

Safeguarding – everything you need to know but were afraid to ask

Do you know your Designated Safeguarding Lead from your Regulated Activity? Uncertain where to begin in writing your new safeguarding policy? And just who does need to be DBS-checked?

Introduction

Good safeguarding practice is not simply carrying out DBS checks – it is about creating a safe environment through developing robust policies and procedures that are understood and implemented by all staff and volunteers.

You do need to understand current legislation but just as important is applying common sense.

Developing your organisation's Safeguarding policy can seem daunting but there is plenty of support out there and very little need to "reinvent the wheel". A clear guide to safeguarding can be found here

http://www.childrenengland.org.uk/wp-content/uploads/2014/01/J1197-ce_our_decision_04-FINAL1.pdf (The link does work but can sometimes take a while to load.)



DBS checks are just one piece of the Safeguarding jigsaw and **are of limited use** if your organisation does not have **effective policies and procedures** in place which are shared with the workforce and regularly reviewed and updated.

The legal bit

Current legislation is designed to reduce the number of criminal record checks carried out, although recent figures show that the number of DBS checks is increasing. It is more than possible, if not probable, that many of these checks are not only unnecessary but also illegal.

Government guidance states that Registered Bodies (those organisations that carry out DBS checks) must:

- Use all reasonable endeavours to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
- Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.
- Ensure they are legally entitled to request any DBS product being applied for.

If you are responsible for safeguarding in your organisation (as the Safeguarding Officer or Designated Safeguarding Lead), then you should read the Government documents which can be found on the Disclosure and Barring Service web pages.

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated Activity in relation to Children DfE .pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316179/Regulated_Activity_in_relation_to_Children_DfE_.pdf) explains Regulated Activities and Specified Places.

This is the key document.

<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

Information from the Department of Health covers safeguarding of vulnerable adults and can be found at <https://www.gov.uk/government/publications/new-disclosure-and-barring-services>

Regulated activity

The language used can be off-putting, not least because so many references are made to other Acts and regulations. The bottom line is that you should not be requesting DBS checks unless the employee or volunteer is carrying out specific roles – known as ‘regulated activity’ – on a regular basis and without supervision.

A ‘regulated activity’ is unsupervised teaching, training, instruction, care or supervision of children, giving advice and guidance on well-being or transporting children in a vehicle.

There are three levels of DBS check – standard, enhanced and enhanced with barred list check.

The last one can only be asked for if the post holder is undertaking a ‘regulated activity’.

Education officers in museums, heritage and arts organisations are likely to need an Enhanced DBS with barred list check because of the frequency of contact with children (whether in the museum or as outreach); the possibility that they may be left unsupervised; or that they are responsible for supervising others who are undertaking a regulated activity.

Volunteers should not be subject to a DBS check “for the sake of it”. Volunteers who specifically work with children might require a DBS check but you should risk assess their role to see whether it is appropriate – are they working unsupervised or on a regular basis with young people? **If a volunteer is always working under supervision then a DBS check is not required.**

Safeguarding policies

A good example of a clear and comprehensive safeguarding policy is The British Museum’s. It is worth reading for guidance on what is and is not a regulated activity.

https://www.britishmuseum.org/pdf/Safeguarding_children_and_vulnerable_adults_policy_2014.pdf

The policy states: *“If the activities ... are being conducted under the reasonable day to day supervision of another person engaging in regulated activity then it is not regulated activity. It is up to the organisation to define what ‘reasonable day to day supervision’ means.”*

The British Museum’s scenario: A curator is regularly ... teaching groups of school children at the Museum. This will **not** be considered regulated activity if it is supervised by someone in regulated activity (e.g. a teacher is always present). However **if the curator is usually the only adult present in the room then this is considered regulated activity and they will be eligible for an enhanced with barred list DBS check.**

A safeguarding policy template can be found on the NSPCC website at

<https://www.nspcc.org.uk/preventing-abuse/safeguarding/writing-a-safeguarding-policy/>

Advice on creating safeguarding policies for community organisations and the Third Sector can be found here <http://www.leedslscb.org.uk/Voluntary-Community-Faith-Third-Sector/safeguarding-pack> It includes clear explanations and good links. It also includes a template which guides you through writing a safeguarding policy.

Designated Safeguarding Lead

Your organisation should have a designated safeguarding officer or safeguarding lead. This is the 'go to' person for advice on safeguarding and, most importantly, reporting any safeguarding issue or incident that may occur in the workplace.

– description can be found here

<http://www.leedslscb.org.uk/Voluntary-Community-Faith-Third-Sector/Role-of-the-designated-Safeguarding-officer>

AIM (Association of Independent Museums)

AIM provides good, clear advice through its series of **Success Guides** including *Successfully Recruiting and Retaining Volunteers* (published in 2013). This can be found at <http://www.aim-museums.co.uk/downloads/96a5e2a2-b1c7-11e2-b572-001999b209eb.pdf> Look under publications drop-down menu for other AIM booklets. AIM also recommends the NSPCC website for an explanation of legal requirements.

