Setting up your Safeguarding Culture

Guidance

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1. About This Guidance

This guidance is designed to facilitate good thinking in relation to developing a robust and effective safeguarding culture. It is written as a thought piece, and offers a way of thinking that establishes your organisation's approach. It will enable you to create your own, personalised checklist of actions to keep you and the young people you're working with safe, and to manage risk well, as well as provide you with a set of suggested first 10 steps. It is not designed to tell you about the general aspects of establishing a youth group.

This guidance is for all workers, which includes staff members, volunteers, contractors or freelancers. You will benefit most from the content if you are setting up, or new to providing, youth services for 8-25 year olds, hereon in referred to as young people. However, it is also relevant if you have an established youth space and would like to consider ways to better your approach to safeguarding.

This guidance is supported by a glossary of terms to ensure it's as accessible as possible to people who might be new to safeguarding. They will be identifiable as words in *italics*. If anything is still unclear, please do get in touch through our hub.

2. What is Safeguarding

2.1 Purpose and Definition

Safeguarding is action taken to protect and *promote the welfare* of children, young people and adults, keeping them safe and protecting them from harm. Further information can be found in our Safeguarding for Youth Work Policy. Alternatively you could refer to definitions of safeguarding from other organisations or guidance such as; Working Together to Safeguard Children (children), Out of School Settings Guidance (children), or Ann Craft Trust (adults).

A robust and effective safeguarding culture is centred on the welfare of young people, protecting them and adults whilst creating conditions for them to thrive. It is founded on best practice youth work that is focussed on the strengths, assets and a dialogue with young people, as well as risk or protective management.

2.2 Safeguarding and Age

This guidance offers relevant thinking for the broad age range of 8-25 year olds. It's therefore important to understand the different legal requirements within these age groups. These definitions are in relation to England and Wales only.

➤ Child. Legally a child is anyone who has not yet reached their 18th birthday, unless they are both aged 16-18 and are or have been married. There are clear, statutory safeguarding obligations and requirements for any organisation working with children.

➤ Adult at Risk. A legal term that defines a person aged 18 and over, or aged 16-18 and are or have been married, that has additional care and support needs (physical or mental). There are clear, statutory safeguarding obligations and requirements for any organisation working with Adults at Risk.

➤ Young adults. A person aged 18-25 that does not have additional care or support needs. Whilst we support a moral duty to *promote the welfare* and wellbeing of this age group, it is not an age range referred to in any *statutory guidance*.

In your work with children, different age groups may or may not be able to give consent.

➤ Under 13s are generally not able to give consent and require someone with Parental Responsibility.

➤ Those over the age of 13 may or may not be able to give informed consent. See our guidance for more detailed guidance on consent.

➤ Adults, who are not deemed Adults at Risk, are able to give informed consent.

➤ Adults at Risk may or may not be able to give informed consent.

When discussing age and consent you may hear Gillick or Fraser competence being referred to. Fraser competency only applies to sexual health and contraception. Gillick competency however is often applied more broadly as a way of assessing a child's ability to understand, in order to give consent. This is because The Children's Act does not offer a framework to assess a child's ability (capacity) to understand and therefore consent.

As such principles of Gillick are widely used by safeguarding professionals to guide them in assessing a child's maturity and understanding when making their own decision. Safeguarding professionals often balance the wishes of children with the duty to keep children safe from harm. Generally a child aged 16 or over, is often assumed to be *Gillick Competent*. However, this does not replace any legal duties to keep protecting children from harm.

2.3 How to Achieve a Robust and Effective Safeguarding Culture

We can achieve a culture of safeguarding by ensuring organisations, workers and young people are supported through the following five principles:

1. Ensuring a *holistic*, *young people centred*, approach
2. *Co-production* with young people; listening and understanding their needs
3. A skilled, supported and confident workforce
4. Leadership; senior staff and trustees adopting a *whole organisation approach*
5. Partnership and influence; seeking funding, *regulatory*, government and academic support, as well as effective procedural collaboration

3. Defining Your Approach

3.1 Introduction
An effective culture of safeguarding is not a tick box exercise. Whilst there will be specific requirements and activities and procedures to follow, it cannot be prescriptive and there is not a simple or straightforward answer for everything.

In order to be responsible and develop an appropriate practice it's important to be clear on what drives your decision making and how you are keeping young people safe. It's a responsive practice that is centred around making decisions for the welfare of the individual rather than being centred around the application of process.

Below there are a set of questions to encourage thinking about your approach to safeguarding, for your individual organisation.

