

SAFEGUARDING POLICY	Date Approved:
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1. Introduction

This document sets out the policy and procedures of Alexandra Park and Palace Charitable Trust and its trading subsidiary APTL hereafter known as Alexandra Palace to ensure a safe environment for young people and vulnerable adults. Alexandra Palace is committed to protecting the welfare and preventing the abuse of children and vulnerable adults with whom it comes into contact.

Where safeguarding concerns are raised we will take swift action to ensure that concerns are acknowledged, correctly managed and reported.

Alexandra Palace also recognises its responsibilities to protect staff and volunteers against unfounded allegations of abuse.

This policy aims to ensure that young people and vulnerable adults, and all those who work with them, are safe and supported within Alexandra Palace and its organised activities.

2. Policy Statement

Alexandra Palace acknowledges a duty of care to safeguard and promote the welfare of children and vulnerable adults and is committed to ensuring that its safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice.

It aims to ensure that regardless of age, gender, religion or belief, ethnicity, disability, sexual orientation, marital status or socioeconomic background, all children and vulnerable adults:

- have a positive and enjoyable experience at Alexandra Palace in a safe environment and are protected from abuse;
- Alexandra Palace acknowledges that some children and vulnerable adults, including disabled people or those from ethnic minority communities, can be particularly vulnerable to abuse and we accept the responsibility to take reasonable and appropriate steps to ensure their welfare.

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It is our policy that we will

- promote and prioritise the safety and wellbeing of children, young people and vulnerable adults;
- ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children, young people and vulnerable adults;
- ensure appropriate action is taken in the event of incidents/concerns of abuse or risk of harm and provide support to the individual/s that raise or disclose the concern;
- ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored;
- do our utmost to prevent the employment/deployment of unsuitable individuals;
- ensure robust safeguarding arrangements and procedures are in operation.

Failure to comply with the policy and procedures may result in disciplinary action under the Alexandra Palace Disciplinary process.

3. Confidentiality

Alexandra Palace has a responsibility to share relevant information about the protection of children and vulnerable adults. If a child or vulnerable adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the child or vulnerable adult sensitively that he/she has a responsibility to refer cases of alleged abuse to the Designated Safeguarding Lead for their own sake. Within that context, the child or vulnerable adult should, however, be assured that the matter will be disclosed only to people who need to know about it. Members of staff who receive information about children and their families in the course of their work should share that information only within appropriate professional contexts. Staff can contact the Designated Safeguarding Lead for clarification.

4. Definitions

For the purposes of this policy and procedure, the following definitions apply:

‘Member of staff’- The term ‘Member of staff’ shall mean any permanent, temporary or fixed-term employee, casual worker, It also covers individuals providing services or performing work, such as agency workers and contractors, contracted services as well as volunteers.

This policy applies to all employees both full-time, part-time and those working on a fixed term or casual contract. It also covers other, and these individuals are also encouraged to use this policy.

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'Child' - For these purposes, a 'Child' is defined as any young person under the age of 18 (Section 105 of the Children Act 1989) who is participating in educational activities, attending a performance, event, ice-skating or on work experience.

'Vulnerable adult' is any person aged 18 or over who is or may be in need of community care services because of disability, age or illness, and who:

- is or may be unable to take care of themselves;
- is unable to protect themselves from significant harm or exploitation.

Vulnerable adults could include:

- older people;
- people with a visual or hearing impairment, physical disability;
- people with learning disabilities;
- people with mental health condition;
- people living with HIV or AIDS.

In some cases, vulnerable adults may lack the capacity to make certain decisions for themselves. The Mental Capacity Act helps to protect vulnerable people where this is the case, makes clear who can make decisions, in which circumstances and how they should go about doing this.

'Responsible adult' - Any adult, not being a parent of the Child, who, for the time being, has legitimate care, custody or control of that Child.

'Child Abuse' - Child Abuse is the abuse of relationships. It is a misuse of power and a betrayal of trust. The consequences of the pain of Child Abuse are frequently more harmful than most people realise and unresolved abuse issues may follow the child into adulthood. See Appendix 1 for detailed definitions. For further information, visit <http://www.londoncp.co.uk/>

Abuse of vulnerable adults can include:

physical abuse including hitting, slapping, pushing, kicking, restraint, misuse of medication

- sexual abuse including acts to which the adult at risk has not consented
- psychological abuse including emotional abuse, threats of harm or abandonment, humiliation, intimidation, verbal abuse.
- financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills or property.
- neglect and acts of omission
- discriminatory abuse.
- Other – Discriminatory abuse, honour based violence, forced marriage, human trafficking, exploitation by radicalisers who promote violence, Domestic violence.

See Appendix 1 for detailed definitions.

5. Legal expectations and requirements:

Alexandra Park and Palace Charitable Trust is a registered charity and does not at present deliver registerable services under the care standards act or under the children acts as such. Nevertheless, it is a provider of 'teaching, training and instruction' (as defined in the guidance on Regulated Activity) to children and sometimes to vulnerable adults. Some of these fall within the definitions of Regulated Activities within the meaning of the DBS (disclosure and barring service) and the DFE definitions of Regulated Activity.

The charity has significant contact with children, has a duty to prevent abuse and to listen to children when they express concerns and to take the right action to protect them. We recognise that Section 11 of the Children Act 2004 and Working Together to Safeguard Children¹ (March 2013: pages 6, 47 and 57) apply to us generally and apply specifically when engaged in Regulated Activity. Whilst we are not (in the legal sense) a school or college we do provide education and instruction and therefore seek to work to the standards set out in Keeping Children Safe in Education April 2014. We recognise documented definitions of types of child abuse and provide a senior officer (Head of HR), who has the full support of the CEO and the Board, who performs the role of 'Designated Safeguarding Lead' who implements this policy and is there to advise staff, volunteers and colleagues and to manage referrals to safeguarding authorities.

In relation to vulnerable adults, we recognise 'No Secrets'(2000), the Safeguarding Vulnerable Groups Act 2006 and seek to work to the Social Care Institute for Excellence guidance on prevention in adult safeguarding (May 2011).

Above all Alexandra Palace recognises that the prevention of child abuse and the protection of vulnerable adults is everybody's business. It will continuously seek to achieve the best standards in its safeguarding practices.

