

Open College of the Arts (OCA)

Safeguarding Policy

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**If you or another person are in immediate danger and in the UK, call 999 immediately.
If you are outside the UK please call 112.**

This policy contains topics which some readers might find distressing.

1. Purpose of the policy

- 1.1 OCA acknowledges that safeguarding is the action taken to protect the safety and wellbeing of children (under the age of 18) and adults at risk (including protected adults in Scotland). This duty is in addition to health and safety requirements, and covers potential harm through careless acts, deliberate acts, or acts of omission on the part of OCA, and/or any of its members.
- 1.2 This policy outlines the steps taken by OCA to safeguard all members in the OCA community. We set out how we will create a safe environment for students to learn and develop in, how we will provide training and raise awareness of safeguarding issues, and how safeguarding concerns can be reported and handled.
- 1.3 This policy and associated guidance enables staff, and students to understand their responsibilities, and that these responsibilities are clear and defined regarding safeguarding.

2. Who does this policy apply to and what does it cover?

- 2.1 This policy is applicable to all enquirers, applicants, students, staff, and visitors at OCA on short courses, foundation courses, undergraduate degrees, and postgraduate degrees. In addition, this policy applies to children and adults at risk associated with any of these groups, either directly or indirectly through any activity these groups may undertake.
- 2.2 In addition this policy covers any OCA-led activity, excluding activity organised by [OCASA](#), whether through OCA-provided systems and media, in person or otherwise, and may involve and affect members of the public not affiliated in any way with OCA.
- 2.3 This policy does not cover learners within prisons or other secure environments. For students in those contexts please refer to OCA's [Learning in Secure Environments Policy](#).
- 2.4 This policy does not cover students or staff experiencing mental health difficulties who may pose a risk to themselves and/or others and who are not adults at risk or under 18 years old. For students please see OCA's [Fitness to Study Policy](#). For staff members please speak with your line manager.

3. What is a safeguarding concern?

- 3.1 A safeguarding concern is abusive behaviour (online and/or not online) which causes, or has the potential to cause harm. This may include but is not limited to:
 - Financial exploitation
 - Sexual harassment, abuse, and/or exploitation
 - Child sexual exploitation
 - Child criminal exploitation
 - Physical, emotional, and/or psychological abuse
 - Recruitment to radicalised organisations or the exhibition of radicalist views

- Enticement to illegal activities
- Domestic violence
- Cyber abuse
- Modern day slavery
- Stalking and/or harassment
- Forced marriage
- Female genital mutilation
- Discriminatory abuse

3.2 There may be specific flags to indicate abuse, including:

- Direct disclosure of abuse, either by self-disclosure or by a third-party.
- Signs of abuse for which there is no immediate explanation, either physical (bruising etc) or emotional (visible distress etc).
- Behaviour that is unusual or out of character that leads to a suspicion of abuse or exploitation.

3.3 A safeguarding concern is not time limited; it may have occurred in the past and disclosure may occur later in time. Once you recognise a safeguarding concern it is important to report this as soon as possible.

4. What to do if you have a safeguarding concern

4.1 If you are concerned that there is an immediate risk of harm, including risk of suicide, to a child/young person/vulnerable adult or other(s), contact emergency services on 999 if in the UK or 112 if outside the UK. After this action, send relevant information about the concern via email to safeguarding@oca.ac.uk.

If you cannot send an email, call Tel +44(0)1226 978619 and leave a message and the Safeguarding Team may contact you during standard business hours.

4.2 If you do not believe there is an immediate risk of harm, please send your concerns via email to safeguarding@oca.ac.uk. You can also submit a concern through our [online referral form](#) or call 01226 978330 to speak with a member of staff or leave a message. You can also book an appointment with an adviser on [OCA Learn](#). All contacts are during standard OCA Business Hours which are Monday to Thursday 9am - 5pm and Friday 9am - 4pm, GMT.

4.3 Outside standard business hours or during holidays, or if you require advice or support on a matter of safeguarding concern and wish to discuss this outside of OCA: If you are concerned about the risk to a child/young person/vulnerable adult outside business hours and expert advice is needed, you can contact the local Children's Social Care or Adult Social Services. Or you can contact:

- NSPCC Helpline 0808 800 5000 Mon- Fri 8am – 10pm or 9am – 6pm at the weekends
- Domestic Abuse Helpline Tel 0808 2000 247, 24 hours a day

If you do this, please also email safeguarding@oca.ac.uk with the information that you have reported.