3.2 What you might want to consider
3.2.1 A *holistic young people centred* approach
A way of working that ensures young people are at the centre of the decisions we make and that safeguarding is as much about the *promotion of welfare*, as well as *protection from harm*. Being *young people centred*, it should be accessible to and understood by young people.

You might want to think about:
➢ Does the safeguarding policy show our commitment to promoting young people's welfare as well as their right to protection?
➢ How do we ensure young people's strengths contribute to their overall protection and welfare?
➢ What are our expectations of staff behaviour and boundaries?
➢ Are there other policies and procedures in place for the activities I'm running?
➢ Can concerns or allegations be easily reported and recorded?
➢ How do I assure our safeguarding practice?
➢ Does our approach to consent put young people at the centre?
➢ How do we keep young people informed, involved and supported throughout any concerns or disclosures?
➢ What ratios or lone working guidelines are necessary?
➢ What does *contextual safeguarding* mean for us?

3.2.2 *Co-producing* with young people
Like any other areas of work with young people, listening, understanding, collaborating and *co-producing* are just as important.

To get started, you might want to think about:
➢ How can we *empower* young people to influence our approach to safeguarding?
➢ What might get in the way of us involving young people and how do we overcome that?
➢ What models or methodologies might you use to support your engagement with young people?
➢ Who is best placed to lead this engagement process?

3.2.3 Developing confident workers

Ensuring you have an appropriately skilled, supported and confident workforce is fundamental to creating a robust and effective safeguarding culture. In this context workers refers to any person, paid or voluntary, working in the youth setting.

Start thinking about:
- ➢ How are staff supported to make the best decisions and supported if they don't make the best decision?
- ➢ How are we supporting our workers' *emotional wellbeing* and *resilience*?
- ➢ Are safer recruitment principles in place, including for persons with a criminal record?
- ➢ Do we have a clear approach to the Position of Trust?
- ➢ Which staff need Disclosure and Barring Service (DBS) checks or risk assessments if not?
- ➢ How can you adopt a formal supervision, reflective or reflexive practice?
- ➢ Does the *Designated Safeguarding Lead* have clear responsibilities and expectations?
- ➢ What training will you, your *Designated Safeguarding Lead* and all workers need? How will you know that it's been impactful?
- ➢ How will these training needs be met, kept relevant and current?
- ➢ What other tools, guidance or support might your *Designated Safeguarding Lead* need to be effective?
- ➢ What is your out of hours process?

3.2.4 Engaged leadership at all levels

Leadership; senior staff and trustees adopting a *whole organisation approach* and commitment. This would mean engaging with workers and young people to ensure a safe space for all, whilst *empowering* staff to safeguard effectively.

This could mean thinking about:
- ➢ Who will be responsible for safeguarding at a senior level?
- ➢ What training will happen for leadership?
- ➢ What will governance look like?
- ➢ How do we further embed *equity*, *diversity* & *inclusion* into the work of *Designated Safeguarding Leads*, both within the workforce and in response to the more diverse needs of young people?
- ➢ How is safeguarding communicated throughout the organisation?
- ➢ How can we best communicate our commitment to safeguarding needs regardless of perceived severity? E.g. banter

3.2.5 Partnership and collaboration

Working together to safeguard young people is crucial. Running a space for young people will require considering the partners you will need to collaborate with, who and how much you need to influence others to get things done and a commitment to the regulation of your organisation. This may also extend to funders and funding, as well as academic institutes.

Start thinking about:
- ➢ Who is our *regulatory body*?
- ➢ Do we have any *professional standards* to adhere to?
- ➢ What other relevant guidance should I be reviewing e.g. Keeping Children Safe in Out-of-School-Settings: Code of Practice.
- ➢ What are your *local referral points*?
- ➢ How can you appropriately raise awareness of your organisation within the local authority and support *statutory agencies* to work with your *Designated Safeguarding Leads* to fulfil their responsibilities?
- ➢ Can we help our funders understand the value and need in investment of safeguarding?

3.3 Other Considerations

Creating a safe place for children, young people and Adults at Risk extends beyond the elements of safeguarding mentioned above. In addition you will want to consider:

1. Your approach to *risk management* and *positive risk taking*
2. Adherence to Health and Safety
3. Legal and *constitutional duties*
4. Funding/funder requirements
5. *Legal compliance* with *data protection*

4. Example First Steps

Below is a possible list of your first 10 actions for your youth setting. In no particularly order they could be:

- Identify the legal requirements of the young people you are working with and how they can be involved in developing your organisation safeguarding practice and approach.
- Identify your *regulatory body* and understand theirs, or any national, requirements.
- Appoint a *Designated Safeguarding Lead*.
- Develop your safeguarding policy and procedures.
- Ensure relevant training and communication for all workers (volunteer and paid).
- Identify and develop any other relevant policies and procedures to implement your robust and effective safeguarding culture.
- Establish your safer recruitment practice and identify eligibility and appropriate levels of Disclosure and Barring Service (DBS) checks.
- Establish a clear governance structure and any due diligence that might need to take place for partners.
- Implement relevant health and safety e.g. insurance requirements.
- Create an action plan for ongoing safe culture development.

