

## SAFEGUARDING POLICY

In any role staff and volunteers have a duty of care to raise any concerns that they may have about any aspect of their work in relation to safeguarding. These can range from inadequate working conditions, poor equipment, poor practice by other staff, to raising concerns about potential abuse cases and situations of neglect. It is everyone's responsibility to safeguard individuals from harm.

### 1. Legislation

The Social Services and Well-being (Wales) Act 2014 governs the approach to safeguarding and sets out some of the definitions.

The Act also contains the Well-being duty: *"A person exercising functions under this Act must seek to promote the well-being of people who have needs for care and support, and carers who need support. Well-being includes protection from abuse and neglect."*

The Social Services and Well-being (Wales) Act has five principles:

- voice and control – of the individual
- prevention and early intervention – to prevent escalation of issues
- well-being – of the individuals, to be promoted by everyone carrying out functions under the Act
- co-production – between the person and agencies, across agencies and sectors, co-producing services and solutions
- multi-agency – in this case, safeguarding is everybody's responsibility.

The principles that underpin safeguarding practice in Wales are:

- safeguarding is everybody's responsibility
- taking a child/person-centred approach at all times.

The definition of who might be in need of support to keep safe is:

*An "adult at risk", for the purposes of this Part, is an adult who—:*

- *(a) is experiencing, or is at risk of, abuse or neglect,*
- *(b) have needs for care and support (whether or not the authority is meeting any of those needs), and*
- *(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.*

The Protection of Freedoms Act 2012 defines regulated activity relating to children and adults.

To support safe recruitment, we will require Disclosure and Barring Service (DBS) checks on individuals appointed to eligible roles, in line with current legislation.

## **2. Policy Statement**

PAVO aims to adopt the highest possible standards and take all reasonable steps in relation to the safety and welfare of children and adult at risks. The organisation may encounter children and adults at risk in the course of its activities.

This policy does not seek to discourage such activities. Instead, it seeks to support these activities and to offer assurances to both staff, users and visitors that through its implementation, PAVO aims to protect children (including young people under the age of 18 years) and adults at risk and to keep them safe from harm when in contact with PAVO trustees, staff or volunteers.

This policy should be read in conjunction with Health & Safety and Professional Boundaries policies and Guidance on Managing Challenging Behaviour.

It is our duty of care to safeguard individuals from harm. We will do this by:

- Working in a way that protects and promotes the rights and interests of people and carers
- Ensuring safe work practices
- Recognising factors of vulnerability and taking necessary steps to minimise the risks.
- Recognising and reporting dangerous, abusive, discriminatory or exploitative behaviour and practice
- Acting in response to immediate risk to a vulnerable person e.g. contacting emergency services
- Recognising signs and symptoms of abuse or neglect and reporting our concerns
- Taking action if issues are ongoing after we have raised concerns

## **3. Code of Practice**

The following code of practice applies to all PAVO staff, trustees, volunteers and contractors, whether acting in a paid or unpaid capacity:-

- a) Avoid unnecessary physical contact.
- b) It is not good practice to take a child or adult at risk alone in a car on journeys, however short.
- c) Do not take a child or adult at risk to the toilet, or undertake personal care unless another adult is present or only if another adult is aware (this may include a parent or group leader).

- d) If you find you are in a situation where you are alone with a child or adult at risk, make sure that others can clearly observe you.
- e) Avoid personal relationships with a child or adult at risk.
- f) Do not make suggestive or inappropriate remarks to or about a child or adult at risk, even in fun, as this could be misinterpreted.
- g) If a child or adult at risk tells you, or if an allegation is raised by a third party, that they are being abused the following steps should be followed:-
  - Listen carefully and sympathetically
  - Accept what is being told (this is not the same as believing)
  - Avoid asking leading questions.
  - Do not make assumptions or ignore what is being said
  - Do not confront the alleged abuser
  - You do not need evidence of abuse
  - Record as soon as you can what the person says in as much detail as possible.
  - Refer all information immediately to the relevant designated person.
  - All allegations of abuse of children or adults at risks must be reported to the designated person(s) on the day that they are raised, who will then provide support to take all further necessary action. This is the case whether the alleged abuse took place within PAVO or another organisation.
- h) Individual members of staff should never deal with abuse disclosures in isolation and should always refer to the designated person(s) for support to make a report and / or take further action. The only exception to this would be if it is a Community Connector that has discovered the safeguarding issue and the designated person(s) were unavailable, in which case the Community Connector can refer to ASSIST direct as described in Section 4.4. This is not intended to prevent immediate reports in the event of significant risk, it is intended to ensure that matters are dealt with appropriately and not escalated unnecessarily, and that any employee or volunteer has access to appropriate support to deal with what may be a distressing situation.

## **4. Procedure**

### **4. 1. Dissemination of the Safeguarding Policy and Code of Practice**

- a) Internal Services will inform all staff at the time of their appointment of the Safeguarding Policy and Code of Practice.
- b) Line managers must annually draw the attention of current staff to the Safeguarding Policy and Code of Practice and its application when reviewing and updating their role risk assessment and this must be recorded.

