



Safeguarding Children and Vulnerable Adults Guidelines (Version 3.1: 10 November 2015)

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SECTION A: INTRODUCTION AND DEFINITIONS

1.0 Introduction

- 1.1 This procedural guidance document should be read in conjunction with the University's Safeguarding Children and Vulnerable Adults Policy.
- 1.2 The aim of this document is to ensure Schools and Directorates have processes in place to safeguard children and vulnerable adults and to ensure legislative compliance.
- 1.3 Compliance with the Policy and Procedural Guidelines is measured by the internal audit process.

2.0 Definitions

- 2.1 The definitions of regulated activity for work with children and vulnerable adults, as amended by the Protection of Freedoms Act (2012), are included in Appendices 1a, 1b and 1c.
- 2.2 A 'child' is defined as meaning a person under the age of 18.
- 2.3 With the introduction of the Protection of Freedoms Act (2012) there is no longer a definition of vulnerable adult, but adults will be 'vulnerable' when they require, and are provided with, the activities detailed in Appendix 1c.

SECTION B: ARRANGEMENTS FOR STUDENTS ENGAGING IN REGULATED ACTIVITY

3.0 Identifying Regulated Activity and responsibility for conducting checks

- 3.1 Schools are responsible for identifying all undergraduate courses, postgraduate courses and research which will involve students engaging in regulated activity. Appropriate mechanisms must be in place to ensure all new courses and research activities are considered for regulated activity.
- 3.2 Students from the following Schools will engage in regulated activity as a result of their undergraduate studies:
 - School of Nursing and Midwifery
 - School of Medicine, Dentistry and Biomedical Sciences
 - School of Pharmacy
 - School of Psychology (where relevant)
 - School of Sociology, Social Work and Social Policy
- 3.3 The Admissions and Access Service has responsibility for requesting criminal history checks for students applying to undergraduate courses in the School of Medicine, Dentistry and Biomedical Sciences and the School of Pharmacy. The Schools of Nursing and Midwifery and Sociology, Social Policy and Social Work check their own undergraduate admissions/students. The School of Psychology checks relevant students prior to their second/third year project.
- 3.4 In terms of students applying for postgraduate studies or research that involves regulated activity, each School has responsibility for checking their own students.

- 3.5 Enhanced level criminal history checks (Enhanced Disclosure Certificates, EDCs) are requested for all United Kingdom and Republic of Ireland (UK/ROI) applicants and for all non-UK/ROI applicants who have resided in the UK for longer than 30 consecutive days in the last five years.
- 4.0 Certificates of Good Conduct for Non-UK/ROI students and UK/ROI students that have lived outside the UK
- 4.1 Non-UK/ROI students are required to source a 'Certificate of Good Conduct' (CoGC) from the embassy of their home country.
- 4.2 Any person (including students from the UK/ROI and Non-UK/ROI students) who has resided in any other country for one complete year is required to source a CoGC from the embassy of the country in which they lived.
- 4.3 The counter signatory responsible for conducting the criminal history checks is responsible for requesting that the person sources the required CoGC.
- 4.4 For an applicant/student who has lived in a country where criminal record checks cannot be obtained, or if the individual is a refugee with leave to remain in the UK, additional references are sought and followed up by telephone and letter.
- 5.0 Checking responsibilities for students working in regulated activity for other reasons
- 5.1 Students may be involved in voluntary or optional activities which fall within scope of the definitions of regulated activity. These activities may include being a student guide, coaching certain Clubs/Societies and moderating an interactive communication service aimed at children.
- 5.2 The School/Directorate/Organisation for whom the student is conducting the regulated activity is required to ensure that appropriate measures are in place to identify regulated activity and to ensure the appropriate checks are conducted prior to the student commencing the activity. The School/Directorate will also be responsible for ensuring the other requirements within the policy and guidelines are fully complied with.
- 6.0 Requirement for subjects of a check to advise the University of changes to disclosed information
- 6.1 Applicants, whose degree programme involves engaging in regulated activity, are required to inform the Head of Admissions and Access Service¹ in writing of any convictions, cautions, informed warnings and diversionary youth conferences, which are not protected. They must also advise if they are, or have been, the subject of any criminal investigations or have any prosecutions pending. The applicant must advise the Head of the Admissions and Access Service of any changes to the information they disclosed, or changes to the information contained on their enhanced check, in writing and without delay, prior to admission to the University. Applicants to all other degree programmes are required to disclose relevant items (please refer to the Admission of Applicants with a Criminal Record Procedure) to the Head of the Admissions and Access Service. If they acquire a relevant item on a criminal record after applying, but before admission to the University, they must advise the Head of Admissions and Access Service of any such changes in writing and without delay.

