

# UHI | ARGYLL



## Safeguarding Policy

### POL

Lead Officer (Post):	Head of Student Services
Responsible Office/ Department:	Student Services
Responsible Committee:	Learning & Teaching Committee
Review Officer (Post):	Lead Safeguarding Officer
Date policy approved:	02/09/2022
Date policy last reviewed and updated:	30/05/2024
Date policy due for review:	30/05/2025
Date of Equality Impact Assessment:	02/09/2022
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

## Policy Summary

Overview	<p>Why is the policy required?</p> <p>This policy is required to fulfil the safeguarding obligations of UHI and all partners.</p>
Purpose	<p>What will the policy achieve?</p> <p>The policy will provide a unified approach to safeguarding across the university partnership and ensure parity of student experience.</p>
Scope	<p>Who does the policy apply to?</p> <p>The policy applies to UHI and all partners.</p>
Consultation	<p>Who has been consulted on the policy, and who will be notified?</p> <p>The policy has been developed by a group of practitioners from the university partnership to ensure that best practice is reflected in the policy and accompanying procedures.</p>
Implementation and Monitoring	<p>Who will be responsible for implementing and monitoring the policy, and what resources/ costs will be incurred?</p> <p>Partners are responsible for ensuring that the policy and procedures are followed in their own organisation.</p>
Risk Implications	<p>What are the risk implications of this policy?</p> <p>This policy will reduce risk for the university partnership by ensuring that best practice from across the partnership is being shared and followed.</p>
Link with Strategy	<p>How is this policy linked to University strategy?</p> <p>This policy supports UHI Argyll and UHI's commitment to provide a safe and supportive learning environment for all. It also aims to ensure that all partners meet legislative requirements on safeguarding and discharge their duty of care.</p>
Impact Assessment	<p>Equality Impact Assessment: Completed June 2022. No action required.</p> <p>Privacy Impact Assessment: n/a</p>

## 1. Policy Statement

- 1.1 The policy outlines our commitment to provide a safe and supportive learning environment for all. In addition, the policy sets out strategies to manage known risk (and any potential risk) to ensure we do all we can to protect individuals from harm, abuse, neglect or exploitation.
- 1.2 UHI Argyll recognise and comply with our legal and statutory obligations that arise from legislation including the Protection of Children (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007, the Counterterrorism and Security Act 2015, the Children and Young People (Scotland) Act 2014, National Guidance for Child Protection in Scotland 2021, Prevent and CONTEST, and other relevant guidance and regulations.

## 2. Definitions

- 2.1 **UHI and partners:** UHI is an integrated university, made up of a distinctive partnership of independent colleges and research institutions. The partners are: UHI Argyll, UHI Inverness, UHI Moray, UHI North West Hebrides, UHI Shetland, Highland Theological College UHI (HTC), Orkney College UHI, Perth College UHI, Sabhal Mòr Ostaig, and Scottish Association for Marine Science (SAMS).
- 2.2 **Safeguarding:** Safeguarding is the action we take to promote the welfare of children and vulnerable adults to protect them from harm. This includes making sure we meet our legislative requirements and ensuring the appropriate policies and procedures are put in place. Safeguarding includes child protection but goes further and extends to all vulnerable groups.
- 2.3 **Duty of Care:** Our responsibility to use professional expertise and judgement to protect and promote the best interests of students and staff, and to ensure that we exercise an appropriate level of care towards them, as is reasonable within the parameters of our relationship.
- 2.4 **Vulnerable Adults:** Vulnerable adults or adults at risk are adults who meet all 3 of the below criteria as detailed in the Adult Support and Protection (Scotland) Act 2007:
  - That they are unable to safeguard their own well-being, property, rights or other interests.
  - That they are at risk of harm; and
  - That because they are affected by disability, mental disorder, illness or physical or mental infirmity they are more vulnerable to being harmed than adults who are not so affected.
- 2.5 **Child / Children:** As per the Children and Young People (Scotland) Act 2014, UHI Argyll define a 'child' as someone who has not yet attained the age of 18. However, UHI Argyll acknowledges the complexities in some legislation and the need to assess under 18s on an individual basis as per their unique circumstances and needs. UHI Argyll also acknowledges that some children are more vulnerable than others and aim to provide support and take actions based on individual circumstances and needs.
- 2.6 **Corporate parenting:** UHI Argyll has responsibilities as a corporate parent under the Children and Young People (Scotland) Act 2014.
- 2.7 **Confidentiality** – Confidentiality relates to a set of controls on the use and disclosure of information. These controls are not absolute. Information that is 'confidential' should always be handled with care and attention, noting the limits of the confidentiality and any

