



2.0 Safeguarding

Safeguarding Policy - Guidance

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Introduction

All organisations that work with children (**anyone not yet 18 years old**) and adults at risk should put in place a safeguarding policy stating how they intend to keep those people safe. We have changed from offering a template to providing a prompt sheet for developing your policy.

This is because, although a template can provide a good starting point, it is important that your own policy reflects what your organisation does, who you work with and how you do what you do. This will be almost unique to your organisation, in the way it is staffed, operated and the way it safeguards. The prompt sheet highlights the areas of common, good practice.



Definition

Safeguarding is the term we use to mean the work we do everyday to keep people safe and to prevent incidents of harm, neglect and abuse from occurring.

Safeguarding may lead to responding to an incident after it has happened. This may include reporting the incident, taking steps to help make the person feel safe again, and addressing the situation that allowed the abuse to take place.



Wales Safeguarding Procedures

Wales has one set of Wales Safeguarding Procedures for everyone working in contact with children, young people or adults who may be at risk. The Procedures are freely available by app downloadable to a phone or tablet. Your policy should promote use of the app and compliance with the Procedures.

[Download the Safeguarding Procedures](#)

Clearly this can't be achieved by any one organisation, so how we work together is extremely important. Statutory agencies; the **local authority social services** and the **police**, have a duty to undertake actions, such as investigations, in response to a report of abuse. It is **not** the duty of any other organisation to investigate.

When drafting out your policy, only commit to procedures that you can carry out. Once the policy is in operation, it must be implemented exactly as written. Make sure it says what you intend it to say and that you then help everyone to put it into practice. The safeguarding policy should be signed and dated by an appropriate senior person, usually the chair or chief executive, when it has been approved and accepted by the board/committee.

It is good practice to set a date for review as external policies can change rapidly and your internal policy should be kept up-to-date. Share the policy with your staff (**including volunteers**) and service users; you may wish to provide a summary or easy-read version. Other organisations will have an interest in your policy, which should be a public document, to be shared on request. **The Charity Commission**, your **Regional Safeguarding Board**, your insurer, and many funding bodies may ask about/to see your safeguarding policy. Where funding will support particular work with children or adults at risk, funding bodies may ask further questions about your safeguarding practice and procedures.

Mission Statement

This should state clearly your organisation's commitment to keeping people safe and demonstrate an awareness of specific vulnerabilities which might affect your service users and how you will respond in providing a safe service.

Legislative Framework for Safeguarding

The appropriate legislation that supports safeguarding work in Wales is the **Social Services and Well-Being (Wales) Act 2014**. Summary information and links are below. This includes information on the **duty to report** which may apply to your organisation through a contract, funding arrangement or other service agreement you may have with a relevant partner.*

However, third sector organisations are not listed as relevant partners for the purposes of the duty to report and so without an agreement in place, this will not apply.



Information

There may be other areas of legislation which are specific to your area of work e.g. **Regulation and Inspection of Social Care (Wales) Act 2016**
[Regulation and Inspection \(for social care providers\)](#)

Any organisation making use of **DBS checks** will need a policy regarding the recruitment of ex-offenders based on **Rehabilitation of Offenders Act** which applies across England and Wales: [ROA1974](#)

Due reference should be made to the [Social Services and Well-Being \(Wales\) Act 2014](#), the well-being duty and the provision in **Part 7, Safeguarding**.

Statutory guidance in [Working Together to Safeguard People volumes 1-6](#) determines the actions that individuals and agencies "**must**" and "**should**" do to comply with the safeguarding legislation in the Act.

Definition of “At Risk”



An “adult at risk” is an adult who:

- Is experiencing or is at risk of abuse or neglect;
- Has needs for care and support (whether or not the authority is meeting any of those needs); and
- As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.



A “child at risk” is an child who:

- Is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- Has needs for care and support (whether or not the authority is meeting any of those needs).

*Relevant partners of the local authority have a **duty** to report to the local authority an adult or child at risk where there is **reasonable cause** to **suspect** that they are suffering (**have or may be suffering**) from abuse, neglect or harm.

Relevant partners are:

- The local authority (all departments)
- The neighbouring local authorities
- The Police
- Probation Services
- Youth Offending Service
- Health Boards and NHS Trusts
- Welsh Ministers with certain functions

The Act

The Act also:

- Requires local authorities to investigate where they suspect that an adult with care and support needs is at risk of abuse or neglect ([section 126](#)).
- Provides for adult protection and support orders to authorise entry to premises ([if necessary by force](#)) for the purpose of enabling an authorised officer to assess whether an adult is at risk of abuse or neglect and, if so, what if any action should be taken ([section 127](#)).
- Requires local authorities and their relevant partners to report to the appropriate local authority where they suspect that people may be at risk of abuse or neglect ([sections 128 and 130](#)).
- Establishes a **National Independent Safeguarding Board** to provide support and advice to ensure the effectiveness of [Safeguarding Boards](#) ([sections 132 and 133](#));
- Provides for **Safeguarding Boards** for adults and children and for combining such boards ([sections 134 to 141](#)).

