



MACHAKOS UNIVERSITY
ISO 9001:2015 Certified

SAFEGUARDING AND DUTY OF CARE POLICY

OCTOBER, 2020



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Machakos University

P. O. Box 136-90100

Machakos, Kenya

Tel: +254 735 247 935/+254 723 805 829

Email Address: info@mksu.ac.ke

Website: www.mksu.ac.ke



APPROVAL

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Policy Contact: Deputy Vice Chancellor (Administration, Planning and Finance)
Approval Authority: The University Council
Category: Division of Administration, Planning and Finance
Reference No.: MksU/MR/A/00
Effective Date: Date of signing

Approved by the University Council:

Sign:.....

PROF. LUCY WIRUNGU, Ph.D
VICE-CHANCELLOR & SECRETARY TO THE COUNCIL



FOREWORD

This Safeguarding and Duty of Care Policy outlines the commitment of Machakos University in providing a safe and secure environment for all children and vulnerable adults at risk. It is the responsibility of the MksU Administration and Management to create an organizational culture that promotes safeguarding of children and vulnerable adults at risk by upholding principles of transparency and accountability.

It is recognized that members of staff and students have an important role to play in ensuring the safety and welfare of those who access the University, in particular children and those deemed to be adults at risk. This policy should be consulted in conjunction with other relevant University policies and other legal documents referred to in this document which specifically addresses the safeguarding and duty of care for children and vulnerable adults. MksU shall integrate this policy in identified areas where the University may have contact with children and vulnerable adults in its day to day operations within and outside the University.

This policy applies to all members of the University and in particular staff and students who encounter children and vulnerable adults through teaching, research, professional services and outreach activities. All staff and students of MksU will abide by this Policy. The policy does not seek to discourage working with these groups. Instead, it seeks to support these activities and to offer assurances to both staff, students and visitors that, through its implementation, the University endeavors to protect children and adults in a vulnerable situations and to keep them safe from harm when in contact with University students and staff.

Prof. Lucy W. Irungu, Ph.D.
Vice-Chancellor, & Professor of Entomology
MACHAKOS UNIVERSITY



FUNDAMENTAL STATEMENTS

VISION STATEMENT

A preferred University of Excellence in Scholarship and Service Delivery

MISSION STATEMENT

Provide Scholarly Education through Training, Research and Innovation for Industrial and Socio-Economic Transformation of our Communities

PHILOSOPHY STATEMENT

Education for Industrial and Economic Transformation

QUALITY POLICY STATEMENT

Machakos University aspires to be a model Institution of higher learning committed to providing competitive and professional programmes. The University is committed to providing high level manpower through quality training, research, consultancy and community service. These shall be attained through customer satisfaction, good corporate governance, integrity and professionalism, creativity and responsibility, teamwork and adaption to change. In order to realize this commitment, the University shall comply with all applicable requirements through the implementation of an effective quality management systems based on ISO 9001:2015. The University's Management shall through ISO team ensure the establishment of quality objectives at departmental level. Annually, the Heads of Departments shall review the established quality objectives. The University's Top Management shall ensure annual review of this policy for continuing suitability.

CORE VALUES

Integrity:	To honestly deliver on our promises to our stakeholders
Accountability:	To always be accountable in the assigned duties
Professionalism:	To be committed to high standards of training and service delivery
Inclusivity:	Respect for diversity
Creativity:	Determination to continually improve
Teamwork:	To actively work together to achieve common goals
Equity:	To strive to be an equal university where meritocracy is practiced in all areas



LIST OF ABBREVIATIONS AND ACRONYMS:

APF:	Administration, Planning and Finance
CUE:	Commission for University Education
DVC:	Deputy Vice-Chancellor,
MksU:	Machakos University
MOU:	Memorandum of Understanding
VC:	Vice-Chancellor



