The University of West London

Safeguarding Vulnerable Adults Policy

Responsibility of: University Secretary

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Approved by: The Board Of Governors
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Definitions for the purposes of this policy

“Barred Person” a person prevented by the DBS from working within a regulated activity with children and or adults.

“the College” The College of Nursing, Midwifery and Healthcare which is a part of the University.

“DBS” means the Disclosure and Barring Service. This statutory body has been created out of the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

https://www.gov.uk/government/organisations/disclosure-and-barring-service/about

“Governing Body” means the University’s Board of Governors.

“Regulated Activities” are work that a “Barred Person” must not do in relation to Vulnerable Adults

“Regulated activities” relating to Vulnerable Adults are:

• the provision of adult health care by, or under the direction/supervision of, a health care professional

• the provision to an adult of relevant personal care (see definition below)

• social care provided by a social worker

• the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability (e.g. managing the person’s cash, paying their bills)

• any relevant assistance in the conduct of an adult’s own affairs (e.g. enduring power of attorney)

• the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability (e.g. ambulance drivers)

• any other prescribed activities involving or connected with the provision of health care or relevant personal care to adults and not already mentioned above

• any activity which consists in or involves on a regular basis the day-to-day management or supervision of a person carrying out the above activities
“Relevant personal care” means physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with:

i. eating, drinking, toileting, washing or bathing, dressing, oral care or the care of skin, hair or nails

ii. the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the above activities where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision

iii. any form of training, instruction, advice or guidance which relates to the performance of any of the activities listed in i. only above and is given to a person who is in need of it by reason of age, illness or disability.

First aid is a regulated activity only if it is provided by any person acting on behalf of an organisation established for the purposes of providing first aid (e.g. St John’s Ambulance). It does not include designated Staff first aiders.

“Staff” means all adults employed by the University whether full time, part time temporary or permanent and members of the Governing Body and any volunteers.

“Student” means any Student currently enrolled as a Student at the University.
1. Introduction and Legal Framework

1.1 The Safeguarding Vulnerable Groups Act 2006 (SVGA) imposes certain duties on the University with regard to Staff, Students and volunteers engaged in "regulated" activities relating to Vulnerable Adults.

1.2 The legal definition of a Vulnerable Adult is defined as any person 18 years of age or over to whom one of the Regulated Activities is provided.

1.3 As a result of recent amendments to the SVGA, the definition of a "Regulated Activity" relating to Vulnerable Adults has narrowed considerably. In practice it means that the University's obligations apply to Staff, Students and volunteers engaged in courses relating to the provision of health care and to any Staff, Students and volunteers engaged in the provision of health care or providing or instructing in the provision of personal care in the course of University-related activities.

1.4 Examples of a regulated activity are Students on nursing or social work on placement during their course in hospitals or with placement providers and Staff supervising those Students in that placement.

1.5 The University's duties under the SVGA include:

(a) Ensuring that individuals who are barred from regulated activities relating to Vulnerable Adults do not engage in those activities. Criminal records checks will therefore be conducted on all individuals engaging in and/or supervising regulated activities relating to Vulnerable Adults (e.g. applicants for relevant courses, posts and volunteers engaged in regulated activities relating to Vulnerable Adults in connection with the University).

(b) To report to the Disclosure and Barring Service cases where the University:

i. has withdrawn permission for a member of Staff or volunteer to engage in a regulated activity (e.g. dismissal of a member of Staff who supervises nursing Students on placement) or might have done had the member of Staff not already ceased to engage in it (e.g. by resigning); and/or

ii. decides to remove a Student from a Regulated Activity (e.g. withdraws a Student nurse/ Student social worker from his/her placement with an NHS trust or other placement provider);

in circumstances where the University thinks that the individual has harmed or poses a risk of harm to Vulnerable Adults.
2 Purpose and Scope

Who is covered?

2.1 The scope of this policy extends to all Staff and Students including volunteers.

What is the purpose of the policy?

2.2 The purpose of this policy is to ensure that Staff, Students and volunteers understand the University’s legal duties with regard to the vetting and barring regime in respect of Vulnerable Adults. It is also intended to increase awareness of the role that the University can play in helping to manage the risk of abuse or harm to Vulnerable Adults with whom Staff, Students and volunteers come into contact in the course of taught and/or research programmes and other University-related activities.