- 4.4 Concerns may be raised through something that you see, hear, or observe in the course of delivering a tutorial or speaking to students, or may be raised with you directly by another member of the OCA community. In the event that someone makes a disclosure it is important to listen to what that person is saying, to provide reassurance that they have done the right thing, and respect right to privacy but not promise confidentiality as information may need to be passed on.
- 4.5 Make a note of the event(s) that cause(d) concern including as much information as possible including the nature of the concern, who or what it involves, the time and date it occurred, where it occurred, and through what media.
- 4.6 Allegations or concerns regarding the conduct of an OCA member of staff and/or tutor can be raised via [online referral form](#), or to Learner Support via email to learnersupport@oca.ac.uk who will forward this to the relevant parties to investigate.
- 4.7 In the course of processing and reporting a safeguarding concern, OCA support teams may require further information from the person who made the referral in the first instance.
- 4.8 Following advice OCA support teams may refer if necessary to external agencies such as Children's Social Care, Adult Social Services, or the Emergency Services, as required.

5. Policy Principles

- 5.1 OCA has a duty of care to all members of the OCA community, applicants, students, tutors, and staff to safeguard physical, emotional, and mental wellbeing. This applies to all members irrespective of race, gender, disability, religion, sexual orientation, age, social background or any other characteristic, protected or otherwise.
- 5.2 It is not OCA's responsibility to make judgements relating to safeguarding concerns but to see that these are processed and reported, as appropriate.
- 5.3 Safeguarding affects all members of the OCA community either directly or indirectly. A safeguarding concern may involve a family member, member of the public, but observed or heard during the course of OCA activities.
- 5.4 OCA aims to create a safe learning environment free from harm, exploitation, abuse, neglect, harassment, violence, and sexual misconduct. Roles and responsibilities for safeguarding are described in paragraph 6.1 below.
- 5.5 OCA makes all reasonable efforts to ensure that all members of staff whose role involves specific activity with children and/or vulnerable adults have no known history of harmful behaviour and are suitable for the position in line with policy and legislation requirements. This includes recruitment procedures which apply appropriate disclosure checks.

- 5.6 Mandatory training on Safeguarding is required of all members of staff on a regular basis, detailed in paragraphs 5.10, 6.1 and 6.2 of this policy.
- 5.7 Concerns raised about safeguarding issues are treated in confidence and on a need-to-know basis. Wherever possible or appropriate, OCA seeks the consent of a safeguarding subject to share personal details, for example with external agencies. In certain circumstances this may not be possible and OCA reserves the right to pass information to external agencies in the interests of safeguarding children and/or adults at risk.
- 5.8 Partner organisations and external parties working with or for OCA are made aware of OCA's safeguarding policy.
- 5.9 OCA has a specific duty to safeguard members of the OCA community from extremism. This is a requirement of the UK Government's Counter-Terrorism Strategy CONTEST, and for full details please refer to [OCA's policy on the Prevent Duty](#). OCA has an established relationship with South Yorkshire Police for the purposes of Prevent, Safeguarding, and Prevent reporting.
- 5.10 The OCA Board of Trustees has ultimate responsibility for approving this policy, receiving reports on training completed and undertaking training themselves. Accountability is delegated to the OCA Principal to ensure that this policy is implemented, including the provision of sufficient resources to enact this policy, and oversee recommended changes to this policy.
- 5.11 All members of staff involved in safeguarding undergo regular enhanced disclosure checks.

6. Responsibilities

- 6.1 OCA appoints a Designated Safeguarding Lead to ensure the operation of this policy, maintain and update the policy in line with regulatory changes and ensure regulatory compliance, arrange training for the OCA community on safeguarding, act as the identified point of contact for safeguarding concerns, and ensure these concerns are logged and investigated with reports made to the Board of Trustees. OCA's Designated Safeguarding Lead is the Head of Student Services.
- 6.2 All staff and volunteers are required to undertake mandatory safeguarding training in order to understand the provisions of the policy, and how to recognise, record, report and refer within a safeguarding perspective. Training is provided on a two year refreshment cycle.
- 6.3 In addition safeguarding support for staff and students is provided by OCA's Learner Support Team.
- 6.4 Safeguarding is a standing item on OCA's Strategy and Operations Group, and an annual report on Safeguarding is presented to OCA's Board of Trustees.

7. Learners in secure environments

7.1 OCA welcomes students of all backgrounds, including those with declared unspent criminal convictions. For full details of the process and support in place for learners in secure environments, please refer to OCA's [Criminal Convictions Policy](#) and [Learning in Secure Environments Policy](#).

