



# Scotland's International Development Alliance

## Developing a Safeguarding Policy

### *Process Template*

December 2018

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## Part 1 - How to use this template

The process template comprises three parts. The first part sets out a general guide and approach to developing a safeguarding policy. The second part covers overall questions and considerations which relate to the overall policy and should be reviewed at the start of the process and as the draft is prepared. The third part contains the detailed process template itself which takes you through the process step by step in order to develop the safeguarding policy.

### Process

This template is designed to be used as a process tool and many of the guiding questions will require discussion within the organisation to agree and ensure that there is a shared understanding and clarity across the organisation. This ensures that:

- The policy itself is robust and accurately reflects the aims, operations and ethos of the organisation.
- The policy is understood and owned across the organisation.

The first step is to identify the lead person to develop this policy. This will depend on the size, structure and capacity of the organisation, and should connect with how the policy will be taken forward. The lead will ensure that the process is developed in a consultative a manner as far as possible, while taking ownership for development and delivery of the policy.

### Planning and preparation

The lead should work in conjunction with Board/Management to develop a plan for developing the policy to a realistic timescale and to include meaningful discussion and consultation across the organisation. The planning should involve identification of the key areas which the policy would include according to the organisation and its work, and dedicate time for the review and discussion of the policy at key stages of its development. At this stage the lead should refer to [Part 2](#) of the template to ensure that overall considerations, such as the legal or contractual nature of the template is clear from the outset.

### Development of the policy

The template is designed for the lead to work through the various sections of [Part 3](#) of the template according to the plan, with guidance and references to develop the text, drafting the text of the policy and then consulting/discussing across the organisation. There are sample templates provided for reference and to provide examples of texts, but the most meaningful robust policy will be developed through a strong process.

## Review and finalisation of the policy

Once the policy has reached final draft stage, particular reference should be given to [Part 2](#) of the template to ensure that the general considerations have been accurately reflected in the policy. The policy draft should go through a rigorous consultative review so that it can be finalised and processed through the organisation's regular policy approval.

## Your organisation's policy structure

The overall structure of the Safeguarding Process Template covers the following sections (see the page below). This is a guide, rather than a prescriptive structure and would be shaped by the nature and needs of your organisation.

Section of your safeguarding policy	What is covered in this section	Action completed
Introduction to the safeguarding policy	<ul style="list-style-type: none"> <li>• Brief statement of what the policy covers</li> <li>• Definition of safeguarding</li> <li>• Who it applies to</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Purpose and aim of the safeguarding policy	<ul style="list-style-type: none"> <li>• Clear purpose of the policy</li> <li>• Principles of the policy - non-discrimination, confidentiality, responsibility to raise concerns</li> <li>• The organisation's commitment to safeguarding and how it will meet the commitment - link to organisational vision, mission, and aims.</li> <li>• Positive safeguarding culture</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Legal and policy basis of the policy	<ul style="list-style-type: none"> <li>• Legal and policy basis (law, global conventions, policy guidelines, requirements to notify regulator)</li> </ul>	<input type="checkbox"/>
Definitions	<ul style="list-style-type: none"> <li>• Define what a child is, what a vulnerable adult is, who the beneficiaries are, who the policy applies to</li> <li>• Define abuse and harm</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>
What is your responsibility?	<ul style="list-style-type: none"> <li>• Roles and responsibilities</li> <li>• Reporting concerns and procedures</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>
Mitigation and Implementation	<ul style="list-style-type: none"> <li>• How you will mitigate against safeguarding incidents</li> <li>• How you will implement the policy</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>
Recognising concerns	<ul style="list-style-type: none"> <li>• Recognising where there is a concern</li> <li>• Understanding signs of abuse</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>
Reporting procedures and process	<ul style="list-style-type: none"> <li>• How to record an incident or concern</li> <li>• Who to report an incident or concern too</li> <li>• How an incident or concern will be dealt with</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Monitoring, Review and complimentary policies	<ul style="list-style-type: none"> <li>• How the policy will be monitored</li> <li>• When the policy will be reviewed</li> <li>• Whistleblowing, Code of Conduct, harassment and bullying policies, Employee handbook, Trustee manual.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

## Part 2 - General guidance and considerations

### Beyond compliance

The organisation strives to adopt the highest standards of practice across all areas of safeguarding rather than settling for the minimum standard in order to be legally compliant.

### Legal/contractual status

Safeguarding policies and procedures must be grounded in the legislation and policy framework of the country an organisation is registered or based in. In Scotland the following policies, legislation and guidance apply:

- [UN Convention on the Rights of the Child](#)
- [Children Act \(Scotland\) 1995](#)
- [Protecting Children and Young People: The Charter](#)
- [Children and Young People Act \(Scotland\) 2014](#)
- [Getting it Right for Every Child \(GIRFEC\)](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)
- [Part V of the Police Act 1997](#)
- [OSCR strategy and guidance](#)
- [Scottish Governance Code - DRAFT \(pdf\)](#)
- [NCVO Code of Ethics](#) - draft code, in consultation
- [SCVO Safeguarding Guidance](#)
- [Safer recruitment guidance for social care providers](#) - guidance for all organisations working within the care sector, with relevance to children and vulnerable adult protection in Scotland.

Where work is implemented in an overseas country, it is essential to undertake an analysis of the legislative and policy environment of the country. This can be done by completing a risk assessment, or, carrying out due diligence with your in-country partner.

