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# RNIB Safeguarding Children Policy

## Introduction

1. The purpose of this policy and associated procedures is to provide clarity to all staff and volunteers on child protection and safeguarding. It is intended to help us to have a common understanding of safeguarding issues, develop good practice across the diverse and complex areas in which we operate and thereby increase accountability in this aspect of our work.
   1. Effective safeguarding arrangements should aim to meet the following two key principles:

* Safeguarding is everyone's responsibility: for services to be effective each individual and organisation should play their full part; and
* A child-centred approach: for services to be effective they should be based on a clear understanding of the needs and views of children.
  1. Working Together to Safeguard Children (2015) introduction says:

“Nothing is more important than children’s welfare. Children who need help and protection deserve high quality and effective support as soon as a need is identified. We want a system that responds to the needs and interests of children and families and not the other way around. In such a system, practitioners will be clear about what is required of them individually, and how they need to work together in partnership with others.”

* 1. Everyone who comes into contact with children has a role to play.
  2. Safeguarding and promoting the welfare of children is defined for the purposes of this policy as:
* Protecting children from maltreatment;
* Preventing impairment of children's health or development;
* Taking action to enable all children to have the best outcomes.
* An appendix has been provided at the end of this policy document to capture the variances in differences in legislation across the different jurisdictions.

## Definition of abuse

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| * 1. The table below shows the definitions of abuse, as defined in Working Together to Safeguard Children 2018 and Keeping Children Safe in Education September 2018: | |
| |  |  | | --- | --- | | **Abuse** | A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or another child or children. | | **Physical abuse** | Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child.  Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces, illness in a child. | | **Emotional abuse** | Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent effects on the child's emotional development.  This includes controlling behaviour which is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. | | **Sexual abuse** | Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. However, where a child is under the age of 13 it is classified as rape under s5 sexual offences act 2003. | | **Neglect** | Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. | | **Controlling behaviour** | This is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. | | **Coercive behaviour** | An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. | | **Radicalisation** | Vulnerable individuals are groomed directly or through social media to be persuaded of the legitimacy of a radical’s cause to inspire new recruits and have extreme views embedded.  Radicalisation is a form of harm. The process may involve:   * being groomed online or in person. * exploitation, including sexual exploitation. * psychological manipulation. * exposure to violent material and other inappropriate information. * the risk of physical harm or death through extremist acts. | | |
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Please refer to appendix 1 for the differences in definitions of abuse in legislation for Scotland and Northern Ireland.

2.2. In addition, Working Together to Safeguard Children has introduced the concept of Contextual Safeguarding which recognises that as well as threats to the welfare of children from within their families, children may be vulnerable to abuse or exploitation from outside their families.

2.3. These extra-familial threats might arise at school and other educational establishments, from within peer groups, or more widely from within the wider community and/or online.

2.4. These threats can take a variety of different forms and children can be vulnerable to multiple threats, including, exploitation by criminal gangs and organised crime groups such as county lines; trafficking, online abuse; sexual exploitation and the influences of extremism leading to radicalisation.

## Duty to refer and co-operate:

### 3.1. Section 11 of the Children Act 2004 places a duty on key persons and bodies to make arrangements in any local area to safeguard and promote the welfare of children and improve the outcomes for children.

3.2. All professionals in agencies with contact with children and members of their families must make a referral to LA children's social care if there are signs that a child or an unborn baby:

* Has suffered significant harm through abuse or neglect;
* Or is likely to suffer significant harm in the future.

The definitions/concepts of significant harm can be found in appendix 1

## Whistleblowing

4.1. To fulfil commitment to safeguarding, RNIB has a whistleblowing procedure, and a culture that enables issues about safeguarding and promoting welfare to be addressed through the whistleblowing policy.

4.2. RNIB is committed to the highest standards of openness, probity and accountability. In line with that commitment, RNIB recognises that an important aspect of accountability and transparency is a mechanism to enable employees and volunteers to voice concerns about breaches or failures in a reasonable and effective manner.

4.3. There must be an awareness of the vulnerability of children, and adults in RNIB settings and that whistleblowing applies in all contexts. In addition, to situations where there is a perceived risk, whistleblowing may be necessary to highlight more general problems with unacceptable practice, performance or behaviour.

4.4. RNIB whistleblowing policy or procedures make clear how to raise a concern, which can be a matter about safeguarding.

