



**Abbey Cwmhir  
Heritage Trust**

*Ymddiriedolaeth  
Trefladaeth  
Abaty Cwmhir*

## Safeguarding Children/Adults at Risk Policy

### 1. Policy Purpose

This policy and procedures have been designed to ensure that Trustees and volunteers are aware of their responsibilities to ensure the safety and protection of all children and adults at risk involved with the Abbey Cwmhir Heritage Trust activities whilst under their supervision and care and to know who to contact if a situation were to arise.

### 2. Policy Statement

2.1.1.	The Trustees will seek to adopt the highest possible standards and take all reasonable steps in relation to the safety and welfare of children/adults at risk which it comes into contact with during the course of its activities.
2.1.2.	This policy does not seek to discourage such activities and contact. Rather, it seeks to support such activities and to offer reassurance to the Trustees and volunteers and the charity's beneficiaries through its implementation. We will do this by: <ul style="list-style-type: none"><li>• Working with beneficiaries in a way that protects and promotes their rights and interests</li><li>• Ensuring all our practices are safe</li><li>• Recognising factors of vulnerability and taking necessary steps to minimise risks</li><li>• Recognising and reporting dangerous, abusive, discriminatory or exploitative behaviour and practice</li><li>• Acting in response to immediate risk to a vulnerable person e.g. contacting emergency services</li><li>• Recognising signs and symptoms of abuse or neglect and reporting our concerns</li><li>• Taking action if issues are ongoing after we have raised concerns</li></ul>
2.1.3.	All Trustees/volunteers have a duty of care to raise any concerns about any aspect of the operation of the services provided by the Trust. This might relate to perceived poor practice or concerns about the potential abuse of service users in the wider community with whom the charity interacts. It is everyone's responsibility to safeguard individuals from harm.
2.1.4.	The Trust will do its utmost to ensure the safety and protection of all children/adults at risk involved with Trust activities whilst under the supervision of our Trustees and volunteers and expects them to comply with the following principles.

### 2.2 Principles

2.2.1.	<ul style="list-style-type: none"><li>• The welfare of children/adults at risk is paramount</li><li>• The Trustees and volunteers would support that individual and their needs to help them to achieve their own well-being</li><li>• All children/adults at risk, whatever their age, disability, gender, race, sexual orientation or religious belief have the right to protection from abuse</li></ul>
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	<ul style="list-style-type: none"> <li>• All suspicions and allegations of abuse and poor practice will be taken seriously and responded to swiftly and appropriately</li> <li>• All Trustees and volunteers working with children/adults at risk on Trust activities have a responsibility to immediately report any concerns to the Designated Safeguarding Officer (see 2.3 below).</li> </ul>
2.2.2.	Where there are concerns that a child/adult at risk has been abused or might be at risk of significant harm the Designated Safeguarding Officer will report to the relevant authorities (ASSIST).

<b>2.3. Responsibility</b>	
2.3.1.	<p>Accountability and responsibility for the adoption and implementation of the policy will rest with the Trustees, and volunteers collectively. In the first instance Julian Lovell will act as the designated safeguarding officer for the Trust. All Trustees and volunteers, on appointment, will be advised who is the designated safeguarding officer and informed of any changes.</p> <p>All suspicions and allegations must be reported to the designated safeguarding officer who will report to the authority (ASSIST).</p>

### **3. Code of Practice**

The following code of practice applies to all Trustees and volunteers:

- Avoid unnecessary physical contact.
- It is not good practice to take a service user alone in a car on journeys, however short.
- If you find you are in a situation where you are alone with a service user, make sure that others can clearly observe you.
- Avoid entering into personal relationships with service users.
- Do not make suggestive or inappropriate remarks to or about service users, even in fun, as this could be misinterpreted.
- In the unlikely event that a service user tells you, or if an allegation is raised by a third party, that they are being abused the following steps should be followed:-
  - o Listen carefully and sympathetically
  - o Accept what is being told (this is not the same as believing)
  - o Avoid asking leading questions
  - o Do not make assumptions or ignore what is being said
  - o Do not confront the alleged abuser
  - o You do not need evidence of abuse
  - o Record as soon as you can what the vulnerable adult says in as much detail as possible.
  - o Refer all information immediately to the designated safeguarding officer, who will report any suspected abuse to Powys County Council ASSIST Team or the Police

### **4. Policy Eligibility**

This policy applies to all Trustees and anyone working or volunteering on behalf of the Trust and whose role requires them to supervise or care for children/adults at risk.

