

Guidelines on recruitment, selection and employment procedures in relation to safeguarding children, young people and adults in a vulnerable situation

1. Introduction

1.1 The University aims to adopt the highest possible standards and take all reasonable steps in relation to the safety and welfare of children, young people and adults in a vulnerable situation with whom the University's work brings it into contact.

1.2 Whilst there is no legislation in the area of safeguarding directed specifically at Higher Education Institutions (HEIs), the University is mindful of its duty of care and legal obligations, such as those it owes under the Health and Safety at Work Act 1974, Working together to safeguard Children 2018, the Children Act 1989, the Safeguarding Vulnerable Groups Act 2006, the Protection of Freedoms Act 2012, the IHRA's working definitions and charters and the Prevent duty (introduced as part of the Counter Terrorism and Security Act 2015), which places a legal obligation on the University to protect members of its community from radicalisation and being drawn into extremist ideologies.

1.3 The University Safeguarding policy applies to all members of the University. However, it is specifically aimed at staff, students, contractors and volunteers who encounter the following groups through teaching, research, professional services and outreach activities whether on or off of our campus:

- **children** (i.e. those aged under 16),
- **young persons** (i.e. those aged 16 to 18), and
- **vulnerable adults** (i.e. persons aged 18 or over: who are or may be in need of community care services by reason of mental or other disability, age or illness; and who are or may be unable to take care of/ or unable to protect themselves against significant harm, abuse, exploitation or from radicalisation.

Adults as described above may not necessarily be at risk all of the time or at all. The risk however arises if they are not able to protect themselves against significant harm, abuse, exploitation or from radicalisation and being drawn into extremist ideologies

2. Aim

2.1 The most likely circumstances in which the University will employ a young person under the age of 18 are through one of its various trainee and modern apprenticeship schemes. However, potentially a young person of under-18 may be employed in any of the University's more junior roles.

2.2 The guidance provided within this document is intended to highlight the areas that form the basis of the University's approach to recruitment, selection and employment in relation to safeguarding children, young people and vulnerable adults and to direct staff, students and volunteers to appropriate guidance.

2.3 The guidance provided within this document forms part of the University Safeguarding policy, section 6.

3. Responsibilities

3.1 The Director of Human Resources in conjunction with the Head of Student Services and the Student Conduct Manager is one of the Designated University Safeguarding Officers (DUSOs), with specific responsibility for recording, retaining and storing safeguarding records and concerns.

3.2 The Director of Human Resources is the DUSO responsible for responding to and investigating allegations or suspicions of abuse involving staff who are under the age of 18 or identifying as vulnerable adults.

Where an allegation or concern is raised against the Director of Human Resources, this will be investigated by the Director of Student Support Services or the Registrar (or nominee).

3.3 The Director of Human Resources in conjunction with the Health and Safety Manager, is the DUSO responsible for advising on the employment of staff under the age of 18 and those identifying as vulnerable adults. This responsibility may be devolved as appropriate.

3.4 The Director of Human Resources in conjunction with the relevant Head of Faculty or department, will be responsible for monitoring the welfare of young persons (i.e. those under 18 years of age) and those identifying as vulnerable adults employed by the University. This responsibility may be devolved as appropriate.

3.5 University of Buckingham employees are contractually obliged to notify the University as their employer, of any post-employment criminal convictions that may impact upon their future employment with the University.

4. Recruitment and selection

4.1 The University will take all appropriate steps during the recruitment and selection process to ensure that unsuitable people are prevented from working with children, young people and those identifying as vulnerable adults.

4.2 As a direct consequence, all vacant positions within the University will be reviewed via risk assessment conducted by the Dean of Faculty/Head of Department or Recruiting Manager. HR will be notified if a role requires a DBS check, prior to the start of recruitment

4.3 Mechanisms will be put in place to identify staff who declare a previous mental health condition, episode, disability or chronic illness as part of the recruitment process, where possible, to facilitate a supportive working environment with access to support both within the University and externally, including the services of the Employee Assistance Programme (EAP) Where staff have declared this as part of the recruitment process, details will be indicated on their Ciphre employment record.