DEFINITION OF TERMS

- Abuse:** Any action that intentionally harms or injures another person. It also refers to any form of maltreatment of a child or an Adult at Risk. Somebody may abuse a child or an Adult at Risk by inflicting, or by failing to act to prevent, significant harm to the child or to the Adult at Risk.
- Adult at Risk:** Someone who is unable to safeguard their own well-being, property, rights or other interests; are at Risk of Harm; and because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.
- Child:** Means any human being under the age of eighteen years
- Child Abuse:** Includes physical, sexual, psychological and mental injury
- Duty of Care:** The legal responsibility of an organization to avoid any behaviors or omissions that could reasonably be foreseen to cause harm to others. It is the responsibility to consider the impact the actions of an institution can have on others.
- Emotional Abuse:** Is persistent emotional neglect or ill treatment of a Child causing severe and persistent adverse effects on the Child's emotional development.
- Exploitation:** Unfair treatment of someone, or the use of a situation in a way that is wrong, in order to get some benefit for yourself.
- Harm:** Any conduct which may cause physical or psychological suffering (for example by causing fear, alarm or distress). It also refers to conduct which appropriates or adversely affects property, rights or interests (for example theft, fraud, embezzlement or extortion) or conduct which causes self-harm.
- Neglect:** Ignoring/not identifying medical, physical or emotional needs, providing access to care, not providing adequate supervision, withholding essentials such as medication, food and water.
- Negligence:** The failure to take reasonable care to avoid causing injury or loss to another person. Legally, it is any conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm.
- Physical Abuse:** Is the causing of physical harm to a Child or an Adult at Risk.
- Relevant Authority:** Means any University officer appointed to an office of responsibility to whom concerns on safeguarding and duty of care can be reported.



- Relevant Officer:** Means any duly appointed officer of the University (dean, chairman of a department, head of section etc.) to whom concerns on safeguarding and duty of care can be reported.
- Safeguarding:** Actions taken to promote the wellbeing of staff and students with the aim of protecting them from harm.
- Sexual Abuse:** Is any act that involves a Child or young person or Adult at Risk in any activity for the sexual gratification of another whether or not it is claimed that the child either consented or assented.
- Staff:** Means all persons employed by the University
- Stakeholder:** Any party that has interest in MksU and can affect or be affected by the University.
- Student:** Any individual enrolled for a MksU programme of study
- University Officer:** Means a person exercising authority for, or on behalf of, the University.
- Vulnerable Adult:** someone who needs care and support.



Table of Contents

Approval	III
Fundamental Statements	V
List of Abbreviations A\and Acronyms:	VI
Definition of Terms	VII
1.0 Introduction.....	1
2.0 Policy Statement.....	1
3.0 Rationale	2
4.0 Scope	2
5.0 Purpose	2
6.0 Policy Objectives.....	2
7.0 Legal and Regulatory Framework	3
8.0 Areas of Activity Involving Children, Young People and Vulnerable Adults	3
9.0 Dealing with Suspicions or Allegations of Abuse.....	4
10.0 Safeguarding in Relation to Students and Staff Studying or Working in Another Organisation.....	5
11.0 Contractors’ Staff Working on University Premises	5
12.0 Safeguarding - Other Groups	5
13.0 Safeguarding in Relation to Research Activities	6
14.0 Planning an Activity	6
15.0 Whistleblowing (Public Interest Disclosure)	7
16.0 Responsibilities.....	7
16.1 University Management.....	7
16.2 Deans of Schools and Heads of Departments/Sections	8
16.3 Involvement of Parents, Carers, Guardians And Legal Representatives.....	9
17.0 Responsibility Relating to Allegations of Harm.....	9
18.0 Children/Young People of Staff and Students.....	10
19.0 Sensitization and Guidance.....	10
20.0 Policy Implementation.....	10
21.0 Review of the Policy.....	10
Annex A: Safeguarding and Duty of Care Policy Process Development Map.....	11
Annex B: Reporting Procedure Flowchart	12
Annex C: Record of Risk Assessment	13
Annex D: Safeguarding Referral Form	14



1.0 INTRODUCTION

Machakos University was chartered on 7th October, 2016 as a fully-fledged University. The University aims at becoming a leading center of academic excellence in Technical, Science, education, humanities and social sciences, Agriculture, Business and economics, environmental studies, hospitality, public health, research, training and community service nationally and internationally. As the University continues to expand, it is encountering new challenges in discharging its mandate in teaching, research and outreach. In order to adapt to the ever-emerging challenges, MksU recognizes that it has a legal responsibility to act in the best interest of all its stakeholders. The University wishes to ensure that a safe environment is created for students, staff, and other stakeholders and that the appropriate policies, procedures and practices are in place to make sure that everyone is kept safe. The Safeguarding and Duty of Care Policy will ensure protection to all students and staff from all types of harm, abuse, neglect or exploitation regardless of age, disability, gender, ethnicity, religious belief, sexual orientation or gender identity.