### **5. Policy Procedure**

## 5.1 Checks and Risk Assessments

5.1.1.	In general, not all users of the services provided by the Trust will be children/adults at risk (as defined in 8 below) – though there may be something in the background or experience of the service user that becomes apparent as assistance is provided. Therefore there is not a requirement for all Trustees or volunteers working in support of the Trust to be DBS checked – though the Trustees reserve the right to carry out such checks on all or a proportion of Trustees/volunteers to ensure that, where a service user is identified as at risk, all interaction with that service user is carried out through people with the correct level of DBS.
5.1.2.	The charity will ensure that all Trustees and volunteers with the Trust acknowledge that it is beholden upon them to act at all times in a manner that does not put service users at risk, and in line with the safeguarding duty highlighted in this policy.
5.1.3.	In situations where Trustees or volunteers interact with a child/adult who may potentially be at risk the charity will ensure a risk assessment is developed to mitigate or remove potential risks. The risk assessment will: <ul style="list-style-type: none"><li>• identify the nature of the contact;</li><li>• consider the individual circumstances of people involved;</li><li>• identify any potential areas for harm and detail action to prevent harm occurring;</li><li>• identify those few situations that would require a DBS check.</li></ul>
5.1.4.	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.

## 5.2 Recruitment Checks *(for the purpose of this Policy this includes Trustees and Volunteers)*

5.2.1.	Where Trustees/volunteers carry out regulated activity, rigorous recruitment and selection processes checks into their eligibility will be required. In addition to standard recruitment and selection procedures the following actions will also be taken: <ul style="list-style-type: none"><li>• Obtain two written references to ascertain what contact the applicant has had with children/adults at risks and any concerns that have arisen. Confirm the authenticity of referees by production of referee's letterhead or company stamp.</li><li>• Follow these steps where there is a requirement for a check from the Disclosure and Barring Service.</li></ul>
5.2.2.	Recruiting Trustees must ensure that the above checks are included into the role description when recruiting to ensure that applicants are aware of what checks they will be required to satisfy.
5.2.3.	Checks must be completed before a Trustee or volunteer carries out any such activity and this must be done with their consent.
5.2.4.	It is important to ensure that any Trustees or volunteers who have not had any checks or are still awaiting the outcome of any checks are not responsible for the supervision and care of children/adults at risk without being accompanied by a Trustee/volunteer who has had the relevant checks.
5.2.5.	The enhanced check confirms any spent and unspent convictions as well as police cautions and other relevant information. Checking the DBS register checks if the individual is on the barred list. The Trust will not use any individual whose prospective role would require them to engage with children/adults at risk and who are on the barred list.

## 5.3 Reporting and Referrals Adults at Risk

5.3.1.	<p>The Trustee/volunteer should discuss whether it is appropriate to seek consent from the adult with the Designated Safeguarding Officer.</p> <p><b>Seeking consent to a report</b></p> <p>The interests of the adult at risk must be the overriding consideration in making any decisions whether to seek consent prior to making a report to the authorities (ASSIST). However, Trustees/volunteers should aim to seek consent from the adult where possible. The reasons for this are that it is more likely to:</p> <ul style="list-style-type: none"> <li>● lead to engagement in the safeguarding process and to effective outcomes;</li> <li>● promote an effective working partnership with the adult.</li> </ul> <p>It is important that Trustees/volunteers engage adults in the process as early as possible to ensure their wishes and feelings are taken into consideration where possible and to avoid them becoming mere 'objects of concern'.</p>
5.3.2.	<p><b>Making a report without consent</b></p> <p>The adult at risk is sometimes the only source of information about what has happened to them. In some circumstances, Trustees/volunteers may need to speak to an adult without the knowledge of a carer. Where a decision is made not to seek consent relevant circumstances for this decision must be recorded and could include:</p> <ul style="list-style-type: none"> <li>● the possibility that the adult would be put at further risk;</li> <li>● the possibility that an adult would be threatened or otherwise coerced into silence;</li> <li>● a strong likelihood that important evidence would be destroyed/lost;</li> <li>● if a carer or family member is identified as the alleged abuser;</li> <li>● that the adult in question did not wish the carer to be involved at that stage;</li> <li>● it is in the public interest.</li> </ul> <p>If, having taken account of the adult's wishes, it is still considered that there is a need for a report their wishes may be overridden. In this situation:</p> <ul style="list-style-type: none"> <li>● the reason for proceeding without consent must be recorded;</li> <li>● social services should be informed that the adult has not given their permission;</li> <li>● the adult should be informed by the referrer that a report has been made despite their wishes.</li> </ul> <p><b>The General Data Protection Regulation (GDPR)</b> gives individuals greater control over their own personal data, but it does not give them the right to prevent sharing of information when there are concerns about an adult at risk.</p>
5.3.4.	<p>It is the responsibility of all Trustees and volunteers to report any incident to the Designated Safeguarding Officer so that they can pass the details to the authorities (ASSIST).</p>
5.3.5.	<p>Trustees and volunteers should report any concerns, suspicions or disclosures of abuse as soon as possible and within 24 hours to the Designated Safeguarding Officer.</p>
5.3.6.	<p>The Designated Safeguarding Officer should report to the relevant authorities (ASSIST).</p> <p>A referral to the DBS should be made in the following circumstances:</p>
5.3.7.	<p>Trustees and where appropriate, volunteers, to whom this policy applies must familiarise themselves with their duties and responsibilities as part of the introduction and operation of this policy.</p>

