

## ADULT SAFEGUARDING POLICY AND PROCEDURES

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*This Adults Safeguarding policy and procedures will be annually reviewed and updated by The People's Orchestra Board annually, unless there is a change of legislation or guidance or an incident that warrants it being reviewed sooner.*

*Updated March 2023*

# 1 POLICY STATEMENT

## **Purpose and aim of the policy**

The People's Orchestra (TPO), charity number 1151321, set up to enable people to change their lives and the lives of those around them for the better through music. Its core activity is to bring inspired creatives, talented performers, digital specialists and production leaders to the stage using music, mixed arts, digital multimedia, production and leadership.

The People's Orchestra Ensembles are defined as any group or project run by The People's Orchestra, including, but not limited to, The People's Show Choir, The Rusty Players Orchestra, youth initiatives and Commonwealth Community Ensembles.

The purpose of this safeguarding policy and procedures is:

- to protect adults who receive The People's Orchestras' services. The intended outcome of the adults' safeguarding policy is to protect adults at risk from abuse or harm, to promote their wellbeing and to respond promptly and effectively if concerns are raised about them.
- to provide everyone with the overarching principles that set out our approach to the protection of vulnerable adults.

This policy applies to anyone working on behalf of The People's Orchestra including: senior managers and the board of trustees, paid staff, volunteers, sessional workers, and students.

## **Legal framework**

This policy has been drawn up using legislation, policy and guidance to comply with:

- Human Rights Act 1998
- Mental Capacity Act 2005
- Health and Social Care Act 2008
- Equality Act 2010
- Protection of Freedoms Act 2012
- Counter-Terrorism and Security Act 2015
- General Data Protection Regulation (GDPR) 2018

## **Related policies and procedures**

This policy statement should be read alongside The People's Orchestra other organisational policies and procedures.

## **Our approach to Safeguarding**

We believe that:

- people should never experience abuse of any kind
- we have a responsibility to promote the welfare and safety of everyone
- all adults have the right to live in safety, free from abuse and neglect

- abuse may be committed by anyone, including those in a trusting relationship with the adult at risk
- there is a duty to do everything possible to prevent, report and tackle abuse

We recognise that:

- everyone, regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have a right to equal protection from all types of harm or abuse
- some people may be additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues

We will aim to keep people safe by:

- valuing, listening to and respecting them
- appointing a Designated Safeguarding Officer (DSO), a deputy and a lead trustee/board member for safeguarding
- adopting safeguarding best practice through our policies, procedures and code of conduct for all staff and volunteers
- developing and implementing an effective online safety policy and related procedures
- providing effective management for staff and volunteers through support and training
- recruiting new staff and volunteers safely, ensuring all necessary checks are made
- recording and storing information professionally and securely
- sharing information about safeguarding and good practice with staff and volunteers via leaflets, posters, group work and one-to-one discussions
- using our safeguarding procedures to share relevant information with agencies who need to know
- using our procedures to manage any allegations against staff or volunteers appropriately, creating and maintaining an anti-bullying environment
- ensuring that we have effective complaints and whistleblowing measures in place
- ensuring that we provide a safe physical environment for our members, staff and volunteers, by applying health and safety measures in accordance with the law and regulatory guidance.

**Who to contact if you need more information or want to raise a concern:**

**TPO Designated Safeguarding Officer (DSO)**

Name: Sarah Marshall

Phone: 07739 386545

**TPO Deputy DSO**

Name: Andrew Sandham

Phone: 07838 389966

**TPO Senior lead for Safeguarding**

Name: Peter Davies

Phone: 07548 917010

## 2 DEFINING ADULT SAFEGUARDING

Safeguarding is defined as protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted, including where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

An adult at risk is a person aged 18 or over who:

- a) has needs for care and support (whether or not a local authority is meeting any of those needs)
- b) is experiencing, or is at risk of, abuse or neglect, and
- c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

