

# Safeguarding Leads (and deputies)



Creating safer places. Together.

Welcome to the Thirtyone:eight Safeguarding Leads (and deputies) course. This handbook is designed to accompany the course and contains your pre-reads, knowledge related to the course content and the case scenarios we will be using. You will also find questions to help you think through and contextualise the course for your church/organisation's unique context.

Before you attend part one of the course, please ensure you have read the pre-reads. This handbook is designed to be 4 UK nations friendly, so please ensure you identify the content that relates to the nation(s) you work/volunteer in.

We are looking forward to supporting you on your Safeguarding Lead/Deputy Lead journey.

The Thirtyone:eight team

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## Pre-read 1: Safeguarding law across the 4 UK nations

Safeguarding practice is often informed by laws made by one of the 4 UK Governments (Westminster, Holyrood, Stormont and the Senedd). Some laws apply to the whole UK and some to specific nations. You do not need to know the detail of every piece of legislation, but you should have an awareness that there is a legal framework for safeguarding that underpins how and why we practice good safeguarding. The key pieces of legislation for each UK nation are detailed below.

Please identify the UK nation (or nations) you are working in and read through the information in that column.

UK wide	England	Northern Ireland	Scotland	Wales
<b>Adults</b>	The Care Act 2014	Adult Safeguarding: Prevention and Protection in Partnership key documents 2015  Mental Health (NI) Order 1986  Human Rights Act 1998  Criminal Evidence (NI) Order 1999  Sexual Offences (NI) Order 2008  Prevention from Stalking Bill (2022)	Adults with Incapacity (Scotland) Act 2000  Adult Support and Protection (Scotland) Act 2007  Adult Support and Protection (Scotland) Act 2007 Code of Practice April 2014  Mental Health (Care and Treatment) (Scotland) Act 2007  Mental Health (Scotland) Act 2015  Social Care (Self-directed Support) (Scotland) Act 2013  Abusive Behaviour and Sexual Harm (Scotland) Act 2016	Social Services and Wellbeing (Wales) Act 2014  Working Together to Safeguard People vol 1- 6  Domestic Abuse (Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015  Female Genital Mutilation Act 2003 (UK)  Modern Slavery Act 2015 (UK)  Mental Health (Wales) Measure 2010
<b>UN Universal Declaration of Human Rights 1948</b>				
<b>Children and Young People</b>	Working Together to Safeguard Children (2018) England (and 2021 updates)  Children Act 2004	The Children (NI) Order 1995  Co-operating to Safeguard Children and Young People in	Criminal Justice (Scotland) Act 2003  Children and Young People (Scotland) Act 2014	Children and Families (Wales) Measure 2010  Rights of Children and Young Persons (Wales) Measure 2011 (Duty on Ministers to give

	Children Act 1989	Northern Ireland 2017  Safeguarding for Northern Ireland (SBNI) Procedures Manual (Nov 2017)	National Care Standards for Early Education and Childcare up to age 16.  National Guidance for Child Protection in Scotland 2021  Children (Scotland) Act 1995  Family Law (Scotland) Act 2006  Children's Hearing (Scotland) 2011	due regard to Children's Rights in all decisions.)  Safety on Learner Transport (Wales) Measure 2011 Social Services and Wellbeing (Wales) Act 2014  Children Act 1989  Working Together to Safeguard People vol 1- 6  Wellbeing of Future Generations (Wales) Act 2015  Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020
<b>UN Convention on the Rights of the Child 1989</b>				
<b>All age groups</b>	Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust. (Home Office)  Safeguarding Vulnerable Groups Act 2006  Protection of Freedoms Act 2012  Mental Capacity Act 2005  Crime and Disorder Act 1998	Disability Discrimination Act 1995  The Mental Health (NI) Order 1986  The Safeguarding of Vulnerable Groups (NI) Order 2007  Protection of Freedom Act 2012  Sexual Offences (NI) Order 2008  Criminal Law Act 1967  Safeguarding Board Act (NI) 2011  Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	Criminal Justice (Scotland) Act 2003  The Sexual Offences (Scotland) Act 2009  Abusive Behaviour and Sexual Harm (Scotland) Act 2016  Protection of Vulnerable Groups (Scotland) Act 2007  Human Trafficking and Exploitation (Scotland) Act 2015  Antisocial Behaviour etc. (Scotland) Act 2004  Carers (Scotland) Act 2016  Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019  Disclosure (Scotland) Act 2020	Social Services and Wellbeing (Wales) Act 2014  Safeguarding Vulnerable Groups Act 2006  Protection of Freedoms Act 2012  Mental Capacity Act 2005  Crime and Disorder Act 1998  Sexual Offences Act 2003

		<p>Domestic Abuse and Civil proceedings Act (Northern Ireland) 2021</p> <p>Justice (Sexual Offences and Trafficking Victims) Act 2022 (NB: this is the Act where the new Abuse of Trust legislation sits)</p>	<p>Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 Domestic Abuse (Protection) (Scotland) Act 2020</p>	
<b>Human Rights Act 1998</b>				

## Pre-read 2: Statutory agencies and their role across the 4 UK nations

England	Northern Ireland	Scotland	Wales
<p><b>Local Authority Designated Officer (LADO/DOFA)</b> - they are responsible for managing and overseeing concerns, allegations and offences relating to staff and volunteers in any organisation across a local authority area.</p>	<p><b>Northern Ireland Adult Safeguarding Partnership (NIASP)</b> - this is a regional collaborative body led by the Health and Social Care Board (HSCB). membership is drawn from mainly statutory, voluntary, community, independent and faith organisations involved in adult safeguarding across the region. They include membership from service providers and service users.</p>	<p><b>Child Protection Committees (CPC)</b> - these are locally based, inter-agency partnerships that are responsible for the design, development, publication, distribution, implementation, and evaluation of safeguarding policy for children and young people. They work across all sectors in their locality.</p>	<p><b>Local Authority Designated Officer (LADO/DOFA)</b> - they are responsible for managing and overseeing concerns, allegations and offences relating to staff and volunteers in any organisation across a local authority area. In Wales this is for Children and Adults.</p>
<p><b>Multi Agency Safeguarding Hubs (MASH)</b> -these are teams made up of highly skilled professionals from different agencies including social work, police, health and education. The team usually provide an early triage and multi-agency assessment of safeguarding concerns in respect of both children and adults.</p>	<p><b>Local Adult Safeguarding Partnerships (LASP's)</b> -there are 5 LASP's that are located within, and accountable to their respective HSC Trust. Their role is to implement the NIASP Strategic Plan, policy and operational procedures. Each LASP has responsibility to promote all aspects of safeguarding activity in its area.</p>	<p><b>Children's Social Work Services-</b> every authority in Scotland has a Children and Family Services department. They have a duty to safeguard and promote the wellbeing of children in need in their area. When the local authority receives information that a child may be in need the social work team will collect the relevant information. They will co-ordinate multi agency risk assessments.</p>	<p><b>Multi Agency Safeguarding Hubs (MASH)</b> -these are teams made up of highly skilled professionals from different agencies including social work, police, health and education. The team usually provide an early triage and multi-agency assessment of safeguarding concerns in respect of both children and adults. <b>Note that not all areas have MASH teams.</b></p>

