

OXFORD UNIVERSITY GAZETTE



CODE OF PRACTICE ON THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS

Approved by Council on 12 March 2007

SUPPLEMENT (3) TO NO. 4802

WEDNESDAY, 21 MARCH 2007

Part 1. POLICY ON CHILD AND VULNERABLE ADULT PROTECTION

The University of Oxford is committed to providing a safe environment for all children and vulnerable adults who visit or study at the University, or who participate in outreach, access, or other similar activities involving members of the University.

To achieve this aim, those involved in the coordination of arrangements for activities involving children should review on a regular basis the range of activities that are undertaken so as to ensure that the staff and students involved are aware of this policy and of whom they may approach for advice and assistance. They should also ensure that, where necessary, appropriate checks have been made through the Criminal Records Bureau (CRB).

This policy aims to protect all children and vulnerable adults, although clearly some parts of the advice will be more relevant to safeguarding younger children.

The policy supplements, and should be read in conjunction with, the University's policies on harassment, health and safety, equal opportunities, and research ethics; and with standing Personnel Services' guidance on recruitment and pre-employment screening. These policies have been published on the University's Web site, and links to these policies can be found at the end of this document. This Child and Vulnerable Adult Protection Policy formalises the University's advice to all those working with children, outlines good practice and suggests measures to ensure child protection, and defines abuse and outlines the necessary response.

The Pro-Vice-Chancellor (Personnel and Equal Opportunities) will have general oversight of the policy, with guidance on implementation and day-to-day operation being provided by the Head of the Diversity and Equal Opportunities Unit. Departments will each appoint an officer to deal with any questions arising under the policy. The policy will be reviewed annually by the General Purposes Committee of Council to ensure that it remains up-to-date.

The University will take steps to ensure that this policy is available publicly, including being published on the University's Web site, and that steps are taken to ensure that its availability is brought to the attention of interested parties.

Further information or advice on any of the issues raised in this policy may be obtained from the Head of the Diversity and Equal Opportunities Unit.

Definitions

For the purpose of this policy:

1. A 'child' is any person under the age of 18; 'children' are to be construed accordingly. Particular care shall be afforded to a child under the age of 16.
2. A 'vulnerable adult' is a person aged 18 or over whose ability to protect him- or herself from neglect, abuse, or violence, is significantly impaired on account of disability, illness, or otherwise.

Application

This policy shall apply to all university staff and students who come into direct contact with children and vulnerable adults, whether as part of their work or study, or through volunteering activities. It applies to staff who have a direct responsibility for children and vulnerable adults and also to staff who, as part of their role, oversee activities where a guardian, who is responsible for the welfare of a child or vulnerable adult, may also be present. Such people may work with children and vulnerable adults in a variety of contexts, including, but not limited to, the following:

- as part of their general teaching and pastoral duties in the case of students under the age of 18;
- as part of their research programmes;
- in schools;
- on summer programmes;
- on open days;
- at interviews for undergraduate admissions;
- on residential visits;
- at museums;
- in the course of mentoring schemes;
- on outreach schemes, such as sports or museum outreach. Those involved in sporting activities should refer to the additional guidance at the following link: <http://www.sport.ox.ac.uk/community-outreach/good-practice-and-child-protection-policy>;
- on other voluntary schemes undertaken by various clubs;

- caring for disabled persons or other vulnerable adults; and
- as part of their programme of study (for example, in education, social work, or medicine);
- in university clinical departments.

This list is not intended to be exhaustive.

Breaches of this policy may be treated as misconduct and be dealt with under the University's disciplinary procedures.

Part 2. GUIDANCE: CONDUCT AROUND CHILDREN AND VULNERABLE ADULTS

Conduct to be avoided

The following conduct should be avoided, except in emergencies:

1. spending excessive amounts of time alone with children or vulnerable adults away from others; and
2. taking children or vulnerable adults to your home.

If cases arise where these situations are unavoidable, the full knowledge and consent of the parents, guardian, or teacher is required: for example, if a child requires transportation to hospital or if a parent fails to turn up at the end of a session.