conditions on the use or sharing of that information. To keep information 'confidential' means an institution will not share any data or information provided by students unless in exceptional circumstances. There are some cases where UHI Argyll cannot guarantee confidentiality (see Safeguarding Procedure, Section 4). However, UHI Argyll will always try to treat any information provided discretely and with sensitivity and respect.

Please read and consider Appendix 1 for further important information and definitions that help partners fulfil their safeguarding duties.

### 3. Purpose

- 3.1. Safeguarding, and the emerging agendas connected to safeguarding and duty of care are posing ever increasing challenges and demands in tertiary education. It is a key part of our remit and responsibilities to manage any real (or potential) risk we face, including in online environments, as a learning community and in our student halls of residencies.
- 3.2. Our duty is to provide a safe and supportive learning environment for all users within a framework set out by Scottish and UK government legislation. The increasing demands and complexity of these responsibilities make it imperative that UHI and all partners utilise and develop shared expertise, models, systems and processes to meet these challenges.
- 3.3. The following underpinning principles are shared by UHI and all partners:
  - 3.3.1. We will utilise a system of named staff (Safeguarding Leads) in UHI and each partner with key responsibilities and duties linked to this role. Some partners also have Safeguarding Deputies to support Safeguarding Leads.
  - 3.3.2. Safeguarding Leads and Deputies are invited to join the UHI Safeguarding Group and there is an expectation that each academic partner will have representation at each committee meeting (3 times a year).
  - 3.3.3. Some partners have local safeguarding groups or practitioner networks.
  - 3.3.4. We are committed to continuing professional development and ongoing training for safeguarders.
- 3.4. **Criminal Convictions**
  - 3.4.1 UHI and all partners have a Student Criminal Offence Data Policy which should be referred to alongside this policy.
  - 3.4.2 UHI Argyll recognise the transformative power of education and do not consider criminal convictions and offences or related security measures to be insurmountable barriers to learning. Where possible, we are committed to supporting those with spent and unspent criminal convictions in our communities as part of their rehabilitation.
  - 3.4.3 We encourage all applicants and students to disclose information about any criminal convictions or police proceedings which may affect their ability to complete key aspects of their programme or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions e.g. travel, contact with others and use of equipment.
  - 3.4.4 We will offer support and guidance to applicants/students disclosing with criminal convictions about course selection and career planning and advise on the scope for any potential course or placement adjustments.
  - 3.4.5 We undertake to ensure that, by this policy and related procedures, we operate in consideration of all relevant statutory legislation and professional body requirements.

## 4 Scope

- 4.1 This policy applies to UHI and all partners.
- 4.2 This policy applies throughout UHI and partner premises and campuses, including:
- Student accommodation managed by UHI and partners directly
  - Sports facilities operated by UHI Argyll
  - Nurseries operated by UHI Argyll
  - Any other areas or facilities where UHI or partner activities are carried out
- 4.3 This policy applies to activities undertaken by all students as part of their studies, including but not limited to:
- Work placements and work experience
  - Summer schools, field trips and outreach activities
- 4.4 This policy applies in all environments, including physical and virtual (e.g. social media and online learning platforms).
- 4.5 HISA has their own Safeguarding Policy and associated procedures however, all 3rd party organisations, including HISA, must follow this policy in relation to safeguarding concerns at any campus operated by UHI Argyll or at any event run under the auspices of UHI Argyll or involving any student or staff member of UHI Argyll. Any concerns must be referred to the UHI Argyll Safeguarding Lead in line with UHI Argyll Safeguarding Procedure.