¹ Or the relevant School contact for Schools that process their own EDC applications.

6.2 Post admission, students who engage in regulated activity (for the duration of the regulated activity) are required to inform their Head of School and the Director of Academic and Student Affairs in writing, without delay, of any new convictions, cautions, informed warnings and diversionary youth conferences which are not protected that arise after their criminal history check. They must also advise if they are, or have been, the subject of any criminal investigations or have any prosecutions pending which arise after the date of admission and before graduation. Students on all other degree programmes must disclose allegations of criminal activity (as per the Conduct Regulations), that arise after the date of admission to the University and before graduation, to their Head of School and the Director of Academic and Student Affairs in writing, without delay.

6.3 Students engaging in regulated activity must complete an annual self-declaration form (Form 3) to confirm any changes to their disclosure information. This exercise is undertaken by the School/Directorate through/for which they engage in regulated activity.

7.0 Consideration of disclosed Information

7.1 Under no circumstances does the University permit individuals who are disqualified from working with children and vulnerable adults to engage in regulated activity.

7.2 All disclosures made as part of the Admissions process will be reviewed under the Admission of Applicants with a Criminal Conviction Procedure. With regards to regulated activity, if an EDC or CoGC reveals details which have not resulted in the applicant being disqualified from working with children or vulnerable adults, these will also be considered under the University's Admission of Applicants with a Criminal Record procedure.

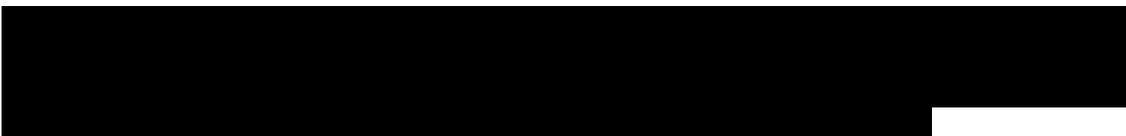
7.3 All disclosures made after a student has been admitted to the University will be considered against the relevant University Policy (e.g. Conduct or Fitness to Practice etc.). Where no specific policy exists the principles of these procedures will be applied.

7.4 Failure to declare any changes to criminal history may also result in investigation under the relevant University Policy.

8.0 Additional compliance issues

8.1 In order to comply with AccessNI's (ANI) Code of Practice, students will be provided with the wording at Appendix 2 (Vetting Information) prior to being checked.

8.2 Identification must be checked as per Page 2 of ANI's PIN Notification and ID Validation Form (Form 1). The first section of this form can be used to advise the subject of a check on how to complete the on-line application.

8.3 

8.4 EDC and CoGC details must be tracked on the School's spreadsheet template at Appendix 4. The relevant information on ANI's case tracking screen should be exported and added to the spreadsheet as an accurate record as to whether a check is a 'No Trace' check, or not.

