

Upland Arts Development CIC Safeguarding Policy for Children, Young People and Protected Adults

To quickly find out what to do if you suspect abuse or harm refer to our safeguarding procedures on page 6. For useful numbers in an emergency, refer to page 10.

1. Introduction and Policy Context

We aim to promote visual artists, craft makers and designers, developing visual arts and crafts activities for all communities within Dumfries and Galloway.

We recognise the great value that can be gained from involving a wide range of people in our programme, and we provide projects that bring children, young people and protected adults into contact with a wide range of arts activities.

Upland believes that everyone who participates in these activities is entitled to do so in an enjoyable and safe environment and that children, young people and protected adults have the right to be physically, emotionally, financially and sexually safe.

Additionally, we promote ethical behaviour, providing children, young people and protected adults with a sense of being valued.

The aim of the policy is to promote good practice, providing children, young people and protected adults with appropriate safety/protection whilst in the care of Upland and to allow staff, volunteers and contractors to make informed and confident responses to specific child protection issues.

It is our responsibility to ensure that children and protected adults are kept safe from harm, and we are committed to ensuring:

- children's and young people's rights to care and protection from harm in any form are firmly upheld as outlined within United Nations Convention on the Rights of the Child (UNCRC)
- adult participants' personal interests, dignity and care, and protection from harm are safeguarded
- we fulfil our legislative duties related to safeguarding, including child protection and the protection of protected adults
- the interests of all our staff, volunteers and freelance contractors are safeguarded as they go about their work and engage with participants of all ages; and
- all staff, volunteers, and freelance contractors within Upland are suitably trained in how to respond to safeguarding matters.

To find out more about our approach to safeguarding or to report and concern of abuse or harm please contact one of our **safeguarding officers**:

- Amy Marletta, Creative Director. email: amy@weareupland.com; phone: 07871201473
- Linda Irving, Board Director. Email: lindaannirving@gmail.com; phone: 07870 705185

2. A Summary of Upland's Safeguarding Measures

In ensuring the protection of children, young people and protected adults we will:

- Appoint **2 trained Safeguarding Officers** (named above) who will be able to provide training, advice and support to our Directors, employees, volunteers and freelance Associates. A summary of their role and responsibilities can be found in section 7 on page 9.
- Ensure recruitment, selection and appointment processes which consider safety and risk
- Ensure that all staff, volunteers, freelance contractors who may come in contact with children, young people and protected adults as part of their work undergo child protection training and enhanced criminal records checks (PVG).
- Include activities and resources which raise awareness of rights and responsibilities, and issues of safeguarding for participants where appropriate.
- Take swift and effective action to stop any inappropriate verbal or physical behaviour and emotional abuse, including bullying.
- Plan and risk assess all courses, sessions and activities to minimise situations in which risk of injury, harm or abuse may occur. This protects the participants (including the child, young person or protected adult), and also protects other adults or the organisation from being accused of negligence or improper behaviour.
- Whenever possible ensure that there is an appropriate gender balance leading each activity.
- Keep up to date records of attendance, parental consent and emergency contact details in line with our policies and procedures for managing information.
- Ensure the procedure for all injuries and accidents is followed.
- Ensure that there are adequate first aid facilities and that someone in attendance has a recognised first aid qualification.
- Ensure our Code of Conduct and Health & Safety policies are followed.
- Ensure that all equipment is in working order and that the staff, protected adults and volunteers are familiar with all written instructions on the use of any specialist facilities and equipment.
- Ensure that all childcare or crèche facilities which are undertaken on behalf of Upland are provided by trained childcare or youth work providers.
- Encourage a culture of whistleblowing where individuals raise concerns about malpractice within Upland including any child protection or protected adults concerns and reassure that concerns will be taken seriously.
- Ensure members are aware of how to raise concerns and how we will respond.
- Respect the confidentiality of our users and only share information and concerns about children, young people and protected adults with those who need to know.
- Ensure the organisation has up to date Local Authority reporting procedures for child protection and protected adult concerns, remembering our responsibility to refer concerns and not investigate.

