Cobseo
The Confederation of Service Charities

Safeguarding Policy Aide Memoire

Version 1
Effective from: **23 April 2018**

This Safeguarding Aide Memoire highlights the importance attached by Members to ensure their safeguarding arrangements for children and vulnerable adults are consistent and in line with public and regulatory expectations. It includes:

- A Collective Approach to Safeguarding Policy - providing a basis for members to ensure the scope of their own safeguarding policy and procedures include the elements of good safeguarding practices; and
- A Summary of Assistance – listing some of the sources available to members to ensure the highest operational standards are maintained.

Safeguarding encompasses a broad range of 'Regulated Activities' undertaken by Members to ensure children, youths below the age of 18 and vulnerable adults, with whom they are assisting, are protected in an effective way from harm, abuse or neglect. Whilst, all persons in an organisation are responsible for safeguarding, it is those involved in activities working directly with vulnerable persons, case managing or overseeing others working with them who must demonstrate most frequently the responsibility to ensure they are protected. Note the collective term 'vulnerable persons' is now more commonly referred to as two separate groups of individuals, i.e. 'Adults at Risk' and (all) 'Children'.

The Charity Commission in December 2017* described the purpose of safeguarding and promoting well-being and welfare as:

- Protecting the rights of adults to live in safety, free from abuse and neglect
  (Based on: s14.2, Care Act 2014 from www.gov.uk/government/uploads/system/uploads/attachment_data/file/315993/Care-Act-Guidance.pdf)

- Protecting children from maltreatment; preventing impairment of health or development; ensuring they are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable them to have the best outcomes
  (From: Working Together to Safeguard Children (2015), HM Government www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf)

* Source: www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities/strategy-for-dealing-with-safeguarding-issues-in-charities

More specifically, the Lord Chancellor's Department (1997), reproduced by the Department of Health (2000)**, described an adult at risk as:

- People aged 18 or over;
- Who is or may be in need of community care services by reason of mental or other disability, age or illness; and

- Who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation

**Source
www.gov.uk/government/uploads/system/uploads/attachment_data/file/194272/No_secrets__guidance_on_developing_and_implementing_multi-agency_policies_and_procedures_to_protect_vulnerable_adults_from_abuse.pdf

Member organisations acknowledge there will be scrutiny of their approach to safeguarding by regulators and interested third parties, in particular those activities that can be reasonably regarded as a 'regulated activity' (see Annex 1). The Confederation acknowledges a broad interpretation of the likelihood of a Member organisation's activities falling into the regulated category is regarded as prudent.

To support the membership to advocate the integrity of the military charities sector, Cobseo will update this aide memoire as appropriate in line with changes in the regulatory requirements.

Collective Approach to Safeguarding Policy
Trustees and personnel of Member organisations working with vulnerable persons undertake to always act in the best interests of these individuals and ensure they take all reasonable steps to prevent harm to them.

This policy aide memoire is applicable to Member organisations who work with adults at risk and/or children as:

- An active element of their delivery operations; or
- Who may be planning to undertake activities in the future; or
- Fund other organisations to provide the delivery of services.

Each Member organisation accepts its responsibility to set out in writing their own safeguarding policy; to embed good safeguarding practices into the everyday work of the organisation; and to review them regularly (e.g. every two years) to identify opportunities to improve the effectiveness of their safeguarding policy. Their policy and practices should achieve an appropriate level of safeguarding proportionate to the level of risk inherent in the activities to be undertaken with adults at risk and children. The assessment of level of risk is recognised as a subjective judgement that, generally, has to be made on a case by case basis by each individual Member organisation.

Member organisations undertake in their policy and practices to satisfy themselves they have in place the following:

Delivery of services to adults at risk and children

- **A clear and comprehensive safeguarding policy agreed by the trustees and evidence collected when undertaking regulated activities of its effective implementation.**
    - The NSPCC has guidance on preparing a safeguarding policy for children and young persons and the procedures that should be in place (www.nspcc.org.uk/preventing-abuse/safeguarding/writing-a-safeguarding-policy/).
    - An example of a safeguarding policy for adults at risk from a local Adult Safeguarding Board and further informative guidance on safeguarding practices is available from the NCVO (www.knowhownonprofit.org/organisation/operations/safeguarding).