2.0 POLICY STATEMENT

It is the responsibility of the MksU Administration and Management to create an organizational culture that promotes safeguarding of staff, students as well as to the public in our website by upholding principles of transparency and accountability.

Machakos University is committed to:

- i. Providing, as far as is reasonably practicable, an environment that is safe from harm for all members of the University community,
- ii. Upholding the rights of children, young people and vulnerable adults to protection from harm, freedom from injury and a safe and healthy environment,
- iii. Ensuring that appropriate procedures are in place to safeguard against abuse or harm for children, young people and vulnerable adults and
- iv. Ensuring that appropriate procedures are in place for dealing with allegations of abuse.

The University recognises that the success of the Policy will depend on its effective implementation. The University is committed to ensuring this Policy is disseminated within key staff in the University as appropriate.



3.0 RATIONALE

The nature of activities and working environment in a university is bound to create concerns related to safety and protection of its members. Safeguarding and duty of care policies are mainly meant to address safety and welfare concerns of vulnerable groups particularly children/young people and vulnerable adults who are presumed to be at risk. The existing Machakos University policies have not fully addressed all issues related to safeguarding and duty of care and hence the need for this policy.

4.0 SCOPE

This Policy applies to University activities and facilities involving children, young people and vulnerable adults and covers:

- i. All staff employed by the University,
- ii. All students registered at the University,
- iii. Volunteers and contract workers engaged on behalf of the University,
- iv. All circumstances where children, young people and vulnerable adults attend University premises and /or participate in University activities and
- v. Children and vulnerable adults who may come into contact with the University through teaching, research, outreach, or other activities.

5.0 PURPOSE

The purpose of this policy is to provide guidelines on the management of issues touching on the University being mindful of its duty of care in safeguarding the well-being of staff, students and stakeholders who may come into contact with the University through its operations.

6.0 POLICY OBJECTIVES

The objectives of this policy are to:

- i. Provide guidance and procedures that promote safe practice and deter poor and unsafe practice across all University activities and premises,
- ii. Provide guidelines on Mksu commitment in safeguarding of staff and students against abuse, exploitation and neglect,
- iii. Protect members of staff and students from abuse and neglect and to ensure that they are all aware of their responsibilities in relation to safeguarding, are alert to safeguarding concerns and know how to respond to concerns and
- iv. Outline the procedures the University can take to mitigate any ‘foreseeable’ risk that employees and students may encounter.



7.0 LEGAL AND REGULATORY FRAMEWORK

This policy shall be implemented in compliance with the following legal documents and policy frameworks:

- i. The Constitution of Kenya, 2010;
- ii. The Children's Act 2001;
- iii. Employment Act 2007, Revised 2012;
- iv. Sexual Offences Act 2016;
- v. United Nations Convention on the Rights of the Child (1989);
- vi. The Evidence Act 2006;
- vii. The Occupational Safety and Health Act 2007;
- viii. Penal Code 2006;
- ix. Alcoholics Drinks Control Act 2010, Revised 2019;
- x. Persons with Disability Act 2003;
- xi. Disability Policy and Guidelines to Public Service (2018);
- xii. Work Injury and Health Act 2007;
- xiii. Leadership and Integrity Act 2012;
- xiv. Universal Declaration of Human Rights 1948;
- xv. The Universities Act, No. 42, (2012), Amendment (2016, 2018 & 2019);
- xvi. Commission for University Education Standards and Guidelines, 2014 and
- xvii. MksU Staff Welfare Policy (2018).