AIM's advice on DBS checks relating to volunteers: "Bear in mind that it is illegal for an organisation to do DBS checks on all volunteers, irrespective of their role, 'just to be on the safe side'. If selection is dependent upon satisfactory references and DBS check then that should be made clear before the interview is finished."

AIM's advice on child and vulnerable adult protection: "There are two main layers to ensuring that Children and Vulnerable Adults in your museum are safe: 1. Robust policies and procedures covered properly in all inductions and underpinned by common sense. 2. Disclosure and Barring Checks...

"On the assumption that your museum is visited regularly by children and/or vulnerable adults, you should ensure that all volunteers (and staff) are made familiar with any relevant museum policies and procedures during inductions. This is not just a matter of box ticking: by having good guidance and doing a clear and thorough induction on child and vulnerable adult protection you can enable your volunteers to be confident and relaxed with your younger or vulnerable visitors whilst respecting the boundaries that will keep visitors safe from harm and them safe from accusation.

"For some volunteer roles, a DBS check will be required but be careful, the vast majority of roles in a museum are unlikely to require a DBS check. It is illegal to apply for a check unless the role is eligible for one and you must tell the volunteer why they are being checked..."

"The new 'Update Service' ... means that volunteers should not need to face a new check every time they start a new volunteering opportunity. The system will allow an organisation to check online to see whether the volunteer's circumstances have changed since their first check."

NCVO

<https://www.ncvo.org.uk/> home page for National Council for Voluntary Organisations
<https://knowhownonprofit.org/people/volunteers/keeping/safeguarding-volunteers> Safeguarding advice page: **“The reach of safeguarding extends further than Disclosure and Barring Service (DBS) checks (formerly CRB checks) to include how organisations recruit, induct, train and support volunteers.”**

The NCVO has an excellent document on safeguarding that was published in 2014 and includes a very useful flowchart to help decide whether a role is ‘regulated’ and therefore subject to a DBS check. It also includes a couple of useful real-world scenarios.

<https://knowhownonprofit.org/people/volunteers/keeping/ncvosafeguardingforvolunteerinvolvingorgs.pdf>

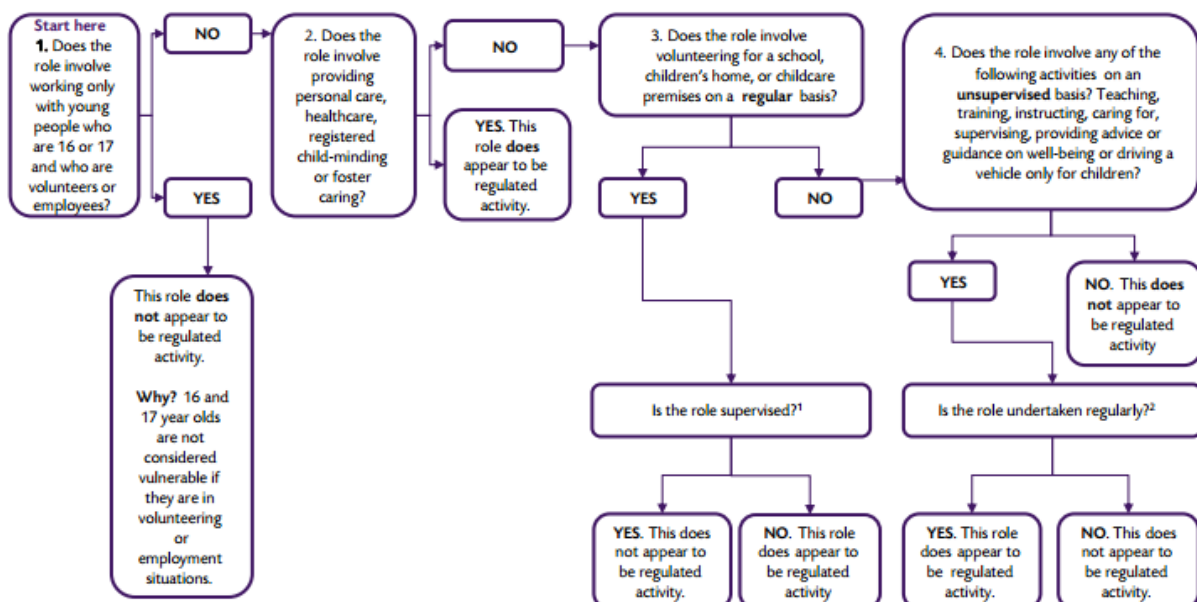
It says of DBS checks: “If a volunteering opportunity includes work that involves close and unsupervised contact with vulnerable adults and children ... then an organisation must check whether the volunteer is included in either of the two DBS ‘barred lists’ of individuals who are unsuitable to work with children or vulnerable adults. This is a legal responsibility...”

