

## SAFEGUARDING POLICY

### Statement of commitment

1. The University of Suffolk aims to adopt the highest possible standards and take all reasonable steps in relation to the safety and welfare of children, young people, adults at risk and others who study at, work at and visit the University.

### Scope

2. This policy applies to all University students<sup>1</sup> and staff employed by the University, staff employed at the Partner Colleges<sup>2</sup> who teach on University of Suffolk programmes, and volunteers, who may be working with the following groups whom the University encounters through its teaching and research activities as well as through its outreach programmes:

- children and young people aged under 18 years
- adults at risk (as defined by section 42 of the Care Act 2014)
- any persons who may be at risk of being radicalised by any extremist group or ideology under the terms of the Counter Terrorism and Security Act 2015 (Section 26(1)) and as defined in the Prevent Duty guidance, 2015

Except where necessary to specify, hereafter these groups will be collectively referred to as 'at risk groups' or 'at risk individuals'.

3. The policy has particular relevance to the following areas of activity where at risk individuals may be engaged:

- Promotional activity, including open and visit days, summer schools and taster sessions
- Provision of advice and guidance
- Suitability of course content
- Application and enrolment processes
- Additional requirement and special needs assessment processes

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<sup>1</sup> 'University student' refers to all students studying at the University irrespective of the nature of the programme. A university student may be an apprenticeship, undergraduate, post-graduate or continuing professional development student, by way of example.

<sup>2</sup> Staff who teach on University of Suffolk programmes at Partner Colleges are employees of their respective Colleges. The Colleges, as providers of further education have their own robust statutory child protection policies and procedures in place. This Policy recognises that it cannot override each College's individual policy as it relates to its own employees. However, this Policy does provide a coherent framework for how safeguarding matters are dealt with in respect of all University of Suffolk students at whichever campus they are studying. This also applies to the accompanying Code of Conduct.

- Selection and recruitment of staff
- Tutor-student interactions including face-to-face tutorials
- Communications, including electronic communications
- Student residential accommodation
- Placements and field trips
- Examination arrangements
- Student-student interactions
- Students' Union activities
- Individuals who are under the age of 18 at the start of their studentship or employment with the institution
- Provision of work experience to people who are under the age of 18
- Research involving sensitive materials or people who are under the age of 18 and for adults at risk
- Lectures and presentations from guest speakers

## **Principles**

4. The safeguarding and protection of children and adults at risk is the shared responsibility of all staff and students of the University.

5. Children and adults at risk should be free to learn, work and develop their potential, without fear of violence, abuse or exploitation. Within the University of Suffolk, children and adults at risk, irrespective of their protected characteristics as defined by the Equality Act 2010, will be valued and their rights to protection and safety fully respected.

6. The University will take all reasonable steps to establish that those whose work or study involves contact with at risk individuals do not present an unacceptable risk. This commitment is reflected in relevant University of Suffolk People and Organisational Development (POD) policies including recruitment processes for staff and, for the students, in the Admissions Policy and General Regulations for Students.

7. The University, in working with its partners, ensures that its safeguarding policies and practices align to the guidance and procedures available from:

- Suffolk Multi-Agency Safeguarding Hub
- Suffolk Safeguarding Partnership
- Suffolk Prevent Delivery Group

8. All suspicions and allegations of abuse or inappropriate behaviour will be taken seriously by the University and responded to appropriately as set out in this policy. (Appendix 1 provides an illustrative list of types of abuse and signs of abuse).
9. The University's duty of care will be reflected in its disciplinary procedures for students and staff.
10. The Policy will be kept up to date and periodically reviewed to ensure that any changes in legislation or guidance are taken into account.

### **Minimising risks of harm**

11. All the University's staff and those staff employed by our Partners will be made aware of the University's commitment to the safeguarding/protection of at risk groups and be directed to the Policy and Code of Conduct through induction processes and the corporate development programme, and will know what to do if a concern arises. Support and advice will be provided to staff if/when such matters arise by the Designated Safeguarding Officers and/or Local Safeguarding Officers.
12. The University of Suffolk recognises the benefits and opportunities technologies offer to teaching and learning. We provide internet access to all students and staff and encourage the use of technologies. However, the accessibility and global nature of the internet and different technologies available require students and staff to identify and manage risks and challenges associated with such use and know where to refer concerns.
13. The University recognises that online and digital platforms and social media are increasingly being used to perpetrate abuse, coercion and control. The University of Suffolk takes all forms of abuse seriously including technology-facilitated abuse.
14. The University will make all reasonable efforts to ensure that all members of its staff, students and apprentice learners whose role involves 'regulated' or 'controlled' activity with students under the age of 18 and/or adults at risk are suitable for the position and have completed the necessary checks including Disclosure and Barring Service checks and, if appropriate, registration with the relevant external agency.
15. All students whose study involves work placements in settings where there are at risk individuals must satisfy all reasonable requirements including Disclosure and Barring Service checks and, if appropriate, registration with the relevant external agency.

16. All students who are employed and undertake regulated activities with at risk individuals on University of Suffolk activities are required to undertake a Disclosure and Barring Service check. It is noted that students employed by the University are employees of the University of Suffolk.

17. All students will be made aware of the University's commitment to the safeguarding and protection of at risk individuals and the Safeguarding Code of Conduct, and understand that any legitimate suspicions or concerns will be reported to appropriate agencies. Breaches of the Code of Conduct may lead to disciplinary action under the Student Disciplinary Policy. Students studying health, social work or other professional programmes are in a position of trust and as such, any breach may be reported to the professional/regulatory body.

18. The Admissions Office at the point of admission to a programme of study will ensure that the parents or guardians of students who are under the age of 18 are aware that their child is studying alongside adults in a higher education environment which is not as regulated and supervised as a school or Further Education (FE) College environment.

19. All students under the age of 18 enrolling with the University will be given guidance and pastoral support by Student Life and their course team. Please see the Under 18 Policy for more information.

20. The University will work in partnership with the Students' Union to promote the safeguarding and protection of at risk groups.