## 4. 2. Risk assessment

A designated member of staff should complete a risk assessment before any new or changed event/visit involving people who may potentially be ~~an adult~~ at risk.

The risk assessment is not only a way to mitigate or remove any potential risks but it may also be a prompt to consider alternative working practices.

The risk assessment should

- a) incorporate the standard health and safety risk assessment;
- b) identify the nature of the contact;
- c) consider children and adults who are particularly at risk;
- d) consider the individual circumstances of people involved.
- e) identify any potential areas for harm and detail action to prevent harm occurring, which might include consideration of alternative working practices;
- f) identify those ~~few~~ situations that would require a DBS check, as they are regulated activity.

## 4. 3. Recruitment and selection procedures

*Note: Safe recruitment procedures also apply to the appointment of volunteers*

Where staff or volunteers will carry out regulated activity, rigorous recruitment and selection processes would be required, this may include a DBS check for eligible roles. Such processes would be compliant with PAVO's Equality, Diversity and Inclusion Policy.

In addition to PAVO's standard recruitment and selection procedures the following actions should be taken:

1. Obtain two written references to ascertain what contact the applicant has had with children or adults at risks and any concerns that have arisen. Confirm the authenticity of referees by production of referee's letterhead or company stamp or electronic verification e.g. company email address.
2. Where there is eligibility for a check from the Disclosure and Barring Service, Internal Services will oversee the process of obtaining such a check at appropriate level

Since 10th September 2012 it is not possible to obtain a DBS check for anyone undertaking controlled activity. This means there is no longer eligibility for people with access to sensitive data to be DBS checked, or who have limited contact with children or adults at risk whilst under supervision.

N.B. Where a check is required, but the applicant has a substantial record of overseas residence or little or no previous residence in the UK there might be limited value in seeking a disclosure. The DBS will offer guidance about the availability of checks in foreign countries. Where these are available, ask the applicant to apply for this check and submit the check to the recruiter.

Guidance on when a DBS check can be undertaken is published on the DBS website:  
<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

#### **4.3.1 Information for applicants requiring a DBS check**

- a) Recruitment advertisements should state that 'The successful candidate will require a DBS disclosure and state the level of check required'.
- b) Inform every applicant for such roles of PAVO's Safeguarding Policy at the commencement of the process.
- c) Inform every applicant of the DBS's code of practice.

#### **4.3.2 Submission for DBS check**

Following the interview and selection of a preferred applicant, they will be asked to complete and submit forms for the appropriate DBS check and to provide the necessary documentation for completion of the identity verification.

#### **4.3.3 Receipt of DBS check**

Internal Services or volunteer recruiters will receive indicative notification or the status of the certificate. For DBS checks which reveal information in relation to criminal offences, the candidate will be asked to produce the certificate.

#### **4.3.4 Consideration of DBS information**

Having a criminal record is not necessarily a barrier to employment or volunteering. Internal Services will always lead on the risk assessment process.

- i) For any disclosed information, the recruiter should consider,
  - a) whether the conviction or other matter revealed is relevant to the post in question;
  - b) the seriousness of any offence or other matter revealed;
  - c) the length of time since the offence or other matter occurred;
  - d) whether the applicant has a pattern of offending behaviour or other relevant matters;
  - e) whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and

- f) the circumstances surrounding the offence and the explanation(s) offered by the convicted person ii) The recruiter should,
  - a) discuss any matter revealed in a disclosure with the preferred applicant;
  - b) resolve where the applicant disputes the information provided in a disclosure, before selection decision;
  - c) not discuss any information released by the police to an employer by separate letter, with the applicant.

PAVO has a DBS Risk Assessment Form which must be used to assist with the above process.

The recruiter should be aware that selection criteria should state various factors. Checking should be part of the overall selection process and not the sole decision factor. To maximise safe recruitment use several selection techniques, for example an application form, interview, references and DBS check. Recruiters should also note that disclosures do not carry a guarantee of accuracy. Neither do they have a pre-determined period of validity.

#### **4.3.5 Offers of appointment**

- a) For eligible roles a satisfactory DBS check would be a condition of employment.
- b) You should discuss with Internal Services any withdrawal of a conditional offer of employment when the applicant had failed to reveal information directly relevant but subsequently revealed in a disclosure.
- c) Consider withdrawal of a conditional offer of employment or volunteering only after careful consideration of the information revealed in the check and after discussion with the applicant and Internal Services.
- d) Where it is determined that a volunteer is unsuitable for appointment, the individual should be offered support to access to support to source an alternative volunteering opportunity.

#### **4.3.6 Current staff and volunteers**

Where a check has been required at the time of recruitment, this will be reviewed every three years and, if necessary, it will be updated. Any new information related to criminal records will be risk assessed and decisions processed as in 4.3.4. and 4.3.5 as above.

