

## Open University Students Association Safeguarding Policy

Terminology in this document considers legislation of England, Wales, Scotland and Northern Ireland, and refers to 'children' as those under 18 years of age (under 16 in Scotland) and 'vulnerable' adults or groups as those also recognised as 'protected' or 'at risk of harm'.

### Introduction

The Open University's Students Association is committed to the safeguarding of children, and vulnerable adults who participate in any Students Association activities. It is also committed to providing a safe environment and safe practices that protect individuals from harm. The Students Association recognises that anyone working with children and vulnerable adults has a duty of care to ensure their safety and protection. This document is a reference for staff, the Central Executive Committee (CEC), Students Association Trustees (hereby referred to as 'Trustees'), representatives, and volunteers who may come into contact with children, young people or vulnerable groups as a result of activities organised by the Students Association. It is a framework of procedures and guidelines enabling prompt and appropriate action in responding to suspicions or allegations of significant harm or abuse, working collaboratively with other agencies as appropriate. The policy aims to protect children and vulnerable adults, as well as staff and students.

At the Open University's Students Association we take pride in ensuring that all our processes are fit for purpose and that we are following best practices. To this end we take particular care in the way we recruit and train volunteers. They are also held to maintain high standards when in post. This is done in the following ways:

- all candidates for Board of Trustee roles are asked to sign declarations ensuring they are [eligible](#) for the role in line with the Charity Commission
- the same eligibility criteria is placed on CEC members and Association Group Chairs
- successful Trustees have regard to the Charity Commissions guidance on safeguarding and serious incident reporting
- follow the [actions for safeguarding](#) laid out by the Charity Commission
- Trustees and elected representatives on the CEC are subject to mandatory training, including Safeguarding, Prevent (Counter Terrorism), Data Protection and Information Security Awareness
- all staff at the Association also complete the same mandatory training
- Trustees and CEC members work within respective codes of conduct
- all volunteers working with the Association are provided with training to prepare them for their roles
- Disclosure and Barring Service (DBS) checks, or equivalent across UK nations, are conducted where necessary (For more information please see the section on DBS checks at the end of this document.)

The Open University's Students Association works closely with the Open University to ensure its Safeguarding processes are sufficient and up to date. The Open University has an organisation wide safeguarding initiative that the Students Association is part of; the Head of Equality, Diversity, Inclusion and Student Welfare sits on the Safeguarding Steering Group and works closely with the Open University's Head of Strategy and Quality Development (Chair of the Safeguarding Referrals Team).

## Scope

The Charity Commission makes it clear that Safeguarding should be a key governance priority for all charities. At the Open University's Students Association we believe that Safeguarding is everyone's responsibility. All staff, CEC members, Trustees, volunteers and any other representatives of the Association are required to take the following responsibilities seriously:

- safeguarding vulnerable groups
- ensuring behaviour is compliant with this policy and any supporting guidance
- reporting any individual behaving inappropriately.

## Definitions

Safeguarding means protecting the health, wellbeing and human rights of children and vulnerable adults, enabling them to live safely, free from abuse and neglect. It is achieved by people and organisations working together to prevent and reduce both the risks and experience of abuse or neglect.

The Open University's Students Association follows the same definitions as the Open University. These are as follows:

### **Child**

A child is a person who is under the age of 18 (or under 16 in Scotland). The fact that a child has reached 16 years of age, is living independently or is in Further/Higher education does not change their status for the purpose of this policy.

### **Vulnerable Adult**

A vulnerable adult is a person aged 18 or over (or aged 16 or over in Scotland) 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.

### **Protected Adult**

A protected adult is a person aged 16 or over in Scotland who is in receipt of one of four types of service:

- a support service
- healthcare services
- community Care Services
- welfare Services.

### **Definitions of abuse**

There are many different forms of abuse and harm. For the purposes of this policy the Students Association follows the National Health Service's definitions:

#### Sexual abuse

This includes:

- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography

- being forced to watch pornography or sexual acts
- being forced or pressured to take part in sexual acts
- rape.

