

Appendix 1 - Definitions/terminology

For the purposes of this policy and appendix, the following definitions will apply:

1. Definition of 'Children' and 'Adults at Risk':

Children:

The Children Act 1989 defines a 'child' as a person under the age of 18. The Health and Safety at Work Regulations 1999 (Reg 19) defines the term "children/child" to apply to persons between birth and 16 years. Individuals of 16 and 17 years are 'young persons', anyone over 18 is considered an adult.

The term 'child' is used within this document to refer to anyone under the age of 18., "Young person" is used in this document to refer to someone who might not perceive themselves as a child, but who is still legally defined as a child being under 18.

There is no requirement to gain consent before reporting concerns about a child to the relevant statutory authorities (police, social service or the NSPCC), nor to determine their mental capacity.

Adults at risk

The broad definition of an adult at risk is:¹

'A person who is 18 years of age or over, and who is experiencing or is at risk of abuse or neglect, has needs for care and support (whether or not the local authority is meeting any of those needs), *and* as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

People with learning disabilities, mental health problems, older people and disabled people may fall within this definition. Other legislation such as that governing DBS checks may give different variations of the definition and are applied accordingly. Adults will be deemed as 'at risk' or 'vulnerable' at the point at which they receiving regulated activity as defined under the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012).

Students with additional learning needs may also be adults at risk. Where an accepted applicant has disclosed an appropriate condition, the Disability and Dyslexia Service will request additional information for the purposes of risk assessment to include any safeguarding needs, identifying additional support and reasonable adjustments. They will have access to independent advocacy and advice.

In law an adult is deemed to have capacity to give or withhold consent to social services referrals, medical examinations, etc. If it is believed that an adult is at risk of harm and may need protection, a responsible person must consider if the individual is capable of giving consent². If this is so determined, a professional acting on behalf of the organisation must

¹ Social Services and Well-Being (Wales) Act 2014

²Under the Mental Capacity Act - see Supporting Compliance and Practice Guidance Note 8: Relevant Legislation

seek the individual's consent before taking any action, such as a referral to social services or the police.

There are some exceptions to this rule where consent is not required, these are

- Where there is a duty to act (e.g. a crime may have taken place); or
- When it is in the public interest to act (e.g. another person or people, child or adult, is/are put at risk); or
- When it is suspected that the individual may be under the undue influence of someone else.

Information sharing protocols (see Supporting Guidance and Practice Guidance Note 1: Reporting Concerns) will evidence that consideration of capacity to consent has taken place, that consent has been given or withheld or the decision-making process to judge that this is not required.

2. Definition of Regulated activity:

Regulated activity with a **child** includes:

- Unsupervised teaching, training or instruction of children (teaching/training provided wholly or mainly for children *not courses aimed at/delivered to students who are mainly over the age of 18*), carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight (2am - 6am);
- Care (personal and health care) or supervision of children;
- Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational wellbeing if carried out by the same person frequently (as above);
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (as above);
- Driving a vehicle being used to convey children.

Further information is available at: www.gov.uk/disclosure-barring-service-check/overview

Where a role has some limited, short-term or supervised contact with children or adults in a vulnerable situation (for instance for work experience placements, summer schools, undertaking normal teaching duties or carrying out standard out-reach activities) this is unlikely to meet the definition of regulated activity and so would not be subject to a DBS check with a barring list check. Consideration will be given to roles which meet eligibility for an enhanced DBS check without the barring list check.

Regulated activity with **adults at risk** includes

- personal care (physical assistance with eating or drinking, toileting, washing or bathing, dressing, oral care or care of the skin, hair or nails provided for reasons of age, illness or disability),
- healthcare (by a health care professional or a person acting under the direction or supervision of a healthcare professional),
- social work,
- assistance in day-to-day matters including handling cash,

- driving the adult to appointments for the purposes of: health care, personal care or social work required due to age, illness or disability,
- people who hold a lasting or enduring power of attorney under the Mental Capacity Act 2005 (MCA), a deputy under the MCA, an Independent Mental Health/Capacity Advocate in respect of the individual.

In the University context, many posts will not require a Disclosure and Barring Service check as University activities are often not provided wholly or mainly for children. All those who regularly work with children or Adults at Risk should however be made aware of this policy and associated guidance and should attend relevant training (please contact Human Resources for further information about training available).

3. Disclosure and Barring Service (DBS) Checks:

Disclosure and Barring Service (DBS) Checks are a search of an individual's criminal record in order to ascertain if they are barred from working in any roles that involve Regulated Activity (and therefore require a DBS check).