2.3 Contact with Vulnerable Adults in the majority of cases is likely to take place on placement providers' premises. Staff and Students who engage in regulated activities relating to Vulnerable Adults will be bound by the relevant regulatory body’s standards of ethics and the University’s relevant codes of conduct. For example, Student DBS checks will be required as appropriate in accordance with professional body requirements. This policy supplements those requirements. Hospitals and other placement providers will also have their own safeguarding policies which will need to be coordinated with this policy. In practice, the placement provider’s will most likely be the default policy or this policy may have to be adapted to correspond with the different placement provider’s practices.

Protection and fair treatment of Staff

2.4 The University, as an employer, also recognises that it has duties and responsibilities relating to the protection and fair treatment of its Staff. Should allegations of abuse and or inappropriate behaviour be levelled against an employee, the University will afford that employee the necessary support as is appropriate in the circumstances.

Protection and fair treatment of Students

2.5 The University recognises that it has duties and responsibilities relating to the protection and fair treatment of its Students. Should allegations of abuse and or inappropriate behaviour be levelled against a Student, the University will afford that Student the necessary support as is appropriate in the circumstances.
Recruitment

2.6 The University will seek to ensure that unsuitable and or barred people are prevented from working with Vulnerable Adults and will follow safe recruitment practices (see Appendix B). The day to day responsibility for practice and procedure lies with the Director of Human Resources for Staff recruitment.

2.7 In recruiting Students on courses where Students will engage in Regulated Activities relating to Vulnerable Adults such Students will be bound by the relevant regulatory body’s standards of ethics and the University’s relevant codes of conduct. For example Student DBS checks will be required as appropriate in accordance with professional body requirements. The School recruiting on such courses has primary responsibility for ensuring that the appropriate checks are carried out.

3 Guidance for Staff

Day to day guidance

3.1 For Staff recruitment see Appendix B.

Abuse

3.2 Abuse for purposes of this policy is defined as set out in Appendix C

Procedure on receipt of disclosure of Abuse

3.3 In the event that a disclosure of Abuse is made the procedure for dealing with such disclosure is set out in Appendix A.

Training

3.4 The University intends that all Staff members for whom it is relevant shall be appropriately trained in respect of safeguarding below. If no training has been received the Staff member should be notified to Human Resources who shall arrange for such training to be put in place as soon as possible.

Further Guidance

3.5 In the event that further guidance is required on this policy please contact the University Secretary.
4 Policy Principles

4.1 The University will operate this policy and procedure with discretion, sensitivity and confidentiality recognising its obligations to Staff and Students.

4.2 The University reserves the right to remove any Student or Staff member shown to have made a proven false or malicious allegation of Abuse against another member of Staff or Student.

4.3 The University reserves the right to consider the appropriateness of legal action against any person, unconnected with the University, who makes an allegation of Abuse which is subsequently proven to be false or malicious against a member of Staff, or another Student.

4.4 The suspension of a member of Staff, or Student against whom an allegation of Abuse is made will not necessarily be automatic. The University will consider its Disciplinary Policy, all relevant information, including advice from the relevant outside agencies including the Police and Placement Providers prior to deciding to suspend.

4.5 Where a suspension is levied in accordance with this policy (and this policy only) the University will keep that suspension under regular review working, where necessary, with outside agencies and Placement Providers.

4.6 All allegations against a member of Staff, or Student (made by any party either by a party internal or external to the University) should be referred to the University Secretary who shall in the case of a Staff member immediately inform the Director of Human Resources and in the case of a Student either the Pro Vice-Chancellor (Student Experience) or the Dean of Students, or the Deputy Vice Chancellor and or the Dean of the College as necessary and the Placement Provider as appropriate.

4.7 In instances where an allegation is made against a member of Staff, or Student, all information relating to that allegation will be maintained confidentially by the University Secretary and will only be disclosed to other members of senior Staff on a 'need to know basis'.

4.8 In circumstances where a suspension of a member of Staff or Student has been levied and subsequently lifted, the member of Staff or Student concerned will receive the necessary support to facilitate their re-integration back into the University.
Appendix A

Procedure for Dealing with Disclosure of Abuse and for Reporting Concerns

1 Dealing with suspicions and allegations of Abuse

1.1 Confidentiality

As a general rule confidentiality between patient and healthcare provider/ social worker must be respected. In cases of genuine suspected or alleged abuse or harm, it is important that the relevant details are disclosed to designated individuals in accordance with this policy.

1.2 Initial concerns

(a) Staff

Staff should discuss initial concerns with the Dean of the College or Head of School and in accordance with any policy the Placement Provider has in place.