### Physical abuse

This includes:

- being hit, slapped, pushed or restrained
- being denied food or water
- not being helped to go to the bathroom when you need to
- misuse of a patient's medicines.

### Psychological abuse

This includes:

- emotional abuse
- threats to hurt or abandon
- stopping an individual from seeing people
- humiliating, blaming, controlling, intimidating or harassing
- verbal abuse
- cyberbullying and isolation
- an unreasonable and unjustified withdrawal of services or support networks.

### Domestic abuse

This is typically an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is, or has been, an intimate partner or family member.

### Discriminatory abuse

This includes some forms of harassment, slurs or unfair treatment relating to a persons:

- race
- gender and gender identity
- age
- disability
- sexual orientation
- religion.

### Financial abuse

This could be someone stealing money or other valuables from you. Or it might be that someone appointed to look after a person's money on their behalf is using it inappropriately or coercing them to spend it in a way they're not happy with.

Internet scams and doorstep crime are also common forms of financial abuse.

### Neglect

Neglect includes not being provided with enough food or with the right kind of food, or not being taken proper care of.

Leaving a person without help to wash or change dirty or wet clothes, not getting them to a doctor when they need one or not making sure they have the right medicines all count as neglect.

### Abuse in the home

A person is more at risk of abuse at home if:

- they're isolated and don't have much contact with friends, family or neighbours
- they have memory problems or difficulty communicating
- they become dependent on their carer
- they don't get on with their carer
- their carer is addicted to drugs or alcohol
- their carer relies on them for a home, or financial or emotional support.

## Procedure

Under the Open University's Students Association's statutory Safeguarding duty, all Association staff, Trustees and volunteers must report any safeguarding concerns to the Open University's Safeguarding Referrals Team. If you have reason to be concerned but are not sure whether you are dealing with a Safeguarding issue, please feel encouraged to discuss the issue with the Association's Safeguarding Officer or Deputies, however it is better to raise a referral incorrectly than not at all and risk someone's welfare. This procedure is based around the five 'R's'; Responsibilities, Recognition, Responding, Reporting and Recording.

### **What should you do if you are concerned for someone's welfare?**

Someone may disclose something which triggers your concern in a variety of settings, such as in a conversation, in a written report or an online post.

- 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 – explain that information may be passed on if a child or vulnerable person is at significant risk of harm. It is important to remember that when dealing with a Safeguarding concern your responsibility rests on the welfare of an individual over their data protection rights
- 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.

<b>Open University's Students Association staff</b>	You should report details of your concern to a line manager, if possible, at the earliest opportunity and then email basic information and your contact details to <a href="mailto:Safeguarding-Referrals@open.ac.uk">Safeguarding-Referrals@open.ac.uk</a> .
<b>Open University's Students Association Central Executive Committee, Volunteers and the wider student body</b>	<p>If you are concerned about the risk to a child/young person/vulnerable adult and do not think they are in immediate danger, email basic information and your contact details to <a href="mailto:Safeguarding-Referrals@open.ac.uk">Safeguarding-Referrals@open.ac.uk</a>.</p> <p>You may also wish to discuss your concerns with the Open University's Students Association Equality, Diversity, Inclusion and Student Welfare team (<a href="mailto:oustudents-support@open.ac.uk">oustudents-support@open.ac.uk</a>)</p>

Fill in more details on the [online safeguarding referral form](#).

The Safeguarding Referrals Team will respond within 24 hours during office hours. They may require further information from the person who has made the initial referral.

The Safeguarding Referrals Team will seek advice regarding further action required. Following advice they will refer, if necessary, to the relevant Child Protection Agency, Adult Protection Team or the Police.

A member of the Safeguarding Team will report back to you and your line management on action taken, as appropriate.

The Safeguarding Steering Group oversees safeguarding policy; a designated safeguarding officer and a trained Safeguarding Referrals Team process reports of concerns raised and make referrals to external agencies, where appropriate. Safeguarding awareness training is made available to all staff and relevant parties involved in The Open University's business.

The Open University has safeguarding protocols in place which are coordinated and implemented consistently through its Safeguarding Referrals Team across the institution.