<p><b>Local Safeguarding Children's Boards (LSCBs)</b> - these were established following the Children Act 2004. They play an important role in ensuring that everyone works together. They have a duty to find out what children's activities are taking place in their area, this includes voluntary and church activities.</p>	<p><b>Safeguarding Board for Northern Ireland (SBNI)</b> - they are the body with responsibility for agreeing how children's agencies will cooperate and work together to promote the safety and welfare of children in N.I. They will also review cases where children have been significantly harmed or have died.</p>	<p><b>Adult Protection Committees</b> - Multi-disciplinary Adult Protection Committees have been established in each Council area in Scotland with a remit for developing policies and procedures, providing advice, overseeing training and producing reports and outcomes. Each Council is responsible for appointing an independent Convener and committee members to their adult protection committees, ensuring representation from relevant agencies and public bodies.</p>	<p><b>Local Safeguarding Children Boards and Adult Safeguarding Boards were abolished in 2014 when Regional Safeguarding Boards</b> were created in Social Services and Wellbeing Act (Wales) 2014 There 8 – 10 Safeguarding Board areas. North Wales is a bit complex due to local politics. Some Regions have combine Adult and Children's Boards.</p>
<p><b>Safeguarding Adult Boards</b> – these operate in a similar way to LCSBs but are focused on adults at risk of harm.</p>	<p><b>Children's Social Work Services</b> -Social workers within HSCTs are the lead professionals for safeguarding children and young people. As a profession, social workers and their managers have responsibility to safeguard children and young people, including the management and maintenance of the Child Protection Register, its associated systems and for ensuring that all statutory functions delegated</p>	<p><b>Children's Hearing System (Children's Panel)</b>- these are more informal and standards of proof are less rigorous than in the criminal courts. Children's Hearing cases only need to be proved 'on the balance of probability' and not beyond reasonable doubt. The Panel is made up of 3 specially trained volunteers from the local community and they will listen to the child, parents, and relevant professionals</p>	<p><b>National Independent Safeguarding Board</b>- the National Board has three primary duties:</p> <ol style="list-style-type: none"> <li>1. To provide support and advice to Safeguarding Boards with a view to ensuring that they are effective</li> <li>2. To report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales</li> <li>3. To make recommendations to the Welsh Ministers as to how those</li> </ol>



	to HSCTs in respect of safeguarding and protecting children are satisfactorily fulfilled. Wherever you live in Northern Ireland, Out of Hours Social Workers can be contacted through one central telephone number: Tel: (028) 0800 197 9995	to decide on a course of action best meets the needs of the child.	arrangements could be improved.
<b>Children's Social Care</b> - these are the local social work departments that deal with children and families. These departments may have different name according to where about they are located in the country.	<b>Adult Social Work Services</b> - Social workers within HSCTs are the lead professionals for safeguarding adults at risk. If an adult is at risk or in danger of serious harm, then a referral can be made to the Adult Protection Gateway Service.	<b>Children's Reporter</b> - they decide if a child requires Compulsory Measures of Supervision. The Children's Reporter is also a legal agent of the Sherriff Court should the grounds for the matter need to be established in court, e.g. the child is too young to understand what has happened to them.	<b>Children's Social Care</b> - these are the local social work departments that deal with children and families. These departments may have different name according to where about they are located in the country.
<b>Adult Social Care</b> – these are local social work departments that are responsible for assessing need and investigating concerns where a person is aged over 18.	<b>Independent Guardian</b> - The Independent Guardian advocates on behalf of separated and trafficked children until such times as their long-term care arrangements are determined and may continue to have a role into leaving care and aftercare arrangements.	<b>The Lead Professional</b> - where two or more agencies are working together to support a child or young person a Lead Professional will be appointed to co-ordinate that support. The Named Person may take on that role, or they may appoint another professional if they are the most appropriate person to take that lead.	<b>Adult Social Care</b> – these are local social work departments that are responsible for assessing need and investigating concerns where a person is aged over 18.
<b>Police</b> – They will only become involved in a safeguarding matter if there is a criminal aspect to the concern whereby an	<b>Northern Ireland Guardian ad Litem Agency (NIGALA)</b> - The NIGALA is an arm's length body of Dept. of Health which provides an	<b>Police</b> - Aside from a general duty to protect the public and investigate on behalf of the Procurator Fiscal, they can also make referrals to the	<b>Police</b> – They will only become involved in a safeguarding matter if there is a criminal aspect to the concern whereby an

<p>investigation may lead to prosecution.</p>	<p>independent service to children and young people within the court system. The Guardian ad Litem (GAL) is an independent officer of the Court who represents the interests of a child in specified Children Order proceedings, and in adoption proceedings, where it is considered to be in the child's best interests to do so.</p>	<p>Children's Reporter and in emergency situations they have powers to ensure the protection of children at risk of, or who are suffering from immediate harm.</p>	<p>investigation may lead to prosecution.</p>
<p><b>The unified Probation Service.</b>  Since 2021, this centralised service has been responsible for managing all those on a court order or licence following their release from prison in England and Wales.  <a href="#">Victim support work is managed by the department of Justice.</a></p>	<p><b>Police Service of Northern Ireland-</b>  Where there is an immediate concern about the safety of a child or young person the PSNI has powers which enable its officers to afford emergency protection.</p>		<p><b>National Probation Service Wales</b>  Since 2021, this centralised service has been responsible for managing all those on a court order or licence following their release from prison in England and Wales.  <a href="#">Victim support work is managed by the department of Justice.</a></p>

## The UK Charity Regulators

There are three Charity Regulators in the UK. They are independent, non-ministerial government departments who are accountable to the relevant government. The Charity Commission for England and Wales has jurisdiction in England and Wales (accountable to Westminster), the Charity Commission for Northern Ireland has jurisdiction in Northern Ireland (accountable to Stormont) and the Office of the Scottish Charity Regulator has jurisdiction in Scotland (accountable to Holyrood).

