



# Drewsteignton Community Society Ltd

## Safeguarding Policy

### Aims

The aims of the Drewsteignton Community Society Limited (DCSL) safeguarding policy are to provide an environment where all can work safely; DCSL will take every reasonable precaution to minimise risk while providing training and development activities to ensure all staff are aware of safeguarding responsibilities and procedures.

### Rationale

The rationale of the policy is to contribute to the personal safety of all those using our facilities and resources, through actively promoting awareness, good practice and sound procedures. DCSL is committed to ensure that all and specifically those that are vulnerable are kept safe from harm while they are involved with our organisation.

### Principles

The policy aims to ensure that all involved with DCSL: staff, customers, linked employers, freelance trainers', stakeholders, and visitors are safe from harm and abuse, harassment and bullying. Harm and harassment have formal legal meanings within civil and criminal law. Safeguarding also includes all staff acting in a responsible way to avoid any false allegations of inappropriate behaviour being made about their conduct that would give cause for concern. This policy is based on the law and statutory guidance applicable in England only. The Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 deal with aspects of regulated activity (see below). The Equality Act 2010 and the Health & Safety at Work Act are also relevant to safeguarding. All company personnel have a legal duty to report instances of harm and abuse in regulated activity to the Disclosure & Barring Service (DBS) following action in accordance with staff disciplinary procedures where appropriate. In addition to the legal aspects, it is our policy to ensure that all persons working and training with us respect each other and strive to help each other in a professional and caring manner.

### Roles and Responsibilities

DCSL has a Safeguarding Officer (Designated person) who has received training in this specific duty and who is responsible for maintaining their professional development in this area and overseeing and coordinating the organisation's approach to Safeguarding and the training of staff. However, all staff have a personal responsibility for safeguarding the welfare and wellbeing of all children and adults at risk of harm by protecting them from abuse which may be:

- Neglect
- Emotional or Psychological abuse
- Physical abuse Sexual abuse
- Financial or material abuse
- Discriminatory abuse

In addition to the above- all personnel have a responsibility to undertake the safeguarding training provided by the company or third parties: Safeguarding is everyone's responsibility.

# Drewsteignton Community Society Ltd

## Safeguarding Policy

The directors are accountable for the execution of this policy throughout the organisation. The Safeguarding officer (Designated person) is responsible for providing the directors with information pertaining to Safeguarding and such notifications will be addressed where required, under the health and safety agenda item of all Board meetings.

The Safeguarding Officer shall ensure active compliance with this policy by all staff, trainees, stakeholders' freelance trainers and linked employers. All staff will actively endeavour to implement this policy. The aim of safeguarding actions with regard to personnel is to ensure as far as is possible that anyone, who seeks to work with children and young people or vulnerable adults where appropriate through the organisation's activities and who gains substantial access to them thereby (whether within activity hours and/or beyond) is as safe to do so in safeguarding protection terms as can be guaranteed.

### **Recruitment**

DCSL will ensure that recruitment processes and employment offers are compatible with the safeguarding principles and meet legislative requirements in terms of relevant pre-employment checks via the DBS. The designated person and HR leads will be responsible for the provision of information and guidance in terms of appropriate practice in the recruitment selection process. It should be noted at all times the onus is on the applicant or trainee to reveal any conviction, caution, bind-over, probation order, or pending prosecution, whether imposed prior to or within the period the applicant works on work activities. The applicant shall produce proof of identity, preferably passport or photographic driving license, and additionally provide proof of residence, which should be checked by the recruiting manager.

The Safeguarding Officer and HR lead are accountable for the following checks being carried out on all prospective employees whose work may create a situation of substantial access to children, young people and vulnerable adults:

- DBS criminal records check at enhanced level including barring and police disclosure where legal and appropriate (without breaching the Rehabilitation of Offenders Act) but complying with regulated activity safeguarding requirements.
- References are sought and checked as nominated by the applicant. Such references must come from a person who is not related to the applicant and who preferably knows of the applicant's character, trustworthiness, any previous experience of working with/looking after children and young people.

The Safeguarding Officer and HR team will not accept any previous reference, police check, social services endorsements provided by an applicant in substitution for the above enquiry process. At all times the initiative must lie with our organisation to make its own, completely independent enquiries.

