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CVSC Safeguarding Children and Adults Policy

The Safeguarding Lead Officers are

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Policy and Guidelines for Safeguarding Children and Adults

Version	Reason for change	Date
1	Policy rewritten to update and accommodate changes in legislation	April 2017
1.1	MB's comments added. Additional information added to Appendix 3	18/05/17
1.2	Sue Davies comments incorporated.	9/06/17
1.3	Policy approved by Trustees	Sept 2017
2	Policy reviewed and updated	May 2020
2.1	Policy approved at Trustees' Board meeting	June 2020
3	Updated to include Wales Safeguarding Procedures Added Appendix 4 - Role description of lead trustee Added Appendix 5 - Coronavirus	Dec 2020
3.1	Change of Safeguarding Officer	Feb 2022
3.2	Updated after launch of new Learning, Training and Development Standards	March 2023

Introduction

Everyone can help to safeguard and promote the welfare of children, young people and adults who may be at risk due to their age, illness or disability. This document sets out CVSC's commitment to protecting children and adults at risk, and to enable trustees, staff and volunteers to recognize and accept their responsibilities.

CVSC makes a positive contribution to a strong and safe community and recognizes the right of every individual to stay safe. CVSC works with children and adults potentially at risk in a variety of situations and functions which includes (but not limited to):-

- Development Work
- Volunteer Centre
- Training
- Network events
- Project work hosted by CVSC eg Car y Llan, Community Hub, Amdani Volunteering (including CCBC corporate Safeguarding Policy <https://www.conwy.gov.uk/en/Resident/Social-Care-and-Wellbeing/Im-worried-about-somebody/assets/documents/Corporate-safeguarding-policy-2022.pdf>)

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This policy seeks to ensure that CVSC undertakes its responsibilities regarding the protection of children and adults potentially at risk and will respond to concerns appropriately. It establishes a framework of support for paid and unpaid staff in their practices and clarifies CVSC's expectations. The policy applies to everyone working on behalf of CVSC including senior managers, the board of trustees, paid staff, volunteers, and temporary staff.

What is safeguarding?

Safeguarding is a wider concept than the protection of children and adults and deals with the promotion of

- Physical, emotional and mental health
- Protection from harm and neglect
- Education, training and leisure
- Contribution to society
- Social and economic wellbeing

Safeguarding is about **embedding practices** throughout the organisation to ensure the protection of children and/or adults at risk wherever possible.

Children and adults at risk protection is about responding to circumstances that arise.

What is abuse?

Abuse is caused by those inflicting harm or those who fail to act to prevent harm. It can take a number of forms: -

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Bullying
- Financial or material abuse

See **Appendix 1** for further details about types of abuse and Signs and Indicators of Abuse.

Definitions

A **child** is defined as any person under the age of 18 (as defined in the United Nations Convention on the Rights of a Child).

The Social Services and Wellbeing (Wales) Act 2014 (SSWBA) defines a 'child at risk' is a child who

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

An adult is defined as being over 18 years of age.

Section 126 of the SSWBA introduces the concept of an 'Adult at Risk'

'Adults at Risk' are adults who:

- (a) Are experiencing or are at risk of abuse or neglect
(b) Have the need for care and support (whether or not the local authority is meeting any of those needs); and
(c) As a result of those needs is unable to protect him/herself against the abuse or neglect of the risk of it*

Adults aged 18 and over have the potential to be at risk (either temporarily or permanently) for a variety of reasons and in different situations. An adult may be at risk if he/she:

- Has a learning or physical disability; or
- Has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- Has a reduction in physical or mental capacity; or
- Is in receipt of any form of healthcare; or
- Is detained in custody; or
- Is receiving community services because of age, health or disability; or
- Is living in sheltered or residential care home; or
- Is homeless; or
- Is unable, for any other reason, to protect himself/herself against significant harm or exploitation

It is recognised that people who meet one or more of the above criteria may not be at risk at all, or at risk all the time. However, until there is direct contact with people on an individual basis, it may be impossible to identify whether that individual is at risk.

Roles and Responsibilities

One of the most important principles of safeguarding is that it is **everyone's responsibility**, whatever their role.

