

# SAFEGUARDING POLICY AND PROCEDURE

## YOUNG PEOPLE AND ADULTS AT RISK

It's the policy of the Triumph Adventure Experience (TAE Wales) to safeguard the welfare of those customers aged under 18 as well as adults at risk by protecting them from neglect and from physical, sexual, and emotional harm. The Safeguarding Policy is for everyone at TAE Wales and includes all volunteers and staff. The [Black Card](#) sets out a Code of Practice, which is essential for all staff at TAE Wales to follow. Where there are concerns that an adult volunteer or staff member has not followed the code of practice or procedures, the matter must be reported to the TAE Wales Operations Manager who will co-ordinate any investigation in partnership with the Triumph Safeguarding Team. In certain circumstances the matter may be reported directly to the Triumph Safeguarding Team (Safeguarding@triumph.co.uk).

The Safeguarding policy underpins everything TAE Wales do to develop riding skills. It offers guidance for anyone who has a concern about the welfare of a young person or adult at risk, and how to report a safeguarding allegation or disclosure.

Guidance is provided around how to support adults at risk, our responsibilities, reasonable adjustments to make and how to raise concerns.

The policy also covers the various types of abuse and exploitation a young person or adult at risk may suffer or be at risk of harm from.

TAE Wales understand that safeguarding is everyone's responsibility, and it is embedded across our organisation.

**We recognise that the welfare of children, young people and adults at risk is paramount and that all children, young people and adults at risk, regardless of age, disability, gender, gender reassignment, pregnancy, maternity, marriage/civil partnership, race, religion and/or sexual orientation (all defined as protected characteristics within the Equality Act 2010) have the right to equal protection from all types of harm or abuse. Working in partnership with children, young people, adults at risk and their family, support network, and staff is essential in promoting and embedding this policy.**

## INTRODUCTION

At TAE Wales, we use the definition of young person, but this policy and its procedures reflect statutory safeguarding legislation which utilises the terminology children and young people. We define children and young people as anyone that is under 18. National variations are defined in Appendix B.

We define an adult at risk as a person aged 18 or over who:

- Needs care and support, and/or
- Is unable to protect their own wellbeing because of their care and support needs; or
- Is experiencing, or at risk of, abuse, neglect, or exploitation.

For a more detailed definition see Appendix A.

This policy addresses the transition period from young person to adult. We recognise that adults at risk may have additional and/or complex needs. In certain circumstances, they can be particularly vulnerable to abuse.

This policy sets out our commitment to:

- Take reasonable and appropriate steps to safeguard and promote the welfare of adults at risk whilst in our care; and
- Make reasonable adjustments regarding additional and complex needs.

Someone can have complex needs because of learning or physical disabilities, autism, mental health, acquired brain injury or dementia. This can also be combined with physical health needs, such as epilepsy or sensory issues. Additional needs are when an individual has a difficulty, whether physical, emotional, behavioural, learning disability or impairment which causes them to require additional or specialised services or accommodation, including educational or recreational.

**If any adult is unable to understand and/or uphold the safeguarding policy and the Code of Practice set out on the 'Black Card' or is unable to safeguard children or young people, then they cannot be considered staff member appointments.**

## PURPOSE

The policy underpins every aspect of the work and service TAE Wales deliver to develop riding skills for life. TAE Wales acknowledge their responsibility to safeguard and promote the welfare of all young people and adults who participate within the organisation. TAE Wales staff are committed to safeguarding and making it integral to all the work that's completed by them. We're committed to making sure all our activities are held to the highest standards of safeguarding practice, are compliant with current legislation.

We're invested in making sure our safeguarding practice places the importance of the individual at the centre of our policy planning and implementation processes. This approach makes sure that the welfare of young people and adults at risk remains paramount in all we do. Establishing a culture of honesty and openness helps us to recognise issues that impact on people or that an individual may consider likely to impact on them or their safety.

This is particularly important when working with diverse communities or those who have additional and complex needs, to make sure that TAE Wales continually learn and adapt their practice. Although young people and adults at risk can experience the same types of harm and the causes are often similar, adults at risk have a right to make a choice regarding TAE Wales's actions. Where a child has suffered or is at risk of suffering significant harm, statutory agencies will be informed, whether the parents/guardians agree or not. Sometimes adults at risk may not wish for statutory agencies to be informed. Therefore, concerns regarding adults at risk that reach the safeguarding threshold for reporting must be referred into the TAE Wales Operations Manager, and he'll assess the concern, liaise with the Triumph Safeguarding Team, and take appropriate action.

## SCOPE

The Safeguarding policy is for everyone engaged within TAE Wales and includes all staff and volunteers. This policy offers guidance for anyone who has a concern or disclosure about the welfare of a young person or adult at risk, or who wishes to make a safeguarding allegation or referral regarding a staff member, child, or young person. TAE Wales understands that safeguarding is everyone's responsibility and is embedded across our organisation.