Safer Recruitment

It is important that your organisation uses clear and fair procedures to recruit all staff and volunteers. This can include a [range of measures](#) such as:

- Providing application forms so that applicant information can be easily compared like for like
- Checking out the gaps in a work/life/career history
- Holding interviews with a consistent list of questions asked to each candidate
- Asking about values as well as skills ([NSPCC safer recruitment](#))
- Holding an opportunity for candidates to meet service users or demonstrate their working practice
- Asking for references, right to work and qualifications evidence and always checking that this is genuine.

The use of **criminal record checks** is an important part of safer recruiting but should be used alongside other safeguarding practice. **Disclosure and Barring Service (DBS)** checks can be requested on conditional offer of employment (**paid staff or volunteer**) providing there is **eligibility** to do so.

A role can meet the **eligibility** criteria for an **enhanced DBS check** by the contact required in the role with children and adults at risk and the opportunity to develop a relationship of trust in that role.

Regulated activity is work a barred person can't legally do. To be placed in regulated activity, the worker (**paid or voluntary**) must have an **enhanced DBS check** with a barring list check (**adult/child workforce or both**).



External link

Guidance about regulated activity with children and regulated activity with adults is available from the Department for Education and the Department of Health and Social Care.

[Regulated Activity](#)

An organisation placing just one person in regulated activity is subject to the "**duty to refer**" to the **DBS**, should the worker commit harm or abuse towards a person in their care (see link above).

There are also other safeguards you can put in place once the person starts work such as probation periods, supervision, mentoring and learning opportunities.



See our factsheet on **DBS** checks:

[Disclosure and Barring Service Factsheet](#)

Volunteers

It is important that all volunteers are treated fairly, are given clear expectations of their role within the organisation and are supported to fulfil that role.

People may volunteer because they have specific needs of their own and may need additional support to fulfil their role. In situations where a volunteer has previously been a beneficiary of the provision, support and training may be required.



Example

For a volunteer who has been a beneficiary of a support group, and now wishes to offer that support in return, it can be quite difficult to understand and act in accordance with professional boundaries, although these should be part of the organisation's expectations.

Almost all **DBS** requirements apply to volunteers in the same way as they do to paid staff, apart from one exception, in working with children, volunteers who would be in **regulated activity** are removed from **regulated activity** when they are **supervised** by someone (who is in regulated activity and is checked accordingly with a barring list check) who has oversight of their work at all times, enabling them to see that the quality of their interaction with children is appropriate. The volunteer remains **eligible** for an **enhanced DBS check**, but without the barring list check.

Safeguarding Officer

Appointing and naming a **safeguarding officer** and a **deputy** demonstrates your organisation's commitment to **safeguarding**. They provide an important role in supporting service users and other workers.

The role can sound daunting so support for the two officers, both mutual and from the trustees, is vital. It is also useful to have a named trustee dedicated to **safeguarding issues**. The organisation should say exactly what they expect of their **safeguarding officers**, and who else in the organisation has a role in addressing **safeguarding issues**. Everyone involved should receive training to ensure they know how to carry out their role.

Awareness of Harm and Abuse

Demonstrate an understanding of harm, abuse and neglect, both in general and in the specific ways in which it may affect your service users e.g. families suffering from domestic abuse, older people suffering from financial abuse, young people being groomed through social media:

Working Together to Safeguard People

Volume 5 – Handling Individual Cases to Protect [Children at Risk](#)
Children at Risk p 17

The following is a non-exhaustive list of examples for each of the categories of **abuse** and **neglect**:

- **Physical abuse** - hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions;
- **Emotional/psychological abuse** - threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks, witnessing abuse of others
- **Sexual abuse** - forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening, including:
 - Physical contact, including penetrative or non-penetrative acts.
 - Non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways;
- **Financial abuse** - this category will be less prevalent for a child but indicators could be:
 - Not meeting their needs for care and support which are provided through direct payments.
 - Complaints that personal property is missing.
- **Neglect** - failure to meet basic physical, emotional or psychological needs which is likely to result in impairment of health or development.

Volume 1 p 7

“**Abuse**” means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place), and “**financial abuse**” includes:

- Having money or other property stolen.
- Being defrauded.
- Being put under pressure in relation to money or other property.
- Having money or other property misused.

“**Neglect**” means a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s well-being (for example, an impairment of the person’s health or, in the case of a child, an impairment of the child’s development).

- Undertake the responsibility to act if information arises within your organisation.
- Give clear guidance to all personnel and service users so they feel confident in reporting something that concerns them.
- State your commitment to access safeguarding training proportionate to the roles within your organisation.

