

Canterbury Christ Church University

Under 18s on University Award Bearing Programmes: Safeguarding Procedure

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Introduction

The [Children Act 1989](#) section 105(1) defines a ‘child’ as a person under 18 years. Sometimes, there is a reference to those who are 16 or 17 as ‘young people’. For consistency, the terms ‘child’ and ‘children’ are used throughout this Procedure uses. Furthermore , the term ‘student’ is used to include an apprentice.

Occasionally, the University enrolls on an award bearing courses those who are under 18 years of age. In most cases, the student will be approaching their eighteenth birthday. However, some students will be under 18 years for their first year, or even for longer. The law protects those under 18 in different ways, as set out in the [Under 18s Safeguarding Policy](#).

There are important implications of having children on University premises, including those relating to safeguarding, health and safety, negligence, consent and data protection. The presence of under 18s represent risks to the University that need managing.

The University must take reasonable steps to secure everyone's safety and wellbeing when using its facilities and services to ensure compliance with relevant legislation and guidance. The University has an enhanced duty to safeguard the welfare of children. The University commits to safeguarding under-18s who participate in its organised activities or use its services, including activities on and off-campus.

The nominated University Safeguarding Co-ordinator is the Director of Student Experience, Dr Moira Helm.

Purpose of the Procedure

The University's [Safeguarding Statement of Policy](#) outlines our approach to safeguarding. It is supported by an [Under 18s Safeguarding Policy](#). The purpose of these Procedures is to supplement the Under 18s Safeguarding Policy by identifying specific actions relating to Under 18s on programmes leading to a University award. Where appropriate, there is a reference to the Under 18s Safeguarding Policy for further details.

Scope of the Procedures

The Procedures apply to UK students who will not have reached their eighteenth birthday four weeks after the programme's start. It means the procedures do not apply to students approaching their eighteenth birthday.

The Procedures apply to all students from outside the UK who have not reached their eighteenth birthday. It includes those approaching their eighteenth birthday. The reason for the distinction in treatment is to meeting UKVI arrangements.

Summary of Action Points

Section	Action Required	Responsibilities
1	Communication with Parents	Marketing and Admissions
2	Deciding on the need for Disclosure and Barring Service (DBS) Checks	Heads of Professional Support Services and Schools, and Programme Directors
3	Admission of Students	Admissions
4	University Managed Accommodation and University Premises	Accommodation Office and Facilities
5	Supporting Learning and Teaching	Heads of School, Programme, Directors, Personal Academic Tutor, Module Tutors
6	Internet Access and Library Facilities	IT and Library
7	Students' Union	Admissions and CCSU CEO
8	Data Protection	All departments and Schools

Section 1 Role of the Parent

Throughout this Procedure, the term “parents” includes all forms of relationship with the child and extends to guardians and carers. It can also apply to another trusted adult where the student makes a case for someone other than a parent, guardian or carer.

It is essential to manage the expectation that parents have relating to our information about our approach BEFORE making an offer of a place on the programme.

The University does not act *in loco parentis* ('instead of a parent') for students under 18 years. *In loco parentis* is a legal doctrine. It describes a relationship similar to that of a parent to a child. The term refers to someone who assumes parental status and responsibilities for another individual without formally adopting that person. The University does not establish a relationship of this nature.

Students under the age of 18 must provide emergency contact details. For a student whose parents are not UK residents, this must be a UK-based Guardian. The parent must nominate and give the details of a UK-based Guardian. The registration of the student is conditional on the provision of this information to the University.

The University will not act as a UK-based Guardian and will not arrange for one. Some organisations provide the service, such as [UK Guardians](#) and the [Association of Educational Guardians for International Students](#) (AEGIS). The University does not recommend any service.

Action Points

Point	The issue needing addressing	Message to Parents	Responsibility
1	The University is an adult learning and social environment.	As an adult environment, we expect all students to act responsibly and appropriately, including those under 18.	Both at the stages in Marketing (through the website) and Admissions (through offer letters and parent agreement statements)
2	Acting as a guarantor	Although students can contract for education provision, we require the parents to act as a guarantor for course fees until they reach 18 years of age. All students in University accommodation must provide a guarantor.	Admissions (through offer letters) and return of parental agreement statements
3	Emergency contact details for all students	The University requires contact details of parents for all students under the age of 18.	Admissions (through offer letters) and return of parental agreement statements