- **A specific trustee should be designated with responsibility for the senior oversight and conduct of the implementation of the safeguarding policy.**
    - This trustee, as minimum as at board level, should be prepared to undergo a DBS check where, in order to perform their oversight role, it may be necessary for them to be involved in a regulated activity and/or its management review. Other persons at board, and where part of their decision-making hierarchy involves executive or sub-committees, relevant participants should be prepared to undergo a DBS check.
    - All senior and field personnel should undergo recognised safeguarding training relevant to children or adults at risk or both, depending on the nature of the Member organisation's present and intended future activities.
- **Clear, written and well understood training, checking and information gathering arrangements** for all involved in working in a regulated activity with adults at risk and/or children, including as part of field work, services delivered in the community or office/centre, assessment and case management.
    - Record-keeping arrangements to demonstrate good safeguarding practices will include, but not limited to, the:
        - recruitment and assessment of new staff, contractors and volunteers;
        - clear and relevant role descriptions for both paid and volunteer roles;
        - delivery and recording of induction and refresher training;
        - maintenance of valid DBS checks; and
        - recording the handling, access and use of casework information.
- **Where an incident arises that contravenes a safeguarding requirement**
    - Incidents can arise for a variety of reasons ranging from procedural deviations from an established safeguarding policy and practices, to safeguarding concerns about an individual.
    - All incidents should be promptly investigated by the management of the Member organisation.
    - Where an incident is found to raise safeguarding concerns, it should be reported promptly to the relevant authorities (e.g. police, regulators, local safeguarding bodies), together with the course of action taken, or to be taken, by the Member organisation.
    - Where there is contractual obligation to a funding body to report an incident, it should be reported promptly, together with the course of action taken, or to be taken, by the Member organisation.
    - The Member may also inform Cobseo who, if requested, can advise on the restoration and communications aspects of such an incident. Care should be taken by the Member organisation to ensure confidential personal details are not inadvertently shared and the anonymity of individuals are protected.

<u>Funding activities involving adults at risk and children</u>

Member organisations who fund other organisations to deliver services to adults at risk and/or children should, as part of their due diligence approach, take steps to reassure themselves a recipient organisation has appropriate safeguarding policies and practices in place and that these are implemented effectively. These measures should include:

- A bidding and appraisal process, which requires receipt and review of the safeguarding policy of the applicant, together with evidence of the working procedures followed to ensure it is complied with consistently;

- Verification of the recording of DBS checks; approach to determining Standard and Enhanced DBS checks; how a safeguarding policy is embedded into working practices; and training undertaken by those staff, volunteers and/or contractors likely to be involved in the funded work;
- Where funds are approved, the funding body should specify what it regards as a 'reportable' incident and request safeguarding updates as part of interim and end of project reporting by a recipient organisation; and
- Where an incident of poor compliance by a recipient organisation occurs, it would be a requirement to report this promptly to the funding body, together with the course of action taken or to be taken by the leadership of the recipient organisation.

Trustees of Member organisations (or for Charities without a Trustee Board, those who serve on its governing body) will have regard to UK (and where relevant home nation) guidance and regulations overseeing the safeguarding activities by their organisation.

Advice, Assistance and Training

The Charity Commission (www.gov.uk/government/organisations/charity-commission) offers advice and guidance for charities registered on safeguarding of children and young persons. Its principal documents on the subject are: 'Safeguarding Children and Young People' (2014) (www.gov.uk/government/publications/safeguarding-children-and-young-people/safeguarding-children-and-young-people) and ' Strategy for Dealing with Safeguarding Issues in Charities' (2017) (www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities/strategy-for-dealing-with-safeguarding-issues-in-charities).

Member organisations operating in Northern Ireland should be aware of the guidance on child safeguarding produced by the Charity Commission for Northern Ireland, in conjunction with the Northern Ireland Commissioner for Children and Young People (http://www.charitycommissionni.org.uk/start-up-a-charity/things-to-consider-before-starting-a-charity/working-with-children-and-vulnerable-adults).

