



The Royal British Legion Human Resources

Policy Safeguarding Children and Adults at Risk

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8 April 2019	1.1	Added references to country specific legislation, new reporting and new Adult Safeguarding Principals	HR
25 June 2019	1.2	Added ROI legislation	HR

1. Policy Statement

Our shared values of Service, Passion, Excellence, Collaboration and Valuing our People, demonstrate we are actively committed to ensuring the Royal British Legion (RBL) is an organisation where individuals are at the centre of all we do.

Safeguarding children and adults is everyone's responsibility. It is a key priority for the Executive Boards and the Boards of Trustees who are committed to a Safeguarding framework. This policy provides details and resources of our Safeguarding commitment and principles for the protection of all children and adults at risk (Vulnerable Adults), who come into contact with RBL and our subsidiary charities, The National Memorial Arboretum (NMA), Poppyscotland and Lady Haig Poppy Factory.

This statement reflects the legislative position on Safeguarding children and adults at risk. There are significant differences in the laws and policies that shape how we safeguard children and how we safeguard adults. This policy is premised on English and Welsh legislation. Users in Scotland, NI/ROI, and Wales should refer to legislation for their own jurisdiction as required. (Section 8).

The legal framework to protect children is contained in Working Together to Safeguard Children (2015) and for adults, the Care Act (2014). However, the overarching objective for both is to enable children and adults to live a life free from abuse or neglect.

Working Together to Safeguard Children (2015):

- Protecting children from maltreatment;
- Preventing impairment of children's health or development;
- Ensuring children grow up in circumstances consistent with the provision of safe and effective care;
- Taking action to enable all children to have the best outcomes.

The Care Act 2014 (Section 14) defines Safeguarding as a term to describe how we:

- Protect the rights of adults to live in safety, free from abuse and neglect;
- Work together as individuals and organisations to prevent and stop both the risks and experience of abuse or neglect;
- Ensure the adult's wellbeing is promoted including, where appropriate, taking fully into account their views, wishes, feelings and beliefs in deciding on any action;
- Recognise adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances and therefore potential risks to their safety or wellbeing.

Safeguarding is an important shared priority of all people. It is about protecting certain individuals who may be in vulnerable circumstances. These people may be at risk of abuse or neglect due to the actions (or lack of action) of another person. In these cases, it is vital we work together to identify people at risk, and put steps in place to help prevent abuse or neglect.

Abuse is a violation of an individual's human and civil rights by any other person or persons. Abuse and neglect can take many forms. Whilst there are distinct definitions of abuse, individuals should not be constrained in their view of what constitutes abuse or neglect and should always consider the circumstances of the individual case.

For Children, abuse includes:

- Physical abuse
- Emotional
- Sexual abuse and exploitation
- Neglect

For Adults, abuse includes:

- Physical abuse
- Domestic abuse
- Sexual abuse and exploitation
- Psychological abuse
- Financial or material abuse
- Modern Slavery
- Discriminatory abuse
- Organisational abuse
- Neglect and acts of omission
- Self neglect

2. Scope

This policy reflects the requirements and framework set out in The Care Act (2014), which replaced the No Secrets (2000) guidance and definition of 'Vulnerable Adult'. It reflects the requirements and framework set out in The Children Act 2004 and Working Together to Safeguard Children (2015), with revised guidance in April 2018.

In this document, a child is defined as anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout. An Adult at risk is someone who has needs for care and support, and/or is experiencing or is at risk of harm, abuse or neglect and is unable to protect themselves.

We may refer to the term vulnerable people throughout the document to incorporate both children and adults at risk.

This policy applies to all staff at RBL and our subsidiary charities, the NMA, Poppyscotland and Lady Haig Poppy Factory. It applies to permanent and temporary staff, to all volunteers and Members and all associated persons such as consultants, contractors and others employed under a contract for

services. This policy will also apply to anyone involved with work for or on behalf of RBL, the NMA, Poppyscotland and Lady Haig Poppy Factory, in any setting including, agency workers, partners and students.

All the above will be referred to as RBL representatives throughout this document.

3. Our Commitment

The RBL will ensure we provide an environment where all children and adults at risk, regardless of age, disability, gender, racial heritage, religious or other belief and sexual orientation or identity are kept safe from harm, abuse and neglect while they are involved with the organisation. We will take every reasonable precaution to minimize such risks and will ensure their welfare is paramount.

The RBL, through their Executive Boards and Board of Trustees, are committed to openness and honesty. We have a zero tolerance approach to abuse. This means that all actual and alleged abuse must be reported. All allegations of abuse will be taken seriously and acted upon by being designated as formal concerns that are escalated to senior management.

The Care Act (and appropriate legislation for each jurisdiction) sets out Safeguarding in a context of person centred care to promote choice and control for the individual. RBL will make Safeguarding personal by working in partnership with the vulnerable person, their parents, relatives, carers and agencies to promote their welfare. No matter how complex a person's needs, we will work to empower them and put them at the centre of their safety and well-being.

We will be accountable and transparent in delivering Safeguarding. We will work collaboratively with partner agencies at each stage of Safeguarding. We will always endeavour to provide updates where appropriate regarding action taken and how we have reduced the likelihood of a Safeguarding incident occurring again.

Recruitment and screening checks will be followed for every hire (volunteers and employees). Our recruitment and selection procedures will minimise the risk of appointing anyone who may be unsuitable to work with children and adults at risk. We will ensure these procedures are consistent with current legislation and Safeguarding best practice.

We will undertake measures to continue to review and improve our Safeguarding policy and practices.

Line Managers will be responsible for ensuring this policy and the procedures are applied within their own areas. Additionally they will ensure there are appropriate risk assessments for all activities.

RBL will provide ongoing support for everyone who may be in contact with children and adults at risk during their duties. This will include:

- Ensuring all RBL representatives (staff, volunteers and Members) are familiar with and have access to the Safeguarding Policy and procedures and know how to report concerns.

- Putting in place and maintaining, effective procedures for responding to Safeguarding incidents, concerns and allegations of abuse.
- The provision of training for all roles at RBL. The training will be determined by the type of role the individual has and which Safeguarding level has been assigned to their job/role profile.

4. Adult Safeguarding

There are six principles that underpin adult safeguarding and apply to all sectors and settings. These principles are taken from the Roles and Competencies for Health Care Staff Intercollegiate Document (August 2018). These should inform the ways in which professionals engage with people at risk of abuse, harm or neglect:

Safeguarding Principles:

- **Empowerment:** Personalisation and the presumption of person-led decisions and informed consent. “I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”
- **Prevention:** It is better to take action before harm occurs. “I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”
- **Proportionality:** Proportionate and least intrusive response appropriate to the risk presented. “I am sure that the professionals will work for my best interests, as I see them and they will only get involved as much as needed.”
- **Protection:** Support and representation for those in greatest need. “I get help and support to report abuse. I get help to take part in the safeguarding process to the extent to which I want and to which I am able.”
- **Partnership:** Local solutions through services working with their communities. Communities have a part to play in preventing, identifying and reporting neglect and abuse. “I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together to get the best result for me.”
- **Accountability:** Accountability and transparency in delivering safeguarding. “I understand the role of everyone involved in my life.”

The aims of making safeguarding personal:

- A personalised approach that enables safeguarding to be done with, not to, people.

- To work with the person to set safeguarding outcomes which have meaning to them.
- Practice that focuses on achieving meaningful improvement to people’s circumstances rather than just an ‘investigation’ and ‘conclusion’.
- To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs.
- To safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives.
- To promote an outcomes based approach in safeguarding that works for people resulting in the best experience possible.
- To raise public awareness so that professionals, other staff and communities as a whole play their part in preventing, identifying and responding to abuse, harm or neglect.

5. Responsibilities

The RBL is fully committed to meeting the requirements of Safeguarding as defined above, both in relation to children and adults at risk. The Executive Board and Board of Trustees have appointed the Director of HR and OD as their Executive Board Lead on Safeguarding to ensure statutory and legal compliance. In addition, a Board Trustee has been appointed to have particular responsibility for Safeguarding in accordance with registered charity legislation.

