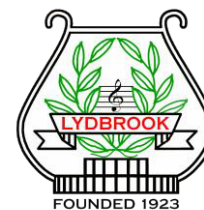


Safeguarding



Monitoring and review of this document

Mr Robert Morgan, Secretary is responsible for monitoring the effectiveness of this policy.

This policy will be reviewed every two years.
The next review is due in January 2027

Version History

1.0	Initial issue	22 July 2020
2.0	Review	03 January 2025

Introduction

Safeguarding children, young people and adults with care and support needs within the Band is the responsibility of **ALL members** of the Band.

This document provides guidelines and information on the following sections:

- Section 1:** Information about types of abuse and issues around consent and mental capacity when dealing with possible abuse of adults
- Section 2:** Safeguarding Policy
- Section 3:** Dealing with a Safeguarding Concern
- Section 4:** Safeguarding Officer Role Description

SECTION 1: DIFFERENT TYPES OF ABUSE

Abuse and Neglect of children

Abuse and neglect are forms of maltreatment of a child or young person. They may result in a child suffering or being likely to suffer significant harm. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult, or another child or children. Government guidance 'Working Together to Safeguard Children' (2018) defines various forms of abuse, including:

1. Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

2. Emotional abuse

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

3. Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

4. Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

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

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

5. Emerging forms of abuse

As suggested under the 'Sexual Abuse' heading above, it should be noted that perpetrators are increasingly using online methods to access children and young people as well as to indulge in abuse by creating or downloading abusive images of them. Other forms of abuse that have come to public attention relatively recently have included the sexual exploitation of children and young people for commercial gain, forms of modern slavery, extremism, child criminal exploitation and abuse linked to cultural or religious belief (such as: Female genital mutilation (FGM), honour violence, forced marriage, radicalisation or abuse associated with a belief in spiritual possession).

6. Abuse of a position of trust

This is a legal concept within The Sexual Offences Act 2003. It involves an adult of 18 or over engaging in sexual activity with or in the presence of a child or young person under 18, where the older person is in a position of responsibility towards the child or young person in one of a variety of settings, including a 'workplace setting'. The concept also covers 'causing or inciting a child' to engage in sexual activity, and 'causing a child to watch a sexual act'.

6.1 Responsibilities under Working Together to Safeguard Children

Under Section 1 of this statutory guidance it is the responsibility of band leaders and those working with young members to share information and work together with statutory partners if they have concerns that a child or young person may be at risk of abuse or neglect. Once a referral has been received by a local authority children's social care team, they should, within one working day, make a decision about the type of response that is required and acknowledge receipt to the referrer. Feedback should also be provided to the referrer on decisions taken by the local authority. For example, the local authority, may take the view that the child and family are in need of support services, or may decide that the child is in need of protection. If a band believes that the position taken by the local authority is inadequate to protect the child or young person, we will consider escalating the referral within the Local Authority. It is not the job of bands to take a view on whether abuse has taken place or is at risk of taking place, nor is it the job of bands to conduct an assessment on this matter; this is the role of the statutory agencies such as the local authority and police.

Abuse of Adults

There are many different types of abuse affecting adults. They include:

1. Physical

This is 'the use of force which results in pain or injury or a change in a person's natural physical state' or 'the non-accidental infliction of physical force that results in bodily injury, pain or impairment'. It may include behaviours like the misuse of medication, inappropriate restraint or the use of

inappropriate sanctions, as well as the actions more commonly associated with physical abuse (such as slapping, pushing etc.).

