



## Safeguarding Policy

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# Safeguarding Policy

## 1.0 General Statement

Children in Wales provides a variety of opportunities to children, young people and adults through its training, networks, consultations and related activities. We recognise our responsibility to safeguard the welfare of children, young people and adults at risk of harm, and are committed to creating and maintaining the safest possible environment. We therefore have in place a Safeguarding Policy. This policy demonstrates our duty of care to all the children, young people and adults with whom we work, and our responsibility to safeguard them from harm. Children in Wales believes that everyone has a right to such protection.

### 1.1 Children in Wales recognises that:

- The welfare of children is paramount in all the work we do and in all the decisions we take
- All children, regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have an equal right to protection from all types of harm or abuse
- Some people are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare

### 1.2 The Children in Wales Safeguarding Policy is based on legislative requirements, national guidance, and UN Conventions. It relates to a range of Government legislation, including the Social Services and Well-being (Wales) Act 2014, the Children Act 1989, the Protection of Freedoms Act 2012 and the Safeguarding Vulnerable Groups Act 2006. A full list of relevant legislation can be found at Appendix 2.

### 1.3 Children in Wales will comply with the Wales Safeguarding Procedures 2019 and Working Together to Safeguard People: volumes 5 and 6, as well as any local procedures produced by the Regional Safeguarding Boards (RSB) in Wales.

**The Wales Safeguarding Procedures 2019** guides safeguarding practice for all those employed in the statutory, third and private sectors in health, social care, education, police, justice and other services. They apply to all practitioners, managers and volunteers working with children and adults in Wales, whether employed by a devolved or non-devolved agency, and whether in paid or unpaid work. The Procedures helps practitioners apply the legislation of the Social Services and Wellbeing (Wales) Act 2014 and statutory safeguarding guidance 'Working Together to Safeguard People'.

All practitioners working with children and adults are encouraged to download the Wales Safeguarding Procedures App, or view them in English at [www.safeguarding.wales](http://www.safeguarding.wales) and in Welsh at [www.diogelu.cymru](http://www.diogelu.cymru).

- 1.4 This policy also takes into consideration Children in Wales' responsibility in relation to our duty within the Prevent Strategy in the protection of individuals who are at risk of being exposed to violent extremism.

## 2.0 Principles

This policy document supports and reinforces existing legislation and Government guidance and sets out some key principles to help Children in Wales fulfil its duty towards children, young people and adults with whom it has contact.

The aims of the Children in Wales Safeguarding policy are to:

- Create a culture in which people are valued and their right to be safe is paramount
- Ensure that staff, trustees, associates and partners understand their role in safeguarding and protecting children, young people and adults at risk
- Help staff to create a safe and positive working environment
- Enable all staff, associates and partners to make informed and confident responses to specific safeguarding issues
- Give guidance to staff, trustees, associates, volunteers and partners in the context of their work for and on behalf of Children in Wales on what action must be taken when abuse is suspected or disclosed
- Support Children in Wales employees in safeguarding the welfare of children, young people and adults with whom they work and in safeguarding themselves against allegations.

## 3.0 Scope and Application of the Policy

- 3.1 This Policy relates to Children in Wales staff, trustees, associates, volunteers and any other agency or individual working on behalf or representing the organisation, including assessors, tutors, trainers, internal verifiers, learners and quality assurance managers of awarding bodies involved in delivering accredited training.

### 3.2 Definitions used within safeguarding

- 3.2.1 A **child** is defined as a person up to the age of 18 years, in line with the Children Act 1989, the Social Services and Well-being Act and UNCRC. When the term child is used throughout the policy it also refers to young people under the age of 18 years.
- 3.2.2 An “**adult at risk**”, as defined by Section 126(1) of the Social Services and Well-being Act is an adult who:
- 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.”

The use of the term ‘at risk’ means that actual abuse or neglect does not need to occur before practitioners intervene, rather early interventions to protect an adult at risk should be considered to prevent actual abuse and neglect.

3.2.3 The term ‘**relevant employees**’ applies to all employees who are expected to have unsupervised contact with young people or adults at risk. If an employee is involved in carrying out regulated activity on behalf of Children in Wales they will be required to have an enhanced DBS and barring check.

3.2.4 **Regulated activity** is activity involving contact with children or adults and is of a specified nature on a frequent (once per month or more), intensive (3 or more days in any 30-day period) or overnight basis.

## 4. Related Policies

Accredited Training Policy Series

Complaint, Compliments & Suggestions Policy

Data Protection Policy

Disciplinary Procedure

Induction, Training & Development Policy

IT Policy (including Social Media)

Recruitment and Selection Policy

Vetting & Barring Policy

Violence against Women, Domestic Abuse and Sexual Violence Policy Statement

Volunteer Policy

Whistle-blowing Policy

## 5. Guidance

### 5.1 Roles and responsibilities

In accordance with the principles of the Wales Safeguarding Procedures Children in Wales recognises that safeguarding and protecting is everybody’s responsibility. The *statutory* responsibility however for the welfare of children and adults is that of Social Services Departments and the Regional Safeguarding Boards for children and adults. Effective safeguarding requires everyone and every organisation to play their part.

#### 5.1.1 Designated Safeguarding Person

To support this approach, Children in Wales has appointed a Designated Safeguarding Person (DSP) who reports directly to the Chief Executive and, where

appropriate, the Chair of the Trustee Board. Children in Wales' Designated Safeguarding Person is Claire Sharp.

The DSP's role is to:

- Ensure CIW's safeguarding policy and procedures are followed
- Undertake an annual review of the CIW safeguarding policy and procedures
- Ensure they know how to make contact with relevant local authority social services departments and the police who are responsible for dealing with safeguarding concerns both during and after office hours.
- Ensure that any concerns that indicate a person is experiencing or at risk of experiencing harm are reported to the relevant social services or the police. **(N.B. Urgent concerns should be reported immediately by those aware of them when the designated person is not available.)**
- Act as a source of advice and training on all safeguarding matters and seek further advice and guidance from local statutory agencies as needed.
- Ensure that a record is kept of any concerns about a child, adult at risk or staff or volunteer, and of any conversation or referrals to statutory agencies. CIW is committed to maintaining confidentiality wherever possible and information will be shared only with those who need to know. These records will be kept securely (within restricted access folders) and will comply with data protection regulations.
- Report to the Senior Leadership Team when any action is taken, concerns recorded, or incidents. Also report when any 'new' situations may arise, such as undertaking a new type of work where safeguarding may need to be reviewed.
- Maintain and regularly update their knowledge of child protection and safeguarding children through relevant training, including refreshing their Safeguarding training every 2 years.
- Conduct regular audit activity, at least every 2 years, to ensure CIW is working in line with current practice.
- In collaboration with HR Administrator maintain an overview of staff and volunteer training and DBS check dates, and to send out reminder of when they are due for renewal.