- 8.5 The Admissions and Access Service will provide relevant Schools with their students' EDCs, CoGC, and spreadsheet details for the students they have checked. Likewise any delays, issues or concerns are flagged with the School.
- 8.6 All EDCs, CoGC and self-declarations must be managed, handled, stored and destroyed in line with the University's Protocol for handling Disclosure Certificates/Information at Appendix 3 and details should be recorded on the School's tracking spreadsheet, Appendix 4.
- 8.7 Should placement agreements require confirmation that an individual has been criminal history checked, and that the individual has been asked to self-declare any subsequent changes to their check, the School/Directorate should:
- Ascertain whether the individual has been checked, and if not, prior to requesting a check, ensure the activity will be regulated,
 - Ascertain whether the individual has completed the annual self-declaration form,
 - Confirm to the placement provider the wording used by the University with regards to self-declarations (Form 3). The wording may differ from that in the agreement and it is important that the provider is aware of what information the individual has actually declared,
 - Should the wording used by the placement provider differ from the wording used by the University you should seek advice before requiring the individual to make any disclosure in line with the placement provider's requirements. Please note, the wording on some agreements may not reflect the most up to date legislative position, and
 - Check whether a self-declaration has been made outside of the annual process (Section 6).

SECTION C: ARRANGEMENTS FOR EMPLOYEES AND THE EXTENDED WORKFORCE ENGAGING IN REGULATED ACTIVITY

- 9.0 Identifying Regulated Activity and responsibility for conducting checks
- 9.1 Schools and Directorates are responsible for identifying when employees and the extended workforce (including: workers, self-employed contractors, interns, voluntary workers, volunteers and any other unpaid roles) will be engaging in/recruited to regulated activity.
- 9.2 Individuals may engage in regulated activity through a number of routes, for example:
- (i) their main role
 - (ii) by taking on additional responsibilities
 - (iii) through a new research project
 - (iv) by undertaking a short-term contract
- 9.3 Schools and Directorates must have appropriate mechanisms in place to ensure all new regulated activity is identified.

- 9.4 EDCs will be requested for all United Kingdom or Republic of Ireland (UK/ROI) applicants and for all non-UK/ROI applicants who have resided in the UK for longer than 30 consecutive days in the last five years.
- 9.5 Counter signatories from within HR Business Partnering have responsibility for requesting EDCs for employees who are recruited into regulated activity. Schools/Directorates are asked to identify if a position will involve regulated activity at the beginning of the recruitment exercise.
- 9.6 Schools and Directorates are responsible for checking all others engaging in regulated activity on their behalf. They are also responsible for the extended workforce the extended workforce (including; workers, self-employed contractors, interns, voluntary workers, volunteers and any other unpaid roles) are sufficiently checked if they will be engaging in regulated activity.
- 10.0 Certificates of Good Conduct for Non-UK/ROI applicants/employees/members of the extended workforce and UK/ROI applicants/ applicants/employees/members of the extended workforce that have lived outside of the UK
- 10.1 Non-UK/ROI applicants/employees/members of the extended workforce are required to source a Certificate of Good Conduct (CoGC) from the embassy of their home country.
- 10.2 Any individual who has resided in any other country for one complete year is required to source a CoGC from the Embassy of the country in which they lived.
- 10.3 The counter signatory responsible for conducting criminal history checks is responsible for requesting that the individual sources the required CoGC.
- 10.4 For those who have lived in a country where criminal record checks cannot be obtained, or if the individual is a refugee with leave to remain in the UK, additional references must be sought and followed up by telephone and letter.
- 11.0 Requirement for subjects of a check to advise the University of changes to disclosed information
- 11.1 Candidates holding offers of employment/work/service provision are required to advise the University of any change to the 'unspent convictions' information disclosed on their application form prior to taking up their position.
- 11.2 Post recruitment, all employees are contractually required to advise their Director/Head of School and HR Business Partnering, in writing and without delay, of changes to this information. In addition individuals who engage in regulated activity must also advise their Director/Head of School and HR Business Partnering, in writing and without delay, of any new convictions, cautions, informed warnings and diversionary youth conferences which are not protected that arise after their criminal history check. They must also advise if they are, or have been, the subject of any criminal investigations or have any prosecutions pending.
- 11.3 Those who form part of the extended workforce (including; workers, self-employed contractors, interns, voluntary workers, volunteers and any other unpaid roles) that carry out regulated activity for the University, must advise the relevant Director/Head of School of any convictions, cautions, informed warnings and diversionary youth conferences which are not protected that have arisen following their criminal history check. They must

also advise the relevant Director/Head of School if they are, or have been, the subject of any criminal investigations or have any prosecutions pending.

