

# **De Montfort University Kazakhstan Safeguarding Policy, Procedure and Guidance**



**DE MONTFORT  
UNIVERSITY**  
KAZAKHSTAN

## 1 Introduction, Purpose and Scope

- 1.1 De Montfort University Kazakhstan (DMUKK) prides itself on its commitment to the public good and therefore supports the principle that 'safeguarding is everybody's business' and is committed to supporting staff to 'do the right thing' when they have a concern.
- 1.2 The policy will be promoted through the Safeguarding website, staff training, and communications as determined by the Safeguarding committee. It is also an expectation that commitment to implementing the policy is maintained, and senior managers at DMUK will be expected to ensure that consideration of Safeguarding related issues remains at the forefront of their discussions with staff members.
- 1.3 The statutory safeguarding agencies - local Social Services departments, the Police with a wide range of partners such as universities, because they recognise that community resources, leisure facilities and the population as a whole have a significant contribution to make in identifying, preventing and responding to abuse and harm.
- 1.4 The policy relates to students undertaking all modes of study including undergraduate and postgraduate.
- 1.5 In relation to Apprentices it is important to be mindful that consideration also needs to extend to what happens within the employment context.
- 1.6 To help DMUK to be a safe, healthy university which promotes well-being and protects adults and children who may be at risk of harm or abuse.
- 1.7 To make staff aware of our safeguarding responsibilities for adults and children who come to, or are linked with, all university related activities on and off campus.
- 1.8 To help staff to understand the part they can play in safeguarding, recognising risks to adults and children, including where we receive information which points to risks in the wider community, and knowing what action to take.
- 1.9 To enhance the ability of DMUK to exercise social responsibility and support for students who might otherwise find it difficult to continue their studies.
- 1.10 To demonstrate our wider commitment to raising awareness about what can lead to adults and children becoming vulnerable to abuse and harm, preventing harm from occurring in the first place, and creating a safe environment.
- 1.11 Students studying towards certain professional qualifications for example social workers and health professionals have particular responsibilities with regard to safeguarding. However, where those duties arise in connection with a placement or

similar activity the most appropriate policies for students to follow will in most instances be the procedures within the organisation concerned.

## **2 The Legal Context**

- 21 Higher Education institutions are not specifically named in either the Children Act or in the Care Act as having a duty to safeguard and protect children or adults. Further Education colleges do have a statutory duty to safeguard and protect young people in their care, and this applies to FE courses within DMUK.
- 22 Universities do however have a general duty of care under common law to take such steps as are reasonable to ensure that children, young people and adults who may be at risk are safe and that reasonably foreseeable harm does not occur as a result of careless acts or omissions of the institution, and adopting a robust approach to safeguarding is increasingly a societal expectation of public institutions.

## **3 Underpinning Principles**

- 31 Reflect the law and the good practice principles within statutory guidance which addresses safeguarding.
- 32 The policy will make clear links with local multiagency policy and procedures as well as associated DMUK policies.
- 33 Ensuring that approaches to safeguarding at DMUK are congruent with those adopted by statutory agencies.
- 34 Identifying people within the DMUK management structure who hold safeguarding responsibilities and set out their roles and responsibilities.
- 35 Require staff to undertake the DMUK eLearning courses.
- 36 Provide good quality advice and information about support and services to help protect adults and children from abuse and harm, or respond to identified needs. This includes specialist safeguarding responses, general support and targeted support that will help reduce vulnerability and safeguarding incidents.
- 37 Identifying a senior Executive Board level lead to take leadership responsibility, and chair a safeguarding committee to oversee the organisation's safeguarding arrangements (Appendix 2).
- 38 Promote a culture of listening to children and adults and taking account of their wishes and feelings.

## **4 Definition of Safeguarding**

- 4.1 Safeguarding relates to protecting children and adults who may be vulnerable from

all forms of abuse or exploitation.

