Llywodraeth Cymru
Welsh Government

Social Services and Well-being (Wales) Act 2014

Working Together to Safeguard People: Code of Safeguarding Practice

For individuals, groups and organisations offering activities or services to children and adults in Wales



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Working Together to Safeguard People: Code of Safeguarding Practice

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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1. About this guide

This Code of Safeguarding Practice sets out Welsh Government expectations in relation to safeguarding arrangements.

Safeguarding is everybody's responsibility. The Welsh Government expects individuals, groups and organisations offering activities or service to follow this advice. This will demonstrate reasonable steps are being taken to ensure the safety of children and adults at risk.

Across Wales, individuals, groups and organisations offer a rich and varied range of activities and services for people to enjoy. This can range from more informal social groups to activities that support children or adults to enjoy sports, gain new skills or share an interest, to activities offered by faith groups.

These opportunities are vital in supporting the well-being of people in Wales, helping people to feel mentally and physically well and to enjoy positive social connections with others.

However, it is important that all those offering activities or services to **children (up to the age of 18 years)** and **adults (aged 18 or over)** understand the need to have safeguarding arrangements in place to make sure that nobody is put at risk of harm.

Safeguarding means keeping people safe from abuse, neglect or harm and knowing what to do if you think a **child** or **adult** is at risk of abuse, neglect or harm Where settings or organisations are already registered, regulated and inspected they should meet their statutory requirements and follow existing safeguarding arrangements.

Some individuals, groups and organisations are affiliated to, registered with or funded by national bodies offering support with safeguarding. This should include policies, training and processes to ensure people are safe when they engage in activities or services. Many safeguarding accreditation schemes, quality marks and codes exist for specific types of setting (places where activities are offered).

There is legislation in place in Wales that requires public bodies to safeguard people from harm. Where services are commissioned (funded) by public bodies there are contractual requirements to have safeguarding arrangements in place.

However, not every individual, group or organisation will have access to support to operate safely in this way. Some may not realise how important it is to have safeguarding arrangements in place and some may not know where to go for advice and support.

Why is this advice important?

- Abuse, neglect and harm have a devastating impact on children and adults. In the worst cases, they lead to loss of life. When someone is harmed, there are huge repercussions for them and for those who have caused the harm.

- There will be situations where there are concerns that a child or adult is being harmed beyond your (outside the) activity or service, at home or in the community but your organisation holds this information. Not acting on this information could be the difference between someone coming to serious harm instead of being protected.

- When someone is harmed while they are involved in an activity or using a service provided by an individual, group or organisation there are also implications for those providing the activities or services. This may include the personal impact of a distressing situation, reputational repercussions and in the worst cases can result in criminal prosecution.

- Having simple safeguarding arrangements in place can prevent people from coming to harm, protect people at risk of being harmed and give providers of activities or services the confidence to act in the right way and operate safely.

The Welsh Government expects all individuals, groups and organisations offering activities or services to children and adults in Wales to follow the advice provided in this Code of Safeguarding Practice.

Email us with queries and to let us know you are following this advice safeguardingandadvocacy@gov.wales

Who is this guide for?

This advice is for individuals, groups and organisations offering activities or services to children and adults in Wales to assist them in understanding the safeguarding arrangements they should have to operate safely and to safeguard all participants.

Activities and services are offered from many different settings, from a person's home, a community centre or space, in an open or public space, online, from a space within a private business venue, a sports club or a place of worship. Fees may or may not be charged, and some activities or services may operate on a commercial basis.

This might include one of the following activities or services, though this is not an exhaustive list:

- Arts, dance, drama or music clubs or classes;
- Sports or exercise clubs or classes;
- Youth clubs;

- Uniformed organisations or clubs for children and young people;
- Tuition or learning programmes or classes;
- Childcare and play sessions and/or after-school clubs operating under 2 hours or exempt for other reasons from registering as child minders or day care providers for other reasons;[1]
- Religious settings offering education in their own faith, culture, or religious texts or preparation for rites of passage;
- Social interest groups or sessions;
- Open access play work provision operating under 2 hours
- Indoor organised play, activity/interest groups or sessions;
- Tourism and leisure attractions and activities.

Everyone who provides these types of activities or services, whether on a commercial basis, as employment or as a volunteer makes an important contribution to the well-being of people in Wales and to community cohesion. As an individual or organisation, you and any staff or volunteers who work with you, have a duty of care towards the people you provide activities or services to. This means taking reasonable steps to ensure children and adults are protected from harm and the right action is taken if a person is at risk of harm. This includes taking action where you have information or concerns that a child or adult who is attending an activity or service you provide is being harmed at home or in the community. Following this Code will help you to ensure you check and demonstrate you are meeting that duty.