Concerns arise when the legislation of the country where development work is being implemented differs from the country of the organisation - for example, age of consent, labour law, law relating to commercial sex work and homosexuality. In general, the laws of the country you are working in take precedence, unless they contravene a UN treaty. When developing your policy check to see which treaties your country is signed up to, and make explicit which laws and/or treaties your policies complies with.

If your policy is contractual (it is signed as part of your offer of employment or other engagement) then you can state under which law it is governed. A section stating: ‘*this policy is governed by the laws and regulations of Scotland*’ will provide the contractual basis needed if a conflict arises. If your policy is not contractual – and most policies are not contractual – you can state which law your policy will adhere to, but this may not stand up in a court of law.

However, two caveats:

1. If a country is a signatory to any of the international or global conventions, then these take precedence over the country’s own laws.
2. Most safeguarding incidents would be considered a breach of employment/engagement contract arising from a breach of the code of conduct, and therefore, contractually binding. In order to make clear which country’s laws you are adhering to you should have your employment/volunteering contract state that ‘*this contract will be governed by the laws and regulations of Scotland*’.

Whether your policy is contractual or not is something you may wish to discuss with your Board of Trustees. Contractual policies are legally binding, but are difficult to update without consulting the whole organisation. Non-contractual policies are not legally binding, but can be linked to the code of conduct and offer of employment/volunteering. Not having a legally binding policy does not prevent a breach of that policy being a dismissible offence.

## Safe organisations

*“Safeguarding in its broad sense means protecting people and the environment from unintended harm, but the focus of this package is on preventing and responding to harm caused by sexual exploitation, abuse, harassment or bullying. The aim is to minimise the likelihood and impact of these actions towards both the people we as a sector are trying to help, and people working within the sector.”*

(Scottish Government’s Safeguarding Policy Statement, 2018)

## Developing a positive safeguarding culture – background

Clearly set out processes and procedures will be most effective where there is an organisation culture which embeds positive safeguarding practice and values.

There is considerable discussion around how organisational culture is understood and definitions vary. This template draws from work undertaken to help organisations identify positive, or, unhealthy safeguarding culture through a set of indicators which has been developed. This will help to identify signs of a healthy culture becoming embedded and signs which would indicate an unhealthy safeguarding culture.



While there is consensus that organisational culture does exist and that it plays a crucial role in shaping and influencing behaviour in an organisation, it is an area where shared understanding has not yet been established, or, agreed in relation to the sector. There is a recognition that culture is dynamic and shifts in response to external and internal factors in an organisation. Therefore, trying to measure and assess organisational culture is complicated by its dynamic nature, it does mean that it is possibly to manage culture change.

The following are considerations and actions which would lead to developing and strengthening a healthy culture of safeguarding:

- developing a safeguarding culture is an iterative process, requiring continuous actions to embed over time,
- all connected with an organisation should be oriented in and sign Safeguarding Statement/Code of Conduct,
- as well as having reporting procedures in place, these must be understood, known and used,
- orientation and training should be implemented regularly and at all levels,
- proactive conversations should be encouraged and facilitated both formally and informally,
- networking with other organisations should be facilitated and encouraged to share/learn from best practice.

A healthy safeguarding culture can thrive and develop where policies and practice across the organisation align and reinforce each other consistently. This is why a suite of policies and procedures is needed to contribute to the development of a healthy organisational culture. Where it is consistently made clear that bullying, discrimination, harassment, exploitation and abuse are not tolerated and that procedures are in place to ensure that concerns are raised, it is far more difficult for safeguarding and other incidents to occur without reporting and action.

A healthy safeguarding culture is one where	An unhealthy safeguarding culture is one where
The rights and protection of all adults and children involved in, or benefitting from, the organisation's work are prioritised above all other considerations.	Where the possibility of favour or advancement exists for cooperation
The workforce and beneficiaries <i>are</i> and <i>feel</i> safe and valued throughout their involvement with the organisation.	Where the prospect of non-advancement exists in the absence of cooperation
Individuals know who to go to with any concerns and are confident that they will be listened to and heard, without personal or professional repercussions.	The fear of retribution exists for raising the alarm

<p>The organisation strives to adopt the highest standards of practice across all areas of safeguarding rather than settling for the minimum standard in order to be legally compliant.</p>	<p>Where the possibility of favour or advancement exists for cooperation</p>
<p>Protecting vulnerable groups will always take precedence over protecting the organisation.</p>	<p>There might be individual(s):</p> <ul style="list-style-type: none"> <li>• In a position of power and hard to challenge</li> <li>• Willing to abuse that position for sexual gratification or exploitation</li> <li>• By grooming and/or coercing a victim to engage in some form of sexual/exploitative activity</li> </ul>

Unhealthy safeguarding is facilitated by a *culture in which rules can be broken and powerful rule breakers are not challenged*. Thus, concerns are not raised and the conduct remains unchecked and underground.

## Part 3 - Policy process development

Safeguarding promotes the safety and welfare of people involved in the delivery, or, receipt of humanitarian aid and development assistance, protecting them from harm, including all forms of exploitation, abuse and harassment.