21. The University will work closely with schools and parents to ensure confidence that the organisation is providing a safe environment for their children under the age of 18.

22. No images in any format will be circulated or stored involving young students, school pupils, visitors under 18, or vulnerable adults without first gaining explicit written informed consent of those involved and their parents/guardians/carers.

23. Detailed and accurate written records of referrals/concerns will be kept securely and confidentially when concerns arise, in line with the relevant statutory requirements and the University's Data Protection Policy.

**Action when work or study involves contact with at risk groups and conditions or circumstances present an unacceptable risk**

24. There are occasions where a circumstance or a condition applied to an individual may prevent them from being a member of an organisation such as the University of Suffolk. Examples may include but are not limited to:

- Information shared through DBS vetting and barring procedures
- Information shared by a Local Authority Designated Officer (LADO), Position of Trust Team, Police or Public Protection Unit
- Conditions applied through a Public Protection Order
- Certain criminal convictions and sentences

25. Circumstances or conditions applied to a person that prevent them from being a member of the University or from having contact with at risk individuals, must be referred to a Designated or Local Safeguarding Officer.

**Action on occurrence or suspicion of abuse**

26. Abuse can take different forms and includes physical abuse, sexual abuse, emotional abuse as well as neglect and bullying. Abuse can have serious and long term effects in terms of development, health and wellbeing including to self-esteem and self-image.

27. Although the University's staff have no powers to investigate abuse, all have responsibility for reporting any suspicions or concerns of abuse and for ensuring that concerns are taken seriously.

28. The University is committed to cooperating closely with appropriate external agencies.

29. Those reporting suspicions or concerns must follow the protocols set out below, the most significant of which is to seek the advice of the University's Designated Safeguarding Officers or local School/Department/Partner College Safeguarding Officer as soon as possible.

**Procedure for dealing with allegations of abuse against people who work with children or those who are in a position of trust or suspicions of abuse against an employee of the University of Suffolk at work (Ipswich campus) or against a student of the University of Suffolk**

30. The Designated Safeguarding Officer or local Safeguarding Officer who receives a report

of an allegation should immediately seek the advice of the relevant Local Authority Designated Officer (LADO) and/or Position of Trust (POT) team. The LADO or POT team will advise whether a strategy meeting is required before the member of staff or student can be informed of the allegation. This is a precaution in case a Police or social work investigation is prejudiced.

31. In the case of a University employee, the relevant line manager and the Director of People and Organisational Development (as a Designated Safeguarding Officer) should also be informed of the position (In the absence of the relevant line manager, a member of the Executive Team should be notified). In the case of a student, the relevant Dean of School or Deputy Vice-Chancellor should be informed.

32. If the LADO or POT team advises that it is appropriate, the line manager (of employee) or Dean of School (of student) should meet with the employee/student concerned to inform him/her that an allegation has been made and also explain the course of action that needs to be taken. It should be clear to the employee that this meeting is not an investigatory meeting or disciplinary hearing.

33. Possible outcomes may include the following:

- There is immediate referral to agencies responsible for safeguarding/protection to deal with the matter. This will take priority over any internal process. The Designated Safeguarding Officer or local Safeguarding Officer will be responsible for liaising with relevant safeguarding agencies.
- There is reason to suppose abuse may have occurred and further investigation by a safeguarding agency or under the University of Suffolk Staff/Student Disciplinary Procedures may be necessary.
- The allegation is prompted by inappropriate behaviour by an employee/student which needs to be considered under the University Staff/Student Disciplinary Procedures.
- That the allegation is without foundation and does not warrant further investigation.

34. Where safeguarding concerns and allegations of abuse call for immediate referral to safeguarding agencies:

- A risk assessment and need for interim action (e.g. suspension) will be conducted (see paragraphs 43 to 47)
- Subsequent action taken will be in accordance with the procedures and actions identified by the respective Safeguarding Board or Channel Panel.
- The Designated Safeguarding Officer or local Safeguarding Officer will not be part of the investigating team but s/he will be expected to contribute to discussions on how the

investigation will be conducted.

- The Designated Safeguarding Officer or local Safeguarding Officer will liaise closely with the agencies to obtain information on the progress of the investigation and update the Director of HR or Dean of School /Deputy Vice-Chancellor as appropriate.

35. The University will be able to conduct an internal investigation, however, investigation by the Police or safeguarding agencies will take priority. The internal investigation will commence after the safeguarding agencies or Police have completed their investigations. The University will keep the investigation of all complaints and the records relating to the matter confidential.

36. When it is appropriate to do so, the allegation will be investigated in accordance with the pertinent University disciplinary procedure. As a precautionary measure, and without prejudice to the outcome, the Director of HR (for staff) and the Vice-Chancellor (for students) may decide to suspend the employee/student pending the outcome of any investigation (see also paragraph 46).

#### **Action on occurrence or suspicion/concern regarding radicalisation**

37. Those who have concerns or have had concerns expressed to them in relation to any person who may be susceptible to radicalisation should raise this at the earliest opportunity with the Designated Safeguarding Officer or Local Safeguarding Officer.

38. The Designated Safeguarding Officer or Local Safeguarding Officer who receives a report of an allegation should follow the relevant Prevent Channel Referral process.

39. In the case of a University employee, the relevant line manager and the Director of POD as the Designated Safeguarding Officer should be informed of the position. In the absence of the relevant line manager, a member of the Executive Team should be notified. In the case of a student the relevant Dean of School should be informed.

#### **Procedure for dealing with concerns of possible abuse outside the University of Suffolk**

40. If someone is concerned about an incident which has occurred outside the University s/he is required to raise the matter with the Designated Safeguarding Officer or relevant local Safeguarding Officer who will inform the appropriate service and ensure that appropriate procedures are followed.

#### **Procedure for dealing with a safeguarding concern or allegation of abuse by an individual of an external organisation using the University of Suffolk facilities**

41. If an allegation of abuse is made against an employee from an external organisation using

the University of Suffolk facilities, a referral must be made as above in 28. Additionally, if a safeguarding concern is raised under the remit of the CTSA 2015 and Prevent Duty guidance, a referral must be made as above in 28.

42. The Designated Safeguarding Officer or local Safeguarding Officer will consider in consultation with the Vice-Chancellor or relevant Principal whether the external organisation will be permitted to continue to use the University of Suffolk premises or facilities.

### **Procedure for interim risk assessment and identifying action to minimise risk**

43. Where an allegation or concern has been raised regarding an employee or student of the University, a Designated Safeguarding Officer, with relevant staff members and the individual of concern, where it is appropriate, will aim to assess risk, identify support or safety strategies and establish potential routes of referral. It may be necessary to convene a panel to review specific cases. A safeguarding panel will be comprised of a Designated Safeguarding Officer, the Dean of School/line manager or representative, and a representative from the POD (for employees) or a member of the Office for Student Appeals, Complaints and Conduct, OSACC (for students).

44. The role of the Panel is to take a reasonable view of the risk the employee or student poses to the University and those with whom they will come into contact as part of their University activities, including external stakeholders (such as placement providers) and service users. The panel will reasonably identify any transferable risk to others, mitigating conditions and consider referral into other internal and external processes.

45. The Panel will consider all the evidence available to assess the risk, taking into account:

- the employee's field of work/student's programme of study
- the nature of the allegation/concern
- the seriousness of the allegation/concern
- the circumstances surrounding the allegation/concern
- any additional relevant information provided by external agencies such as the LADO, POT and/or Police

46. The Panel may decide:

- a) that the employee or student be allowed to continue with their University activities;
- b) that the employee or student be allowed to continue with their University activities with certain conditions and/or restrictions pending the outcome of any investigations;
- c) that a recommendation is made to the Director of POD (for staff) or Vice-Chancellor (for



- students) to suspend the employee or student pending the outcome of any investigations.
- d) Referral of concerns to another university procedure for consideration e.g. Disciplinary or Fitness to Practices.
  - e) Referral of concerns to an external agency for consideration e.g. Disclosure and Barring Service.

47. The Panel will make a record of the reasons for their decision to be retained in accordance with paragraph 48 to 50 below.

### **Record keeping**

48. All documents relating to an allegation against an employee will be returned to the Department of POD to be kept in the employee's personal file when the case has been concluded. If the allegation was found to be false or without foundation, no record will be kept in the employee's file except when the employee requests this.

49. All records relating to an allegation against a student will be returned to the Academic Registrar when the case has been concluded. If the allegation was found to be false or without foundation, no record will be kept in the student's file except when the student requests this. It will be for the relevant agency to keep records of referrals made to it in accordance with statutory requirements.

50. Substantiated and upheld allegations/concerns may be disclosed in references provided by the University.

### **Monitoring and evaluation**

51. The Designated Safeguarding Officer will coordinate the recording of any incidents relating to the protection of at risk groups at the University of Suffolk (Ipswich) and report them to the Executive Team on an annual basis. This will be confidential and if any concerns or patterns emerge these will be dealt with appropriately.

### **Management framework**

52. The Designated Safeguarding Officer will have overall responsibility to safeguard and protect at risk individuals, as set out in paragraph 2.

53. In addition, Local Safeguarding Officers will be responsible for keeping up to date with safeguarding matters, particularly as they relate to any specialised areas of provision. These local officers will be the people to whom reports or suspicions of abuse are referred in the first instance.

54. A Safeguarding Group will meet not less than once a year, chaired by the Designated Safeguarding Officer. The Group will report annually to the University of Suffolk Executive. The Group will include the following membership:

- Academic Registrar/ Director of Student Life (Designated Safeguarding Officer), Chair
- Director of People and Organisational Development
- Deputy Vice-Chancellor
- Assistant Director of Student Life
- Head of Safeguarding and DBS
- Deans of School Local Safeguarding Officers including representative/s from the University of Suffolk's Partner Colleges
- Representative/s from the Students' Union
- Schools Recruitment Officer
- Representative from Business Engagement and Entrepreneurship Representative/s from Suffolk
- Safeguarding Partnership Safeguarding Board
- Representative/s from Suffolk Constabulary
- Representative from Prevent

55. The remit of the Group will be:

- To have oversight of all safeguarding matters and issues relating to protection within the University and to assist the Designated Safeguarding Officer in fulfilling the University's responsibilities as outlined in this policy.
- To ensure and quality assure the implementation of this policy.
- To keep the policy and code of conduct up to date, taking account of changes in legislation, and reviewing and auditing practice as agreed 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 policy and code of conduct by all staff and students of the Institution.
- To give advice to staff as requested in order to ensure consistency of approach.
- To create a safe culture within the University by sharing learning about best practice and promoting awareness about safeguarding and protection issues.
- To monitor and oversee matters relating to the safeguarding and protection of at risk groups.
- To ensure that clear strategies are developed in respect of safeguarding and protecting,

and that they are coordinated and implemented consistently across the University, in a way which anticipates and responds to external and internal developments and ensures that the University can be accountable for safeguarding individuals at risk. To ensure a clear organisational focus on risk management.

- To ensure appropriate and proportionate action is taken in respect of identified risks or concerns and to ensure any learning is shared from matters arising.
- To receive and review the annual report on activity and training undertaken.

## **APPENDIX 1**

### **SAFEGUARDING: CODE OF CONDUCT**

#### **Introduction**

1. This Code of Conduct should be considered in conjunction with the University of Suffolk's Safeguarding Policy and reflects the importance the University attaches to the safety and protection of children, young people and vulnerable adults.

#### **Code of behaviour and good practice**

2. All children and adults at risk should be treated with respect.

3. All activities with children and adults at risk should have more than one adult present or at least one that is within sight or hearing of others.

4. All activities should respect the right to personal privacy.

5. In all activities, staff are required to be aware that physical contact with a child or adult at risk may be misinterpreted.

6. In all activities, staff should recognise that special caution is required when discussing sensitive issues with children or adults at risk.

7. Any physical or manual touching required should be provided openly and if this is in a sporting situation, it should be in accordance with the guidelines provided by the appropriate National Governing Body.

8. In activities, feedback should be constructive rather than negative.

9. In all activities, staff are required to challenge unacceptable behaviour.

10. Any allegations or suspicions of abuse should be reported immediately to the relevant Local Safeguarding Officer or the Designated Safeguarding Officer.

11. In all dealings with children or adults at risk, staff should never:

- Play rough physical games or sexually provocative games
- Share a room with a child or adult at risk
- Enter a private room (e.g. bedroom) unless it is absolutely necessary, and if entering a

room must do so accompanied

- Allow or engage in any form of inappropriate touching
- Allow children or adults at risk to use inappropriate language without challenging it
- Make sexually suggestive comments even in jest
- Reduce a child or adult at risk to tears as a form of control
- Allow safeguarding concerns or allegations of abuse to go unchallenged, unrecorded or not acted upon
- Do personal things for a child or adult at risk which they can do for themselves. If a child or adult at risk has a disability any tasks should only be performed by a dedicated support worker, in accordance with recommendations made in a relevant care plan and with the full understanding and consent of the parents/guardians/carers.

### **Examples of what should be reported/recorded**

12. Any incidents which cause concern in respect of at risk individuals are required to be reported immediately to the Local Safeguarding Officer or Designated Safeguarding Officer. Below are examples of incidents which should be reported:

- A child or adult at risk is accidentally hurt
- There is concern that a relationship is developing which may be an abuse of trust
- You are worried that a child or adult at risk is becoming attracted to you
- You are worried that a child or adult at risk is becoming attracted to a colleague who cares for them
- You think a child or adult at risk has misunderstood or misinterpreted something you have done
- You have been required to physically restrain a child or adult at risk to prevent them from harming themselves or another or from causing significant damage to property
- You receive a report or disclosure alleging abuse regarding a member of an external organisation using the University of Suffolk facilities
- You see suspicious marks on a child or adult at risk
- You hear of any allegations made by a child or adult at risk of events outside the University of Suffolk
- You are concerned that an individual is being influenced or radicalised by any extremist group or ideology
- You find material (via either online or physical environments) whereby the content constitutes a safeguarding concern
- You are concerned that an individual or organisation is inciting hatred or violence
- You believe that an individual, although not implicated, should be removed from the risk.

## **Recognition of abuse**

13. The University of Suffolk recognises that its staff may not be familiar with working with children, adults at risk or individuals who may be vulnerable to radicalisation and may not be in a position to recognise abuse. Mandatory Safeguarding and Prevent training (every 2 years) is available to staff at the University to equip them with basic knowledge of individuals who may be at risk of abuse, signs and symptoms and how to report a concern. and also to identify the different cultural contexts of behaviour.

14. The list below offers examples of types of abuse; abuse can intersect or include more than one form. We also recognise that online and digital platforms and social media are increasingly being used to perpetrate abuse. The list is illustrative and is not limited exclusively to the following:

- Physical abuse
- Sexual abuse
- Sexual exploitation and trafficking
- Psychological / emotional abuse
- Neglect
- Financial abuse
- Coercion / control / grooming
- Abuse that may be specific to a local area or population, for example gang activity and youth violence, criminal exploitation, including county lines
- Radicalisation and/or extremist behaviour
- Domestic Abuse
- Modern slavery
- Female Genital Mutilation (FGM)
- So called honour-based abuse
- Forced marriage
- Racist, disability and homophobic or transphobic abuse
- Gender-based violence
- Fabricated or induced illness
- Other abuse not listed here but that pose a risk to students and at risk groups.

15. It is not the place of staff or students to make a judgement about whether abuse has occurred. This is the remit of the relevant safeguarding agencies.

16. Abuse can occur within any setting and abusers may seek to use community and voluntary organisations to gain access to at risk individuals.

17. There may be indicative signs of abuse which may include, but are not limited to the following:

- Unexplained or suspicious injuries, particularly if such an injury is unlikely to have occurred accidentally
- An injury for which there may be an inconsistent explanation
- Descriptions of an abusive act or situation
- Unexplained changes in behaviour
- Inappropriate sexually explicit behaviour or sexual awareness
- Unexplained changes in mood or emotional state
- A distrust of others
- The child or adult at risk is not allowed to be involved in normal social activities
- Showing support for violence or terrorism
- Unkempt in appearance, showing signs of neglect or self-neglect
- Use of technology or social media, for example use of forums / platforms and risk of being groomed online for exploitation or radicalisation

### **Procedure for reporting**

18. If a disclosure of abuse is made or an at risk individual acts in a way where abuse is suspected the person receiving the information is required to:

- React in a calm and considered way but should show concern
- Tell the person making the disclosure that it is right for them to share this information and that they are not responsible for what has happened
- Take what has been said seriously
- Only ask questions to ascertain whether there is a concern but not interrogate
- Listen and not interrupt them if they are recounting significant events
- Not give assurances of confidentiality but explain you will need to pass on this information to those that need to know
- Make a comprehensive record of what is said and done as soon as possible and before leaving work. Keep all original notes as they may be needed as evidence.

19. The comprehensive record should include the following:

- A verbatim record of the account of what occurred in their own words. You should note this record may be used later in a criminal trial and therefore needs to be as accurate as possible
- Details of the nature of the allegation or concern

- A description of any injury; please note that you must not remove clothing to inspect any injuries

20. The incident, allegation or concern should be reported immediately to your Local Safeguarding Officer or the Designated Safeguarding Officer (email: [safeguarding@uos.ac.uk](mailto:safeguarding@uos.ac.uk) or telephone: 01473 338400) for appropriate action to be taken. If the concerns relate to the Safeguarding Officers themselves then a concern must be referred directly to the Police or Local Authority Designated Safeguarding Officer (LADO), as appropriate.