The Safeguarding Referrals Team records all queries received via [safeguarding-referrals@open.ac.uk](mailto:safeguarding-referrals@open.ac.uk) and verify details where appropriate, in order to refer concerns to external agencies, such as social services.

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. All University staff, including staff of the Open University's Students Association are made aware of the organisation's commitment to the safety of vulnerable/protected groups, and are directed to guidance about what to do if a concern arises via this policy.

The Open University's Students Association works in partnership with The Open University to promote the safety of children and vulnerable adults.

The Safeguarding Steering Group anticipates and responds to external and internal developments and ensures that the Open University can be accountable for safeguarding and protecting vulnerable groups.

Safeguarding best practice in the higher education sector as a whole is reviewed regularly via the Safeguarding Steering Group, of which the Open University's Students Association is a member, to ensure a consistency of approach, procedures and actions to lead to a safe culture within Open University settings.

The Open University's Students Association 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. This includes both full time and part time staff, paid and/or unpaid.

For a list of staff and volunteers who are subject to DBS checking, please see the 'Disclosure and Barring Service (DBS) and Working with the Open Universities Students in Secure Environments (SiSE) Team' section.

## Implementation and enforcement of policy

Safeguarding is a statutory duty and non-negotiable policy of the Open University's Students Association. A failure to comply with the safeguarding policy and procedures will be investigated and may result in dismissal or exclusion from the Open University's Students Association. The Open University's Safeguarding Steering Group oversees all safeguarding policies at the Open University and the Safeguarding Referrals Team ensure they are implemented.

## Designated safeguarding officer and deputies

The Open University's Students Association will nominate designated people who are trained with safeguarding issues and making referrals. They should be contacted in the first instance for any guidance and advice.

The designated officers and deputies have the following responsibilities regarding the coordination of safeguarding issues including:

- receiving concerns and initial disclosures made to staff or volunteers (please note referrals should ideally be made directly to [safeguarding-referrals@open.ac.uk](mailto:safeguarding-referrals@open.ac.uk))
- making referrals to the Open University's Safeguarding Referrals Team if a case has not yet been brought to their attention
- not to investigate allegations themselves
- supporting staff and volunteers and keeping them updated with appropriate information on a 'need to know' basis
- providing volunteers with access to appropriate and up to date safeguarding training.

The following staff within the Open University's Students Association are the designated safeguarding officer and deputy:

- A. Head of Equality, Diversity, Inclusion and Student Welfare (Designated Lead Safeguarding Officer)
- B. Chief Executive (Deputy Lead Safeguarding Officer)
- C. All members of the Association's senior management team

Dealing with such matters is not easy and you need to ensure that you look after your own wellbeing and have support around you in processing the emotions. If you have made a Safeguarding referral or had a difficult conversation with someone and would like to talk it over with someone in confidence to help you off-load and share the burden please be encouraged to contact [Verity Robinson](#) (Head of Equality, Diversity, Inclusion and Student Welfare) or [Beth Metcalf](#) (Chief Executive) or a member of the senior management team if the above contacts are not available.

## Good Practice

Some actions, no matter how well intentioned, may be misinterpreted and leave some or all parties vulnerable. The following is a quick reference guide to appropriate behaviour when working with children, young people and vulnerable adults.

### **Open University's Students Association staff and volunteers should:**

- remember they are a role model and provide an example for those they work with to follow

- be alert to any potential harm or inappropriate behaviour by young people
- have separate sleeping accommodation during residential activities
- ensure they have adequate training if supervising sports or games
- respect individuals' rights to privacy
- provide access for children and young people to discuss any concerns they may have
- speak to the appropriate person if they have concerns about an individual's safety.

**Open University's Students Association staff and volunteers should not:**

- be left alone for substantial periods of time with children, young people and vulnerable adults. Where one to one work is necessary, they should inform another staff member where they are going, with whom and for how long
- permit abusive behaviour by others or engage in it themselves (for example ridiculing and bullying)
- show favouritism to, or become too closely associated with, an individual. Nor should they get drawn into inappropriate attention seeking behaviour
- allow or engage in suggestive remarks, gestures or touching of a kind, which could be misunderstood
- jump to conclusions about others without checking facts
- hesitate to share concerns on any of these matters with the appropriate person.