**5.4 Reporting and Referrals Children at Risk**

<p>5.4.1.</p>	<p>The Trustee/volunteer should discuss whether it is appropriate to seek consent with the Designated Safeguarding Officer.</p> <p><b>Seeking consent to a report</b></p> <p>The interests of the child at risk of harm must be the overriding consideration when making decisions as to whether to seek child and/or parental consent, prior to making a report.</p> <p>The Designated Safeguarding Officer should try and seek consent from the parents. The reasons for this are that involving families and carers are more likely to:</p> <ul style="list-style-type: none"> <li>● lead to engagement in the safeguarding process and to child-centred outcomes;</li> <li>● promote an effective working partnership with the family.</li> </ul> <p>Children, if competent, should also be consulted and their consent obtained. It is important to engage children in the process as early as possible to ensure their wishes and feelings are taken into consideration where possible and to avoid them becoming mere 'objects of concern'.</p> <p>However, the safety and welfare of the child is the paramount consideration in terms of seeking consent. If unsure, please contact your local social services team for advice.</p> <p>For further guidance see: (<a href="#">Working Together to Safeguard People: Information sharing to Safeguard Children</a>)</p> <p><a href="#">Pointers for Practice: Seeking Consent: Obtaining Consent from Children and Young People</a></p>
<p>5.4.2</p>	<p><b>Making a report without parental consent</b></p> <p>In some circumstances, the Designated Safeguarding Officer may need to speak to a child without the knowledge or consent of the parent or carer as children are sometimes the only source of information about what has happened to them.</p> <p>Where a decision is made <i>not</i> to seek parental consent relevant circumstances for this decision must be recorded and could include:</p> <ul style="list-style-type: none"> <li>● the possibility that the child would be put at further risk;</li> <li>● the possibility that a child would be threatened or otherwise coerced into silence;</li> <li>● a strong likelihood that important evidence would be destroyed/lost;</li> <li>● the parent identified as the alleged abuser;</li> <li>● the child in question not wishing the parent to be involved at that stage and is competent to take that decision;</li> <li>● it is in the public interest.</li> </ul> <p>The child and parent/s wish not to report may be overridden if it is considered by the Designated Safeguarding Officer that there is still a need for a report.</p> <p>In this situation:</p> <ul style="list-style-type: none"> <li>● the reason for proceeding without parental agreement must be recorded;</li> <li>● social services must be informed that the parent has not given their permission;</li> <li>● the parent/s should be informed by the Designated Safeguarding Officer that a report has been made despite their wishes, unless to inform them would place the child at risk of harm or further harm.</li> </ul> <p>Social services must be informed at the point of report:</p> <ul style="list-style-type: none"> <li>● whether consent has been given or withheld;</li> <li>● who was contacted to obtain consent, their response, wishes and desired outcomes;</li> <li>● if the child is aware of the report and has given consent;</li> <li>● when consent has been refused that the child and parent/s have still been informed of the report;</li> </ul>

- why there have been no attempts made to seek consent.