- 42 There is no exhaustive list of what may constitute abuse or exploitation but it includes physical, emotional, sexual, financial, neglect, online abuse, domestic abuse, human trafficking, and discriminatory abuse.
- 43 Safeguarding also relates to broader preventative responsibilities that are wide-ranging concerning the welfare and well-being of children and enabling people to reach their full potential as well as to stay safe and healthy.

## **5 Safeguarding Children**

- 51 Safeguarding duties in respect of children apply to anyone who has not yet reached their 18th birthday. The fact that the child is living independently, or is in further or higher education does not change their entitlement to protection.
- 52 However, there is still an obligation to act on safeguarding concerns relating to children whether or not this is the child's preferred course of action.
- 53 On occasions information will be received relating to children from an adult who does not want action to be taken. In safeguarding children, the child's needs are paramount, and the needs and wishes of each child, be they a baby or infant, or an older child, should always be put first.

## **6 Safeguarding Adults**

- 61 Safeguarding duties apply to adults who are, or may be, in need of community services due to age, illness or a mental or physical disability. Who is, or may be, unable to take care of himself/herself, or unable to protect himself/herself against significant harm or exploitation.
- 62 Adults must be assumed to have capacity to make their own decisions and be given all practicable help before anyone treats them as not being able to make their own decisions, even in situations where their actions may seem unwise.
- 63 Where an adult is found to lack capacity to make a decision then any action taken, or any decision made for, or on their behalf, must be made in their best interests.
- 64 It is possible that an adult may not want any action to be taken. If an adult has the mental capacity to make informed decisions about their safety, and they do not want any action to be taken, it is still good practice to share the information you have with a safeguarding coordinator.

## **7 Situations which trigger safeguarding concerns**

- 7.1 Witnessing something which constitutes harm or neglect.
- 7.2 Abuse or neglect has been disclosed to you. In some cases, a disclosure may relate to something that happened a long time ago (often referred to as historic abuse) but that is still significant and important for the individual to deal with.

- 73 Where disclosures relate to historic abuse it is important to be aware that the abuser could still be in a position to abuse children or adults who are vulnerable in the present, and action still needs to be taken.
- 74 You may have a suspicion that abuse or neglect is occurring It is important to be vigilant and sensitive to warning signs of abuse

## **8 Early Warning Signs of Possible Abuse or Neglect**

- 81 There is no exhaustive list of what may indicate abuse.
- 82 Emotional abuse could be indicated by unusual behaviour, developmental delay, lack of self-esteem, unprecedented violent outbursts.
- 83 Neglect may be indicated by constant hunger, weight loss, constant fatigue, inappropriate or uncharacteristic dress/clothing; isolated /unable to socialise.
- 84 Physical abuse may be indicated by unexplained bruising, scalds, broken bones etc, fear of parents/carers/others, flinching when approached, or concealing injuries.
- 85 Sexual abuse may be indicated by sexually transmitted infections, fear of being left alone with perpetrator, sexual knowledge far beyond developmental level or inappropriate sexualised/risky behaviour.
- 86 Financial abuse may be indicated by difficulty in purchasing everyday items, lack of essential resources, regularly borrowing money, or old/inadequate clothing.

## **9 Recognising Emergency Situations**

- 91 If there are reasonable grounds for believing that an individual is at immediate risk consideration should be given to contacting the police, and emergency medical services if appropriate.
- 92 A safeguarding coordinator should be informed of the situation as soon as practicable after such urgent action is taken.
- 93 Deciding whether a situation is an emergency or urgent situation is always in practice a matter of judgement according to the circumstances of the situation, but someone who is expressing concerns about their immediate safety, is afraid to go home, appears desperate to seek help, has any physical injuries or there is evidence of immediate suicidal intent, would warrant consideration of contacting emergency services.

## **10 Non-Emergency Situations**

- 10.1 When concerns first come to light your role is to listen and to gather and record information. At this stage you should not unilaterally decide if

abuse/harm has taken place or carry out your own investigation.

