

Policy for ensuring the safety of children and vulnerable/protected adults at The Open University

1. General policy statement

1.1 Statement of commitment

The Open University is open to all. This includes children¹ and young people who are under 18 and vulnerable/protected adults and adults at risk². In line with current legislation and guidance in England, Northern Ireland, Scotland and Wales (see Appendix A), the University recognises that it has a duty of care in creating a safe environment for the above groups for their studies or employment, and, by working with appropriate external agencies, is committed to ensure that they are safeguarded and protected from harm.

1.2 Scope and principles

- 1.2.1 The safety of vulnerable/protected groups (for definitions see Appendix B) is accorded utmost priority and is the shared responsibility of all staff at The Open University.
- 1.2.2 Vulnerable/protected groups should be free to work, learn and develop their potential without fear of violence, abuse or exploitation. Within the Open University environment, irrespective of their age, gender, disability, racial origin, religion, belief and sexual orientation, they will be valued and their rights to protection and safety fully respected.
- 1.2.3 The Open University will take all reasonable steps to ensure that staff who have regular and significant contact with vulnerable/protected groups, whether through paid and unpaid work do not have a known history of harmful behaviour.
- 1.2.4 All suspicions and allegations of abuse or inappropriate behaviour will be taken seriously by The Open University and responded to appropriately.
- 1.2.5 It is the expectation that all staff should operate in accordance with the University's duty of care.
- 1.2.6 This Policy will be kept up to date and reviewed at least annually to ensure that any changes in legislation or guidance across the four national jurisdictions of the UK and in Ireland are taken into account.
- 1.2.7 The Policy is reflected in [The Open University Student Computing Policy](#).

¹ Children are defined as being under 18

² All cohorts will be referred to henceforth throughout this Policy as 'vulnerable/protected groups'

2. Reducing risk

- 2.1 All Open University staff and students will be made aware of the institution's commitment to the safety of vulnerable/protected groups, and will be directed to the Policy and to relevant codes of conduct, and know what to do if a concern arises. Support and advice will be provided to staff if/when such matters arise.
- 2.2 The Safeguarding Group will monitor and review processes on a regular basis to ensure that vetting/checking is undertaken for all appropriate members of staff.
- 2.3 The Director, Students, National Directors or their nominees and Assistant Directors of the English regions will be given training (and periodic refresher training) to ensure that they have the knowledge and skills to act as a resource for advice and guidance about safeguarding issues and to assist them with referring to and working with external agencies.
- 2.4 All members of Open University staff will receive information and guidance and training appropriate to their roles.
- 2.5 All Open University students will be made aware of the institution's commitment to the safety of vulnerable/protected groups and relevant codes of conduct, and understand that any legitimate suspicions or concerns will be reported to appropriate agencies. Breaches of codes of conduct may lead to disciplinary action under the Code of Practice for Student Discipline.
- 2.6 The University will work in partnership with the Open University Students Association (OUSA) to promote the safety of vulnerable/protected groups.
- 2.7 Detailed and accurate written records of referrals/concerns will be kept securely and confidentially if and when concerns arise. Specifically, in the case of students who are under the age of 18:
- 2.8 The Open University is mindful that some of its modules may contain material or require work experience in a particular field which is unsuitable for those who are under the age of 18 and that some modules leading to professional qualifications may stipulate minimum requirements relating to age. The University has procedures in place to prevent children from registering on specific modules according to agreed criteria. Where children apply to register on such modules, the University will consider whether there is an alternative learning experience available for the applicant.
- 2.9 The parents/guardians/carers of children who are under 18 will be made aware in the admissions process that their child will be studying alongside adults.
- 2.10 All children registering with the University and their parents/guardians/carers will be given guidance and reassurance about how to keep safe in all aspects of their studies, including the participation in online conferences, both moderated and unmoderated; external social networking forums, and attendance at face-to-face tutorials/day schools and residential schools.
- 2.11 The Open University will inform schools and parents/guardians/carers that the organisation is committed to providing a safe environment for their children.

- 2.12 No images in any format will be circulated or stored involving students under 18 without first gaining explicit written informed consent of those involved and their parents/guardians/carers.

3. Designated staff with responsibility for safeguarding/ protection of vulnerable groups

- 3.1 The Director, Students, is the Designated Safeguarding Officer for the University and will have overall responsibility for the safety of vulnerable groups in accordance with relevant and current legislation in each of the countries of the UK and will be accountable for The Open University's practice.

- 3.2 The National Directors, or their nominees, and Assistant Directors, Student Services, for the English regions will be responsible for keeping up to date with safeguarding/protection developments and will be informed of all instances relating to reports or suspicions of abuse.

- 3.3 A Safeguarding Group, on which HR is represented, will meet twice a year, reporting to the Director, Students. It will have the following membership:

One Assistant Director, Student Services
The Director, Business Services, Student Services
One representative from HR
One representative of the regional/national under 18 coordinators
One CAU representative
One representative from Teaching and Learner Support, to cover Associate Lecturers and Residential Schools
One representative each from Northern Ireland and Scotland
One representative from the Associate Lecturer Assembly
One representative representing the interests of vulnerable adults
One representative from OUSA
One representative from the early years programme
One representative from the SRF
Secretary.