## Disclosure and Barring Service (DBS) and the OU Students Association Safeguarding Panel

It is standard practice at the Open University's Students Association for all volunteers to declare any unspent criminal convictions when they apply for a role. In the event that a student or staff member disclose an unspent conviction we convene our Safeguarding Panel (terms of reference at Appendix 1) to discuss whether it's appropriate for that individual to continue with their application. To give as many as possible the opportunity to volunteer and work with the Association an unspent criminal conviction will not necessarily mean that an applicant will be rejected for a position. However, some roles have been identified as working specifically with vulnerable groups or within positions of authority and so where regulated activity will take place we require a DBS check and cannot accept individuals with particular unspent convictions.

Open University's Students Association staff and volunteers who will have substantial, unsupervised access to children, young people or vulnerable adults should be DBS checked to the appropriate level. The DBS check searches details against criminal records and other sources, including the Police National Computer. All candidates should be made aware that any appointment, whether paid or voluntary, is subject to satisfactory checks. Information gathered through this process should be treated in the strictest confidence and in accordance with the DBS Code of Practice. The Students Association will make volunteer recruitment decisions on a case by case basis and in line with relevant policies and procedures. Applications can take from between 10 days and 4 weeks to go through. DBS Checks will be completed by the Head of EDI and Student Welfare in partnership with uCheck (our DBS Umbrella Body) with all costs covered by the Association.

DBS checks will be carried out for the following positions within the Students Association:

- All Students Association Trustees
- All Open University Students Educational Trust Trustees



- President
- Deputy President
- Vice President Equality, Diversity and Inclusion
- Vice President Student Support
- Group (DSG, OU Pride and BAME) Chairs
- Officers on the DSG Committee
- Chief Executive Officer
- Director of Engagement
- Director of Membership Services
- Head of Equality, Diversity, Inclusion and Student Welfare
- Head of Volunteering and Representation

The nature of the volunteering role will determine whether an appointment can be made prior to the completion of a DBS check. For elected representatives, an appointment will be made subject to a satisfactory DBS check after the election. Should it transpire that an individual has falsely declared to be eligible for the role they will be removed from post and may be subject to disciplinary action.

## Related Documents

- [Online reporting form](#)
- Anti-bullying at the OU Students Association.
- Code of Conduct for CEC members (coming soon)
- [Resolving and Settling Differences Procedures](#)
- [Volunteering Policy](#)
- [Open University's Safeguarding policy](#)



## Open University Students Association Safeguarding Panel Terms of Reference

Approved by the Board of Trustees: (March 2023)

### Purpose

The Safeguarding Panel is a sub-committee of the Open University Students Association Board of Trustees.

It has delegated authority to consider and make decisions on individual cases where a volunteer or staff member's declaration or DBS check reveals an unspent conviction. The Panel may also consider individual cases where staff members need additional support or advice as well as having the authority to recommend additional measures or supervision which could be put in place to enable individuals to engage safely.

Due to the nature of the Panel's role in considering specific cases where an individual may have been restricted from undertaking identified roles, all decisions made by the Safeguarding Panel are final. The panel will report annually to the Board of Trustees.

### Membership

1. The Safeguarding Panel consists of 4 members, to include a member of the staff Senior Management team, an External Trustee, Student Trustee, Officer Trustee. Advice may be sought from a member of the Open University's Students in Secure Environments (SISE) staff team when necessary.
2. The Board of Trustees will approve membership of the panel.
3. The Panel will nominate a Chair from within its membership.
4. The Safeguarding Panel and all its members will serve at the discretion of the Board of Trustees. Trustees will be appointed in line with their term and renewal for further terms will be subject to the approval of the Board of Trustees and capped by the term limit restrictions detailed in the Articles. Where new members are to be appointed, the Secretary will seek expressions of interest from Trustees and where more than one person has put themselves forward, the Board of Trustees will appoint by means of a simple secret ballot.
5. Members may resign by providing reasonable notice in writing to the Committee Chair. The Board will be kept informed of any resignations and be responsible for replacing members.