- 102 Be discreet, respect the person's privacy, follow guidance on confidentiality (see section 14 below).
- 103 Try and find out if the person is in touch with any support agencies already.
- 104 Contact a safeguarding coordinator, who will help decide what action to take. If you are in any doubt about whether an issue needs further action always contact a safeguarding coordinator.

## **11 Making a Record**

- 11.1 You should make a record of any action you have taken regarding safeguarding as soon as possible.
- 11.2 You must bear in mind that this record could become disclosable evidence in the event of a prosecution or other proceedings.
- 11.3 You should record what the person said or the incident they witnessed or details of any significant marks or behaviour which were observed, noting any names and contact details (yours and those of the child or adult), dates and times.
- 11.4 You should ensure that accurate details of any witnesses are recorded - did anyone else hear what the person said, see the marks or notice the behaviour?
- 11.5 Record exactly what people said, not what you think was meant; you may want to record this as well, but you must distinguish between fact and opinion.
- 11.6 This record should be kept safe and given to the Safeguarding Co-ordinator, who will give arrange for it to be securely stored at the earliest opportunity.

## **12 The Role of the Safeguarding Coordinators**

- 121 In responding to safeguarding concerns, Safeguarding Co-ordinators will seek to investigate what is known, how and why the concern has arisen, and determine a response which is proportionate to the situation. It should be noted that any investigation should be concerned with establishing basic facts.
- 122 They may themselves seek additional support and guidance in deciding what to do. They may decide that offering support or services within the University is the right way forward. Or they may decide to pass the concern on to the relevant council social services team, who will be responsible for making further enquiries. This will be the council which covers the area where the child or adult lives.

- 123 Once it has been determined that there is a safeguarding concern or reasonable grounds to believe there may be the person who identified the concern or the safeguarding coordinator must refer the matter to social services or the police, which work in the areas that the person lives **on the same day**.
- 124 If there is any doubt whether an issue meets the thresholds set out in this policy then a referral will be made.
- 125 The safeguarding coordinator will ensure the safeguarding operational lead is kept informed of the situation, and seek advice and guidance where required.

### **13 What Happens Next**

- 131 DMUK may seek additional support and guidance in making decisions, from the Safeguarding Board.
- 132 When the safeguarding coordinator passes a concern on to social services, they may wish to discuss concerns with you, or there may be no further contact, depending on how the matter is dealt with.
- 133 If abuse or neglect is suspected or identified Social Services and / or the Police will consider making enquiries to establish if any action needs to be taken to prevent or stop abuse, and if so by whom.
- 134 It will often mean that Social Services and the Police will need to work with other organisations and individuals in the best interests of the adult and / or child being protected.
- 135 Police investigations: In safeguarding, for both children and adults, any criminal investigation by the Police takes precedence over all other forms of enquiry.
- 136 If the Safeguarding Co-ordinator can give you any feedback on what happens as a result of your concern, they will. It is not always possible to share information about everything that happens.

### **14 Confidentiality and Data Protection**

- 141 Members of staff should never offer complete confidentiality. All staff need to understand how to share information legally and professionally.
- 142 It should always be made clear that information which suggests the possibility of an individual being a serious risk to themselves or others, which may give rise to concerns about the welfare of a child or adult, or relates to criminal activity, may need to be passed on.
- 143 The Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.

- 144 Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 145 Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
- 146 Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- 147 Information which is shared should be necessary for the purposes you are sharing it, and is only shared with those people who need to have it. This is relevant to information shared within DMUK as well as with external agencies.
- 148 Ensure any information shared is accurate and up-to-date, is shared in a timely fashion and is shared securely.
- 149 Keep a record of your decision around whether or not to share information, what you have shared, with whom and for what purpose.