- 3.4 The remit of the Group will be:

- to have oversight of all safeguarding matters and issues relating to protection within The Open University and to assist the Director, Students, in fulfilling the institution's responsibilities as outlined in this Policy
- to ensure and quality assure the implementation of this framework
- to keep standards and policies up to date, taking account of changes in legislation, reviewing the framework and related policies, and ensure the auditing of practice as appropriate
- to review best practice in the higher education sector as a whole and guidance issued by Government or other agencies
- to ensure accessibility to and ownership of the framework and relevant policies by all staff across the University

- to ensure that advice is given to staff as requested in order to ensure a consistency of approach
- to advise on policies, procedures and actions that can lead to a safe culture within The Open University by sharing learning about best practice and promoting awareness about safeguarding and protecting issues
- to monitor and oversee matters relating to the safeguarding and protection of vulnerable groups
- to ensure that clear strategies are developed in respect of safeguarding and protecting, and that they are coordinated and implemented consistently across The Open University in a way which anticipates and responds to external and internal developments and ensures that The Open University can be accountable for safeguarding and protecting vulnerable groups
- to ensure a clear organisation focus on risk management
- to ensure that appropriate action is taken in respect of identified risks or concerns and to ensure that any learning is shared from matters arising.

4. Recruitment and selection procedures

- 4.1 The Open University will make all reasonable efforts, through its recruitment procedures, to ensure that all members of Open University staff, both full-time and part-time, paid and/or unpaid, whose role involves specific activity with vulnerable/protected groups are suitable for the position in line with policy and legislation requirements.
- 4.2 Vetting and Barring/Criminal Records Bureau/DBS/Disclosure Scotland checks will be carried out at the appropriate level for all staff in line with policy and legislative requirements when their normal duties involve providing activities which are wholly or mainly for children or vulnerable/protected adults, and for those who have a defined responsibility for decision making in safeguarding. The list of posts set out in Appendix C is not comprehensive and represents a minimum. Guidance will be given about the need to check other categories of staff as changing legislation dictates.

5. Dealing with disclosures of abuse and procedure for reporting concerns

- 5.1 It is not the place of University staff or volunteers to make a judgement about whether abuse has occurred. This is the remit of the statutory agencies and/or the police. However, all have responsibility for reporting any suspicions or concerns of abuse and for ensuring that the child or young person, or vulnerable/protected adult, is being taken seriously.
- 5.2 The University is committed to cooperating closely with appropriate external agencies.
- 5.3 The University has a set of protocols for the reporting of suspicions or concerns which must be followed.
- 5.4 The University is under a statutory duty to have regard to the need to prevent people being drawn into terrorism. If there is reason to believe that a student to whom this policy applies may be at risk of being drawn into terrorism, any action taken under this policy will be taken in consultation with the Prevent Co-ordinator.

6. Dealing with allegations of abuse against members of staff

- 6.1 Any allegations of abuse against a member of staff will be taken seriously.
- 6.2 Any member of staff who has a concern about abuse by another member of staff will report that concern to an appropriate senior manager, who will follow the University's safeguarding and disciplinary procedures. The Head of Services for Younger Students may also be consulted for initial advice.

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Appendix A

This Policy refers to the following legislation:

- The Children Act 1989, England and Wales
- The Children (Northern Ireland) Order 1995
- The Children (Scotland) Act 1995
- The Children Act 2004
- The Safeguarding Vulnerable Groups Act 2006, England and Wales
- The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- The Protection of Vulnerable Groups (Scotland) Act 2007
- The Counter-Terrorism and Security Act 2015

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Appendix B

Some definitions of vulnerable adults

a) in England and Wales

A vulnerable adult is defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

(Criminal Records Bureau)

b) in Scotland

A protected adult is defined in Section 94 of the Protection Vulnerable Groups Act (2007) as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service. Protected adult is therefore a service based definition and avoids labelling adults on the basis of their having a specific condition or disability.

There are four categories of services receipt of any one of which makes an individual a protected adult :

1. Registered care services
2. Health services
3. Community care services, and
4. Welfare services

c) in Northern Ireland

The Regional Adult Protection Forum has adopted the Law Commission for England and Wales (1995) definition of a “vulnerable adult” as:

‘a person aged 18 years or over who is, or may be, in need of community care services or is resident in a continuing care facility by reason of mental or other disability, age or illness or who is, or may be, unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation’.

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Appendix C

Staff requiring vetting/checking minimum list

- The Director, Students
- The Assistant Director, Learner Support (Head of Services for Younger Students)
- Head of Disabled Student Services
- Head of Offender Learning
- Directors of professional programmes which relate to young people and/or vulnerable adults
- Countersignatories
- Any student who is registered on a module leading to a professional qualification which involves working with either young people or vulnerable adults and not otherwise employed in this field
- Volunteer helpers attending residential schools;
- OUSA and Nursery staff as appropriate to their role and agreed with the management of these organisations