4.5. The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns.

## 5. Role and Responsibilities

5.1. The table shows roles and responsibilities that are relevant to RNIB Safeguarding Policy and procedures:

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| **Trustees** | Trustees take reasonable steps to protect those connected with RNIB from harm. This includes:   * people who benefit from RNIB work and services * staff * volunteers * other people connected to RNIB activities   RNIB Safeguarding Policy and Procedures are approved by the Trustees. The Trustees delegate the day to day work for safeguarding within RNIB to the positions below but are ultimately responsible.  Trustees are accountable to The Charity Commission. |
| **Chief Executive Officer of RNIB** | The Chief Executive Officer (CEO) of RNIB will ensure that safeguarding underpins all decisions made by the Executive Leadership Team by:   * Maintaining a clear organisational and operational focus on safeguarding adults and children. * Making sure relevant statutory requirements and other national standards are met.   The CEO is accountable to the Board of Trustees for safeguarding matters. |
| **Director of Care, Education and Safeguarding** | The Director of Care, Education and Safeguarding is the accountable officer for safeguarding standards, policy and procedures throughout RNIB. This includes:   * Strategic ownership of safeguarding with RNIB, including governance, compliance, resources and notification of serious incident. * Ensures safeguarding underpins all RNIB policy and procedures.   The Director of Care, Education and Safeguarding is accountable to the RNIB CEO. |
| **Head of Safeguarding** | The Head of Safeguarding is the safeguarding subject expert employed by RNIB and the point of advice for safeguarding within the organisation. They lead on standard setting, the development and production of safeguarding procedures and compliance standards. They are responsible for The Safeguarding Team.  The Head of Safeguarding is accountable to the Director of Care, Education and Safeguarding. |
| **Safeguarding Case Manager** | The Safeguarding Case Manager will work as part of the safeguarding team and ensure there is effective operational decision making on safeguarding cases. They will support the Head of Safeguarding in overseeing RNIB investigations into safeguarding concerns and support the case management group.  The Case Manager is accountable to the Head of Safeguarding. |
| **Designated safeguarding Lead**  **(DSL)** | The DSL will take lead responsibility for safeguarding adults at risk within their service area of the organisation.   * Act as a source of support and advice for staff and volunteers on all safeguarding matters. * Refer and liaise with the safeguarding team regarding safeguarding concerns. * Following through safeguarding policy and procedures regarding their responsibilities. |

## 6. The monitoring and oversight of safeguarding across RNIB

The table below shows the monitoring and oversight across RNIB:

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| **Case Management Group (CMG)** | All safeguarding allegations must have oversight or supervision achieved through a Case Management Group. CMGs must consist of a member of the Safeguarding Team, HR, (and where appropriate) Head of Volunteering, or the Head of Service where the person subject of the concern is working or volunteering.  The CMG is a group of people who will decide on how an internal RNIB safeguarding allegation is managed. A series of CMG’s will take place to ensure oversight of all allegations. |
| **Quality Assurance Framework** | The Safeguarding Quality Assurance Framework provides a structure to ensure that the systems in place in RNIB protect people at risk and are proportionate, balanced and responsive. The framework ensures all service areas in RNIB are audited to ensure safeguarding practice ensures the safety and wellbeing of our customers. The safeguarding team ensure monthly reports are sent to Executive leadership Meetings. Followed by quarterly reports provided to Regulated Services and Safeguarding Committee (RSSC) for scrutiny. |
| **Executive Leadership meetings** | The Executive Leadership is provided with regular safeguarding reports for discussion and challenge. The Executive Leadership Team is aware of all safeguarding matters and monitor progress. |
| **Regulated Services and Safeguarding Committee (RSSC)** | The Regulatory Services and Safeguarding Committee must assure itself services are delivered to defined regulatory standards, and specifically to provide a direct line to RNIB Board on matters relating to the governance of schools, colleges and care provision registered with Ofsted, Care Quality Commission and the Scottish Care inspectorate. Assurance is required by the Board in the defined areas of Safety, Effectiveness, Caring, Responsiveness and Leadership.  The Committee is accountable directly to the RNIB Board. |
| **The Board of Trustees** | The Board of Trustees must take reasonable steps to protect those connected with RNIB from harm. This includes,  · people who benefit from RNIB work and services  · staff  · volunteers  · other people connected to RNIB activities  RNIB Safeguarding Policy must be approved by the Trustees. The Trustees delegate the day to day work for safeguarding within RNIB to the Safeguarding Team but are ultimately responsible. The Board of Trustee are provided with Regular safeguarding reports including audit findings.  Trustees are accountable to The Charity Commission. |

## 7. Charity Regulators: Scotland, Northern Ireland, Isle of Man, England, and Wales

7.1 **England and Wales only**. The Charity Commission requires charities to report serious incidents. If a serious incident takes place within RNIB, it is important that there is prompt, full and frank disclosure to the Commission. RNIB will report what happened and, importantly, let the Commission know how RNIB is dealing with it, even if RNIB has also reported it to the police, donors or another regulator.