See Appendix 2 for further detail on relevant legislation

6. Scope of our work

Staff and volunteers expected to be involved in Regulated Activity as defined in law will be recruited, selected and trained in accordance with the proper standards and all staff will receive appropriate safeguarding training that is professionally delivered and up to date. Staff and volunteers delivering Regulated Activity will also receive proper supervision. For further information on safer recruitment training visit www.saferrecruitmentconsortium.org.

The current contexts in which Alexandra Palace works with young people under the age of 18 are:

¹ DofE Statutory guidance on inter-agency working to safeguard and promote the welfare of children

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Learning and Participation Programme: onsite and offsite workshops, events, tours, handling collections and presentations, master classes and work experience placements

Ice rink: Skating coaches and judges are required to apply to NISA annually for a license, the license requires them to be DBS checked attend safeguarding training, Alexandra Palace holds copies of all licenses and renewal documentation. In addition, we engage licensed and registered Chaperones during Pantomime performances.

Within Alexandra Palace's Venue Management Plan (VMP) protocols are established detailing how a report of a lost child or vulnerable adult should be managed. A similar protocol exists as to how the venue will act when a child or vulnerable adult is found to be separated from their carer.

For ticketed events such as concerts, age restrictions for unaccompanied children are assessed and agreed with promoters, before being made clear to customers at point of sale. Such age restrictions are enforced by Security Personnel on entry to the building.

Alexandra Palace sources security personnel and stewards from SIA Licensed companies. All SIA licensed security personnel receive DBS checking as part of their licensing arrangements.

Alexandra Palace is working to achieve the White Ribbon Music award which aims to eliminate Violence against Women and Girls. This work aims to establish an environment whereby any complaints of harassment, violence or assault are received and managed by Alexandra Palace team members in a sensitive and appropriate manner.

Alexandra Palace has a responsibility to promote that our leaseholders and Friend Groups and Societies and when working in partnership within the park and palace safeguard and promote the welfare of children and vulnerable adults and are committed to ensuring that its safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice.

7. Safeguarding roles and responsibilities

- adopting safeguarding guidelines through procedures and a Code of Conduct Appendix 3 for staff and volunteers;
- following carefully the procedures for recruitment and selection of staff and volunteers;
- providing effective management for staff and volunteers through supervision, support and training;
- reporting information about concerns
- sharing information about child protection and good practice with staff and volunteers;
- reviewing its policies and practice at regular intervals,
- Dealing effectively with any allegations made against staff and volunteers.

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All staff have a role to play in delivering Safeguarding Policy, but specific responsibility has been allocated to named staff as outlined below.

The CEO has responsibility for safeguarding and ensuring compliance with Charity Commission requirements and ensuring the Board and Executive team have ownership of safeguarding issues.

The Board will appoint a safeguarding trustee on the Board.

The Head of Human Resources is responsible for ensuring that appropriate Disclosure and Barring Service (DBS) checks are undertaken, and up to date records maintained, as well as that the appropriate checks and references are taken up for staff offered employment. DBS back checks and ensuring that staff receive safeguarding training.

The Head of Learning is responsible for ensuring that appropriate Disclosure and Barring Service (DBS) checks are undertaken, and up to date records maintained, as well as that the appropriate checks and references are taken up for volunteers. DBS back checks and ensuring that staff receive safeguarding training.

The Safeguarding Working Group is responsible for steering work in relation to safeguarding, reviewing the Safeguarding Policy and making recommendations to the Executive Team for any actions that need to be taken to maintain compliance and good practice.

All staff have a responsibility to report any concerns to their manager or Designated Safeguarding Lead.

8. Recruitment, vetting, induction and training of staff

Alexandra Palace recognises that anyone may have the potential to abuse children and vulnerable adults in some way and that all reasonable steps are taken to ensure unsuitable people are prevented from working with them.

Alexandra Palace complies with an on-going duty to notify DBS with any relevant information regarding the conduct of any individual which the Alexandra Palace considers to have caused harm or pose a risk of harm to vulnerable groups. Alexandra Palace will implement appropriate recruitment procedures for members of staff working on activities with children and/or vulnerable adults, having substantial access to children and/or vulnerable adults, access to children's personal information or images, or who through the course of their work are liable to find themselves in a position of trust. These procedures will include:

- Disclosure and Barring Service checks carried out by HR Department on the offer of a post which is likely to have significant contact with children and/or vulnerable adults.
- Two reference checks which confirm their suitability to work with children.

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- Ensuring all existing staff regularly in contact with children, or unsupervised and or regulated activity, will have completed updated Disclosure and Barring Service checks (DBS checks, formerly CRB).
- All staff contracts will refer to this policy about protecting children and vulnerable adults, and by signing contracts, staff will be confirming that they have received and read a copy of this policy.
- Employees are required them to inform Alexandra Palace if they or their child is subject to a child protect investigation. Failure to do so could result in Disciplinary action;
- It is essential that all staff who have access to children and vulnerable adults understand their safeguarding responsibilities and what to do in the event a disclosure is made to them, or they suspect risk of harm or abuse. To aid this, all staff working with students, with children or likely to be in regular contact with vulnerable adults will receive training on safeguarding training.

For its widening participation, and outreach work Alexandra Palace will take the following steps:

- Only employ staff, where possible, who have actually been observed working with children, young people or vulnerable adults (as appropriate)
- Ensure that a teacher, youth worker, care worker or other group leader from the host organisation is present during workshops delivered by Alexandra Palace.
- Provide visiting professionals with a copy of this policy.

9. Procedure for Managing a disclosure

Disclosing abuse is difficult for variety of reasons. Some children and vulnerable adults do not disclose because they feel they will not be believed or be taken seriously. It is very important that staff actively listen and respond sensitively. Creating a safe space to talk is crucial in breaking down barriers to disclosure. The chart below shows some things to do and those not to do when speaking to someone.