## Meetings

1. The Committee shall meet online when necessary, which is likely to be in line with the main Association elections or any large recruitment of volunteers to a regulated role. The panel will review cases in their private MS Teams space, meeting as and when required via remote means to make final decisions. Decision making will be recorded within their private Teams space.
1. The timing of meetings linked to nominations will be included in the timetable for elections to allow for sound and fair decision making.
2. Meetings shall be called at the request of the Head of Volunteering and Representation, Head of Equality, Diversity and Inclusion and Student Welfare, Head of Executive Support and Staff Welfare or the Returning Officer should a volunteer, nominee or staff member declare any unspent convictions which must be considered in line with the role they are applying for or should that individual wish to seek safeguarding advice or support from the panel.

## Duties of the Safeguarding Panel

1. Operating on behalf of the Board of Trustees, to be exclusively responsible for deciding whether an individual is suitable for an Association role based on any unspent criminal convictions.
2. To consider all factors which it deems necessary including but not limited to legal and regulatory requirements, safeguarding policy, sector good practice in charities and in Student Unions, the organisational risk register and risk appetite and our mission to remain open and inclusive to all students.
3. To remain aware that the objective is to decide the appropriateness of an individual with a specific unspent criminal conviction being appointed to a specific role based on the duties of that role. The Safeguarding Panel is not deciding on the suitability of the candidate for the role based on any other factors.
4. To ensure all personal data and details of any specific case are treated confidentially.
5. To consult with other stakeholders or professionals as relevant to enable sound decision making in keeping with the duties above.

## Mode of Operation

1. Only members of the Safeguarding Panel can vote at meetings.
2. The SISE member of the panel may nominate a deputy to ensure the panel benefits from the expertise of the SISE team.
3. Members will be supported by the Panel Secretary, who will be the Director of Membership Services. The Secretary will be responsible for providing cases for approval and discussion, organising and recording meetings, relaying decisions and enabling and facilitating remote attendance to meetings where required.
4. The quorum for decision making will be three members, to include one student trustee member and one staff member.
5. The Head of Volunteering, Head of Student Support, Head of Executive Support and Staff Welfare, Returning Officer or as appropriate an external advisor may attend meetings in an advisory capacity as a non-voting member by prior invitation from the Chair/Secretary.

6. All meeting discussions will be entirely confidential, though cases will not be anonymised to the panel to allow for the declaration of any conflict of interest.
7. Meetings will be minuted, with final decisions recorded. Minutes will be shared with the Panel for approval.
8. No member or attendee shall be involved in decisions relating to their own position, should this case arise, individuals will not be involved in discussion or voting.
9. Members must be vigilant of their own and each other's conflicts of interest and ensure that these are reported to the Chair as soon as they become aware of such conflicts of interest. This will include any personal relationship with the volunteer or nominee.
10. Following approval, these Terms of Reference can only be amended by a decision of the Board of Trustees.

## Reporting

1. The Panel shall formally report their progress to the Board of Trustees annually. At this time the Panel will undertake a review of its terms of reference, decision making, support and operations and will make recommendations to the Board of Trustees for approval.
2. The Safeguarding Panel will meet any other appropriate and relevant requests for information from the Board of Trustees as may occur from time to time, these shall be requested through the Secretary or Chair.

## Support

1. Members and their meetings will be supported by a working Secretary (delegated to Director of Membership Services) to capture minutes of the proceedings.
2. Members will be required to undertake and engage with an induction process and appropriate training to fulfil the role, the Secretary will ensure this is appropriate to the nature of the role.
3. Where a face to face meeting is necessary, the Association will support this with the provision of resources to cover the cost of reasonable expenses for elected representatives.
4. If the Panel identifies the need for external advice, the case for this, together with an estimated cost, must be referred to the Chair and designated budget holder for budget allocation and approval in advance.
5. The Safeguarding Panel will be provided with a secure private online space, to which all members will have access.