#### 5.1.2 **Senior Leadership Team**

The Senior Leadership Team will ensure that this policy is adhered to.

#### 5.1.3 **CIW employees, trustees, volunteers and associates**

All CIW employees, trustees, volunteers and associates are expected to be aware of the Safeguarding Policy and accompanying Procedures and apply them in practice. They will report any concerns by following the Safeguarding Procedures set out in Appendix 1.

It is everyone's duty to conduct themselves in a manner which safeguards and promotes the welfare of children and adults. This also protects them against false allegations and misconduct. Children in Wales has a Code of Conduct (see Appendix 3) which includes guidance when working with different groups and employees should familiarise themselves with this.

If there are any matters that remain unresolved, individuals should be referred to the CIW's Whistleblowing Policy.

## **5.2 Recruitment & Support for those working for Children in Wales**

### **5.2.1 Recruitment of Staff**

Children in Wales has in place a Recruitment and Selection Policy and a Vetting and Barring Policy that comply with the Welsh Government's guidelines. We take all reasonable precautions to avoid the appointment of unsuitable persons to posts that will have contact with young people or adults at risk.

For employees working in regulated activity checks will be completed at time of appointment and then on a 3-year rolling cycle. Checks will be carried out earlier if the member of staff has a break in service of 3 months or more, when an employee returns to work following an extended sickness or maternity absence or if there are grounds for concern about the person's suitability to work with young people or adults. Children in Wales' HR process determines which roles need DBS checks on the basis of the relevance of the work under DBS definitions. This is reviewed whenever a role changes or develops. The CEO will be the final decision maker.

Before any new work/project with children and young people begins, the manager of that piece of work must ensure that all those involved in the project are adequately trained, that appropriate Disclosure and Barring Service (DBS) checks have been carried out where necessary and that staff, volunteers, associates or Trustees are familiar with and agree to work within the framework provided by this document.

### **5.2.2 Trustees, Volunteers & Associates**

The appropriate DBS check will be carried out for any Trustee, volunteer or associate who is engaged in regulated activity on behalf of Children in Wales using the timeframes set out in clause 5.2.1.

### **5.2.3 Support for Workers**

Children in Wales is committed to ensuring that employees receive appropriate safeguarding training in accordance with their role. Managers need to be familiar with the code of conduct, whistle-blowing procedures, disciplinary and grievance procedures and the relevant legislation.

- 5.2.3.1 All employees should receive a basic session on safeguarding awareness as part of their induction, and will be asked to confirm that they have read and understood this policy.

- 5.2.3.2 All employees, volunteers, Trustees or associates who are expected to have unsupervised contact or contact under the definition of regulated activity with children, young people and adults at risk will receive appropriate training on safeguarding issues including guidance on the identification of indications of abuse and how to make a referral before they undertake any direct work. This training will be undertaken on a 3-year rolling programme and will be recorded on the Single Central Staff Record. It will include content on how employees should deal with safeguarding related to the Prevent strategy and to understand the potential signs of extremist views and behaviours. Information will also be provided on modern slavery and trafficking.
- 5.2.3.3 Employees who may engage directly with children, young people and adults at risk online or through social media platforms will be provided with guidance, and appropriate safeguarding training.
- 5.2.3.4 The Designated Safeguarding Person will receive regular training relevant to and commensurate to their role and responsibility.
- 5.2.3.5 Depending on their role other employees may be required to receive this training, for example line managers.
- 5.2.3.6 Refresher and update training should be undertaken by all those listed above at intervals of no more than three years. This training should draw on findings from new research, best practice and learning from experience, locally and nationally. It will be adapted according to the role/responsibilities of the particular groups of employees.

#### 5.2.4 **Keeping Training & DBS Records**

A Single Central Staff Record will be maintained by the Administrator (HR) to hold records of DBS checks, safeguarding training undertaken by staff, and to show that this Safeguarding Policy and Procedures and any changes to it have been notified to staff. This record will also include any volunteer, Trustee or associate involved in regulated activity.

### 5.5 **Promoting and Monitoring the Safeguarding Policy**

Children in Wales will actively promote its Safeguarding Policy by:

- providing a copy to all staff, volunteers, trustees and associates
- publicising and making it available to all stakeholder and partner organisations and ensuring that it provides the minimum standards for Children in Wales' work with and through partners
- publicising and promoting it as necessary with children, young people, adults at risk and their carers with due consideration to language, accessibility and different ways of communication

- providing induction, on going training and development opportunities for staff (linked to supervision, appraisal and staff development policies), associates and others as necessary
- monitoring its consistent application and effectiveness
- formally reviewing it with the Trustee Board on a three yearly basis or whenever there is a significant change in the organisation or relevant legislation.

## 6. Appendices

Appendix 1 – [Safeguarding Procedures](#)

Appendix 2 – [Record of Concern form](#)

Appendix 3 – [Code of Conduct](#)

Appendix 4 - [Handling Allegations of Abuse by Staff, Trustees, Associates and Partners of Children in Wales](#)

Appendix 5 – [Relevant Legislation](#)



## Appendix 1 Safeguarding Procedures

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## 1.0 What to do if you have a concern that a child or adult at risk is being abused

### You have:

- received a disclosure from a child or adult at risk
- learned about possible abuse or poor practice
- have suspicions about abuse

**If the individual is in immediate danger dial 999**

**Discuss the concern as soon as possible** with the Designated Safeguarding Person (DSP) & your line manager (at weekends or out of hours – a plan should be in place for how to do this). If you are not able to reach the DSP and **the incident involves a parent/carer and you have concerns about an individual going home, contact the Police or local authority Social Services immediately.** Make a note of your actions. Make accurate notes at the earliest opportunity and **complete a Record of Concern form.**

**If the DSP is unavailable** (on leave, unwell, etc) you must contact the Delivery Director (or Chief Executive) instead. If no-one is available, you should follow the procedures set out in this policy and keep an accurate record of all your actions.

### **Follow up – remember that safeguarding is everyone's responsibility**

- Follow up with the DSP (or Delivery Director, or Chief Executive)
- Follow up with your line manager
- Follow up with Social Services, if applicable

**If you still have concerns and feel that appropriate action has not been taken, consult the Whistleblowing Policy**

### **Designated Safeguarding Person:**

Claire Sharp  
[safeguarding@childreninwales.org.uk](mailto:safeguarding@childreninwales.org.uk)  
**Work:** 07494 208637

**Delivery Director:** Emily Robertson  
**Work:** 07398 636932

**Chief Executive:** Hugh Russell  
**Work:** 07841 536472

### **Out of hours:**

If no reply from the above or it is out of hours contact the relevant local authority Social Services **Emergency Duty Team for advice or to make a report.** Inform DSP at the earliest opportunity.