3. Our Commitments

Upland is committed to ensuring that:

- the welfare of the child, young people or protected adult is paramount
- everyone, irrespective of age, sex, (dis)ability, religion or belief, race or ethnicity, sexual orientation, gender identity (including transgender), marriage or civil partnership status, pregnancy or maternity status, caring responsibilities, socio economic class should be able to participate in activities in a fun and safe environment
- Upland takes all reasonable steps to protect children, young people and protected adults from harm, discrimination and degrading treatment and to respect their rights, wishes and feelings
- all suspicions and allegations of poor practice or abuse will be taken seriously and responded to swiftly and appropriately - with any concerns we will pay attention to what children, young people and protected adults say and feel.

All personnel involved in Upland activities will adhere to the following principles and action:

- always work in an open environment (e.g. where possible avoiding private or unobserved situations and encouraging open communication with no secrets)
- make the experience fun and enjoyable: promote fairness, confront and deal with bullying
- treat all children, young people and protected adults equally and with respect and dignity
- always put the welfare of the child, young person and protected adult first
- avoid unnecessary physical contact with children, young people and protected adults. Where any form of manual/physical support is required it should be provided openly and with the consent of the person. Physical contact can be appropriate so long as it is neither intrusive nor disturbing and the person's consent has been given. Be aware that even caring physical contact with a child, young person or protected adult can be misinterpreted.
- be an excellent role model, this includes not smoking or drinking alcohol in the company of children, young people and protected adult
- always give enthusiastic and constructive feedback rather than negative criticism
- recognise the developmental needs and capacity of the child, young person and protected adult
- Never exaggerate or trivialise any child abuse or protected adult issues
- Analyse their own practice against what is deemed good practice, and to ensure their practice is likely to protect them from false allegations
- Recognise their responsibilities
- Work safely, positively and effectively with children, young people and protected adults

4. Definitions

4.1 What defines and child or protected adult?

A **child** can be defined differently in different legal contexts. For Child Protection purposes, a child is generally a person under the age of 16. Under the Children (Scotland) Act 1995, a child is defined in relation to the powers and duties of the local authority. However, the importance of context is critical for those aged between 16 and 18. 16 – 18 year olds that can still be considered a child include those who are:

- Looked after or accommodated; part of the children’s hearing system or for whom a supervision order is in force
- Subject to human trafficking; sexual abuse by someone in a position of trust; and sexual exploitation through prostitution or pornography

Moreover, the United Nations Convention on the Rights of the Child applies to anyone under the age of 18 and under the PVG Scheme a child is a person under the age of 18.

A protected adult for the purposes of the 2007 Act is any person aged 16 or over whom for the time being:

- is unable to safeguard their own welfare or properly manage their financial affairs;
- and is in one or more of the following categories: a) a person in need of care and attention by reason of their infirmity or the effects of ageing b) a person suffering from an illness or mental disorder c) a person substantially affected by a disability. Protected adults may be in need of health or social support services
- and may be unable to take care or protect themselves from harm or exploitation

Upland also recognises that even adults not ‘protected’ under the Act (particularly cisgender¹ and trans women) can also be vulnerable in a range of ways including bullying, harassment, hate crime and gender-based violence, and as such, Upland is committed to ensuring the safety and wellbeing of all our participants.

We believe that it’s everyone’s job to make sure children, young people and protected adults are kept safe from harm and that The Board, staff members, freelance Associates, volunteers and members of the public all have a part to play in ensuring their safety and wellbeing during our activities and in the wider community.

4.2 What do we mean by Child Protection and Safeguarding?

Child Protection - The processes involved in consideration, assessment and planning of required action, together with the actions themselves, where there are concerns that a child may be at risk of harm from abuse, neglect or exploitation.

¹ a person whose sense of personal identity and gender corresponds with their birth sex.