8.0 AREAS OF ACTIVITY INVOLVING CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS

The following are identified as areas where the University may have contact with children, young people and vulnerable adults (this is not an exhaustive list):

- i. Teaching, supervision and support of students;
- ii. Staff of Machakos University;



- iii. Students' work study;
- iv. Individuals undertaking work experience at the University;
- v. Students in University residences and individuals who attend residential events;
- vi. Children and young people attending the University to carry out a sporting or recreational activity;
- vii. Visits to the University's sports facilities;
- viii. Staff, students and other parties participating in research activities;
- ix. Attendance at private functions run commercially by the University;
- x. Conferences;
- xi. Placements of students;
- xii. Worship sites within the University;
- xiii. Field trips, excursions and other learning activities;
- xiv. Activities of student societies and networks;
- xv. Staff Quarters;
- xvi. Individuals who are on University premises on non-University organised events, for open days, or other University-organised events and
- xvii. Individuals attending University-organised events at venues away from University premises.

9.0 DEALING WITH SUSPICIONS OR ALLEGATIONS OF ABUSE

Any allegation by a child, young person or vulnerable adult at risk against a member of staff or another student should be reported immediately to the relevant officer. In dealing with any allegation the University has a duty of care both to the child, young person or vulnerable adult at risk concerned and to the member of staff or student against whom the allegation is made.

Where the allegations involve a member of staff, the relevant officer will ensure that allegations are investigated in line with the Disciplinary Policy as appropriate. Where allegations involve a student, the relevant officer will initiate student disciplinary procedures as appropriate.

Where a member of staff or student is working on behalf of the University with young people at an external organisation, the allegation should be reported to the relevant authority in the University.



Any concerns or allegations should be reported to the appropriate University officer as quickly as possible and, at most, within 48 hours. The reporting procedure is detailed in the flowchart in Annex B.

**10.0 SAFEGUARDING IN RELATION TO STUDENTS AND STAFF STUDYING
OR WORKING IN ANOTHER ORGANISATION**

This safeguarding policy apply to members of staff and students wherever and whenever they are acting on behalf of the University. This can include time spent studying or working in one of the University’s local or international partner educational institutions, or on University recognised work placements.

In each setting they visit, whether University or elsewhere, University staff and students should make themselves aware of the local safeguarding policies, procedures and point of contact for raising concerns.

11.0 CONTRACTORS’ STAFF WORKING ON UNIVERSITY PREMISES

It is the responsibility of the contractor as the employer of staff working on the University’s premises to ensure that each individual has been recruited appropriately to the role they are undertaking. Any staff of a contractor whose roles give them contact with children or vulnerable adults at risk in the course of their duties for the University will abide by the safeguarding and practice policies of the University, and may be required to attend appropriate training. Any contractual agreement should be in line with the guidelines in the Safeguarding and Duty of Care Policy.

12.0 SAFEGUARDING - OTHER GROUPS

- i. Where children of students, staff members or visitors are present on University premises, they remain the responsibility of their parent/guardian or teachers, unless they are enrolled as students, or are otherwise involved in a University-managed activity.
- ii. Safeguarding the wellbeing of children visiting University premises without their parent/guardian, is the responsibility of the organiser of the activities in which the child is participating.
- iii. Safeguarding the wellbeing of service users of the University is the responsibility of the organiser of the service they are accessing.



13.0 SAFEGUARDING IN RELATION TO RESEARCH ACTIVITIES

The University is committed to ensuring that the highest standards of care and respect are given to all research participants and subjects. This includes good practice in obtaining informed consent, transparency and accountability in the aims and objectives of the research and committing to ensure the safety of all those who agree to participate, and the information and data obtained in the course of these research projects.

All research proposals that involve human participants are reviewed by the Institutional Ethics Review Committee. The reviews adopts a risk based approach and require the identification and mitigation of risks to participants, including those who are considered to be at risk.

The University shall offer appropriate training in research ethics and governance to postgraduate students and other researchers, technicians and other staff who support research involving human participants. This policy will be implemented in line with the Research and Ethics Policies of MksU.

14.0 PLANNING AN ACTIVITY

Any member of the University who has responsibility for organising an activity involving children or vulnerable adults at risk must ensure safeguarding concerns are addressed.

Activities should:

- a) be designed so that appropriate training and supervision is available to those working with children or vulnerable adults at risk;
- b) minimise occasions on which members of the University will need to work alone in an unsupervised way with children or adults at risk ; and
- c) be appropriately risk assessed.

Every activity which involves children or vulnerable adults at risk should be risk assessed and the assessment should consider how the risks identified can be minimised and should also outline the processes for reporting concerns, as well as taking account of Health and Safety considerations.