11.4 Employees and the extended workforce that engage in regulated activity are required to self-declare (Form 3) any changes to their disclosure information on an annual basis. This exercise is undertaken by the School/Directorate through/for which they engage in regulated activity.

12.0 Consideration of disclosed information

12.1 Under no circumstances does the University permit anyone that is disqualified from working with children and vulnerable adults to work in regulated activity.

12.2 All disclosures made as part of a recruitment process (unspent convictions) will be considered under the Recruitment of Ex-Offenders Policy. With regards to regulated activity, if an EDC or CoGC reveals details which have not resulted in the applicant being disqualified from working with children or vulnerable adults, these will also be considered under the Recruitment of Ex-Offenders Policy.

12.3 All subsequent disclosures will be managed using the relevant University Policy (e.g. disciplinary etc.) and in consideration of the Recruitment of Ex-Offenders Policy. Where no specific policy exists the principles of these procedures will be applied.

12.4 Failure to declare any changes to criminal history may also result in investigation under the relevant University Policy.

13.0 Additional compliance issues

13.1 In order to comply with ANI's Code of Practice, all those who will be engaging in regulated activity will be provided with Appendix 2 (Vetting Information) prior to being checked.

13.2 Identification must be checked as per Page 2 of ANI's PIN Notification and ID Validation Form (Form 1). The first section of this form can be used to advise the subject of a check on how to complete the on-line application.

13.3



13.4 EDC/CoGC details must be recorded on the School/Directorate spreadsheet template, an example of which is provided in Appendix 4. The relevant information on ANI's case tracking screen should be exported and added to the spreadsheet as an accurate record as to whether a check is a 'No Trace' check, or not.

13.5 The People and Culture Directorate will provide relevant Schools/Directorates with the details of the checks they conducted so the School/Directorate can update their own spreadsheet. Likewise any delays, issues or concerns are flagged with the School

- 13.6 All EDCs, CoGC, and self-declarations are managed, handled, stored and destroyed in line with the University's Protocol for handling Disclosure Certificates/Information at Appendix 3 and details must be recorded on the School's tracking spreadsheet.
- 13.7 Childcare Services will process SOSKARE checks in line with current Social Services requirements.
- 13.8 Should placement agreements require confirmation that an individual has been criminal history checked, and that the individual has been asked to self-declare any subsequent changes to their check, the School/Directorate should:
- Ascertain whether the individual has been checked, and if not, prior to requesting a check, ensure the activity will be regulated,
 - Ascertain whether the individual has completed the annual self-declaration form,
 - Confirm to the placement provider the wording used by the University with regards to self-declarations (Form 3). The wording may differ from that in the agreement and it is important that the provider is aware of what information the individual has actually declared,
 - Should the wording used by the placement provider differ from the wording used by the University you should seek advice before requiring the individual to make any disclosure in line with the placement provider's requirements. Please note, the wording on some agreements may not reflect the most up to date legislative position, and
 - Check whether a self-declaration has been made outside of the annual process (Section 11).

SECTION D: PAYMENT ARRANGEMENTS

14.0 Student Checks

- 14.1 Undergraduate students working in regulated activity as a result of their studies will be required to fund their own criminal history check; except for psychology students, and for those social work students whose checks are funded by the Department of Health and Social Services. The payment must be made online using the web link provided to such students.
- 14.2 Checks on students undertaking postgraduate study or research involving regulated activity will be funded either from the research grant, by the student or by the School.
- 14.3 Other regulated activity - If an activity is being conducted for/on behalf of a School/Directorate then the School/Directorate in question will pay for the student's check. However, students will fund their own checks if they are involved in activities for their own interest.