Member organisations operating in Scotland should refer to the independent public regulator responsible for the care and welfare of children and adults at risk, the Social Care and Social Work Improvement Scotland (www.qcs.co.uk/social-care-and-social-work-improvement-scotland-scswis).

The National Society for the Prevention of Cruelty to Children (NSPCC) has a wide range of policies and practical advice on implementing safeguarding arrangements involving children (www.nspcc.org.uk/services-and-resources).

In 2013 the Department of Health issued a statement on government policy concerning the arrangements HM Government would put in place to support adult safeguarding (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197402/Statement_of_Gov_Policy.pdf) It focussed on the arrangements for adult safeguarding in local authorities around statutory Adult Safeguarding Boards. These boards work in partnership with other agencies, including charities, to ensure safeguarding and delivery of services to adults at risk are achieved. Several boards have published their safeguarding policies as the basis for the practices they expect organisations in their area to meet. These policy documents could be used as templates for Member organisations to develop their own policy and practices for activities affecting adults at risk. There are numerous local authority websites providing details of the local board and its policies. Similarly, for reference, NHS England has a

published its safeguarding policy for children and vulnerable adults (www.england.nhs.uk/wp-content/uploads/2015/07/safeguard-policy.pdf).

The National for Voluntary Organisations (NCVO) has produced a comprehensive guide to safeguarding for voluntary organisations (knowhownonprofit.org/people/volunteers/keeping/ncvosafeguardingforvolunteerivolvingorgs.pdf). In this guide a list of the main points to include in a safeguarding policy is presented. For information, the list is summarised in Annex 2.

The Social Care Institute for Excellence is a good source of additional guidance. They also offer training (www.scie.org.uk/adults/safeguarding).

Cobseo is a Confederation that actively shares knowledge and activities for the benefit of the Armed Forces community. Training events and Members' events organised or funded by Cobseo are made available for staff, executives and trustees. A full diary of training events is published on the Cobseo website (www.cobseo.org.uk).

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Annex 1

Identification of Regulated Activities relating to Safeguarding

(Source: NCVO, with further guidance from DBS and Department for Education)

Regulated Activity relating to children and young people

Important: this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education.

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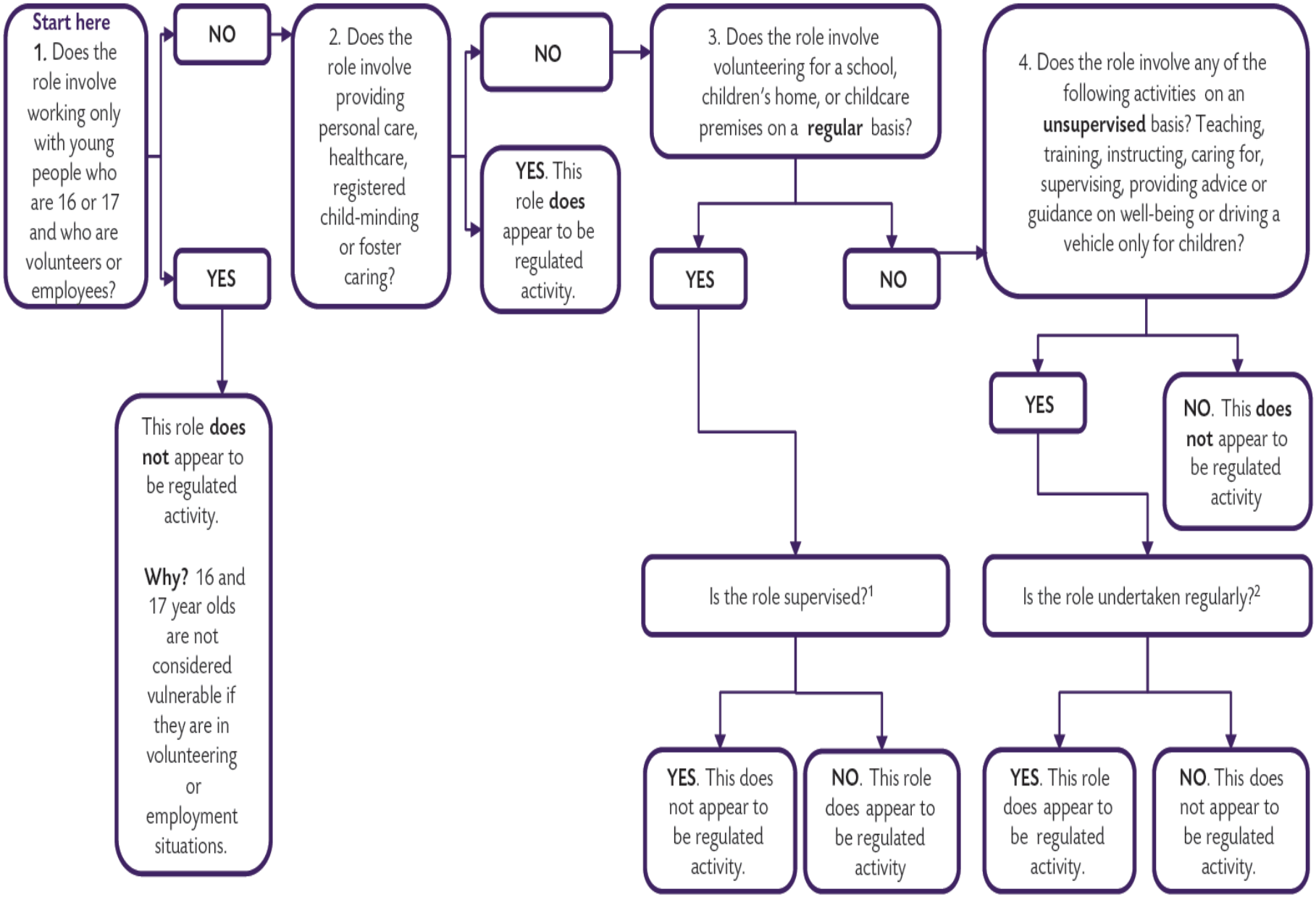