4	UK Guardians for students based outside the UK (see Under 18s Safeguarding Policy Section Fifteen)	Parents must provide to the University details of a UK-based guardian for students from outside the UK.	Admissions (through offer letters) and return of parental agreement statements
5	Notification to the University of any special needs/medical conditions	The University should ask for the declaration of any special needs/medical conditions	Admissions (through offer letters) and return of parental agreement statements
6	Suitable care arrangements for overseas students	To meet Home Office Guidance on Borders, Citizenship and Immigration Act 2009 Section 55, the parent must set out in writing the suitable care arrangements that need putting in place for the student's travel, reception on arrival in the UK and living arrangements while in the UK	Admissions (through offer letters) and return of parental agreement statements

Note on Our Contract with the Student

Under contract law, the general rule is that a person cannot enter into a contract unless they are aged 18 or over. Therefore, any contract entered would be unenforceable during the minority.

An exception to this rule is where the contract is for 'necessaries', including contracts for education and accommodation. The University, therefore, can expect to be able to enforce, without risk, a contract for tuition and accommodation.

To find out more see [Under 18s Safeguarding Policy](#) Section Ten.

Section 2 Disclosure and Barring Service (DBS) Checks

There are requirements relating to the appointment of those who supervise and have substantial regular, unsupervised activities with children. As such, it represents a regulated activity. Those undertaking regulated activity need to undergo the appropriate Disclosure and Barring Service (DBS) check. It would be an enhanced DBS check unless HR advises differently.

Unsupervised activities include undertaking the following regularly:

- teach, train, instruct, care for or supervise children,
- provide advice/ guidance on wellbeing for children
- drive a vehicle only for children.

The term 'regularly' carries its ordinary meaning as used in common parlance. Regularly could be used to describe the duties that a person carries out every day but not all day; every week but not on every day; every month but only once a month. In this context, regulated activities involve contact with children carried out frequently (at least once a month), intensively (on three or more days in any 30-day period) or overnight.

There are other regulated activities relating to children set out in Section Seven of the [Under 18s Safeguarding Policy](#).

There must be an assessment made on an individual basis of which staff undertake the regulated activity. There should not be a blanket decision made to include all staff.

Faculties and departments must arrange all checks with the Disclosure and Barring Service must be arranged through Human Resources and Organisational Development. Checks on staff are not to be undertaken by any other department.

Action Points

Point	The issue needing addressing	Timing	Responsibility
1	Undertaking DBS checks	On request from the School or Department	HR and OD
2	Determining which security staff undertake the regulated activity and require an enhanced DBS check	Before employment in the role, including existing staff changing positions or acquiring new responsibilities. The Security team only have basic checks as their roles are not regulated activity. Any security staff who need to have an enhanced check would be because they were undertaking regulated activities with under 18s.	Assistant Facilities Director and Security Manager

3	Determining which accommodation staff undertake the regulated activity and require a DBS check	Before employment in the role, including existing staff changing roles.	Assistant Facilities Director and Accommodation Manager
4	Determining which student support staff undertake the regulated activity and require a DBS check	Before employment in the role, including existing staff changing roles.	Director of Student Experience
5	Determining which academic staff undertake the regulated activity and require a DBS check	Before employment in the role, including existing staff changing roles. It includes assuming responsibility for Under 18s even if there no change in an employment role.	Head of School, in consultation with Programme Director

Section 3 Admission of Students

At the admissions stage, the University will ensure the student can benefit from university education by meeting the standard academic criteria.

Applicants and their families need to appreciate the University is an adult environment. We expect our students to behave like adults and to assume adult levels of responsibility.

The University seeks an assurance that applicants and their families are happy that the surroundings are suitable for them without the sort of support received in a school or further education college.

The expectation is that our students have the necessary skills to study and live independently alongside people from a wide variety of backgrounds. The University's offer, and the applicant's acceptance, of a place on a course is on the understanding the applicant can adapt to living away from home. It includes the capacity to address practical matters expected of any other student. Reasonable adjustments for students with a disability need making following the relevant disability procedures, as these apply to all students.

