****

**UNIVERSITY OF STIRLING**

# **RESEARCH AND INNOVATION CODE OF PRACTICE FOR THE PROTECTION OF CHILDREN AND ADULTS AT RISK OF HARM (SAFEGUARDING)**

## **Definitions**

**Abuse:** any action that violates a person’s human or civil rights. This can take the form of physical harm, sexual, emotional or psychological abuse. This can also include financial or material abuse and neglect.

**Bullying and harassment**: means any unwanted behaviour that makes someone feel intimidated, degraded or offended. It can include a continuum of repeated behaviours that convey hostility, force, unwanted attention, objectification, exclusion or second-class status, and has negative effects on the targeted person where they may find it difficult to defend themselves, for example, because of a hierarchical relationship with the perpetrator.

**Capacity**: the ability to understand information relevant to a decision or action and to appreciate the reasonably foreseeable consequences. The Adults with Incapacity (Scotland) Act 2000 was introduced to protect individuals (aged 16 or over) who lack capacity to make some or all decisions. The relevant legislation regarding adults with incapacity should be considered.

**Child**: in line with the United Nations Convention on the Rights of the Child and for the purposes of this policy, is defined as any person – girl, boy, young woman, young man and children of other gender identities under the age of 18 years. This definition supersedes any national legislation on age of majority/consent.

**Exploitation**: is any or actual attempted abuse of a position of vulnerability, differential power or trust for the purposes of gaining benefit, including, but not limited to, monetary, social or political gain.

**Exploitation, abuse and harm**: is a term used to encompass the range of offences covered by this policy, including sexual exploitation, abuse and harassment, bullying, psychological abuse and physical violence.

**Harm**: is any detrimental effect on psychological, physical or emotional wellbeing and any other infringement on an individual’s rights. Harm may be caused by abuse or exploitation whether intended or unintended.

**Psychological harm**: means emotional or psychological abuse, including but not limited to, humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

**Research and innovation participant:** means any individual that participates in human subject research by being the target of observation by researchers.

**Safeguarding**: means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring: to protect people, especially children and vulnerable adults from that harm and to respond appropriately when harm does occur.

**Sexual abuse**: means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Sexual exploitation**: means any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes and includes, but is not limited to, profiting monetarily, socially or politically from sexual exploitation of another.

**Sexual harassment**: means any unwelcome sexual advances (including, but not limited to, sexual advances made without touching) and includes, but is not limited to, requests for sexual favours or other verbal or physical behaviour of a sexual nature which may create a hostile or offensive environment.

**Victim/Survivor**: means an individual who has been exploited, abused or harmed.

**Violence**: means all forms of physical violence, injury or abuse.

**Vulnerable adult**: means a person who is or may be in need of care by reason of mental or other disability, age or illness, and who is or may be unable to take care of themselves, or is unable to protect themselves against significant harm.

**Young person**: means any person – young woman, young man, and person of other gender identities between the age of 18 and 21 years.

## **Introduction**

* 1. The University believes that everyone has the right to be treated fairly and with dignity and respect. We are committed to promoting safe research and innovation environments, which are free from sexual exploitation, all forms of abuse, harassment, bullying, and physical violence for all individuals conducting or participating in research and innovation activities in which the University of Stirling is the lead or a participating partner.
	2. This Code of Practice sets out the commitment of the University in relation to the protection of children and adults at risk of harm where they may come into contact with the University community through research and innovation activities. The Code of Practice clarifies the responsibilities of the University and its researchers towards participants. The Code explains the issues to consider and actions that should be taken if anyone becomes aware of exploitation, abuse or harm.

## **Purpose**

* 1. The purpose of this Code of Practice is to ensure that staff and students are better equipped to anticipate the potential risks for exploitation, abuse and harm within all their research and innovation activities, have taken steps to mitigate them and are able to respond to and address incidents of exploitation, abuse and harm when they occur.

## **Scope**

* 1. This Code of Practice applies to all staff and students involved with all research and innovation activities in which the University of Stirling participates, both in the United Kingdom and internationally.

## **Standards of Behaviour**

* 1. The University of Stirling expects high standards of behaviour from its staff and associated students when conducting research and innovation activities.
	2. The University of Stirling believes that everyone that participates in our research and innovation activities, regardless of age, gender identity, disability, sexual orientation or ethnic origin has the right to be protected from all forms of exploitation, abuse and harm. The University has a zero-tolerance approach to exploitation, abuse or harm by staff or students.
	3. We expect members of the University to ensure that they:
		+ Treat all research and innovation participants, students, colleagues and members of the general public with dignity, equality and respect.
		+ Adhere to the highest level of research ethics in line with requirements set out by national and international regulatory bodies, professional and regulatory research guidance, and the University’s research ethics frameworks.
		+ Recognise the inherent power imbalances that exist in research and innovation activities and take all reasonable steps to mitigate them within the activities that they are involved in.
		+ Engage in equitable partnerships throughout the development, delivery and dissemination of research and innovation activity to avoid exploitative approaches.
		+ Be aware of the University’s policies and procedures regarding exploitation, abuse or harm and know how to respond to and report concerns.