**Record of Concern form** – available via Children in Wales' website under the Safeguarding tab.

**SOCIAL SERVICES:** Contact details for all the local authority teams can be found on Children in Wales' website under the Safeguarding tab.

## **2.0 Reporting, Referral and Recording**

- 2.1 In all cases the Wales Safeguarding Procedures must be followed when making a referral and a written record maintained by Children in Wales personnel of all actions undertaken in relation to this.
- 2.2 Concerns that a child or adult may be experiencing or at risk of experiencing abuse, neglect or harm may come to staff in a number of ways. There may be concerns about someone's presentation, behaviour, or something that someone says or does that does not make sense. Someone else such as a parent, carer or volunteer may voice concerns or staff may see or suspect abuse. The child or adult themselves may make a disclosure.
- 2.3 When any member of staff, or a trustee, associate or volunteer in the context of their work for and on behalf of Children in Wales, has a concern that an individual might be in need of protection, it should be immediately discussed with their line manager (or person responsible for the piece of work if an associate or consultant) and the Children in Wales Designated Safeguarding Person. This will clarify the issues, and ensure that those at the right level of seniority are involved and informed.
- 2.4 It is essential that emergency action (if this is believed to be necessary) to protect someone should never be delayed because of the unavailability of a certain individual. Any emergency action taken should be reported as soon as possible to the line manager and the Children in Wales Designated Safeguarding Person.
- 2.5 In all cases a written, dated record must be kept by staff regarding the nature of the concern, to whom it was reported and any actions taken at the time the concern came to their attention. The Record of Concern form (accessed via the 'Safeguarding' tab on the Children of Wales website or found at Appendix 2) should be completed and forwarded to the DSP. The quality of recording is an important part of protecting people and keeping them safe.
- 2.6 It is the responsibility of the DSP (or in their absence the Chief Executive) to provide advice and decide on any required actions and timescales naming the person responsible for them. Urgent action may have already been taken by the person observing the incident and, if so, this should be reported as soon as possible to the DSP who will advise on subsequent action.
- 2.7 Actions following the raising of a concern may involve a referral being made to Social Services or Police for a professional assessment or investigation. This should be made by telephone to the relevant Social Services Department where the person is resident. Telephone referrals must be confirmed in writing within two working days. Alternatively the relevant Department might request use of the appropriate Multi Agency Referral Form which will be emailed to you for

immediate return. If you need to refer your concerns outside office hours, contact the Emergency Duty Team for the relevant local authority.

- 2.8 The person who identified the concern should make the report to the relevant local agency with the support of the DSP. This referral should always be confirmed in writing within 2 working days. The DSP will be responsible for keeping all the records relating to the concerns, and reviewing if any further actions are required.
- 2.9 The names and addresses of the appropriate personnel within each Local Authority area are listed in the local Wales Safeguarding Procedures, but can also be found through the Social Services department's main telephone number and website. You also can find details of these under the Safeguarding tab on the Children in Wales' website.
- 2.10 You may be required to participate in discussions or meetings with the Social Services Department and/or the Police in order to assist with safeguarding enquiries, and/or write a report for the safeguarding conference.

### 3. **What to do if someone discloses abuse**

- It is important to give that person your full attention and respond in a calm, caring and supportive manner. The person disclosing needs to know that you are listening and taking the information they are sharing seriously.
- If the time or place is tricky, you might be able to adjust the environment rather than interrupt or stop the person (for example, move others, reduce sound in the room, and try and have a pen and notebook nearby).
- Care should be taken not to make assumptions about what the person is saying or to make interpretations
- Let the person tell you what they want to tell you, or show you, what they want to show you, in their own time
- Try not to interrupt someone when they are recalling significant events
- If appropriate, reflect back using the person's own words. Say exactly what they said, without expanding, amending or asking questions. If appropriate, comment to show that you have noticed what they are doing (e.g. 'you're showing me').
- Questions should be kept to a minimum to ensure a clear and accurate understanding of what has been said. If you aren't sure what the person said or did, or if you aren't sure what they meant, you can reflect back to them what they have said and offer an open invitation, for example, 'could you tell me more about that'
- It is useful to record details such as time, place, who was present and what was said in the person's own words if possible

- You should never promise complete confidentiality, but offer information and an explanation about what you will do next, and what is likely to happen as a result, using accessible language.
- If there is an allegation or concern regarding the abuse of a child by another child this will need to be responded to with particular sensitivity, although must nevertheless be dealt with through the safeguarding process.
- All actions subsequently taken should be recorded on the Record of Concern form.

***If a child or adult at risk has a serious injury or is in immediate danger, dial 999 and request assistance from the ambulance service and/or police.***

#### **4. What to do if you have concerns about possible abuse and neglect, relating to an observation of worrying behaviour or physical injuries**

Abuse is not always disclosed. Sometimes there are signs, indicators, or just a gut feeling that something is not right. Remember that safeguarding is everyone's responsibility.

In this situation questions may be asked to clarify a situation using the TEDS model:

- Tell
- Explain
- Describe
- Show

For example if you notice a young person seems to have bruises it is acceptable practice to respond to them by saying that you have noticed the bruising, that it looks sore and would they like to **tell** you a bit about what has happened, or to **describe** how they got the injury. The response you receive may help in deciding what to do next.

If the person gives a plausible answer and there is nothing else concerning about their appearance or behaviour, you should still record that you had a concern on the Record of Concern form and what you did in response, in case other concerns relating to this person arise at another time. The DSP will keep a record and may report the suspicions to the local Safeguarding Board. The sharing of information between agencies is key in ensuring the safety of children and adults at risk, as there may be many pieces to a puzzle. No suspicion is too small.

If however their response indicates that abuse or neglect has occurred then this would count as a disclosure and you follow the information in the section above.

## **5. If there are allegations against staff from external agencies**

- 5.1 Concerns about abusive practice of staff from external agencies should be discussed with your line-manager and the Children in Wales Designated Safeguarding Person. In all such cases the Wales Safeguarding Procedures will be followed and complaints and allegations reported to the local authority Social Services or Police where a decision will be made on the most appropriate way to deal with the matter.
- 5.2 Depending on the outcome of any Police and Social Services investigation it may be necessary to review any contract that Children in Wales has with the external agency concerned.

## **6. If there is an allegation of abuse against Children in Wales staff, trustees, associates, volunteers or any other agency or individual working on behalf or representing the organisation**

- 6.1 If the behaviour of a colleague or any other adult towards children or young people causes you concern:
- Do not dismiss your concerns, it is important to be able to ‘think the unthinkable’ and believe that it could happen in your workplace.
  - Do not confront the person about whom you have concerns
  - Notify and discuss your concerns with your line manager and the Children in Wales Designated Safeguarding Person. If you feel uncomfortable doing this, or you are not satisfied with the response that you get, contact the Chief Executive
  - You should never delay in passing on your concerns to somebody who is in position to take them forward and ensure that a proper investigation takes place. You will always be taken seriously
  - Do not worry that you may be mistaken. It is better to have discussed it with somebody with the experience and responsibility to make an assessment who will be able to take the case forward in the appropriate manner, liaising with internal and external personnel as required.
- 6.2 Any allegation made by an individual or organisation about suspected abuse against Children in Wales staff and associates, freelance or external staff with whom Children in Wales works must be referred to the local authority Social Services or the Police as a request for investigation under child protection procedures.
- 6.3 Further information in respect of the way in which allegations of abuse against Children in Wales staff will be handled can be found in Appendix 3.