8. Legislation, guidance, and related documentation

8.1 This policy is subject to OCA's [Terms and Conditions](#).

8.2 This policy should be read in conjunction with OCA's [Admissions Policy](#), [Wellbeing Policy](#), [Anti-Harassment & Bullying Policy](#), [Criminal Convictions Policy](#), [Prevent Policy](#), [Fitness to Study Policy](#), [Online Behaviour and Social Media Policy](#), and the [Student Code of Conduct](#).

8.3 This policy is informed by and references the [Education Act 2011](#), [Data Protection Act 1998](#), [Children Act 1989](#), [Children Act 2004](#), [Equality Act 2010](#), [Counter Terrorism and Security Act 2019](#), [Modern Slavery Act 2015](#), [Sexual Offences Act 2003](#), [Safeguarding Vulnerable Groups Act 2006](#), [Keeping Children Safe in Education \(2022\)](#), and the [Care Act 2014](#).

8.4 This policy references and is informed by legislation and guidance from across the four nations of the UK including:

England:

- [Working together to safeguard children 2018 \(England\)](#)
- [The Care Act 2014](#)
- [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#)

Channel Islands:

- [Children \(Guernsey and Alderney\) Law 2008](#)

Northern Ireland:

- [Cooperating to Safeguard Children and Young People in Northern Ireland](#)
- [Domestic Abuse Bill \(niassembly.gov.uk\)](#) (Northern Ireland)

Scotland:

- [National Guidance for Child Protection in Scotland 2014](#)
- [Protection of Vulnerable Groups Act 2007 \(Scotland\)](#)
- [Equally Safe: Scotland's strategy to eradicate violence against women - gov.scot \(www.gov.scot\)](#)
- [Domestic Abuse \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)

Wales:

- [Social Services and Wellbeing Act \(Wales\) 2014](#)
- [Keeping Learners Safe](#)
- [Wales Safeguarding Procedures](#)
- [Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#)

9. Glossary of Terms

- **Child and childhood sexual abuse** - When a child or young person is sexually abused, or groomed into sexual activities. Children may not understand what is happening, that it is abuse, and/or why it is wrong. This can be either contact abuse (including touching, kissing, and oral sex) or non-contact abuse where a child is abused without being touched and this may be either in person or online.
- **Consent** - Giving permission for something to happen or agreeing to do something. Consent may be withdrawn at any time and for any reason.
- **Controlling behaviour** - A range of acts designed to subordinate a person(s) and/or making a person(s) dependent. This includes isolation from support, deprived of independence, and/or regulating everyday behaviour.
- **Coercive behaviour** - An act or pattern of acts involving assault, threats, intimidation and/or other abuses used to punish and/or frighten a victim.
- **Economic abuse** - Includes restricting access to essential resources such as food and transport, and denying the means to improve the situation.
- **Emotional, mental, and psychological abuse** - Closely linked terms, often used interchangeably. Used to reduce confidence and esteem, resulting in the victim becoming dependent on the perpetrator.
- **Female genital mutilation (FGM)** - defined by the World Health Organisation (WHO) as the range of procedures that partially or fully remove the external female genitalia, or other injury to the female genital organs whether for cultural or non-therapeutic reasons.
- **Financial abuse** - Using and misusing money, including control of access to the means of spending.
- **Gaslighting** - Manipulation and psychological where victims are purposefully and systematically fed false information that leads them to question whether it is true.
- **Historic abuse or Non-recent abuse** - when an adult was abused in any way, as a child or young person under the age of 18. This can also include abuse carried out by individuals who are the same age as the victim (peer on peer abuse).
- **Harassment** - Any unwanted contact for the purpose or effect of violating a person's dignity, and/or creating an environment that is intimidating and hostile, relating to their gender, gender identity, or sexual orientation.
- **Honour based violence (HBV) or Honour based abuse (HBA) Or so-called HBV/HBA** - encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community. Abuse and violence may include female genital mutilation (FGM), forced marriage, restrictions on behaviour and communication and practices such as breast ironing. Abuse committed in the context of preserving "so called honour" often involves a wider network of family or community pressure and can include multiple perpetrators. Such violence can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. Threats of such acts, coercion or deprivation of liberty, whether occurring in public or private life.
- **Intimate Image abuse** - Also known as 'revenge porn', involves the distribution of a private sexual image without the knowledge or consent of the person(s) involved and intended to cause distress and/or shame.