2. Sexual

Examples of sexual abuse include the direct or indirect involvement of the adult at risk in sexual activity or relationships which they do not want or have not consented to. Specific behaviours could include:

- Rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- sexual assault
- putting pressure on the young adult to consenting to sexual acts

3. Emotional and psychological

This is behaviour that has a harmful effect on the person's emotional health and development, or any form of mental cruelty that results in mental distress, the denial of basic human and civil rights such as self-expression, privacy and dignity. Specific behaviours might include:

- threats of harm or abandonment
- deprivation of contact
- humiliation
- blaming
- controlling
- intimidation
- coercion
- harassment
- verbal abuse
- cyberbullying
- isolation
- unreasonable and unjustified withdrawal of services or supportive networks

4. Organisational

Institutional abuse is the mistreatment or neglect of an adult at risk by a regime, or individuals within settings and services, that adults at risk live in or use. It may include care or support provided in the person's own home. Such abuse violates the person's dignity, resulting in lack of respect for their human rights. It may range from one-off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

5. Discrimination

This type of abuse may include:

- discrimination based on gender, race, colour, language, culture, religion, politics or sexual orientation
- discrimination based on a person's disability or age
- harassment and slurs which are degrading

- hate crime

6. Financial and material

This is the use of a person's property, assets, income, funds or any other resources without their informed consent or authorisation. It may include:

- theft
- fraud
- internet scamming
- exploitation or coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits

7. Neglect and acts of omission

Examples of this might include:

- ignoring medical, emotional or physical care needs
- failure to provide access to appropriate health, care and support or educational services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

8. Self-neglect

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour like hoarding.

It should be noted that the legislation and guidance makes it clear that this list is not exhaustive and that those working with adults at risk should be open to the possibility of other forms of abuse.

9. Domestic violence or abuse

This is abuse perpetrated in the context of relationships with family members, friends or carers, and can, in turn, be broken down into other types of abuse relating to:

- psychological
- physical
- sexual
- financial
- emotional

Consent and capacity: responsibilities under legislation and guidance affecting the safeguarding of adults

When statutory agencies consider whether a safeguarding response to an adult is needed under the Care Act 2014, they are required to examine three critical components: the person's need of care and support; their risk of, or experience of neglect or abuse; and their ability or inability to protect themselves.

These are not questions to which brass bands are expected to supply an answer. Rather, bands will seek advice from the local authority adult safeguarding team and will make a referral if necessary. It

is also important to note that, even if the three critical components are not fully met, the person may still welcome and benefit from a preventative approach.

Managing issues of consent to the sharing of information is a critical difference between safeguarding children and young people under 18, and safeguarding those who are legally adults.

In its work with adults, bands can draw on set of national principles that reflects their approach to information sharing including consent, capacity and confidentiality, they are:

- **Empowerment:** supporting the adult to make their own decisions and informed consent
- **Protection:** support and representation for those in greatest need
- **Prevention:** it is better to take action before harm occurs, including signposting to agencies that can help
- **Proportionality:** proportionate and least intrusive response appropriate to the risk presented
- **Partnership:** local solutions through services working with their communities
- **Accountability:** accountability and transparency in delivering safeguarding

If someone gives consent to safeguarding information being shared, this should, where possible, take the form of something explicit such as signing a consent form.

Where someone who is capable of giving consent to information being passed on to a statutory safeguarding authority, declines to do so, bands should consider whether 'vital interests' are at stake under the terms of the Data Protection Act. For example, this may include situations where the adult is in imminent or serious danger, or another person is in danger (including a child of the person or any other child or adult) or a crime has been or is about to be committed. If a brass band feels that any of these circumstances may apply, a referral to the local authority should be made even without the consent of the person.

The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves. The principles of the Act state that an adult at risk:

- has the right to make their own decisions and be assumed to have capacity unless proved otherwise
- must receive all appropriate help and support to make decisions
- has the right to make eccentric or unwise decisions (in the opinion of others), and that
- decisions made on behalf of a person who lacks mental capacity must be done in their best interests and be the least restrictive of their basic rights and freedoms.

In addition, decisions are time and decision-specific. This means that a person may be able to make a certain decision, but not others, at a particular point in time. Decision-making ability may fluctuate over time.

Therefore, bands will also pass on information where it appears that the adult at risk may lack mental capacity to consent to this, or may be being coerced to withhold consent. The local authority will then consider who can obtain a 'best interests' decision and how it can be made.

Procedures advise that the local authority will do this after full consideration of the Mental Capacity Act Code of Practice and also of the extent of appropriate involvement from the family and/or carers of the adult at risk.