Safeguarding - This is a much wider concept than child protection and refers to promoting the welfare of children, young people and protected adults. It encompasses protecting from maltreatment, preventing impairment of their health or development, ensuring that they are growing up in circumstances consistent with the provision of safe and effective care, and taking action to enable all children, young people and protected adults to have the best outcomes.

Child protection is part of this definition and refers to activities undertaken to prevent children suffering, or likely to suffer, significant harm. We have a distinctive approach to safeguarding in Scotland linked to Getting It Right for Every Child (GIRFEC) which promotes action to improve the wellbeing of every child and young person.

In all of Upland's work, the needs, interests and wellbeing of children and young people and protected adults must be put above the needs and interests of all others. Hence, this Policy and the guidance contained within it must have priority over all other policies and advice.

As well as the policies outlined above, this policy sits within the context of the National Guidance for Children Protection in Scotland 2021 and The Adult Support and Protection (Scotland) Act 2007.

4.3 What do we mean by Abuse and Harm?

Upland recognises that children, young people and protected adults can be subject to a number of different kinds of abuse and harm including:

- [Neglect](#)
- [Physical Abuse](#)
- [Emotional Abuse](#)
- [Sexual Abuse](#)
- [Financial Abuse](#) (protected adults)
- [Child Sexual Exploitation](#)
- [Grooming](#)
- [Harmful Sexual Behaviour](#)
- [Online Abuse](#)
- [Female Genital Mutilation](#)
- [Bulling & Cyber Bullying](#)
- [Child Trafficking](#)
- [Domestic Abuse](#)

Abuse and harm may present as a serious physical injury or in the form of disclosure of abusive activities from a child, protected adult or another person which have been going on for a long time. Abusers may be adult members of the family, siblings, carers, adult friends, teachers, youth leaders, other children or strangers.

More in depth training will be offered to Upland staff, volunteers and contractors so they are aware of these forms of abuse and harm and so they can recognise the indicators and signs.

5. Safeguarding Procedures

6.1 Responding to Concerns of Abuse and Harm

Concerns regarding a child or adult believed to be at risk of harm may emerge in one of the following ways:

- the child or protected adult discloses abuse
- a member observes an injury which may be indicative of abuse
- another parent, friend of the child or protected adult, or member of the public may express concern or make an allegation
- sustained concerns about the presentation or behaviour of a child or a protected adult which may be indicative of abuse

Children and protected adults often take time to seek out and test adults to whom they wish to disclose abuse to - disclosure is more often a process than an event.

Whoever receives the information from the child/adult/other party should -

- not make promises of confidentiality, (explain the reasons for this)
- listen carefully
- not show disbelief or panic
- take the allegation seriously
- reassure the child/person
- avoid expressing their views on the matter
- explain that s/he/they will have to share the information with someone else (e.g. Safeguarding Officer on the Management Committee, Social Work or Police)
- not question the child/person – this is the responsibility of Children & Families Social Work and/or the Police as the investigating agencies who are trained in investigative interviewing of children – **DO NOT INVESTIGATE UNDER ANY CIRCUMSTANCES.**

Questions inappropriately phrased could be thought to be suggestive and then may lead to evidence being held as inadmissible by the Court in future criminal proceedings. If clarification from the child / protected adult is required, this should be limited to what may be necessary to establish whether there is a reasonable suspicion of abuse or harm and to ascertain what the person wishes to happen.

6.2 Action to be taken when Abuse or Harm is Suspected or Disclosed

When a member of staff, volunteer or freelance contractor receives information suggesting that a child or adult at risk may be in need of protection, they must discuss this with the Safeguarding Officer as soon as they can. Our Safeguarding officers are:

- Amy Marletta, Creative Director. email: amy@weareupland.com; phone: 07871201473
- Linda Irving, Board Director. Email: lindaannirving@gmail.com; phone: 07870 705185

The Safeguarding Officer will:

- listen to and record concerns
- seek advice from Children and Families / Adult Support and Protection Social Work, the West of Scotland Standby Service (out with office hours) or the Police.