Children and vulnerable adults at risk who are participating in a University activity must, as part of their induction to the activity, be given clear information about how, and to whom, they can report concerns about any member of the University with whom they will be interacting.



Any member of the University who will be planning activities with/for children or vulnerable adults at risk is required to be appropriately inducted to ensure that he/she is conversant with this Policy and other University operations.

15.0 WHISTLEBLOWING (PUBLIC INTEREST DISCLOSURE)

Whistleblowing is an important aspect of a safeguarded institution whereby staff and students are encouraged to share genuine concerns about a colleague's behaviour, in confidence, with the relevant authority.

There may be situations whereby staff and students have genuine concerns about the conduct of a colleague towards a child or an adult. All members of the University have the right and the responsibility to raise concerns, without prejudice to their own position, about the behaviour of staff, students, or other persons, which may be harmful to those in their care and will receive appropriate support when doing so.

This policy will be implemented in line with MksU Whistle Blowing Policy to support and protect those staff, students, volunteers and others who, in good faith and without malicious intent, report suspicions of abuse or concerns about colleagues and their actions.

16.0 RESPONSIBILITIES

16.1 University Management

The University Management through the office of the Deputy Vice-Chancellor (Administration, Planning and Finance) shall be responsible for the implementation, monitoring and review of the University's Safeguarding and Duty of Care Policy. Specifically, the office of the DVC (APF) shall be responsible for:

- i. Ensuring the Policy is monitored and reviewed in accordance with any changes in legislation and / or guidance on the protection of children,
- ii. Acting as the main contact within the University for the protection of children, young people and vulnerable adults,
- iii. Ensuring that appropriate members of staff are provided with information, and advice on the protection of children,
- iv. Establishing and maintaining contact with local statutory agencies including the police and social services,
- v. Responding appropriately to disclosures or concerns which relate to the well-being of a child, young person or vulnerable adult,



- vi. Provision of guidance and support relating to safeguarding and duty of care within the University,
- vii. Delegation of responsibilities to heads of departments/sections and other individual service providers within the University,
- viii. Liaison with external agencies and
- ix. Ensuring highest level of confidentiality while sharing information that may expose an individual to harm.

16.2 Deans of Schools and Heads of Departments/Sections

Deans of Schools and Heads of departments/sections are the designated Safeguarding coordinators for the services they offer. In discharging their duties they can assign a member of staff to act on their behalf. The designated Safeguarding Coordinator will be responsible for the following:

- a) Ensuring that any programme or activity involving children, young people and / or vulnerable adults is risk assessed (a template for assessing risk involved in activities and programmes is available as Annex C), and that it is planned, organised and delivered, (including explicitly noting any child protection issues), in a manner that is consistent with this Policy;
- b) Ensuring that arrangements are in place to identify children, young people or vulnerable adults who fall within their sphere of responsibility and making sure adequate arrangements are in place to ensure the appropriate members of staff are notified;
- c) Ensuring that all staff activities involving substantial unsupervised access to children and young people are identified and that the relevant statutory verification procedures (such as disclosure) are undertaken;
- d) Ensuring that degree programmes and modules that they host are assessed to identify any substantial, unsupervised involvement with children and young people and where such involvement is identified that the programme and module specification requirement explicitly state the need for verification procedures;
- e) Ensuring that staff and students involved in any programme or activity involving children / young people and / or vulnerable adults are adequately inducted;
- f) Informing the University relevant officer of any specific child protection measures for the programme or activity, including, where appropriate, the name of any appointed person for those child protection measures;
- g) Ensuring that in drawing up partnership and Memorandum of Understanding (MOU) the requirements of the Safeguarding Policy are included and reflected in all relevant documentation;

- h) Ensuring that suitable procedures are in place within their sphere of responsibility which authorises, or otherwise, members of staff and students to bring children or young people onto University premises.

16.3 Involvement of Parents, Carers, Guardians and Legal Representatives

The University is committed to ensuring that parents, carers, guardians and legal representatives are fully aware of the activities and risks that children, young people and (where possible) vulnerable adults may encounter in University activities.