### **Records**

Record keeping shall be in accordance with our personnel policies and will comply with the Data Protection Act. The safeguarding officer is to keep records of all incidents of harm, abuse, harassment and bullying and not to destroy those records where relevant to harm or abuse. The

# Drewsteignton Community Society Ltd

## Safeguarding Policy

Data Protection Act applies to the safekeeping of the records which are to be kept locked away with a clean desk policy applied. However, the Data Protection Act's normal destruction requirement does not apply to records of harm and abuse by staff since police and the DBS may require these documents at a later date. These records can and should contain any information proven at the time or unproven in order to develop a track record of events which may be relevant to a subsequent inquiry. Records will be held securely.

### **Disciplinary Procedures in Relation to Regulated Activity**

If a person is accused of an act of harm or thought to have committed one as defined by law, they can be suspended and requested to remain away from work while an investigation takes place into the incident. This is called 'neutral ground'. Staff may not visit the person in neutral ground to give information about the progress of the disciplinary inquiry without the formal permission of the HR Manager and Safeguarding Officer. It is not a disciplinary matter at that point because no offence has been proven. If no offence can be proven then following advice from HR and the Safeguarding Officer and relevant services where appropriate, the person may be reinstated.

If a police officer notifies the company that the disciplinary procedure or any subsequent reporting to DBS should be halted pending a police investigation that instruction will be complied with by all staff members involved.

False accusations against staff or trainees will be reported to the police as potential criminal offences as well as disciplinary offences. If the person is found to have committed harm, they may be dismissed in accordance with disciplinary procedures. At this point the managing director or the disciplinary manager will instruct the safeguarding officer to complete the DBS reporting form and send full details of the case including previous notes of other relevant

incidents or concerns to the DBS for investigation by a senior case officer. If the staff member resigns, retires or flees at any point during 'neutral ground' or disciplinary procedures thus making it impossible for the procedures to be completed, then the law requires that the managing director shall instruct the safeguarding officer to report that staff member to the DBS for further investigation regardless of their location and status.

### **Harassment**

No staff member or trainee shall be harassed. No staff member or trainee shall harass any visitor, client, customer or employer.

### **Harassment can be of two kinds:**

- civil harassment linked to discrimination under the Equality Act 2010 and criminal harassment linked to the Protection from Harassment Act 1997
- racial harassment under a range of Police laws.

Staff and trainees have the right to complain about harassment and will be protected by the organisation's whistle-blowing policy.

# Drewsteignton Community Society Ltd

## Safeguarding Policy

### **Bullying**

Although bullying is not precisely defined in law, any physical or mental duress which makes a person feel as though they are being forced against their will to act in an inappropriate way or to feel unduly stressed, or to be alarmed at the thought of coming to work, will be deemed to be bullying and may also be harassment.

However, the reasonable requests of Line Managers for staff to do their work to the required quality and for trainees to actively take part in training cannot be misconstrued as bullying.

### **Reporting & Confidentiality**

It is the duty of all staff to report incidents of concern whether they affect regulated activity or not. It is also the duty of staff to protect and assist colleagues when they wish to report. Our organisation has an open style of management and we wish to support anyone who feels concerned about their treatment. Although any reported incident will be kept confidentially in line with policy and data protection, staff cannot – and must not – promise confidentiality when harm is reported since the law requires that police and social services and the DBS are told. The person reporting and the person harmed will be protected.

It is their legal right to remain anonymous to other staff and the public. However, the safeguarding officer has a duty to pass on the names and details of any child or adult who has been harmed to relevant authorities.

### **Harm**

Although adults will understand the general meaning of harm and abuse in normal parlance, it is not possible to say that a person has ‘harmed’ a child or adult in a legal sense unless we understand what legal harm is.

Types of harm can include (but are not limited to):

- Emotional / Psychological - Action or inaction by others that causes mental anguish.
- Physical - Any intentional physical contact that results in discomfort, pain or injury.
- Sexual - Coercion or force to take part in sexual acts
- Neglect - Failure to identify and / or meet care needs.
- Failure to identify and/or meet care needs.
- Financial – Usually associated with the misuse of money, valuables or property.
- Verbal – Any remark or comment by others that causes distress.

