scared, anxious or harassed. Some examples of stalking are: Regularly giving unwanted gifts, making unwanted communication, damaging property, repeatedly following or spying on a victim, and making threats.

Taken in isolation, some of these behaviours may seem like small acts, but together they make up a consistent pattern of behaviour that is frightening and upsetting. It's important to know that stalking is a criminal offence and the police will take it seriously.

**Under 18**

A child or young person is classed as under 18 until the eve of their 18th birthday.

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## Vulnerable Adult

A person aged 18 or over in England, Wales and Northern Ireland who is, or may be, in need of services by reason of mental or other disability, age or illness, and who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation, including being drawn into terrorism.

In Scotland a vulnerable adult is known as an 'Adult at Risk' is someone over 16, who is unable to look after their own wellbeing, OR is at risk of harm from either another person's behaviour or from their own behaviour, OR because they have a disability, mental disorder, illness or physical or mental infirmity, and are more vulnerable to being harmed than other adults.

## Further clarification

If you have any queries around the content provided within this document with regard to safeguarding children/young people/vulnerable adult, please contact:

[Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk).

## Alternative format of Safeguarding Policy

If you require this Safeguarding Policy document in an alternative format, please contact the Student Support Team via [Contact us](#) (phone +44 (0)300 303 5303), or via [StudentHome](#) if you are a current Open University student.

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## Appendix A: Reporting a safeguarding concern

If you have a concern about a child or young person under the age of 18 or a vulnerable adult:

1. Fill in the [webform](#) if you can access it, and then send an email detailing your concern and your contact details to [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk)
2. If you cannot fill in the webform, please send an email with as much detail as possible and your contact details to [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk)
3. If you cannot send an email, Tel +44(0) 1908 858284 and leave a message and the Safeguarding Referrals Team will contact you during standard business hours. during business hours, and ask to speak with the Safeguarding Referrals Team. Where appropriate, your concern will be escalated to the Head of the Safeguarding Referrals Team, Deborah Peat, Assistant Director Safeguarding, Quality and Inclusion

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## Appendix B: Privacy Notice – Safeguarding

### 1. Scope

- 1.1 This document sets out what we do with your personal data when safeguarding concerns are reported to us.
- 1.2 This document applies to you if you report a safeguarding concern, if a safeguarding concern is reported about you, or a safeguarding concern is reported where you are at risk.
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### 2. Who we are

- 2.1 The Open University is the data controller in relation to the processing activities described below. This means that the Open University decides why and how your personal information is processed.
- 2.2 Where this policy refers to “we”, “our” or “us” below, unless it mentions otherwise, it’s referring to The Open University.
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### 3. What information do we collect about you, and how do we collect it?

- 3.1 If information is brought to the attention of a member of Open University staff about a potential safeguarding risk, that member of staff is obliged to notify the Safeguarding Referrals Team. This could include the name of the person identifying the issue, the names of the individuals potentially at risk, and the name of the person they are at risk from, as well as details of personal circumstances which relate to the safeguarding concern.
- 3.2 This information may include “special category” data, for example, about health or disability, sexual life or sexual orientation.

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#### **4. How do we use your personal information?**

- 4.1 We use this information to assess whether there is a safeguarding risk, and if there is any action that we need to take to keep individuals safe. This is a statutory and legal obligation informed by legislation including [Keeping Children Safe in Education 2020](#) and [The Care Act 2014](#) and equivalent legislation for Scotland, Wales and Northern Ireland.
- 4.2 The condition for processing special category data for this purpose would be that it is in the substantial public interest, for the purposes of protecting an individual from harm (see [DPA 2018 sch 1 \(part 2\) 18.1](#)).
- 4.3 We also keep statistical information about the number of safeguarding concerns that have been raised, and how they were resolved. This is in our legitimate interest to plan our services.

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#### **5. Who do we share your information with?**

- 5.1 We will share information with police forces, and government agencies, where we deem it necessary to protect an individual. This is a legal and moral obligation.
- 5.2 We use third party suppliers and service providers for the provision of, for example, specialist safeguarding advice.
- 5.3 When we use third party service providers, we only disclose to them any personal information that is necessary for them to provide their service. We have a contract in place that requires them to keep your information secure and not to use it other than in accordance with our specific instructions.
- 5.4 Disclosure to a third party request for safeguarding-related information may be necessary, where The Open University knows of any reason why, for example, a student or alumni may not be suitable to work with children under the age of 18 or vulnerable adults.
- 5.5 Information relating to safeguarding concerns will be shared with consent where possible, but may be shared without consent where necessary, in accordance with [HM Government guidance](#).

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**6. Do we transfer information outside the European Economic Area (EEA)?**

6.1 Generally, information you provide to us is stored on our secure servers, or on our cloud-based systems which are located within the EEA.

6.2 There are times when we may need to store information outside the EEA. If we transfer your information outside of the EEA, we will ensure that appropriate security measures are taken so that your privacy rights continue to be protected as outlined in this policy. This would either be imposing contractual obligations on the recipient of your personal information, or ensuring that the recipients are subscribed to ‘international frameworks’ that aim to ensure adequate protection. For example, we would ensure that a US based supplier has signed up to “Privacy Shield”.

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**7. How long do we keep your personal information for?**

7.1 The Safeguarding Referrals Team keep safeguarding concerns for three years from the date of case closed, if we decide they are not necessary to act on, and for 25 years if we do act on them.

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**8. Your rights**

8.1 You have a number of rights in relation to your personal information, which apply in certain circumstances under the General Data Protection Regulations. To exercise any of these rights, please contact us using the details in Section 9, below.

8.2 You have the right:

- To access your personal information that we process
- To rectify inaccuracies in the personal information that we hold about you

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In some circumstances, you also have the right:

- To have your details removed from systems that we use to process your personal data
- To restrict the processing of your personal data in certain ways
- To obtain a copy of your personal data in a structured electronic data file
- To object to certain processing of your personal data by us
- To request that we stop sending you direct marketing communications.

If you are concerned about the way we have processed your personal information, you can complain to the [Information Commissioner's Office \(ICO\)](#).

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## 9. Contact us

9.1 If you have any queries about safeguarding at The Open University, please contact the Safeguarding Referrals Team at [Safeguarding-Referrals@open.ac.uk](mailto:Safeguarding-Referrals@open.ac.uk).

9.2 The Open University has a nominated Data Protection Officer. If you have any queries about this privacy notice or about the way we process your personal information, please use the contact details below.

Email: [data-protection@open.ac.uk](mailto:data-protection@open.ac.uk)

Telephone: +44 (0)1908 653994

By post:

The Data Protection Officer  
PO Box 497  
The Open University  
Walton Hall  
Milton Keynes  
MK7 6AT

To check the latest postal address and other contact details or if you would like to find out more about our most up-to-date response times for receiving and sending postal correspondence to the Open University, please see [OU Offices](#).

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