21. It is the remit of the Local Authorities and/or the Police and not anyone connected with the University of Suffolk to investigate allegations or suspicions of abuse.



## **APPENDIX 2**

### **SAFEGUARDING, SUITABILITY AND CRIMINAL CONVICTIONS PROCEDURE**

1. The University of Suffolk is committed to equality of opportunity including the rehabilitation of offenders who can demonstrate academic potential. The purpose of this policy is to ensure that applicants and current students who have relevant criminal convictions to declare are treated consistently and equitably and in accordance with the Rehabilitation of Offenders Act 1974, the Human Rights Act 1998 and the Protection of Freedoms Act 2012. This process follows the SPA (Supporting Professionalism in Admissions) Criminal Convictions: Statement of Good Practice and seeks not to replace the role and responsibilities of the Criminal Justice Service to determine an individuals' suitability within the wider society.

2. Applicants who declare a conviction(s) in accordance with the provisions of this policy will not be automatically excluded from the application process and current students will not automatically have their enrolment terminated. Applicants must demonstrate that they meet both the academic requirements and the suitability requirements for a programme of study. This may involve a separate risk assessment of the applicant's ability to fulfil both requirements. Students who declare a conviction(s) will not automatically have their enrolment terminated.

3. It is the responsibility of the Head of Safeguarding and DBS and Assistant Director of Student Life to periodically monitor and review the suitability procedures to ensure they are fully effective and consistently applied across the University and to update the Director of Student Life and Registry Services/Academic Registrar (Designated Safeguarding Officer).

#### **Routes to disclosure**

4. Whilst promoting equality of opportunity, the University of Suffolk has a responsibility to reduce the risk of harm or injury, caused by criminal behaviour, to its students, visitors, staff and the vulnerable people to whom some students have access by virtue of the nature of their course and regulated activity required.

5. Criminal conviction disclosures may be received by the University via the following routes:

- self-declaration at Admission Stage by an applicant
- any criminal Conviction records held on a DBS certificate
- self-disclosure by student enrolled as on a professional course
- safeguarding leads are informed of concern in relation to a student or applicant that may affect their ongoing suitability for a professional course.

6. It is the responsibility of the student to inform the University of Suffolk or the partner institution where they are studying of any criminal convictions acquired during their time as students. All students are reminded of these requirements during the annual re-enrolment/induction process.

7. The relevance of any declared criminal convictions made by applicants or students will depend upon the nature of the course to which entry is sought or confirmed enrollment. The University of Suffolk will consider any course and module content and professional placement requirements when determining if there is a specific need for an assessment of an applicant or students' criminal convictions declaration. Given the importance of context, it is likely there will be no 'one size fits all' approach and consideration should be given to the mitigating circumstances of each case.

8. Applicants or students seeking advice on whether their convictions are spent or relevant are advised to contact Unlock ([www.unlock.org.uk](http://www.unlock.org.uk)), who can provide specific advice in relation to HE applications and criminal convictions.

### **Professional courses which require undertaking regulated activity**

9. Regulated activity refers to certain roles, professions and programmes of study subject to working with children or adult at risk. This would include but would not be exclusive to programmes in health science, social work and teaching where such roles are exempt from the Rehabilitation of Offenders Act 1974. All applicants applying for professional courses that require undertaking regulated activity must declare all relevant criminal convictions prior to admission as part of the interview response online process via a confidential self-disclosure form. The content of any criminal conviction disclosure will be viewed only by trained Admissions staff and Safeguarding Leads if, as a result of interview, the University is considering making the applicant an offer.

10. Applicants and students are informed via the Prospectus, UCAS, the University of Suffolk website and other programme related information if they are required to declare any criminal convictions, including spent convictions and cautions (including verbal cautions) and bind-over orders that will not be filtered under Disclosure & Barring Service (DBS) guidelines in addition to any relevant unspent convictions. This includes reference to any fees incurred by the student for the cost of a DBS certificate and if required, annual subscription to the Online Update Service.

11. In accordance with the professional standards and code of practice required for each course, the University will also assess the suitability of applicants and students in relation to their conduct, health, and character in their ability to practice safely respectfully and with personal

integrity. For some courses, this may require further disclosure of whether the applicant/ student is both indirectly or directly subject to any safeguarding investigations or inquiries that relate to safeguarding children or adults at risk. This includes immediate family members (including children of) and/or person(s) with who they have an intimate relationship. Details of the disclosure will be further anonymised and shared with members of the Safeguarding, Suitability and Criminal Convictions panel.

12. Applicants and students in roles requiring regulated activity must complete an enhanced Disclosure & Barring Service Certificate (DBS) alongside any self-declaration documentation as part of the annual online enrolment process as detailed in the University of Suffolk Fitness to Practice Procedures. Any applicants that are barred from regulated activity (subject to the Disclosure and Barring Service Barred List) should be aware that it is an offence to apply for a programme of study where regulated activity is a course requirement.

13. Existing students are required to notify the University immediately of any new criminal convictions or changes that may affect their ongoing suitability on a programme requiring regulated activity. For both applicants and students, declarations made early in the criminal convictions process allows the University a greater amount of time to consider an individual's situation and greater transparency of the process.

14. The University may amend or withdraw the offer of a place or terminate a student's enrolment at any time if it determines that an applicant or student has made any misleading, false or fraudulent application or statement to the institution, or has produced falsified documents, regarding any relevant criminal convictions, whether as part of their application or whilst on their course. Where the student is enrolled on a professional course, it may also be necessary for the matter to be referred to the relevant PSRB.

### **Professional courses with module options/ pathways which require undertaking regulated activity**

15. Disclosures of criminal convictions and a DBS Certificate may be required and further risk assessed for courses where a professional placement and/or module requires regulated activity as a potential pathway on their chosen programme of study. Inclusive of this rule may occur where an applicant or student is subject to any license condition or monitoring restrictions that could affect ability to successfully complete a module or programme of study.