7.2 A serious incident is an adverse event, whether actual or alleged, which results in, or risks, significant:

* harm to RNIB beneficiaries, staff, volunteers or others who come into contact with RNIB through its work, or.
* harm to RNIB’s work or reputation.

7.3 For the purposes of reporting a serious incident to the Charity Commission, “significant” means significant in the context of the charity, taking account of its staff, operations, finances and/or reputation.

7.4 RNIB must report an actual or alleged incident promptly. This means as soon as is reasonably possible after it happens, or immediately after RNIB becomes aware of it.

7.5 The responsibility for reporting serious safeguarding incidents rests with the charity’s Trustees. However, this is delegated to the CEO and will be agreed with Governance Manager and Head of Legal Services before any incident is reported to The Charity Commission.

7.6 **Scotland.** There is no legal requirement for RNIB to report a notifiable event in Scotland, however, it is RNIB’s policy that all events which are notifiable must be reported to the Office Scottish Charity Regulator (OSCR).

7.7 A notifiable event to OSCR is one which will have a significant impact on the charity. A safeguarding notifiable event to OSCR is one which:

* Incidents involving the mistreatment or abuse of RNIB beneficiaries. This will include when a charity trustee, member of staff or someone connected to RNIB has or it alleged mistreated or abused a child or adult while carrying out RNIB activities.
* RNIB has been subject to a criminal investigation or an investigation by another regulator or agency; sanctions have been imposed, or concerns raised by another regulator or agency.

7.8 This is not the full list of notifiable events and reference should be made to the OSCR web site for further details.

7.9 **Northern Ireland.** Serious incidents are defined as mainly concerned with criminal or unlawful activity, or very serious incidents about a charity that may affect its funds, property, beneficiaries or reputation. This will include safeguarding concerns which are being investigated by the Police or Health and Social Care Trust.

7.10 For safeguarding it is when RNIB adult or child customers have been, or alleged to have been or are being, abused or mistreated while under the care of the charity, or by someone connected with RNIB, for example, a charity trustee, employee or volunteer.

7.11 There has been an incident (alleged or actual) where someone has been or is being abused or mistreated and this relates to the activities of RNIB.

7.12 **Isle of Man**. The Central Registry is the joint regulator of charities in the Isle of Man in conjunction with HM Attorney General’s Chambers. The Central Chambers does not make any requirements to report serious safeguarding incidents that occur in the Isle of Man.

## Review

This policy is due for review every year or following any significant organisational changes.

Next review date: 13 May 2022

## Document Owner and Approval

Document owner: Sandra Cornwall

Final policy sign off by: The Trustee Board

## Associated Policies, Procedures, Standards and Guidelines

* Adult Safeguarding Policy
* Adult Safeguarding Procedure
* Child Safeguarding Procedure
* Safeguarding Concerns and Allegation Reporting Process
* Customer Safeguarding Concerns Process
* Employee Safeguarding Concerns Process
* Volunteer Safeguarding Concerns Process
* Contractor Safeguarding Procedure
* Suicide Risk Procedure
* Duty of Candour
* Mental Capacity and Deprivation of Liberty Safeguarding Policy
* Record Keeping and Data Standards Procedure
* External Referral Procedure
* Medicine Related Incident and Safeguarding Procedure
* Medicine Related Incident Process
* Member of Public Safeguarding Concern Procedure

## Appendix 1– Child Safeguarding thresholds and definitions across the UK

## Definitions of a child

A child is generally defined as someone under the age of 18. This is the case for England, Wales and Northern Ireland.

There are some variances to this in Scotland where in terms of parental rights and responsibilities a child is someone under the age of 18, and this is also the case In respect of support for children and families and includes local authorities' duties in respect of looked after children and children "in need"). In terms of matters including children's hearings and child protection orders), a child means someone who has not attained the age of sixteen years; a child over the age of sixteen years who has not attained the age of eighteen years and in respect of whom a supervision requirement is in force; or a child whose case has been referred to a children's hearing by virtue of section 33 of this Act (Effect of orders etc. made in others parts of the United Kingdom).

## England and Wales

Under Section 17 of the Children Act 1989, the Local Authority has a general duty to safeguard and promote the welfare of children within their area who are in need.

The Local Authority has a duty to investigate when there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. This is Section 47 of the Children Act 1989.

The Children Act also states that the Local Authority must notify the police whenever a case involves a criminal offence.