Conduct never to be sanctioned

The following conduct should never be sanctioned:

1. engaging in rough, physical, or sexually provocative games;
2. giving children or vulnerable adults inappropriate drugs or other inappropriate substances;
3. allowing or engaging in any form of inappropriate touching;
4. making sexually suggestive comments to children or vulnerable adults, even in fun;
5. allowing allegations made by a child or vulnerable adult to go unchallenged, unrecorded, or not acted upon;
6. doing things of an intimate nature for children or vulnerable adults that they can do for themselves.

It may be necessary for volunteers or coaching staff to do things of an intimate nature for children and/or vulnerable adults (e.g. dressing and undressing children, lifting), particularly if they are young or disabled. These tasks must be carried out only with full parental consent. It is important to be responsive to the child's or vulnerable adult's reactions. If they are fully dependent on the person providing support, that person should talk about what he/she is doing and give choices where possible and should avoid taking on tasks for which appropriate training is needed.

Staff, students, and volunteers should remember that inappropriate behaviour can occur via the telephone, Internet and e-mail, as well as during direct interaction with children and vulnerable adults.

The Sexual Offences Act 2003 provides that intimate contact between an adult and a child where that adult was in a 'position of trust' to the child is a criminal offence. Those in a 'position of trust' include those who have regular unsupervised contact with a child, or where an adult looks after children at an educational institution at which the adult is not also receiving education.

Volunteers or others whose duties necessarily involve personal care, for example carers for disabled people, must have regard at all times to specific guidance provided by the organisation or organisations through whom they volunteer as well as relevant guidance from government bodies.

Photographs, videos, audiotapes, CDs, Web sites and webcams

It may be necessary for volunteers or staff to take photographs or make videos of children or vulnerable adults for educational research or teaching purposes. An image of a child or vulnerable adult is personal data for the purposes of the Data Protection Act 1998.

Where images are stored in a way which makes the data subject identifiable, or where the images are to be used for publication, written consent should be obtained *before the images are created*. If the data subject is capable of comprehending the implications of consenting to the data use, then their consent should be sought; otherwise, the consent of a parent or legal guardian should be obtained. Whenever an image of a child or vulnerable adult is published, the data subject should, as far as is practicable, be unidentifiable.

Those engaged in research should read this policy in conjunction with Central University Research Ethics Committee (CUREC) or other specific guidance, which may give extra detail on issues of confidentiality and sensitive content (<http://www.admin.ox.ac.uk/curec/>). When publishing research findings, it is preferable to obscure the faces of children or vulnerable adults, or otherwise make them unidentifiable.

Part 3. GUIDANCE: IDENTIFYING ABUSE

1. Identifying abuse

(a) *From what is it that children and vulnerable adults need protection?*

Abuse can be physical, sexual, emotional, or neglect. Specific examples of behaviour or action that may amount to abuse include:

- physical abuse—an adult physically hurts or injures a child or vulnerable adult;
- sexual abuse—adults use a child or vulnerable adult to meet their own sexual needs through full sexual intercourse, masturbation, oral sex, fondling, or inappropriate physical conduct, including touching and showing pornographic images;
- emotional abuse—the persistent emotional maltreatment of a child or vulnerable adult which results in severe or persistent adverse effects. Emotional abuse is often present in other categories of abuse, although it may occur independently;
- neglect—a child or vulnerable adult's basic needs are not met (e.g. food, warmth), or they are left constantly alone or exposed to undue risks of injury.

This list is not intended to be exhaustive. If any child or vulnerable adult shows signs of discomfort or is unhappy in a situation or with the level of care received, this should be reported to the appropriate departmental officer, even where it is not clear whether an act of 'abuse' might have taken place.

(b) In what situations do children and vulnerable adults need protection?

Children and vulnerable adults are potentially at risk if exposed to adults who have a position of power or authority over them, or if in a situation in which they are in contact with individuals who might be in a position to commit abuse. This risk is increased when inappropriate adults are present, or when unsupervised contact with children takes place.

The above is relevant to summer schools, school visits, and those working in a voluntary capacity although it may include others, such as tutors, who are assigned to children and/or vulnerable adults, and researchers working with children as part of their research programmes.