16. Where an applicant or student is prohibited from taking an optional module or placement, they will be required to select from the other options available to ensure that a programme of study

can be successfully completed. If a placement/ module in regulated activity is mandatory, the applicant may be withdrawn from the course or transferred to an alternative course that does not require regulated activity.

### **Disclosure and Barring Service Procedures**

17. If an applicant is successful in receiving an offer for a place on a course, the Admissions team will make clear to the applicant any non-academic conditions attached to their offer. This will include a satisfactory DBS check for all professional courses as outlined as above. The DBS Team at Ipswich Campus (via a 3<sup>rd</sup> party service) and staff at the relevant partner college are responsible for administering this process.

18. By completing the DBS application process, the applicant or student is consenting that the original disclosure will be provided to the DBS Team. All DBS documentation should be received by the point of induction at the University.

19. Upon receipt of the DBS disclosure, the Head of Safeguarding and DBS shall review the disclosure and highlight to the Safeguarding, Suitability and Criminal Convictions Panel where new or different information is revealed on the DBS disclosure and review the original decision to determine the suitability of the applicant to commence the course.

20. The University may seek the applicant/student's consent to contact and/or refer to external agencies such as the Local Authority Designated Officer (LADO), Police, Probation Services or other appropriate independent person/body to request further advice and information regarding the student or applicant. Any personal data provided by individuals and authorities will be treated in accordance with the provisions of the General Data Protection Regulations and Data Protection Act (2018).

21. To be valid, a DBS disclosure must be less than three months old at the time of application or commencing a placement to a programme of study that requires regulated activity with children and/or adults at risk.

22. Existing DBS certificates an applicant or student may have completed through previous employment or volunteering will not be accepted unless the applicant or student can demonstrate that it meets the requirements of the course and can provide the original certificate for review. If a DBS certificate is subscribed to the DBS Annual Online Update Service, the applicant or student should provide permission for the University to complete a 'Status check' on the applicant's current status to enable the DBS certificate to be valid for placement and/or the course.

23. For a number of professional courses, students will be required to pay and subscribe to the Annual Online DBS Update Service as a requirement of their course. This includes students currently intercalating that are required to complete a new DBS certificate on return. Failure to comply with this may result:

- in a breach of policy and/or;
- delay in placement start date;
- withdrawal from placement
- a new DBS application required to be completed and subscribed to the Update Service. Any costs incurred will be at the student's own expense.
- disciplinary action.

24. If an applicant is already employed in a post which gives direct access to children and vulnerable adults and is being supported in undertaking the course by their employer such as through an apprenticeship programme, the University of Suffolk requires notification of the issue date and certificate number of the certificate via the Employer Suitability Declaration. In these circumstances the employer must show due diligence for the student/ learner as their employee as to ensure that all suitability checks (including the accuracy and completion of a DBS certificate) are completed in line with safer recruitment standards.

### **Other courses not requiring regulated activity**

25. Applicants to programmes of study that do not require regulated activity as a mandatory course requirement and are likely to not lead directly to an exempt profession will only be required to disclose their criminal record if they are currently subject to any license condition or monitoring restriction that could affect their ability to successfully complete their studies.

26. Any declared conditions or monitoring restrictions will be carefully risk assessed as to not hinder an applicant's or student's ability to progress on a programme of study. This is providing that the restrictions imposed do not prevent a student being able to successfully complete their chosen programme of study i.e., any restrictions placed on computer use or internet access would prevent a student from completing and submitting required work.

### **'Late'/Clearing applicants with criminal convictions**

27. All applications made either directly to the University of Suffolk or through UCAS are checked by trained Admissions staff and Safeguarding Leads for disclosure of a criminal conviction prior to any offer being made. No firm commitment will be made to any applicant until the disclosure is fully investigated.

### **EU and international applicants**

28. EU and international applicants to courses requiring a DBS check will be expected to undergo criminal records check in their home country and supply the University with a Certificate of Good Conduct or equivalent. The University of Suffolk will also seek a DBS check for any time spent in the UK and will also run a formal DBS check soon after the student has commenced the course. If formal police or criminal records checks cannot be obtained, the University will seek advice from the relevant Professional, Statutory or Regulatory Body (PSRB) where applicable.

### **Process for applicants disclosing criminal convictions and/or suitability concerns**

29. Where an applicant indicates on their application/self-disclosure form that they have a relevant criminal conviction, the application will first be considered by the person responsible for making a decision on the application according to the normal stated entrance requirements i.e. that the candidate fulfils the academic entry requirements. If the application is unsuccessful, no further action is taken in connection with the criminal conviction issue and the decision is processed in the usual way and all records destroyed.

30. If the applicant confirms that the 'criminal convictions' question had been ticked in error and the applicant/student does not, in fact, have a relevant conviction, the Admissions Officer/OSACC will seek the applicant assurance of this in writing/by email and make the appropriate note on the Student Records System. An applicant will also be advised to contact UCAS.

31. Where the applicant meets the academic requirements for their chosen programme, the Admissions Officer will contact the applicant to complete a Self-Disclosure Criminal Convictions Declaration form. The matter will be referred to the Admissions Manager and the Head of Safeguarding and DBS to follow the procedure for consideration of disclosed criminal conviction. An offer will not be processed until the outcome of this procedure.

32. If an applicant receives a relevant criminal conviction after applying to the University but prior to enrolling as a student, they should contact the Admissions Officer and the Head of Safeguarding and DBS to notify them of their change of status.

33. Applicants will be given ten working days to provide documentation concerning their conviction, if the request for further information is within Clearing or prior to a February/Spring intake, five working days will be given to provide the documentation. This is due to the tight timescales during these periods.

34. Failure on the part of an applicant to provide the documentation within the specified period will result in a rejection of their application. For undergraduate applications, the reject decision will be through UCAS.

35. The University of Suffolk reserves the right to offer deferred entry to applicants where appropriate adjustments can be made to support study, but where there is not sufficient time to put in place agreed adjustments for the next programme intake.