Action Points

Point	The issue needing addressing	Timing	Responsibility
1	Distribution of parental agreement statements, for signature by both the parent and the student	Distributed following acceptance of a place on the programme	Assistant Director (Admissions)
2	For international students, the provision of additional documentary evidence needed to meet UKVI requirements	Required as a condition of acceptance of a place on the programme	Compliance Manager (Admissions)
3	Informing the School and relevant professional services: <ul style="list-style-type: none">• Head of School• Faculty Designated Lead• Programme Director(s)• Assistant Facilities Director• Senior Facilities Manager - Security• Senior Accommodation and Conferencing Manager• Director of Student Experience• Director of Information Technology• Director of Library Services• Head of Student Wellbeing• Head of Health and Safety• Health and Safety (Fire) Advisor• CEO Christ Church Students' Union	(a) Following acceptance of a place on the programme (b) Confirmation of status two weeks before the commencement of the programme, or immediately if within the two-week period	Assistant Director (Admissions)

Section 4 University Managed Accommodation and University Premises

The University will guarantee to provide accommodation to every under the age of 18. The accommodation would be a room in University-managed accommodation or with a host family. All students must assume adult levels of responsibility within student accommodation and on the University premises.

Action Points

Point	The issue needing addressing	Timing	Responsibility
1	Identification of any student who will be under 18 on arrival	Before intake or arrival of new students	Senior Accommodation and Conferencing Manager
2	Notification to Head of Health and Safety	Before intake or arrival of new students, but on accommodation allocation, to undertake fire visits.	Health and Safety (Fire) Advisor
3	Nomination and notification to the student of a named staff contact	At the earliest possible opportunity after accommodation accepted	Senior Accommodation and Conferencing Manager
4	Meet and greet student/family and carry out a tour/orientation	On arrival (or the next available opportunity if not feasible). It is to check they have settled in and offer any further assistance if needed.	Named staff contact
5	Regular contacts with the student by named staff contact	Weekly until 18 th birthday	Named staff contact
6	Maintain a log of staff contacts with student	Weekly until 18 th birthday	Senior Accommodation and Conferencing Manager
7	Maintenance and contractors visiting student accommodation to be accompanied by DBS checked member of staff	On each visit	Assistant Director of Facilities
8	Escalation of concerns (including cases of a student not responding to contacts) notified by named staff contact using the cause for care and concern procedure	At the earliest possible opportunity	Senior Accommodation and Conferencing Manager
9	Making clear the procedures for an Under 18 student leaving accommodation for a prolonged period	The student is to inform the University if they plan to be away from their University accommodation for more than 24 hours.	Senior Accommodation and Conferencing Manager

10	Student accident in student accommodation	Immediately to facilitate investigation by Health and Safety and meet RIDDOR requirements	Senior Accommodation and Conferencing Manager
11	Access to alcohol. It is illegal to sell alcohol or tobacco to or for it to be bought by students under 18 years.	The Lounge (licensed premise) undertakes checks of the age of students and refuses sale of alcohol to those under 18	Assistant Director Facilities

Section 5 Supporting Learning and Teaching

The Programme Director is responsible for

- (i) ensuring the programme or activity is planned, organised and delivered following the [Under 18s Safeguarding Policy](#);
- (ii) complying with legal Health and Safety requirement for Under 18s, which need recording as part of the [health and safety risk assessment](#);
- (iii) arranging the training, induction and guidance for all staff and volunteers appropriate for the programme concerned, which includes drawing attention to this Procedure;
- (iv) informing the Faculty Safeguarding Lead of specific safeguarding measures for the programme or activity, including the name of any appointed person for those safeguarding measures where this is appropriate.
- (v) where necessary, providing any additional safeguarding statement for the programme in addition to the [Under 18s Safeguarding Policy](#);

Action Points

Point	The issue needing addressing	Timing	Responsibility
1	Determining whether there is regulated activity taking place (see DBS checks)	On notification of Under 18s	Programme Director
2	<p>Undertake a health and safety risk assessment to identify risks and control measure of</p> <ul style="list-style-type: none">• activities• equipment (including computing access)• hazardous and radioactive substances/materials• extreme cold, heat, noise or vibration• facilities (including laboratories, studios, workshops)• off-site visits• overnight field trips• placements• exchange programmes <p>It is essential consideration is given to <u>restrictions</u> imposed by Health and Safety legislation for Under 18s</p>	On notification of Under 18s. There is to be an update if there is a material change to the student's studies, for instance undertaking fresh activities	Programme Director