If the **Safeguarding Officer** concludes that the child is **not in need of protection** s/he/they should:

- consider what action (if any) Upland needs to take to provide support for the child / adult at risk, including referrals to appropriate support agencies
- decide how best to advise parents or family of the identified concerns, where appropriate

- put in place logging arrangements to ensure that additional relevant information is gathered and analysed
- record the decision, reasons for the decision and the date

If they conclude that the child **may be in need of protection**, they will make a child protection referral to the local Children and Families / Protected adults Social Work office.

If the member of staff, volunteer or freelance contractor cannot reach the Safeguarding Officer, and they feel the child or adult is at **immediate risk** of danger, abuse or harm they should contact Children and Families / Adult Support and Protection Social Work, the West of Scotland Standby Service (out with office hours) or the Police. The member of staff, volunteer or freelance contractor should also report this as soon as possible to **Upland's Safeguarding Officer**.

It is important that the member of staff, volunteer or freelance contractor writes down anything the child / protected adult has said as soon as possible, including everything that they may have said back to them.

6.3 Recording Information and Securely Storing Referrals

Evidence shows that a significant number of children remained unprotected because one or more agencies failed to provide sufficient evidence to convince social work, the Reporter, or the Courts that there was a real and significant risk to the welfare of the child, particularly where concerns related to long-term or emotional abuse.

The basis of sound evidence is careful observation and good record keeping. Sound recording mechanisms require the following:

- any disclosure should be recorded as soon after the event as possible and within the same working day
- the record should be signed and dated
- as far as possible children and adults should be quoted verbatim
- summarising should be avoided
- events should be described objectively
- where notes refer to further action, outcomes are clearly recorded and dated
- Original written evidence should be kept, even if notes are written up in a different format

All such evidence should be given to a **Safeguarding Officer** who will ensure it is locked in a secure cabinet or similar. All incidents which are reported and are considered not to meet the requirements for Police or Children & Families Social Work involvement should also be recorded as good practice so they may be referred to in any future cases.

6.4 Allegations made Against Directors, Employees, Associates or Volunteers of Upland

This procedure should be read in conjunction with all other Policies.

Occasionally, information may come to light or allegations may be made against a Director, employee, contractor or volunteer about inappropriate conduct towards children, young people or protected adults. To avoid this, member of staff, volunteers and freelance contractors should be alert to the need to ensure that their behaviour is appropriate at all times.

If any Director, employee, contractor or volunteer receives information or hears of an allegation of abuse against another Director, employee, contractor or volunteer they should immediately inform the **Safeguarding Officer** or other member of the **Board, or Staff Team**. Advice will be sought from Social Work and the Police.

6. Other Safeguarding Measures

7.1 Contracts

All freelance contractors, interns and volunteers who will be in contact with children, young people and protected adults will be asked to sign a contract or written agreement. As part of this we will:

- strongly advise all contractors to take out their own Public Liability Insurance to £5million in addition to the cover in place by Upland.
- request that contractors have read and understood all relevant Upland policies and will undertake specific training as required by Upland.
- ensure that activities are risk assessed by the contractor and/or supervising adult prior to the commencement of the work where appropriate. Risk Assessments will be kept on the project file.

7.2 PVG and scheme referrals

As stated in the safeguarding measures, Upland will undertake enhanced criminal records checks (PVGs) for all Directors, employees, contractors or volunteers involved in regulated work with children, young people and protected adults and will not recruit any Director, employee, contractor or volunteer in regulated work if that person is barred from doing so.

Upland also commits to submitting a referral to Disclosure Scotland where an individual is dismissed or removed from a regulated work role when the 'referral criteria' are met: i.e. a child has been harmed, or put at risk of harm AND the person responsible has been dismissed or removed from the regulated work role OR would have been dismissed but for their removing themselves from the role. This referral will be made within 3 months of the decision to dismiss being taken. Failure to do this is an offence.