In circumstances other than where the young person is a student or employee of the University, parent/guardian/carer, consent will be obtained (either directly from the parents, guardian or carer of the individual or through a school or other organising body) before the University undertakes an activity involving children or young people, or (where it is appropriate) vulnerable adults, whether on or away from University premises.

Where a student is under 18 at the point of admission to the University the guidelines in this policy will apply.

17.0 RESPONSIBILITY RELATING TO ALLEGATIONS OF HARM

It is the University's policy that:

- a) If any member of staff or any student has knowledge concerns or suspicions that a child, young person or vulnerable adult is suffering, has suffered or is likely to be at risk of harm, then he/she must refer the matter to the relevant University officer who will liaise with the relevant statutory agencies.
- b) In addition, if any member of staff or student has specific concerns relating to a child, young person or vulnerable adult's safety or welfare on any programme, activity or during their use of University facilities they should raise the matter with their Dean of School, Head of department/section or relevant University officer.
- c) Any referrals made to the relevant University officer will be considered prior to being referred on to the relevant statutory agencies as soon as possible.
- d) Disclosures within the Counselling Service will be dealt with under the relevant professional Code of Conduct. Information will be passed to the relevant University officer when deemed appropriate by the Counselling Service.



Under the Kenyan law, it is an offence for any person aged 18 or over to engage in any sexual activity with a person under that age where they are in a position of trust in relation to the younger party. A position of trust includes looking after children and young people who are in full time education.

18.0 CHILDREN/YOUNG PEOPLE OF STAFF AND STUDENTS

Students and Staff with children are responsible for ensuring that they comply and follow rules provided by the University or the Service that they are visiting. Staff and students who bring children or young people onto University premises are primarily responsible for the supervision and safety of those children or young people.

19.0 SENSITIZATION AND GUIDANCE

It is essential that sensitization is provided to key staff and students on relevant issues connected with this policy. The University will provide sensitization through dissemination or briefing of relevant staff and students from time to time. The sensitization will be provided by relevant officers in various departments/sections and will be overseen by the Office of the DVC (APF).

20.0 POLICY IMPLEMENTATION

This Policy shall take effect from the date of approval by the University Council. The VC shall ensure effective implementation of this policy.

21.0 REVIEW OF THE POLICY

This policy shall be reviewed after every three years or as need may arise.



ANNEX A: SAFEGUARDING AND DUTY OF CARE POLICY PROCESS

DEVELOPMENT MAP

Stage 1: Need Identification

Stage 2: Policy Development (Discussion at Committee level)