Charity Commission for England and Wales:

[About us - The Charity Commission - GOV.UK \(www.gov.uk\)](https://www.gov.uk/about-us-the-charity-commission)

[Safeguarding for charities and trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/safeguarding-for-charities-and-trustees)

Charity Commission for Northern Ireland

[Home | The Charity Commission for Northern Ireland \(charitycommissionni.org.uk\)](https://charitycommissionni.org.uk)

[Safeguarding resources | The Charity Commission for Northern Ireland \(charitycommissionni.org.uk\)](https://charitycommissionni.org.uk/safeguarding-resources)

Office of the Scottish Charity Regulator

[OSCR | Home](https://oscr.gov.uk)

[OSCR | Safeguarding Guidance: Keeping vulnerable beneficiaries safe](https://oscr.gov.uk/safeguarding-guidance)

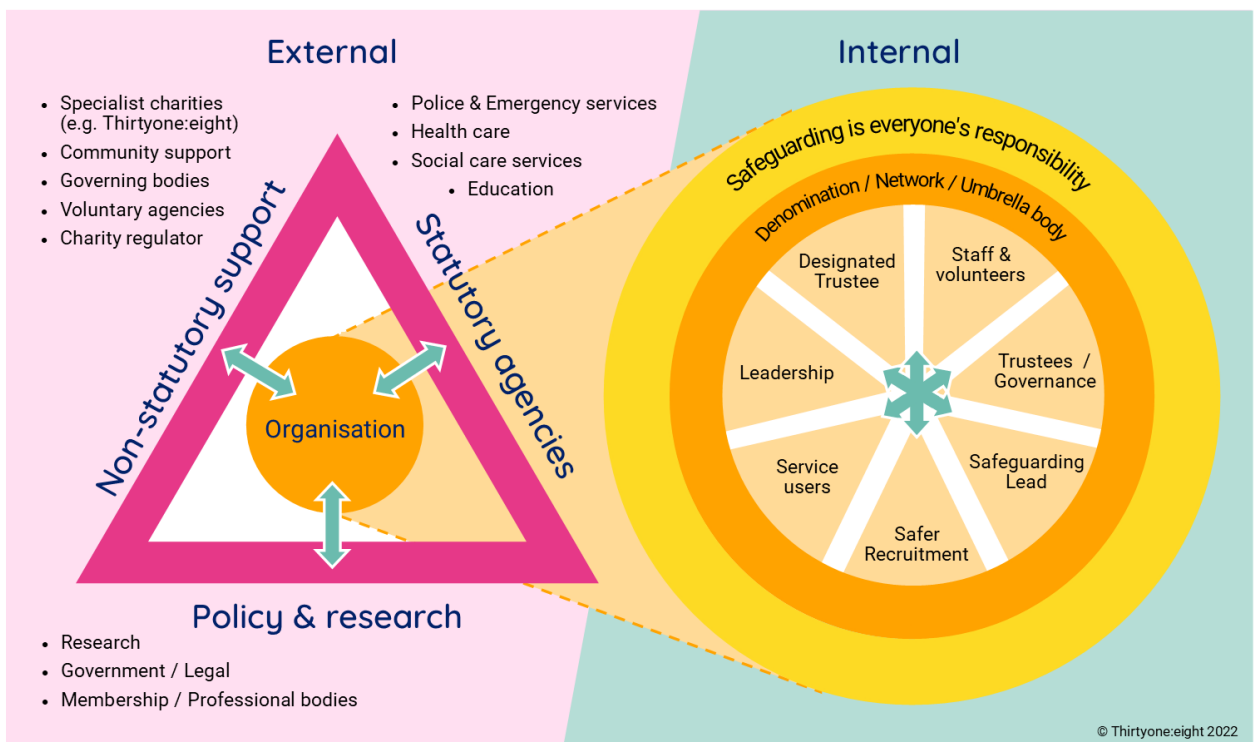
# The Safeguarding Lead

Do you have any worries or concerns about the Safeguarding Lead role?

What are your encouragements? Do you have any positive examples of when the Safeguarding Lead's role has worked well?

If you are completely new to the role, what are your hopes for this role?

## Safeguarding is everyone's business



Can you name any individuals or organisations that fulfil the above roles for your context? Who are the leaders in your organisation? Are there particular staff and volunteers you work alongside? Are there local charities or organisations you interact with?

## Understanding the role of safeguarding lead

There are aspects to this role that appear complex, however they become clearer when we break down the role into different elements. The mini-audit tool below allows you to think about where your personal starting point is, what are you already skilled in and what areas do you want to develop.

### Mini-audit tool for safeguarding lead's personal development

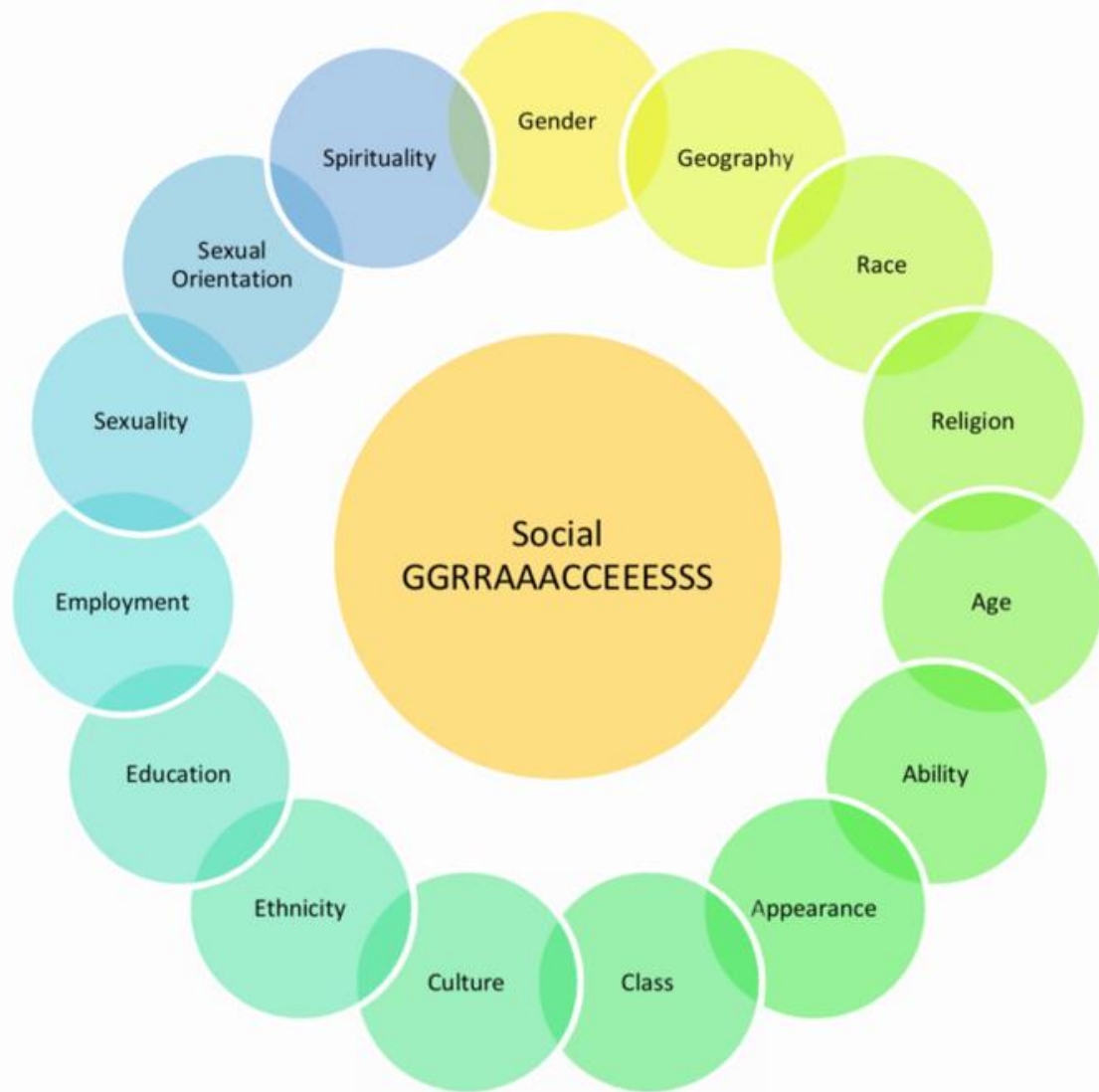
**Red** [r] means this is an area you need to develop and is a priority to address.