All staff, trustees and volunteers have the responsibility to follow the guidance set out in this policy and related policies, and to pass on any welfare concerns using the required procedures. CVSC expects everyone to promote good practice, to contribute to discussions about safeguarding and to positively involve people in developing safe practices. They are responsible for undertaking their duties in a

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manner which safeguards and promotes the welfare of children and adults and must act in a way which protects themselves against false allegations of abuse as far as possible and in accordance with this policy.

See **Appendix 2** for Code of Conduct and Safe Working Practices for Staff, Trustees and Volunteers. Where applicable CVSC projects such as Car y Llan and Amdani Volunteering should also refer to their project specific Policies and Procedures.

Trustees have the primary responsibility for safeguarding and ensuring the policy is in place and appropriate. Trustees support is essential.

The Charity Commission 5 -minute Guide “Safeguarding for Charities and Trustees” is a useful resource.

[Safeguarding for charities and trustees - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Chief Officer is responsible for ensuring: -

- The policy is accessible and implemented
- The policy is monitored and reviewed
- That staff, trustees and volunteers are appropriately checked through the Disclosure and Barring Service procedures where applicable
- Liaison with the Safeguarding Lead Officers

Definition: “the Safeguarding Lead is the identified person within the organisation who: is available to discuss safeguarding concerns; should be consulted, when possible, as to whether to raise a safeguarding concern with the local authority; will manage any immediate actions required to ensure the individual at risk is safe from abuse; All practitioners should know who to contact in their agency for advice and they should not hesitate to discuss their concerns no matter how insignificant they may appear” (source <https://www.safeguarding.wales/glossary.html>)

The Safeguarding Lead Officers are responsible for: -

- Ensuring sufficient resources (time and money) are allocated to ensure the policy can be effectively implemented
- Ensuring staff (paid and unpaid) have access to appropriate training and information, (including Safeguarding Lead Officer training)
- Receiving staff concerns about safeguarding and responding to all seriously, swiftly and appropriately
- Acting as a key source of advice and support
- Keeping up to date with local arrangements for safeguarding and Disclosure and Barring Service
- Taking forward concerns about responses

Any member of staff and/or volunteer with concerns regarding the behaviour of a colleague towards children or an adult should contact one of the Lead Safeguarding Officers or the Chief Officer immediately. If the concerns relate to a Lead

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Safeguarding Officer or the Chief Officer, staff and/or volunteer should contact the Chair of Trustees or the Trustee with responsibility for safeguarding.

The **Safeguarding Lead Officers are Dave O'Neill and Jan Smith**. The Chief Officer, **Wendy Jones** acts as the deputy in their absence.

The Trustee with responsibility for safeguarding is **Maggie Kelly, National Development Manager, Early Years Wales**.

See Appendix 4 for details of the Role of Lead Trustee for Safeguarding.

Wales Safeguarding Procedures

- The Wales Safeguarding Procedures were launched in November 2019 and are designed to standardise practice across Wales.
- The procedures are digital and updated every 6 months in line with changes to legislation, guidance and practice developments. They can be downloaded as an app and viewed in English at www.safeguarding.wales and in Welsh at www.diogelu.cymru
- The procedures guide safeguarding practice for all those employed in the statutory, voluntary and private sectors in health, social care, education, police, justice and other services.
- They apply to all practitioners and managers working in Wales, whether employed by a devolved or non-devolved agency and whether in paid or unpaid work.
- All staff and volunteers are asked to familiarise themselves with the app

Implementing the Policy

The scope of the Safeguarding Policy is broad ranging and in practice will be implemented via a range of CVSC's policies and procedures. For example, these include (but are not limited to): -

- Recruitment procedures
- Lone Working Procedures
- Hybrid Working Policy
- Health and Safety Policy
- Data Protection Procedures/GDPR
- Equality, Diversity and Inclusion Policy
- Disclosure in the Public Interest (i.e. Whistleblowing - ability to inform on other staff/practices within CVSC)
- Grievance and disciplinary procedures - to address breaches
- Confidentiality - ensuring that service users are aware of CVSC duty to disclose
- Staff induction
- Staff training

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- Car y Llan Policy and Procedures
- Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV)
- Modern Slavery Day Slavery and Human Trafficking Policy
- When relevant - Appendix 5 Pandemic policy and Guidelines

Safer Recruitment

CVSC will seek to recruit all staff, trustees and volunteers using appropriate procedures, safeguards and checks. With advice from relevant bodies, we will determine which roles are in regulated activity and so subject to a barring list check, which roles are eligible for enhanced DBS checks only, and take up references for all posts and volunteer roles. Where applicable, staff, trustees and volunteers are encouraged to sign up to the DBS update service, but where this is not the case, CVSC will re-check relevant staff, trustees and volunteers every 3 years.

We will provide an induction programme for all new trustees, volunteers and staff, appropriate training to enable all personnel to undertake their roles safely and confidently, and ongoing training as benefits the personal and professional development of individuals and of our organisation.

We will review our recruitment procedures in response to changes in legislation and systems external to our organisation e.g. the Disclosure and Barring Service.

Information about the Disclosing and Barring Service and definitions of Regulated Activity can be found in **Appendix 3**

Induction

CVSC commits resources for induction, training of staff, trustees and volunteers, effective communications and support mechanisms in relation to Safeguarding.

Induction will include discussion of the Safeguarding Policy (and confirmation of understanding it), discussion of other relevant policies and who to raise any concerns with.

Training

All staff, trustees and volunteers will attend relevant Safeguarding training and/or a refresher training every three years, at an appropriate level and according to the Learning, Training and Development Standards of Nov 2022 and the Framework April 2023.

Communications and discussion of Safeguarding Issues

Commitment to ensuring the effective communication of safeguarding issues and practice will be carried out through discussion at: -

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- Team meetings
- One to one supervision and support meetings
- Trustees' Board meetings

CVSC supports and encourages all staff, trustees and volunteers to speak up and to report matters to our Lead Safeguarding Officers where they have: -

- Concerns - a worry, issue or doubt about practice or treatment of a service user or a colleague, or their circumstances
- A Disclosure - information about a person at risk of or suffering from significant harm
- An allegation - the possibility that a volunteer or staff member will/has/is causing harm to a person in their care

Dealing with reported suspicions and allegations

CVSC recognises its duty to report concerns or allegations against its staff, trustees and volunteers within the organisation from a service user or by a professional from another organisation.

Any member of staff, trustee or volunteer is required and encouraged to report any concerns in the first instance to their line manager or one of the Lead Safeguarding Officers.

All protection concerns or related issues that arise should be discussed with the Lead Safeguarding Officer(s) as soon as possible.

Neither the organisation nor the Lead Safeguarding Officer(s) should investigate a concern but the Lead Safeguarding Officer may collect what facts are known within the organisation in order to make a referral (if appropriate) to the statutory agencies, Social Services or the Police, and to be the single point of contact with the other agencies.

Children's Services have a duty to feedback on any referral after 10 working days to inform the individual who made the referral as to whether the referral was appropriate. Where this has not been received the Lead Safeguarding Officer(s) can contact Children's Services to request this information.

The Charity Commission requires charities to report serious incidents to the Commission; the responsibility to do so rests with CVSC's trustees, although in practice this may be delegated to someone else in CVSC.
<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

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Disclosures in the Public Interest (Whistleblowing)

The Public Interest Disclosure Act which came into effect in 1999 gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. CVSC encourages staff, trustees and volunteers to report things that are not right, and our Disclosure in the Public Interest policy available in the staff handbook is intended to assist individuals who believe they have discovered malpractice or impropriety.

Free, confidential whistleblowing advice can be obtained from the charity Protect, tel: 020 3117 2520 <https://protect-advice.org.uk/>

Managing Information

Information will be gathered, recorded and stored in accordance with the following policies

- Data Protection policy, procedures and GDPR
- Confidentiality Policy

All staff, trustees and volunteers must be aware that they have a professional duty to share information with other agencies to safeguard children and adults at risk. The public interest in safeguarding children and adults at risk may override confidentiality interests. However, information will be shared on a need-to-know basis only, as judged by the Lead Safeguarding Officer.

All staff must be aware that they **cannot** promise service users or their families/carers that they will keep secrets.

Reviewing the policy

The Chief Officer will instigate a review of this policy every two years and when there are changes in legislation. The next review date is...

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Appendix 1

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Types of Abuse and Signs and Indicators

Children

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child either directly by inflicting harm, or indirectly, by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting; by those known to them; or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children. The following is a non-exhaustive list of examples of the categories of harm, abuse and neglect. Further information and guidance can be found in *The Wales Safeguarding Procedures for Children and Adults at Risk of Abuse and Neglect* <https://www.safeguarding.wales/>

Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

The physical signs of abuse may include:

- unexplained bruising, marks or injuries on any part of the body
- multiple bruises- in clusters, often on the upper arm, outside of the thigh
- cigarette burns
- human bite marks
- broken bones
- scalds, with upward splash marks
- multiple burns with a clearly demarcated edge.

N.B. Most children will collect cuts and bruises as part of the rough-and-tumble of daily life. Injuries should always be interpreted in light of the child's medical and social history, developmental stage and the explanation given. Most accidental bruises are seen over bony parts of the body, e.g. elbows, knees, shins, and are often on the front of the body. Important indicators of physical abuse are bruises or injuries that are either unexplained or inconsistent with the explanation given, or visible on the 'soft' parts of the body where accidental injuries are unlikely, e.g. cheeks, abdomen, back and buttocks.

Changes in behaviour that can also indicate physical abuse:

- fear of parents being approached for an explanation
- aggressive behaviour or severe temper outbursts
- flinching when approached or touched
- reluctance to get changed, for example in hot weather
- depression or withdrawn behaviour
- running away from home.

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Emotional or Psychological Abuse

Emotional or psychological abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional or psychological abuse is involved in all types of maltreatment of a child, though it may occur alone.

Changes in behaviour which can indicate emotional or psychological abuse include:

- neurotic behaviour e.g., sulking, hair twisting, rocking
- being unable to play
- fear of making mistakes
- sudden speech disorders
- self-harm
- fear of parent being approached regarding their behaviour
- developmental delay in terms of emotional progress

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).

The physical signs of sexual abuse may include:

- pain or itching in the genital area
- bruising or bleeding near genital area
- sexually transmitted disease
- vaginal discharge or infection
- stomach pains discomfort when walking or sitting down
- Pregnancy

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Changes in behaviour which can also indicate sexual abuse include:

- sudden or unexplained changes in behaviour e.g., becoming aggressive or withdrawn
- fear of being left with a specific person or group of people
- having nightmares
- running away from home
- sexual knowledge which is beyond their age, or developmental level
- sexual drawings or language
- bedwetting
- eating problems such as overeating or anorexia 17
- self-harm or mutilation, sometimes leading to suicide attempts
- saying they have secrets they cannot tell anyone about
- substance or drug abuse
- suddenly having unexplained sources of money not allowed to have friends (particularly in adolescence)
- acting in a sexually explicit way towards adults

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The physical signs of neglect may include:

- constant hunger, sometimes stealing food from other children
- constantly dirty or 'smelly'
- loss of weight, or being constantly underweight
- inappropriate clothing for the conditions.

Changes in behaviour which can also indicate neglect may include:

- complaining of being tired all the time
- not requesting medical assistance and/or failing to attend appointments
- having few friends
- mentioning being left alone or unsupervised

These definitions and indicators are not meant to be definitive, but only serve as a guide to assist you. It is important too, to remember that many children may exhibit some of these indicators at some time, and that the presence of one or more should not be taken as proof that abuse is occurring. There may well be other reasons for changes in behaviour such as a death or the birth of a new baby in the family or relationship problems between parents/carers. In assessing whether indicators are

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related to abuse or not, Social Services will always want to understand them in relation to the child's development and context.

Adults at Risk of abuse and/or neglect

“Adult safeguarding” is working with adults with care and support needs to keep them safe from abuse or neglect. There are many ways in which an adult at risk may be abused and it is not unusual for an abused adult to suffer more than one kind of abuse. Accordingly, the impact of abuse and its seriousness for the individual must be evaluated in every case.

It is important to note:

- the use of the term ‘at risk’ means that actual abuse or neglect does not need to occur before practitioners intervene, rather early interventions to protect an adult at risk should be considered to prevent actual abuse and neglect;
- the three conditions necessary to demonstrate an adult is at risk of abuse or neglect ensures that protection is provided to those with care and support needs who *also* require actions to secure the individual's safety in the future because they are unable to protect themselves;
- that the abuse of adults deemed to be ‘at risk’ is often linked to their circumstances rather than the characteristics of the people experiencing harm;
- risk of abuse or neglect may be the consequence of one concern or a result of cumulative factors.

Physical Abuse

Physical abuse is the unnecessary infliction of any physical pain, suffering or injury by a person who has responsibility, charge, care or custody of, or who stands in a position of or expectation of trust to, a vulnerable person. Physical abuse may also be perpetrated by one vulnerable adult upon another.

Sexual Abuse

Adult sexual abuse refers to the direct or indirect involvement of a vulnerable adult in sexual activity to which they are unwilling or unable to give informed consent, or which they do not fully comprehend, or which violates the social taboos of family roles, such as incest. Sexual abuse may also be perpetrated by one vulnerable adult upon another. Any sexual activity that is not freely consenting is criminal. Where there is an abuse of trust, sexual activity may appear to be with consent, but is unacceptable because of the differences in power and influence between the people involved. Sexual abuse includes the involvement in prostitution or ‘sex trafficking’ of vulnerable adults who do not have the capacity to consent.

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Emotional or Psychological Abuse

Emotional or psychological abuse is the infliction of mental suffering by a person in a position or expectation of trust upon a vulnerable person. Emotional/psychological abuse may also be perpetrated by one vulnerable adult upon another.

Emotional and psychological abuse includes bullying, which is typically deliberate, hurtful behaviour repeated over time, which can include physical abuse but often is verbal (name-calling and threats). It can undermine self-confidence, may cause the victim to become more isolated and sometimes leads to self-harm.

Emotional and psychological abuse, including **bullying and harassment**, can be very subtle, for example taking the form of ignoring or excluding the victim. Such abuse may be direct, such as by not responding to the person, or indirect, such as by giving unfair preference to another person.

Emotional and psychological abuse may be cumulative, possibly building up over months or even years. It may involve one or more person and may be part of the culture within any institution, organization or service.

Another example of psychological abuse is when a vulnerable adult is incited, induced or exploited to commit a crime or abuse. Examples of this include inciting to steal, to perform acts of violence and commit sexual crimes. There have also been examples of vulnerable adults being exploited to commit acts of radical extremism.

In determining whether emotional and psychological abuse has taken place, it is the impact on the vulnerable adult that counts. Individual actions may not seem significant and may even be a one-off, but if they are part of a wider pattern of abuse experienced by the vulnerable adult the impact on them may be significant. Therefore, the wider context in which action is experienced by the vulnerable adult must always be considered in determining whether or not abuse has occurred.

Financial or Material Abuse

Financial or material abuse is any theft or misuse of a person's money, property or resources by a person in a position of, or expectation of, trust to a vulnerable person. Common forms of financial abuse are misuse by others of a vulnerable adult's state benefits or undue pressure to change wills. Financial / material abuse may also be perpetrated by one vulnerable adult upon another.

Neglect

Neglect is the failure of any person for whom there is an expectation of trust and /or the responsibility, charge, care or custody of a vulnerable person to provide that degree of care which a reasonable person in a like position would provide. Neglect may be criminal or non-criminal. It may also be as a result of intentional or non-intentional acts or omissions.

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Appendix 2

Code of Conduct and Safe Working Practices

This code of conduct is a statement and description of the standards of behaviour and practice that are required from all CVSC staff, trustees and volunteers when undertaking their day-to-day duties.

Every member of staff, trustee and volunteer should give a good example in terms of behaviour to ensure that children and adults are protected and safeguarded. The following guidelines provide details of examples of good practice which must be used, along with specific codes of conduct which could be relevant to roles, activities or specific events, for example the Code of Practice and Guidance for Social Care Workers.

You should follow the required process for reporting incidents, e.g. an incident of health and safety importance;

Children and adults have a right to privacy, equality, respect and dignity and a safe and positive environment;

Priority must be given to the welfare and safety of the child or adult before concerns for performance;

If a child or adult arrives at an activity or service exhibiting signs or symptoms which cause you concern, you must act appropriately and follow the procedures outlined in the policy;

Be aware of the need to ensure safe practices when meeting children and adults.

YOU SHOULD

Work in accordance with this safeguarding policy. If in doubt, contact the Chief Officer/Lead Safeguarding Officer;

As far as possible, work in an open environment and try to avoid private 1:1 situations, or situations which cannot be observed. There may be certain situations where a private interview is necessary; in these circumstances, the Lone Worker policy and procedure should be followed;

Treat every child and adult fairly with respect and dignity;

Put the welfare of each child and adult first;

Ensure a safe and appropriate distance with participants (e.g. it is not appropriate to have a close relationship with a child or an adult);

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Create an equal relationship based on trust which empowers children and adults to share in the decision-making process;

Get the most current information about training and safeguarding issues;

Be an excellent example - this includes not smoking, drinking alcohol or swearing in the company of children and adults;

Make sure that photographic or filming equipment is used appropriately and a parent or carer of the participants has given their permission;

Keep appropriate and accurate records.

YOU SHOULD NOT

Touch or allow inappropriate touching in any way, use force or inappropriate language or make suggestive sexual comments;

Make a child cry as a means of controlling him/her, or use any behaviour control techniques that are not authorised;

Ignore allegations made by a child or adult. All allegations and/or suspicions of abuse made by a child or adult at risk should be reported immediately to Social Services or the Police.

Undertake tasks of a personal nature for children or adults which they could do for themselves;

Invite or permit children or an adult to come to your home where they will be alone with you;

Enter areas that have been specifically set-aside for the other sex;

Use the internet, an electronic device or a phone to access child pornography sites;

Any member of staff, trustee or volunteer who breaches any condition of the above code of conduct will face an investigation and could face disciplinary steps which could lead to dismissal and the possibility of a criminal investigation if there is evidence of illegal activity.

Volunteers that breach the code of conduct will be suspended immediately. If there is evidence of illegal activity, the name of the volunteer will be drawn to the attention of the relevant authorities and he /she could face a criminal investigation.

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Appendix 3

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service is an agency of the Home Office. It replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority. The DBS is responsible for maintaining the lists of people barred from working with children or with adults (the Barred Lists), making barring decisions and issuing Criminal Records Disclosures.

Staff, trustees and volunteers undertaking relevant roles in the regulated sector, eg schools, healthcare, nursing homes, childminders, are required by law to apply for criminal records Disclosures (also known as DBS checks).

Roles outside regulated activity but still working close to children and/or adults at risk may be eligible for a DBS enhanced check but **without** the barring list check. The level of supervision will affect whether the role is regulated activity or not. Any and all serious offences will still be listed on the DBS certificate.

Requesting an enhanced DBS check for non-regulated activity is a matter of good practice. In the event of an incident involving a child or adult at risk, a failure to check that those in relevant roles are suitable to work with them may strengthen a claim against the organisation.

Requesting a check when the role is not eligible or asking to see more information than an employer is entitled to see is an offence.

It is a criminal offence under the Safeguarding Vulnerable Groups Act 2006:

- For a Barred individual to work in Regulated Activity
- For an organisation to knowingly allow someone who has been Barred to work in Regulated Activity
- For an organisation to fail to make a referral to the DBS if they have dismissed someone from Regulated Activity for harming or posing a risk of harm to a vulnerable person

Only applicants for posts covered by the Rehabilitation of Offenders Act (Exceptions) Order, such as those in positions of trust involving close and regular contact with vulnerable groups, can be asked to apply for a Disclosure. A criminal record will only be taken into account when it is relevant and will not necessarily be a bar to employment or volunteering. **Organisations should have a policy on employing ex-offenders and make it available to applicants on request.**

A Disclosure is only one part of a safe recruitment process. Organisations should also ask applicants to provide information about their previous experiences, check their qualifications where relevant, take up references and explore their attitudes to children and young people and their vulnerable adults.

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There are four levels of Disclosure:

1. **Basic Check** - A basic check is for any purpose, including employment. The certificate will contain details of convictions and cautions from the Police National Computer that are considered to be **unspent** under the terms of the Rehabilitation of Offenders Act (ROA) 1974. Individuals can apply for a basic check, or employers can apply with the permission of the individual
2. **Standard DBS check** - to be eligible for a standard level DBS certificate, the position **must** be for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, for example court officers, employment within a prison and Security Industry Authority (SIA) licences. A Standard DBS checks the Police National Computer for spent and unspent convictions, cautions, reprimands and final warnings which have not been filtered in line with legislation. It is normally used for positions of trust in the financial sector; it does not disclose the full range of information that may be relevant for work with vulnerable groups
3. **Enhanced DBS check** - To be eligible for an enhanced level DBS, the position **must** be included in both the ROA Exceptions Order **and** in the Police Act 1997 (Criminal Records) regulations, for example regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces. It can be requested where the individual's role involves close and regular contact with a vulnerable group but does not fall within the definition of 'Regulated Activity', for example because it is supervised.
4. **Enhanced DBS check with Children's and/or Adults' Barred List** - The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations, for example, prospective adoptive parents and taxi and Private Hire Vehicle (PHV) licences.

