

Duty of Care & Safeguarding Policy

1. Introduction

- 1.1. This policy outlines Bath Students' Union's approach to both its general duty of care towards all University of Bath students and its statutory safeguarding responsibilities for children and adults at risk. Bath Students' Union (Bath SU) is committed to protecting the welfare and safety of every student.
- 1.2. **Statutory safeguarding** refers to the legal obligations to protect specific vulnerable groups, namely individuals under 18 and "adults at risk" from abuse or neglect. **Duty of care**, in contrast, covers broader student welfare concerns that fall outside those legal definitions. Both are taken with equal seriousness, but they involve different reporting pathways and procedures.
- 1.3. There is a separate document outlining the procedures to be taken which should be used as a reference for all SU Representatives in handling any Duty of Care, or statutory safeguarding concern, and it emphasises partnership with the University of Bath in supporting student well-being.
- 1.4. In summary, statutory safeguarding duties focus on protecting children and adults at risk as defined by law, while the general duty of care applies to all other student welfare issues that do not meet statutory criteria. All employees of Bath SU are expected to familiarise themselves with and follow this policy to ensure that students receive appropriate protection and support.

2. Statutory Safeguarding Scope

- 2.1. This policy applies whenever Bath SU Representatives, or student representatives encounter children (under 18) or adults at risk in the context of SU activities. It covers all SU programs, events, or interactions (on or off campus) that involve these vulnerable groups. Examples include: students who have not yet turned 18, SU-led volunteering or mentoring projects with local youth, events open to under-18s or community families, activities involving adults with care or support needs, or any disclosure from anyone of abuse/neglect involving a child or adult at risk. All such situations fall under statutory safeguarding duties, meaning the SU has legal obligations to act and report as outlined in this policy. Importantly, this safeguarding scope is limited to those defined vulnerable groups; it does not cover the general welfare of adult students who are not "at risk" as defined by law. Any concern about an adult student's well-being that does not involve abuse of a minor or an "adult at risk" will be handled under the SU's general duty of care procedures, not as a statutory safeguarding case.

3. Duty of Care (Student Welfare) Scope

- 3.1. The duty of care aspect of this policy covers all other student welfare or well-being concerns that do not meet the statutory safeguarding definitions above. This means any University of Bath student involved in SU activities, services, or events is included under the SU's duty of care coverage. The scope encompasses situations where a student's safety, health, or ability to thrive is at risk or significantly impacted. Examples of issues falling under duty of care might include: incidents of sexual assault or harassment between adult students, physical violence or threats between adult students, serious mental health crises (e.g. suicidal ideation), or significant difficulties related to disability or neurodiversity impacting a student's well-being. The SU's approach is to ensure these non-statutory issues are treated with the same urgency and compassion as formal safeguarding cases, even though the legal reporting requirements differ. SU Representatives must apply this policy whenever they encounter a student welfare concern, while remembering that any situation meeting safeguarding criteria must trigger the statutory process.