## 5 Exceptions

- 5.1 This policy does not apply to accommodation advertised by or signposted to by UHI and partners (e.g. privately managed student accommodation or listings of private tenancies).
- 5.3 Students attending activities organised and hosted by another academic institute or body e.g. conferences, symposiums, sports tournaments and society gatherings.
- 5.4 Safeguarding considerations related to work placements should refer to the relevant policy (see Section 9).

## 6 Notification

- 6.1 All staff are responsible for safeguarding students through their student journey and will be made aware of any changes to the policy.
- 6.2 Safeguarding Leads and Deputies will be briefed and trained on the policy and procedures.
- 6.3 The policy will be publicly available on our website.
- 6.4 We will make information available about our Safeguarding Lead and Deputies and how to contact them. This information will be available on the UHI website.
- 6.5 The regional Student Support Group (SSG) will include any updates to the policy or procedure as an agenda item to ensure that staff group have a forum to discuss changes and best practice.

## 7 Roles and Responsibilities

- 7.1 The UHI Argyll Learning and Teaching Committee is responsible for approving the policy, ensuring the legal compliance of the policy and ensuring that it is followed. The UHI Argyll Learning and Teaching Committee is also responsible for ensuring the strategic effectiveness of the policy.

- 7.2 Principals and Senior Management Teams are responsible for operational compliance with the policy set by UHI Argyll Learning and Teaching Committee making recommendations to the Board about updates to the policy. Principals and Senior Management Teams are also responsible for ensuring the operational effectiveness of the policy and making provision for training for all staff.
- 7.3 Safeguarding Leads are accountable for responsibilities as detailed in the Safeguarding Procedures.
- 7.4 Line managers are responsible for ensuring staff participate in training and follow the policy in their day-to-day role.
- 7.5 All staff are responsible for familiarising themselves with the policy and procedures.

## 8 Legislative Framework

- [Adults with Incapacity \(Scotland\) Act 2005](#)
- [Adult Support and Protection \(Scotland\) Act 2007](#)
- [Children and Young People \(Scotland\) Act 2014](#)
- [Counter-Terrorism and Security Act 2015](#)
- [Council of Europe Convention on Action against Trafficking in Human Beings](#)
- [Data Protection Act 2018](#)
- [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)
- [Equalities Act 2010](#)
- [EU Directive of 5th April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims](#)
- [Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#)
- [General Data Protection Regulation \(GDPR\) 2018](#)
- [Getting it right for every child \(GIFREC\)](#)
- [Human Trafficking & Exploitation \(Scotland\) Act 2015](#)
- [Mental Health \(Care and Treatment\) \(Scotland\) Act \(2003\)](#)
- [National Guidance for Child Protection in Scotland 2021](#)
- [Police Act 1997](#)
- [Police and Fire Reform \(Scotland\) Act 2012](#)
- [Protection of Children \(Scotland\) Act 2003](#)
- [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)
- [Rehabilitation of Offenders Act 1974](#)
- [Sexual Offences Act 2003](#)
- [Sexual Offences \(Scotland\) Act 2009](#)
- [United Nations Convention on the Rights of the Child 1992](#)

## 9 Related Policies, Procedures, Guidelines and Other Resources

- [Complaints Handling Procedures](#)
- [Fitness to Practise Guidelines \(course-specific\)](#)
- [IT Acceptable Use Policy](#)
- [Placement and Externally Supported Learning Policy](#)
- [Student Code of Conduct](#)

- [Student Conduct Policy](#)
- [Student Criminal Offence Data Disclosure Policy](#)
- [Support to Study Procedure](#)