**Amber** [a] means this is an area where there is some development, but there is scope to develop it further.

**Green** [g] means you are confident in this area and are good to go! No further development required at this stage.

skills				capacity			
	R	A	G		R	A	G
<ul style="list-style-type: none"> <li>- write a safeguarding policy</li> <li>- able to keep accurate records and store them in line with GDPR</li> <li>- work with the lead recruiter to ensure safer recruitment practices are consistent</li> <li>- uses good listening skills</li> <li>- works well with others</li> </ul>				<ul style="list-style-type: none"> <li>- clear understanding of time commitment required for role</li> <li>- role profile to ensure consistency between safeguarding lead and leadership expectations</li> <li>- existing practice is efficient (smart working)</li> <li>- access to training/mentor/advice</li> </ul>			
knowledge and understanding				the role of others			
	R	A	G		R	A	G
<ul style="list-style-type: none"> <li>- good foundation safeguarding knowledge</li> <li>- understanding of all aspects of safeguarding role</li> <li>- understands referral thresholds</li> <li>- knows how to find external support and advice</li> <li>- uses thirtyone:eight knowledge hub and resources library</li> </ul>				<ul style="list-style-type: none"> <li>- works closely with lead recruiter</li> <li>- good working relationship with leadership</li> <li>- good working relationship with pastoral leads</li> <li>- good working relationship with external agencies</li> <li>- uses thirtyone:eight safeguarding helpline</li> <li>- ensuring safeguarding policy and practice is accessible to all others in your organisation</li> </ul>			

## Attitudes and Values activity



Read around the large circle and think about who you are in relation to each aspect. What is your gender? Consider your geography and where you consider to be 'home', etc. Which of the groups are you most / least drawn towards, do you know why this might be?

Complete the attitude and values exercise. In each situation ask yourself, is someone at risk of harm?

Mark your opinion by ticking: Yes, Maybe or No

STATEMENT	Yes	Maybe	No
1. A man has brought his new girlfriend along to church, he's been divorced for 18 months and there were rumours that his last wife left him because he had hit her on one occasion.			
2. Someone attending a parenting course disclosed she is about 4 months pregnant. You notice she is smoking outside during the break.			
3. A 15-year-old presents as female at home and school but wishes to be male when they are at youth group. Their parents are unaware of the situation.			
4. A 13-year-old girl self-harms on a regular basis. She says that her parents are the cause of her pain and sometimes she has ideas of suicide. You also believe that her parents are first generation immigrants and have lower English proficiency.			
5. Photographs taken during your organisations activities and group activities were posted on social media.			
6. You receive a concern that a child in your program has been especially tired recently. They told your worker they've been kept up late for a special ceremony that will take the 'badness' out of them. The worker doesn't know much about the family, their country of origin or belief system and is worried about the changes in the child but doesn't want to cause offence.			

What additional issues, concerns or moral dilemmas do these statements raise?

# The Safeguarding Framework

The safeguarding standards recommended by thirtyone:eight are found below.

**Governance** - Good governance helps an organisation prevent abuse and means it can respond quickly and with integrity when concerns arise. Central to this, is the Governance Board or Board of Trustees.

**Culture** - Having a safe and open culture creates good attitudes towards safeguarding and ensures it is taken seriously by all. The culture of an organisation sets the tone for safeguarding.

**Safeguarding policy** - Your safeguarding policy is the document that sets the standards and expectations for your organisation around safeguarding and outlines your commitment towards making your setting a safer place.

**Safer recruitment** - Safer recruitment is the way that an organisation makes sure that those who work with vulnerable groups either as paid staff or volunteers are suitable to do so.

**Training & awareness** - Training your workers and raising awareness of safeguarding among your workers and service users is a vital part of preventing and identifying harm and abuse.

**Working safely** - All organisations working with children, young people and adults have a duty of care to safeguard and promote their well-being. Having agreed ways of working and communicating safely will help your workers keep themselves and those they are working with and for, safe.

**Managing workers** - In every organisation open to or likely to have contact with children, young people and adults at risk, all workers, paid and voluntary, should be appropriately managed, supervised and supported.

**Partnership working** - When working in partnership with other organisations, either as a one-off or in the longer term, it's important to make sure that they hold the same safeguarding standards as your organisation.

**Responding to concerns** - How an organisation responds when concerns of harm or abuse are raised is important in ensuring vulnerable people are protected and supported and that justice may be done.

**Those who pose a risk of harm** - Some organisations, especially churches and places of worship, are open to all. These are places where children and adults

Safeguarding Leads (and deputies)



can freely mix and join in activities together in proximity. This can include people who may pose a risk to others such as those who have been convicted of offences including sexual offences relating to children or adults.

## The Safeguarding Standards self-assessment

	Agree	Partially agree	Disagree
<b>Governance:</b>			
Our trustees have up to date safeguarding training and knowledge			
Our leadership structure is widely known and easy to share concerns with			
<b>Culture</b>			
Constructive criticism is well received			
Safeguarding is part of the culture and not just in the organisation's policy			
<b>Safeguarding policy</b>			
Our policy is up to date			
The content is known to organisation's staff, trustees, and volunteers			
The policy reflects the current activities of the organisation			
<b>Safer recruitment</b>			
We interview staff, trustees, and volunteers appropriately			
Criminal background checks are required and kept up to date			
Information is properly stored			
<b>Training and awareness</b>			
Safeguarding training is refreshed every 3 years or more (2 years for Safeguarding Leads)			
Training offered is role specific and appropriate			
<b>Working safely</b>			
Your staff, trustees, and volunteers know the policies relating to safe <i>working</i> , and do them			
Your staff, trustees, and volunteers know the policies relating to safe <i>communicating</i> , and do them			
<b>Managing workers</b>			
All your staff, trustees, and volunteers are appropriately managed			
All of your staff, trustees, and volunteers are appropriately supervised and supported			
<b>Partnership working</b>			

Our partners have the same/similar standards for Safeguarding			
<b>Responding to concerns</b>			
Concerns are recorded and stored properly			
Concerns are referred on quickly and appropriately			
<b>Those who pose a risk of harm</b>			
We have agreements in place with those who may pose a risk of harm			

## Referring to statutory services

It's good practice to have to hand contact details of statutory organisations in your area, should you need to refer on.