## **Responsibilities to research participants in general**

* 1. It is commonly recognised that researchers should strive to:
		+ Protect participants from undue harm;
		+ Ensure participation in research is voluntary;
		+ Obtain informed consent for participation;
		+ Make participants aware of their entitlement to refuse/withdraw;
		+ Not exclude any group from consideration; and
		+ Make participants aware of limits to anonymity and confidentiality.

## **Mitigating actions**

* 1. During the planning stages of any research and innovation activity researchers must consider if there are any potential safeguarding issues that may arise and identify strategies to minimise these.
	2. Staff and students undertaking research and innovation activities should:
		+ Ensure all necessary ethical approvals have been granted);
		+ Understand what exploitation, abuse or harm is;
		+ Be aware of and act in accordance with this Code of Practice and any terms and conditions imposed by funders; and
		+ Consult with and take advice when there is a reason to believe that exploitation, abuse or harm has occurred or is at risk of occurring, in accordance with sections 11 and 12 of this Code of Practice.

## **Limits of confidentiality**

* 1. Researchers must make clear to participants from the outset that confidentiality may have to be breached if there is a disclosure relating to exploitation, abuse or harm. Researchers must explain confidentiality and the limits of confidentiality with participants in a way that is appropriate to their level of understanding.
	2. Where a research participant’s understanding is limited researchers should take advice from their supervisor/Principal Investigator about how best to ensure informed consent. Complete confidence cannot therefore be promised. Supervisors/Principal Investigators must record in writing all instances where advice is sought from them, and report these as described in sections 10, 11 and 12 of this Code of Practice.

## **Criminal Record Checks**

* 1. The University will take all reasonable steps to ensure that persons who are unsuitable to work with children, young people and vulnerable adults are prevented from doing so.
	2. Those carrying out ‘regulated’ work with children or vulnerable adults under the Protection of Vulnerable Groups (Scotland) Act 2007 are required to be members of the Protection of Vulnerable Groups Scheme (PVG Scheme). If in doubt as to whether a PVG Check is required guidance must be sought from Human Resources.
	3. Staff and students undertaking research and innovation activities which involve children and vulnerable adults must determine whether or not they require a PVG check in accordance with the [University’s Disclosure Scotland and PVG Policy and Guidance](https://www.stir.ac.uk/media/stirling/services/internal/hr/documents-moved/PVG.docx).

## **Prevent Duty**

* 1. The University has a statutory duty in terms of the Counter-Terrorism and Security Act 2015 *‘to have due regard to the need to prevent people from being drawn into terrorism’*. The measures that have been taken by the University to address this statutory duty are outlined on the [Prevent Duty intranet page](https://www.stir.ac.uk/internal-staff/safe-campus/prevent/).

## **When to report**

* 1. Reports must be made where:
		+ A research and innovation participant discloses ongoing or risk of exploitation, abuse or harm.
		+ A research and innovation participant makes an allegation about a member of the University or if any member of staff or associates are concerned about potentially abusive behaviour from a member of the University.
		+ There are suspicions or indicators that a research and innovation participant is being abused or put at risk.
		+ There is concern that the behaviour of any person might cause harm to a research and innovation participant, or put them at risk of harm.

## **Recommended behaviour when handling a safeguarding disclosure**

* 1. If a research and innovation participant makes an allegation of exploitation, abuse and harm to you it is important to:
		+ Stop the research and innovation activity immediately.
		+ Take everything that is said seriously.
		+ Ask the participant if they have told you everything they want to.
		+ Remain calm and listen carefully.
		+ Reassure the participant that they have done the right thing by disclosing.
		+ Explain to the participant what you will do now e.g. who you need to tell.
		+ Check that the participant understands what you are going to do.
		+ Record your observations and what the participant has said at the earliest appropriate opportunity including dates and times.
	2. It is important not to:
		+ Ignore the disclosure
		+ Panic
		+ Question the participant further (you may seek to clarify what has been disclosed using open questions)
		+ Make any promises about confidentiality
		+ Assume anything or elaborate in your notes
		+ Investigate, make judgement, or provide a response.