<b>Introduction to the safeguarding policy</b>	<ul style="list-style-type: none"><li>• Brief statement of what the policy covers</li><li>• Definition of safeguarding</li><li>• Who it applies to</li></ul>
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In this section you should set out the scope of the Safeguarding Policy - this includes the main components of the policy, how safeguarding is defined and who it applies to.

What are the main areas of the policy? Key sections should include:

1. Introduction
2. Purpose and aim of the safeguarding policy
3. Legal and policy basis of the policy
4. Definitions
5. What is your responsibility?
6. Mitigation and Implementation
7. Recognising concerns
8. Reporting procedures and process
9. Monitoring, review and complimentary policies

A Safeguarding Policy should cover the following dimensions:

- **Mitigation** (risk assessment, vetting, training, clear and robust policies, ensuring all agents of the organisation know of and understand the policy and procedures)
- **Reporting** (clear process, clear roles, clarity of safeguarding issues and requirement to reporting concerns, referring to relevant authorities depending on nature of report/concern)
- **Investigation** (clearly set out roles for investigating, notifying regulator if appropriate.)

## How do you define safeguarding?

It is important that you define safeguarding, in terms of your organisation and be clear what it includes. You may need to be specific about including children, vulnerable adults or other groups depending on your organisation and the type of work you do. It is also important to identify how broadly you include those protected by the policy - does it apply only to beneficiaries or more broadly?

This is the definition that the Alliance is currently using, and the rationale:

*“Safeguarding promotes the safety and welfare of people involved in the delivery or receipt of humanitarian aid and development assistance, protecting them from harm, including all forms of exploitation, abuse and harassment.”*

This is a deliberately broad definition which includes beneficiaries as well as those within an organisation. If an organisation aims to be one with a positive safeguarding culture, then it should also ensure that there are strong anti-bullying/harassment, non-discrimination and whistleblowing policies in place. If there is a clear message that bullying, discriminatory behaviour and harassment are not tolerated, this is consistent with an environment where there is confidence in reporting safeguarding incidents and concerns. Conversely, where there is a negative culture and bullying and harassment go unchecked, there is more likely to be a correlation between these and the incidence of and reduced reporting of safeguarding issues.

Other definitions which might be more relevant to your organisation are available.

### OSCR defines safeguarding:

*“Safeguarding is the action that an organisation takes to promote the welfare of children and vulnerable adults to protect them from harm including physical, emotional, sexual and financial harm and neglect”.*

This includes making sure that the appropriate policies, practices and procedures are put in place. Safeguarding includes child protection but goes further and extends to all vulnerable beneficiaries.

### BOND defines safeguarding as follows:

*“In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect*

*In our sector, we understand it to mean protecting people, including children and at risk adults, from harm that arises from coming into contact with our staff or programmes. One donor definition is as follows:*

*Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur.*

*This definition draws from our values and principles and shapes our culture. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.*

*Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until proven guilty.*

*Safeguarding puts beneficiaries and affected persons at the centre of all we do.”*

### Who does the policy apply to?

You should ensure that the policy covers all persons representing your organisation. You may wish to specify each group - for example - Employee/Trustee/volunteer/consultant/intern/others acting on behalf of the organisation, or you could use a generic term such as “Agent” or “Representative”. You could include a statement that the policy applies to “*anyone acting on behalf of (the organisation) in any capacity including (and not limited to), employees, trustees, temporary staff, consultants, interns and volunteer*” to ensure that all potential people are included.

<b>Purpose and aim of the safeguarding policy</b>	<ul style="list-style-type: none"><li>• Clear purpose of the policy</li><li>• Principles of the policy - non-discrimination, confidentiality, responsibility to raise concerns</li><li>• The organisation’s commitment to safeguarding and how it will meet the commitment - link to organisational vision, mission, and aims.</li><li>• Positive safeguarding culture</li></ul>
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In this section, you should set out the purpose of the policy and the key principles on which it is based. The section should also include your organisation’s commitment to safeguarding in relation to your organisational mission, vision and values and broadly how it will aim to meet its safeguarding commitment in connection with these. You could also set out how you will aim to embed a positive culture of safeguarding in your organisation, and how you will measure that.

## Purpose

The precise purpose of this policy will depend on the nature of your organisation.

The ultimate aim of a safeguarding policy is to ensure that those, especially children and vulnerable adults and beneficiaries, receiving or delivering international development aid or humanitarian assistance, are protected from any harm through their contact with the organisation. This should cover mitigation, reporting and investigating. Therefore, the policy should set out to ensure that:

- The organisation articulates clear principles that guide their approach to safeguarding.
- The organisation has clear procedures in place for reporting and investigating concerns or incidents.
- All representatives or agents of the organisation understand their responsibility to uphold good safeguarding practice in their roles.
- All representatives or agents of the organisation understand what to do when a concern or incident arises or is brought to their attention.

The purpose should also summarise what is not covered by the safeguarding policy. For example, bullying and harassment would be dealt with under an organisation's Anti-Bullying and Harassment Policy and a Whistleblowing Policy would set out how to raise a concern about potential malpractice. This would be set out in detail in the [section addressing aligning and complementary policies](#) to ensure that all dimensions which contribute to good safeguarding practice of an organisation are in place. Together these policies would comprise a suite or portfolio of Safeguarding Policies. It is likely that the following complementary areas would not be included in the safeguarding policy:

- Harassment and bullying in the workplace
- Fraud, corruption or malpractice
- Grievance
- Whistleblowing
- Malpractice
- Code of Conduct (although it is sometimes embedded within the policy)
- HR recruitment policies (including references and vetting processes)

## Ethos and principles of the Safeguarding Policy

It is important to set out the principles upon which this policy is based and relate this to the Vision, Mission and Aims of your organisation so that there is consistency between the principles and the ethos of your organisation.