## **15 Important Considerations**

- 151 Securing evidence (where you have any), to support any action by the police is vital. This includes any records as well as physical evidence.
- 152 Understand the importance of respect for and understanding of the child/adult's views as their engagement is vital to positive intervention and support.
- 153 No single person can have a full picture of a child or adult's needs and circumstances and, if these individuals who may be in need of support are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
- 154 It can sometimes be difficult to decide whether a particular act or act of omission is abuse or poor professional practice. You should consider speaking to your HR Partner to support decision making when an issue relates to the conduct of a member of staff.
- 155 The seriousness or extent of abuse is often not clear when an alert is first raised. It is important, therefore, when considering whether it is appropriate to refer, that all allegations, alerts and concerns are treated seriously and approached with an open mind.
- 156 There will be different levels of need presented by a range of situations, from those requiring specialist safeguarding support services to those requiring targeted support from Student Welfare or other appropriate services, to those requiring universal services such as from a GP. Whatever level of response may be required, multi-agency input can support positive outcomes.



15.7 The person responsible for making a decision not to refer should document clearly how this decision was reached, who was consulted in making this decision, and what steps have been taken to ensure any risks have been minimised and any support that has been offered to the alleged victim/s as necessary.

## **16 Allegations against a member of DMUK staff**

- 16.1 This can be an extremely difficult issue to deal with. It can be difficult to accept that a colleague may deliberately harm someone. It may also be that the behaviour that causes concern is bad practice rather than abuse. Any concerns should be reported to a safeguarding coordinator in the first instance.
- 16.2 If a member of staff feels that they or another member of staff may be at risk from being the subject of, or exposed to, an unwarranted accusation in connection with younger or vulnerable students, they should alert their line manager in the first instance. The line manager should then speak with their HR Partner if they think any action needs to be taken. The university may take action against staff who make accusations against other staff and the university has good grounds for believing that the accusation was not made in good faith.
- 16.3 It is important that any response is properly co-ordinated and that events are managed in the right order. Any direct action against a member of staff will as far as possible be with reference to advice and agreement of other investigating agencies (e.g. police; social services).
- 16.4 It is vital that staff do not question the alleged perpetrator about the alleged offence. However, it may be necessary to take immediate protective action such as suspending the member of staff, and this should be discussed with your HR Partner. It is possible to take this action without questioning that alleged perpetrator. It is vital that HR and the Safeguarding Operational Lead communicate effectively in these circumstances.
- 16.5 It is vital that those who are party to information in the context of such allegations do not share this information with anyone except on a need to know basis and with HR and the Safeguarding Operational Lead/ Safeguarding Coordinator.
- 16.6 If, following consideration and any consultation, the concern is clearly about bad practice rather than abuse, DMUK will take the necessary action to advise, manage or instigate disciplinary action against the member of staff about whom the allegation has been made.
- 16.7 Irrespective of the outcome of any police or social services investigations, DMUK may consider carrying out its own internal investigation in accordance with its own disciplinary procedures, and disciplinary action up to and including dismissal may result.
- 16.8 Communication between HR and the operational safeguarding lead is vital given the close links with the university Code of Conduct, Disciplinary Procedure and safeguarding matters.

## **17 Getting personal support**

- 17.1 Coming into contact with children or adults in need of safeguarding and / or who have experienced abuse, raising a safeguarding concern, and dealing with information about abuse and harm, can all have a personal impact.
- 17.2 It is common to feel angry, powerless or sad, and these feelings can be overwhelming. You may have experienced abuse yourself and being involved in safeguarding may bring back memories or cause you distress. The safeguarding concern you have raised may be in relation to someone you know, and you may need to work out how you will relate to this person in the future.
- 17.3 In all of these situations help and advice is available through line managers for members of staff and support is available for students via [Student Welfare](#).