We expect all staff and volunteers to adhere to TPO's policies and:

- take all suspicions and/or allegations of abuse or risk seriously, and respond swiftly and appropriately
- support the timely sharing of information with relevant authorities
- contribute to effective partnership working between all those involved in providing services

In terms of safeguarding TPO expect, without exception, adherence to the principles and practices as outlined above. Any concerns you might have may not always be of the same nature and may not require the same course of action. Concerns are likely to arise in several ways:

- **General concerns:** these may arise as part of TPO's usual activities and are not to do with safeguarding, e.g. anxiety about a performance. Such concerns will be dealt with immediately or as soon as is practicably possible as part of TPO's ongoing emotional health and wellbeing support to its members.
- **Safeguarding concerns:** these concerns will go beyond those that are dealt with as above and will usually be about an adult's vulnerability, where it is felt that vulnerability needs further assessment and possible action.

Everyone has a responsibility to ensure concerns no matter how unclear, are passed on and assessed. TPO staff and volunteers should not undertake any investigations, their responsibility is to be vigilant, record and report only.

## **DEFINITIONS OF ABUSE**

### **Abuse**

Abuse is a violation of an individual's human and civil rights by any other person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Abuse may:

- consist of a single act or repeated acts
- be physical, verbal or psychological
- be an act of neglect or omission to act
- occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent.

### **Harm**

This includes:

- ill-treatment (including sexual abuse and forms of ill-treatment that are not physical)
- the impairment of, or an avoidable deterioration in, physical or mental health
- the impairment of physical, emotional, social or behavioural development.

### **The abuser**

This may be any of a wide range of people and no-one can be excluded. Examples include:

- relatives and family members
- professional paid staff in an institutional or community setting
- organisation staff or volunteers, including trustees
- someone known to the person or a stranger.

### **Bullying**

Bullying may be defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are physical (e.g. hitting, kicking, theft), verbal (e.g. racist or homophobic remarks, threats, name calling) and emotional (e.g. isolating an individual from the activities and social acceptance of their peer group). The damage inflicted by bullying (including bullying via the internet) can frequently be underestimated. It can cause considerable distress, to the extent that it affects health or, at the extreme, causes them significant harm (including self-harm).

### **Additional vulnerabilities**

It is also important to be mindful that some people are particularly vulnerable to abuse because of their age or their living circumstances or characteristics. Disabled people are at greater risk of abuse than non-disabled people. Adults from particularly isolated or new communities may also be at increased risk of abuse as well as those adults who show challenging behaviour.

### 3 CODE OF PRACTICE

TPO expects all staff and volunteers to be aware of this Code of Practice and adhere to its principles of good practice in their approach.

1. All activities will be as open as possible, and it is important that no time should be spent alone with any vulnerable adult.
2. Value and respect people.
3. It is important not to have physical contact with anyone and this should be avoided.
4. Do not take people alone in a car on journeys, however short.
5. Do not make suggestive or inappropriate remarks, even in fun, as this could be misinterpreted.
6. Remember that those who abuse can be of any age, gender, ethnic background or class and it is important not to allow personal preconceptions about people to prevent appropriate action taking place.
8. Good practice includes valuing and respecting people as individuals and the adult modelling of appropriate conduct - which will always exclude bullying, shouting, racism, sectarianism or sexism.

## 4 HOW TO RESPOND TO A PERSON MAKING AN ALLEGATION OF ABUSE

1. Stay calm.
2. Listen carefully to what is said.
3. Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others - do not promise to keep secrets.
4. Tell the person that the matter will only be disclosed to those who need to know about it.
5. Allow the person to continue at her/his own pace.
6. Ask questions for clarification only and always avoid asking questions that suggest a particular answer.
7. Reassure the person that they have done the right thing in telling you.
8. Tell them what you will do next, and with whom the information will be shared.
9. Record in writing what was said, using the person's own words as soon as possible - note the date, time, any names mentioned, to whom the information was given and ensure that the record is signed and dated.
10. It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. That is a task for the professional protection agencies, following a referral from the Designated Safeguarding Person in the organisation.