[1] The Child Minding and Day Care Exceptions (Wales) Order 2010 (as amended) specifies the circumstances in which providers do not need to register as child minders or day care providers.

2. Making safeguarding arrangements

Safeguarding and protecting people is everybody's responsibility. It is important to make sure that if you are an individual, group or organisation offering activities or services to children and adults, you understand these responsibilities. You should also make sure that anyone in a paid or unpaid role involved in helping to provide activities or services is supported to understand why safeguarding is important and what their responsibilities are.

If you are thinking about safeguarding for the first time, it can seem daunting but help is available. We would encourage you to get advice and support from the many organisations and bodies who can assist you. Go to the 'Getting advice and support' section for information.

A Safeguarding Policy

A Safeguarding Policy supports anyone involved in the provision of an activity or service to understand their responsibilities to safeguard people, and the action they should take if someone is harmed while accessing the activity or service or there are concerns that a child or adult is at risk of harm either during their involvement with the activity or service or in other situations within their life. This means that you may see or hear something that gives you concern that a child or adults is coming to harm at home or in the community. Someone using your activity or service may also disclose (tell you) that someone is harming them. You have a responsibility to report any information you have that suggests a child or adult may be at risk of harm.

The Safeguarding Policy should include information about how to report a safeguarding concern to the local authority Social Services where the activity or service takes place and/or to the police on 101. The policy should set out that if anyone is at immediate risk of harm they should contact the police on 999.

If there is more than one person involved in providing the activity or service, the Safeguarding Policy should name one person to act as the Designated Safeguarding Person (DSP). This person acts as the named person/ point of contact for safeguarding concerns for others. In larger organisations, it is good practice to identify someone to deputise for the Designated Safeguarding Person. This includes other people involved in providing the activity or service, people using the activity or service and their families or carers.

You should set a review date for your Safeguarding Policy, make sure that the information in the policy is up to date, and fit for purpose.

The Wales Safeguarding Procedures help people to understand their responsibilities to safeguard children and adults in Wales. You can access them via the internet: Wales Safeguarding Procedures. You can also download the procedures onto your mobile phone. Links for downloading the App are at the bottom of the landing page on the website at the link above.

It is important to seek advice and support from the organisations and bodies that can help. See 'Getting advice and support' section.

Safeguarding Training

It is good practice for everyone involved in the provision of an activity or service to undertake basic safeguarding training. This will help people to identify the signs of abuse, harm or neglect and understand how to act when there is a safeguarding issue.

If an individual is offering an activity or service alone or if a person is named as the Designated Safeguarding Person (DSP) it is essential that they undertake appropriate safeguarding training. Wales has different safeguarding legislation to England and it is important to undertake training that is suitable for people operating in Wales.

Safeguarding training needs to be relevant to Wales and up to date. However, regional Safeguarding Boards can offer information about the up to date and relevant training in your area. Safeguarding training is also available through the other organisations and bodies listed in the 'Getting advice and support 'section.

Learning: English (wales.nhs.uk)

An interactive training module providing an introduction to safeguarding is also available. Developed by Social Care Wales for the Wales Safeguarding Procedures Board, the module is mainly aimed at those working in the public and voluntary sectors, but it is also suitable for anyone wanting to get a basic understanding of safeguarding. This includes anyone looking to get a job in care in Wales.

The module is based on the Wales Safeguarding Procedures that were launched in 2019 and after completing it, you will be able to:

- explain the term 'safeguarding'
- recognise abuse or the risk of abuse, harm or neglect
- know what actions to take if you witness or suspect abuse, harm or neglect, or if someone tells you they are being abused
- demonstrate a basic understanding of the laws around safeguarding
- recognise that you have a duty to report abuse, harm or neglect.

More e-learning modules on other topics will be made available on this platform. Keep checking back to find out what is new.

Information sharing to safeguard people

Information sharing is central to good safeguarding practice. There is a requirement to share information in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, referred to as the UK's data protection legislation. It is important to understand these requirements when handling personal

information about people who use activities or services. However, it is important to understand that data protection legislation allows for the sharing safeguarding information and should not be used as a reason for not doing so. When information is not shared in a timely and effective way, decisions about how to respond may miss vital information leading to poor safeguarding consequences.

Sharing information safeguard people factsheet

Disclosure and Barring Service

This is a service for England and Wales for employers and organisations to access appropriate checks on potential employees and volunteers who will be in contact with children and/or adults at risk as part of the work that they do. The service's eligibility tool can be used to find out which roles or activities could be eligible for a basic, standard or enhanced DBS check. This tool is for organisations and charities (companies) that are registered in England or Wales to help those making decisions about employing people.