2. Reacting to abuse/alleged abuse

It is important that children and vulnerable adults are protected from abuse; therefore all complaints, allegations, or suspicions must be taken seriously. Allegations of this nature should be dealt with confidentially. However, whilst allegations should be treated confidentially, it is not always appropriate or sensible to promise complete secrecy, as it may be appropriate later to discuss in confidence the allegations with others, including the department's child protection officer.

(a) What to do in the event of a complaint

If a child says or indicates that he or she is being abused or an individual has information or concerns that a child may be being abused, the person to whom this information has been passed should do the following:

- keep questions to a minimum so as to avoid leading questions which can cause problems in subsequent investigations or court proceedings;
- make a full record of the nature of the allegation and other relevant information such as date, time, place, and individuals concerned;
- consider children or vulnerable adults with special needs, such as those with speech impediments or those for whom English is not their first language, and involve the Disability Team in the Diversity and Equal Opportunities Unit as and when necessary;
- immediately inform the officer nominated to deal with child protection issues in their department or college.

(b) Dealing with abuse/allegations of abuse

The positive duty imposed on other educational institutions to safeguard the welfare of children requires them to report or refer to a designated person in the police or social services, as they have primary responsibility in the field of child protection.

The University and its departments and colleges should take the same approach, and it is recommended as best practice that a person within the department or college should be nominated to deal with child protection issues. The responsibilities of this nominated person should include referring matters of concern to the police (who, when children are in immediate danger, should be telephoned on 999) or social services (Oxford 375515/0800 833408). Concerns about the safety or welfare of a child can also be discussed with the National Society for the Prevention of Cruelty to Children (NSPCC) on 0808 800 5000.

Once a report or referral of alleged or suspected abuse has been made, a criminal investigation may follow. The

relevant person in authority (such as the head of department), in consultation with Personnel Services, or the Proctors (in relation to actions which have been alleged to have been committed by student members of the University), should decide whether the individual accused of abuse should be temporarily suspended pending further police or social services investigation, or pending internal disciplinary procedures within the University.

3. Confidentiality

The University has an obligation to respect the privacy and confidentiality of all individuals. Nevertheless, it is not always appropriate or sensible to promise complete confidentiality to informants in circumstances of alleged abuse. In some circumstances, the University owes a duty of care to its students or visitors that cannot be fulfilled unless the University takes action on the basis of information that might have been provided in confidence. Where there is a risk of potential or actual harm, the duty of confidentiality must be weighed against the duty of care.

In discussions relating to the protection of children or vulnerable adults, the University's concern, wherever possible, to respect privacy should be emphasised. The limited ways in which information might be shared with named bodies and individuals should be outlined, and the utmost discretion that will be applied in sharing information should be emphasised.

(a) Seeking advice

Those to whom confidential information has been imparted may not always be sure whether to disclose this information. In these circumstances, they may seek advice (without disclosing identity) on whether the issue is sufficiently important for the confidence to be breached. Advice could be sought from the departmental officer who has responsibility for child protection issues, or from others (for example, a college doctor).

A judgement will need to be exercised to balance the need to pass on information while safeguarding identity with a need to maintain strict confidentiality. In any case, the presumption should be that the passing-on of such information should be strictly on a need-to-know basis.

It might be necessary to pass on information to the relevant person in authority (such as the head of department). If there is doubt of the person to whom information should be passed, or if the allegation concerns that person, then advice may be sought from the Head of the Diversity and Equal Opportunities Unit.

(b) Further guidance

Further guidance on the principles of confidentiality in relation to students is published by the University's Student Health and Welfare Web site <http://www.admin.ox.ac.uk/shw/confiden.shtml>.

Part 4. GUIDANCE: GOOD PRACTICE IN PREVENTING ABUSE

Good practice in general involves valuing and respecting children and vulnerable adults, and securing a safe environment for them.

Employees

Before people are employed to work with children or vulnerable adults, the employing department should follow

Personnel Services' advice on CRB screening at http://www.admin.ox.ac.uk/ps/managers/appoint/rehab_crb.shtml.