## 5 PROCEDURE: WHAT TO DO IF YOU ARE CONCERNED ABOUT A PERSON'S WELFARE

There are essentially four key steps to remember and this procedure explains them:

1. Recognising abuse or neglect
2. Responding to the concerns
3. Referring concerns on
4. Recording any actions taken and outcomes

TPO staff and volunteers could have their suspicion or concern raised in several ways, the most likely of which are:

- the conduct of a TPO staff member or TPO volunteer
- a person 'disclosing' abuse
- bruising or evidence of physical hurt which may or may not be accompanied by unusual behaviour

If anyone has such concerns they should be reported to the Designated Safeguarding Person (DSP) using the form as set out in Appendix B.

Concerns about a specific person should be reported immediately by telephone to the DSP and confirmed in writing within 24 hours using the form at Appendix B. Delay could prejudice the person's welfare. In an emergency call 999 or the local equivalent.

If the concerns relate to the conduct of a TPO staff member or TPO volunteer these should be reported by phone to the DSP immediately. Steps will be taken to fully support anyone who in good faith reports his or her concerns about a colleague and every effort will be made to maintain confidentiality for all parties whilst the allegation is considered.

Concerns in relation to the conduct of a TPO staff member or volunteer may indicate unsuitability to continue working with vulnerable adults in their present position, or in any capacity. Consideration will need to be given to whether:

- someone has behaved in a way that has, or may have harmed an individual
- someone has possibly committed a criminal offence against an individual

There may be up to three strands in the consideration of an allegation against a member of TPO staff or volunteers:

- a police investigation of a possible criminal offence
- enquiries and assessment by social care
- consideration of disciplinary action in respect of the individual

The DSP will consider the report and either refer this immediately to the authorities or, after taking appropriate advice, decide not to refer the concerns to the authorities but keep a full record of the concerns.



Action TPO staff / volunteers must take (within the same working day) when a concern arises:

1. Report the concern immediately to the DSP. S/he will then determine next steps, including consultation with other professional agencies e.g. local Adults Safeguarding Board to determine the best course of action. Consideration will be given as to whether the concern involves an immediate risk of significant harm, a clear allegation of abuse by the individual, or does not involve an immediate risk of significant harm.
2. It is not the responsibility of TPO staff / volunteers to determine if abuse has taken place, rather, they are responsible for reporting on their concerns to the appropriate authorities.
3. Concerns that are anonymous or that relate to historical concerns (e.g. relating to previous staff, or an incident that happened some time ago) should not be ignored and must be reported to the DSP.
4. A record must be kept of the concern. Use the safeguarding concerns report form for this purpose (see Appendix B). The form can be completed by the person reporting the concern or the DSP.

Do not delay reporting the matter by trying to obtain more information. Under no circumstances should you examine an individual where s/he is alleging injuries. This is a role for medical personnel only.

## 6 WHAT TO DO IF THERE ARE CONCERNS OR ALLEGATIONS ABOUT A TPO STAFF MEMBER OR VOLUNTEER

Welfare of the person must remain as the central concern. Although it is a sensitive and difficult issue, abuse also occurs within organisations as well as in other settings. This could involve anyone who could have contact with vulnerable adults through their work. Evidence indicates that abuse that takes place within an organisation is rarely a one-off event. It is crucial that those involved with TPO are aware of this possibility and that all allegations (current or historical) are taken seriously and appropriate action taken. When dealing with any allegation against a TPO staff member or volunteer it is vital to keep the welfare of the person as the central concern.