Identify your organisation, its purpose, function, vision, mission and values. This provides the basis for you to set out the organisation's commitment to building a culture of safeguarding and state how the organisation will meet its commitment.

**Vision:**

Our vision is ...

**Mission:**

Our Mission is:

- To ...
- To ...
- To ...

**Values**

Organisation values

This sets the foundation for the principles of the policy. These should set out the principles and expectations which the organisation considers non-negotiable in relation to its safeguarding policy and procedures and is underpinned where appropriate by international and national policy, legislation and conventions. Consider how the following are articulated in your policy:

- Non-discrimination
- Equality
- Equity
- Dignity
- Integrity
- Confidentiality
- The responsibility to raise concerns
- Protection from reprisals or repercussions

## Commitment to safeguarding and how this will be met

This draws together the organisation's Vision, Mission and Values and uses the principles to shape how this will be reflected in the policy so ensure that employees/representatives have a clear understanding of this connection.

## Examples of how the principles are reflected in the policy

- All children and vulnerable adults have an equal right to protection from harm regardless of their gender, culture, ethnicity, age, religion, sexual orientation, or ability.
- Anyone acting/working on behalf of the organisation will be subject to the most robust safeguarding checks for which they are eligible.
- Anyone acting/working on behalf of the organisation will receive safeguarding training appropriate to their role and responsibilities.
- All adults have a responsibility to respond when they are concerned that a child or vulnerable adult may be at risk of harm or exploitation.
- Safeguarding concerns are to be managed through a robust and transparent process.
- Anyone that reports a concern regarding a colleague in good faith will be protected (for example under the Whistle Blowing policy).
- Information should be managed confidentially and only shared without consent where the duty to protect children or vulnerable adults from harm supersedes an individual's right to privacy.
- Safeguarding decisions should be made in a timely manner and should not be subject to unnecessary delay.

<b>Legal and policy basis of the policy</b>	<ul style="list-style-type: none"><li>• Legal and policy basis (law, global conventions, policy guidelines, requirements to notify regulator)</li></ul>
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## Legal and policy basis of the policy

Ensure that you reference the global, UK and Scottish policy and legislative basis.

Safeguarding policies and procedures must be grounded in the legislation and policy framework of a country. See the ['legal and contractual basis' in the previous section](#) to determine which laws you should put in here.

<b>Definitions</b>	<ul style="list-style-type: none"><li>• Define what a child is, what a vulnerable adult is, who the beneficiaries are, who the policy applies to</li><li>• Define abuse and harm</li></ul>
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It is important that you set out clearly who the policy applies to and what constitutes abuse. You may wish to have a very short section here on definitions and a longer appendix setting out definitions of abuse. Similarly, you may want to put your definition of children/vulnerable/beneficiaries in the [‘legal and policy basis’ above](#), and definitions of abuse in the [‘reporting concerns’ section](#). The important point is that definitions of who the policy applies to and what constitutes abuse should exist somewhere in the policy.

The Scottish Government have published a list of key definitions in the [National Guidance for Child Protection in Scotland 2010](#).

<b>What is your responsibility</b>	<ul style="list-style-type: none"><li>• Roles and responsibilities</li><li>• Reporting concerns and procedures</li></ul>
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This falls into two broad areas. Firstly, to ensure that the individual takes responsibility to ensure that their own actions and behaviour do not harm others, and in particular do not place any child, vulnerable adult at risk or harm or exploitation. Secondly, the individual must report any safeguarding concerns according to the organisational procedures as soon as possible.

The individual must be familiar with the policy, the procedures and also what to do in the event of serious and urgent concerns. Therefore, signing the policy statement must be accompanied by orientation and ongoing training.

## Code of Conduct

Your organisation may already have a Code of Conduct, and if so this section may include all or parts of that code.

It is also good practice to include a list of behaviour that is not acceptable, particularly if you work with children and vulnerable adults in a specific activity such as sport or education.

## Examples

The following is an example from [Change for Change’s Safeguarding policy](#) which makes explicit certain unacceptable behaviour.

### Practice to be avoided

- Travelling alone with a participant in your car or the minibus, however short the journey. In these cases, three people should be the minimum, where this is unavoidable it must be with the prior permission of your line manager and the participant should sit in the back seat.

- Taking participants to your home or to that of another staff member.
- Putting yourself in a position where you are working unsupported with a young person. Where this is unavoidable, it must be with the prior permission of your line manager.
- Making sexually suggestive comments to young people - even in fun. Flirting is not acceptable behaviour for someone in a position of responsibility for children, young people, or vulnerable adults
- Allowing or engaging in any form of inappropriate touching.
- Engaging in rough, physical, or sexually provocative games or horseplay.
- Allowing inappropriate language, to remain unchallenged.