Do	Don't
<ul style="list-style-type: none">• Stay calm;• Recognise your feelings, but keep them to yourself;• Use language that the person can understand;• Reassure the person: telling you is doing the right thing, they are not to blame, you believe that they are telling the truth;• Listen carefully, record what the person says and keep these notes;• Explain what you will do next (i.e. tell your manager or Designated Safeguarding Lead) in a simple and clear way• Follow the standard procedure in telling your manager or Designated Safeguarding Lead and seeking advice and support for yourself.	<ul style="list-style-type: none">• Panic or delay;• Express strong feelings of upset or anger;• Use jargon or express opinions;• Probe deeply for information;• Use leading questions;• Make them repeat the story;• Promise unconditional confidentiality;• Approach the person against whom the allegation has been made, or discuss the disclosure with anyone other than your manager or the Designated Safeguarding Lead.

10. Reporting a concern / disclosure

This procedure below will be followed whenever a disclosure has been made, or there is a suspicion that a child or vulnerable adult is at risk of harm or has been abused. If in doubt, about whether to make a written record (for example, you have a slight concern), you can contact the designated safeguarding lead.

The member of staff will make a detailed written record of the matter, using if possible the Safeguarding Report Form, and report it within twenty-four hours to their line manager / safeguarding lead. In the case of an urgent concern, the member of staff will communicate the matter as soon as possible, and complete the written report afterwards.

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The Designated Safeguarding Lead will seek advice from the Local Authority Designated Officer (LADO) where required to inform decision making about the appropriate course of action to be taken, sharing necessary information as appropriate to best protect the child or adult at risk, with their consent wherever possible.

Where risk of harm or abuse is identified, we will take action to best protect the child or vulnerable adult.

Alexandra Palace will involve the child or vulnerable adult in decision making and act with their consent where possible. The Designated Safeguarding Lead will take action without consent where this is considered to be in the best interests of the child or vulnerable adult.

If the matter is the subject of a criminal investigation Alexandra Palace is entitled to pursue its own or complementary confidential enquiries and disciplinary action. The Designated Safeguarding Lead will consult with the relevant agencies in such cases.

To maintain the integrity of the investigation, individuals who face an allegation may be advised to only discuss the substance of the allegation with his or her union or legal representative, immediate family or as directed by the investigating officer.

Following an investigation, disciplinary action may be taken as appropriate.

Information is shared and discussed between staff and relevant agencies on a need to-act basis only.

Flowchart for Reporting Safeguarding concerns.

11. Responding to Concerns

Deal with any immediate needs:

- Take all reasonable steps to ensure the child or vulnerable adult is in no immediate danger;
- Seek medical treatment if required as a matter of urgency.

Listen carefully if a child or vulnerable adult discloses abuse to ensure that they are heard and not discouraged from reporting abuse. Clarify the bare facts of the reported abuse or grounds for suspicion of abuse but:

- It is not your role to interview the child or vulnerable adult;
- Do not discuss in any circumstances the allegation of abuse with the alleged perpetrator.

Explain:

- That you must inform your line manager;

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- Tell the victim that others will have to be informed, e.g. Designated Safeguarding Lead, Local Authority Designated Officer (LADO) and the police;
- Find out how the victim of abuse feels about informing others who might help, in particular Local Authority Designated Officer and the police.

Record:

Using the safeguarding report form, make an accurate written record of the allegation, or the grounds for suspecting abuse, including:

- The date and time of the incident;
- What was said by the victim of abuse in their own words;
- The appearance and behaviour of the victim;
- Any injuries witnessed;
- Anyone who was present at the time.

Inform:

- Your line manager immediately;
- In the absence of your line manager, a senior manager, Designated Safeguarding Lead or Lead Site Security team member, or emergency services in an emergency. During an event, Venue 1 will act as designated safeguarding lead and should be notified of any disclosures received so that the appropriate response can be initiated by Event Control. The event protocol should be followed and employees should seek advice if unsure.

What you should **not** do

- **Do not** confront the person you think is responsible for the abuse in the case of an event you should contact Lead Site Security Team Member;
- **Do not** destroy the evidence;
- **Do not** start to investigate the situation;
- **Do not** ignore even if the person does not want it to be disclosed.

12. Responsibilities of the line manager

Once the allegation or suspicion of abuse has been raised with the line manager, he or she must decide without delay on the most appropriate course of action.

It is the duty of the line manager to:

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Deal with any immediate needs:

- Ensure the victim of the alleged abuse is safe;
- Ensure that any necessary emergency medical treatment is arranged;
- Ensure that no forensic evidence is lost.

Clarify:

- The facts stated by the member of staff but **do not** discuss in any circumstances the allegation of abuse with the alleged perpetrator or if possible the victim;
- That the circumstances fall within the safeguarding procedures, i.e. meeting the definition of abuse as defined in this policy and procedures;
- Questions of consent and confidentiality as far as possible, e.g. has an assessment of capacity been made, is the alleged victim of abuse able to decide who should be informed and has an internal investigation been made and the outcome been documented.

Refer by completing the Safeguarding Report Form (Appendix 1) and submitting to the Designated Safeguarding Lead who informs the Local Authority Designated Officer (LADO)

In the event of an accident or non-safeguarding related incident the standard Health and Safety reporting procedures should be followed. In regard to potential safeguarding incidents there are four main scenarios where the need to report is necessary.

If you have:

1. Concern that a child or vulnerable adult attending Alexandra Palace event or Alexandra Palace related projects (including those in community based settings) is being abused but by somebody not connected to Alexandra Palace.
2. Concern that a child or vulnerable adult is being abused by an Alexandra Palace member of staff.
3. A disclosure from a child or vulnerable adult that they are being abused by somebody not connected to Alexandra Palace.
4. An allegation that somebody working at Alexandra Palace has abused a child or vulnerable adult.

You should inform your manager or Designated Safeguarding Lead.

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If the circumstances involve a member of staff or volunteer the Designated Safeguarding Lead will seek advice from the Local Authority Designated Officer (LADO) and inform the CEO.

Do not inform parents if the abuse allegation concerns what is happening in the child's or vulnerable adult's home, seek advice from the Designated Safeguarding Lead.

Because it can be very difficult for a child to report that they are being abused, particularly while it is happening, it is important that any allegation is taken seriously, and everything is recorded factually and on the same day.

With regard to the action that should be taken when direct allegations are made, prior to the investigation, the Designated Safeguarding Lead may obtain specialist independent advice on whether the allegation is one where suspension is necessary. If the decision is made to suspend an individual, this would be without prejudice.