Suspected Incidents of Abuse, Neglect or of Harm

The individuals who make up your organisation need to know what to do in response to suspicions of abuse. They need to know how:

- To act in a timely manner.
- To maintain confidentiality.
- To report the facts within the organisation to the appropriate people.

NB: It is not the responsibility of your organisation to investigate.

You do need to decide in advance of any incident occurring, what immediate steps you can reasonably expect staff/volunteers to take to ensure the safety of the people affected - steps which will not compromise their own safety **OR** jeopardise any future investigation by **statutory agencies**.

- Name the individuals who are responsible for specific tasks, give them time frames and methods to help them e.g. a form to fill in.
- List the individuals, agencies and organisations (with their contact details) who should be contacted, or informed, and the process for submitting formal reports.
- Ensure your staff know why they should inform certain agencies, and why they should exercise caution to ensure they do not endanger any individual further e.g. by alerting the alleged perpetrator.
- Be prepared to seek guidance and support by having the contact details for appropriate individuals and agencies internal and external to the organisation e.g. the NSPCC practitioner's helplines.



NSPCC Helpline
Call: 0808 800 5000
[NSPCC helpline](#)

Role of the Board of Trustees

The Board are the people ultimately responsible for **safeguarding** in any organisation, it is a key part of their governance role. The board may nominate or co-opt an appropriate person to be their **Champion** or **lead for safeguarding**.



External link

A template for a charity trustee welcome pack can be found on the Charity Commission website.
[Charity Trustee Welcome Pack](#)

The board should know exactly what functions they have passed onto others in the organisation. The board need an oversight of all the **safeguarding arrangements** put in place, and should see reports at reasonable intervals about the state of safeguarding in the organisation.

They should be swiftly alerted if there is a **safeguarding incident** and are responsible for making a **serious incident report** to the **Charity Commission** as required by charity registration.



External link

Guidance for charity trustees about serious incidents: how to spot them and how to report.
[Serious Incident Reporting](#)

Board members should be subject to recruitment and communication processes to ensure that the Board is made up of appropriate people to make welfare decisions about children and/or adults at risk.



External link

Guidance for individuals about automatic disqualification rules, what to do if you become disqualified and how to apply for a waiver.
[Automatic Disqualification Rules: Charity Trustees and Senior Positions](#)

Confidentiality

There is nothing in legislation (**GDPR / Data Protection Act 2018**) that prevents the sensible sharing of relevant information to prevent harm to an individual or to assist in the prevention or detection of a crime.

Personal information on all personnel and service users should be kept securely and not shared unless there is **legal basis** for doing so. Personnel should understand that any **personal information** they may learn about service users in the course of their work should not be discussed outside the organisation or used for any purposes beyond the organisation.

There should be separate **data protection and confidentiality policies** in place to support data collection, storage and sharing, a [Guide to data protection](#) can be found on the Information Commissioner's Office website. Processing of images should only and always be with the **explicit consent** of the people pictured, and if a child, consent obtained also from their parent/guardian.

Children's data should be treated with special consideration, guidance on how to properly store and process children's data can be found on the [Information Commissioner's Office](#) website.



Important Information

For safeguarding purposes, it is best practice to gain consent from the parent/carer or child of sufficient understanding to make a safeguarding report about a child **ONLY** where this will **NOT** place the child at further risk of harm.

When the report is about an adult, it should be assumed that the adult has the **capacity to make decisions for themselves** unless this has been assessed otherwise, and therefore **has the right to be asked for, or to withhold, their consent**.

Consent should therefore be obtained to make a safeguarding report on an adult **UNLESS**:

- A crime has been committed
- The situation, if not reported, would put other people at risk of similar abuse (e.g. **the suspected perpetrator is known to be working with other people who are at risk or vulnerable in similar circumstances**)
- The individual is subject to undue influence (possibly from the perpetrator or a person with an interest in protecting them), pressure or coercion, which discourages them from giving **consent**.

Communication

It is important to give the clear message that **safeguarding is everybody's business** across the organisation. Beneficiaries are entitled to be informed of your internal procedures and what you will do if a report needs to be made to other agencies.

You may need to consider whether any staff, service users or their families have communication difficulties, speak languages other than Welsh and English, or have impairments to hearing, sight, speech, their ability to read or understand certain terms. **Everyone should know they have the right to speak up about poor practice, raise suspicions or allegations.**

The organisation has a duty to communicate with other agencies (**Social Services**, the **Police**) to best support their service users and to fulfil their safeguarding responsibilities. It is vital to plan and prepare for the appropriate sharing of information beyond the organisation.



Information

The Wales Accord for Sharing Personal information can provide further guidance.