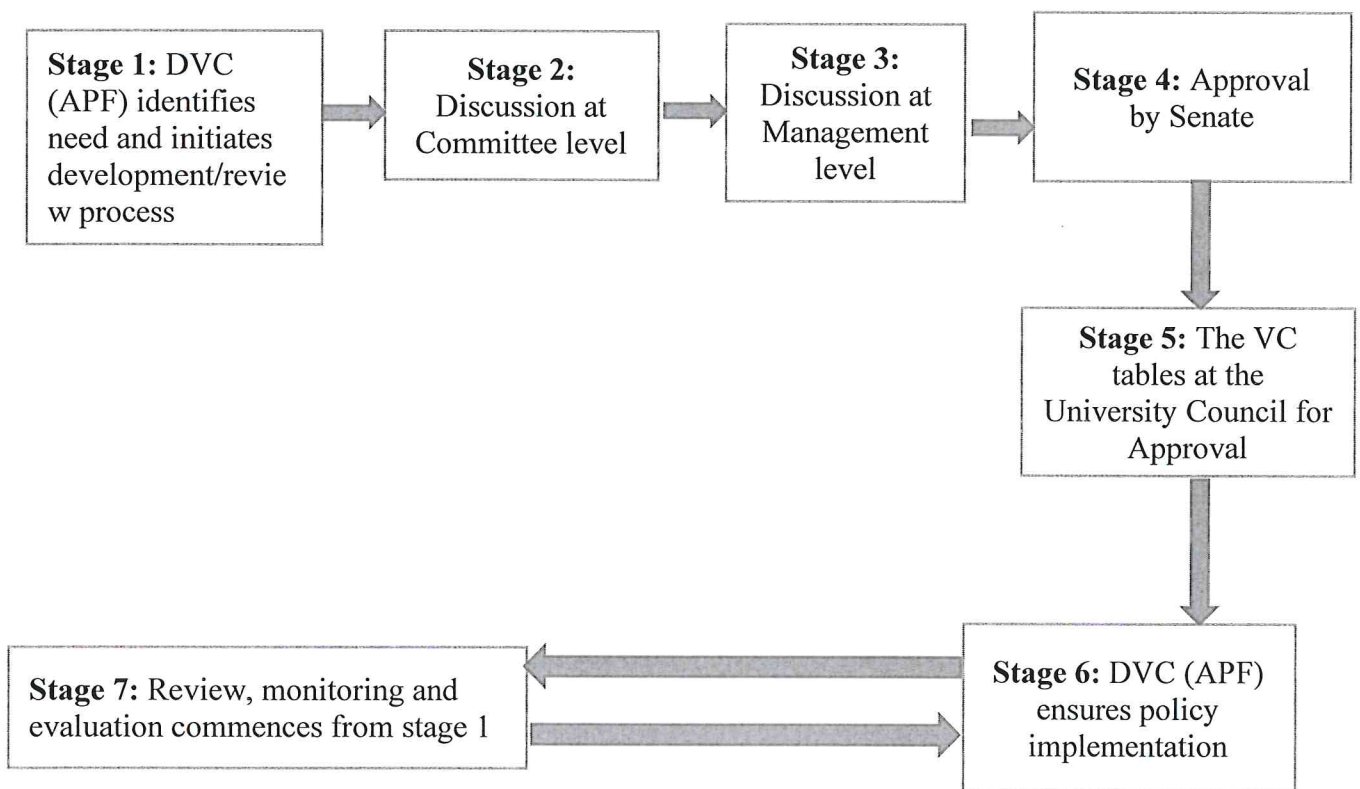
Stage 3: Discussion at Management level

Stage 4: Approval by Senate

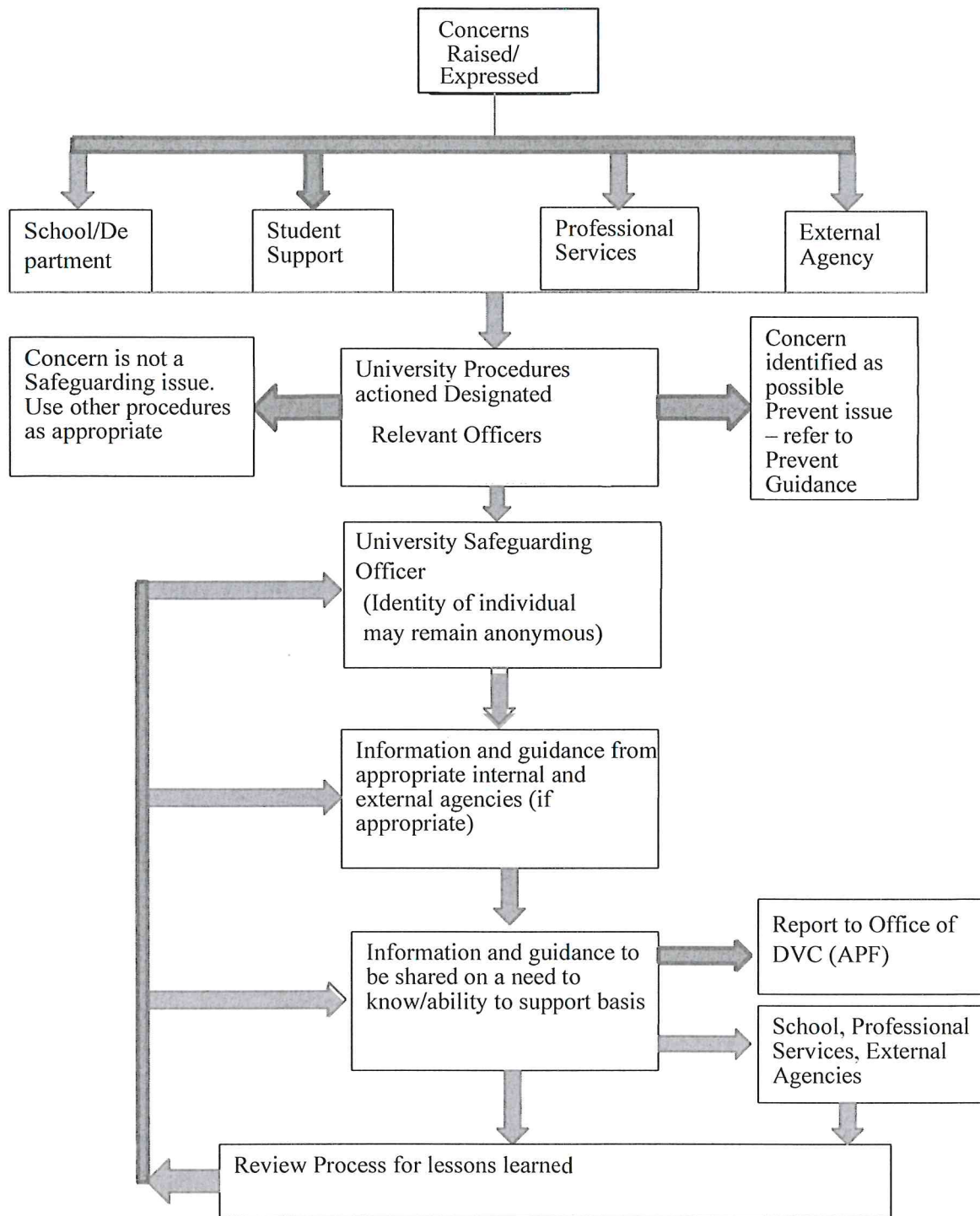
Stage 5: Approval by University Council

Stage 6: End User Implementation

Stage 7: Review, Monitoring and Evaluation



ANNEX B: REPORTING PROCEDURE FLOWCHART



ANNEX C: RECORD OF RISK ASSESSMENT

MACHAKOS UNIVERSITY: RECORD OF RISK ASSESSMENT

Name of School/DepartmentDate of Risk Assessment

1) What are the hazards?	2) Who might be harmed?	3 a) Evaluate the hazard	3 b) What are you already doing?	3 C) How will you put the assessment into action?	4) How will you put the assessment into action?
List the hazards	List who might be harmed	High: could occur quite easily Medium: Could occur sometimes Low: Unlikely, although conceivable	List what is already in place to the likelihood of harm or to make any harm less serious.	You need to make sure that you have reduced risks to compare what you are already doing with good practice.	Remember to prioritize. Deal with hazards that are high-risk, and have serious consequences first.
Hazard example – Likelihood of practicing teacher students abusing learners while on Teaching Practice.	Learners in secondary (TP stations).	H	Induction/briefing before going for TP	Getting confidential reports from immediate supervisors.	TP coordinators by first and second cycle of assessment and during completion of TP.
Hazard A					
Hazard B					
Completed by:			Signed		