Legal or essential requirements will relate to your *regulatory body* or *professional obligations* and this list does not supersede these requirements.

5. Further Resources

You may find the below resources an additional support. They are not an exhaustive list of resources, but offer a starting point to develop your thinking and understanding about safeguarding children, young adults and Adults at Risk.

- The National Youth Agency Safeguarding and Risk Management Hub. We host and update a range of resources to ensure safe people, places and activities.

- National Safeguarding Youth Forum. An unincorporated association that provides a space for *Designated Safeguarding Leads* in the youth sector to support and promote practitioners seeking to safeguard young people. This is achieved through peer support, learning and improving standards.

- Statutory guidance such as: Working Together To Safeguard Children and Keeping Children Safe in Out-of-School-Settings: Code of Practice.

- The National Society for the Prevention of Cruelty to Children (NSPCC). A child protection charity with information, resources and helpline.

- Ann Craft Trust. Safeguarding Adults at Risk expertise.

- The Charity Commission. A Government body that register and regulate charities.

6. Glossary

Below are definitions to the terms used throughout the document. They are definitions that try to support your understanding of their use throughout the document. If there are any other terms throughout this document that you need support in understanding, please contact us using the contact form at the bottom of the Safeguarding Hub webpage.

Constitutional duties. Depending on the type of organisation you have, there will be certain principles and requirements you must adhere to. This is your responsibility to align and abide by these.

Contextual safeguarding. Contextual Safeguarding is an approach to safeguarding young people from risks they might encounter beyond their families, i.e. in their schools, peer groups and neighbourhoods and is now noted in section 40-41 of Working Together to Safeguard Children. You can read more here.

Co-production / co-producing. Producing something with the involvement and insights of beneficiaries (young people) in a way that shares power and actively uses their voices to enact change.

Data protection. The legal control of access and use of information and data about individuals.

Designated Safeguarding Lead. The title and the role of someone who has primary responsibility for safeguarding within their organisation.

Diversity. The practice or quality of valuing and having individuals from a range of different backgrounds, experience and ways of thinking.

Empower. To give confidence, power and permission to do something, often by enabling them to increase their control over their own life or situation.

Emotional wellbeing. A positive state of mind and body, feeling safe and able to cope with a sense of connection with people, communities and the wider environment.

Equity. The fairness and justice of something, recognising that we do not all start from the same place and must acknowledge and make adjustments to imbalances.

Gillick Competent. A young person who is deemed Gillick competent has the right to have their views, wishes and decisions respected.

Holistic. The 'whole' of something - the completeness of all components, parts or systems.

Inclusion. The action or state of including or being included no matter the differences.

Legal compliance. The rules, policies or procedure that ensures an organisation follows relevant laws, regulations and organisational rules.

Local Referral Points. Your local authority referral channels for safeguarding concerns.

Positive risk taking. Embracing risk where harm and benefit have been considered and risk taking has positive benefits e.g. personal change or growth.

Professional standards / obligations. A set of practises, ethics, and behaviours that members of a particular professional group e.g. Youth Workers must adhere to. These sets of standards are frequently agreed to by a governing body that represents the interests of the group.

Promotion of welfare. Creating an environment and / or taking action to enable young people to have the best outcomes.

Protection from harm. Preventing or intervening when young people have or are experiencing something harmful to them. This commonly refers to different types of abuse and neglect.

Risk Management. A process that identifies, understands and manages individual or overall risk, minimising the likelihood and impact of something happening.

Regulation. The control of an activity or process to have the authority over how something is done or how people behave.

Regulatory body. An organisation that is responsible for ensuring regulation.

Resilience. Being able to mentally and emotionally cope with a crisis and / or the ability to recover quickly from difficulties.

Statutory agencies. Any government agency or body is defined by formal law e.g. social services department, often setting out guidance.

Whole Organisation Approach. Ensuring all parts or people within an organisation are actively involved in achieving the goal or change.

Young people centred. When young people are placed at the centre of the service and treated as a person first.