### **Process for students disclosing criminal convictions and/or suitability concerns**

36. Where a student indicates that they have been convicted of a relevant criminal offence or change in their suitability status since their last enrolment, the conviction or concern will be referred to be reviewed by The Office for Student Appeals, Complaints and Conduct (OSACC) under the University Fitness to Practice and Student Discipline Procedure. During this period, re-enrolment procedures are halted, and any scheduled placement will be delayed until an outcome is reached.

37. Where a student may be arrested on criminal charges, pending an investigation by the police, this matter should be referred immediately to the Academic Registrar. Depending on the seriousness of the criminal offence that is charged, the student may be suspended from the University pending further investigation, in line with the suspension procedure within the Student Discipline Procedure. Any further action will be suspended until the conclusion of the police investigation and any court proceedings. In the event of a student conviction, the University of Suffolk has a continued duty of care to ensure all information referred to the relevant external agencies (LADO and/ or POT Team) and where appropriate the Designated Safeguarding Lead will make a referral to the Disclosure and Barring Service.

38. In the event where a student is acquitted and/or charges dropped, support will be offered to assess and consider a return to their studies.

39. Students will be given ten working days to provide documentation concerning their conviction or change in suitability status. Failure on the part of the student to provide the required documentation within the specified period will result in the student being required to attend a meeting with the Assistant Director of Student Life or nominee. If the required documentation is not provided within an agreed timescale after this meeting, or if the student fails to attend the meeting, this is likely to result in the student's withdrawal from the programme.

### **Failure to disclose a criminal conviction or suitability concern**

40. In the event that an applicant fails to declare information as required, the University of Suffolk reserves the right to withdraw an offer or terminate the place, as appropriate. If a student has already registered on a programme of study this will be dealt with under the terms outlined in Fitness to Practice and Student Discipline Procedures.

### **Role of the Safeguarding, Suitability and Criminal Convictions Panel**

41. The function of the panel is to take a reasonable view to assess the level of risk the applicant or student may pose to the University of Suffolk, its members and visitors or any relevant external stakeholders (such as placement providers). The Panel may also consider if the information presented has potential to affect the applicant or students' ability to register with a professional body on completion of a programme of study.

42. The applicant or student will be notified that a Safeguarding, Suitability and Criminal Convictions Panel will be convened to consider their non-academic suitability for a place on the course or continued enrollment in respect of a current student. The applicant or student will also be sent a copy of this policy.

43. The Admissions Team (for applicants) and Safeguarding Team (for existing students) will be responsible for making the arrangements for the Panel, who will receive the original application/self-disclosure, initial risk assessment of the disclosure plus additional information provided by the applicant/student.

44. The Panel shall comprise the relevant Dean of School or nominee (or equivalent post-holder at the appropriate partner or nominee such as Deputy Academic Registrar), the Admissions Manager (for applicants) and a Safeguarding Officer. For courses where a placement is an integral part of the course, the views of the placement provider or a body representing the views of a group of placement providers will also be sought, as may the views of any relevant professional or assessment body including the Local Authority Designated Officer (LADO).

45. The Panel will meet virtually or in person as soon as practically possible after the information is received from the applicant/student. At any stage, the Panel may determine that further information is required, and/or an interview held with the applicant/student to support the decision-making process.

46. The Panel will consider all the evidence available to assess the applicant's non-academic suitability for a place on the course or the student's continued registration, and undertake a risk



assessment taking into account:

- the relevance of the offence(s) and/or disclosure to the course of study;
- the seriousness of the offence (s) and/or disclosure;
- the length of time since the offence(s) and/or disclosure;
- whether there is an established pattern, history of concerns;
- whether the applicant/student's situation has changed since the offence(s) was/were committed;
- the circumstances surrounding the offence(s) and/or disclosure;
- the applicant/student's explanation for the offence(s); and
- the requirements of the various Professional, Statutory and Regulatory Bodies (PSRBs) and requirements of the law to protect special categories' of people (children and vulnerable adults);
- evidence submitted of their good character, conduct and/ or any mitigating factors relating to broader safeguarding concerns that may affect ability to practice safely, respectfully and with personal integrity (e.g. engagement with statutory services).

47. If during the commencement of a Panel the situation should arise where the need to inform local safeguarding procedures either by referral to Adult Safeguarding or the Local Authority Designated Officer this should take place immediately and panel suspended until the further information is provided by the appropriate external agency.

48. The panel in making a final judgment should reach one of the conclusions:

*Low Risk*

- The level of risk has been determined as low or acceptable. The conviction bears no weight on the requirements of the course. The offer can be processed as normal and enrolment on course to continue.

*Low- Medium Risk*

- The level of risk is medium and further conditions to study should be applied. The applicant/student may be given a new offer to study on a different course or with different module selections and conditions attached. The applicant/student may be offered a deferred start date to gather further information to conclude any decision making. The applicant/student will have opportunity to decide whether they wish to continue with enrolment or on the course.

*High Risk*

- The level of risk is high and considered at a risk to high continue with offer or course of

study. The University is unable to adequately safeguard the needs of students, staff, visitors and external parties. Subsequently the decision will be made not to make an offer, to withdraw an offer or to make a recommendation to the Vice-Chancellor or relevant Principal that the student's enrolment be terminated (where appropriate).

49. The Panel shall make a formal record of the reasons for their decision to be retained by the Admissions Office/Safeguarding Team.

50. The Admissions Officer/Safeguarding Team shall advise the applicant/student of the Panel's decision as soon as possible, and no longer than five working days after the decision is made. If the Panel has decided not to make a formal offer of a place, to suggest an alternative course, to set conditions or recommend an individual's enrolment be terminated, the applicant/student shall also be informed by the Admissions Officer/Safeguarding Team of the Appeals Process (see paragraphs 52 to 74).