[Wales Accord for Sharing Personal Information-WASPI](#)

Responding to Allegations Against a Person Within the Organisation

If an allegation is raised against someone within the organisation, you should have clear guidance for immediate steps to take to ensure the safety of the people affected (steps which will not compromise their own safety **OR** jeopardise any future investigation by **statutory agencies**).

There should be staff disciplinary measures in place to address the issue, which may include suspension without prejudice, if appropriate. Different procedures may be invoked if the person is not an employee or volunteer. All procedures should strive to be fair to all the individuals involved, whilst maintaining their safety.

It will be necessary to report the incident to **Social Services** where there is a safeguarding allegation, to the **Police** if a crime is suspected, who will carry out their own investigations requiring your co-operation and factual, relevant information.

If the individual was in **regulated activity**, the duty to refer to the **DBS** may be required, at the point at which the decision is made to remove them from regulated activity (or if they remove themselves **e.g. through resignation**).

Whistleblowing (Disclosure in Public Interest)

Whistleblowing is making a report in the public interest (**Public Information Disclosure Act 1989**, **Protect**) where there is **wrongdoing, risk or malpractice**.

The Act provides for protection for certain employees, as well as contractors, trainees and agency staff, but not yet for volunteers.

There are correct methods for whistleblowing that must be followed, and a helpline for employees.

Special Considerations

There may be a need within your policy to consider the specific activities of your organisation, the way you operate or the needs of a service user group. Build these into your policy to ensure that it is tailored to your organisation.

Specific Examples

Example One:

Child Performers (may in part also apply to child artists)

Child performers are children first and foremost and should be treated accordingly:

- With respect, accorded their rights to dignity and privacy
- Given appropriate and regular breaks, for meals and comfort, and to prevent tiredness and burnout
- Given appropriate guidance to shape their performance or participation which does not bully the child or belittle their efforts
- Supported at all times to participate appropriately alongside all other contributors and in all elements of the production
- Consulted on their level of participation and not pressurised into too many or too lengthy engagements
- Careful consideration given to their part in any publicity and protected from inappropriate exposure e.g. identification, in the (social) media



Children in Entertainment

More information on Children in Entertainment, Child Performance Licenses and the Law can be found on the Cardiff Council website:

[Children in Entertainment](#)

Child Performers - Checklist

Parental Consent Form

For regular activities; one-off and special events

Medical Information Form

With notification details in case of emergency

Code of Conduct for all

Shared with all persons involved

Parent as Chaperone Information or Named chaperones/tutors

When responsible only for own child(ren) / per group or individual child and appropriately checked

Transport Arrangements

Other than by parent themselves or by informal arrangement

Communication Plan

Body of Persons Approval

Sought on all appropriate occasions amateur performances

Adherence to Child Working Conditions

At all times when engaged under individual license (salaried)

Appropriate Insurance

Specific Examples

Example Two:

Community Events

When events are held open to the public (e.g. **craft fairs, open days, street festivals, carnivals**), the **organising committee** has a general duty of care to safeguard anyone who might attend.

Members of the public who may be vulnerable (e.g. **children/adults at risk**) and who choose to attend an event remain the responsibility of their accompanying parent/carer. The **organising committee** are not responsible for such and there is no eligibility for **DBS** checks for committee members in this capacity.

Where children or adults at risk are to play a particular role in the event e.g. **in a choir or dance group**, the leaders of that specific activity should be appropriately checked and trained to offer the support that the children/adults need to deliver their part as planned, with the minimum of stress, distress or risk to the individuals involved.

Good practice in planning in advance for any situation e.g. **lost children or a medical emergency**, should include elements that meet the needs of people when they are their most vulnerable. Any area specific to children, including a muster point for missing children, should be staffed by appropriately checked and qualified personnel.

All **First Aiders** should be qualified and hold ID. Organisations such as **St John's** and **Red Cross** will have addressed these requirements and carried out **DBS** checks as appropriate but it is good practice to confirm this. Staff or volunteers who are **First Aiders** in addition to other roles they hold within the organisation are not eligible for **DBS** check just because of their First Aid duties.

Team leaders should have communication devices to call back up immediately should this be required e.g. **ambulance or social services**.

Community Events - Checklist

Health and Safety

Good practice guidelines are in place

Local Police and relevant agencies are informed

With notification details in case of emergency

Required licences obtained

Company Insurance

including public liability, is sufficient to cover the event

Have a Plan B

if possible e.g. if it rains!

Other Related Policies

Don't forget to list all your other organisational policies that link to the safeguarding policy (this saves you from repeating them). They might include:

- Recruitment of ex-offenders (if you use **DBS** checks)
- Lone worker policy (if this takes place)



Cefnogi Trydydd
Sector **Cymru**

Third Sector
Support **Wales**

Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact
<https://thirdsectorsupport.wales/contact/>

Disclaimer

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.