

Culture&

Safeguarding Policy

Introduction

This policy is designed to protect the health, well-being, dignity and human rights of our staff, trainees, volunteers and all those who attend our public events to allow them to live free from abuse, harm and neglect. Although Culture& does not work with children, it is recognised that we work with young adults from Black and ethnic minority communities whose experience of health and social care differs markedly from the majority population and can render them vulnerable. People from BAME background are many times more likely to be diagnosed as having a mental health problem and are overrepresented in many physical health conditions as well as involvement in social care services and the criminal justice system.

The current SARS-COV-2 global pandemic has had a massively disproportionate impact upon people of colour in terms of infection and mortality rates. Above all, the very experience of institutional racism and discrimination can profoundly affect personal wellbeing, therefore this policy is aimed at protecting the people Culture& works with to provide them with a framework to maintain their human right for safety, dignity and respect.

Culture& is aware of the legislative context in which this policy exists and is relevant to safeguarding and promoting the welfare of children and adults at risk which includes: Race Relations (Amendment) Act 2000; Children and Social Work Act (2017), Children Act (1989 and 2004), Working together to safeguard Children (2015), No Secrets (2000), Crime and Disorder Act (1998), Health and Social Care Act (2008) Safeguarding Vulnerable Groups Act (2006) and the Care Act (2014), Race Relations (Amendment) Act 2000.

Culture& works mainly with adults, predominantly from diverse backgrounds including BAME communities (some of whom can be regarded as vulnerable on health, social care or on account of being targets of discrimination or race hate crimes) but not specifically with children, however it is acknowledged that at times such as public events, children may be present.

Culture& works with a wide range of partners, hosts students on internships as well as New Museum School trainees based at institutions all over the UK, therefore this policy acknowledges that in order to effectively discharge its safeguarding responsibilities, Culture& needs to work collaboratively and share responsibility with these institutions.

Definitions

Child

A child, as defined in the Children Acts 1989 and 2004, is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout.

Vulnerable Adult

A vulnerable adult is defined as a person aged 18 and over who is or who may be in need of health or social care services because of age, illness, physical or learning disability, or someone who is or may be unable to take care of or protect themselves against harm or exploitation (including those who have difficulty in communication and may need additional help).

Ethical framework

This policy is framed around six broad ethical areas that need to be considered in all safeguarding policy and practice: voluntary participation, informed consent, confidentiality, and anonymity, the potential for harm, communicating the results.

As such, this policy is designed to achieve the following outcomes:

- *Empowerment:* People being supported and encouraged to make their own decisions and informed consent
- *Prevention:* Enable swift action to be taken before any harm occurs
- *Proportionality:* The least intrusive response appropriate to any risk identified or presented
- *Protection:* Achieve the highest possible level of protection for any individual identified to be at risk
- *Partnership:* To work in collaboration with our programme partners to ensure that our responsibilities under this policy are effectively discharged
- *Accountability:* To provide scrutiny and due diligence

Monitoring

The policy will be reviewed a year after development and then every three years, or in the following circumstances:

- changes in legislation and/or government guidance
- as required by the Local Safeguarding Children Board
- as a result of any other significant change or event

Key Principles

This policy and corresponding procedures aim to achieve a culture within Culture& in

- All adults that work, volunteer or use Culture& have the right to live a life free from abuse, harm and neglect regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity.

- All allegations, concerns or suspicions of abuse or neglect are taken seriously and responded to within the steps laid out in the corresponding procedures.
- To collaborate with local Safeguarding Adults Boards and comply with the local multi-agency Safeguarding Adults Procedures, as appropriate.
- All staff have a responsibility to ensure they are informed and understand their duty to operate within this policy and procedure and to cascade these policies and procedures to volunteers and contractors who may be working with vulnerable adults.
- All staff, contractors, partners and volunteers have a shared responsibility to take appropriate steps to protect adults at risk.

Culture& Safeguarding Policy Code of Conduct

Everyone working at the Culture& has a responsibility to ensure that children and vulnerable adults we work with are protected from abuse. It is your responsibility to ensure that:

- Your behaviour is always appropriate
- You observe the rules established for the safety and security of young and/or vulnerable people
- You recognise the position of trust in which you have been placed and seek to protect yourself.

You must understand and follow the Culture& code of behaviour particularly if there are children or vulnerable adults present:

- Always keep other members of staff/volunteers aware of where you are and what you are doing
- Avoid spending time with children or vulnerable adults without their parents or carers
- Colleagues should look out for each other to ensure that they are not behaving in ways which could be misinterpreted
- Do not engage in inappropriate behaviour or physical contact
- Never make suggestive remarks or threats or use any other inappropriate language
- Take any allegations or concerns about abuse seriously and refer concerns immediately to the, Culture& CEO Chair or a member of the Board of Trustees
- Do not do things of a personal nature which a child or vulnerable adult can do for themselves
- Do not take photos or videos of any child or vulnerable adult

Disclosure and Barring Service (DBS)

DBS checks form an important part of our wider safeguarding policy. Since December 2012 the regulations surrounding DBS checks have changed, particularly with regard to regulated activity. Careful consideration will be given to whether a DBS check is required for each role. You are only legally entitled to carry out an enhanced or enhanced with barred lists DBS check if someone's position is one of those listed in the 'exceptions order' of the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and in the Police Act Regulations and (for the barred list check) meets the definition of regulated activity.

There are two levels of enhanced checks:

1. *Enhanced*

To be eligible for an enhanced DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (exceptions) Order 1975 and in Police Act Regulations. If the

answer is yes to the two questions below then you are entitled to undertake an enhanced DBS check.