4. Definitions

- 4.1. **Child (Children):** Any person under the age of 18. In accordance with UK law, anyone who has not yet reached their 18th birthday is considered a child. This policy's safeguarding provisions therefore apply to any SU member or service user who is under 18, including University students under that age, or minors involved in SU events/programs.
- 4.2. **Adult at Risk:** An individual aged 18 or over who has care and support needs, is experiencing or at risk of abuse or neglect, and is unable protect themselves because of those needs. This term (drawn from the Care Act 2014) replaces "vulnerable adult." It includes adults who, for example, have disabilities, illnesses, or impairments meaning they cannot care for or protect themselves, that require support and who may be targeted for abuse as a result. **Note:** Being an adult student in itself does not qualify someone as an "adult at risk", the above specific criteria must be met.
- 4.3. **Duty of Care Concern:** Any welfare or well-being issue affecting a student that does not automatically trigger statutory safeguarding duties. These concerns can adversely affect a student's health, safety, or ability to thrive. While such situations may not meet legal definitions requiring external reporting, Bath SU recognises a moral and institutional responsibility to respond effectively to protect the student's well-being.
- 4.4. **Safeguarding Issue vs. Duty of Care Issue:** A safeguarding issue refers to abuse or neglect cases involving either a child (under 18) or an adult at risk, which invoke statutory reporting obligations (to authorities, etc.). A duty of care (or welfare) issue, in the context of this policy, is any other serious student concern needing support or intervention that does not meet those statutory thresholds. Both types of issues are treated with equal seriousness by Bath SU: the primary difference lies in the reporting and response pathway rather than the level of concern. In practice, safeguarding issues will trigger specific legal protocols and likely involve external agencies, whereas welfare issues will be handled through SU and University support channels. In any situation where it is unclear which category applies, the SU will err on the side of caution and treat the matter as a safeguarding issue until determined otherwise.
- 4.5. **Designated Safeguarding Lead (DSL):** The designated person (or persons) within Bath SU responsible for managing and overseeing safeguarding matters.
- 4.6. **SU Representatives:** A collective term in this policy for all SU staff, Student staff, Officers, external contractors and volunteers.

5. Roles & Responsibilities

- 5.1. **SU Representatives:** Every individual working or volunteering under Bath SU shares a fundamental responsibility to look out for student welfare and safety. They must remain vigilant for any signs of student distress or potential harm. If a student discloses a concern or if an SU member observes something worrying, they are required to take it seriously and act according to this policy. This includes providing a supportive initial response to the student and promptly reporting the concern to the appropriate person (usually the DSL or a supervisor). No SU Representative should ever ignore a student welfare issue, and no one should hesitate to report a potential safeguarding concern for fear of "overreacting" or breaching confidentiality. Protecting students is paramount, and it is always better to raise a concern that turns out to be unfounded than to miss an opportunity to safeguard someone at risk.
- 5.2. **Designated Safeguarding Lead (DSL):** The DSL (and any Deputy DSL, if appointed) holds lead responsibility for managing both statutory safeguarding cases and serious welfare (duty of care) cases within the SU. The DSL's duties include: receiving and assessing reports of safeguarding or welfare concerns; determining the appropriate course of action (e.g. whether to escalate a situation as a statutory safeguarding matter or handle it internally as a welfare issue); and initiating the proper

procedures outlined in this policy. The DSL is the primary liaison with external agencies for safeguarding cases. This means they will contact child protection services, adult social services, or police as required by law. They also serve as the main point of contact and collaborator with the University's own safeguarding officers or student support services, ensuring that the SU and University coordinate their efforts to support the student involved. The DSL is responsible for keeping detailed records of all concerns and actions (safeguarding and welfare alike) and for maintaining those records securely and confidentially. Additionally, the DSL oversees compliance with this policy, monitoring that procedures are followed and keeps their safeguarding knowledge current. In any complex case or when in doubt, the DSL may seek guidance from external safeguarding agencies or the University's experts to ensure the correct action is taken.