(b) Students

Students should discuss initial concerns with their clinical supervisor or tutor or in accordance in the case of the College any guidelines provided by the College and in accordance with any policy the Placement Provider has in place.

These designated individuals will decide whether action under clause 2 below is required. But the Student or Staff member may report their concerns directly if they so choose.

1.3 University’s Speak Out Safely (SOS) – Staff Raising Concerns Policy and Guidance.

For the avoidance of doubt where any member of staff observes or identifies a situation or event at an external healthcare organisation, which has the potential to cause risk or harm to an individual that staff member will need to follow the procedure set out in the University’s Speak Out Safely (SOS) – Staff Raising Concerns Policy and Guidance.

1.4 Student Carers on University premises

For the avoidance of doubt any Student Carers on University premises are not employed by the University. If Staff or Students observe any Abuse this will need to be reported to the Police.
2. Reporting and Dealing with Allegations of Abuse against members of Staff or Students

2.1 It is essential that any allegation of abuse made against a member of Staff or Student is dealt with fairly, quickly and consistently. Any such allegations must be referred direct to the University Secretary as quickly as possible. These procedures apply to all Staff and Students.

3. Receiving an allegation of abuse or harm, whether actual or potential in relation to the behaviour of another member of Staff or another Student

3.1 A member of Staff who receives an allegation about a member of Staff, or a Student should follow the following guidance for dealing with disclosures. All disclosures against Staff and or Students must be referred to the University Secretary who will inform the Director of Human Resources.

3.2 Where abuse or harm, whether actual or potential is suspected or alleged, Staff and Students should report this as soon as possible and in any event within 24 hours.

3.3 In the event that an allegation needs to be referred to any placement provider this shall be dealt with promptly in accordance with the placement provider’s requirements.

3.4 The University Secretary should:

(i) Obtain written details of the allegation from the person who received it, that are signed and dated. The written details should be countersigned and dated with date they are received by the University Secretary.

(ii) Record information in relation to times, dates, locations and names of any potential witnesses. This information should be kept securely.

3.5 Initial Assessment by the University Secretary

(i) The University Secretary /Vice Chancellor shall immediately make an initial assessment of the allegation, with advice from the Director of Human Resources the Pro Vice-Chancellor (Student Experience) the Dean of Students, the Deputy Vice Chancellor and or the Dean of the College as necessary and the Placement Provider.

(ii) In any event, where the allegation is considered to be either a potential criminal act or indicates that a Vulnerable Adult has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the Police.
(iii) The University Secretary will not investigate the allegation. This initial assessment should be on the basis of the information received and Placement Provider requirements which shall determine whether or not the allegation warrants further enquiries/external investigations.

(iv) A written record of the initial assessment should be retained setting out, where relevant:

- the date/s of the incident of abuse/harm
- place where the alleged abuse/harm took place
- the nature of the abuse/harm
- the circumstances surrounding the suspicion/allegation

3.6 Potential outcomes are:

(i) The allegations are so serious as to require immediate intervention by the police and/or social services.

(ii) The allegation represents inappropriate behaviour or poor practice by the member of Staff or Student and is neither potentially a crime nor a cause of significant harm to the Vulnerable Adult or Child. If this is the outcome, the matter shall be addressed in accordance with the appropriate University disciplinary procedures, Student Regulations, Fitness to Practice and Placement Provider requirements.

(iii) The allegation can be shown to be false because the facts alleged could not possibly be true.

4 Malicious Intent

4.1 If an individual makes malicious or made up allegations, and particularly if he or she persists in making then, disciplinary action may be taken against the individual in question in accordance with the Staff Disciplinary Policy or Student Regulations and Fitness to Practice requirements.

5 Enquiries and Investigations

5.1 Enquiries/Investigations by social services or the police are not to be confused with internal, disciplinary enquiries by the University. The University reserves the right to use the outcome of external agency investigations as part of its own enquiries and/or in the application of University policy and procedures.

5.2 The University shall consider holding in abeyance its own internal enquiries while the formal police or social services investigations proceed where to do otherwise may prejudice the formal investigation. The University shall take advice from the Police or Social Services in considering whether to proceed with an internal enquiry.
5.3 Any internal enquiries shall comply with the Staff Disciplinary Policy and Procedures or the University Regulations and the Student Code of Conduct in force at the time the enquiries are made.

5.4 If there is an investigation by an external agency, for example the Police, the University Secretary shall be involved in, and contribute to, external strategy discussions. The University Secretary is responsible on behalf of the Vice Chancellor for ensuring that the University gives full assistance to the relevant body’s enquiries. He/she will endeavour to ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of Staff, or Student about whom the allegation is made.