4.4 The University is registered with the Disclosure and Barring Service (DBS) and will ensure that any member of staff or student who will have substantial unsupervised one-to-one contact with children, young people or adults in a vulnerable situation in the normal course of their duties and their role falls within the eligibility criteria, will be checked for relevant criminal convictions prior to such contact taking place.

4.5 Although the University does not undertake blanket basic DBS checks (across all new recruits), there may be occasions where, following assessment it is deemed appropriate. A role will be risk assessed by the Dean of Faculty or Head of Department and will notify HR where it is deemed a role requires a DBS check.

4.6 All DBS disclosures are risk assessed against the job role on an individual basis, by a designated member of the Human Resources department.

4.7 University staff or potential employees identified during the DBS check process as having a criminal conviction will be asked to provide a copy of the DBS certificate to the Human Resources department, to provide clarification of the nature of conviction.

4.8 Staff identified as requiring a DBS check for their job role will be required to keep their DBS on an update service, for regular review. This applies to new and existing staff roles.

4.9 The University may also require a DBS check as a result of a risk assessment on any activity as part of additional identified controls.

4.10 Such processes will be compliant with the University's Equality and Diversity policy (see <https://www.buckingham.ac.uk/about/handbooks/compliance-handbook/section 5.2>).

4.11 The University will cover the costs associated with gaining a DBS check (standard or enhanced) for staff roles requiring one (as determined by the risk assessments conducted by the Dean of Faculty or Head of Department).

4.12 The Human Resources department will provide advice and assistance as to how, when and to whom this will apply.

4.13 Staff recruited to deliver programmes within the Faculty of Education and Medicine may also be required to undergo additional checks in order to meet specific regulatory requirements.

4.14 For staff who have lived or worked outside the UK for more than 3 months at any point in the last 3 years, an overseas criminal record check will be required in addition to the enhanced DBS., where appropriate.

4.15 For Education and Medical students required to have DBS checks as part of their accredited studies, in line with the guidance of the partner organisation or external agency with whom the student is working (e.g. a school or medical practise), it is the student's financial responsibility to pay for a DBS check.

4.16 Offers of employment to all posts subject to a DBS check are conditional to the individual meeting the required standard, a failure to do so would result in an immediate withdrawal of the offer of employment.

4.17 Failure to disclose or the provision of a false statement of disclosure by a potential employee may result in disciplinary action, with a potential sanction up to and including summary (instant) dismissal of the employee.

4.18 Staff seeking guidance on whether a DBS check is required should refer to the guidance on conducting risk assessments.

5. Employment: Legal duties

5.1 There are a number of restrictions affecting the employment of children and young people (i.e. those under 18 years of age), mostly relating to health and safety, working hours and training.

5.2 Organisations who work with or support those identifying as vulnerable adults also have a role to play in supporting such individuals to work safely, promoting wellbeing and preventing the risk of harm, abuse or neglect in the course of their work.

5.3 Under the **Employment Rights Act**, an employee aged 16 or 17 has a right to take time off work for study or training which leads to a relevant qualification. The amount of time that may be taken is that which is reasonable, taking into account the nature of the training or study and the needs of the employer.

5.4 Under the **Working Time Regulations 1998**, young people employed as young workers are entitled to:

- A health and capacities assessment before being required to perform night work, and periodically thereafter
- A minimum daily continuous rest period of 12 hours
- Two days in every seven off per week (these will usually fall on the weekend)
- A minimum 30-minute rest break after 4½ hours of continuous work

5.5 The **Working Time (Amendment) Regulations 2002**, gives further protection to those aged 16 and 17:

- Working time is limited to 40 hours per week
- The maximum working day is eight hours
- Night working is prohibited under normal circumstances, but exceptions are allowed for certain sectors and circumstances

5.6 Under the **Management of Health and Safety at Work Regulations 1999**, employers must ensure that young persons are protected at work from any risks to their health or safety because of their age and inexperience, and must not be given work which is beyond their physical or psychological capacity. This may also apply to vulnerable adults with a mental or learning disability.