Alexandra Palace is aware that we have a responsibility both to the children / vulnerable adults and to the member of staff who has been accused. To be accused of abuse or inappropriate behaviour is an extremely traumatic experience for all concerned. The HR Department can arrange for telephone counselling through our EAP package.

If the allegation about a member of staff is made to another member of staff it is important that this information is reported to the HR Department as soon as possible. Because of the rules of evidence with regard to criminal investigation, it is important that staff do not seek to interview the child, influence the parents or seek to stop the child from informing the statutory agencies. Such action can also be seen as conspiring to pervert the course of justice.

Failure to refer promptly may mean that vital evidence will be lost and result in more suffering to the child concerned, as well as potentially leaving other children at risk.

In certain circumstances it may not be appropriate for a member of Alexandra Palace staff to investigate an alleged incident themselves, in which case investigations must be left to appropriate professionals.

On occasion, the evidence needed to prosecute an alleged offender 'beyond reasonable doubt' is of such a high standard of proof, that a prosecution will not take place and even if a prosecution goes ahead, that person may be acquitted. Employees need to be aware that regardless of whether a prosecution takes place, behaviour may still be in breach of our standards of conduct, and the allegations may be subject to an internal disciplinary process, subject to the advice of the LADO.

13. Whistleblowing

Alexandra Palace encourages all members of staff to raise any concerns that they may have about the conduct of others in the organisation in relation to any suspected instances of fraud, misconduct or wrongdoing. The Whistleblowing Policy and Procedures sets out Alexandra Palace position in these matters and lays out a

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procedure for individuals to raise any concerns and how those concerns will be dealt with.

14. Children Attending events / tours

Children attending events/tours / learning programmes and the park are the responsibility of their parents, carers, guardians, teachers or other persons who accompany them. Unaccompanied minors under the age of 14 will not be admitted. In the event that a child is reported as being separated from their adult carer, this should be reported to AP Control via radio or extension 2222 who will initiate the appropriate Alexandra Palace Lost Child protocol.

Children attending performances/events/tours and the park as part of a school or community group are the responsibility of the adult group leader at all times. A ratio of adults to children is required for all large groups.

1: 3 for Early Years and Foundation students (2 to 5 years)

1: 6 for Years 1,2 and 3 (5-8 years)

1: 10 for Year 4 and above (9 upwards)

15. Procedure for lost children attending a performance, event or tour.

In the event that a child is found having been separated from the adult carer, the member of Alexandra Palace staff should contact AP Control via radio or extension 2222 who will implement Alexandra Palace's Found Child protocol. At all times, where practicable, we undertake that any lost child will be with at least two members of staff, preferably including one SIA licensed site security and in a public and visible place covered by CCTV.

The matter should be recorded and reported using the Control Daily Occurrence Book.

16. 'Abandoned' Children

If a child is found in the building under the age of 14 and is unaccompanied by an adult, it should be established if they have been abandoned, if this is the case it should be reported to Alexandra Palace Control via radio or extension 2222 and the Found Child protocol should be initiated. The matter should be recorded and reported in the control Daily Occurrence Book.

NB: This procedure should only be used if the adult is not in the building, not if a parent and child have become separated.

No member of staff should accept responsibility for a child under any circumstances.

Unaccompanied Minors Each event will have established through risk assessment and agreement with promoters/client a lower age limit under which unaccompanied children will not be admitted to the venue.

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Alexandra Palace Ice Rink does not admit unaccompanied minors to public sessions who appear to be 12 years or less. For patch ice or ice rink lessons, where a minor is below the public session age limit, children 12 and over can be left at the discretion of parent, guardian or responsible adult.

Unaccompanied minors in public areas of building such as Palm Court, East Court and other public areas of the Palace and Park are left at the discretion of parent, guardian or responsible adult.

During daytime opening hours, security on duty should be alert for any unaccompanied minors entering the building.

18. Work Experience

Alexandra Palace considers applications for Work Experience on a case by case basis subject to the needs of the business.

The manager hosting a work experience placement must liaise with the HR Department to ensure there is an awareness of under-18 and over-18 work experience students in the building. This ensures risks can be managed and a standardised approach to ensure insurances, risk assessments and learning programmes are in place.

The manager / HR Department is responsible for ensuring, prior to the placement commencing, that the School, parent, carer or guardian of the child has completed a permission form for attendance on the work experience, and has been provided with an appropriate risk assessment and all documentation relevant to the placement.

The manager in whose department the young person is to undertake the work experience must ensure that the department has an up-to-date Risk Assessment for work experience placements and, for under-18s, an individual risk assessment which is signed, dated and specific to the individual young person.

HR is responsible for collecting emergency contact details from the parent, carer or guardian identified in the work experience application form. The supervising manager is responsible for advising the Work Experience Coordinator of any accidents or emergencies, and HR will inform the parent, carer or guardian or school in liaison with Head of Health Safety.

The manager in whose department the young person is to undertake the work experience must ensure that the members of staff who are working with or supervising that young person are briefed on their responsibilities and are competent to undertake that role.

Under Disclosure and Barring Service rules, staff supervising or working alongside young people on work experience would not normally be required to undertake a DBS check. However, all staff must be aware of and must follow the code of conduct for dealing with children outlined above.

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The manager in whose department the young person is to undertake the work experience must ensure he/she receives a Health and Safety induction and Health and Safety Risk Assessment.

The manager must ensure that the young person is supervised at all times.

19. Sexual relationships

Under the Sexual Offences Act 2003, it is a criminal offence for a person to engage in a sexual relationship with a person under the age of 18 when they are in a position of trust in relation to that person. All staff and volunteers are considered to be in a position of trust for this purpose.

20. Alcohol

It is illegal for alcohol to be sold to or bought by people who are under the age of 18 years. Alexandra Palace takes reasonable steps to seek to ensure that the law is not broken in relation to licensed premises and operates a Challenge 25 policy.

21. Associated documentation and further information

This document provides only a basic guide to safeguarding. Further advice and guidance can be obtained from the HR Department.

The policy should be read in conjunction with the following documents:

- Code of conduct
- Capability policy and procedure
- Disciplinary policy and procedure
- Whistleblowing policy
- Bullying and harassment policy and procedure
- Recruitment and selection policy and procedure
- Training and induction policy
- Health and Safety policy
- Lone Working policy
- Equality, Diversity and Inclusion Policy

22. Status of policy

This procedure is a statement of current Alexandra Palace policy taking into account current legislation. Alexandra Palace therefore reserves the right to amend the procedure as necessary to meet any changing requirements.