It is also helpful to include examples of behaviour which would be considered as bullying, or, harassment as this can contribute to an environment where it is difficult to raise safeguarding concerns

Harassment is a discriminatory act and is also a criminal offence. It is very difficult to define as it can take many forms, but in the main it takes the form of unwanted, uninvited and unreciprocated behaviour by one employee towards another, for example:

- Patronising or belittling comments.
- Comments about appearance/body/clothes.
- Leering or staring at a person's body.
- Unwelcome sexual invitations or pressure.
- Promises or threats, concerning employment or conditions, in exchange for sexual favours.
- Displaying offensive or sexually explicit material.
- Touching, caressing, hugging or indecent assault.

Bullying behaviour could include the following; is also difficult to define:

- Threats of or actual physical violence.
- Unpleasant or over repeated jokes about a person.
- Unfair or impractical work loading.

### What is your safeguarding responsibility?

Anyone who works with children or vulnerable adults is obliged legally and morally to ensure that they are protected from harm, and therefore must:

- Behave in a way that does not place children, or, vulnerable adults at risk of harm or exploitation.
- Carry out regular risk assessments
- Report all safeguarding concerns about specific children or adults at risk to the CEO and ensure these concerns are addressed. Your organisation should develop specific reporting forms, case management

documents and reporting flowcharts so that everyone is clear on how concerns will be reported and managed.

The organisation has a duty to ensure that concerns are reported to the appropriate authorities, as per the reporting process below. The organisation also has a duty follow up such reports to ensure action has been taken.

<b>Mitigation and Implementation</b>	<ul style="list-style-type: none"><li>• How you will mitigate against safeguarding incidents</li><li>• How you will implement the policy</li></ul>
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This section sets out how the incidents will be mitigated, and the policy implemented.

Mitigation may be covered in other aspects such as behaviour expected, or, there may be a section that specifically sets out how the organisation will create a culture that prevents safeguarding incidents. Prevention includes recruitment and PVG/disclosure aspects, as well as commitment to carrying out risk assessments on in-country partners, the organisation as a whole, and activities carried out by the organisation.

How you implement will vary depending on the size and nature of your organisations. However, all policies should include the following:

- Recruitment process and whether there are steps you will take such as requiring references, requiring PVG or Disclosure Scotland certificates to ensure employees are of good character, interview techniques, and other pre-employment checks.
- The induction and on-going training of staff, volunteers and trustees on safeguarding awareness. For example, most policies cover this by stating they will require staff and volunteers to read and sign the policy, plus have regular awareness days.
- Any governance structures that you have implemented to ensure safeguarding is a top priority. For example, having a designated Board member as a focal point for safeguarding, having safeguarding as a standing item on their Board agenda, appointment of a safeguarding officer, safeguarding committee, and any arrangements you have with in-country partners.

<b>Recognising concerns</b>	<ul style="list-style-type: none"><li>• Recognising where there is a concern</li><li>• understanding signs of abuse</li></ul>
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It is useful for policies to include the following statement in this section to clarify the responsibility of the individual:

**It is NOT the responsibility of those working on behalf of or representing the organisation to decide if a safeguarding incident or concern has occurred. It IS our responsibility to mitigate risks and to ACT on any concerns reported to them.**

The rationale for this statement is to ensure that individuals report ALL concerns raised, and do not attempt to make a judgement call on whether the concern should be reported.

### Recognising and reporting concerns

This involves:

- risk assessment and mitigation to ensure that the likelihood of a safeguarding incident is minimised,
- robust recruitment procedures, including referencing and appropriate vetting and disclosure processes,
- observation and vigilance to potential safeguarding concerns while working with children and vulnerable adults,
- acting on a report from a child, or, vulnerable adult of a safeguarding incident that they have experienced themselves or regarding another child or vulnerable adult.

It is good practice to list potential signs of abuse in this section - either in text or signpost to an appendix. Definitions of abuse can be found in Scotland's [National Guidance for Child Protection 2010 \(pdf\)](#), originally set out in The Children Act UK (1989) and Working Together to Protect Children (1999 UK). There are four types of abuse identified: physical, emotional, sexual and neglect.

In addition to clearly setting out what constitutes abuse, it may also be appropriate to include indicators of abuse, particularly if you work with children and vulnerable adults. The UK Government have published guidance on how to identify abuse in its [What to do if you're worried a child is being abused \(2015\)](#), and you may wish to include sections of it in your policy. These indicators can be in the main body of the policy, or as an appendix at the end.

<b>Reporting procedures and process</b>	<ul style="list-style-type: none"><li>• How to record an incident or concern</li><li>• Who to report an incident or concern too</li><li>• Investigation - how an incident or concern will be dealt with</li></ul>
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This section is one of the most important sections of the policy because it details how the incidents or concerns will be reported, and provides assurance that the organisation is committed to creating a robust safe organisation. It is crucial that in addition to the procedures being clearly in place, ALL representatives or those acting for the organisation know that they are expected to be familiar with the procedures and who to contact.