### **4. 4. Dealing with reported suspicions and allegations**

- a) PAVO will appoint a designated person(s) to deal with suspicions and allegations and will ensure that they receive appropriate training.
- b) All staff will be advised of the appointment of the designated person(s) and informed of any changes.

ci) All suspicions and allegations must be reported to and dealt with, supported by the designated person(s) except where PAVO has been made aware of such suspicions and allegations through the Community Connectors Service when working directly in ASSIST or situated within a multi-agency team. In this circumstance, the Community Connector should follow the steps in 4.4.d) below, including online submission and forward a summary of the information submitted, and details of the way in which the case has been resolved to the designated person within PAVO. Where a Community Connector is made aware of a suspicion or allegation while working outside of ASSIST or a multi-agency team they should report to PAVO's designated person, who will deal with the matter in accordance with the provisions set out below. Should the designated person(s) be unavailable, the Community Connector should follow the process in 4.4 d) to ensure that all concerns are immediately taken forward.

d) Once the matter has been referred to the designated person, they will support the employee or volunteer to:

- Ensure that the child/adult at risk is not in any immediate danger.
- Gather the details.
- Refer the case to Children's Services, ASSIST or the Police on the day that it was received. It should be made clear to the child/adult at risk that confidentiality cannot be guaranteed and if the child/adult at risk does not wish the complaint to be taken forward, the designated person should support the employee or volunteer to seek advice in confidence from Children's Services, ASSIST or the Police as to what the best course of action should be.
- Support the employee or volunteer to update the child/adult at risk of a decision to report the incident and reason for the referral to the specialised agency.
- The designated person will support the employee or volunteer to make contact with the carer, parents or guardian unless this may place the child/adult at risk in harm. All discussions should be documented and noted.
- The designated person will support the employee or volunteer to contact the relevant agency and make a formal referral through the online links provided <https://en.powys.gov.uk/article/1895/How-to-Report-Abuse-A-Safeguarding-Concern> for adults and <https://en.powys.gov.uk/article/1514/Report-Child-Abuse> for children and young people .
- Written records of all actions, discussions and decision-making rationale must be recorded and kept in a secure location.
- The designated person will be the point of contact for the specialist agency throughout the investigation (if one is commenced).
- We should not carry out an investigation or information gathering exercise internally; this must be left to ASSIST, Children's Services or Police.
- A referral directly to the police should be made if the alleged crime is of a serious enough nature that there is immediate danger to the individual concerned. In all other

cases Children's Services or ASSIST will determine, as part of their investigation, whether such a referral is made.

## 4.5 Referral to DBS

Referrals should be made to the DBS when an employer or organisation believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

PAVO has a legal duty to refer where appropriate. A referral is made on the DBS Referral Form and is available from the DBS website. Internal Services will always lead on this process.

### 4.5.1 When to refer

The Safeguarding Vulnerable Groups Act (SVGA) 2006, place a duty on employers of people working with children or adult at risks to make a referral to the DBS in certain circumstances. This is when an employer has dismissed or removed a person from working with children or adult at risks (or would or may have if the person had not left or resigned etc.) because the person has:

1. Been cautioned or convicted for a relevant offence; or
2. Engaged in relevant conduct in relation to children and/or adults at risks [i.e. an action or inaction (neglect) that has harmed a child or adult at risk or put them at risk of harm]; or
3. Satisfied the Harm Test in relation to children and/or adults at risks. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or adult at risk still exists].

The designated person will liaise with Children's Services, ASSIST and or the Police to determine whether a referral should be made and whether it will be made by PAVO or by the statutory authority. Referrals are made via the Disclosure and Barring Service website

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#legal-duty-to-refer-the-two-conditions-that-must-be-met>

## 4.6 Training

PAVO will implement the Social Care Wales National Safeguarding Training, Learning and Development Standards.

All employees and volunteers will be required to undertake Group A Training. This will usually be delivered in the form of an on-line course and covers basic awareness of safeguarding and who to report concerns to.



Employees and volunteers who work directly with children, young people or adults at risk will follow their Group A training by undertaking Group B Training. This will ensure that personnel who are a key part of the safeguarding process will have the knowledge and skills to recognise issues, report concerns and make sure the person's voice is heard.

The designated persons will follow their Group A and B training by undertaking Group C Training. They will understand that giving people voice is an essential part of the safeguarding process and person-centred practice. They will understand everyone's role in the process, including that of partner agencies and will have the ability to make clear and proportionate decisions.

Training will be undertaken initially on appointment, and then refreshed and updated as necessary.

#### **4.7 Responsibility**

Overall accountability and responsibility for the adoption and implementation of the policy will rest with the CEO.

The Designated Safeguarding Officers are the Head of Internal Services and Senior Officer Internal Services.

Heads of Department, Senior Officers and Line Managers will ensure that all staff have an appropriate awareness of Safeguarding.

Safeguarding is everybody's business.