- 5.3. **Safe Recruitment and Training:** Bath SU will take all necessary steps to ensure that those in positions of trust do not pose a risk to children or adults at risk. This includes implementing safe recruitment practices such as mandatory background checks. Any SU Representatives engaged in regulated activities involving children or "at risk" adults must undergo a Disclosure and Barring Service (DBS) check in line with legal requirements. The SU will comply with the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 in vetting and barring individuals, meaning that no person who is legally barred from working with vulnerable groups will be placed in a role that gives them such access. Bath SU will be responsible for ensuring DBS checks for student volunteers involved in SU-led autonomous projects, or in ensuring that external organisations understand their own responsibilities to ensure DBS checks are processed for external opportunities. In addition, Bath SU is committed to providing training appropriate to each role: all SU Representatives will be informed about basic safeguarding and welfare policies, and those with student-facing or supervisory roles will receive more in-depth training commensurate with their responsibilities. Training topics may include how to recognise signs of abuse or mental distress, how to handle disclosures, and the procedures for reporting concerns. Regular refreshers will be provided to keep knowledge up to date. By ensuring safe recruitment and ongoing training, the SU builds a culture of awareness and prevention around student safety.
- 5.4. **Bath SU Board and Leadership:** The SU, through its Board of Trustees and senior leadership, holds ultimate accountability for the implementation of this policy. The Board is responsible for establishing and approving safeguarding and duty of care strategies, and it must assure itself that effective measures are in place to protect students. The Chief Executive and the Leadership Team must ensure that the SU has clear reporting channels, adequate resources, and proper guidance available to carry out its duty of care. They must also uphold confidentiality and data protection standards (per this policy and the law) in handling sensitive cases. The Board and management should ensure an organisational culture where anyone feels comfortable raising concerns about a student's welfare without fear of reprisal or being ignored. The Board should ensure that any deficiencies are addressed promptly and that the SU continually improves its safeguarding and welfare practices. In cases of serious safeguarding incidents, senior management is responsible for any required notifications to external regulators (for instance, reporting a serious incident to the Charity Commission).
- 5.5. **University of Bath:** While this is an SU policy, it operates in the context of the broader university environment. The University has primary responsibility for providing professional student support services (such as counselling, disability support, mental health services) to its students. Bath SU recognises that safeguarding and student welfare are a shared interest of both the SU and University. The SU will therefore work in partnership with the University wherever appropriate to ensure students receive comprehensive support. Specifically, the SU will communicate and coordinate with the University's designated safeguarding personnel on cases that involve the University community, for example, if a safeguarding case involves a University student, the University's Safeguarding Officer or DSL will be informed so that the University can also take appropriate action and offer support. In general welfare cases (duty of care concerns), the SU will, with the student's consent, notify relevant

University support departments so that the student can access additional help. Procedures for Statutory Safeguarding Concerns (Children and Adults at Risk)

6. Legislation and Statutory Guidance

This policy is guided by several key pieces of United Kingdom legislation and statutory guidance. The list below is not exhaustive. Bath SU adheres to these laws and all others which may be connected to safeguarding, in all safeguarding and duty of care practices to ensure compliance and promote the welfare of those we serve:

- 6.1. **Children Act 2004:** Establishes the duty of organisations to safeguard and promote the welfare of children. Section 11 of this Act places obligations on various agencies (like local authorities, schools, police, and by extension bodies like universities/SUs in practice) to consider the need to protect children in all their operations. Bath SU upholds this principle by making child protection a top priority in any context where individuals under 18 are involved in SU activities.
- 6.2. **Care Act 2014:** Provides the statutory framework for safeguarding adults at risk of abuse or neglect. The Act requires local authorities to investigate (make a Section 42 “safeguarding enquiry”) if an adult with care and support needs is suspected to be at risk of harm. It also mandates multi-agency safeguarding arrangements for adults. Bath SU complies with the Care Act by recognising the definitions of an “adult at risk” and promptly reporting concerns about such adults to the appropriate authorities. We work within the local safeguarding adults procedures and cooperate with any enquiries or protection plans under this Act.
- 6.3. **Data Protection Act 2018 (UK GDPR):** Governs the processing of personal data. Importantly, this law is *not* a barrier to sharing information for safeguarding; it explicitly permits sharing data when necessary to protect individuals from harm. Bath SU handles all student and participant information in compliance with this Act. We ensure that when information is shared for safeguarding or welfare reasons, it is done lawfully, minimally, and securely. All safeguarding and welfare records are kept confidential and only those with proper authorisation and reason may access them, in line with data protection principles.
- 6.4. **Safeguarding Vulnerable Groups Act 2006:** Establishes the framework for the Vetting and Barring Scheme in the UK. This Act (as amended) led to the creation of barred lists for people who are deemed unsuitable to work with children or vulnerable adults, and it laid out the requirement for certain roles to undergo criminal record checks. Bath SU complies with this law by performing the necessary DBS checks for staff and volunteers in roles that involve substantial contact with children or adults at risk. We also ensure that anyone who is legally barred from such work is not given responsibilities that would breach that bar.
- 6.5. **Protection of Freedoms Act 2012:** This Act updated and refined the vetting/barring system established by the 2006 Act. Notably, it introduced changes such as the definition of regulated activities (which roles require a barred-list check) and combined the Criminal Records Bureau (CRB) and Independent Safeguarding Authority into the single Disclosure and Barring Service (DBS). Bath SU follows the current legal requirements that stem from this Act. For example, we understand which volunteer and staff roles within the SU require an enhanced DBS check (with barred list information) under the revised criteria, and we carry those out. We stay up-to-date with any changes to DBS guidance to maintain compliance.
- 6.6. **Counter-Terrorism and Security Act 2015 (Prevent Duty):** This UK Act includes the Prevent duty, which requires specified authorities (such as universities, local authorities, schools, health bodies, etc.) to have “due regard to the need to prevent people from being drawn into terrorism.” While Bath SU is not one of the statutory authorities in its own right, we operate within an institution (the University) that is subject to this duty. Bath SU acknowledges that safeguarding individuals from radicalisation is part of our broader safeguarding remit. Bath SU is committed to playing its part in