5.7 Before a young person or vulnerable adult starts work, the Head of Faculty or department must carry out a risk assessment to include:

- Their inexperience, their absence of awareness of existing or potential risks, and their immaturity
- The fitting out and layout of the workplace and the workstation
- The nature, degree and duration of exposure to physical, biological and chemical agents
- The form, range and use of work equipment, and the way in which it is handled
- The organisation of processes and activities
- The extent of the health and safety training provided

5.8 Periodically, when the role of an existing member of staff changes, it may be necessary to review the job role and for the existing staff member to be required to undertake a DBS check.

5.9 The Human Resources department must inform the Health & Safety Manager of the arrival, departure and or removal from risk category of children and other vulnerable persons, their place of work and DBS checks made as a consequence. This should include all Apprentice roles and work experience or shadowing activities.

6. Reporting suspicions or allegations of abuse

6.1 Any suspicion or allegation of abuse involving a member of staff should be reported immediately to the Director of Human Resources, using the Record of Allegation or Suspicion of Form (see Appendix 1).

6.2 Concerns or allegation of abuse involving the Director of Human Resources should be reported to the Director of Student Support Services or the Registrar (or nominee).

6.3 Only where there is clear and compelling evidence of a requirement to do so, will information be shared with other agencies.

7. Dealing with suspicions or allegations of abuse

7.1 Guidelines for dealing with suspicions or allegations of abuse are incorporated within the Safeguarding Children and Vulnerable Adults Policy 2021, section 7.

7.2 Investigations into suspicions or allegations of abuse involving a member of staff will be conducted in accordance with the University of Buckingham Teacher, Student and Staff Relationships Policy.

7.3 In dealing with any allegation, the University has a duty of care both to the child, young person or vulnerable adult concerned and to the member of staff, student or volunteer against whom the allegation is made.

7.4 The University will seek to approach such concerns from the perspective of safeguarding the individual about whom concerns have been expressed.

7.5 Only where there is clear and compelling evidence of a requirement to do so, will information be shared with other agencies.

8. Person against whom the allegations have been made

8.1 The University has a duty to take all allegations or suspicions of abuse seriously and to take the appropriate action, including referral to the DBS.

8.2 Where the suspicions or allegations are made against a member of staff, the Director of Human Resources will consider whether it is appropriate to take action against the individual in accordance with the Teacher, Student and Staff Relationships Policy.

Where the suspicions or allegations are made against the Director of Human Resources, the Director of Students Support Services and the Registrar (or nominee) will consider the appropriate

course of action to be taken in accordance with the Teacher, Student and Staff Relationships Policy.

8.3 Any staff member against whom an allegation has been made may be suspended from their employment whilst appropriate investigations are undertaken.

8.4 The University will however extend its full support to the individual by ensuring that the line of communication remains open, even where access to the University and its facilities is limited or prohibited.

8.5 Any staff member alleged or suspected to be involved in the abuse of a child, young person or adult in a vulnerable situation will be notified in writing, if any action is to be taken against them.

8.6 If the DBS subsequently bars a person against whom an allegation has been made, the University will not be permitted to engage the individual in regulated activity.

9. Advice and guidance

9.1 Guidance on dealing with suspicions or allegations of abuse in relation to safeguarding can be found within the 'guidelines on dealing with suspicions or allegations of abuse in relation to safeguarding' document. A copy of such guidelines can be obtained from the Director of Human Resources, the Head of Student Services or the Student Conduct Manager.