Together, the Executive Board and Board of Trustees will work with the Head of Safeguarding to promote Safeguarding within RBL and our subsidiary charities. They will exercise their duty both in law and as a responsible organisation, to ensure RBL is Safeguarding compliant and due governance is in place.

All RBL representatives have a personal Safeguarding responsibility when working with vulnerable people to promote their welfare and health, wellbeing and development and take every reasonable precaution to protect them. Suspicions of abuse must not be ignored. Staff, volunteers or Members should raise their concerns to a senior manager, (see Section 6, In Practice).

Abuse (alleged or actual) of one individual against another should be reported without delay under RBL procedures. All suspicions will be taken seriously and responded to swiftly and appropriately.

All RBL representatives, especially those in a position of trust with children or adults at risk, should always maintain appropriate professional boundaries and avoid behaviour that might be misinterpreted by others. They should be aware that private social contact with a vulnerable person is not appropriate. It is their responsibility to record and report to a manager any incident with this potential.

Most reporting will be done under this policy and supporting procedures, but it is recognised an RBL representative may wish to report under the RBL Whistleblowing Policy. We have an external Whistleblowing Service managed by Expolink. This service is available to all employees and all other

relevant parties. It is free and confidential: Telephone 0800 374 199 or report on line at: <https://wrs.expolink.co.uk/legion>.

If a whistleblowing disclosure raises concerns about the safety of residents within an RBL Care Home, RBL will act in accordance with local multi-agency Safeguarding policies.

If you feel unable to raise your concerns within the Care Home, or if you feel your voice is not being heard, you can speak to someone at the Care Quality Commission (CQC) which is independent: 03000 616161.

If you are worried about the safety and/or wellbeing of a child, you can call the NSPCC Helpline on 0808 800 5000. It is free, confidential and open 24 hours a day, 365 days a year. If you think a child is in immediate danger, you should call the emergency services on 999.

All staff, volunteers and members in relevant roles will:

- Familiarise themselves with local Safeguarding Procedures and will respond to Safeguarding concerns that are reported to them.
- Attend Safeguarding training as part of their induction training (or the training relevant to a membership role) and receive on-going training as a refresher via e-learning or face-to-face.
- Inform their line manager or Designated Safeguarding Lead, if they receive any convictions, cautions or are bound over, which may change their status.

The Safeguarding Forum will:

- Monitor and evaluate all Safeguarding practice at RBL.
- Support and promote better learning and Safeguarding practice; receive Safeguarding reports on reviews of Safeguarding systems.
- Make recommendations for areas for development of Safeguarding and seek confirmation that senior management groups have considered these.
- Receive reports of specific areas of Safeguarding concerns.
- Compile and present a report to the Executive Board and the Board of Trustees at least every quarter. This will provide statistics, advice and implications for practice.

The Head of Safeguarding will:

- Maintain up to date knowledge of national policy, best practice and research in the area of Safeguarding; will liaise with other organisations and networks to enable the on-going development of best practice in relation to Safeguarding.
- Provide advice to RBL and our subsidiary charities on Safeguarding and implications for practice as well as in relation to specific incidents.
- Monitor RBL Safeguarding systems to ensure all processes continue to work effectively.

- Maintain a Safeguarding recording systems so that comprehensive and accurate information is available.
- Advise and support individuals and departments in receiving and managing incidents of alleged abuse and in ensuring compliance to RBL Safeguarding policies and procedures.
- Provide reports and information to the Executive Board regarding Safeguarding findings and implications for ongoing practice.

As part of the country's counter-terrorism strategy, CONTEST, and especially under the PREVENT Strategy (HM Government 2011), RBL representatives will work with partner organisations to contribute to prevention of terrorism by Safeguarding and protecting vulnerable individuals.

6. In Practice

If you suspect abuse or neglect, you have a duty to report it.

You might suspect abuse if you see someone, a member of staff, or a volunteer or Member, behaving in an inappropriate way. Alternatively, a member of staff, a family member, friend or member of the public might tell you they are concerned about, or suspicious of, abuse to a Beneficiary. An individual might communicate their own concerns to you about abuse or their safety.