## **Notification of incidents**

* 1. If concerns are such that there is a risk of immediate significant exploitation, abuse or harm, reports must be made directly to the appropriate authorities, such as the police, on an urgent basis.
	2. When undertaking research and innovation activities, any unusual incident involving a participant must be reported immediately in writing to the Principal Investigator and, if necessary, onward to the Head of Division/Dean of Faculty. An unusual incident is one which might reasonably give grounds for concern about the health, safety or welfare of the participant concerned, or which entails departure from the agreed research and innovation protocol, or which is an event that is unforeseen. The Head of Division/Dean of Faculty will report in accordance with the procedures set out in the guidance.
	3. The nominated senior officer with responsibility for safeguarding is the University’s Deputy Secretary, Joanna Morrow.
	4. When a report is made the course of action will depend on the specifics of the situation. The senior officer may, in consultation with the Principal Investigator and/or Dean:
		+ Take no further action.
		+ Ask for more information from the researcher and/or Principal Investigator.
		+ Decide to act on the information provided on behalf of the University and refer the report to the appropriate external agency.
		+ Take steps to initiate appropriate staff or student disciplinary procedures.
	5. In a safeguarding investigation, any criminal investigation by the police takes precedence over all other forms of enquiry or University process.
	6. The nominated senior officer will securely keep accurate records of allegations, concerns, decisions made and reasons for actions.

## **Allegations against researchers**

* 1. Should an allegation of exploitation, abuse or harm be made against those involved in research and innovation activities the University will conduct an impartial, fair and timely investigation of the allegation.
	2. The University reserves the right to take action under its disciplinary procedures should it receive information that suggests that its conduct standards have been breached. Staff or students who are dismissed from the University as a result of exploitation, abuse or harm concerns will be reported to the PVG (Disclosure) Service and any relevant professional body.

## **Involving an external agency**

* 1. Where there is reason to believe that a crime has been committed or that there is imminent risk of harm occurring, the University will make a report to the appropriate authority, such as the police, except in circumstances where there is a reasonable expectation that to do so would cause further harm to the victim/survivor.

## **Retention of information**

* 1. Written records of any safeguarding concerns will be retained for as long as is necessary for the purpose for which it was obtained or as legally required or lawfully permitted in accordance with GDPR and Data Protection Act (2018) legislation.

## **Sources of advice**

* 1. Despite the above guidance, there will inevitably be “grey areas”. Researchers need to maintain confidentiality and anonymity regarding the participant or the people about whom they have suspicions and should make referrals as soon as possible. The University recognises that researchers may need support themselves upon hearing disclosures of exploitation, abuse or harm and suitable counselling will be offered in such situations.

## **Relevant Policies**

* 1. All students and staff are referred to the University of Stirling [Whistleblowing – Freedom to Speak Up](https://stir.box.com/s/hmxkwdmma2npzecc4dmh9e749kqvcqvr), [Prevent](https://www.stir.ac.uk/internal-staff/safe-campus/prevent/) guidance and [Respect at work and study](https://www.stir.ac.uk/media/stirling/services/human-resources/documents/Respect-at-work-and-study-policy.docx).

## **Useful Resources**

* 1. In developing the University of Stirling Code of Practice for the Protection of Children and Adults at Risk of Harm (Safeguarding), the University drew directly from the UK Research and Innovation policy on Preventing Harm (Safeguarding) in Research and Innovation[[1]](#footnote-1).

## **Concern Form**

Confidential Record of Concerns

**SECTION 1**

**Individual’s details**

Name
Dare of Birth
Contact Details

**Staff recording details**

Name
Designation

**Summary of the reasons that the individual is known to the University**

**Who else is aware that the individual is involved with the University? (Please record contact information/names etc. in the space available)**

Parent/Carer YES/NO

School YES/NO

Social Work YES/NO

Health YES/NO

Other YES/NO

**What is getting in the way of the care and protection of the individual?**

**Do I have all the information I need to appropriately support the individual?**

**SECTION 2**

Consider the information gathered and identify the key risk factors for the individual and their wider world. Now form a view as to the level of concern/need/risk for the individual.

**What is the information telling me about the level of concern/risk?**

**What am I going to do next?**

**SIGNATURE**

Name and Date

**SECTION 3 – To be completed by the Deputy Secretary**

Considering the information presented, please use the space below to record your reflections and reasoning regards the potential safeguarding concern

Please record your actions below ensuring you include details of names and contact details as appropriate.

**SIGNATURE**

Name and Date

1. <https://www.ukri.org/wp-content/uploads/2020/10/UKRI-050920-PreventingHarmSafeguardingInResearchAndInnovationPolicy.pdf> [↑](#footnote-ref-1)