ANNEX D: SAFEGUARDING REFERRAL FORM

STRICTLY CONFIDENTIAL

Machakos University Safeguarding Referral Form

For completion by individual reporting concerns in as much detail as possible

Return to the Relevant Officer

1. Name and address of the person reporting the information:

.....
.....

2. Relationship of the referrer to the child / vulnerable adult (if any):

.....

3. Information on whether the parent or carer is aware of the referral being made:

.....

4. Name, date of birth and address of any alleged or suspected abuser and whether he/she is aware of the referral

Name: Date of Birth:

Address: Tel No:

State if he/she is aware of the referral: Yes / No

5. Nature of referral:

.....

6. Name, date of birth and address of the child(ren) / vulnerable adult(s) involved in the referral:

i. Name: Date of Birth:

ii. Address: Tel No:

7. The name, age and address of any other person who has direct knowledge of the referral:

Name:..... Date of Birth:



Address: Tel No:

Details of any relevant dates, times and places in relation to the referral:

Date: Time:

Place:

8. Name, age and address of the child's parent/main carers and/or the names of those with Parental Responsibility:

Name: Date of Birth:

Address: Tel No:

9. Name, date of birth and address of any other person known to have information on the referral:

Name: Date of Birth:

Address: Tel No:

SIGNED:

NAME:

DATE:

On behalf of Registrar (AP)

Date Form Received:

Action Taken:

Signed:

Date:

