

## Safeguarding

### INTRODUCTION

Safeguarding is everyone's responsibility. You need to be alert to the indicators of potential abuse or harm and report the issue where necessary. You should not intervene or delve, other than to ensure the safety of the person and protection of the evidence relating to the safeguarding issue.

**Shine** is committed to promoting good practice and protecting children and adults at risk from harm.

The charity trustees are responsible for ensuring that those benefiting from or working within the charity are not harmed in any way through contact with it. They have a legal duty to act prudently and must take all reasonable steps within their power to ensure this. Trustees are expected to know what the relevant law is, how it applies to the organisation, and to comply with it, where appropriate.

This policy applies to all those involved in **Shine**, including, but not exclusively, trustees, staff and volunteers.

All our staff and volunteers are carefully selected, trained and supervised, and are familiar with our safeguarding policy and procedures.

People with disabilities may be at increased risk of abuse or harm due to various factors such as stereotyping, discrimination, isolation, a lack of power to protect themselves or ability to communicate about a problem.

### SHINE'S RESPONSIBILITIES

In line with our strategic objectives **Shine** is committed to empowering our membership at all times, and any person with spina bifida and/or hydrocephalus and associated conditions will be treated with the utmost respect and dignity.

In order to safeguard children and adults at risk, **Shine** will:

- Implement our child and adult at risk safeguarding policy and procedure, and review these every two years
- Share information about the policy and procedures about child and adults at risk, safeguarding and good practice with trustees, staff and volunteers
- Share information about any concerns with agencies who need to know, and will involve parents and children and adults at risk appropriately
- Carefully follow the procedures for recruiting and selecting staff and volunteers, including compulsory DBS/ACCESS NI disclosures when required
- Provide effective management for staff and volunteers through 1-1s, support and training
- All new staff who have responsibility for safeguarding children and adults at risk will be DBS/ACCESS NI checked and receive training on appointment; regular checks and training will be provided
- Take appropriate action to respond to issues of child and adult at risk safeguarding
- Ensure that accurate and timely records are kept in relation to safeguarding and protection issues and that these records are monitored and audited on a regular basis in accordance with **Shine's** retention policy

- Recruit staff in NI to the role of Designated Officer and Safeguarding Champion and train staff across the organisation to hold these roles in each of the countries

**Shine** will ensure that staff and volunteers are alert in their routine work to identify evidence of abuse or potential harm and will notify appropriate services if the line manager involved in conjunction with the Safeguarding Lead considers it the appropriate course of action to take.

In situations which are life threatening immediate involvement of the emergency services should be instigated. The policy will then be applied if necessary.

### INDICATORS

Everyone who works with or who has contact with children and adults at risk should be able to recognise, and know how to act upon, indicators that a child or adult's safety may be at risk. Many signs and symptoms have other explanations: recognising abuse or harm is not easy. However, it is important to be alert to the indicators.

Examples of indicators are:

- A disclosure by an individual or a third party, including a description of an event or action that appears to represent potential abuse or risk of harm
- Not having access to own money/having to ask permission regarding financial matters
- Sudden inability to pay rent or bills
- Unexplained injuries such as bruising, cuts or burns, particularly if situated on a part or parts of the body not normally prone to such injuries
- Unexplained changes in behaviour e.g. withdrawal, bouts of temper, sadness, etc.
- Inappropriate sexual awareness, sexualised language or engaging in sexually inappropriate behaviour
- Distrust of adults, particularly of those whom a close relationship would normally be expected
- Being prevented from socialising or attending events
- Sudden loss of weight for no apparent reason
- Appearing increasingly unkempt or with unusually poor personal hygiene

The above is a general list, by no means exhaustive, and for people with spina bifida and/or hydrocephalus there are a myriad of other complex factors that can affect behaviour and presentation.

There are many routes through which a member of **Shine** staff or a volunteer might discover that a child or adult is at risk of harm or abuse. Examples are:

- On a home visit
- At an event
- Via email
- Through social media contact
- From a phone conversation/call
- Working alongside an adult at risk as a colleague at **Shine**
- Through contact with a parent/carer or other third party

## Safeguarding

### DEFINITIONS

**Harm** can be defined as ill treatment or the impairment of health, safety, or development (including physical, intellectual, financial, emotional, social and behavioural development) either self-inflicted (i.e. self-harm) or inflicted by others;

**Health** means physical and mental health

**Ill treatment** includes physical and non-physical ill treatment. The Care Act defines an **adult at risk of abuse or neglect** as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs is unable to protect themselves. A further definition of an adult at risk can be defined as a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their personal characteristics and/or life circumstances.

Note: different definitions may apply in different counties.

### TYPES OF ABUSE/HARM

**Physical abuse/harm** is the deliberate injury of a child or adult at risk or failure to prevent physical injury or suffering.

**Financial or 'material' abuse** includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Psychological/emotional abuse** is persistent emotional ill treatment causing severe and persistent adverse effects on the person's wellbeing. It may involve making the person feel worthless, inadequate or only valued for what they can do for another person. It may also involve making the person feel frightened or in danger or exploiting or corrupting them.

**Sexual abuse** involves forcing or enticing a person to take part in sexual activities which they can't or don't consent to, even if the child or adult at risk concerned is not aware of what is happening. It includes either being the subject of or being forced to watch sexually explicit images/videos.

**Neglect** is the persistent failure to meet the child or adult at risk's basic physical or psychological needs and is likely to seriously impair the person's health or development.

**Institutional abuse** is the maltreatment of a person (often children or older adults) from a system of power. Institutional abuse occurs within emergency care facilities such as foster homes, group homes, kinship care homes, and pre-adoptive homes.

**Bullying** is deliberate hurtful behaviour, sometimes repeated over a period of time, where it is difficult for the victims to defend themselves.

**Self-harm** is to deliberately injure oneself, which is sometimes (but not always) a sign of a person being at higher than normal risk of suicide - either intentional or not.

**Exploitation** is the improper use of a child or adult at risk for another's profit or advantage.

**Domestic abuse** is any incident of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or who have been, intimate

partners or family members regardless of gender or sexuality. Where there is a possibility that children or adults at risk of seeing or hearing domestic violence, you have to consider that they may be harmed as a result and treat this as a safeguarding concern.

**Other forms of abuse** include female genital mutilation, honour-based violence/forced marriage, child and adult sexual exploitation (grooming) and radicalisation.

It is especially important when supporting families/members with a disability that research has shown that there is an increased risk due to vulnerabilities arising from their disability, e.g. increased dependency on personal care, reduced social contact and activities, possible communication or learning difficulties.

### INVESTIGATION OF CASES OF CHILD AND ADULT AT RISK OF HARM OR ABUSE

The most important aspect of child and adult at risk safeguarding is to discern what is serious and significant enough to constitute 'significant harm' and warrant investigation.

This is why contact with the line manager and other involved employees is the first important step to take, to decide what, or if, any further action must be taken. There must be no delay in making this contact.

**Remember** - local authorities (or the Health and Social Care Trust (HSCT) in Northern Ireland) have the lead responsibility for children and adults at risk about whom there are safeguarding concerns.

It is not the responsibility of **Shine** to investigate allegations of abuse. However, when invited and where appropriate, **Shine** employees should participate in strategy discussions, case conferences, and safeguarding plans. They may also have a role in supporting children, adults at risk and families through these processes.

### SHARING INFORMATION WITH THOSE WHO HAVE PARENTAL RESPONSIBILITY

The line manager will inform those with parental responsibility about allegations, and what steps **Shine** has taken, and offer support to them and the child or adult at risk. However, those with parental responsibility may not be initially informed in cases where:

- The person with responsibility may be the alleged perpetrator
- It is possible that the child would be intimidated into silence
- It is possible that it will put the child in more immediate danger
- There is a strong likelihood that important evidence could be destroyed
- The child does not wish the person with parental responsibility involved at that stage and is competent to make that decision

With regard to adults at risk, consent would need to be given by the adult member prior to informing parents and/or their primary carer (the issue of capacity may need to be considered). Consent needs to be given by the member prior to informing parents or primary carer.

## Safeguarding

Confidentiality will be maintained for all concerned and information will be shared on a **need-to-know basis** only. Please see the **Shine** confidentiality policy for further detail.

### PROCEDURE

#### **What to do if you become aware or suspect abuse or harm**

It is not possible to provide definitive instructions applicable to every situation when staff/volunteers come into contact with a child or adult at risk. However, the following defines the standards we expect from our staff and volunteers in relation to children and adults at risk.

**It is of paramount importance that if you suspect a child or adult is at risk of harm or abuse you must tell your line manager/Safeguarding Lead/Deputy Safeguarding Lead (Safeguarding Champion in NI) immediately.**

Remember, **ALWAYS**:

- Treat children and adults at risk with respect and dignity at all times
- Ensure that children and adults at risk rights to privacy and confidentiality are respected except on a need-to-know basis
- Work in partnership with parents, carers and other services wherever possible to ensure that children and adults at risk are safeguarded, while ensuring that the interests of the child or adult at risk are paramount.

Employees and volunteers must **NEVER**:

- Allow or engage in inappropriate touching of any kind, remembering that even 'innocent' touch may be inappropriate for the individual child or adult at risk
- Photograph or record without completion of permission forms
- Physically restrain a child or adult at risk unless it is for the purpose of preventing physical injury to anyone, preventing damage to property or preventing the person from committing a criminal offence - in all cases, any physical restraint used must be appropriate and reasonable to prevent the restraint being considered an assault
- Make racist, sectarian, sexist, discriminatory, disparaging or other remarks towards children or adults at risk
- Engage in rough or inappropriate physical games
- Use bad language in front of children or adults at risk
- Use threatening, abusive or violent language in front of a child or adult at risk
- Make sexually suggestive comments to or within hearing of a child or adult at risk
- Do anything of a personal nature for the person which they can do for themselves or which a parent or carer can do for them
- Never manage finances or handle money on behalf of a member

**DO:** Listen and reassure

If managing a disclosure:

- Stay calm and reassure the person that they have done the right thing by telling you
- Always take any allegation seriously
- Do not make a child or adult at risk repeat information - it is not your role to investigate or prove the abuse has taken place
- Do not pass judgement or make derogatory comments about the alleged abuser, victim, or anyone involved
- Respect the trust that has been placed in you but explain that you must tell someone else in **Shine**
- Do not promise to keep the matter confidential
- Inform your line manager immediately and complete an incident reporting form jointly with that individual - in the event you are unable to contact your line manager, you must contact the Safeguarding Lead or Deputy Safeguarding Lead - the form must be sent to the incidents email address and the Safeguarding Lead

The line manager/Safeguarding Lead or Deputy Safeguarding Lead will make the decision about whether the threshold is met to report the incident and will advise and support staff and volunteers and, after undertaking a preliminary assessment, will make a decision as to whether or not to refer the matter to a third party (local authority/HSCT) or meet with others involved or appropriate **Shine** employees to agree a way forward.

Except in emergencies, the member of staff who became aware of the incident is responsible for reporting all concerns of abuse to Safeguarding teams who, in turn, will arrange for notification to the police. If the incident has been reported by a volunteer, then the line manager is responsible for reporting the concern of abuse to Safeguarding teams. The member of staff should establish contact with the link person in Safeguarding at a local level to discuss concerns and clarify when a referral is being made and must thereafter maintain contact about progress of any investigation, until it is satisfactorily resolved. They will be supported throughout this process by their line manager/Safeguarding Lead.

Please contact any of the **Shine** safeguarding Leads for support, advice or follow-up – Heidi Watson, Sarah Carrier or Louise Jones. All cases referred and any action taken should be noted clearly and accurately on the **Shine** database, in date order. This should be completed by the member of staff, or, if it is a volunteer, by the line manager.

### RECORDING AND REPORTING PROCEDURES

#### **Role of line managers**

An initial assessment with the line manager must take place as soon as possible, and always within twelve hours of a concern being raised. The timeframe is particularly important if there are any immediate steps that need to be taken to ensure the protection of the alleged victim.

If the line manager is unsure whether a matter referred to them should be formally referred to the local authority/HSCT, they should in conjunction with the member of staff seek

## Safeguarding

guidance from the Safeguarding Lead/Deputy Lead in the first instance, and/or the local authority/HSCT. This will result in either a referral being made or other advice from Safeguarding being provided; such advice should be accurately recorded on the database.

If the decision is not to refer to Safeguarding, the reason for this should be recorded on the database. If necessary, seek advice from the local Safeguarding department or contact the 24-hour NSPCC Child Protection Helpline on 0808 800 5000 for advice.

All information and correspondence and communications must be properly recorded at this and every subsequent stage. Detailed and accurate notes must be kept on the **Shine** database. All documentation must be held on the database and will be retained in accordance with **Shine's** document retention policy. Any original evidence will be handed over to the local authority/HSCT.

In the case where a volunteer has raised a safeguarding issue, the line manager should establish contact with the link person in Safeguarding at local level to discuss concerns and clarify when a referral is being made and must thereafter maintain contact about progress of any investigation until it is satisfactorily resolved.

All feedback should be recorded on the database and on the **Shine** Incident Reporting Template (Appendix A).

The line manager should also:

- Promote child and adult at risk safeguarding awareness and ensure safeguarding training is provided every three years for all staff and volunteers in their area
- Ensure that all employees and volunteers are aware of, and have access to, full copies of the policy and procedures for reporting child and adult at risk abuse
- Ensure that the appropriate staff are notified if a child's name is placed on the Child Protection Register
- Attend inter-agency meetings in respect of child or adult at risk safeguarding investigations at a local level, if required
- Ensure that safeguarding is discussed at 1:1 supervision meetings
- Ensure that safeguarding is discussed at one regional/country team meeting each year
- Ensure that risk assessment forms are completed for all events

### **Role of Safeguarding Lead/Deputy (Adult Safeguarding Champion in NI)**

The role of the Safeguarding Lead is to:

- Promote child and adult at risk safeguarding awareness and ensure safeguarding training is provided every two years for Safeguarding Lead and Safeguarding Deputy Lead
- Implement and promote the safeguarding policy and procedure
- Notify lead trustees if a safeguarding issue arises relating to staff, trustees and volunteers or any safeguarding issue which could impact on the reputation of **Shine**

- Act as the main contact for safeguarding within **Shine**
- Provide information and advice re safeguarding issues and raise awareness about safeguarding
- Keep abreast of developments in safeguarding
- Prepare and seek SMT and Board agreement for an annual safeguarding action plan
- Review safeguarding policy every two years
- Monitor and review all referrals and allegations made by, or on behalf of, children and adults at risk to ascertain whether there is any pattern or concentration of incidents of a child or adult at risk abuse that requires a specific response
- Ensure that safeguarding is discussed at one service manager meeting each year
- Prepare a quarterly safeguarding report for the Board

### **Contact details:**

**Safeguarding Lead: Heidi Watson**

heidi.watson@shinecharity.org.uk

Telephone: 07776 596708

**Deputy Safeguarding Lead: Sarah Carrier**

sarah.carrier@shinecharity.org.uk

Telephone: 07778 697716

**Safeguarding Champion NI: Louise Jones**

louise.jones@shinecharity.org.uk

Telephone 07816 966863

### **Dealing with allegations made against staff or volunteers regarding inappropriate actions with children or adults at risk**

The Finance Director (or if not available the CEO) must make sure any allegations are reported to the Charity Commission.

Children and adults at risk may be subjected to abuse by those who work with them. Allegations of abuse against staff or volunteers must be taken seriously and reported to the Safeguarding Lead or the CEO, or in their absence, another member of SMT who will deal with them sensitively and expediently. The child or adult at risk's interests are of paramount concern. Their views and wishes must be given careful consideration at all times and they should receive appropriate support.

The matter should not be recorded on the database. All relevant information should be held centrally by the Finance Director.

Investigations into alleged abuse by employees or volunteers may have three related, but independent strands, which can run in parallel:

1. Child and adult at risk safeguarding reporting to appropriate services
2. A police investigation into a possible offence
3. Disciplinary procedures where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff or volunteers

Where an incident of abuse or assault by a member of staff or volunteer is witnessed and evidenced to have occurred, disciplinary proceedings will be invoked immediately, with the person concerned placed on precautionary suspension pending the outcome of further enquiries. They should have

## Safeguarding

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no contact with the family/member and their access to online accounts and telephone should be suspended.

However, where an allegation or suspicion of abuse arises involving a member of staff or volunteer which cannot immediately be proven or disproven, the line manager of the alleged perpetrator must immediately make sure that contact between the two parties (and their families if relevant) is stopped. This may include redeployment to tasks which do not involve direct contact either with the persons concerned or any member, if such tasks are available.

If **Shine** is aware that a staff member or volunteer it has placed on precautionary suspension also works with children or adults at risk for another organisation, (either as a member of staff or volunteer), it will ensure that the other organisation is informed of the suspension and the subsequent outcome. **Shine** should liaise with the local authority/HSCT and police regarding the progress of the investigation.

If a criminal investigation process is completed and there is insufficient evidence to pursue a criminal prosecution, and if a local authority/HSCT investigation has been completed and there is insufficient evidence then a disciplinary investigation will be undertaken to determine “on the balance of probabilities” whether or not the alleged incident has occurred. Sometimes a child or adult at risk can retain a loyalty towards those who care for or who are responsible for them which makes it difficult for them to say anything against them. When a person refuses to lodge a complaint with the police, or withdraws a complaint previously made, **Shine** is still obliged to pursue an internal disciplinary enquiry to determine whether any disciplinary action is required.

Any disciplinary action will be carried out in accordance with **Shine's** disciplinary policies. Where such an investigation has concluded that a staff member or volunteer has abused a child or adult at risk, **Shine** will:

- Initiate appropriate disciplinary action
- Arrange notification to DBS/ACCESS NI and the Independent Safeguarding Authority (ISA) register

Where concerns have been investigated internally through disciplinary procedures and are not substantiated, this outcome should be explained by the line manager to the child or adult at risk and their family and, where appropriate, the opportunity given to invoke the complaints procedure.

SHINE has a duty of care towards its staff and volunteers and will seek to ensure that anyone against whom an allegation is made is treated fairly and in an open and honest manner. They should be supported to understand why the concern has arisen and be kept informed about the progress of the investigation. Precautionary suspension and inquiry may cause stress for anyone suspected of abuse and it is important that management offers advice and support to staff/volunteers. It will always be made clear that precautionary suspension is not disciplinary action in itself.

### RELATED POLICIES

This policy and procedure should be read in conjunction with the following policies and procedures:

- Recruitment of Staff and Volunteers
- DBS/Access NI
- Social Media Policy
- Bullying and Harassment
- Whistleblowing
- Confidentiality
- Retention of Documents

### REVIEW OF POLICY AND PROCEDURES

This policy and the procedures will be reviewed every two years or in the following circumstances:

- changes in legislation
- government guidance as a result of any other significant change or event

Any staff member or volunteer who breaches any of these procedures may be subject to disciplinary action. Staff and volunteers must follow the **Shine** Safeguarding Policy and Procedures at all times.

**Safeguarding**

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**Appendix A: Shine Incident Reporting Template**

**Shine Incident Reporting Template**

**Please make a copy of this form to complete before submission, then email this form to incidents@shinecharity.org.uk**

Any incident should be reported that could have a serious impact on Shine, its members, staff or its wider community. This could include criminal activity, safeguarding matters, personal injury or accidents, potential fraud, theft, data loss or anything else you consider to be significant. If you are unsure whether to report an incident, please consult with your line manager or a member of the Senior Management Team.

<b>Reported by:</b>	<b>Date Reported:</b>
<b>Date of Incident:</b>	<b>Location:</b>
<b>Description of Incident or Issue:</b>	
<b>Explanation of Event/Circumstances:</b>	
<b>Actions Taken:</b>	
<b>Further Action Recommended:</b>	
<b>Authorities involved - please give details</b>	

If the incident could give rise to a claim against Shine's insurance policy please advise Laura Threadingham as soon as you are aware of it.