## 10 Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author
0	March 2019	AP Board of Management	New single policy	UHI Safeguarding Group
1	May 2022	AP Board of Management	Minor spelling, grammar, formatting changes, in addition to changes related to the UHI rebranding. 1.1: Changed second sentence to include 'we do all we can to protect individuals'; 1.2: added ' National Guidance for Child Protection in Scotland 2021' and 'Prevent and CONTEST'; 2.1: New definition to reflect rebranding; 2.2, 2.4 and 2.5: revised definitions; 3.2 and 3.3: revised and combined into single 3.2; 3.3: new 3.3.2 and 3.3.3, previous 3.3.2 has become 3.3.4; 3.5: Section on criminal convictions revised and has become 3.4 due to removal of previous 3.3, new information related to Student Criminal Offence Data Disclosure Policy; 4.2: 'UHI or partner name' added to sports facilities and nurseries; 4.5: new section regarding HISA; 5.2: 'It is expected the third party will have their own Safeguarding Policy but UHI and partners cannot be held responsible for the content of any external policies' added to the end; 8: added National guidance for child protection in Scotland 2021; 9: updated policy list to reflect current policy names and framework.	UHI Safeguarding Group
1b	Dec 2022	AP Board of Management	Changes in response to Education Scotland advice: changing 4.5 from ' <i>HISA has their own Safeguarding Policy and associated procedures, but there is an expectation on behalf of both organisations to work collaboratively to safeguard our community</i> ' to the above; deleting historic 5.2 ' <i>Third parties using UHI or partner facilities (e.g. Highlands</i>	UHI Safeguarding Group

			<i>and Islands Student Association (HISA), other academic institutes, external sports clubs and societies). It is expected the third party will have their own Safeguarding Policy but UHI and partners cannot be held responsible for the content of any external policies'.</i>	
1C	June 24	AP Boards of Management	Addition of 2.7 to include definition of Confidentiality.  Addition of 3.3.2 to include Safeguarding Deputies to join the UHI Safeguarding Group	UHI Safeguarding Group



## Appendix 1: Definitions

- 1) **Minor:** Any child under the age of 16. For example, a school pupil studying at college on a school link program.
- 2) **Child:** A child can be defined differently in different legal contexts. Under the [Children and Young People \(Scotland\) Act 2014](#) a "child" will be defined for the purposes of all Parts of that Act, as someone who has not attained the age of 18.
  - 2.1 The individual young person's circumstances and age will dictate what legal measures can be applied. For example, the Adult Support and Protection (Scotland) Act 2007 can be applied to over-16s where the criteria are met.
  - 2.2 Where a young person between the age of 16 and 18 requires protection, services will need to consider which legislation or policy, if any, can be applied. This will depend on the young person's individual circumstances as well as on the particular legislation or policy framework. On commencement of the [Children and Young People \(Scotland\) Act 2014](#), similar to child protection interventions, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan.
  - 2.3 The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age.
  - 2.4 Additionally, children who turn 16 during the period between when they are referred to the Children's Reporter and a decision being taken in respect of the referral, are also regarded as "children" under the Act. Children who are subject to compulsory measures of supervision under the Act on or after their 16<sup>th</sup> birthday are also treated as children until they reach the age of 18.
  - 2.5 The United Nations Convention on the Rights of the Child applies to anyone under the age of 18.
- 3) **Child Protection:** Child Protection is a part of the overall area of safeguarding and refers to the activities undertaken to protect specific children who are being harmed or are at risk of suffering harm.
- 4) **Adult at Risk:** Someone who is aged 16 or over and who is, or may be, in need of community care services by reason of mental or other disability, age or illness; and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation
- 5) **Vulnerable Adult:** Vulnerable Adult is the term that was previously used to refer to someone we would most often now refer to as an Adult at Risk
- 6) **Harm:** Harm is most broadly defined as being all harmful conduct, but more specifically is: conduct which causes physical, psychological or self-harm or unlawful conduct which appropriates or adversely affects property, rights or interests.
- 7) **Abuse:** A broad definition of abuse is: all forms of physical and/or emotional ill treatment, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