Importantly:

- how to record an incident or concern should include ways to behave when approached about a concern, what forms to use and what to record,
- who to report an incident or concern to should direct individuals to either a named designated safeguarding officer, or a name of the position they hold,
- how an incident or concern will be dealt with should set out the procedures that will be taken by the named person or post,

### Reporting procedures and process

Reporting processes will differ depending on the organisations, and below we set out a guide reporting section. This section should include the following:

- **Clarity on the different ways a report should be made.** There should be clear reporting process, ensuring that the person reporting the incident is not exposed to repercussions. Importantly, there must be a way to report a concern about a member of staff, so having a named trustee or group that will deal with allegations is best practice. This is to make sure there are ways to report concerns of staff, without repercussions.
- **There should be a named safeguarding focal point both within the staff team, and the trustees.** It is not paramount that the position of the safeguarding officer is set out in the document although this is preferable, but it must be made clear how to find out who the safeguarding officer is for both the staff and the trustees. Additionally, it is good practice to set out what the roles and responsibilities of the designated officer are, an example is set out below.
- **Guidance on reporting.** Can also be called 'disclosure'. Very good policies include guidance on how to talk to, and report, safeguarding incidents.
- **Reporting forms.** Reporting mechanisms should ideally have a clear flowchart of how reports can be made, and a reporting form template as an appendix.

### Guide reporting section

The following is an example reporting section taken from The Alliance Safeguarding Policy.

If you believe there is a safeguarding incident or concern you must follow the reporting procedure:

- take emergency action if needed (police/medical/social services),
- record what you have witnessed or been told with key facts (date, times, incident/concern),
- refer the incident/concern to the CEO or designated safeguarding officer. In the event that the incident relates to the CEO or designated safeguarding officer, then this should be taken immediately to the chairman of the Board. If the CEO or designated officer does not act on concerns raised, then this should also be taken to the Chairman of the Board,
- do NOT investigate the incident or concern yourself.

If you have concerns about a child or vulnerable adult, ascertain whether urgent police or medical attention is needed. In this instance, police/medical/social services should be contacted immediately. When working overseas there may be instances when the police or local services are not the safest place for a child or vulnerable adult to be.

In a non-emergency situation, where you are concerned that there is a safeguarding issue you must report your concerns to the CEO or designated safeguarding officer. The incident or concern must be documented immediately.

If a child or vulnerable adult discloses a safeguarding concern to you, you must pay careful attention to their disclosure and be clear that this is taken seriously. Listen attentively, offer support and reassurance and be clear that you need to tell someone so that the incident/concern can be dealt with. Document the details using the form provided in the policy appendix, or an appropriate form that is signposted in the policy. Some organisations have a designated email address or phone line that can be used for this purpose.

Without delay but as soon as is reasonable, report this to the CEO or designated safeguarding officer for action.

If you bring a report of a safeguarding incident or concern you will not be victimised for having brought the complaint, even if it is found that the concern or incident is not upheld. However, in the event that following a full and fair investigation, the organisation has grounds to believe that the complaint was brought with malicious intent, you will be subject to disciplinary action under the disciplinary procedure.

## Investigation

The exact process of the investigation will be determined by the nature of the incident and the governance structure of the organisation. Having a flowchart in the policy (in the main text or as an appendix) is good practice.

Here we set out general guidance on investigating procedures, more specific examples can be seen in the sample policies section.

- If a member of staff is subject to safeguarding allegation they should be relieved of their duties while an investigation takes place. In compliance with labour law they are entitled to full pay while the investigation takes place.
- If a volunteer, contractor, or trustee is the subject of a safeguarding allegation they should be required to stop any work they are doing until an investigation has been completed.
- Importantly, while an investigation takes place all those involved in the investigation should be supported, including the person whom the concern has been raised about.
- Disclosure of abuse in regards a member of staff, volunteer, contractor, trustee should be reported to the police and relevant authorities.
- Disclosure of a suspicion may not always be reported to the police, but a risk assessment and appropriate action (potentially using your disciplinary procedure) will be undertaken, and may result in police involvement.
- **IMPORTANT** - any safeguarding concern that has been raised by a Scottish based organisations must be reported to OSCR through their notifiable events email: [notifiable@oscr.org.uk](mailto:notifiable@oscr.org.uk). [Guidance on what is a notifiable event](#) can be found on the OSCR page available and an [accompanying guide](#) (pdf) is also available.
- Similarly, if you are a grant holder of the Scottish Government's International Development Fund you must inform the team using the contact email you have for your grant manager.
- If you are based in England similar processes apply with the English regulators and the Department for International Development. You may wish to include their details if you are receipts of UKAID funds, or have registered offices in England, Wales or Northern Ireland.
- Investigation overseas presents challenges, particularly around who to inform (police, local authority etc.). However, in general the processes should apply whether the incident occurs in the UK or overseas, and the relevant authorities should ALWAYS be notified regardless of where the concern or incident took/is taking place.

<b>Monitoring, Review and complementary policies</b>	<ul style="list-style-type: none"> <li>• Whistleblowing, Code of Conduct, harassment and bullying policies, Employee handbook, Trustee manual.</li> <li>• How the policy will be monitored</li> <li>• When the policy will be reviewed</li> </ul>
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The final section will be short and covers how the policy will be monitored and reviewed, and signposts to complementary policies.

## Monitoring

A brief sentence on who will be responsible for monitoring the implementation of the safeguarding policy. Large organisations may consider having several positions responsible, or, a working group dedicated to monitoring the implementation, including making sure employees/volunteers are trained, have ongoing training, and are being proactive in creating a safe organisation.

Smaller organisations should consider it being part of the designated safeguarding officer's role, and/or the role of the trustees.

In every organisation there should be a trustee designated to monitoring safeguarding, and it should become a standing item on the board agenda.

## Review

A short sentence on when the policy will be reviewed.