An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists.

Regulated Activity

Regulated Activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA).

Regulated Activity with Children and young people aged under 18

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Regulated activity with children is made up of:

- what activity a person carries out and how often the person does it; or
- where the role takes place and how often the person will work there; or
- working in specified positions in Wales.

CVSC will refer to guidance when appointing staff and/or volunteers to work in the children's workforce and always seek additional specialist guidance if there is any uncertainty.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739151/Regulated Activity with Children in Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739151/Regulated_Activity_with_Children_in_Wales.pdf)

Regulated Activity with adults

Regulated activities relating to adults are split into **six different categories**, based on the type of work they involve:

1. Providing **healthcare**.
2. Providing **personal care**.
3. Providing **social work**.
4. Assistance with **general household matters**.
5. Assisting with a **person's own affairs**.
6. **Conveying a person** to a place of social work or care.

Unlike certain regulated activities involving children, these activities are regulated regardless of how many times and how often a person engages in them.

CVSC will seek guidance if it is thought that there might be a requirement to undertake an Enhanced Check with Barred List.

References

<https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated activity in relation to children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739151/Regulated Activity with Children in Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739151/Regulated_Activity_with_Children_in_Wales.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739153/Regulated Activity with Adults in Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739153/Regulated_Activity_with_Adults_in_Wales.pdf)

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Appendix 4



Role and responsibilities of Lead Trustee for Safeguarding

If organisations work with children or adults at risk, the Charity Commission expects them to appoint a trustee to take the lead to support, advise and guide the board on safeguarding matters. However, safeguarding remains the responsibility of all trustees.

Where possible the lead trustee for safeguarding will in most cases have skills, experience and confidence in the area of safeguarding, or be willing to undertake training to develop the skills and knowledge required.

In addition to their wider responsibilities as a trustee, the lead trustee for safeguarding usually takes on three areas of responsibilities in relation to safeguarding: -

Strategic

- When considering CVSC's strategic plans, make sure they reflect any safeguarding legislation, relevant regulations, statutory guidance and Charity Commission expectations (proportionate to CVSC)
- Work with the Chief Officer to review that mechanisms in place are contributing to a good safeguarding culture and keeping people safe
- Check the risk register reflects any safeguarding risks properly, and planned actions or measures to mitigate the risks are functional and appropriate, including relevant insurance for trustees' liability
- Ensuring there is space on the agenda for safeguarding items and supporting trustees to understand and scrutinise as appropriate

Effective policy and practice

- Ensure CVSC's safeguarding policies and procedures are reviewed in accordance with their review dates and that this is reported to trustees
- Oversee safeguarding allegations against staff or volunteers, together with the Chief Officer and designated safeguarding officer(s)
- Be a point of contact for staff or volunteers if someone wishes to complain about a lack of action in relation to a safeguarding concern

Creating the right culture


- Champion safeguarding throughout the organisation
- Attend relevant safeguarding training events and conferences, as appropriate
- Support trustees develop their understanding of safeguarding
- Attend meetings and activities to engage with staff, volunteers and beneficiaries to understand safeguarding 'on the ground', as appropriate
- Support regular safeguarding updates for staff, volunteers and beneficiaries

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10 actions trustee boards need to take to ensure good safeguarding governance

Safeguarding should be a key governance priority for all charities



Ensure your charity has an adequate safeguarding policy, code of conduct and any other safeguarding procedures. Regularly review and update the policy and procedures to ensure they are fit for purpose

Regularly evaluate any safeguarding training provided, ensuring it is current and relevant.

Identify possible risks, including risks to your beneficiaries or to anyone else connected to your charity and any emerging risks on the horizon

Review which posts within the charity can and must have a DBS check from the Disclosure and Barring Service

Consider how to improve the safeguarding culture within your charity

Have a risk assessment process in place for posts which do not qualify for a DBS check, but which still have contact with children or adults at risk

Ensure that everyone involved with the charity knows how to recognise, respond to, report and record a safeguarding concern

Periodically review your safeguarding policy and procedures, learning from any serious incident or 'near miss'

Ensure people know how to raise a safeguarding concern

If you work overseas, find out what different checks and due diligence you need to carry out in different geographical



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