## **7. Historical abuse**

Any allegations of historical abuse of children in any former care setting brought to the attention of staff should be channelled through the Chief Executive and appropriate referrals made.

## **8.0 Understanding what is meant by abuse and harm**

The following provides a definition of terms used when describing types of abuse.

- 8.1 Definition of a child at risk of Harm** – Harm in relation to children means abuse or the impairment of (a) physical or mental health, or (b) physical, intellectual, emotional, social or behavioural development.

**Significant harm** - Where the question of whether harm is significant turns on the child's health or development, the child's health or development is to be compared with that which could reasonably be expected of a similar child.

Actions required if significant harm is suspected - Section 47(1)(b) Children Act 1989 – 'where a local authority have 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 shall make, or cause to be made, such enquiries as they consider to be necessary to enable them to decide whether they should take action to safeguard or promote the child's welfare'.

Suspicion about abuse may take the form of 'concerns' rather than 'known facts'. Child welfare concerns can arise in many different contexts, including when a child is already known to Children Services. It should be remembered that the first indication that a child is being abused is not necessarily the presence of a severe injury. Suspicions of any form of abuse may be aroused by overheard remarks made by a child, adult at risk, family members or friends, or by noticeable changes in someone's behaviour or reactions.

## **8.2 Definition of an Adult at risk of Harm**

Section s126(1) of the Social Services and Well-being (Wales) Act 2014 defines an adult at risk as an adult who:

1. Is experiencing or is at risk of abuse or neglect,
2. Has needs for care and support (whether or not the authority is meeting any of those needs),  
and
3. As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

It is important to note that the use of the term 'at risk' means that actual abuse or neglect does not need to occur before practitioners intervene, rather early interventions to protect an adult at risk should be considered to prevent actual abuse and neglect. The three conditions necessary to demonstrate an adult is at risk of abuse or neglect ensures that protection is

provided to those with care and support needs who also require actions to secure the individual's safety in the future because they are unable to protect themselves. That the abuse of adults deemed to be 'at risk' is often linked to their **circumstances rather than the characteristics** of the people experiencing harm.

- 8.3 Abuse can be physical, sexual, psychological, emotional or financial (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place). Abuse happens when someone misuses their power and control over a child or adult at risk and this leads to harm. It doesn't matter whether the abuser intended to cause harm. What matters is the impact on the individual. Sometimes not doing something is a form of abuse too – such as neglecting a person's basic needs, failing to protect them from harm (such as failing to prevent another person from causing harm) or not reporting something.

## 9. **Recognising types and indications of abuse and neglect**

All staff and any volunteers who have direct contact with children and adults at risk should be aware of the definitions, signs and symptoms of abuse as listed below. Direct contact may include face-to-face work, as well as online activities such as texting or video calling, for example. Comprehensive training on this and in relation to indicators of possible abuse will be provided to staff, as appropriate.

The following definitions of abuse are taken from the Wales Safeguarding Procedures:

**Neglect** - This describes a failure to meet a person's basic needs physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being (for example, an impairment of the person's health and in the case of children their development including non organic failure to thrive). It can involve the failure to protect a someone from exposure to any kind of danger including cold, starvation or extreme failure to carry out important aspects of care. It may also include neglect of, unresponsiveness to a person's basic emotional needs.

**Physical abuse** - Physical abuse may involve hitting, shaking, throwing, poisoning, suffocation, drowning, scalding, inappropriate use of restraints, misuse of medication, female genital mutilation. It can also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after.

**Sexual Abuse** - Sexual abuse of a child involves forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative and non penetrative acts. It may involve rape or sexual assault of a child or adult at risk, nonconsensual touching, any sexual activity that a person lacks the capacity to consent to. Abuse may include non contact activities such as involving children in looking at, or in the production of pornographic materials or in watching sexual activities. It also includes encouraging children to behave in sexually inappropriate ways such as sending of sexualized messages online, forcing or enticing a child to



send sexual images of themselves. Adults may be forced into taking part in sexual photography, or forced use of pornography. Abuse may include sexually exploiting a child or adult for money, power or status.

**Psychological and Emotional Abuse** - threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks, witnessing abuse of others

**Financial Abuse** - This includes theft, fraud, internet scamming, and coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions. It can also include the misuse or misappropriation of property, possessions, or benefits.

## 10. **Working with children and adults at risk**

Children in Wales often works directly with children and young adults and it is important that they are made aware of our responsibilities to protect in accordance with their age and understanding. They should be helped to understand how the statutory protection process works and should be involved in any protection referral that is made and concerns them, unless to do so would seriously jeopardise their safety. The child or adult at risk should be told why a referral is being made, what the process will be, and appropriate support should be given throughout the process. Everyone should feel safe enough to share their concerns with staff and they should have access to the Children in Wales Complaints Procedure.

## 11. **Working with partner organisations**

Appropriate agreements with any partner organisations on safeguarding procedures and lines of reporting must be included in planning work and confirmed with all those involved. It is likely that Children in Wales staff will sometimes work to the partner's procedures and it will be important to check that they reflect the key issues raised in this document.

Staff should record any incident of concern which occurs through the Children in Wales procedures, even if they have reported it to a partner organisation.

## 12. **Children and young people as co-workers**

It is also important to recognise that children or adults at risk may themselves be involved in harmful behaviours. When we work directly with young people as trainers or project workers, it is important that the young people are aware of these procedures and work to them.

## 13. **Lone Working**

Staff may be on their own with children, or adults at risk. Staff may also find themselves communicating one-to-one with a child or adult at risk online. Where lone working is

unavoidable, staff should agree working protocols with colleagues and line managers to maximise safe practice and to protect themselves against possible allegations. For example, if evening travel is delayed and staff need to drive a child or adult at risk home late, arrangements should be made to inform their line manager by text on a work mobile that this will happen and then again once the person is safely home.

Staff must use appropriate online channels to communicate with children or adults at risk, for example work emails, work mobiles and Children in Wales' social media channels.

This should be kept under regular review through staff supervision and other appropriate means.