- **Online abuse** - This may involve behaviours through social media and discussion forums. This may involve emotional, mental or psychological abuse as described above, online stalking of social media profiles.
- **Physical abuse** - Involves behaviour such as slapping, burning, beating, kicking, biting, stabbing, and can lead to permanent injuries and/or even death. Strangulation, along with suffocation are also classed as physical abuse.
- **Sexual abuse** - This includes rape, forced sexual acts, and sexual degradation. These typically involve the use of force to compel a person(s) into doing something they do not wish to do. Consent (see above definition) is heavily involved in these acts.
- **Stalking** - A pattern or persistent and unwanted attention that makes the victim feel pestered, watched, scared, anxious, and/or harassed.
- **Under 18** - A child or young person is classed as under 18 until the eve of their 18th birthday.
- **Vulnerable adult** - A person over the age of 18 in England, Wales, and Northern Ireland who is, or may be, in need of services by reason of mental or other disability, age or illness, who is or may be unable to take care of themselves, protect themselves from harm, abuse, or exploitation. In Scotland the same applies, except the age definition is 16, and it also expands to include harm from themselves or others.

10. Support for the policy

10.1 If you require any support with this policy you should contact the Learner Support Team at learnersupport@oca.ac.uk or 01226 978618 to discuss at the earliest opportunity.

11. Policy review

11.1 This policy is reviewed annually.

11.2 If you would like to raise any issues around this policy, contact either the Learner Support team, learnersupport@oca.ac.uk.

12. Summary of significant changes

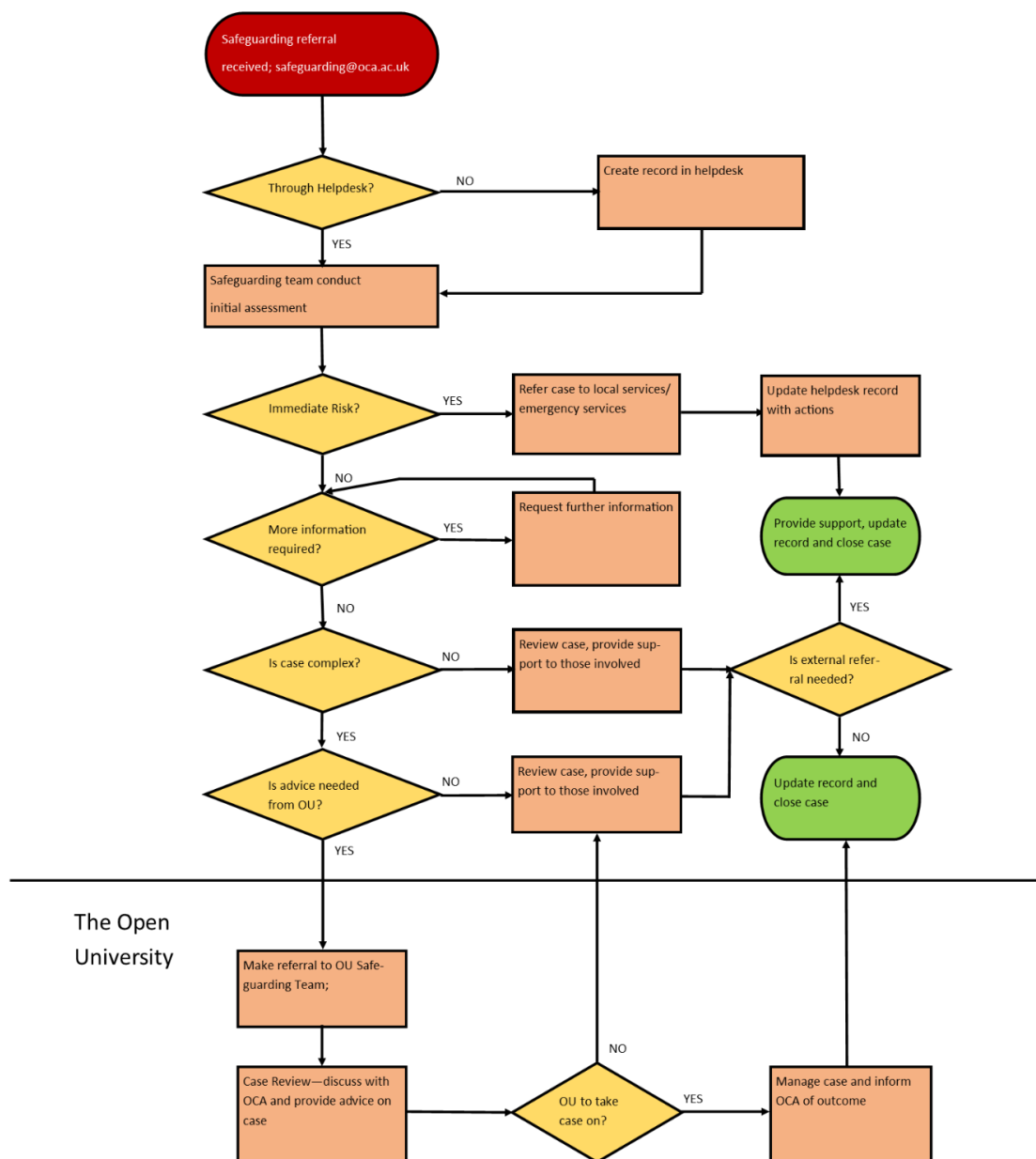
12.1 A major re-write of the policy, including:-