An assessment of their capacity should be made by a professional person qualified to do so. In making this assessment, consideration will be given by the local authority to seeking the support of an Independent Mental Capacity Advocate to support the individual who lacks capacity.

Any decision made on behalf of an adult at risk should weigh up and balance both the Mental Capacity Act and the Human Rights Act, to protect their best interests whilst respecting their rights.

A summary of the key elements can be found on:

www.scie.org.uk/publications/adultsafeguardinglondon/files/protecting-adults-at-risk-in-london.pdf

Signs and indicators of abuse of both children and young adults

There may be many signs and indicators that a child or adult is being abused or is at risk. Equally, most of the signs are not themselves diagnostic of abuse (although some physical signs may lead to a positive diagnosis of abuse by a medical professional). Equally, some children and adults who suffer abuse show no outward signs of what is happening to them.

At least as important as specific physical or behavioural signs are the way in which different signs and indicators may be clustered together or perhaps a change in a child's or adult's behaviour or appearance that cannot be easily explained in any other way. It is important to remember that a single agency or person is unlikely to pick up on all the signs that may be present in an abusive situation, and that concerns need to be shared to enable a referring agency to build up a clearer picture of what may be going on for a child or adult at risk.

For more information about signs and indicators of abuse of children and young people, go to the NSPCC website:

<https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/>

For more information about adult abuse, go to the SCIE website:

<http://www.scie.org.uk/publications/ataglance/69-adults-safeguarding-types-and-indicators-of-abuse.asp>

SECTION 2: SAFEGUARDING POLICY

This policy applies to all members, volunteers or anyone working on behalf of Lydbrook Band.

The purpose of this policy:

1. To protect children, young people and adults with care and support needs who are members of the band.
2. To provide staff and volunteers with the overarching principles that guide our approach to child protection

Lydbrook Band believes that a child, young person or adult with care and support needs should never experience abuse of any kind. We have a responsibility to promote the welfare of all children, young people and adults at risk and to keep them safe. We are committed to practice in a way that protects them.

Legal framework

This policy has been drawn up based on law and guidance that seeks to protect children and adults at risk, namely:

- Children Act (1989)
- United Convention of the Rights of the Child (1991)
- Data Protection Act (1998) and subsequent data protection guidance
- Sexual Offences Act (2003)
- Children Act (2004)
- Protection of Freedoms Act (2012)
- Working together to safeguarding children: a guide to inter-agency working to safeguard and promote the welfare of children; HM Government (2015)
- The Safeguarding Vulnerable Groups Act (2006)
- The Human Rights Act (1998)
- The Children and Families Act (2014)
- Special educational needs and disability (SEND) code of practice: 0 to 25 years - Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities; HM Government (2014)
- General Data Protection Regulations (European Union) (2017)
- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers; HM Government (2015)
- The Care Act (2014)
- The Care Act (2014) Care and Support Statutory Guidance (specifically the safeguarding section of this)
- The Mental Capacity Act (2005)

We recognise that:

- the welfare of the child is paramount, as enshrined in the Children Act (1989)
- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse
- some children 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

In addition, bands are aware that they also have safeguarding responsibilities towards adult members, some of whom may be vulnerable at different times in their lives. The principles outlined above in relation to children, also apply to our work with adults. In terms of a legal framework, the arrangements for those over 18 are governed by the Care Act 2014. This Act stipulates that statutory safeguarding duties apply to an adult who:

- has care and support needs, and
- is experiencing, or at risk of, abuse or neglect, and,
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

We will seek to keep children, young people and adults safe by:

- valuing them, listening to and respecting them, ensuring that, in the case of adults, we work with their consent unless 'vital interests' (as defined in the Data Protection Act (1998)) are at

stake, or the person has been assessed as lacking mental capacity as defined in the Mental Capacity Act (2005)

- adopting child protection and adult safeguarding practices through procedures and a code of conduct for band members and volunteers
- developing and implementing an effective e-safety policy and related procedures
- providing effective support and training for volunteers with responsibility
- recruiting staff and volunteers safely, ensuring all necessary checks are made
- sharing information about child protection and adult safeguarding with children, parents, volunteers and members
- sharing concerns with agencies who need to know, and involving parents and children appropriately