Date	Version	Author	Amendments

APPENDIX 1: Detailed definitions

Child Abuse Definitions

There are four types of child abuse. They are defined in the UK Government Guidance Working Together to Safeguard Children 2010 (1.33 – 1.36) as follows:

1. Physical abuse
2. Emotional abuse
3. Sexual abuse
4. Neglect

Bullying is not defined as a form of abuse in Working Together but there is clear evidence that it is abusive and will include at least one, if not two, three or all four, of the defined categories of abuse. For this reason, it has been included in this factsheet.

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.

Emotional Abuse

Emotional 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 include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

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,

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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). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

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. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- or ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Bullying

Bullying may be defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms but the three main types are physical (e.g. kicking, hitting, theft), verbal (e.g. racist or homophobic remarks, threats name calling) and emotional (e.g. isolating an individual from the activities and social acceptance peer group). The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children to the extent that it affects their health and development or, at the extreme, cause them significant harm (including self-harm). All settings in which children are provided with services or are living away from home should have in place rigorously enforced anti – bullying strategies.

Definitions taken from the document NSPCC Child Protection Fact Sheet - Definitions and signs of child abuse.

APPENDIX 2: Safeguarding Key Legislation

1 Children Act 1989

The intention of the Children Act is to protect children and ensure that their welfare and development is paramount and promoted. The Act allows for provision of services to support children and their families and for the compulsory intervention of the state to protect children. The act also gives local authorities a responsibility for ensuring that this happens by working together with all the relevant agencies. It states that only the Police, Social Services and the NSPCC have the legal right and responsibility to investigate concerns about child abuse.

For any updated modifications from 2004 onwards go to Government Legislation - Children's Act

Principles

- Paramount – the child's welfare is paramount – the most important consideration;
- Parental Responsibility – parents have a duty to care for their child and meet their needs;
- Partnership – professionals and families are to work together for the welfare of the children;
- Participation – children's wishes and feelings should be ascertained so that they can contribute appropriately;
- Prevention and Provision of Services – services may be necessary to safeguard and promote the welfare of a 'child in need';
- Protection – a child must be protected from serious harm. The Local Authority has a duty to investigate any report that a child is suffering or likely to suffer, 'Significant Harm'.

Section 17 – Child in Need

Under the Children Act (1989) a child is considered to be in need if:

- he/ she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority under this Part;
- his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- he/she is disabled.

Section 47 – Child at Risk of Significant Harm/In need of protection

Places a statutory duty on the local authority.

Where a local authority has reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, the authority

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shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

Significant Harm

In relation to children:

The Children Act 1989 introduced Significant Harm as the threshold that justifies compulsory intervention in family life in the best interests of children.

Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect are all categories of Significant Harm.

Harm is defined as the ill treatment or impairment of health and development. This definition was clarified in section 120 of the Adoption and Children Act 2002 (implemented on 31 January 2005) so that it may include, "for example, impairment suffered from seeing or hearing the ill treatment of another".

Suspicion or allegations that a child is suffering or likely to suffer Significant Harm should result in an Assessment incorporating a Section 47 Enquiry

There are no absolute criteria on which to rely when judging what constitutes significant harm. Sometimes a single violent episode may constitute significant harm but more often it is an accumulation of significant events, both acute and longstanding, which interrupt, damage or change the child's development.

In relation to adults:

A key concept in adult safeguarding work is 'Significant Harm'.

The impact of harm upon a person will be individual and depend upon each person's circumstances and the severity, degree and impact or effect of this upon that person.

Working Together to Safeguard Children

This document sets out how all agencies and professionals in the statutory, voluntary and independent sectors should work together to promote children's welfare and protect them from abuse and neglect and requires those agencies to share information. This document was updated in March 2013 for modifications please go to Working to Safeguard Young Children 2013

Framework for the Assessment of Children in Need and their Families

This document outlines a procedure for all those who work with children and families in determining whether a child is in need (under the Children Act 1989) and decides how best to provide help. A child in need does not necessarily require protection, but they and their family may need additional support. This could be due to:

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Domestic violence, drug or other substance abuse, social exclusion, mental health problems

A child in need can be at risk of abuse, if the family does not receive help. (This document has now been archived)

The Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997

These regulations came into force in October 1997. They are mainly concerned with preventing the approval of people as foster carer or adoptive parents where either they or any other member of the household over the age of 18 is known to have been convicted or cautioned for relevant offences. These regulations also apply to child-minding, private fostering and residential care.

The Children (Protection from Offenders) (Misc. Amends)1997

The United Nations Convention on the Rights of the Child

The United Nations Convention sets out the rights of all children, including their right to be protected from harm.

The United Nations Convention on the Rights of the Child - UNICEF

Rehabilitation of Offenders Act 1974

This act allows people not to declare convictions to employers. People who are involved in situations where they have sustained or prolonged access to children are exempt from the Rehabilitation of Offenders legislation. This means that prospective employees, self-employed workers and volunteers must declare all criminal convictions relating to children, however long ago: and that these will be taken into account when deciding on their suitability for working with children. NB: verification of Criminal Records will be obtained in all cases from the Criminal Records Bureau.

Health and Safety at Work Act 1974

The Health and Safety at Work Act gives all organisations a legal responsibility to prevent injuries and ill health to employees and others, including members of the public. Much of this responsibility is delegated to managers who have control of work activities but the legislation also provides all employees with an obligation to take reasonable care of themselves and others.

Youth Justice and Criminal Evidence Act 1999

Working together to achieve best evidence in relation to vulnerable and intimidated witnesses, which includes children. NB: all young people under 17 are always classed as vulnerable witnesses in cases of violent and sexual offences.

Youth Justice and Criminal Evidence Act 1999

Safeguarding Vulnerable Groups Act 2006

This piece of legislation was created following the UK Government accepting recommendation 19 of the inquiry headed by Sir Michael Bichard, which was set up in the wake of the Soham Murders.