We suggest you source the local contact details for the following statutory services in your area:

- Children's social services
- Adult Services
- Police
- Hospital

## Case Scenario



In breakout rooms, read the scenario given to your group. Once you have read the scenario, consider the following:

- Thoughts?
- Is anyone at risk of harm?
- Actions - immediate/later?
- Refer or not & if so to whom?

Scenario 1:

Hi, it's Asif. I've got a bit of a situation here at the after-school club. I was just finishing up some paperwork when a parent of one of our girls came back and asked to speak to me. She wasn't making much sense and seems to be veering between saying it's all probably fine and saying that it's a huge issue. Her daughter is at home and I'm not sure what to advise her. She has told me that her daughter was angry and upset on the way home. The daughter was reluctant to share but it seems like for a while she's been privately messaging an older lad she met here. He'd asked her to send some topless selfies some time ago, which she did. Today, another friend said that she'd seen the pictures shared in a group. The mother wants to call the police, but she doesn't know the name of the boy concerned because her daughter is now refusing to say who it was because she doesn't want to get anyone into trouble. She says she loves him, and he only did it because she'd made him angry. I'd be grateful for your advice, what shall I do?

Scenario 2:

You run a local foodbank. One of your clients came in today to ask if she could get another food parcel. When she came in you noticed the female was pregnant (you didn't know this before today). She has recently left her husband who was abusive towards her, and their child witnessed this.

A volunteer delivered a food parcel to them 3 days ago and noticed the house was very smelly and untidy. The 6-year-old daughter was there at the time, she was quiet and unkempt, and you don't know why she wasn't at school.

The family have been using your food bank for some time now and were originally referred to you by social services. You don't know if social services are still involved, but the mother seems very wary of any services being involved with the family.

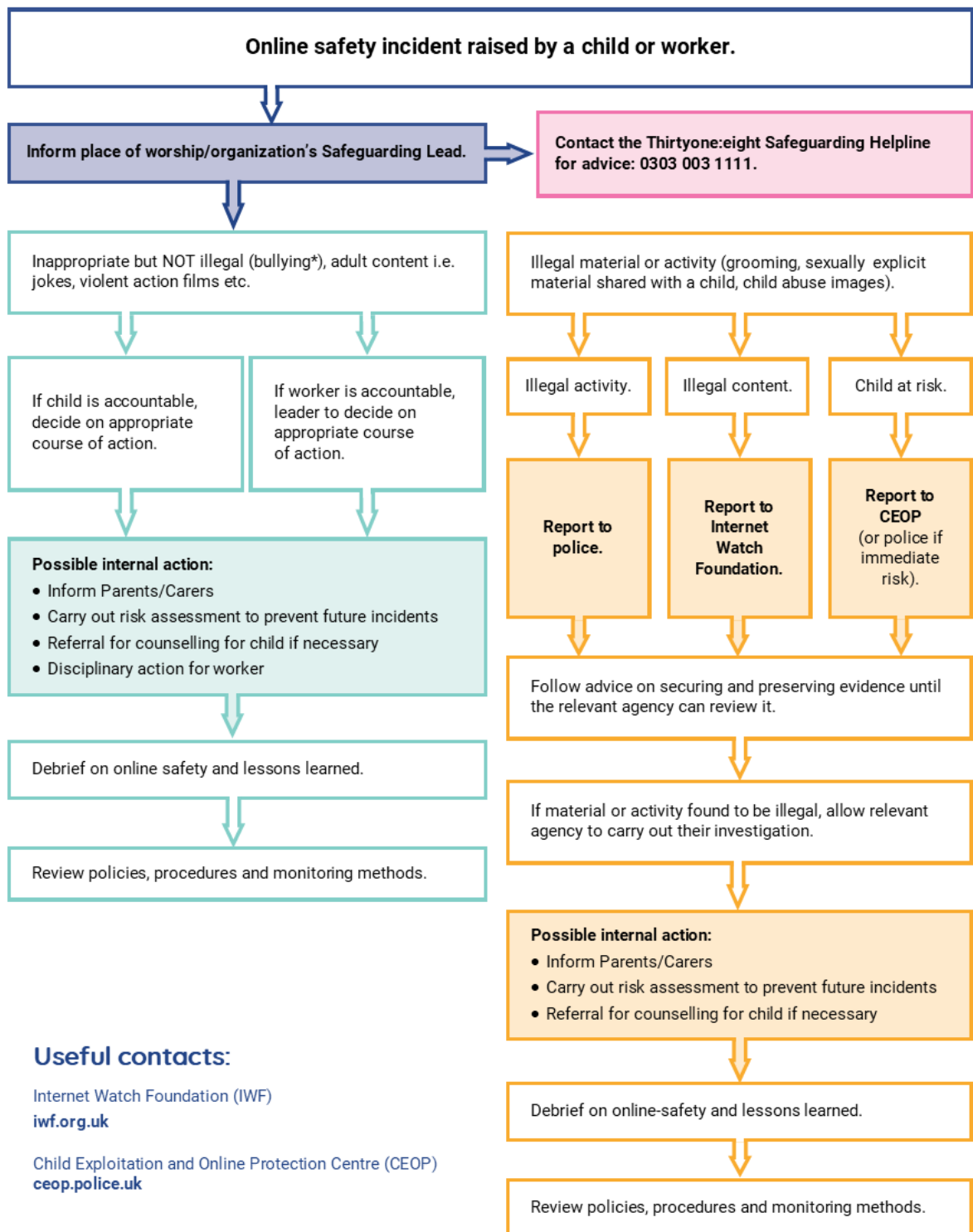
## Promoting a Safeguarding Culture

There are many activities you can use to raise the profile of safeguarding and your role within your organisation. Consider who you need to raise the profile to, how are their needs different?

The table below details different activities you can use to promote your role.