## Scotland

The Scottish Government is responsible for child protection in Scotland. It sets out policy, legislation and statutory guidance on how the child protection system should work. Child Protection Committees (CPCs) are responsible for multi-agency child protection policy, procedure, guidance and practice. Within each local authority, CPCs work with local agencies, such as children’s social work, health services and the police, to protect children. The A child protection case conference (CPCC) is held if the if the child is assessed as being at risk of [significant harm](https://learning.nspcc.org.uk/child-protection-system/child-protection-definitions/). This enables all of the relevant professionals to share information, identify risks and outline what. needs to be done to protect the child

The key guidance for anyone working with children in Scotland is the National guidance for child protection in Scotland (Scottish Government, 2014). This is currently being revised.

## Northern Ireland

The Children Order (NI), Child in Need Article 17 imposes a general duty on the Health and Social Care Trusts (HSCT) to provide a range of services for children in need within their area and states a child shall be considered to be ‘in need’. Article 18 of the Children Order requires HSCTs:

a) to safeguard and promote the welfare of children within its area who are in need; and

b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of care appropriate to those children's needs. Fulfilling this duty is a key part of preventative safeguarding.

Where a HSCT suspects that a child is suffering, or likely to suffer significant harm, the Health & Social Care Trust (HSCT) has a duty under Article 66 of the Children Order to make enquiries, or cause enquiries to be made, to enable it to decide whether it should take any action to safeguard or promote the child’s welfare.

A child in need of protection is a child who is at risk of, or likely to suffer, significant harm which can be attributed to a person or persons or organisation, either by an act of commission or omission; or a child who has suffered or is suffering significant harm as defined in Article 50 of the Children Order.

## Definitions of abuse

In addition to definitions of abuse referred to in the main body of the policy which are for England and Wales, the definitions for Scotland and Northern Ireland are;

### Scotland (National Guidance for Child Protection in Scotland)

**Physical abuse** is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child they are looking after. For further information, see the section on Fabricated or induced illness.

**Emotional abuse** is persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve the imposition of age - or developmentally - inappropriate expectations on a child. It may involve causing children to feel frightened or in danger or exploiting or corrupting children. Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

**Sexual abuse** is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of indecent images or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways

**Neglect** is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive', where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

## Northern Ireland (Co-operating to Safeguard Children and Young People in Northern Ireland)

**Physical Abuse** is deliberately physically hurting a child. It might take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.

**Sexual Abuse** occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.

**Emotional Abuse** is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child’s emotional development.

Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or ‘making fun’ of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child’s peers.

**Neglect** is the failure to provide for a child’s basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child’s health or development. Children who are neglected often also suffer from other types of abuse.

**Exploitation** is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

## Significant harm

There are slight variances in the terminology used to the define significant harm across the jurisdictions.

### England and Wales

The following definition is taking from ‘Working Together to Safeguarding Children 2018’;

‘Significant Harm is any Physical, Sexual, or Emotional Abuse, Neglect, accident or injury that is sufficiently serious to adversely affect progress and enjoyment of life.  Harm is defined as the ill treatment or impairment of health and development.  This definition was clarified in section 120 of the Adoption and Children Act 2002 (implemented on 31 January 2005) so that it may include, "for example, impairment suffered from seeing or hearing the ill treatment of another".’.

### Scotland; concept of significant harm;

Harm' means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, 'development' can mean physical, intellectual, emotional, social or behavioural development and 'health' can mean physical or mental health.

Whether the harm suffered, or likely to be suffered, by a child or young person is 'significant' is determined by comparing the child's health and development with what might be reasonably expected of a similar child.

(National guidance for child protection in Scotland)

### Northern Ireland; The Concepts of Harm and Significant Harm

The Children Order defines ‘harm’ as ill-treatment or the impairment of health or development. The Order states that;

‘ill-treatment’ includes sexual abuse, forms of ill-treatment which are physical and forms of ill-treatment which are not physical;

‘health’ means physical and / or mental health; and ‘development’ means physical, intellectual, emotional, social or behavioural development.

There is no absolute definition of ‘significant harm’, as this will be assessed on a case by case basis. Article 50(3) of the Children Order states that “where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child”.

(The Children ‘s Order)

## Version control

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| --- | --- | --- | --- | --- |
| Version | Date | Author & Job Title | Status & Level of Approval | Changes |
| 1.0 | 21 May 2020 | Sandra Cornwall, Head of Safeguarding | Board - Approved | Fundamental fit for purpose changes |
| 2.0 | 13/05/2021 | Sandra Cornwall, Head of Safeguarding | Board Approved | Added in Safeguarding thresholds and definitions from across the UK |
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| 2. **Document owner:** Sandra Cornwall |
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