Does the role involve one of the following activities?	Will the work take place regularly?
<ul style="list-style-type: none"> • Teaching • Training • Care • Supervision • Advice • Treatment • Transportation • Being in sole charge 	<p>This is defined as: <i>Frequently</i> – once a week or more or <i>Intensively</i> – takes place on four or more days in a 30-day period or <i>Overnight</i> – defined as between 2am and 6am.</p>

2. Enhanced with adults and or children's barred lists check(s)

To be eligible to request a check of the children's or adults' barred lists the position must meet the DBS definition of 'regulated activity'- See appendix 1 for a comprehensive definition of 'regulated activity'. It is important to understand this definition. It is expected that extremely few Culture& roles would fall into this category.

Everyone working at Culture& who is eligible is required to undertake an enhanced DBS check, or, if they are involved in a regulated activity must have an enhanced with barred list check. This is a requirement of Culture& as part of their safeguarding responsibilities. If in any doubt at all Human Resources or the Volunteers Office should be contacted immediately. Culture& will accept a certificate previously issued by another organisation provided that the individual is a member of the update service and Culture& can carry out an instant update check. (For further information please see the Update service section below).

Prospective employees

The need for an enhanced DBS, or enhanced DBS check and barred list check, must be made evident by the Recruiting Manager on the Recruitment Authorisation Form.

Once an individual has been selected for a vacancy requiring an enhanced DBS check their status will be checked by their prospective line manager as part of the recruitment procedure. The individual will not be permitted to commence work until their disclosure has been approved by their line manager. The individual should show their enhanced DBS certificate to their line manager as soon as they have received it.

Existing Employees

Individuals who are currently employed by Culture& whose roles are deemed by HR to require an enhanced DBS check, or enhanced with barred list check, will be checked every 3 years.

Where an employed individual is about to commence in an activity which is not part of their regular duties (i.e. supervising a work experience placement or volunteering for a sleepover) they will also need to apply for an enhanced DBS check, or enhanced with barred list check, and have it cleared before they commence this activity.

Contractors and Freelancers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident by the member of staff contracting services from a freelancer. The staff member needs to consider carefully the question whether they are eligible for either check. The individual will not be permitted to commence work until their disclosure is returned and has been approved by their line manager.

For contractors employed through a contract for services, the requirement to submit to an enhanced DBS check, or enhanced with barred list check, must be included on the contract. Their status will then be checked by their line manager as part of their appointment procedure. The individual will not be permitted to commence work until their disclosure has been approved.

Volunteers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident when the volunteer role is created and to the volunteer before they agree to undertake that role/task.

Volunteers, who are eligible for an enhanced DBS check, or enhanced with barred list check, will be required to undertake one.

Once an individual has been selected for a volunteer role requiring either check, their status will be checked by the line manager and the relevant paperwork completed where necessary. The individual will not be permitted to commence volunteering until their disclosure has been approved by the relevant line manager.

Update service

Checks carried out by other organisations can now be accepted by Culture& in certain circumstances, using the update service. The update service enables organisations to carry out an instant online check on an individual's enhanced DBS certificate, providing that the individual is registered with this service. Culture& will seek to use the online update service wherever possible. If the postholder is eligible for an enhanced DBS check, they will be asked if they are a member of the update service and in addition asked for their permission to allow Culture& to check their enhanced DBS certificate. If the answer is yes to both questions, Culture& will check their enhanced DBS certificate using the online update service. Culture& takes the refusal of permission very seriously as this may impact on the ability of the postholder to carry out the role.

APPENDIX 1

What is 'regulated activity'?

Regulated activity is work that a barred person must not do.

Since September 2012 the definition of regulated activity has changed. There are now different definitions of regulated activity depending on whether you are working with a child or a vulnerable adult.

Activities that place a post-holder in Regulated Activity with children are:

1. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice or guidance on well-being, or drive a vehicle only for children.
2. Work for a limited range of establishments ('specified places') with opportunity for contact: for example, schools, children's homes, childcare premises.

As Culture&'s activities do not take place in 'specified places' and therefore only the first point above is relevant. If the activities in point 1 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.

Points to note

The activity must be for children. If it is merely incidental to activity with adults then it will not be considered a 'regulated activity'. For example, if a child comes to a training event put on for adults then the trainer would not be engaging in regulated activity.

Activities that place a post-holder in regulated activity with an adult (a person aged 18 years and over) are:

1. Healthcare for adults provided by, or under the direction or supervision of a regulated health care professional (members of peer support groups and first-aiders are excluded)
2. Personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting, oral care or care of the skin, hair or nails (excluding only hair-cutting); prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
3. Social work – provision by a social care worker of social work which is required in connection with any health services or social services
4. Assistance with and managing an adult's cash, paying an adult's bills or shopping because of their age, illness or disability
5. Assisting in the conduct of an adult's own affairs under a formal appointment
6. Conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work

For vulnerable adults these remain regulated activities even if they are conducted under the supervision of someone in a regulated activity. An adult is considered vulnerable at the point of receiving any of the activities outlined above. The setting in which the activities take place

and the characteristics of the adult receiving them are not relevant in deciding whether an adult is vulnerable. A person whose role involves the day-to-day management or supervision of any person engaging in regulated activity, should check with their HR Advisor to assess if their role is classed as a regulated activity.

APPENDIX 2

Designated Safeguarding Officer: Dr Errol Francis, CEO

The Designated Safeguarding Officer monitors, reviews and develops the work of Culture& to ensure Culture& is upholding best practice and legal compliance in relation to its safeguarding duties. The CEO may at times delegate responsibility safeguarding for specific operational situations or for reasons of practicality or during his absence.

This policy has been reviewed by the CEO, April 2021 and subsequently ratified by the Board of Trustees.