<p><b>Staff</b></p> <ul style="list-style-type: none"> <li>• Training appropriate to the level of their role</li> <li>• Safer recruitment practices</li> <li>• Code of conduct</li> <li>• Ongoing discussion of safeguarding (formally and informally)</li> <li>• Access to up-to-date policy and practice</li> <li>• Worker’s pocket guides</li> <li>• Clearly identified staff member, e.g. lanyard, badge, branded t-shirt</li> </ul>	<p><b>Volunteers</b></p> <ul style="list-style-type: none"> <li>• Training appropriate to the level of their role</li> <li>• Safer recruitment practices</li> <li>• Code of Conduct</li> <li>• Ongoing discussion of safeguarding</li> <li>• Access to up-to-date policy and practice</li> <li>• Worker’s pocket guides</li> <li>• Clearly identified volunteer, e.g. lanyard, badge, branded t-shirt</li> </ul>
<p><b>Members</b></p> <ul style="list-style-type: none"> <li>• Safeguarding posters at appropriate locations in building</li> <li>• Clear signage highlighting restricted parts of building, e.g, “these toilets are for children only, other toilets are located on the first floor”</li> <li>• Equipping and informing through teaching and training</li> <li>• Use of Safeguarding Sunday resources</li> <li>• Safeguarding information leaflet as part of registration/membership process</li> </ul>	<p><b>Visitors</b></p> <ul style="list-style-type: none"> <li>• Safeguarding posters at appropriate locations in the building</li> <li>• Clear signage highlighting restricted parts of building, e.g, “these toilets are for children only, other toilets are located on the first floor”</li> <li>• Safeguarding information leaflet for included in visitor information pack</li> </ul>

# Online Safety Action Flowchart



## Useful contacts:

Internet Watch Foundation (IWF)  
[iwf.org.uk](http://iwf.org.uk)

Child Exploitation and Online Protection Centre (CEOP)  
[ceop.police.uk](http://ceop.police.uk)

\*Some forms of bullying or content may be illegal - see Malicious Communications Act 1988 [www.legislation.gov.uk](http://www.legislation.gov.uk)  
 For extreme pornography - see Criminal Justice and immigration Act 2008 [www.legislation.gov.uk](http://www.legislation.gov.uk)



# Appendix 1: Legislation, guidance, and policy – what’s the difference?

Legislation, statutory guidance, national policies and codes of conduct and professional practice that relate to the safeguarding of people, and what these mean in practice can be difficult to understand. We hope the following is helpful.

*Understanding, and being able to apply the following information, is one component of Group C of the Welsh National Training, Learning and Development Standards. Group C describes anyone who has greater safeguarding duties than entry level, and they will have decisions to make about keeping people safe and when they need to put protection processes in place. For example, this could be a designated safeguarding lead (which may have a different title for the same function), a manager or a trustee for safeguarding.*

## Useful terminology.

If your work is based in a faith setting (e.g., a church) or a community group, it can be hard to know which sections of law, policy or guidance is relevant to you. In official documents, you might come across the following:

- **Charity groups:** This usually describes groups that are registered with one of the Charity Regulators<sup>1</sup>. Registered charities must stick to charity law.
- **Third sector:** Also known as not-for-profit. This is a ‘catch all’ for groups that aren’t public or private but have a social or charitable purpose or motivation.
- **Voluntary, Community and Faith Sector:** Because there’s no universally accepted definition for the organisations that make up the ‘third sector’, and faith groups aren’t necessarily included in the phrase, this terminology ‘voluntary, community and faith sector’ is used to cover all groups – whether they’re registered charities, of faith-based or not.

Where you see any of these terms used, the legislation, statutory guidance, etc. will apply to you.

## Legislation

Legislation is a law, or a set of laws, that have been passed by Parliament<sup>2</sup>. We’ve listed the key ones with things you need to know in the table at the end of this document. Sometimes this is referred to as an ‘Act’, meaning ‘an act of law’. Some of these laws apply to the whole of the UK, others are nation specific for England, Northern Ireland, Scotland, and/or Wales.

This is especially true for safeguarding issues, as social care is one of the main issues decided on a ‘local’ or devolved basis. The UK government in Westminster remains responsible for policy for England, and overall policy in areas like defence and immigration, but other laws are made by Scottish Parliament, the National Assembly for Wales (now called the Senedd) and the Northern Ireland Assembly. It’s important to check where the legislation – or laws/acts – are relevant to before deciding if you need to follow them or not.

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<sup>1</sup> Charity regulators: England and Wales – [Charity Commission](#), Northern Ireland – [Charity Commission NI](#) and Scotland – [Office of the Scottish Charity Regulator \[OSCR\]](#)

<sup>2</sup> [Legislation - UK Parliament](#)

## Statutory guidance

When a law is not a law. (...but it also kind of is.)

Statutory guidance is guidance from governments that certain agencies must stick to. Most of the time, the relevant agencies are social care or education. But some significant statutory guidance also applies to the voluntary, community and faith sector. Each individual piece of guidance will explain what must be done and will include a list of the agencies it applies to – as in the example image we've included here which mentions community and faith groups (highlighted).

The concept of statutory guidance is based on an Act from the 1970s. The word 'guidance' is used because, in rare situations and with good reason, agencies can deviate slightly from it. But it does carry legal authority and, almost all the time, we must follow it. It's also usually a helpful summary of relevant laws. A well-known example of a piece of statutory guidance that you may have come across is [Working Together to Safeguard Children](#).

Again, most statutory guidance applies to doctors, teachers, and social workers, but some specifically mention charities and faith communities, and are legally binding to us when they do. We've listed the key ones with things you need to know in the table at the end of this guide.

institutions. Some of these organisations may have statutory duties to safeguard victims of domestic abuse, including in relation to Welsh legislation. The following list is not exhaustive:

- English and Welsh local authorities
- Police forces and Police and Crime Commissioners
- The Crown Prosecution Service (CPS)
- Children and Family Court Advisory and Support Service (Cafcass) and Cafcass Cymru
- Specialist domestic abuse and other violence against women and girls support services
- Local housing and homelessness teams, registered social landlords
- Early years, childcare, schools, colleges and higher education settings
- Children's social care providers
- Adult social care providers
- NHS England and NHS Improvement (from 2022, NHS England)
- Clinical Commissioning Groups (from 2022, Integrated Care Systems)
- NHS Trusts and NHS Foundation Trusts
- Employers
- HM Prison and Probation services
- HM Courts and Tribunals Service
- Jobcentre Plus
- Financial services (banks, building societies etc)
- **Community and faith groups.**

## National policies

The 'Inside Government' team defines policy as 'a **statement of the government's position, intent or action**'.

Each policy is given the name of the outcome the government is hoping to achieve. For example, there will be policies on making roads safer, increasing the number of available homes and reducing greenhouse gas emissions from transport. In a similar way to statutory guidance, a lot of these national policies won't directly apply to your work, but a couple of helpful examples are [Positive Approaches to Reduce Restrictive Practices](#) and [Improving multiagency information sharing policy](#).

In general, there are very few national policies connected with Safeguarding - laws and statutory guidance are much more common. But it's helpful to understand the distinction.

## Codes of conduct and professional practice

In many areas of life, workers will be expected to sign up to a code of conduct. This is even more important if your work involves or includes vulnerable groups. It spells out the behaviour expected from a person while in a role or associated with the organisation, and the worker could be asked to leave if they don't follow these behaviours. While laws and guidance unpack what you *do*, codes of conduct and professional practice are more concerned with how you *behave*.