## **14. Events and activities involving children or adults at risk**

- 14.1 Risk Assessments should be undertaken prior to any offsite visits, residential events or new types of activities.
- 14.2 Employees, associates and volunteers are responsible for familiarising themselves with building/facility safety issues, such as, fire procedures, location of emergency exits, location of emergency telephones and first aid equipment.
- 14.3 All accidents involving anyone should be recorded in the organisation's accident book immediately or as soon as practicably possible. The accident book is kept by the Administrator (HR) at Children in Wales.
- 14.4 Employees, associates and volunteers are responsible for reporting suspected cases of abuse to the Designated Safeguarding Person using the Record of Concern form. The DSP will decide on what action should be taken and who is best placed to take this.
- 14.5 Employees, associates and volunteers will be expected to keep an attendance register for all organised sessions.
- 14.6 To help ensure the safety of participants, employees, associates and volunteers should ensure that their activities start and end on time. Plans should be made in advance in case of unavoidable delays.
- 14.7 Employees, associates and volunteers should ensure that they are adequately insured, to protect against claims of negligence, through their organisation or their own personal insurance if acting as a self employed agent.

## **15. Working online with children or adults at risk**

Safeguarding applies in the same way to work carried out with children or adults at risk online or face-to-face. The use of information technology is an essential and increasing part of all our lives; it is involved in how CIW collects and stores information, as well as how we communicate with each other. Training specific to working online will be provided to staff, as appropriate.

- 15.1 Staff who use online communication platforms should ensure that they read and understand the IT and Social Media Policy. Only official CIW platforms such as work emails, work mobile phones, CIW social media accounts, CIW Teams or Zoom meetings accounts, etc., should be used to communicate with children or adults at risk.
- 15.2 Prior to engaging with children or adults at risk through online meetings software, staff should ensure that they have a good understanding of the technology. For example, facilities such as 'Waiting Rooms' should be utilized and participants only admitted once their identity is confirmed. Staff should set out protocols relating to engagement and use of 'chat' facilities, etc., at the start of meetings so that all attendees are comfortable in an online environment. Before the meeting or event planning should take account of a range of possible scenarios that may arise.

## **16. A child, young person or adult at risk who is arrested or detained for interview by the Police**

If a child, or adult at risk with whom Children in Wales is working is detained for interview or arrested by the Police under the Crime and Disorder Act 1998 and/or the Police and Criminal Evidence Act (PACE) 1984 (revised July 2018) they are entitled to be supported by an 'Appropriate Adult'. The definition of an 'Appropriate Adult' is a responsible person aged 18 or over who supports children and adults at risk detained at the police station or being interviewed by the police.

Children in Wales staff, volunteers, Trustees *or any other agency or individual working on behalf of or representing the organisation* must **not** act as an appropriate adult in support of a child, young person or adult at risk with whom Children in Wales is working.

The appropriate line manager, a member of the Senior Leadership Team or the Children in Wales' Designated Safeguarding Person must be notified as soon as possible in the event that any child or young person or adult at risk with whom Children in Wales is working has been detained, arrested or had involvement with the Police.

For further information relating to the role of Appropriate Adults, please visit <https://www.gov.uk/government/publications/guidance-for-appropriate-adults> or <https://yjlc.uk/appropriate-adult/>.

## **17. Whistle blowing**

Staff must feel able to raise concerns with their managers. If a line manager fails to respond to staff regarding safeguarding, the staff member must feel free to contact the next manager up the line without prejudice to the Chief Executive or the Chair of the Trustee Board (see Whistleblowing Policy).

## **18. Confidentiality and Record Keeping**

- 18.1 In all cases where a child or adult at risk has been abused, or is at risk of abuse, there is a duty to share all relevant information amongst relevant professionals and agencies. In all such situations, the protection of the person must take precedence over all other considerations. The success of multi-disciplinary co-operation is rooted in the exchange and sharing of relevant information. Professional rules of confidentiality should be interpreted in relation to the need to protect the person.
- 18.2 Persons with parental responsibility for children should be made aware that information that has relevance to protection of an individual is shared. This will also be relevant to any person caring or responsible for an adult at risk. It is important not to promise anyone complete confidentiality in the hope of encouraging that person to make a disclosure of abuse. Such a pledge cannot be kept, as there is a professional responsibility to decide what information must be passed on in order to protect individuals.
- 18.3 It should be noted that although in general concerns should be discussed with a family and agreement sought to the making of a referral to the local authority Social Services – this should **only** be done where such discussions and agreement seeking will not place the person at increased risk of harm or compromise a future investigation. Reasons for withholding information from a family should always be clear and recorded.
- 18.4 If a member of the public passes on reported suspicions that a child or adult at risk is being abused, they may ask for an assurance that their identity will not be revealed. It should be explained that this cannot be guaranteed as, for example, the need to take action to protect someone may indirectly lead family, partner or carer to suspect who, in fact, has alerted the authorities. In addition, there may be exceptional occasions when a Court directs a referrer's name to be revealed. A referrer should always be assured that alerting the professionals to a family in crisis is of prime importance when it is necessary to protect someone.
- 18.5 All concerns and any discussions about a person's welfare should be recorded in writing on the Record of concern form whether or not further action is taken. It is important that concerns are recorded accurately and in detail: it should be clear to somebody reading about the worries where and why they have arisen. All discussions should end with clear and explicit recorded agreement about who will be taking what action by when, including what information will be shared and with who. If no further action is needed, this should also be recorded and the reason why this decision was made.

- 18.6 Records should be as detailed and precise as possible, giving an exact account of what was said, especially where it is a person who is disclosing abuse or making an allegation. They should report the details as disclosed or alleged, including who was present and what happened, the sequence of events, and so on. All subsequent action should also be documented.
- 18.7 The record should clearly state whether the information recorded is from the individual at risk, third party information, professional's opinion or fact.
- 18.8 Any physical written records or notes must be kept securely in a place to which access is restricted. On-line records or notes (including emails, etc) must be stored securely in a restricted access folder on the Children in Wales Office365 system. Managers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information - verbally, through the mail, electronically, etc - should be done in such a way that confidentiality is maintained.

## 19. Multi-Agency Practice Reviews

CIW will fully cooperate with any requests for information relating to a child or adult practice review. The purpose of these reviews is to promote a positive culture of multi-agency child protection learning and reviewing.