5.5 The University Secretary shall advise the member of Staff or Student that he/she should consult with a personal representative, for example, a Trade Union representative/ Students’ Union representative or a legal representative or friend.

5.6 Subject to objections from the Police or other investigating agency or Placement Provider and with the Vice Chancellor’s approval, the University Secretary shall:

- inform the person making the allegation that the investigation is taking place and what the likely process will involve.
- inform the member of Staff member or Student against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve.
- inform the Chair of Governing Body and of the allegation and the investigation.

5.7 The University Secretary shall keep a full written record of the action taken in connection with the allegation.

6 Suspension of Individuals against whom allegations are made

6.1 The possible risk of harm posed by an accused individual needs to be effectively evaluated, and managed, and in some cases that will require the University to consider suspending the individual until the case is resolved.

6.2 If the individual is a Staff member the following should be taken into account:

- are the allegations sufficiently serious if proven to justify dismissal on the grounds of gross misconduct in accordance with the University’s Disciplinary Policy; and/or
- is suspension necessary for the good and efficient conduct of the investigation
- has the University been advised by the Police and/or an external agency/ Placement Provider to suspend.
6.3 Suspension will be in accordance with the University’s Staff Disciplinary Policy.

6.4 Where a member of Staff, is suspended the University Secretary in consultation with the Director supported by the Director of Human Resources should address the following issues (in consultation with the Vice Chancellor and the Chair of the Board of Governors where necessary):

a) The Governing Body should receive a report that a member of Staff has been suspended pending investigation; the detail given to the governing body should be minimal.

c) Staff who need to know of the reason for the suspension should be informed and shall keep this information confidential.

d) Consideration should be given to consultation with the Student’s Union.

e) Depending on the nature of the allegation, the Vice Chancellor should consider with the Chair of the Board of Governors whether a statement to Students should be made, taking due regard of the need to avoid unnecessary publicity and external body requirements.

f) The Vice Chancellor shall consider carefully and review the decisions as to who is informed of the suspension and investigation. The external investigating authorities should be consulted.

g) The suspended member of Staff during the period of suspension should also be provided with information on progress and developments in the case at regular intervals by the appropriate person as determined by the Vice Chancellor or the University Secretary.

h) The suspension should remain under review in accordance with the University Staff Disciplinary procedures. Or until the University in receipt of written confirmation from the police in relation to their intentions to pursue/not pursue a conviction in relation to the alleged offence.

6.5 If the individual is a Student, the following should be taken into account;

• are the allegations sufficiently serious if proven to justify the expulsion of the Student and/or
• is suspension necessary for the good and efficient conduct of the investigation
• has the University been advised by the Police and/or an external agency/ Placement Provider to suspend

6.6 Suspension will be in accordance with the Student Regulations and Fitness to Practice requirements and those of the Placement Provider and specifically the procedures regarding suspension, expulsion or enforced intermission.
6.7 Where a Student is suspended, the Vice Chancellor supported by the University Secretary should address the following issues (in consultation with the Chair of the Board of Governors where necessary):

a) The Governing Body should receive a report that a Student has been suspended pending investigation; the detail given to the governing body should be minimal.

b) Only those Staff who need to know the reason for the suspension should be informed and must keep this information confidential.

c) Consideration should be given to consultation with the Student’s Union.

d) Depending on the nature of the allegation, the Vice Chancellor should consider with the Chair of the Board of Governors whether a statement to Students should be made, taking due regard of the need to avoid unnecessary publicity and the requirements of any external agency/Placement Provider.

e) The Vice Chancellor shall consider carefully and review the decisions as to who is informed of the suspension and investigation. Any Placement Provider external investigating authorities should be consulted.

f) The suspended Student should be given appropriate support during the period of suspension. He/she should be informed of the right to be represented by the Students’ Union. He/she should also be provided with information on progress and developments in the case at regular intervals by the appropriate person as determined by the Vice Chancellor or the University Secretary.

g) The suspension should remain under review in accordance with the Student disciplinary procedures, or until the University in receipt of written confirmation from the police in relation to their intentions to pursue/not pursue a conviction in relation to the alleged offence.

7 **Action following Initial Assessment**

7.1 The University will liaise with the placement provider/agency/police to determine the appropriate course of action. In addition, in appropriate circumstances, a referral may be made to the police or to another relevant agency or regulator.

7.2 In addition, in the case of allegations made against Staff and Students, an investigation will be conducted under the relevant Student and fitness-to-practice regulations or Staff disciplinary policy as appropriate.