If you are a volunteer or self-employed, and an organisation is buying services from you, they might be able to apply for a DBS check on your behalf.
Disclosure and Barring Service - GOV.UK

> It is important to consider whether the activity or service being provided is a Regulated Activity, as this will mean you can apply for an enhanced DBS check *with a children's and/or adult's barred list check as relevant. If your organisation has employees or volunteers who are in regulated activity, there is a legal requirement to submit a DBS Barring referral when a concern has been raised and the relevant criteria are met* more information is available:

DBS guidance on regulated activity, eligibility for DBS checks and Barring referrals

DBS caseworkers make decisions about who should be placed in the child barred list and/or adults barred list and are prevented by law from working with children or vulnerable groups. An employer or volunteer manager is breaking the law if they knowingly employ someone in a regulated activity with a group from which they are barred from working. A barred person is breaking the law if they seek, offer or engage in regulated activity with a group from which they are barred from working.
DBS barring referral guidance - GOV.UK

Position of Trust

'Position of trust' is a legal term that refers to certain roles and settings where an adult has regular and direct contact with children. Examples of positions of trust include teachers, care workers, youth justice workers, social workers and doctors.

It is against the law for someone in a position of trust to engage in sexual activity with a child in their care, even if that child is over the age of consent (16 years old or over).

The Ministry of Justice has put forward the Police, Crime, Sentencing and Courts Bill. Section 45 of the Bill aims to expand the law in England and Wales to ensure that sports coaches and faith leaders will not be able to engage in sexual activity with 16- and 17-year-olds in their care.

Safeguarding concerns about those who work or volunteer in a way that brings them into contact with children or adults at risk

The Wales Safeguarding Procedures set out arrangements for responding to safeguarding concerns about those who work, either in a paid or voluntary capacity, which brings them into contact with children or adults at risk. It also includes individuals who have caring responsibilities for children or adults in need of care and support and their employment or voluntary work brings them into contact with children or adults at risk.

Follow the link to find out more: Social care Wales (safeguarding.wales)

If you have concerns about someone, who is working in a paid or voluntary capacity with children or adults you must report this to Social Services as a safeguarding concern.

Every local authority has a duty to manage allegations and concerns about any person who works with children and adults at risk. All local authorities have to identify a senior manager who is responsible for handling these type of allegations. These individuals are known as Local Authority Designated Officers (LADOs). They may delegate responsibility to officers in the local authority known as Designated Officers for Safeguarding (DOS). The Designated Officer for Safeguarding is responsible for managing all allegations made against staff who work with children and adults at risk in their area.

Keeping young performers safe

If the activity or service provided involves making arrangements for children to participate in stage, television, film or other performances, paid sport or modelling activities you must apply for a license. Guidance on the arrangements for the effective licensing of child performance, which is managed by local authorities as the relevant licencing authority is available:

Keeping young performers safe: performance licences for children | GOV.WALES

Duty of care and health and safety

Individuals, groups and organisations providing activities or services have a legal duty of care to do everything they can to ensure that the environment is safe for people to visit or attend without coming to harm. This means making sure that the place, setting or venue where the activity or service is offered is fit for purpose.

There are a wide range of issues to be considered, from whether there is a wet floor where someone could slip and fall to whether any gas or electrical appliances meet

safety standards. If you are hiring a venue or renting a building, you should check that the person in charge of the building has an up to date copy of their Health and Safety policy that they can share with you. . A First Aid kit should be available and someone involved in providing the activity or service should have First Aid training. It is also important to have plans in place for what to do in the event of a fire and that these procedures are known to everyone.

You need to think about what activities will require consent forms to be completed in advance. Some activities will also need to risk assessed. If in doubt, ask your local authority for advice.

You should have a health and safety policy statement as a starting point to managing health and safety in the workplace and sets out how you manage health and safety in your organisation. It is a unique document that shows who does what, and when and how they do it. If you have five or more employees, you will need to have a written health and safety policy statement. This should set out how you manage health and safety in your organisation. A written statement of the policy and the organisation and arrangements for implementing and monitoring it shows your staff, and anyone else, that hazards have been identified and risks assessed, eliminated or controlled. When you draw up or review your policy, you should discuss it with your employees and volunteers.