## **18 Protection from harm, Prevention and early intervention**

- 18.1 A safeguarding culture requires protection from harm, prevention and early action to be considered as an important part of the university remit. This means taking steps to stop or reduce the things which could lead to abuse or harm taking place before they become a bigger problem.
- 18.2 All staff members should treat any children and adults who they come into contact with dignity and respect. DMUK has a whistleblowing policy which allows staff to raise concerns should they think this is not being adhered to.
- 18.3 Staff need to be aware that providing personal telephone numbers or e-mail home address to students can place the staff member in a vulnerable position and should be avoided unless there is a strong operational justification for doing so. Engaging in social media activities with students also carries significant risks, and should be confined wherever possible to professional interactions.
- 18.4 Inappropriate sexual remarks or unnecessary physical touching are highly likely to lead to misunderstandings around the boundaries between staff and students and should be avoided.
- 18.5 Guidance regarding intimate relationships is provided in the staff Code of Conduct, and whilst such relationships between staff and students are not entirely prohibited staff need to be aware that such relationships can lead to significant difficulties.
- 18.6 Staff should be particularly mindful of the fact that there are circumstances in which an intimate or sexual relationship with a student could constitute a criminal offence. A relationship between a staff member and a student who is under 18 would in most circumstances be a criminal offence and a relationship between a staff member and an adult who is vulnerable to abuse would be a criminal offence under certain circumstances.

- 187 Staff should familiarise themselves with DMUK's Use of Computers Policy to determine unacceptable use of IT equipment that includes information on the creation, transmission or display of any offensive, obscene or indecent images, data or other material, or any data capable of being resolved into obscene or indecent images or material
- 188 Every staff member can support early intervention by listening carefully to any concerns which are raised, being familiar with the support which exists within DMUK and making referrals when concerns first arise.

## **19 Following safer staff recruitment and selection practices**

- 191 DMUK's recruitment and selection procedures are designed to identify any applicants(staff) who are already known / believed to be unfit to work with adults at risk or children and must be closely followed.
- 192 Staff who are directly employed by DMUK will be subject to checks where this is appropriate to their role:
- 193 It is important to be clear about boundaries for staff in their conduct with students. General principles are set out in the Staff Code of Conduct but staff with management and supervisory responsibilities will need to ensure that specific guidance is also provided in relation to a staff members specific role. It is also helpful if these principles are communicated to staff.

## **20 Other issues often linked to Safeguarding Concerns**

- 201 DMUK has duties in relation to Prevent, and staff are expected to undertake the 'Safeand Supported' Mandatory training. The work in relation to Prevent is overseen by the Prevent Committee. The Students at Risk Policy outlines how to raise serious welfare and Prevent related concerns.
- 202 Domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. However, it is also often a pattern of behaviour which builds up over time.
- 203 People experiencing domestic abuse can be signposted to specialist services, but domestic abuse can also involve serious criminal acts and the individual should always be asked if they want to report the matter to the police, they shouldn't however be coerced into doing so.
- 204 Under certain circumstances domestic abuse is also a safeguarding issue, where for example children live in situations where domestic abuse is occurring (whether or not they are the direct subject of abuse) or when an adult falls into the category set out in section 6 (above).
- 205 A forced marriage is where one or both people do not (or because of lack of mental

capacity cannot) consent to the marriage and pressure or abuse is used. It is recognised in the UK as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights.

- 206 When raising concerns about a possible forced marriage, ensure that any information you have is passed on using the utmost discretion and only in the first instance to a safeguarding coordinator. Information must not be shared more widely.

## **21 External Organisations booking the use of DMUK facilities**

- 21.1 Safeguarding the well-being of adults or children visiting the campus (without their parent/guardian) is the responsibility of the organiser of the activities.
- 21.2 DMUK expects external organisations using its facilities to have safeguarding arrangements in place that support and reflect this policy, and have obtained appropriate checks on their staff or volunteers, in keeping with the guidance provided by the Disclosure and Barring Service.
- 21.3 All such organisations will be required to complete a signed declaration, as part of their booking arrangements, to confirm that this is the case. Without such a declaration external organisations will not be permitted to use DMUK facilities.
- 21.4 Where children of students, staff members or visitors are present on the DMUK campuses, they remain the responsibility of their parent/guardian.

# APPENDIX 1 Flow Chart for Raising, Recording and Investigating Concerns.