- 8) Trafficking:** The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation.
- 9) Exploitation:** Includes the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- 10) Corporate Parenting:** Is a legal duty placed on all Colleges and Universities in relation to those applicants and learners from 'care experienced backgrounds'. It involves a number of key duties and obligations.
- 11) Prevent:** All Colleges and Universities have to fulfil new obligations under the Counter Terrorism and Security Act 2015: to have due regard to the need to prevent learners from being drawn into terrorism.
- 12) Hate Crime:** is associated directly with protected personal characteristics, (Also see **e-safety**)
- 12.1 The Scottish Government defines hate crime as: "Crime committed against a person or property that is motivated by malice or ill-will towards an identifiable social group". In other words, a hate crime is a crime against someone because of who they are.
- 12.2 Characteristics covered by Scots law include race, religion, sexual orientation, transgender identity, and disability. Hate crime legislation does not cover crimes against someone because of their gender, although other Laws may apply based on the crime.
- 12.3 Some colleges and universities have become Third Party Reporting Organisations for hate crime. They have committed to report any form of hate crime and to work with local Police and partners to encourage a tolerant and diverse learning community. This definition also applies to activities online and also to hate speech.
- 13) Care Experienced Children and Young People:** Any child or young person who has experienced living in foster care, residential accommodation, living at home but under a supervision order, those in kinship care, or living in a secure unit. New changes in legislation give Young people some choice in where they stay after they turn 16.
- 14) E-safety:** E-safety is the safeguarding of vulnerable people online (and includes some or all of the following: bullying, stalking, harassment, blackmail, fraud, abuse, hate crime)
- 14.1 The dangers associated with being online are huge: but here are some of the main risks and most common issues. Some of the risks and dangers are exclusively related to being online, but for some issues the dangers can happen off-line as well (in the real world). Some dangers can apply to both realms and in some cases can happen in both simultaneously.
- 14.2 Bullying, harassment, grooming or stalking, are examples of inappropriate behaviour that can happen both online and in the real world or can take place in both realms simultaneously.
- 14.3 Safeguarding for issues that happen online is becoming increasingly important, especially for sexually motivated activities like grooming, or sexting; which in turn can include blackmail or fraud. Blackmail and Identity Fraud are also examples of online

crimes that are increasingly committed using others personal details or accounts on-line.

- 14.4 Safeguarding includes ensuring learners are aware of the dangers online and know how to protect themselves online and how to report an issue or concern. New legislation connected to **Prevent** have placed a duty on Universities and Colleges around e-safety – as part of our duty to prevent vulnerable students being radicalised and being drawn into extremism.
- 15) **Sexting:** is when someone sends or receives a sexually explicit text, image or video on their mobile phone, usually in a text message.
- 16) **Grooming:** is when someone builds an online relationship with a young person and tricks them or forces them to do something sexual. It might include trying to meet up with the young person. People who do this often lie about who they really are.
- 17) **Forced marriage:** A forced marriage is one where people are made to get married against their will. It may also involve physical or emotional abuse. This is not arranged marriage – which is consented to by both parties.
- 18) **Blackmail:** The crime of threatening to reveal embarrassing, disgraceful or damaging facts (or rumours) about a person to the public, family, spouse or associates unless paid off to not carry out the threat. It is one form of extortion (which may include other threats such as physical harm or damage to property). Online blackmail can be connected to the posting or sending of compromising photos, videos or details.
- 19) **Identity fraud:** Is the act of deliberately using a stolen or fictitious identity to make applications for new products or services or to open a new account. Facility takeover fraud, or account takeover fraud, is when a fraudster has enough details (like passwords) to bypass security on your existing accounts and take them over.
- 20) **Female genital mutilation: (FGM)** is the partial or total removal of external female genitalia for non-medical reasons. It's also known as female circumcision, cutting or Sunna. Religious, social or cultural reasons are sometimes given for FGM. However, FGM is child abuse. It is dangerous and a criminal offence.
- 21) **Human Trafficking:** the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- 23) **Slavery:** A person who is by law deprived of their liberty for life, and becomes the property of another. Slavery and trafficking are often joined together for safeguarding purposes.
- 24) **Gender Based Violence**
- 24.1 Describes a spectrum of behaviour that starts with objectification and unwanted comments and includes: intimidation, harassment, online abuse, intimate image sharing, domestic abuse, physical and emotional abuse, stalking, sexual assault and murder. The term also includes commercial sexual exploitation and so-called 'honour

based' violence, including female genital mutilation, forced marriages and 'honour' crimes.

- 24.2 Scotland uses the term gender based violence because women and girls are much more likely to experience it and men most likely to perpetrate it as a result of the continued inequality in our society. However, the term recognises that men and the LGBT+ community can be victims too.