For reference, the following legislation and regulations are relevant to Practice Reviews:

- The Social Services and Well-being (Wales) Act, 2014.
- The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015
- [Working Together to Safeguard People, Volume 2](https://gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-3-adult-practice-reviews.pdf) – Guidance on Child Practice Reviews  
<https://gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-3-adult-practice-reviews.pdf>

## Appendix 2

# Safeguarding: A record of concern

Part 1 (Please complete in as much detail as possible)

If you have heard these concerns from a third party, please complete Part 2 instead

<b>Name of child, young person or adult at risk you are concerned about:</b>	
<b>Any other details you know (age, DOB, contact details, etc)</b>	
<b>Date and Time of Incident:</b>	<b>Date and Time (of writing):</b>
<b>Your Name:</b>  ..... <b>Print</b> <b>Signature</b>	
<b>Job Title/Position:</b> <b>Line manager :</b> <b>Trustees/Associates – please provide contact details:</b>	
<b>Record the following factually: What are you worried about? Who? What (if recording a verbal disclosure try to recall their words)? Where (physical location or online)? When (date and time of incident)? Any witnesses?</b>	
<b>What is the person's account/perspective?</b>	
<b>Professional opinion where relevant.</b>	

<b>Any other relevant information (distinguish between fact and opinion). Previous concerns etc.</b>
<b>What did you do at the time ?</b>
<b>What needs to happen? Note actions, including names of anyone to whom your information was passed and when.</b>

**Check to make sure your report is clear to someone else reading it.**

**Please send this form to the Children in Wales Designated Safeguarding Person and call to notify. CIW staff should also inform their line manager.**

**Claire Sharp**

**e: [safeguarding@childreninwales.org.uk](mailto:safeguarding@childreninwales.org.uk)**

**Work mobile: 07494 208637**

Part 2

Logging concerns/information shared by a third party

<b>Name of child, young person or adult at risk you are concerned about:</b>	
<b>Any other details you know (age, DOB, contact details, etc)</b>	
<b>Date and Time of Incident:</b>	<b>Date and Time of receipt of information: Via letter / telephone etc.</b>
<b>Recipient (and role) of information:</b>	
<b>Name of caller/provider of information:</b>	
<b>Organisation/agency/role:</b>	
<b>Contact details (telephone number/address/e-mail)</b>	
<b>Relationship to the child/family:</b>	
<b>Information received:</b>	
<b>Any actions that have occurred (please provide as much detail as possible):</b>	
<b>Outcome:</b>	



<b>Name:</b>	
<b>Position or role:</b>	
<b>Signature:</b>	
<b>Date and time completed:</b>	
<b>Date and time:</b>	

**Check to make sure your report is clear to someone else reading it.**  
**Please send this form to the Children in Wales Designated Safeguarding Person and call to notify. CIW staff should also inform their line manager.**

**Claire Sharp**  
**e: [safeguarding@childreninwales.org.uk](mailto:safeguarding@childreninwales.org.uk)**  
**Work mobile: 07494 208637**

**Part 3 (for use by DSP)**

<p>Time and date information received, and from whom.</p>	
<p>Any advice sought – if required (date, time, name, role, organisation and advice given).</p>	
<p><u>Action taken</u> (referral to children’s/ adult social care/monitoring or advice given to appropriate staff etc.) with reasons for decision.</p> <p>Note time, date, names, who information shared with and when etc.</p>	
<p><u>Parent’s informed?</u> Y/N and reasons.</p>	
<p><u>Outcome</u></p> <p>Record names of individuals/agencies who have given information regarding outcome of any referral (if made).</p>	

Where can additional information regarding child/incident be found)?	
Should a concern/confidential file be commenced if there is not already one? Why?	
Signed	
Printed Name	

## Appendix 3

### Code of Conduct: Working with Children and Adults at Risk

All staff, appropriate volunteers and external contractors such as Associates who have contact with children and adults at risk should be aware of what is expected of them when working with these groups. They should be able to demonstrate exemplary behaviour in order to keep children and adults at risk safe, and to protect themselves from allegations of misconduct.

- Always remember that while you are caring for other people's children or for adults at risk you are in a position of trust and your responsibilities to them and the organisation must be uppermost in your mind at all times.
- Remember you are a role model and always provide an example you would wish participants to follow
- Make sure you have read the Safeguarding Policy and Procedure and that you feel confident that you know how to recognise when a child or adult at risk may be suffering harm, how to handle any disclosure and how to report any concerns.
- You must act upon concerns about a child's or adult at risk's welfare or the inappropriate behaviour of any adults at your activities.
- Do work as a team with your co-workers/volunteers. Agree roles and responsibilities when delivering sessions and agree with them what behaviour you expect from participants and be consistent in enforcing it.
- Inform those taking part in your activity about the safety issues involved and what to do to stay safe - ensure that activities are planned carefully and that you are alert to potential harm.
- Risk Assessments must be in place for all activities prior to undertaking them and you should be familiar with them.
- Understand who has responsibility for First Aid and safeguarding on the day
- Wear suitable clothing and footwear for the activity
- Report accidents (to a member of CIW staff if you are a volunteer or contractor) as soon as possible
- Be aware of the emergency and missing person procedures for the site/ trip
- Always aim to work in an open environment or an open way and exercise caution about being alone with or engaging in extended one-to-one communication with a child or adult at risk. In situations where this may be needed (for example where a young person wants to speak in private or on an essential car journey), keep it short, be accessible and make sure someone is informed - for example tell another worker or volunteer what you are doing and where you are, leave a door ajar, be in earshot of others.

- Always use CIW equipment including mobile phones and CIW communication channels when communicating with children and adults at risk on work business. If for some reason you do need to use a personal phone (ie there is no signal on the work phone) always let your manager know this has happened.
- Ensure that you have read and understood the CIW IT & Social Media Policies including the setting and use of passwords to protect personal information.
- Any physical contact should be open, unambiguous and have a clear purpose. It should be initiated by the individual and their needs, e.g. they may ask for a hug when upset, or an action to remove someone from danger. Always prompt participants to carry out personal care (such as adjusting clothing) themselves and if they cannot manage, ask if they would like help - bear in mind that some actions, no matter how well-intentioned, may easily be misinterpreted
- If you have to speak to a child or adult at risk about their behaviour, remember you are challenging 'what they did' not 'who they are'.
- Do listen to children and adults at risk and take every opportunity to raise their self-esteem.
- Do treat all children and adults at risk equally, with respect and dignity, and promote positive attitudes towards differences.
- Always challenge inappropriate use of language, discriminating comments and/or behaviour from children or adults at risk.
- When you are supervising, leading or working with visiting groups of children or adults at risk, always be easily identifiable: wear your CIW name badge.
- Always secure parental or carer consent in writing for unaccompanied under 18s using CIW standard forms
- Always question any unknown adult who attempts to engage with the children.

**You must NEVER:**

- invite a young person or adult at risk to your home or arrange to see them outside the set activity times or off-site.
- smoke, take un-prescribed drugs or drink alcohol in the company of children or adults at risk
- use internet or web-based communication channels to send personal messages to / befriend children or adults at risk

- give your personal contact details / personal website details to children or adults at risk
- take photos of children or adults at risk without written consent from either themselves or, in the case of children, their parents/guardians

I, the undersigned, declare that I have read and will adhere to the above Code of Conduct in the event that I work directly with children and/or adults at risk on behalf of CIW. I understand that failure to do so may result in disciplinary action.

Staff/volunteer/contractor signature.....

Name (print).....

Date.....