8 **Allegations without foundation**

8.1 False allegations may be indicative of problems of abuse elsewhere. A record should be kept and consideration given to a referral to the Placement Provider/external agency.

8.2 The Vice Chancellor shall in consultation with the University Secretary and as appropriate one of the following; the Director of Human Resources, the Pro
Vice-Chancellor (Student Experience), the Dean of Students, the Deputy Vice Chancellor or the Dean of the College;

- inform the member of Staff, or Student against whom the allegation was made orally and in writing that no further disciplinary or other action will be taken;
- prepare a report outlining the allegation and giving reasons for the conclusion that it had no foundation and confirming that the above action has been taken.

8.3 Staff should not feel concerned about reporting suspected Abuse by a member of Staff, or Student for fear of disciplinary action if an allegation proves to be unfounded. They may discuss any concerns they have at any time with the University Secretary.

9 Record keeping

9.1 The University Secretary and the Pro Vice Chancellor (Student Experience) or in the alternative the Dean of Students shall be responsible for maintaining confidential records of all written records created in relation to the protection of Vulnerable Adult matters in respect of any allegation against a Student. The University Secretary and the Pro-Vice Chancellor (Student Experience) or in the alternative the Dean of Students shall control access to such records at all times.

9.2 The University Secretary and the Director of Human Resources shall be responsible for maintaining confidential records of all written records created in relation to the protection of Vulnerable Adult matters in respect of any allegation against a Staff member. The University Secretary and the Director of Human Resources shall control access to such records at all times.

10 Referral to the DBS

10.1 The University must refer someone to the DBS if they:

- sacked/ removed them because they have harmed a Vulnerable Adult or child;
- sacked / removed them because they might have harmed a child or a Vulnerable Adult
- or otherwise were planning to sack or remove them for either of these reasons, but the person resigned first.

The DBS referrals helpline is: 01325 953795 if advice is required.

10.2 If the referral is made in respect of a Staff member the Director of Human Resources will make the referral and will liaise with the University Secretary.
10.3 If the referral is made in respect of a Student the University Secretary will liaise as necessary with the Pro Vice Chancellor (Student Experience) the Dean of the College or the Dean of Students.

10.4 For the avoidance of doubt even where a Placement Provider or another Agency has reported the Abuse the University still has to discharge its duty to report the Abuse.

10.4 Legal advice should be sought by the University Secretary if in doubt as to the amount of information which can be shared.

11 Monitoring Effectiveness

11.1 Where an allegation has been made against a member of Staff, or Student, the University Secretary shall, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of the University’s procedures and/or policies and/or which should be drawn to the attention of the a Placement Provider/external agency.

11.2 Regular consideration will be given to Staff training needs.
Appendix B

Arrangements for background checks when recruiting, employing and deploying Staff, Students and volunteers

1. The University as a Regulated Activity Provider has in place recruitment procedures which will ensure that every care is taken to ensure that and Vulnerable Adults and children are safeguarded.

2. The recruitment procedures will apply to all Staff (including agency Staff, Students, The University’s internal “UWL Temps” and volunteers and Staff of the Students’ Union) within the University who may work with Children or Vulnerable Adults. The recruitment procedures will include the following:

   • Identity check.
   • Clear Job Specification and selection criteria.
   • The requirement to produce documentary evidence of academic/vocational qualifications.
   • Obtaining professional and character references.
   • Verification of previous employment history.
   • Disclosure and Barring List checks whilst maintaining sensitive and confidential use of the applicant’s disclosure in accordance with the University’s relevant policy.
   • Enhanced DBS check where necessary.
   • Retention of paperwork on file where appropriate.
Appendix C

Categories of Abuse

DEFINITION OF ABUSE

1.1 Abuse can be defined as:

A violation of an individual’s human and civil rights by an act, or a failure to act, on the part of another person or persons. Abuse may consist of a single act or repeated acts. It may be physical, sexual, verbal or psychological; it may be an act of neglect or failure to act.

1.2 Categories of abuse

Physical abuse can include hitting, slapping, pushing, kicking, misuse of medication, restraint, inappropriate sanctions;

Sexual abuse can include rape, sexual assault, sexual acts to which a person has not consented, could not consent or was pressurised into consenting;

Psychological abuse - including emotional abuse, threats of harm, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, emotional and/or physical isolation;

Neglect and acts of omission can include medical or physical care needs, failure to provide access to appropriate healthcare, poor professional practice.

These descriptions are not exhaustive