The Safeguarding Vulnerable Groups Act establishes the legal basis for the Independent Safeguarding Authority who will manage the two lists of people barred from working with children and/or vulnerable adults replacing the current barred lists (List 99, the Protection of Children Act 1999 (PcCA), the scheme relating to the Protection of Vulnerable Adults (PoVA) and Disqualification Orders). The Safeguarding Vulnerable Groups Act also places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance.

The Sexual Offences Act 2003

- Introduced the offences of:
- causing or inciting a child to engage in sexual activity
- engaging in sexual activity in the presence of a child
- causing a child to watch as sexual act
- meeting a child following sexual grooming
- arranging or facilitating a child sexual offence

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Abuse of Position of Trust

The Sexual Offences Act (2003) re-enacts and extends the abuse of position of trust to include;

An offence for any person aged 18 or over, who is in a 'position of trust', to have a sexual relationship with a young person under 18 if their role is one identified within the Act. These include staff working in;

- Institutions looking after children detained under a court order
- Accommodation provided by local authorities / voluntary organisations under statutory provision
- Hospitals, clinics, children's homes and residential family centres
- Education institutions

Protection of Freedoms Act 2012

- Formed DBS in 2012 from ISA and CRB
- Safer recruitment for public, private and voluntary sectors by identifying candidates unsuitable for working with children and vulnerable adults
- Covers England and Wales
- 'Regulated Activity' employers legally required to refer safeguarding concerns
- Illegal for a person barred by DBS to apply or work within the sector or for an employer to knowingly employ someone barred by the DBS.
- Protection of Freedoms Act 2012

Female Genital Mutilation Act 2003

FGM has been a specific criminal offence in the UK since 1985 when the (Wide)

Prohibition of Female Circumcision Act ("the 1985 Act") was passed. The Female Genital Mutilation Act 2003 ("the 2003 Act") replaced the 1985 Act in England, Wales and Northern Ireland. It modernised the offence of FGM and the offence of assisting a girl to carry out FGM on herself while also creating extra-territorial offences to deter people from taking girls abroad for mutilation. To reflect the serious harm caused, the 2003 Act increased the maximum penalty for any of the FGM offences from five to 14 years' imprisonment.

Child Sexual Exploitation

Child sexual exploitation (CSE) is a type of sexual abuse in which children are sexually exploited for money, power or status.

Children or young people may be tricked into believing they're in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be groomed online.

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Some children and young people are trafficked into or within the UK for the purpose of sexual exploitation. Sexual exploitation can also happen to young people in gangs.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example, being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

This definition of child sexual exploitation was created by the UK National Working Group for Sexually Exploited Children and Young People (NWG) and is used in statutory guidance for England.

Counter-Terrorism and Security Act 2015

The Counter-Terrorism and Security Act 2015 introduced a new duty on regulated higher education bodies to have due regard to the need to prevent people from being drawn into terrorism. This is known as the Prevent Duty. The aim of the Prevent strategy is to reduce the threat to the UK from all forms of terrorism by stopping people becoming terrorists or supporting terrorism.

Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism. Radicalisation is usually a process not an event. During this process, there will inevitably be opportunities to intervene in order to reduce the risk of the individual being attracted to extremist ideology and causes and safeguard him/her from the risk of radicalisation. It is important to be able to recognise the factors that might contribute towards the radicalisation of an individual. Indeed, some of the factors that lead an individual to becoming radicalised are no different to those that might lead individuals towards involvement with or being vulnerable to other activity such as gangs, drugs and sexual exploitation for example.

Those involved in extremist activity come from a range of backgrounds and experiences.

There is no single profile of what an extremist looks like or what might drive a young person towards becoming radicalised. It can affect impressionable young boys and men and also impressionable young girls and women.

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Children and Young Persons Act 2008

An Act to make provision about the delivery of local authority social work services for children and young persons; to amend Parts 2 and 3 of the Children Act 1989; to make further provision about the functions of local authorities and others in relation to children and young persons; to make provision about the enforcement of care standards in relation to certain establishments or agencies connected with children; to make provision about the independent review of determinations relating to adoption; and for connected purposes.

Mental Capacity Act 2005

An assessment to establish whether a person lacks capacity should take place whenever there is a concern that an individual might lack the mental capacity to make a proposed decision (including safeguarding).

Processes for people who lack capacity should be different in significant respects from processes undertaken with people who have capacity (e.g. in relation to sharing information and consent).

The principles of the Mental Capacity Act make it clear that a person is not to be treated as unable to make a decision unless all practical steps have been taken to help them do so, and that no one should be deemed to lack capacity on the grounds that their decisions appear to be unwise.

APPENDIX 3: Safeguarding Code of Conduct

No member of staff shall engage in sexual contact or in any relationship with a child other than a properly conducted staff-to-young person relationship. This condition applies regardless of the age of the child and also when the child is over the age of consent

No member of staff shall engage in conduct towards a child or vulnerable adult that is intended to be oppressive, threatening, and manipulative or in any way improper or with a view to causing the child or vulnerable adult physical or emotional harm or sexual harm.

It is the primary duty of every member of staff to ensure the safety and wellbeing of every child and vulnerable adult whilst on site. Each member of staff must ensure that all reasonable steps are taken to minimise risk of harm or injury to any child and must abide by the policies, procedures and guidelines set out in this document.

Where there is any reason for believing that a child or vulnerable adult has been abused, is being abused or is at risk of being abused, in any way arising as a result of that child's association with Alexandra Palace, it shall be the duty of any member of staff to whom that information is made known to take action at once, according to the reporting procedures section 10.

Any instance of inappropriate behaviour towards a child or vulnerable adult, by any person employed by Alexandra Palace will be the subject of an enquiry, which may involve external statutory authorities. Alexandra Palace will always seek and adhere to advice from the Local Authority Designated Officer (LADO). The report of any enquiry will be presented to the CEO who will decide what further action is necessary and whether there are sufficient grounds to institute disciplinary proceedings. This will take place whether the Police choose to prosecute or not.

A member of staff who finds him/herself alone with a child must exercise particular care. There should be no apprehensiveness in the mind of either person if such a situation arises, but physical contact should be avoided or appropriate to the nature of work and the situation whenever possible and the presence of an additional person sought as soon as reasonably practicable.

Children must at all times be treated with respect in attitude, language and behaviour. Sexual innuendo whether by word or gesture is prohibited.

No person under the age of 18 years shall have the responsibility for supervising any other child.