As an RBL representative, you should report your suspicions to your duty or line manager if you have one, or to your local Designated Safeguarding Lead (DSL). The person you report it to will then escalate your concerns. The matter will then be reported to the Safeguarding Team for your own Local Authority, (contact details are on their websites). If you feel the person is in danger of abuse, you should contact the police immediately.

You also have a duty and obligation to report to the police if a criminal act has occurred including where there has been sexual, financial and physical abuse. The Head of Safeguarding is responsible for the maintenance of a central record of all Safeguarding incidents using Legion ASSURE.

Summary - What you should do if you suspect abuse or neglect

- Ensure the individual is immediately safe.
- If you are told about a suspicion, listen carefully. Take what is being said seriously. Do not make any assumptions or accusations. Find out the basics of what happened, but do not investigate the matter yourself.
- Do not ask leading questions. It is more appropriate to ask open questions, such as “can you tell me about what happened”, or “can you give me more detail?”
- Make a clear written record of what was said; sign and date everything you write. Diagrams may also help.

- Do not guarantee confidentiality. When there are Safeguarding concerns, it is not always possible to keep everything confidential. Assure the person you will only share information with people if they need to know about it.
- You have a duty to tell someone. Tell your duty or line manager if you have one, or your Designated Safeguarding Lead (DSL). If the allegation is about one of these individuals, escalate it to the next, more senior person.
- Alternatively, you can report under the Whistleblowing Policy. Expolink manages this service. It is free and confidential: Telephone 0800 374 199 or report on line at: <https://wrs.expolink.co.uk/legion>.
- The police are to be contacted: In an emergency (immediately); or if you suspect that a crime has been committed, after a discussion with a senior person.
- In addition to all other reporting, you must also notify the Head of Safeguarding: safeguarding@britishlegion.org.uk

What happens next?

When RBL, or our subsidiary charities, becomes aware of a concern or allegation of abuse, they will decide what will happen.

This may include, as required by law, inform the relevant statutory authorities where appropriate (including the Local Safeguarding Adults Board, Social Worker, the police, CQC etc.), as soon as possible and no longer than 24 hours or the next working day. Significant incidents will also be reported to the Charity Commission. The Local Authority (or the police) will provide instructions about whether the matter should be investigated.

7. Policy Ownership and Status

This Policy, Safeguarding Children and Adults at Risk is owned by the Human Resources Directorate. It will be periodically reviewed and updated to reflect best practice and legislation in consultation with the Head of Safeguarding and approved by the Executive Board.

This policy should be considered, as necessary, with reference to national legislative frameworks, local multi-agency procedures, industry guidance and the requirements of the Care Quality Commission (CQC).

Associated TRBL documents:

- Whistleblowing Policy (March 2018).
- Poppyscotland Whistleblowing Policy.

8. Relevant Legislation for Scotland, NI, ROI and Wales

NI: (Children):

The Pledge (2006-2016)

Co-operating to Safeguard Children and Young People in Northern Ireland

The Children (Northern Ireland) Order 1995

Children's Services Co-Operation Act (Northern Ireland) 2015

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

Digital Economy Act 2017

NI: (Adults):

Safeguarding Board Act (Northern Ireland) 2011

Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) (Amendment) Regulations (Northern Ireland) 2014

Safeguarding Vulnerable Groups (2007 Order)

ROI:

Safeguarding Vulnerable Persons at Risk of Abuse – National Policy and Procedures (2014)

Children First (2015)

Scottish Legislation:

National Guidance for Child Protection in Scotland (2014) - Scottish Government

Children (Scotland) Act 1995

Protection of Vulnerable Groups (Scotland) 2007

Children and Young People (Scotland) Act 2014

Digital Economy Act 2017

Limitations (Childhood Abuse) (Scotland) Act 2017

Children's Hearings (Scotland) Act 2011

Revised Prevent Duty Guidance for Scotland 2015

Wales:

Social Services and Well Being Act 2014 for Wales