### **Safeguarding, Suitability and Criminal Conviction Appeals Process**

51. A student may appeal against a decision of the Criminal Convictions Panel on one or more of the following grounds:

- procedural irregularity, where it is alleged that the University did not adhere to its procedures;
- prejudice or bias, where it is alleged that members of the Panel involved in making the decision acted unfairly towards the applicant/student;
- extenuating circumstances, where there are facts which might lessen or reduce the seriousness of the criminal record which were not known to the Panel at the time it made its decision and which could not reasonably have been made known at that time.

### **Submitting a Safeguarding, Suitability and Criminal Convictions Appeal**

52. If an applicant/student wishes to appeal against a decision of the Panel, they must submit the Criminal Convictions Appeal Form to Safeguarding within ten working days of receipt of the Panel's decision. Support is available to applicants from the Student Life team. Enrolled students can seek support from the Students' Union Advice Centre.

53. The applicant/student (the appellant) should ensure they submit all appropriate evidence to support the stated grounds for their appeal. The Academic Registrar or nominee has the right to request further clarification and/or additional written evidence from the appellant and/or staff.

54. Where additional evidence and/or clarification is requested from the appellant, this should

be submitted to Safeguarding by the given deadline. Should it not be received by this date, the appeal will be assessed on the evidence provided with the original submission.

55. As part of the initial assessment, the Academic Registrar or nominee shall ask the appropriate Admissions Officer or Safeguarding Officer for the decision of the original Panel and the evidence and reasons on which the decision was based.

56. Following the initial assessment, the Academic Registrar or nominee will determine whether the appeal should be reconsidered by the Panel, be rejected, or proceed to an appeal hearing.

### **Reconsideration by the Safeguarding, Suitability and Criminal Convictions Panel**

57. If the Academic Registrar or nominee determines that the case should be reconsidered by the Criminal Convictions Panel, for example if new information has been provided, a panel will be convened in accordance with paragraphs 44 to 46.

58. The Panel will inform the Academic Registrar or nominee of the outcome of their reconsideration.

59. If the Panel has revised its original decision, the Academic Registrar or nominee, via Safeguarding, will inform the appellant of this decision in writing through the issue of a Completion of Procedures letter, normally no longer than five working days after the Panel has met.

60. If there is no change to the original decision, the Academic Registrar or nominee will consult with a senior representative of the awarding institution to determine whether the appeal should be rejected or warrants further consideration by an appeals panel.

### **Rejection of Criminal Conviction Appeal**

61. If the Academic Registrar or nominee determines that the appeal should be rejected, the matter shall be referred to a senior representative of the awarding institution for consideration. If the senior representative agrees that the appeal should be rejected, the appellant will be notified of the decision in writing, normally within ten working days of receipt of their appeal.

62. This decision is final and there is no further right of appeal within the University of Suffolk. Students may be able to seek a review by the Office of the Independent Adjudicator (OIA) (see paragraph 70). Applicants have no right of appeal to the OIA.

### **Consideration by the Safeguarding, Suitability and Criminal Convictions Appeals Panel**

63. If the Academic Registrar or nominee, in consultation with a senior representative of the awarding institution decides that the appeal warrants further considerations, they will appoint an Appeals Panel.

64. Membership will be of mixed gender where possible and shall comprise:

- Deputy Vice-Chancellor or nominee (Chair)
- One academic who has had no previous involvement in the case (and, for professional courses, is a registrant of the relevant PSRB)
- One academic from the relevant subject area from the awarding institution
- One representative from a relevant placement provider (for professional courses only).

65. A representative from OSAC will be appointed as Secretary to the Appeals Panel and record the Panel's decisions and justification for that decision.

66. The Appeals Panel shall carry out a review of all documents considered by the Safeguarding, Suitability and Criminal Convictions Panel, together with the written statement submitted by the student setting out the grounds for the appeal. The Appeals Panel shall not proceed by way of a re-hearing but shall have the power to require the presentation of such further evidence as it deems necessary. The student will be informed of when the Appeals Panel will meet but will not be present.

67. The Appeals Panel shall have the same powers as the Safeguarding, Suitability and Criminal Convictions Panel and may confirm the decision of the Safeguarding, Suitability and Criminal Convictions Panel or substitute such other decision as it considers appropriate.

68. When the Appeals Panel has reached its decision, the Secretary shall inform the student in writing through the issue of a completion of procedures letter, copied to the Dean of School (or equivalent) and Director of Student Life and Registry Services/Academic Registrar, within five days of the Appeals Panel meeting.

69. The decision of the FTPAP is final and there is no further right to appeal within the University.

### **Further right to appeal**

70. Students who are dissatisfied with the outcome of their appeal, or whose appeal was rejected without a hearing, may be able to seek a review by the OIA should the case be eligible under the OIA's rules (see <http://www.oiahe.org.uk>). Details will be provided in the letter advising

the student of the outcome. Applicants are not eligible to seek a review by the OIA.

### **Reference Requests**

71. The University will conduct all reference requests for all professional courses in accordance with Safer Recruitment procedures as to ensure greater scrutiny of accuracy and validity. Professional references must be obtained via a professional email account and/ or on headed paper, references from personal accounts or the applicants personal email accounts will not be accepted.

### **Additional Information**

72. If a student withdraws from the University with an uninvestigated criminal conviction or suitability concern, the conviction will be investigated if they later apply to return to study. At times, it may be necessary for information to be further referred to external agencies such as the Local Authority Designated Officer (LADO), Police or Disclosure and Barring Service.

### **Data Protection and Retention**

73. In a limited number of cases, after careful consideration, the University may decide that there are departments, services or individuals within the institution who have an important interest in this information on a need to know basis, possibly to offer support to the applicant/student or to protect other members of the University community. The Academic Registrar (as the University of Suffolk Data Protection Officer) will decide what information can be disclosed and to whom. The student will be notified when this is the case.

74. Where an applicant with a conviction is granted admission to the University, details of the non-academic considerations relating to the admission will be kept securely by OSACC for as long as the student in question is registered with the University plus one year. After this point a record of the decision taken will be maintained but all other supporting documentation will be removed. Where an applicant is not granted admission to the University, the decision and all supporting documentation will be saved centrally by the Admissions Team.