These procedures about managing cases of allegations or concerns about a TPO staff member or volunteer should be used in respect of all cases in which it is alleged that a staff member has:

- Behaved in a way that has harmed or may have harmed someone
- Possibly committed a criminal offence against someone

### **Procedure to follow if an allegation or concern is made about a TPO staff member or volunteer**

There may be instances where there are concerns about the behaviour of any TPO staff or volunteers. The concerns may be very clearly abusive, e.g. hitting someone, or subtler, e.g. isolating a person or sharing personal phone numbers. It may involve a breach of the TPO Code of Practice, or it could be an allegation made by a member of TPO, or another adult. In any of these circumstances the following procedure should be followed:

1. TPO staff and volunteers are responsible for sharing their concern with the Designated Safeguarding Person (DSP) who will explore the seriousness of the allegation/concern.
2. The DSP will determine if the police need to be contacted and/or the Local Authority based in the local authority of the home address of the member of staff or volunteer. There may need to be one or more type of inquiry depending on the nature of the concern.
3. In dealing with any allegation the DSP needs to balance: the seriousness of the allegation; the risk of harm; possible contamination of the evidence and the welfare of the person concerned.
4. The DSP will require a written account from the member of the workforce/manager hearing the allegation/concern and a summary of any available additional information including the names and addresses of any potential witnesses. Both documents should be signed and dated.
5. Investigations will be dealt with quickly, fairly and impartially and will consider the relevant policies and code of conduct. The individual should be informed about the allegation or concern as soon as possible, but not before consultation with the DSP and social care/police where necessary, in respect of timing and content. The police and social care investigation will usually need to take place prior to any disciplinary enquiry and the results may inform the disciplinary enquiry. The outcome of any investigation must be recorded, and a copy kept.
6. Under no circumstances should the accused or their colleagues contact those that have raised the concern or those involved in the investigation.
7. Those involved in managing the concern are not permitted to discuss the situation with others except for co-operating fully with those performing the enquiry. Failure to comply will likely result in disciplinary action.
8. If an allegation has been made and the accused individual requires advice/support they should speak with the identified support person. The DSP will keep the member of staff informed of the progress of the case.
9. If the concerns are about the DSP or deputy, they should be raised with the Safeguarding Lead set out in the Policy Statement on Page 3.

### **Support for the member of the workforce raising a concern**

TPO will support and protect any staff member or volunteer who, in good faith, reports his or her concern that a colleague is, or may be abusing a person. If an allegation is made that is found to be malicious or fraudulent TPO retains the right to take appropriate action against the individual responsible for making the claim.

### **No compromise agreements**

The fact that a member of the workforce tenders his/her resignation or ceases to provide their services will not prevent an allegation/concern from being followed up in accordance with these procedures and a conclusion reached. A so called 'compromise agreement' by which an individual agrees to resign, and an employer agrees not to pursue disciplinary action, and both agree to a form

of words to be used in future references will never be used by TPO in situations where there are concerns about their behaviour.

#### **Referral for consideration of barring**

If an allegation/concern is substantiated and the person is dismissed, resigns or TPO decides to cease to use their services then the DSP in conjunction with the relevant Local Authority will decide whether a referral should be made to the Disclosure and Barring Service about whether that individual is barred from, or has conditions imposed in respect of working with vulnerable adults. If a referral is appropriate the referral should be made within one month. A referral must always be made if TPO thinks that the individual has harmed someone.

#### **Poor practice**

There may be circumstances where allegations are about poor practice rather than actual abuse but, where there is any doubt, the line manager should consult with the DSP. If the investigation shows that the allegation is clearly about poor practice then TPO will determine how best to remedy this, e.g. as part of its performance management, or disciplinary procedure dependent on the nature and seriousness of the practice.

## **7 THE ROLE OF THE DESIGNATED SAFEGUARDING PERSON**

The People's Orchestra (TPO) has appointed a Designated Safeguarding Person (DSP) and a deputy who are responsible for dealing with any safeguarding concerns. Please refer to the policy statement on page 3 for their contact details.