- further clarity on how to report concerns to OCA / out of hours;
- updates to the glossary of terms;
- additions, updates and links to relevant legislation;
- additional information added regarding training in sections 5 and 6;
- inclusion of a process chart for how to submit a concern;
- addition of the privacy notice.

Appendix A: Reporting a safeguarding concern

SAFEGUARDING REFERRALS PROCESS March 2023

OCA



Appendix B: Privacy Notice - Safeguarding

1. Scope

1.1 This document sets out what we do with your personal data when safeguarding concerns are reported to us at Open College of the Arts (OCA).

1.2 This document applies to you if you report a safeguarding concern, if a safeguarding concern is reported about you, or a safeguarding concern is reported where you are at risk.

1.3 This document should be read in conjunction with [OCA's Data Protection and Confidentiality Policy](#) which outlines general information about OCA as the data controller, our Data Protection Officer details, data sharing and your rights.

2. What information do we collect about you in regards to safeguarding, and how do we collect it?

2.1 If information is brought to the attention of a member of OCA staff about a potential safeguarding risk, that member of staff is obliged to notify the Safeguarding Team, as outlined in the Safeguarding Policy. This could include the name of the person identifying the issue, the names of the individuals potentially at risk, and the name of the person they are at risk from, as well as details of personal circumstances which relate to the safeguarding concern.

2.2 This information may include “special category” data, for example, about health or disability, sexual life or sexual orientation.

3. How do we use your personal information when dealing with a safeguarding concern?

3.1 We use this information to assess whether there is a safeguarding risk, and if there is any action that we need to take to keep individuals safe. This is a statutory and legal obligation informed by legislation as outlined in the Safeguarding Policy.

3.2 The condition for processing special category data for this purpose would be that it is in the substantial public interest, for the purposes of protecting an individual from harm.

3.3 We also keep statistical information about the number of safeguarding concerns that have been raised, and how they were resolved. This is in our legitimate interest to plan our services.

4. Who do we share your information with following a safeguarding concern?

4.1 We will share information with police forces, and government agencies, where we deem it necessary to protect an individual. This is a legal and moral obligation.

4.2 We will share statistical information about the number of safeguarding concerns that have been raised, and how they were resolved with our awarding body, The Open University.

4.3 Disclosure to a third party request for safeguarding-related information may be necessary, where OCA knows of any reason why, for example, a student or alumni may not be suitable to work with children under the age of 18 or vulnerable adults.

4.4 Information relating to safeguarding concerns will be shared with consent where possible, but may be shared without consent where necessary, in accordance with HM Government guidance.

5. Do we transfer information outside the European Economic Area (EEA)?

5.1 Generally, information you provide to us is stored on our secure servers, or on our cloud-based systems which are located within the EEA.

5.2 There are times when we may need to store information outside the EEA. If we transfer your information outside of the EEA, we will ensure that appropriate security measures are taken so that your privacy rights continue to be protected as outlined in this policy. This would either be imposing contractual obligations on the recipient of your personal information, or ensuring that the recipients are subscribed to 'international frameworks' that aim to ensure adequate protection. For example, we would ensure that a US based supplier has signed up to "Privacy Shield".

6. How long do we keep your personal information for?

6.1 The Safeguarding Team keep safeguarding concerns for three years from the date of case closed, if we decide they are not necessary to act on, and for 25 years if we do act on them.

7. Contact us

7.1 If you have any queries about safeguarding at OCA, please contact the Safeguarding Team via [online referral form](#), or any of the methods outlined in section 4.

7.2 For any queries about this privacy notice or about the way we process your personal information, please refer to [OCA's Data Protection and Confidentiality Policy](#) for details of our Data Protection Officer.