Codes of conduct can come from a couple of different sources:

- **Internally produced: For workers, both paid or voluntary.** Faith-groups and charities should produce their own Code of Conduct as part of their Safer Recruitment and HR processes. There is often a separate code of conduct for trustees.

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- **External/umbrella bodies:** Some Codes of Conduct are produced by an umbrella or national body; one relevant and helpful one is the **Charity Governance Code**. It was written by a voluntary steering group and overseen by the Charity Commission for England and Wales and outlines the essentials needed to govern well. It's a [free resource to download](#) and use and is available in English and Welsh.

Codes of professional practice apply more to public bodies – such as police, social workers, and those in health care – than faith-based and community organisations. They outline how work should be delivered by those in that profession, for example, with dignity and individualised care.

## Wales: Summaries of the legislation and statutory guidance connected to safeguarding

Wales	What is it?	Key points:	What it means in practice for you*:
Social Services and Well-being (Wales) Act 2014	Legislation	<p>It outlines the ways those who need care and support (and their carers) can access it. You can see an <a href="#">easy read version here</a>.</p> <ul style="list-style-type: none"> <li>- The aim is <b>promote wellbeing</b>.</li> <li>- <b>People</b> should be at the heart of the system.</li> <li>- Agencies should work in <b>partnership</b>.</li> <li>- <b>Prevention</b> is a key goal.</li> </ul>	<p>This Act was mostly designed to help social services meet the changing needs of people.</p> <p>The vast majority of this is written for professionals, but the principles listed beside should be honoured in our work. Ask yourself: Do your activities, projects and ministries promote wellbeing? Are people at the heart of what you do? Do you work in partnership? Do you seek to prevent harm or need?</p> <p>There's also a requirement for joined up thinking if people are getting/can get support from the community, which often involves our groups. Be available where possible and feel empowered to reach out and offer to work together to support those in your care.</p>
Wales Safeguarding Procedures	Guidance	<p>This is a set of procedures designed to make the above 'Social Services and Well-Being (Wales) Act 2014' and 'Working Together to Safeguard People' easier to apply to our day-to-day practices.</p> <p>It includes sections on:</p> <ul style="list-style-type: none"> <li>- Safeguarding children and young people</li> <li>- Adults at risk</li> <li>- Regional Safeguarding Boards</li> <li>- Glossary of terms you should be familiar with</li> </ul>	<p>These procedures apply to anyone working with children or adults in Wales, and they're very clear that this includes us in the third sector (voluntary groups).</p> <p>There's a helpful app dedicated to this, which you can find on <a href="#">App store</a> and <a href="#">Google Play</a></p> <p>You should be familiar with the terms in the glossary and use them when working with other agencies.</p> <p>You should read the sections relevant to your work and projects before safeguarding incidents occur, and refer back to the information regularly.</p>
Mental Capacity Act 2005	Legislation	This applies to adults and children aged 16 and 17 years old who make	Capacity assessments are done by statutory bodies, so you won't

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		<p>lack the ability to decide or complete an action.</p> <p>It's 'decision specific' to reflect the reality that people will have differing levels of capacity at various times and in different situations. The least restrictive measures should be always taken.</p>	<p>need to know all the ins-and-outs, but a couple of principles are helpful:</p> <ul style="list-style-type: none"> <li>- Always assume the individual has capacity until professionals have proven otherwise</li> <li>- Every possible alternative should be explored before a person should be considered to lack capacity</li> </ul>
Children and Young Persons Act 2008	<p>Legislation</p> <p>England and Wales, except paragraph 9 of Schedule 1, which also extends to Scotland.</p>	<p>This act looks to extend the framework of support for children who are looked-after, previously looked after, disabled, or adopted.</p>	<p>This is another piece of legislation written for social services – it ensures those in care get the services they need.</p> <p>For those of us in the third sector, it's helpful for us to know a few of these things, so we can signpost those we work with to these services:</p> <ul style="list-style-type: none"> <li>- For parents/carers of disabled children, 'care breaks' can be provided.</li> <li>- Care experience children should get support through higher education and should have access to an independent visitor to support them</li> </ul>
Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015	<p>Legislation</p> <p>Wales only</p>	<p>It's the first piece of UK law to address violence towards women and girls more broadly, rather than only domestic violence.</p> <p>The key elements of this law are:</p> <ul style="list-style-type: none"> <li>- To prevent gender-based violence, domestic abuse and sexual violence.</li> <li>- To protect the victims of gender-based violence, domestic abuse and sexual violence.</li> <li>- To support people affected by gender-based violence, domestic abuse and sexual violence.</li> </ul>	<p>Most of this applies to Welsh government, local authorities and health and education services.</p> <p>It's helpful to note the definitions given on 'abuse' and 'gender-based violence.'</p> <p>Like other legislation, it stresses the important of working together.</p> <p>It also lays out the 'Ask and Act' principle – asking potential victims about the possibility of gender-based violence, domestic abuse and sexual violence where such abuse is suspected and to 'act' so suffering and harm as a result of the violence and abuse is prevented or reduced</p>
Regulation and Inspection of Social Care (Wales) Act 2016 RISCA	<p>Legislation</p> <p>Wales only</p>	<p>Five principles inform the law around how social care services are regulated and inspected. They should:</p> <ul style="list-style-type: none"> <li>- Reflect the changes brought about by the Social Services and Well-being (Wales) Act 2014</li> <li>- Put people at the centre of their care and support</li> <li>- Develop a coherent and consistent Welsh approach</li> <li>- Tackle provider failure</li> <li>- Respond quickly and effectively to new models of service and any concerns over the quality of care and support.</li> </ul>	<p>This applies to those providing 'regulated services.'</p> <p>Regulated services are services that deliver social care in Wales, are managed by Welsh local authorities and are regulated by Care Inspectorate Wales (CIW).</p> <p>This currently doesn't apply to us in the third sector, but we should be aware that any 'regulated services' should be run with the five principles mentioned.</p>