The role of the DSP is to:

1. know which outside adult protection agency to contact in the event of an adult protection concern coming to the notice of TPO
2. provide information and advice on safeguarding within TPO
3. ensure appropriate information is available when making a referral and that the referral is made within one working day and confirmed in writing within two working days
4. liaise with local adult's social care services and other agencies, as appropriate
5. keep relevant people within TPO informed about any action taken and any further action required; for example, disciplinary action against a staff member or volunteer
6. ensure that a proper record is kept of any referral and action taken, and that this is kept safely and in confidence
7. Ensure safeguarding training needs are met
8. Review the Safeguarding Policy and Procedures regularly to ensure the procedures are working and that it complies with current best practice
9. Report to the TPO Board about safeguarding activity on a quarterly basis. See appendix C for a statement on Governance

## 8 CONFIDENTIALITY AND INFORMATION SHARING

The principles of Data Protection legislation that must be adhered to when handling personal information are:

- Personal information is obtained and processed fairly and lawfully
- Used only for the purpose that the information was provided
- Only disclosed in appropriate circumstances
- Adequate, relevant and not excessive for the purposes for which they are held
- Accurate and where necessary kept up to date
- Kept securely

### **Disclosure**

Data protection legislation allows for the disclosure of personal information without consent of the subject in certain conditions, including for the purposes of the prevention and detection of a crime, for example where there is a safeguarding concern.

Any report/records regarding abuse shall be kept confidential and any disclosure should be restricted to only those who have proven authority for dealing with the incident (e.g. DSP, police).

In all cases where information is shared the following action should be recorded:

- Date and time when the information was shared
- Summary of information shared
- Who the information was shared with
- Whether you are sharing with or without consent
- How the information was shared and any receipt of it having been received

### **Record of safeguarding concern**

It is very important that an accurate record is kept of any safeguarding concern and that this is updated each time any actions are taken in relation to that concern. A safeguarding concern report form is provided for this purpose and must be completed by the relevant member of staff. This should be securely sent to the Designated Safeguarding Person (DSP) e.g. by registered post or by a password-protected email. The DSP will review and note her/his actions, and then store the form securely so that limited staff have access to the information only as necessary. The form is attached as Appendix B.

## Storage and retention of records

Written reports about safeguarding concerns must be compiled and clearly labelled.

Reports must be either stored away in a locked filing cabinet (with restricted access to that filing cabinet) or where reports are stored electronically they should be password-protected and only limited staff should have access.

Information about concerns, allegations and referrals should not be kept in one 'concern log', rather information or items relating to individuals need to be kept in separate files.

Record type	Retention period
<b>Concerns about a vulnerable adult</b>	<p>The records should be kept for six years unless one of the following exceptions* apply:</p> <ul style="list-style-type: none"><li>• Need to be retained because information in them is relevant to legal action that has started</li><li>• Are required to be kept longer by law</li><li>• Are archived for historical purposes (where the organisation is party to legal proceedings)</li><li>• Consist of a sample of records maintained for research</li><li>• Relate to individuals and providers of services who have, or whose staff have, been judged unsatisfactory</li><li>• Are held to provide, for the subject, aspects of their personal history (where records would not be available elsewhere)</li></ul> <p><i>*Where records are kept for more than six years, files need to be clearly marked and the reason for the extension clearly identified.</i></p>
<b>Allegation or concerns about behaviour (e.g. staff member)</b>	<p>The record should be kept until the person reaches normal retirement age, or for ten years if that is longer.</p>

## Destruction of records

Paper records should be destroyed through shredding and disposed of as confidential waste.

Electronic records should be deleted. The destruction of records should be authorised by the DSP and a record should be made of what has been destroyed.