Advice on recruitment of employees more generally is available on the Personnel Services Web site at <http://www.admin.ox.ac.uk/ps/managers/appoint>. Personnel Services will, on request, provide specific advice to departments in light of individual circumstances.

Volunteers

Volunteers working on projects or in schemes where participants are children and/or vulnerable adults will be obliged, whenever required, to give permission and evidence for a disclosure, to be obtained from the Criminal Records Bureau. Information about the Criminal Records Bureau screening service, and the appropriate levels of CRB disclosure can be found at http://www.admin.ox.ac.uk/ps/managers/appoint/screen/rehab_crb.shtml. There may be no fee applicable for CRB checks requested on volunteers. Further information can be obtained from the University Security Services (see below for contact details).

Wherever practicable volunteers should also attend a 'Good Practice and Child Protection' course run by either SportsCoach UK or another NSPCC-approved provider. Educare courses may also be acceptable in some cases (see links, below).

Further detailed advice and guidance on pre-employment screening may be obtained from Security Services (e-mail: mary.croft-pearson@admin.ox.ac.uk, or telephone the CRB help line on (2)72941/(2)72946). Advice on recruitment of employees more generally is available on the Personnel Services Web site (<http://www.admin.ox.ac.uk/ps/>). Personnel Services will, on request, provide specific advice to departments in light of individual circumstances.

Part 5. FURTHER GUIDANCE: FAQs FOR STAFF AND/OR STUDENTS DEALING WITH CHILDREN

Further guidance in the form of FAQs will be added to the Child and Vulnerable Adult Protection Policy Web site. Requests for guidance and interpretation should be sent to the Head of the Diversity and Equal Opportunities Unit.

Part 6. ADDITIONAL GUIDANCE

Useful internal links

- The Diversity and Equal Opportunities Unit's harassment Website (<http://www.admin.ox.ac.uk/eop/har/>) provides the University's Code of Practice on harassment and further advice on identifying and dealing with harassment.

- The University's Health and Safety Policy is available at <http://www.admin.ox.ac.uk/safety/policy.shtml>.

- Diversity and Equal Opportunities guidelines and codes of practice are available online at <http://www.admin.ox.ac.uk/eop/>.

- Information on research ethics is available from the Central University Research Ethics Committee (<http://www.admin.ox.ac.uk/curec/>).

- The Disability Office (<http://www.admin.ox.ac.uk/eop/disab/>) can provide employees with further supportive guidance relating to working with and caring for vulnerable adults.

- Further guidance on pre-employment screening, and on recruitment more generally, is available at the Personnel Services Web site (<http://www.admin.ox.ac.uk/ps/>). Personnel Services will, on request, provide specific advice to departments in light of individual circumstances.

- Information about the Criminal Records Bureau screening service can be found at http://www.admin.ox.ac.uk/ps/managers/appoint/screen/rehab_crb.shtml.

- Advice and guidance on the process of CRB-checking and the level of screening required may be obtained from the Security Services (e-mail: mary.croft-pearson@admin.ox.ac.uk or telephone the CRB help line on (2)72941/(2)72946).

Useful external links

Further information may be obtained from the Web sites listed below:

- Oxfordshire Area Child Protection Committee, <http://www.oxfordshireacpc.gov.uk/>. This Web site provides information about child protection training in Oxfordshire, which is provided free (unless an external trainer is required).

- Sportscoach UK, <http://www.sportscoachuk.org/home.htm>. Sportscoach UK provides child protection workshops and training.

- Educare, <http://www.debrus-educare.co.uk/site/index.php>. Child protection training programmes are available from Educare.

- NSPCC, <http://www.nspcc.org.uk/html/home/home.htm>. The NSPCC also provides child protection training.

- Department of Education, <http://www.dfes.gov.uk/>.

- Disability Rights Commission, <http://www.drc-gb.org/>.

- Useful further guidance is available in the document *Framework for Safeguarding Children and Young People in Higher Education Institutions*, published in 2005 by London Higher, Aimhigher, NSPCC, and Roehampton University (<http://www.londonaimhigher.ac.uk/docs/Aimsafer.pdf>).