Alexandra Palace works with a variety of media to promote understanding and engagement with its work. Children should not be photographed or filmed without prior permission from their teacher, parent or guardian. In use of this material the following guidelines should be considered:

- Photographs of children must be retained and stored in an appropriate manner and only used for legitimate Alexandra Palace purposes;

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- The use of both a child's first and last name in photographs, captions and file names, identifiable logos e.g. school badges should be avoided;
- Group pictures rather than individuals should be used wherever possible;
- Only images of children in suitable dress should be used to reduce the risk of inappropriate use;
- A media consent form should be completed.

Relevant Heads of Department who are involved in media activities are responsible for developing departmental procedures to ensure that these guidelines are implemented in their area of responsibility.

Staff should not accept children below 18 years of age who they have met through their work as 'friends' on social networking sites. Neither should they divulge private email addresses or telephone numbers to these children. Staff should not publish pictures on social networking sites of their work that involves children.

In working with children staff should be aware of the Good Practice guidelines below. Good practice creates a positive child protection climate and assists in protecting staff from false allegations of abuse.

Good Practice:

- Always working in and encouraging an open environment (e.g. no secrets);
- Treating all young people equally, with respect and dignity;
- Always putting the welfare of each young person first;
- Maintaining a safe and appropriate distance except where it is an essential part of the process;
- Building a balanced relationship based on mutual trust which empowers children;
- Ensuring that any form of manual assistance or physical support is provided openly. Children and parents, guardians or carers should be consulted and their agreement gained.
- Involve parents, guardians, carers and chaperones wherever possible;
- If groups have to be supervised do so in pairs where practicable;
- Being an excellent role model, this includes not smoking or drinking alcohol in the company of young people;
- Record any injuries sustained accurately in line with Alexandra Palace accident reporting policy.

Practice to be avoided:

- Avoid spending time alone with children away from others;
- Avoid association (outside the work environment) with children you have met at work;

Practice never to be allowed:

- Engage in rough, physical or sexually provocative games, including horseplay;
- Allow or engage in any form of inappropriate touching;

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- Allow children to use inappropriate language unchallenged;
- Allow adults to use inappropriate language in the presence of children unchallenged;
- Make sexually suggestive comments to a child, even in fun;
- Reduce a child to tears as a form of control;
- Allow allegations made by a child to go unchallenged, unrecorded or not acted upon;
- Do things of a personal nature for children that they can do by themselves;
- Invite or allow children to stay with you at your home unsupervised.

DRAFT

Appendix 4 – Board Responsibilities

Report Title: Safeguarding – Role of Charity Trustees in Safeguarding

Report of: Erica Wilkinson, Company Secretary

The Role of Charity Trustees in Safeguarding

This note examines the role and responsibilities of charity trustees in the context of safeguarding. Whilst it focusses on the specific regime that applies to charities – and the regulatory oversight of the Charity Commission – a number of the principles discussed here have broader application. So, the five itemised actions that the Commission will want to see (identified below) would be sensible steps for any board (and especially any non-executive board) to take. The Charity Commission's emphasis as a regulator in this area is on good governance and its approach.

Regulatory Climate

The last few years have not seen any major shifts in charity law that specifically affect charities working with children, but they have been distinguished by a marked change in the approach of the Charity Commission to regulation. During this period, the Commission has turned away from its post-2006 focus on demonstrable measures of impact and public benefit and reverted to focusing on the core duties of Trustees as stewards of their charities and beneficiaries. In parallel, the Commission has used its formal investigatory powers much more intensively, with 3882 operational compliance cases and 502 statutory inquiries being opened in 2016/2017, 1,032 operational compliance cases and 103 statutory inquiries being opened in 2014/2015, compared with only 15 statutory inquiries in 2012/2013 and 12 in 2011/2012.

The themes emerging from those inquiries suggest that the main areas of regulatory concern are: unauthorised conflicts of interest and trustee benefits; misuse of charity assets; criminal activity; and safeguarding. In response, the Charity Commission's annual report isolates three high impact strategic risks facing charities, which are under review in the Commission's new risk framework. They are: financial crime and abuse; counter-terrorism; and safeguarding. In consequence, trustees might be surprised not only to see terrorism and safeguarding both covered by the same regulator, but also to be aware of the nature and depth of the Commission's involvement in safeguarding matters, given the number of other agencies they are, more obviously, required to involve when incidents arise.

Role of the Charity Commission

The central source of Government guidance on safeguarding, to which charities working with children must have regard, is the multi-agency guidance document [Working together to safeguard children \(March 2015\)](#) (**Working Together**). That guidance sets out the legislative requirements and expectations placed on organisations working with children to safeguard and promote the welfare of those in

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their care. Charities operating within certain regulated sectors also have the benefit of additional guidance specific to them, such as [Keeping Children Safe in Education](#) (July 2015) (**KCSIE**), which applies to both maintained and independent schools (including academies, free schools and alternative provision academies). Taken together, those documents tell trustees what to do and who to approach at each stage of a safeguarding incident.

It is noteworthy that Working Together, despite being comprehensive, makes no mention at all of the Charity Commission. It even contains a schedule of all the agencies and types of organisations who are supposed to co-ordinate in order to better protect children from abuse. The Commission is absent from that schedule and, it would seem, has no role to play.

However, that is not the position the Commission takes. It has published its own guidance, which falls primarily into two parts. First, a policy paper entitled [Safeguarding children and young people](#) (the **Policy Paper**) which explains how charities working with children must safeguard them from harm; and secondly, a strategy document called [Strategy for dealing with safeguarding vulnerable groups including children issues in charities](#) (the **Safeguarding Strategy**), which explains the Commission's role and approach in relation to safeguarding issues. Those documents are supplemented by commentary in various other pieces of Commission guidance, including in particular [CC3: The essential trustee](#), which explains the key duties of charity trustees and what they need to do to carry out those duties competently.

As a result, there is clearly a disconnect between the principal agencies that have direct responsibility for safeguarding (charities, local authorities, the police, and other sector regulators such as the DfE) and the Charity Commission. In practice, the existence of those parallel regimes is problematic because:-

- charities (and thus trustees) can believe they are fully compliant with the requirements of Working Together and any specific guidance which applies to them (and indeed may be fully compliant) and yet find they are failing to meet the Commission's expectations; and
- the Commission's own guidance on safeguarding is high-level, and elides with its broad and expansive general guidance on charity trustees and their duties. This contrasts with the clear and detailed guidance contained in sector-specific documents, like KCSIE.