9.2 Queries relating to the employment of young people or those identifying as a vulnerable adult should be directed to the Director of Human Resources, via email at hr@buckingham.ac.uk

Document Version Information

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October 2024: Amendment of staff roles and names due to staff changes. Revised by Registrar & Chief Administrative Officer and Head

2021: Procedures - Guidelines on recruitment, selection and employment procedures

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Revised by: Diane Jackson-Gould, Dee Bunker, Joanna Jackson and Helen Callendar

Copies circulated to: LSOs; DUSOs, Heads of Faculties/Associate Deans, Heads of Department

Appendix 1:

RECORD OF ALLEGATION OR SUSPICION OF ABUSE

Date of Initial Report: Time of Initial Report:

To: Head of Student Services/Director of Human Resources (*delete as appropriate*)

Name of Complainant	Name and contact details of child/young person/vulnerable adult (<i>where known</i>)	Place of alleged abuse

Name(s) of people present:

Reason for reporting a concern (*delete as appropriate*):

- This person is a child/young person/vulnerable adult
- This person is at risk of harm/at risk of harming others/at risk of involvement in extremist activity

Please give as much information about the allegation or suspicion, including if you suspect abuse, the name of the alleged abuser and the circumstances which brought the alleged abuse to your attention. Please include all names of the people involved.

Name person reporting incident (capitals):

Signed: Date:

Department/ Faculty: Ext No:

Email address:

Please return to:

Student related incident: Head of student services - laura.whitty@buckingham.ac.uk

Staff related incident: Head of Human Resources - diane.jackson-gould@buckingham.ac.uk

Appendix 2:

Related Policies, Procedures and Forms

There are a number of University policies and procedures which contain provisions that are relevant to safeguarding the well-being of children, young people and adults in a vulnerable situation.

- Safeguarding Children and Vulnerable Adults Policy 2021 – see link
- Health and Safety and Wellbeing Policy & procedures - <https://www.buckingham.ac.uk/wp-content/uploads/2019/07/Health-safety-and-wellbeing-policy-and-procedures.pdf>
- Teacher, Student and Staff Relationships Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2019/01/5.15-Teacher-Student-Staff-Relationships-Policy.pdf>
- Non-academic Misconduct Policy and Disciplinary Procedures - <https://www.buckingham.ac.uk/wp-content/uploads/2021/01/5.3a-Non-Academic-Misconduct-Policy-and-Disciplinary-Procedures-v6-.docx>
- Data Protection - <https://www.buckingham.ac.uk/about/policies/data-protection>
- Equality & Diversity Policy - <https://www.buckingham.ac.uk/about/handbooks/compliance-handbook/5.14>
- Dignity at Work and Study Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2020/01/5.13-Dignity-at-Work-and-Study-Policy-Procedures.pdf>
- Conflict of Interests Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2020/05/Conflict-of-Interests-Policy-2020-final.pdf>
- Whistleblowing Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2019/11/Whistleblowing-Policy.pdf>
- Anti Bullying and Harassment Policy - https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.4-Anti-Bullying-and-Harrassment-Policy_v4.pdf
- Students Complaints Policy and Procedure - <https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.5a-Student-Complaints-Policy-and-Procedure-2.pdf>
- University Alcohol Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.7-University-Policy-on-Alcohol-Aug-2018.pdf>
- Drugs Protocol, July 2019 - <https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.9-Drugs-Protocol-July-19.pdf>
- Policy on Drugs and Alcohol - <https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.8-University-Policy-on-Drugs-and-Dangerous-Substances-Aug-2018.pdf>
- Social Media Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2020/11/5.10-Social-Media-Policy.pdf>
- Prevent Policy - <https://www.buckingham.ac.uk/wp-content/uploads/2019/12/Prevent-Policy.pdf>
- Prevent Risk Assessment and Action Plan, 2020 - <https://www.buckingham.ac.uk/about/handbooks/compliance-handbook/Prevent-Risk-Assessment-and-Action-Plan-2020.xlsx>

Whilst the above listed policies and guidance collectively underpin the University's provision of a safe and secure environment and support the fulfilment of the University's statutory duties, the University is working towards further integrating the range of policies that contribute to the safeguarding of children and adults at risk.