Useful contact details:

Senior Band Safeguarding Officer: Wendy Jury – 07533 759043
Training Band Safeguarding Officer: Rachel Danks - 07881 787747
Brass Bands England Safeguarding Officer – 01226 771 015

Local police: 111
NSPCC Helpline: 0808 800 5000 or help@nspcc.org.uk
ChildLine: 0800 1111 (textphone 0800 400 222) or www.childline.org.uk

Safeguarding adults in Gloucestershire
<https://www.gloucestershire.gov.uk/gsab/>

Safeguarding children in Gloucestershire
<https://www.gscb.org.uk/>

SECTION 3: DEALING WITH A SAFEGUARDING CONCERN

Ways that abuse might be brought to your attention:

- A child or adult might make a direct disclosure about themselves
- A child or adult might make a direct disclosure about another person
- A child or adult might offer information that is worrying but not a direct disclosure
- A member of the band or volunteer might be concerned about the appearance or behaviour of a child or adult at risk, or about the behaviour of someone (e.g. a parent or carer) towards a child or adult at risk
- A parent or carer might make a disclosure about abuse that a child or adult is suffering or at risk of suffering
- A parent or carer might offer information about a child or adult that is worrying but not a direct disclosure.

When talking to a child or adult who has told you that he/she or another person is being abused:

- Reassure them that telling someone about it was the right thing to do
- Tell him/her that you now must do what you can to keep him/her (or the person who is the subject of the allegation) safe
- In the case of an adult with mental capacity, ask them if they will give their consent to the information being passed on to an external investigating agency
- Let them know what you are going to do next (ie discuss the matter with the band Welfare Officer)
- Let the person tell their whole story. Don't try to investigate or quiz them, but make sure that you are clear as to what they are saying
- Ask them what they would like to happen because of what they have said, but don't make or infer promises you can't keep
- In the case of a child, give them the ChildLine phone number: **0800 1111**
- In the case of an adult, check out whether they have anyone they can talk to about the matter; if not, tell them that they can talk to you (if you are willing for them to do so)

Helping someone in immediate danger or in need of emergency medical attention:

- If someone is in immediate danger and is with you, remain with them and call the police
- If the person is elsewhere, contact the police and explain the situation to them
- If the person needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider
- If the first aider is not available, use any first aid knowledge that you may have yourself to help the person
- You also need to contact the band's named Welfare Officer responsible for child protection/adult safeguarding to let them know what is happening

A decision will need to be made about informing the person's family and the local authority children's social care department, and when they should be informed. If you have involved the police and/or the health services, they should be part of this decision. Consider the welfare of the child or adult in your decision making as the highest priority. Issues that will need to be considered are:

- the person's wishes and feelings
- in the case of an adult, their consent or the withholding of their consent, and whether there are 'vital interests' or mental capacity issues to consider
- in the case of a child, the parent's right to know (unless this would place the child or someone else in danger, or would interfere with a criminal investigation)
- the impact of telling or not telling the parent or family
- the current assessment of the risk to the person and the source of that risk
- any risk management plans that currently exist

Once any immediate danger or emergency medical need has been dealt with, follow the steps set out in the flowchart at the end of this section.

Keeping a record of your concerns

It is important to keep a clear detailed record of events and communication in relation to the concern. It can be used to forward information to the statutory child protection or adult safeguarding authorities if a referral to them is needed. The form/log should be signed and dated by all those involved in its completion and kept confidentially on the person's file. The name of the person making the notes should be written alongside each entry. The safeguarding log can be found in the appendix at the end of this document.

Procedure for helping someone not in immediate danger

We aim to ensure that everyone within the band and any other children or adults at risk who may come to the attention of the band receive the protection and support they need if they are at risk of abuse.

This procedure provides clear direction to members and volunteers of the band if they have concerns that a child needs protection.

Band Member has concerns about a child's safety or welfare

Band member makes notes of their concerns using the reporting form and discusses them with the named Safeguarding Officer

If the child's family does not already know about the concern, the Safeguarding Officer discusses it with them **unless**:

- A family member might be responsible for abusing the child.
- Someone may be put in danger by the family being informed.
- Informing the family might interfere with a criminal investigation.