the Prevent agenda by remaining vigilant to signs of radicalisation among students or the community and by reporting any concerns about potential extremist exploitation to the appropriate channels. We will typically liaise with the University's designated Prevent Lead and, if necessary, with local Prevent coordinators or the police. Our approach aligns with the UK Government's Prevent duty guidance for England and Wales

- 6.7. **Additional Guidance and Duties:** In addition to the laws above, Bath SU takes into account national safeguarding guidance documents and related legal duties. This includes "*Working Together to Safeguard Children*" (a government guidance that outlines how agencies should cooperate to protect children) and the Prevent Duty under the Counter-Terrorism and Security Act 2015 (which requires universities and associated bodies to take steps to prevent people from being drawn into terrorism, considered an aspect of safeguarding). While these may not be primary legislation specific to the SU, they inform our practices. For instance, SU staff should be aware of signs of radicalisation (as part of safeguarding vulnerable individuals) and know that concerns in that area should be passed to the appropriate University Prevent lead or authorities. The core legislative references above form the backbone of our legal compliance, but we remain vigilant and responsive to any new laws or national policies that emerge in the safeguarding arena.

7. Review and Monitoring

- 7.1. Regular review and vigilant monitoring are essential to ensure that the Duty of Care & Safeguarding Policy remains effective, up-to-date, and properly implemented.
- 7.2. **Regular Review:** This policy will be reviewed on a routine basis, at least **annually** (once every academic year). A formal review will also be triggered promptly if there are significant changes in relevant laws, regulations, or national guidance – for example, if new safeguarding legislation is passed or existing guidance (like *Working Together to Safeguard Children* or university policies) is updated. The review process will consider any lessons learned from the past year's cases, any feedback from staff or external audits, and changes in the context of Bath SU or the University. Bath SU will conduct these reviews in collaboration with the University where appropriate, to ensure the SU's policies remain aligned with the University's procedures and joint protocols. Any substantial revisions to the policy will be submitted for approval to the Board of Trustees or senior management, as required.
- 7.3. **Monitoring Compliance:** The implementation of this policy is continuously monitored by SU leadership. The Designated Safeguarding Lead (DSL) and the SU's Chief Executive (CEO) bear primary responsibility for day-to-day oversight of safeguarding and welfare issues. The DSL will keep secure records of all reported incidents and their outcomes, and will produce periodic summary reports of statutory safeguarding incidents (for example, each term or annually) for the SU's Leadership Team or Board of Trustees. These reports will provide anonymised data on number and types of cases, actions taken, and any identified trends or challenges. They help the Board ensure that the SU is responding appropriately and meeting its obligations. The Board of Trustees has ultimate oversight of safeguarding in the SU and will require assurance that this policy is being followed

By rigorously reviewing and monitoring our approach, Bath SU ensures that this document remains a living framework, not just a written policy, but a set of practices that are actually carried out and improved over time.