## Complementary Policies

Populate this section with a list of policies that complement your safeguarding policy. The following list is not comprehensive, and some of the topics may be covered in other policies. We provide an example of the kinds of policies that should be put here.

This policy should be read alongside the following policies:

- Protection from Harassment and Bullying Policy
- Whistleblowing
- Code of Conduct
- Employee Handbook
- Trustee Handbook
- Grievance Procedure
- Disciplinary Procedure
- Equality and Anti-Discrimination Policy
- Any other relevant policy



## Part 4- Guidance on assessing Safeguarding Policies

### Introduction

A safe organisation is one that has a strong safeguarding policy in place, and has complementary policies such as whistleblowing, protection from harassment and bullying, strong recruitment processes, and clear governance structures.

Below is a short guide developed to assist Scottish Government employees in deciding whether the applicant meets the criteria of having a strong safeguarding policy. This guide should provide organisations with an idea of how policies will be evaluated should they apply for Scottish Government funding.

When assessing a policy attention should be paid to the size of the organisation, the nature of its work (direct or indirect contact with vulnerable adults or children) and the context it is working in. Small organisations that work remotely and may have no employed staff, may have policies that are fully comprehensive but only a few pages, whereas most larger organisations will have long policy documents that cover in detail all aspects of their potential safeguarding areas of concern.

### Safeguarding Policies

It is not necessary for the applicant to have a policy specifically called a 'safeguarding policy' if safeguarding aspects are covered in other policies. The following policies would be included as safeguarding policies, depending on the nature of the organisation. Importantly, while most organisations will have a child protection policy for example, not all organisations work with children, so they may only have a general safeguarding policy, or a more specific policy directed to the groups they come in contact with. Safeguarding policies can be called:

- Safeguarding Policy
- Child Protection Policy
- Protection of Vulnerable Adults Policy
- Protection of Children and Vulnerable Adults Policy
- Safeguarding Children and Vulnerable Adults

### Nature of the Grant

Before you assess the policy you should think about the nature of the grant; what the activities are, do they involve children, vulnerable adults, vulnerable beneficiaries, women, is it for medical/farming/energy, are local people employed or just Scottish staff, and so on. The reason for this is that the kind of policy required will depend on the activities of the organisation. Large grant holders will have policies that cover all areas, but smaller grant holders may have a very specific focus and therefore not require the same depth and complexity if the grant is for specific things (for example prosthetic limbs).

Most policies follow a certain format, and the list below is an indicator of what a good safeguarding policy should include. Be mindful that a policy which does not include all elements would not necessarily indicate a policy which does not meet the standards, but there could be room for improvement.

- **Safeguarding Policy Statement (or Principles)** that sets out the aim of the policy and the principles it adheres to. Some policies have a separate policy **purpose and context** section. It is possible that the organisation will only have a **policy statement**: a 1 or 2-page document stating they are committed to safeguarding and setting out what they will, and will not do. This is not a satisfactory policy unless it also has reporting mechanisms and processes set out clearly in the document.
- **Legal context** that lists the various legislation and policy basis of the policy. See the NSPCC policy below for an example of the legislative framework. Not required although good practice.
- **Definitions** that define what a child is, what a vulnerable adult is, what is covered by the policy: who does it apply to, what actions are covered by the policy, and importantly what constitutes harm (as defined by the legislation). It is important that these are defined so that the policy is clear on who is covered etc.
- **Code of Conduct** may be included, although it may exist outwith the safeguarding policy in the Staff Handbook, or contract for example. The Code sets out behaviour that is acceptable and unacceptable to the organisation (see CBM policy). This must be stated somewhere but may be covered in the 'Principles' section or the 'Definitions' section.
- **Mitigation** may be covered in other aspects such as behaviour expected, or there may be a section that specifically sets out how the organisation will create a culture that prevents safeguarding incidents. Prevention includes recruitment and PVG/disclosure aspects. There should be mention somewhere how the organisation will seek to prevent such incidents occurring but this may be covered by 'implementation'.
- **Implementation**. There should be a section on how the policy will be implemented and this should include the following:
  - **Recruitment** process and whether there are steps they will take such as disclosure, references/PVG etc. to ensure employees are of good character.
  - The induction and on-going training of staff, volunteers and trustees on safeguarding awareness. For example, most policies cover this by stating they will require staff and volunteers to read and sign the policy, plus have regular awareness days.
  - Any **governance** structures that they have implemented to ensure safeguarding is a top priority. For example, having a designated Board member as a focal point for safeguarding, having safeguarding as a standing item on their board agenda, appointment of a safeguarding officer, safeguarding committee, and so on.
  - Implementation will depend on the structure of organisation, so use your knowledge of that organisation to decide whether they appear to have good implementation. For example, an

organisation with 2 volunteers and one in-country local staff will need different (and potentially less comprehensive) implementation processes than a large organisation with 100+ staff.