## **Appendix 4**

### **Handling Allegations of Abuse by Staff, Trustees, Associates and Partners of Children in Wales**

Please note that any allegation made against Children in Wales staff, trustees, associates or partners should be reported to the line manager and the Children in Wales Designated Safeguarding Person. All allegations will be dealt with under the Wales Safeguarding Procedures and the matter immediately referred to the local authority Social Services.

#### **1.0 Introduction**

1.1. This procedure applies to all members of staff as well as to trustees, associates and partners in the context of their work for and on behalf of Children in Wales (CIW).

1.2. It will be used in all cases where it is alleged that the person concerned has

- Acted in a way that has harmed or may have harmed a child or adult at risk
- possibly committed a criminal offence against or related to a child or adult at risk
- behaved towards a child or adult at risk in a way that indicates s/he is unsuitable to work with children or adults at risk or an allegation has been made
- committed an Abuse of Trust, as defined in the Sexual Offences Act 2003

##### **1.2.1 Definition of Abuse of Trust**

Sexual relationships with under 16s are against the law, but it's also an offence for an adult to have a sexual relationship with someone under 18 if the adult is in a 'position of trust' with that young person. A relationship of trust exists where a member of staff or volunteer is in a position of power or influence over a patient, pupil or service user by virtue of the work or nature of the activity being undertaken. It is a criminal offence for a person in a position of trust to engage in any sexual activity with a person aged under 18 with whom they have a relationship of trust, even if the basis for their relationship is consensual.

An abuse of a 'position of trust' will be taken extremely seriously by Children in Wales whether or not it is a criminal offence, and will be a disciplinary matter.

1.3. Such allegations might come to CIW from any source including the child or young person, adult at risk, his/her family, another agency or be referred by

a colleague within CIW and they may be made against an individual in either their private life or their working capacity.

- 1.4. Allegations will be dealt with under the Wales Safeguarding Procedures and the matter immediately referred to the local authority Social Services.

## 2.0 Making the referral

- 2.1 Staff, trustees, associates and partners are reminded that they have a duty to safeguard and promote the welfare of children and adults at risk and to report concerns about the behaviour of other staff members, trustees, associates and partners towards children and adults at risk. The CIW Whistle Blowing Policy facilitates and supports such action.
- 2.2. Whenever a concern is identified it must be immediately notified to your line manager and the CIW Designated Safeguarding Person.
- 2.3. The Designated Safeguarding Person, or the line manager in their absence, will report the matter to the responsible senior manager in Social Services who will consider the referral and subsequent action under the Wales Safeguarding Procedures.
- 2.4. There will be an initial discussion between the responsible senior manager and Children in Wales' Chief Executive. If it can be unequivocally demonstrated that the allegation is false and/or unfounded then a decision may be made to take no further action. However this might be discussed with the Police before arriving at such a decision. Such a decision will never be based on the employer's (CIW's) opinion about the character and/or personal circumstances of the individual employee or of the person making the allegation.
- 2.5. In the event of no further action the Wales Safeguarding Procedures require that the responsible senior manager in Social Services gives consideration to:
  - Informing the child's parents about the allegation and outcome (if they have not already been advised by CIW as a result of the child requiring medical attention), or if the incident related to an adult at risk informing them
  - Informing the individual employee about the allegation and the amount of detail to be provided
- 2.6. The reasons for all decisions will be recorded.
- 2.7 In the event of no further action, Children in Wales will pass relevant information to other organisations working with the individuals concerned.



### **3.0 Strategy meeting**

- 3.1. If it is decided that there is cause to suspect a child or adult at risk is suffering or likely to suffer significant harm, and/or a criminal offence has been committed, and/or the individual employee has behaved in a way which indicates they are unsuitable to work with children or adults at risk, then the responsible senior officer will arrange for a strategy discussion with the Police to consider if immediate action needs to be taken to protect children or adults at risk and to arrange a strategy meeting.
- 3.2. At any point after being informed about the allegation the Chief Executive may decide to suspend the individual employee in order to protect the child or adult at risk, to evaluate the possible risk of harm to children or adults at risk, and to enable the safeguarding enquiries and/or criminal investigation to be undertaken.
- 3.3. Should an employee decide to resign at any time following an allegation CIW will continue to follow the safeguarding procedures and any disciplinary processes and will not enter into any compromise agreements with the employee.
- 3.4. Any strategy meeting will be convened by Social Services within two working days of the referral and will be attended by all relevant agencies including CIW as the employing agency. The meeting will consider the preliminary information gathered in the referral and initial assessment and the information provided by the employer about the circumstances and context of the allegation, consider and evaluate the risk to the employee's own children or other contacts and agree any action.
- 3.5. The suspension of an individual employee must always be considered where there is cause to suspect that a child (or adult at risk) is at risk of significant harm, and/or where the allegation warrants a criminal investigation by the Police, and/or where the allegation might be grounds for dismissal. Suspension is not an automatic requirement and will be given careful consideration and reviewed at each strategy meeting and the investigation outcome meeting.
- 3.6. The strategy meeting can only recommend suspension, the authority to suspend an individual employee rests with CIW. Should CIW decide not to suspend an individual employee a risk assessment will be undertaken and shared with the strategy meeting and/or will consider the redeployment of the individual employee to a position where they have no contact with children or adults at risk.
- 3.7. Suspension is considered a neutral act and will be considered by CIW where:

- an allegation has been made which if proven would lead to a dismissal or prosecution
- a child or adult at risk could be placed in danger if the member of staff were not removed from duty
- it is necessary to allow full safeguarding enquiries and/or a criminal investigation

3.8. The strategy meeting can decide:

- to undertake safeguarding enquiries and/or a criminal investigation;
- that safeguarding enquiries are not required and the employer should deal with the allegation in accordance with the organisation's own disciplinary procedures;
- that no further action should be taken.

3.9. If no further action to be taken, the reasons for the decision will be recorded.

3.10. In the event of safeguarding enquiries, and/or a criminal investigation, and/or the organisation's disciplinary process identifying a risk of harm to other children it may be necessary to hold further strategy meetings. In addition during a prolonged and complex enquiry it is recommended that the strategy meeting should develop an action plan with timescales in order to avoid unnecessary delay and the local authority Social Services Department will monitor the progress by convening review strategy meetings at agreed intervals.

3.11 Any investigation may well have three related but independent strands:

- a. Child protection enquiries relating to the safety and welfare of any children who are or may have been involved including the alleged person's own children or children within his/her care, or similar such enquiries relating to the safety and welfare of any adults at risk.
- b. A Police investigation into a possible offence.
- c. Disciplinary procedures where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff.

3.12. It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding, or employee discipline, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

3.13. The outcome for a number of allegations is likely to be that a criminal prosecution does not take place. In such situations CIW will decide if any further disciplinary action is appropriate. The information provided by the

Police and/or Social Services will inform this decision as well as the different standard of proof required in disciplinary and criminal proceedings. If CIW undertake disciplinary proceedings this procedure can be found in the CIW staff handbook under the Disciplinary Procedure.