3	Ensure programme team are aware of (a) the identity of all students under 18 years: and (b) where to access this Procedure and the Under 18s Safeguarding Policy , especially Sections 1, 2 and 3 concerning the safeguarding procedures	At the start of each semester where there is any person under 18 years of age	Programme Director
4	Review arrangements for undertaking meetings	On notification of Under 18s, and update if there is a material change	Programme Director
5	Nomination and notification to the student of a named staff contact who is DBS checked to act as Personal Academic Tutor	At the earliest possible opportunity after registration	Head of School
6	Initial meeting with the student	During induction week or first week of the programme	Personal Academic Tutor
5	Reviewing the safeguarding of the student relating to their wellbeing and interactions with other students	Fortnightly until 18 th birthday	Personal Academic Tutor
6	Monitoring attendance, engagement and assessment	Fortnightly until 18th birthday	Personal Academic Tutor
7	Ensuring programme staff are aware of the need to undertake a training event relating to the Prevent Duty (or Safeguarding) within the previous nine months to take account of the risks relating to children	On notification of Under 18s	Programme Director
8	Ensuring the suitability of curriculum materials for all students, including Under 18 Ensuring adherence to any age restrictions on the material (e.g., film classifications), and making appropriate adjustments to the programme.	At the start of each semester where there is any person under 18 years of age	Module Tutor
9	Advising staff that under the Sexual Offences (Amendment) Act 2000, it is a criminal offence for any person in a position of trust to engage in sexual activity with a student. It is the case even there is consent (see Under 18s Safeguarding Policy Section 2 (Abuse of Trust)).	At the start of each semester where there is any person under 18 years of age	Programme Director

Section 6 Internet Access and Library Facilities

Students under the age of 18 will be allowed the same level of access as all other students, without routinely being restricted by parental controls.

The University expects students under 18s to observe its regulations relating to acceptable use of the internet, as for all other students.

Section 7 Students' Union

Christ Church Students' Union aims to provide a welcoming, inclusive environment for all its members. It includes those who are under the age of 18 or classed as adults at risk. They recognise that they have additional responsibilities for these students outlined in the Union's [Safeguarding Policy](#).

All students, including those under 18, are encouraged to join student-led sports clubs and societies.

Under-18s, however, are not permitted to be on club or society committees. Some clubs or societies may be inappropriate for students who are under 18 to join.

Action Points

Point	The issue needing addressing	Timing	Responsibility
1	Sharing with Students Union Chief Executive Officer the list of all under 18 students	(a) Following acceptance of a place on the programme (b) Confirmation of status two weeks before the commencement of the programme, or immediately if within the two-week period	Assistant Director (Admissions)
2	Ensuring that students are not on club or society committees	At the start of each semester	CCSU CEO
3	Identifying any clubs or societies which may not be appropriate for under 18s	At the start of each semester	CCSU CEO

Section 8 Data Protection

Children have the same rights as adults over their personal data. It is of importance in the student context. These include the rights to access personal data; request rectification; object to processing; and have their personal data erased.

However, children need superior protection when collecting and processing their personal data because they may be less aware of the risks involved.

When processing children's personal data, there is a need to think about the need to protect them from the outset and design systems and processes accordingly. Compliance with data protection principles and fairness needs to be central to all children's personal data processing.

There is a need for a lawful basis for processing a child's personal data. As stated in the [Student Privacy Notice](#), the legal bases for processing the child's data as a student will be the same as for other students. In relying on processing 'necessary for the performance of a contract', we consider the child has the competence to understand what they are agreeing. By agreeing to study at our University, they enter into a contract to educate.

Consent is one lawful basis for processing a child's personal data and may be necessary for certain activities. When relying on consent, there is a need to ensure the child understands what data processing the consent relates. It is essential not to exploit any imbalance of power in the relationship with the child.

Data protection provisions require a duty of confidentiality to the child, not the parents, guardians, or carers. For instance, a parent, guardian does not have the same rights to information on progress, progression, or attendance provided within a school environment. A programme director should obtain the child's consent before releasing information to a parent or other third party.

A programme director can obtain advice from the [University Data Protection Officer](#). There is also an on-line [Data Protection Handbook](#).

Policy Information		Description of Policy Information
Policy Title	Under 18s on University Award Bearing Programmes: Safeguarding Procedure	
Department Owner	University Safeguarding Co-ordinator, supported by Governance and Legal Services	
Policy Category	Students, Human Resources, Health, Safety and Environmental	
Policy Owner	University Safeguarding Co-ordinator	
Policy Administration	Student Experience, supported by Governance and Legal Services	
Related University Policies	Safeguarding Statement of Policy Under 18s Safeguarding Policy Policy statement on the use of DBS Disclosures and job applicants with convictions	
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