15.0 Staff Checks

- 15.1 The People and Culture Directorate will fund criminal history checks for those recruited directly into regulated activity.

- 15.2 Where a staff member begins a new research project (post appointment) checks will be funded either from the research grant or by the School.
- 15.3 Checks for all other regulated activity will be funded by the School/Directorate for which the activity is being carried out.
- 16.0 Monthly Invoicing
- 16.1 On a monthly basis, Schools and Directorates will be issued with their charges for the billing month and should confirm their charges are correct before forwarding payment to the relevant project code within 10 days. The Legal Services Unit will then process the invoice for payment.

SECTION E: ADDITIONAL PROTECTION MEASURES

- 17.0 Students under 18 years of age
- 17.1 The Directorate of Academic and Student Affairs operates a specific policy (available from the Head of Student Welfare) for supporting members of the University's student body who are under 18. This includes the following protection measures:
- parents and guardians will be advised that the University is not *in loco parentis*;
 - the student's emergency contact details, in particular those of parents and guardians will be held on file;
 - the student will be advised that they may not enter licensed premises or hold office; and
 - completion of a support and risk assessments, with meetings as appropriate.
- 17.2 In terms of under-18s on placement, assurances should be sought by Schools from the business/agency with which the student has been placed that appropriate protection measures are in place, checks have been requested where relevant, and that risk assessments have been completed.
- 18.0 Safeguarding risk assessments for all activities and events with children and vulnerable adults
- 18.1 Safeguarding risk assessments will be completed for work, activities, events and regulated activity with children/vulnerable adults (Forms 4 and 4a).
- 19.0 Counselling Service
- 19.1 The University's counselling service is available for all students of the University, including those who are under 18, to contact should they have any issues they wish to discuss, regardless of whether they are protection issues or not.
- 20.0 Code of Conduct and Good Practice for Activity with Children and Vulnerable Adults
- 20.1 The Code of Conduct and Good Practice for Activity with Children and Vulnerable Adults (Appendix 5) must be issued annually to all those working with children and/or vulnerable adults including (but not limited to): staff, students and the extended workforce. In terms of children, 'working' means any activity with children, not solely regulated activity. The Code of Practice and Good Conduct must also be provided to all new starts.

- 20.2 Everyone engaging in any activity with children/vulnerable adults through the University must comply with the Code.
- 20.3 The Code also covers any activity (work, placement, research) with children or vulnerable adults taking place off-campus in e.g. primary/secondary level schools, Health and Social Care Trusts, community groups, charities
- 20.4 Employees and students who (during the course of their studies, duties, research or work placements) work with external organisations, should make themselves aware of the organisation's code of conduct and policies in relation to safeguarding children and vulnerable adults and should adhere to these policies.
- 20.5 Employees and students who breach this Code will be subject to investigation under the University's disciplinary/conduct/fitness to practice procedures and may be referred to the Disclosure and Barring Body who may decide that they should appear on either the disqualification of working with children or vulnerable adults lists. Please refer to Section F of this policy for further details.

21.0 Training

- 21.1 The senior person responsible for the protection arrangements in each School/Directorate is trained on the Policy requirements and should ensure that any other staff members responsible for implementing any aspect of the policy (including counter signatories) are fully aware of the policy requirements.
- 21.2 The responsible person should also ensure that everyone from within their School/Directorate is trained on the Code of Conduct and Good Practice prior to commencing in regulated activity.
- 21.3 Training records should be maintained.

22.0 External organisations working with children and/or vulnerable adults on University premises

- 22.1 All organisations working with children or vulnerable adults on University premises must complete the Safeguarding Risk Assessment for External Organisations (Form 5) prior to the activity commencing. If the organisation does not have the appropriate child protection measures in place it will not be permitted to use Queen's facilities.
- 22.2 The Code of Conduct and Good Practice must be issued to all external organisations working with children and vulnerable adults on University premises and all their staff, volunteers, helpers etc. will be asked to comply with the Code.