- 3.14 To avoid delay and duplication CIW will seek a recommendation at the strategy meeting that the interviewing Police officer and/or social worker seek consent from individuals being interviewed to share the information provided with itself as employer at the conclusion of the enquiries and/or court hearing.

#### **4.0 Investigation outcome meeting**

- 4.1. When the safeguarding enquiries and/or criminal investigation has been concluded an investigation outcome meeting will be convened.
- 4.2. The responsible senior Social Services Manager with responsibility for safeguarding will convene an investigation outcome meeting within five working days of the completion of the safeguarding enquiries. The meeting will determine whether an allegation continues to be dealt with under these procedures. The meeting will be attended by those involved in the strategy meeting, plus relevant others.
- 4.3. The investigation outcome meeting will:
- a. Evaluate the information gathered during the enquiries
  - b. Decide, on the balance of probability, whether there is substance in the allegation
  - c. Decide whether any further action is needed, in the light of the information gathered
  - d. Ensure support and services are available for the child or children where indicated
  - e. Decide whether to recommend that CIW make a referral to the Disclosure & Barring Service (and future arrangements brought in by the Welsh Government)
  - f. Offer advice to the Police regarding any entry on the Police National Computer taking particular care to ensure that the outcome of the investigation is clearly recorded
  - g. Agree reporting arrangements to the Care Inspectorate Wales, if involved, on the investigation and action taken or to be taken
  - h. Discuss and make recommendations to CIW, the employer, in relation to employees who may have been temporarily suspended or redeployed for the duration of the investigation
  - i. Advise on support for staff where concerns are substantiated/ are not substantiated.

- 4.4. If the allegation is deemed to be not substantiated, the reason for this decision must be fully recorded.

## **5.0 Action after any court hearing**

- 5.1. The Police and Crown Prosecution Service will inform CIW and the Social Services Department senior safeguarding manager when a criminal trial has been concluded together with its outcome. The Social Services Department senior manager will arrange for a safeguarding strategy meeting to be convened. The purpose of the strategy meeting will be to consider the outcome of the court hearing and decide any further recommendations and actions.
- 5.2. In the event of a criminal conviction and the individual employee is dismissed or resigns, the strategy meeting will recommend that CIW notify the relevant regulatory/barring organisation.
- 5.3. In the event of a court decision that does not find the individual employee guilty, disciplinary action including dismissal will not be ruled out - CIW will decide if any further disciplinary action is appropriate. The information provided by the Police and/or Social Services will inform this decision. The range of options open will depend on the circumstances of the case and consideration will need to be given to the result of the Police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.
- 5.4. CIW will not reach a compromise agreement with an individual employee who decides to resign. The disciplinary procedure and notification will always be carried out.
- 5.5. If the individual employee is to return to work the strategy meeting will consider how the contact between the individual employee and child or adult at risk should be managed, and any services that the child or adult at risk may need.
- 5.6. CIW will at this stage consider how best to facilitate an employee's return to work through a planned phased return with support in the short term.
- 5.7. The strategy meeting will agree the arrangements to keep the child and his/her parents or adult at risk informed of the outcomes.

## **6.0 Information to the staff member**

- 6.1. CIW will inform the individual employee about the allegation at the earliest opportunity, unless to do so may place someone at risk of further harm and/or prejudice the criminal investigation and will keep the individual

employee up to date with the progress of the enquiries. The local authority Social Services Department senior manager, the Police and CIW will agree the information that can be disclosed to the individual employee.

- 6.2. Individual employees subject to such allegations should note that they will be dealt with under the Wales Safeguarding Procedures and that every effort will be made to preserve confidentiality and avoid media publicity during the enquiries. However any information gathered that is relevant for criminal proceedings or disciplinary procedures will be disclosed for those purposes.
- 6.3. The welfare of the employee will be considered at all stages of the procedure and any employee subject to an allegation (and the whistle-blower, if applicable) should be given access to independent support services if they so wish. If the individual employee is a member of a trade union or professional association they are advised to contact that organisation.
- 6.4. The individual employee will not be invited to strategy meetings or the investigation outcomes meeting. At the conclusion of the investigation outcomes meeting and within 5 working days, the chair of the meeting will write to the individual employee and inform them about the allegation that was made, the procedures followed, and, the outcome, including decisions that were made, unless to do so would prejudice any further enquiries or the legal process.
- 6.5. If at the conclusion of the case an employee who has been suspended is able to return to work, CIW will at this stage consider how best to facilitate his/her return to work through a planned phased return with support in the short term.

## Appendix 5 Legislative Framework

The following provides the legislative framework that underpins this policy and procedures, and is relevant to working to safeguard and promote the welfare of children and adults at risk.

1. Additional statutory guidance is available within 'Working Together to Safeguard People' issued in support of Part 7 of the **Social Services and Well-being (Wales) Act 2014**. This guidance sets out how all agencies and professionals should work together to safeguard and promote children's welfare and protect them from harm. It is addressed to all statutory agencies and others whose work brings them into contact with children and families. As such it is relevant to those working in the statutory, voluntary and independent sectors.
2. The policy is also based on the **United Nations Convention on the Rights of the Child** (UNCRC).
3. In all local authorities in Wales, services to safeguard children and adults at risk are led by multi agency **Safeguarding Boards**. The Safeguarding Boards are the key statutory mechanism for agreeing how the relevant organisations in each area will cooperate to safeguard and promote the welfare of all people in that local authority area. The Safeguarding Boards are also responsible for leading and coordinating the arrangements to protect children and adults who are suffering or at risk of suffering abuse and harm.
4. The **Wales Safeguarding Procedures** provide detailed procedural guidance on how these concerns should be dealt with by local authorities, Police and other relevant professionals and are used in every local authority in Wales. They are relevant to all those whose work involves contact with children and adults at risk across departments and agencies in the statutory, voluntary and independent sector and staff in Children in Wales should be familiar with them.

The following list includes links to the relevant legislation.

[The Children Act 1989](#)

[The Social Services and Well-being \(Wales\) Act 2014](#)

[The Education Act 1996](#)

[The Housing Act 1996](#)

[Data Protection Act 2018](#)

[Education Act 2002](#)

[Adoption and Children Act 2002](#)

[Sexual Offences Act 2003](#)

[Female Genital Mutilation Act 2003](#)

[The Licensing Act 2003](#)

[The Housing Act 2004](#)

[The Children Act 2004](#)

[Protection of Freedoms Act 2012](#)

[Social Services and Wellbeing Act \(Wales\) 2014](#)

[Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#)

[Serious Crime Act 2015](#)

[Counter Terrorism and Security Act 2015](#)

[Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020](#)

[Domestic Abuse Act 2021](#)