However, the Commission does have (limited) jurisdiction in safeguarding issues and it is important therefore to be aware of what it requires.

In that context, the Safeguarding Strategy contains a diagram explaining the Commission's view of its role, compared with that of the other agencies, stating, revealingly, that the Commission "*investigates [the] actions of trustees*". It goes on to describe the Commission as having a "*limited and very specific regulatory role*" which is focused on examining the conduct of trustees and their governance systems, as the means by which trustees are able to fulfil their overriding duty to act in the best interests of their charity and protect both the charity and its beneficiaries from harm.

Trustees' Charity Law Duties in Relation to Safeguarding

The Commission's position, as expressed in the Policy Paper, is that the overriding duty of charity trustees in safeguarding matters is as follows: *Charity trustees are responsible for ensuring that those benefiting from, or working with, their charity are not harmed in any way through contact with it. They have a legal duty to act prudently and this means that they must take all reasonable steps within their powers to ensure that this does not happen.* It is clearly not straightforward to understand what this means in practice. It must be reasonable for trustees to assume that compliance with Working Together and any sector-specific guidance and legislation will amount to taking all reasonable steps to prevent harm.

However, the Commission takes the issue of trustee responsibility further. The Commission wants to see that Trustees have:

- assessed the safeguarding risks that might arise from their charity's activities and operations;
- created, developed and put in place suitable policies and procedures to handle allegations and incidents;
- undertaken on-going monitoring to ensure effective implementation of those policies and procedures;
- taken steps to ensure that both the board and people working within the charity respond properly when allegations and incidents arise and report as necessary to the police and other agencies; and
- reviewed policies and procedures both periodically and following serious incidents, using their experience of particular incidents to manage and minimise the risk of something similar happening again by making any necessary changes to the charity's policies and procedures.

Conceptually, there is nothing unfamiliar or unusual about that approach: the principles of risk assessment, mitigation and monitoring are intrinsic to good governance (in charities and, of course, in other fields where boards are exercising fiduciary duties). However, cases where safeguarding matters have arisen, the Commission has high expectations of how trustees are personally involved at each of those stages.

Bearing in mind the principle of collective responsibility, and the legal rule that states that trustees cannot delegate or reallocate responsibility for the proper discharge of their duties, what this means in practice is that the Commission takes great interest in how the trustees as a board engage with safeguarding issues. It will want to see policies and procedures being actively discussed and approved at trustees' meetings, rather than merely accepted on the advice of a lead trustee or expert. It will want to know how the issue of risk assessment and management is approached at board level, and to see clear involvement of the trustees (and not just a committee), including in setting the terms of reference for ongoing review of the policies and procedures. It will want to be assured that, as the body with responsibility for general oversight of the charity, the board does not only consider incidents in isolation, but also receives systematic analysis of concerns, so that trends do not go unnoticed. It will also want to understand how trustees approach their monitoring responsibilities. This will often involve a trustee with special

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responsibility for safeguarding, but, if that is the case, the Commission will want to see a clear definition of their role, which is reflected in the safeguarding policy, and to understand how the board has been involved in developing that role, and ensuring it is effective, particularly where oversight is divided between two or more individuals.

Of course, in case the Commission (or indeed other agencies) want to see how matters have been handled, it is critical to have a good paper trail, and accurate minutes, demonstrating how the trustees have acted and showing genuine engagement of individual Board members with the development of policies and procedures. However, care should be taken to consider anonymising sensitive information where possible.

Inevitably, there is a risk of overlap and confusion as the Commission expands upon the overriding duty, and in particular there is a risk that trustees see their role as being concerned with the handling of live incidents. In the schools context, KCSIE makes it clear that it is not the job of the trustees to deal at this operational level with incidents as they arise. The Commission accepts this as a general principle, and appreciates that it is typically the case that senior employees will liaise with one of the trustees (usually the Chair) as such cases emerge and need to be dealt with. But care needs to be taken to ensure that the trustees as a whole are informed and are able to respond.

Equally, there is a risk that the Commission is seen as an alternative prosecuting authority. That should not be the case and the Commission is clear both that it does not directly administer safeguarding legislation and that its involvement in safeguarding incidents is subordinate to that of the police and other agencies with direct responsibility for children. However, given the Commission's focus on governance, circumstances can arise where the Commission might choose to take forward its own intervention into a charity even where the police do not. That can happen where an incident (or allegation) reveals serious concerns about failings on the part of trustees and the Commission feels the need to take action to assess whether, notwithstanding any harm to a child, the trustees have handled the matter properly and appropriately and whether the charity's assets (including its reputation) are protected.

Good Practice Guidance from the Commission

It is worth bearing in mind that the Commission's guidance does contain some more specific recommendations for charities to adopt in dealing with governance matters relating to safeguarding. In particular, the Policy Paper contains an outline list of "*essential inclusions*" for a child protection policy (at section 4) and a companion high level checklist of matters that the accompanying "*procedures and systems should include*" (at section 5).

Those recommendations will not necessarily match precisely (or indeed, in some contexts, sit entirely comfortably alongside) what other regulators or regimes expect, but all charities working with children should have regard to them and consider – ideally at Board level – whether it would be sensible to make additions to their existing policies and procedures to address any gaps highlighted by the

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Commission's list. Doing so not only provides charities with comfort that their policies and procedures meet the Commission's expectations of good practice, but also enables trustees to be able to explain and justify their approach, particularly if they decide not to follow the Commission's lead. This is worthwhile because the Commission's published position in CC3 is that, when investigating potential mismanagement within a charity "*it may take account of evidence that trustees have exposed the charity, its assets or beneficiaries to harm or undue risk by not following good practice*".

Conclusion

It is essential that boards of trustees are familiar with their charity law duties to manage safeguarding risks, allegations and incidents appropriately. In discharging those duties, they must have in mind not only the need for their charity to follow Working Together and any other regulatory guidance, but also the broader requirement for them, as the people ultimately responsible for leading their charity, to engage personally and thoughtfully with how safeguarding policies and procedures are developed, recorded and implemented.