Deciding whether a post/role is a ‘regulated activity’:

Safeguarding for volunteer involving organisations

Appendix A: Regulated Activity relating to children and young people

Important: this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education, available via www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

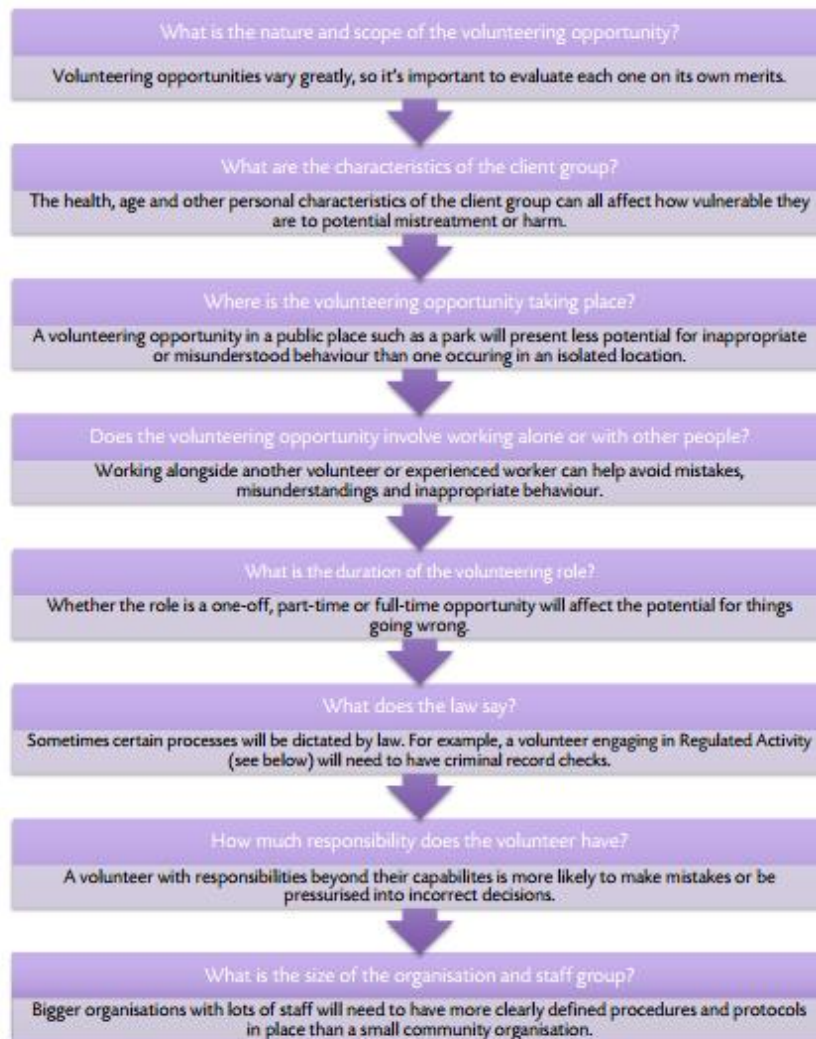


¹ Supervised means regular supervision by someone who themselves is in Regulated Activity. See the Department for Education's guidance on supervision, available via www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

² Regular means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight).

Safeguarding is about giving staff and volunteers the training necessary so they can comfortably and confidently engage with children and vulnerable adults. The following flowchart will help you decide what level of safeguarding is required for a role, which can also feed in to developing relevant training programmes.

This flowchart provides an overview of the steps you need to think through when deciding what level of safeguarding you need in place. You should then consider which of the options available to you are appropriate.



ABC of working with schools

<http://abcofworkingwithschools.org.uk/getting-started/setting-up-a-service-for-schools/planning-for-learning/safeguarding/>

A good summary on safeguarding requirements for museums BUT links are out of date. However, the basics remain the same:

All museums should have the following in place:

1. Safeguarding policies and procedures that recognise safeguarding children is a key priority for your organisation.
2. A commitment by senior management to safeguarding children.
3. A clear line of accountability for safeguarding children.
4. Safe recruitment and human resources procedures that take account of safeguarding, including arrangements for making appropriate checks on staff and volunteers.
5. Procedures for dealing with allegations of abuse against staff.
6. Safeguarding training and awareness-raising in place to enable all staff to carry out their responsibilities effectively. This should include induction and refresher training.
7. Arrangements in place to ensure museums, libraries and archives work effectively with other organisations to safeguard children.
8. A culture of listening to, and engaging in dialogue with, children.
9. Appropriate whistle-blowing procedures.

It is important that you develop policies and procedures that are specific to your site and your circumstances.

It is vital that all museums have a Child Protection Policy which all staff and volunteers understand and adhere to. Although Child Protection is everyone's responsibility there should be a manager for whom this is a responsibility and a named individual who takes overall responsibility for child protection within your museum.

Other sources of information & training

Rutland County Council – a really useful toolkit

<http://mdem.org.uk/wp-content/uploads/2015/04/Volunteering-Toolkit-Final-2.pdf>

NSPCC Training

<https://www.nspcc.org.uk/what-you-can-do/get-expert-training/>

Designated Safeguarding Officer training from NSPCC £450 for a two day course.

Introduction to Child Protection 1 day £225

South West Federation of Museums and Art Galleries

Out of date but some of the guidance remains useful, e.g. on unaccompanied and lost children.

http://www.swfed.org.uk/images/resources/Learning/Safeguarding_in_Museums.pdf