## 5.5 Responding to Allegations Against a Trustee or Volunteer

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| 5.5.1  | If an allegation is raised against someone within the Trust, either Trustee or Volunteer, this should be reported to the Designated Safeguarding Officer who should report to the authority (ASSIST).     |
| 5.5.2. | Depending on that outcome it may be necessary to remove the individual from further Trust activities and for a Trustee to submit their resignation, or be removed as a Trustee by the remaining Trustees. |

## 6. Legislation

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| 6.1.1. | The Abbey Cwmhir Heritage Trust Trustees and volunteers have all read and understood the <a href="#">Wales Safeguarding Procedures</a> as part of their induction process and understand their responsibilities to protect and safeguard the welfare of children and adults at risk.                                                                                                                                                                                                                                                                                                                             |
| 6.1.2. | The Social Services and Well-being (Wales) Act 2014 changed the approach to safeguarding and some of the definitions around those at risk. The Act also introduced the Well-being duty:<br><br><i>“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.”</i>                                                                                                                                                                                      |
| 6.1.3. | There are additional underpinning values associated with the Act: <ul style="list-style-type: none"> <li>• views, wishes and feelings of the individual</li> <li>• respecting dignity</li> <li>• participation</li> <li>• characteristics, culture and belief</li> <li>• adults best placed to judge their own well-being</li> <li>• promoting independence.</li> </ul>                                                                                                                                                                                                                                          |
| 6.1.4. | The definition of who might be in need of support to keep safe has also changed. An adult is defined as an adult at risk if they: <ul style="list-style-type: none"> <li>• <i>have needs for care and support</i></li> <li>• <i>is experiencing, or is at risk of, abuse or neglect, and</i></li> <li>• <i>as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.</i></li> </ul>                                                                                                                                                                     |
| 6.1.5. | The Protection of Freedoms Act 2012 defines regulated activity relating to children and adults. There are only six types of activity that can be classed as regulated activity relating to adults. These are listed below. Not all are relevant to the operation of the charity but it is worth having a knowledge of all of them to be able to judge where the services the charity provides may cross the line into ‘regulated activity’: <ul style="list-style-type: none"> <li>• healthcare for adults provided by, or under the direction or supervision of a regulated health care professional</li> </ul> |

	<ul style="list-style-type: none"> <li>personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks</li> <li>social work - provision by a social care worker of social work which is required in connection with any health services or social services</li> <li>assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party</li> <li>assisting in the conduct of an adult's own affairs under a formal</li> <li>conveying adults for reasons of age, illness or disability to, from, or between places where: <ul style="list-style-type: none"> <li>the focus is on the activities needed by the adult, not where the activity takes place</li> <li>an individual only needs to engage in the activities listed below once to be carrying out regulated activity relating to adults</li> </ul> </li> </ul>
6.1.6.	<p>This policy is in accordance with the following legislation:</p> <ul style="list-style-type: none"> <li><i>Social Services and Well-being (Wales) Act 2014.</i></li> <li><i>The General Data Protection Regulation (GDPR)</i></li> <li><i>The Protection of Freedoms Act 2012</i></li> </ul>

## 7. Other Policies

This policy should be read in conjunction with the following Abbey Cwmhir Heritage Trust policies:

- Data Protection Policy
- Equal Opportunities Policy
- Feedback & Complaints Policy
- Health & Safety Policy
- Volunteering Policy

## 8. Policy Definitions

**Child At Risk** - An individual under the age of 18 years who is experiencing or is at risk of abuse, neglect or other kinds of harm and has needs for care and support (whether or not the authority is meeting any of those needs) .

**Designated Safeguarding Officer** - Whilst all the Trustees are ultimately responsible for safeguarding, as it is key as part of their governance role, Julian Lovell, Trustee has been appointed to take responsibility for reporting any incidents regarding the treatment of children/adults at risk by a Trustee or volunteer to the authority (ASSIST).

**DBS** - Disclosure & Barring Service - Enhanced DBS check will be required which shows full details of a person's criminal record such as cautions, reprimands, warnings, spent and unspent convictions and if the potential Trustee or volunteer appears on the Children's Barred List or Adult First list.

**Adult at Risk** - An adult at risk is a person aged 18 years or over who for the purpose of this policy is experiencing or is at risk of abuse or neglect, has needs for care and support (whether or not the authority is meeting any of those needs) and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it may be unable to take care of themselves, or protect themselves from harm or from being exploited. This may be because they have a mental illness, a physical disability, a sensory impairment, are elderly or frail, or have some form of illness.

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<b>Description of Change:</b>		
AHT new logo added	Jackie Marriott	3 May 2022
Updated to take into account new legislation: Social Services and Well-being (Wales) Act 2014 and advice from PAVO	Jackie Marriott	7 June 2022