- **Reporting mechanisms** that set out clear ways that people within the organisation can make a report, as well as beneficiaries. The reporting mechanisms section should include the following:
- **Clarity on the different ways a report should be made.** There may be clear reporting process, knowing to go to, and ensuring that the person reporting the incident is not exposed to repercussions. This is to make sure there are ways to report concerns of staff, without repercussions.
- **There should be a named safeguarding focal point** both within the staff team, and the trustees. It is not paramount that the position of the safeguarding officer is set out in the document although this is preferable, but it must be made clear how to find out who the safeguarding officer is for both the staff and the trustees.
- **Guidance on reporting.** Can also be called ‘disclosure’. Very good policies include guidance on how to talk to, and report, safeguarding incidents. See the SCIAF policy in the appendix of a good example of this.
- **Reporting forms.** Reporting mechanisms should ideally have a clear flowchart of how reports can be made, and a reporting form template as an appendix.
- **Monitoring.** There should be a short section on who is responsible for monitoring. Some organisations have a dedicated team that monitors safeguarding, however smaller organisations may have a designated member of staff, or have a sentence that commits the whole organisation to the on-going monitoring of the policy.
- **Review.** There should be a short sentence section of when and how the policy is reviewed.
- **Additional policies** should be signposted within the safeguarding policy. Most policies include a statement along the lines of ‘this policy must be read in alongside the following policies’.
- **Appendix.** Good policies will have access to additional resources such as reporting templates, more in depth details of what constitutes harm, and any other templates or additional forms that are referred to in the policy.

## Additional Policies

In addition to a specific safeguarding policy, good organisations should have various additional policies that complement the safeguarding policy. Currently good guidance from the sector varies, and it is not conditional of the grant that applicants send in additional policies. Therefore, the following lists different potential complementary policies, and as long as they are linked to in the safeguarding policy it is satisfactory.

- Whistleblowing Policy
- Protection from Abuse and Harassment Policy
- Grievance and/or Complaints Policy
- Recruitment Policy
- Any policy that appears relevant to safeguarding in its broadest sense.

## References

- Bond (2018) Safeguarding policy templates, URL <https://www.bond.org.uk/resources/safeguarding-policy-templates> <Accessed 18.10.2018>
- Care Inspectorate (2016) New guidance for employers on safe recruitment for social services, URL <http://www.careinspectorate.com/index.php/news/3546-new-guidance-for-employers-on-safe-recruitment-for-social-services> <Accessed 18.10.2018>
- Chance for Change (2018) <http://chanceforchange.org.uk/> <Accessed 18.10.2018>
- NCVO (2018) Charity Code of Ethics, URL <https://www.ncvo.org.uk/code-of-ethics-draft> <Accessed 18.10.2018>
- OSCR (2017) Notifiable events- updated 2017, URL [https://www.oscr.org.uk/media/2155/2016-03-15\\_guidance-for-notifiable-events\\_web-version.pdf](https://www.oscr.org.uk/media/2155/2016-03-15_guidance-for-notifiable-events_web-version.pdf) <Accessed 18.10.2018>
- OSCR (2018) Notifiable events, URL <https://www.oscr.org.uk/managing-a-charity/notifiable-events> <Accessed 18.10.2018>
- OSCR (2018) What is safeguarding? , URL <https://www.oscr.org.uk/guidance-and-forms/interim-safeguarding-guidance-keeping-vulnerable-beneficiaries-safe/what-is-safeguarding> <Accessed 18.10.2018>
- UK Government (1995) Children (Scotland) Act 1995, URL <https://www.legislation.gov.uk/ukpga/1995/36/contents> <Accessed 18.10.2018>
- UK Government (1997) Police Act 1997, URL <http://www.legislation.gov.uk/ukpga/1997/50/contents> <Accessed 18.10.2018>
- UK Government (2007) Protection of Vulnerable Groups (Scotland) Act 2007, URL <https://www.legislation.gov.uk/asp/2007/14/contents> <Accessed 18.10.2018>
- UK Government (2014) Children and Young People (Scotland) Act 2014, URL <http://www.legislation.gov.uk/asp/2014/8/contents/enacted> <Accessed 18.10.2018>
- Safeguarding in Schools (2015) What to do if you're worried a child is being abused 2015, URL <https://www.safeguardingschools.co.uk/what-to-do-if-youre-worried-a-child-is-being-abused-2015/> <Accessed 18.10.2018>
- Scotland's Third Sector Governance Forum (2018) The Scottish Governance Code for the Third Sector, URL <https://scotlandsgovernanceforumblog.files.wordpress.com/2018/07/sgc-final-draft-for-consultation.pdf> <Accessed 18.10.2018>
- Scottish Government (2004) Protecting Children and Young People- The Charter, URL <https://www.gov.scot/Publications/2004/04/19082/34410> <Accessed 18.10.2018>

Scottish Government (2010) National Guidance for Child Protection in Scotland 2010, URL <https://www.gov.scot/Publications/2010/12/09134441/3> <Accessed 18.10.2018>

Scottish Government (2017) Getting it right for every child (GIRFEC) URL <https://www.gov.scot/Topics/People/Young-People/gettingitright> <Accessed 18.10.2018>

Scottish Government (2018) International development: safeguarding policy, URL <https://beta.gov.scot/publications/safeguarding-policy/> <Accessed 18.10.2018>

SCVO (2018) Safeguarding, URL <https://scvo.org.uk/running-your-organisation/staff-volunteers/safeguarding> <Accessed 18.10.2018>

UNICEF (2010) The United Nations Convention on the Rights of the Child, URL [https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.48532768.720395409.1539852922-1097046416.1539852922](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.48532768.720395409.1539852922-1097046416.1539852922) <Accessed 18.10.2018>