4. Designated Safeguarding Officers:

Lead Safeguarding Officer (LSO): The LSO is the Academic Registrar, who has overall accountability and strategic responsibility for safeguarding children and adults at risk within the University.

Principal Safeguarding Officers: have responsibility for overseeing the implementation of the safeguarding policy within the University and provide leadership and support to Designated Safeguarding Officer. These are the **Director of Human Resources** in respect of staff, and the **Director of Student Support and Wellbeing** in respect of University students.

Designated Safeguarding Officers (DSO): These are officers appointed in Academic Schools and Professional Service departments where there are programmes or activities where staff and/or students work with children, and 'at risk' adults as part of their roles. One or more **DSO** will be appointed to take responsibility for safeguarding within that programme or activity. The DSO will normally be the organiser or coordinator of the programme or activity. Depending on the scale of activity there may be one or more nominated.

Deputy Designated Safeguarding Officer (DDSO): Is appointed to support the DSO and may be the first point of contact for the activity involving children/adults at risk.

Research DSO: For Research activities it will be the responsibility of the Head of School to ensure that a Designated Officer is appointed for any research activities involving children or adults at risk. The Designated Officer will usually be the person with overall responsibility for the activity (e.g. Principal Officer). The Designated Officer may appoint a Deputy Designated Safeguarding Officer (DDSO) who is involved in day-to-day activity to support the DSO.

The responsibilities of all Safeguarding Officers can be found in *Supporting Compliance and Practice Guidance Note 6: Responsibilities of Safeguarding Officers*.

5. Definition of Abuse:

Section 197(1) of the Social Services and Well-Being (Wales) Act 2014 provides definitions of “abuse” and “neglect”: “abuse” means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place).

The following is a non-exhaustive list of examples for each of the categories of abuse and neglect:

Financial abuse includes:-

- having money or other property stolen;
- being defrauded;
- being put under pressure in relation to money or other property;
- having money or other property misused.

Financial abuse in relation to people who may have needs for care and support - Possible indicators of this may include:

- unexpected change to their will.;
- sudden sale or transfer of the home;
- unusual activity in a bank account;
- sudden inclusion of additional names on a bank account;
- signature does not resemble the person’s normal signature;
- reluctance or anxiety by the person when discussing their financial affairs;
- giving a substantial gift to a carer or other third party;
- a sudden interest by a relative or other third party in the welfare of the person;
- bills remaining unpaid;
- complaints that personal property is missing;
- deliberate isolation from friends and family giving another person total control of their decision-making.

Neglect means a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s wellbeing (for example, an impairment of the person’s health or, in the case of a child, an impairment of the child’s development). This may include:

- The failure to access medical care or services;
- negligence in the face of risk-taking;
- failure to give prescribed medication;
- failure to assist in personal hygiene or the provision of food, shelter, clothing;
- emotional neglect.

Possible indicators of neglect may include decline in personal appearance that may indicate that diet and personal requirements are being ignored.

Physical abuse - hitting, slapping, over or misuse of medication, acts of undue restraint, or inappropriate sanctions.

Psychological abuse - threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks

(coercive control is an act or pattern of acts of assault, threats, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim).

Sexual abuse - rape and sexual assault or sexual acts to which the vulnerable adult has not or could not consent and/or was pressured into consenting. In addition: No child under the age of 13 years is able to consent to sexual activity. Sexually active young people in peer-to-peer relationships where both participants are under the age of 18 should be consensual e.g. without coercion, exploitation, manipulation or the use of drugs or intoxicants to lower resistance. Intimate relationships between adults (aged over 18 years) who are in a position of trust and young people under the age of 18 years in their care are considered to be an abuse of a position of trust and a crime under the Sexual Offences Act 2003.

Domestic Violence: The Domestic Violence, Crime and Victims Act 2004 closed a loophole for murder/manslaughter and the 2012 Amendment includes "causing child or vulnerable adult to suffer physical harm"

Grooming: Under the Sexual Offences Act 2003, grooming of young people under the age of 18 became a statutory offence.

Online Abuse: Online abuse is any type of abuse that happens on the web, whether through social networks, playing online games or using mobile phones. Children and adults at risk may experience cyberbullying, grooming, sexual abuse, sexual exploitation or emotional abuse. Children and adults at risk can be at risk of online abuse from people they know, as well as from strangers. Online abuse may be part of abuse that is taking place in the real world (for example bullying or grooming) or it may be that the abuse only happens online (for example persuading children or adults at risk to take part in sexual activity online).

Modern Slavery – encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

Radicalisation - the aim of radicalisation is to attract people to their reasoning, inspire new recruits and embed their extreme views and persuade vulnerable individuals of the legitimacy of their cause. This may be direct through a relationship, or through social media.