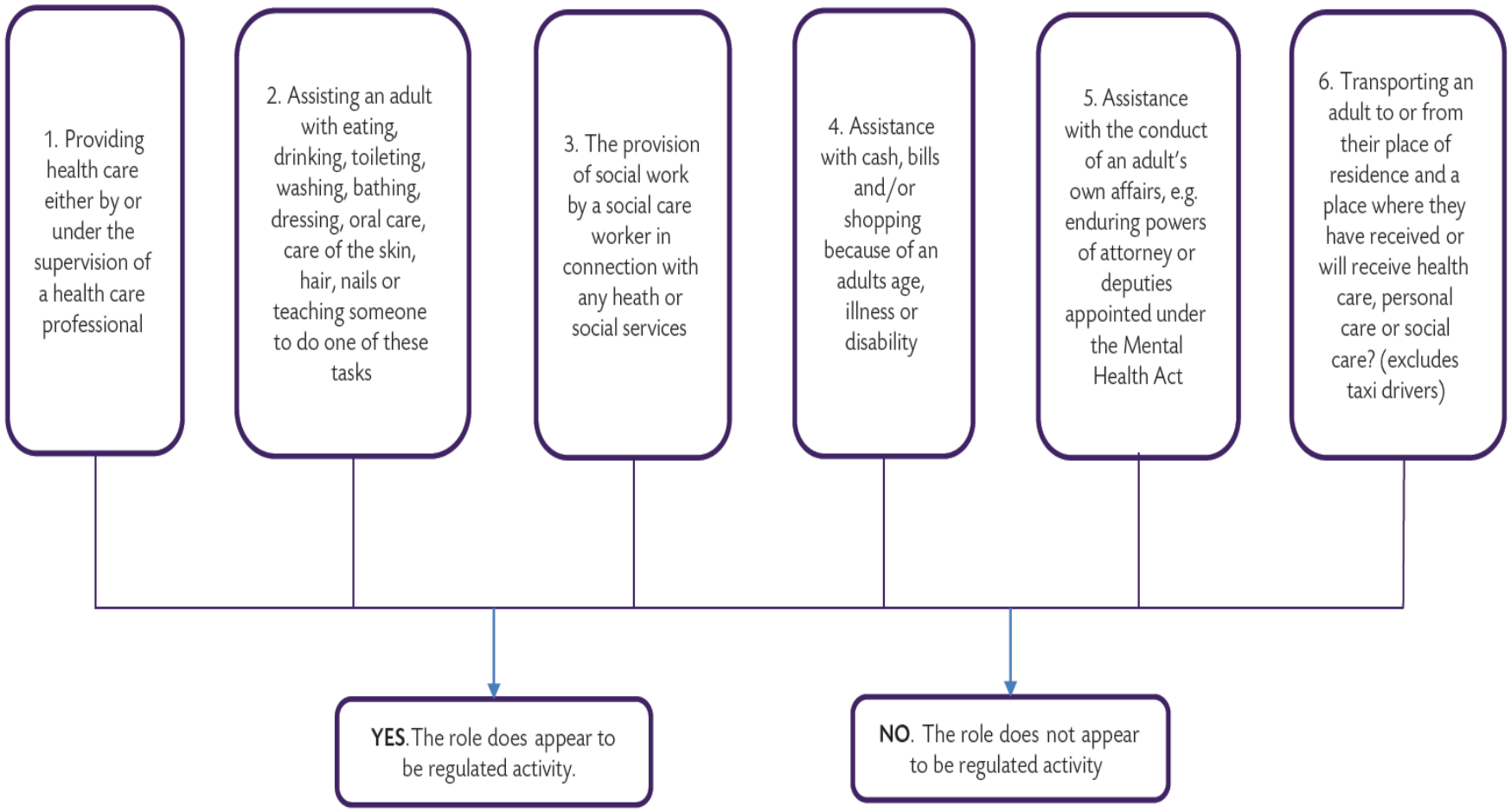
Notes:

1. Supervised means regular supervision by someone who themselves is in Regulated Activity. See the Department for Education's guidance on supervision.
2. Regular means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight)

Regulated Activity Relating to adults

Important: this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education.

Does the role involve any of the following activities?



Note – anyone who provides day-to-day management or supervision of persons involved in these activities are in Regulated Activity

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Annex 2

Points to Include in a Safeguarding Policy

(Amended from: 'Safeguarding for Volunteer Involving Organisations'(undated), NCVO)
The list in non-exhaustive

Commitment, personnel and working arrangements:

- State an organisation's commitment to protecting its clients, employees, contractors and volunteers from all forms of abuse, including physical, emotional and sexual harm
- State the 'safe' recruitment and selection actions used (e.g. clear job descriptions, in-depth interviewing, robust references, job shadowing, induction and likely future training) to identify suitable staff and volunteers to be involved in safeguarding situations
- State the operational supervision and senior oversight arrangements followed within an organisation
- Outline the circumstances when the organisation's activities may involve a safeguarding requirement that is a regulated activity and the working arrangements and record-keeping expected to be followed
- Commitment to provide information to staff, contractors and volunteers on the required procedures involving safeguarding to be followed within the organisation
- Identify the actions the organisation would determine as poor practice or forbidden.
- Describe a commitment to ensure the awareness of the safeguarding policy throughout the organisation and how the principles of safeguarding are to be embedded in the working culture.

Incident recording and action:

- Provide clear guidelines on what to do in the event of an allegation or incident, or if concerns are raised about the welfare of children and/or adults at risk
- Identify who adults at risk and children can contact in the event of an incident
- Clearly define what constitutes emotional, physical or psychological abuse, harm and neglect
- Provide details of the complaints and disciplinary procedures to manage concerns about the behaviour of staff or volunteers
- Outline the procedures for recording allegations and incidents, and the disciplinary mechanisms that result in the event of any transgressions
- Specify organisational responsibilities for recording and reporting abuse or harm.

Tailoring a policy to an individual organisation:

- The content of safeguarding policy has to be written to fit each individual organisation and its activities. Factors affecting the scope of a safeguarding policy include:
  - The size of the organisation and staff group
  - The nature and scope of the volunteering activity and the safeguarding circumstances in which it is involved
  - The personal characteristics of the client group
  - The venue(s) or location(s) of the organisation's activities
  - The history and experience of the organisation.