Wellbeing of Future Generations (Wales) Act 2015	Legislation Wales only	Another law that really applies to public bodies, but an interesting one that helps us think through future impacts of our work. It's built around 7 wellbeing goals: <ol style="list-style-type: none"> <li>1) A prosperous Wales</li> <li>2) A resilient Wales</li> <li>3) A more equal Wales</li> <li>4) A healthier Wales</li> <li>5) A Wales of cohesive communities</li> <li>6) A Wales of Vibrant Culture &amp; Thriving Welsh Language</li> <li>7) A globally responsible Wales</li> </ol>	This law isn't written for those in the third sector, but there are some healthy ways of working here that we can borrow. They are: Balancing long- and short- term needs, integration of services – how what I do affects others, involving as diverse group of people as possible in our work, working collaboratively, and preventing problems.
The Health and Social Care (Quality and Engagement) (Wales) Act 2020	Legislation Wales only	This law is focused on ministers and NHS bodies. It focuses on the quality of care and incorporating patient voices in health processes.	This isn't directly applicable to those in the third sector, although if your work overlaps with healthcare, e.g., hospital chaplaincy, it might be worth reading through a quick guide on this law.
The Serious Crimes Act 2015	Legislation England and Wales	This law is an important one in terms of safeguarding. It covers some really key areas including Clarifying that child cruelty includes psychological damage and not just physical harm, controlling and coercive behaviour, non-fatal strangulation, female genital mutilation [FGM] and protecting children through making sexual communication with a child illegal.	We need to know that these things are against the law, to report the crimes to the police when appropriate and to support the victims of these crimes.  In several ways, this law also underscores that harm does not need to be visible to be a crime, that safeguarding issues are evolving and we must constantly update our training to know how to respond to new forms of abuse as they emerge.
European Convention on Human Rights	Interventional Convention  Europe [where countries have signed up]	Member government of Europe compiled a set of rights that build greater peace and unity. They include: <ol style="list-style-type: none"> <li>1. The obligation to respect human right.</li> <li>2. The right to live.</li> <li>3. The prohibition of torture.</li> <li>4. The prohibition of slavery and forced labour.</li> <li>5. The right to liberty and security</li> <li>6. The right to a fair trial</li> <li>7. No punishment without law</li> <li>8. The right to respect for private and family life.</li> <li>9. Freedom of thought, conscience, and religion.</li> <li>10. Freedom of expression.</li> <li>11. Freedom of assembly and association.</li> <li>12. Right to marry.</li> <li>13. Right to an effective remedy through courts of other public body.</li> <li>14. The prohibition of discrimination.</li> </ol>	Charities and faith groups should make sure none of their practices impinge these rights and should look to safeguard those in their care from these rights being impinged.  Some charities, schools and groups now proactively teach children about these rights to empower them to be able to speak out when they are being harmed. A recent resource from Scotland can be found here: <a href="http://www.cypcs.org.uk/resources/lets-explore-our-rights/">www.cypcs.org.uk/resources/lets-explore-our-rights/</a>

		<p>Articles 15-18 unpacks where these rights might be restricted.</p> <p>Most of the rest of the convention sets out how the European Court of Human Rights works.</p>	
Universal Declaration of Human Rights	<p>Interventional Convention</p> <p>Worldwide [where countries have signed up]</p>	<p>A set of rights agreed after World War II, this was a landmark agreement as it was the first time a universal agreement was ever made. Almost every country of the world has signed up to this.</p> <p>It includes 30 'articles' (important rights) and some of the most important include:</p> <ol style="list-style-type: none"> <li>1. Children should be born free.</li> <li>2. These rights are universal, that means they apply even when you are/have: <ul style="list-style-type: none"> <li>- a different sex</li> <li>- a different skin colour</li> <li>- speak a different language</li> <li>- think different things</li> <li>- believe in another religion</li> <li>- own more or less</li> <li>- born in another social group</li> </ul> </li> <li>3. The right to freedom and safety.</li> <li>4. Prohibition of slavery and forced labour.</li> <li>5. Prohibition of torture.</li> <li>6. Right to be protected.</li> <li>7. The universal application of the law.</li> <li>8. Right to an effective remedy through courts of other public body.</li> </ol>	<p>As above, charities and faith groups should make sure none of their practices impinge these rights and should look to safeguard those in their care from these rights being impinged.</p> <p>The universal and international nature of these rights means that even harms occurring in a different national context should be addressed.</p>
<a href="#">Controlling or coercive behaviour</a> (2023), statutory guidance issued under Section 77 of the Serious Crime Act 2015	Statutory Guidance	<p>Controlling or coercive behaviour is a form of domestic abuse, but one that has often been overlooked because the harm isn't necessarily physical.</p> <p>It applies to intimate or family relationships and comes with a prison sentence of up to 5 years. The victim and perpetrator don't have to live together for it to be considered domestic abuse.</p>	<p>We should make sure that all our workers understand that domestic abuse doesn't need to be physical to be harmful. Create a culture where people share information with you about these concerning behaviours, pay particular attention to record keep in these situations and share the information as appropriate with statutory organisations.</p>

\*Thirtyone:eight predominantly serves those in faith-based and community-based groups, this information is designed to be relevant to them and will be less helpful to those in other sectors.

## Links commonly used throughout the webinar

Please note: These links are accurate at the time of course preparation. During the webinar, the co-host may share links to other useful resources. Here are some of those most frequently used in this course:

### **Thirtyone:eight Resource Links:**

[Thirtyone:eight Ten Standards Framework - Further Information](#)

[A Theology of Safeguarding](#)

[Thirtyone:eight Help Guides](#)

[7 Top Tips for a Safer, Healthier Culture](#)

[Raise you Roar - Roarry the Lion Resources for Children](#)

[Safeguarding Sunday](#)

[Escaping the Maze of Spiritual Abuse Book](#)

[Worker's Pocket Guides](#)

### **External Resource Links:**

[Keeping Children Safe in Education \(KCSIE\) 2023](#)

[Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](#)

[Safeguarding Board for Northern Ireland](#)

[Safeguarding Wales](#)

[Lifeline Exercise on Social GRRRAACCEESSS](#)

[Child Abuse Linked to Faith and Belief: Resources from National FGM Centre](#)

[Resource around trafficking and CCE from Scotland's National Guidance](#)

[British Association for Counselling and Psychotherapy \(bacp.co.uk\)](#)

[Working definition of trauma informed practice](#)

[Trauma, Attachment, Faith | Join The Dots](#)

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[Challenging victim blaming language](#)

[Net Aware: NSPCC Resources for Online Safety](#)

[CEOP: Child Exploitation and Online Protection](#)

[Refuge National Domestic Abuse Helpline](#)

[Childline Report Remove Tool](#)

[Hub of Hope - Mental Health Support Services by Postcode](#)

[Shout - 24/7 mental health text helpline](#)

[Lucy Faithfull Foundation - Child Sexual Abuse Prevention](#)

[Guidance for Online Youthwork: Youthscape and Thirtyone:eight](#)

[Volunteer Scotland](#)

[Information about Online Safety Act \(UK wide 2023\)](#)

**Newsletters for Regular Updates:**

[Ann Craft Trust - Safeguarding Advice and Newsletter](#)

[Safeguarding in Schools - Weekly updates from Andrew Hall](#)

[CASPAR - NSPCC weekly newsletter](#)

**Case Management Systems:**

[Case Management System: My Concern](#)

[Case Management System: CPOMS \(schools focus\)](#)

[Church Suite: Software with secure note-taking facility](#)

**Criminal Record Checks:**

[Gov.uk disclosure and barring service](#)

[Disclosure Scotland](#)

[PVG Scheme](#)

[Access NI](#)

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[Criminal Record Checks for Overseas Applicants](#)