23.0 The Child Protection Review Group

- 23.1 This group will meet 3-4 times per year to review legislative and policy changes and the internal audit process

SECTION F: DEALING WITH ALLEGATIONS OF RELEVANT CONDUCT, HARM OR ABUSE

24.0 Examples of allegations that will require investigation:

- 24.1 Any behaviour that breaches the Code of Conduct and Good Practice.

24.2 Any allegation of abuse, relevant conduct, or harm with which there is a requirement to refer an individual to the Disclosure and Barring Service for a barring decision (Appendix 6 and 7)

25.0 Raising Concerns

25.1 All concerns or allegations must be raised immediately with the relevant Head of School/Director who will then raise it with the Director Academic and Student Affairs (for allegations against a student) or the People and Culture Director (for allegations against a staff member) as appropriate. In the absence of the Head of School/Director, or if s/he is the subject of the complaint, the PVC/Registrar should be notified. When an allegation is raised please complete Form 6.

26.0 Procedures for dealing with allegations (Appendix 8)

26.1 If an allegation is raised the following actions will be taken:

- (i) A referral may be made to the appropriate statutory/child protection agencies and the University will assist with their investigations.
- (ii) If the alleged conduct has taken place on the premises of an external organisation, the University will liaise with this organisation in terms of investigating the allegations.
- (iii) The allegation will be investigated under the relevant University policy/procedure (i.e. disciplinary/conduct/fitness to practice etc.).
- (iv) The University will meet the requirements of the regulatory bodies in terms of reporting incidents.

26.2 The University reserves the right to take appropriate emergency action in the event of an allegation being made against an organisation using University premises or accommodation.

26.3 Where a staff member, student or member of the public raises concerns regarding a parent's behaviour towards their child on University premises/at a University event, the matter should be reported to the People and Culture Director and a decision will be made as to whether to refer the allegation to social services. Childcare Services has specific procedures in place when dealing with suspected cases of abuse.

27.0 Support

27.1 The University realises that raising concerns can be highly distressing and as such will put in place support mechanisms for the individual who has suffered from the alleged inappropriate behaviour, harm or abuse, or anyone raising concerns on their behalf.

27.2 Where an allegation is made by a child or vulnerable adult against a student or staff member that is working with a placement body (e.g. a Hospital Trust), Queen's will work with the placement body to ensure that appropriate support services are offered to the complainant.

27.3 Support mechanisms will also be offered to the person against whom the allegations have been made.

28.0 Referrals to the Disclosure and Barring Service (DBS)

- 28.1 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 places a legal duty on employers of people working with children and vulnerable adults to make a referral to the DBS (even when a referral has been made to a local authority, safeguarding team or professional regulator) when an employer has dismissed or removed a person from working with children and/or vulnerable adults (following investigation, not at precautionary suspension stage), or would, or may have, if the person had not left or resigned or retired etc. because the person has:
1. Been cautioned or convicted for a relevant (automatic barring) offence; or
 2. Engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or
 3. Satisfied the Harm Test in relation to children and/or vulnerable adults [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists].

Clarification on 'relevant conduct' and the 'Harm Test' is given in Appendix 7.

- 28.2 Referral decisions will be made by either the Director of Academic and Student Affairs (student referrals) or the People and Culture Director (staff referrals) once internal proceedings have ended. The University will provide the DBS with all the information and evidence on which the decision to remove the individual was made, or would have been made, had they not left.
- 28.3 The University is required to report all such referrals to the Charity Commission.

SECTION G: REVIEW

- 29.0 The procedural guidelines will be reviewed every three years, or more frequently if required.

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(Previous versions: June 2008, May 2010 and 23 September 2015)