To satisfy the harm test there needs to be credible evidence of a risk of harm to vulnerable groups including children such as statements made by an individual regarding conduct/behaviour, etc.

For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults.

The Safeguarding Officer is required to provide information relating to the person’s conduct, (including copies of relevant documents), namely:

# Drewsteignton Community Society Ltd

## Safeguarding Policy

- a) A summary of the conduct including details of the setting and location in which such conduct occurred.
- b) Details of any harm suffered by any child or vulnerable adult resulting from or arising from the conduct or any risk of harm that a child or vulnerable adult was, or may have been, exposed to as a result of such conduct.
- c) Whether the person you are referring has accepted responsibility for or admitted the conduct or any part of it.
- d) Any explanation offered by the person you are referring for the conduct or any remorse or insight demonstrated by them in relation to the conduct.
- e) Any information other than that relating to the person's conduct which is likely to, or may, be relevant in considering whether they should be included in or removed from a barred list including information relating to any previous offences, allegations, incidents, behaviour or other acts or omissions.

# Drewsteignton Community Society Ltd

## Safeguarding Policy

### Annex 1

What do you do if someone makes a disclosure to you? If someone confides in you:

- Remain calm, approachable and receptive
- Explain that you cannot offer confidentiality and based on what you hear, you may need to report this to your company Safeguarding Officer/designated person
- Listen carefully without interrupting
- Make it clear that you're taking what is being said seriously Acknowledge you understand how difficult this may be
- Reassure them they've done the right thing in telling
- Let them know that you'll do everything you can to help them

Then you must:

- Record carefully using their words and sign, date and time your notes (only record what has been said, and what you observed)
- Continue to be caring and supportive for them

### Best working practice

- Be friendly, courteous and kind- a good role model
- Treat all with dignity and respect regardless of age, sex, ethnicity, disability or sexuality
- Be available to listen and ready to refer to someone more experienced- in this case the safeguarding officer or the deputy designated personnel
- Respect personal privacy but recognise the difference between privacy and offering confidentiality
- Be sensitive to the needs and preferences of others
- Never make belittling or discouraging remarks
- Do not use inappropriate language and subject matter.
- Be careful not to do or say anything that could be misunderstood or be interpreted as innuendo
- Avoid any questionable behaviour /communication in face to face: telephone: email and social media activities
- Challenge unacceptable behaviour and report any allegations or suspicions of abuse
- Never ignore or trivialise bullying.
- Ensure that all, and especially those who are vulnerable are kept safe from harm whilst they are involved in and with the organisation
- Follow this policy and contact the Safeguarding officer or designated personnel if you are not sure about what to do

### Procedure for responding to an allegation of child abuse.

#### Recognition

This procedure must be followed whenever an allegation is made that a child or vulnerable adult has been abused or when there is a suspicion that a child or vulnerable adult has been abused or such information has been disclosed.

# Drewsteignton Community Society Ltd

## Safeguarding Policy

### **Respond**

Do not make promises regarding confidentiality. Explain to the person at the outset that you will need to report the disclosure and share the information with the respective Line Manager and the designated Safeguarding person.

### **Report**

The respective Line Manager and Designated person should be advised of any matter that could be regarded as a Safeguarding issue. The Line Manager should be advised either in person or by phone as soon as possible. The designated person should also be contacted by phone; e-mails to communicate such information should be avoided.

### **Record**

A record of the incident or concern should be made in writing. If the complainant is the child or vulnerable adult him/herself, questions should be kept to the minimum necessary to understand what is being alleged and leading questions should be avoided. The use of leading questions can cause problems for the subsequent investigation and court proceedings. The record should focus on the facts.

### **Refer**

The Safeguarding Officer or Designated/Deputy designated persons will decide if the matter needs to be reported to an external agency (Adult or Children Safeguarding Boards, the Local Authority or the police) In circumstances where no designated or deputy designated person is available and it is judged that an external referral is required the HR department should be advised of this and they should make the decision if a referral is required The Designated persons can also seek advice from external agencies in terms of whether a referral should be made.