## **Principles for information sharing**

The government (HM Government Information Sharing: Guidance for practitioners and managers) has produced a list of 'seven golden rules' to support organisations and their workers when making decisions about when it is appropriate to share information with others, these are:

1. Remember that the Data Protection legislation is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information, will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, the lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. Keep a record of your decision and the reasons for it - whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## **APPENDIX A**

### **RECRUITMENT AND SELECTION PROCEDURES**

The People's Orchestra (TPO) ensures appropriate recruitment and selection procedures for staff and volunteers in the context of safeguarding and these include the following:

1. Ensuring that the recruitment and selection policy is up to date.
2. Ensuring that TPO's commitment to safeguarding is included in all recruitment and selection materials.
3. Ensuring that there is an up-to-date job/role description and person specification for the role we wish to recruit to.
4. Ensuring that methods for attracting candidates e.g. advertising contain all necessary information about the role, timetable for recruitment and our commitment to safeguarding.
5. Ensuring there is a suitable candidate information pack containing all the required information about TPO, the role, recruitment timetable, safeguarding policy/statement and application form.
6. Ensuring that each application received is scrutinised in a systematic way when shortlisting in order to agree the shortlist before sending invitations to interview.
7. Ensuring that all shortlisted candidates receive the same invitation to interview, supplying them with all the necessary information.
8. Ensuring that an interview is conducted for all shortlisted candidates based on an objective assessment of the candidate's ability to meet the person specification and job description. For TPO staff and volunteers this will be a face to face interview.
9. Ensuring that all specific questions designed to gain required information about each candidate's suitability have been asked, including those needed to address any gaps in information supplied in the application form.
10. Ensuring that a confident selection of a preferred candidate is made based upon their demonstration of suitability for the role.
11. Ensuring that all appropriate checks have been undertaken on the preferred candidate, including references and DBS checks.
12. Ensuring that the preferred candidate is informed that the offer of employment (including volunteer positions) or examining is conditional on receiving satisfactory information from all necessary checks.

**APPENDIX B**

**THE PEOPLE'S ORCHESTRA SAFEGUARDING CONCERNS REPORT FORM**

<b>Name:</b>	
<b>Age and date of birth:</b>	
<b>Ethnicity:</b>	
<b>Religion:</b>	
<b>First language:</b>	
<b>Date of any incident:</b>	
<b>Venue of any incident:</b>	
<b>Disability/special factors:</b>	
<b>Home address and telephone number:</b>	
<b>Are you reporting your own concerns or passing on someone else's concerns? Please give details of concerns</b>	
<b>Please briefly describe what has prompted the concerns (include dates, times etc. of any specific incidents)</b>	
<b>Are there any physical or behavioural signs? What are they?</b>	
<b>Signature</b>	
<b>Print name:</b>	<b>Date:</b>

This form must be completed and given immediately, or sent in a sealed envelope marked 'Private & Confidential' within 24 hours, to: Designated Safeguarding Person, Contact Details set out on Page 3



## **Appendix C**

### **TPO Safeguarding Governance Structure**

#### **Trustee Board**

- Responsible for the management and review of the Policy, Procedures and Code of Practice  
Receives quarterly reports and immediate notice from the Managing Director of any serious safeguarding matter
- Appoints and manages a Designated Safeguarding Person (DSP) and Deputy DSR

#### **Managing Director**

- Ensures all TPO staff and volunteers are aware of their safeguarding responsibilities, receive safeguarding training and safeguarding policy and procedures are applied consistently
- Manages incident referrals in accordance with policy and procedures
- Reports to the governing body on any disciplinary action taken
- Develops and implements a safeguarding training plan
- Submits quarterly report to Trustee Board
- Co-ordinates the management of DBS disclosures

#### **DSP or Deputy DSP**

- Acts as first point of contact for safeguarding concerns
- Ensures all safeguarding incidents or issues are promptly reported
- Ensures TPO staff and volunteers are aware of their safeguarding responsibilities

#### **TPO staff and volunteers**

- Understand and comply with TPO's safeguarding policy and procedures
- Complete any appropriate training
- Where appropriate, have DBS disclosure processed