If any of these circumstances apply, discussions with the family should only take place after this has been agreed with the local authority children's social care department.

If there is still uncertainty about the concerns, the Safeguarding Officer can discuss with children's social care department or the NSPCC advice line (0808 800 5000) without disclosing the identity of the child/family.

Concerned

Band Safeguarding Officer refers to local authority children's social care department and confirms in writing within 48 hours

No longer concerned

No further child protection action needed. Safeguarding Officer decides whether to discuss the initial concerns with other services to ensure their needs are met elsewhere

This procedure provides clear direction to members and volunteers of the band if they have concerns that a child may need protection.

Band Member has concerns about an adult's safety or welfare

Band member makes notes of their concerns using the reporting form and discusses them with the named Safeguarding Officer

The adult's views about what they would like to happen should be sought. With the consent of the adult, it may be appropriate to seek the views of their partner or carer, unless that person might be responsible for the abuse, or is coercing the adult, or seeking their views might put someone else in danger or interfere with a criminal investigation.

Unless the adult either clearly lacks mental capacity to consent to issues regarding the concerns, or is being coerced, or there are vital interests at stake, any steps taken should only be with their permission.

If any of these circumstances apply, discussions with a partner or family member should only take place after this has been agreed with the local authority adult social care department

If there is still uncertainty about the concerns, or about questions such as consent or mental capacity, the Safeguarding Officer can discuss with the relevant adult social care department without disclosing the identity of the adult or their family.

Concerned (the adult, who has mental capacity, consents)

Band Safeguarding Officer refers to local authority adult social care department and confirms in writing within 48 hours.

Concerned (the adult does not, or cannot consent)

Band Safeguarding Officer seeks guidance from local authority adult social care without initially disclosing identity of the adult.

No longer concerned

No further child protection action needed. Safeguarding Officer decides whether to discuss the initial concerns with other services to ensure their needs are met elsewhere.

This procedure provides clear direction to members and volunteers of the band if they have concerns that an adult at risk needs protection.

SECTION 4: SAFEGUARDING OFFICER'S ROLE DESCRIPTION

Organisation: Lydbrook Band

Reports to: Chairperson

Purpose of the role

To take the lead role in ensuring that appropriate arrangements are in place at the band or safeguarding children, young people and adults at risk.

To promote the safety and welfare of children, young people and adults at risk, that are members of the Band, and other children and adults at risk, with whom the Band may come into contact.

Duties and responsibilities

1. Make sure that all issues concerning the safety and welfare of children, young people and adults at risk, who are members of the band, are properly dealt with through policies, procedures and administrative systems
2. Make sure that all players, volunteers, children/young people, adults at risk, parents/carers and the management committee are made aware of the procedures and what they should do if they have concerns about a child or adult at risk
3. Receive and record information from anyone who has concerns about a child or adult at risk who is a member of the band
4. Take the lead on dealing with information that may constitute a child protection or an adult safeguarding concern. This includes assessing and clarifying the information and taking decisions where necessary in consultation with the Chair of committee and statutory child protection and adult safeguarding agencies
5. Consult with, pass on information to and receive information from statutory child protection and adult safeguarding agencies, such as the local authority children's social care department, the adult social care department and the police. This includes making formal referrals to these agencies when necessary
6. Consult with the NSPCC Helpline and/or the Brass Band England Designated Safeguarding Officer or other local contacts when such support is needed
7. Report regularly to the committee
8. Be familiar with and work within local inter-agency child protection and adult safeguarding procedures developed by the local safeguarding children board and local safeguarding adult board
9. Be familiar with issues relating to child protection and abuse, and adult safeguarding and abuse, and keep up-to-date with new developments in this area
10. Attend training in issues relevant to child protection and adult safeguarding from time to time and share knowledge from that training with other volunteers and committee members

APPENDIX:

Safeguarding Log

Name of Child / Vulnerable Adult Concerned

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Date	Person Recording Sign and Print Name	Concerns