Health and Safety - WCVA

HSE: Information about health and safety at work

Reporting an incident to the Charity Commission

If your organisation is a registered charity, there is a requirement to report serious incidents to the Charity Commission. This is in addition to reporting any and all safeguarding concerns to your local authority Social Services. If a serious incident takes place within your charity, it is important that there is prompt, full and frank disclosure to the Commission. You need to report what happened and, importantly, let the Commission know how you are dealing with it, even if you have also reported it to the police, donors or another regulator. You should report an incident if it results in, or risks, significant:

- harm to people who come into contact with your charity through its work, (including staff or volunteers)
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

More information is available at How to report a serious incident in your charity - GOV.UK (www.gov.uk) Charity Commission

3. Getting advice and support

Information and advice about safeguarding practice, including ways of accessing appropriate safeguarding training is available.

There are regional Safeguarding Boards in Wales who you can contact information and advice. Safeguarding Wales find your Board or scan the QR code below with a mobile phone or device camera.

DPA

Cardiff and Vale of Glamorgan RSCB cardiffandvalersb@cardiff.gov.uk Tel: DPA For Cardiff and the Vale of Glamorgan.	**Cwm Taf Morgannwg RSB** ctmsafeguarding@rctcbc.gov.uk Tel: DPA For Bridgend, Merthyr Tydfil and Rhondda Cynon Taf.
Gwent RSB Gwentsafeguarding@caerphilly.gov.uk Tel: DPA For Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen.	**Mid and West RSB** cysur@pembrokeshire.gov.uk (children) CWMPAS@pembrokeshire.gov.uk (adults For Carmarthenshire, Ceredigion, Pembrokeshire and Powys.
North Wales RSB Email: regionalsafeguarding@denbighshire.gov.uk Tel: DPA For Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham.	**West Glamorgan RSB** Email: wgsb@npt.gov.uk Tel: DPA For Neath Port Talbot and Swansea.

There are also lots of different sources of information, advice and support for specific types of activity or service.

The WCVA (Wales Council for Voluntary Action) supports voluntary organisations in Wales. They offer:

- Free enquiry service, confidential advice and information from their Safeguarding Officer.
- Free information, guidance and resources on safeguarding
- Presentations, information sessions and surgeries for organisations and their members.
- A range of learning opportunities, including online modules, webinars and virtual face-to-face training course.
- A Safeguarding Community of Practice to bring voluntary sector safeguarding practitioners together.

You can find out more at WCVA Cymru and third sector support wales

You can also contact their Governance and Safeguarding Officer:

Email: safeguarding@wcva.cymru

Phone: DPA

Welsh sport has a close relationship with the NSPCC through the Child Protection in Sport Unit (CPSU). The CPSU is commissioned by Sport Wales to implement a set of standards for sports organisations in Wales.

The Ann Craft Trust is funded by Sport Wales to support sport and activity organisations in developing best practice in safeguarding adults. The Ann Craft Trust can support sports organisations by providing information, training and advice at all levels of organisations.

CPSU Wales has teamed up with the Ann Craft Trust to create the Welsh Sport Safeguarding Hub. The Hub is aimed at increased sharing of best practice and a more joined up approach in safeguarding both children and adults in sport. Officers within the hub will work closely together to raise the profile of safeguarding within the sport sector and with statutory agencies, providing shared learning, training and support.

You can get in touch with the Hub on DPA

A framework for safeguarding children in sport in Wales | CPSU (thecpsu.org.uk)

Safeguarding Adults in Sport Advice & Training – ACT (anncrafttrust.org)

The **Church in Wales** has a Safeguarding Team who can be contacted for advice and support in relation to safeguarding concerns within the Church in Wales and for questions related to safeguarding policy and procedures. More information is available at Church in Wales

The **Catholic Safeguarding Advisory Service (CSAS)** reports to and provides expert advice to the National Catholic Safeguarding Commission on all safeguarding matters. CSAS provides support, advice and coordination to the twenty-eight Safeguarding Commissions across England and Wales and their respective safeguarding offices. More information is available at CSAS – Catholic Safeguarding Advisory Service

The **Council for Wales of Voluntary Youth Services (CWVYS)** is the representative body for the voluntary youth work sector in Wales and currently has 130 affiliated Member organisations, located across the nation. The sector is committed to providing enjoyable and safe environments for all young people. It readily accepts a responsibility to safeguard the welfare of young people. 'Safeguarding in a Youth Work Setting' is a key module of *'A Stepping Stone to Youth Work'* (CWVYS Induction training programme) which provides the skills, knowledge and confidence to deliver a service, which is fit for purpose. To find out more, contact catrin@cwvys.org.uk

Play Wales/Chwarae Cymru work to raise awareness of children and young people's need and right to play and to promote good practice at every level of decision-making and in every place where children might play. They provide advice and guidance to support all those who have an interest in, or responsibility for providing for children's play so that one-day Wales will be a place where we recognise and provide well for every child's play needs. Play Wales | Chwarae Cymru