7.3 Taking and Using Photographic / Video Images

Photographic and video images may be used to assist those who wish to harm a child, young person or protected adult (or other adult at risk). Photographic and video images may also count as personal data under General Data Protection Regulations, and therefore controls must be followed in relation to this.

- All personnel must discuss the requirements for photography/filming with Upland staff and obtain appropriate permissions.
- If working with a community group or school, permission will be requested through the organization.
- Photo release forms must be completed by all members which allow members to state where and how they consent for their images to be used (signed by a parent or guardian for children)
- When a member of the public or the parent or guardian has indicated in writing that they do not wish themselves or their child to be used on any photographic images, Upland must ensure they are removed from any group photograph situations and that any media present are informed.

7. Safeguarding Lead Officer – Summary of Role

Leadership

- provide leadership and advice across Upland in relation to all aspects of safeguarding.
- act as the first point of contact for advice on safeguarding disclosures and referrals for Directors, employees, contractors or volunteers and for external bodies.
- provide the Board with advice and regular updates on safeguarding matters and their implications for on-going professional learning of staff.
- ensure that Upland's policies, procedures and guidance on managing safeguarding are reviewed at least annually and kept up to date in line with Scottish Government policies and relevant legislation.
- inform key personnel of Upland's policies and procedures and make them aware of their roles and responsibilities in recognising and acting upon indicators that a child's, young person's or protected adult's welfare or safety may be at risk.

Concerns

- ensure that key personnel are clear of protocols and take positive actions to respond to allegations, suspicions or incidents of abuse.
- record all concerns using relevant safeguarding reports, and monitor follow-up activity to ensure all appropriate action is taken.
- monitor the nature and the outcome of causes of concern to identify patterns; and
- take action to ensure the line manager is informed where a safeguarding allegation is made against any member of staff.

Professional learning

- ensure that the Safeguarding officer themselves undertakes regular CPD in relation to safeguarding issues, including training, attending key meetings and ensuring good links with relevant support agencies.
- ensure that all key personnel are aware of the need for safeguarding children, young people and protected adults and are familiar with the procedures to follow when they have concerns.
- liaise with the management team to co-ordinate professional learning for key personnel and work with other agencies to provide effective professional learning on safeguarding.

8. Useful Contacts

Primary contact for all Upland activities with children, young people or protected adults are our safeguarding officers:

- Amy Marletta, Creative Director. email: amy@weareupland.com; phone: 07871201473
- Linda Irving, Board Director. Email: lindaannirving@gmail.com; phone: 07870 705185

In an emergency:

Child Protection Concerns

The Children's Multi-Agency Safeguarding Hub (MASH) is the single point of contact to report concerns within Dumfries and Galloway. Call them on 030 33 33 3000 and ask for **Children's MASH**.

They will ask you for some basic information so they can look into your concerns, this includes:

- information about the child and their family
- details of what you saw or heard which worried you
- if you think the child is in immediate risk

They will always treat your information seriously and your details with great care. You can remain anonymous but it makes it harder for them look into your concerns.

Other ways to contact someone:

- Out of hours service - call 0800 811 505
- Police non-emergency line - call 101
- Police emergency line (in cases of immediate / extreme harm) – call 999

Report a concern about a vulnerable adult

Call 030 33 33 3001 and ask for the duty social worker if you or another adult you know is at risk of harm. Call 999 if it's an emergency.

Everything you say will be in the strictest confidence. When you call them, you don't have to tell them your name if you don't want to. Let them know:

- information about the person and anyone they live with
- details of what you saw or heard which worried you
- if you think the adult is in immediate risk

Other ways to contact someone:

- Out of hours service - call 03400 343 1505
- Police non-emergency line - call 101
- Police emergency line (in cases of immediate / extreme harm) – call 999
- Email contactcentreadultsocialservices@dumgal.gov.uk