The TAE Wales Safeguarding Policy makes sure that all staff have a clear understanding about their safeguarding responsibility within TAE Wales, in terms of recognising, responding to and referring any reported allegations or concerns, in accordance with the safeguarding process. This policy will also make sure that everyone is clear about their responsibility to follow the correct procedures laid out to protect young people and adults at risk from harm, and to create a safe space for individuals to have fun, be challenged, and develop skills for life and offer a safe space for them to engage with TAE Wales.

A **volunteer** is an adult who gives their time freely to support TAE Wales.

**Staff** includes any employee of TAE Wales, contractors and agency workers or any person in paid employment for the organisation.

This policy applies to those who hold a volunteer and/or staff role and who raise a safeguarding concern in either capacity.

## GUIDANCE ON SAFEGUARDING YOUNG PEOPLE

It's the responsibility of all adults to make sure that their behaviour is appropriate at all times as laid out in the Code of Practice, 'Young People First' (Black Card).

The Black Card sets out a Code of Practice which is essential for all volunteers and staff, (hereinafter referred to as "adults") at TAE Wales to follow. Where there are concerns that an adult has not followed the Code of Practice or procedures, the matter must be reported to the TAE Wales Operations Manager who'll co-ordinate any investigation. The TAE Wales Operations Manager, in collaboration with the appropriate parties at Triumph Motorcycles Ltd, may suspend an adult's role/s while an investigation takes place.

## TAE WALES ARE COMMITTED TO:

- Observing the rules established for the safety and security of children and young people through processes, procedures and guidance provided, promoting, and prioritising their safety and wellbeing.
- Following the procedures on receipt of any allegations, or concerns raised.
- Recognising the position of trust in which individuals have been placed.
- Making sure that all children and young people, and specifically those who are vulnerable, are kept safe from harm while involved in any event or activities.
- Working in partnership with statutory safeguarding agencies and other organisations. TAE Wales will refer an adult volunteer or staff member to a statutory agency if we have significant concerns about their suitability to work with children and young people, or if we must exclude them from the organisation in line with the 'working together to safeguard children' guidance or the relevant national legislation.
- When necessary, sharing information with other organisations about individuals or an incident, even when there's no concern about abuse or harm. If this happens, TAE Wales will only share information with the explicit consent of the individuals concerned or if there's a duty to refer.

- Engaging with statutory agencies. Sometimes TAE Wales will need to refer matters without the consent of the child and parent/guardian. This is done in circumstances where a statutory agency requests, we do so because they're undertaking a wider investigation or where there may be concerns that a child may be harmed if the parent/guardian is informed. In all cases, the relevant legislation pertinent to where the young person lives, or the location of any alleged offence informs TAE Wales' action.
  - 'Wales' safeguarding procedures are not statutory guidance, but good practice. TAE Wales' current 'duty to report', set out in the Black Card, discharges an individual's expectation to report.
- Taking all measures to strengthen and improve our practice. Our practice is subject to a regular cycle of review, and we'll communicate this through a robust and comprehensive training package and updates, which all members must keep up to date with.
- Understanding that some people may not report abuse endured at the time it occurred, especially if the abuse happened while they were a child. We'd encourage anyone who feels they have an allegation or a concern from the past to come forward and talk directly to the TAE Wales Operations Manager. All conversations will be dealt with sensitively and only shared to ensure the on-going safety of children. Sometimes we may report to statutory or other appropriate agencies if a child may be currently at harm or if a crime has been committed. This will be fully explained to the individual and the Safeguarding team will offer support throughout the process.

## OUR WAY OF WORKING:

Safeguarding practice isn't just about having a child protection process, but a way of working that's embedded in everything TAE Wales do and the way that we do it. As such, all volunteers and staff must make sure the following happens, whatever part of the organisation they work in:

- That all children, young people, parents/guardians, and carers have all the information they need to make an informed decision before choosing whether to participate in activities, events, and trips.
- That **ALL** electronic communication between adults and young people follows strict guidelines so that we don't place anyone at risk of harm. There must be **no** individual electronic/social media communication between an adult and a young person. All such communication should be within a group, age appropriate and with more than one adult engaged within the communication.
- That we encourage volunteers and staff to discuss their concerns with the TAE Wales Operations Manager.
- That children and young people have access to adults that they trust and are clear on how to report their concerns.
- That all adults working with children must familiarise themselves with all of TAE Wales' safeguarding, safety and associated policies and procedures, which are updated when required.
- Adults must not consume alcohol when they're directly responsible for young people on a TAE Wales activity.
- The use of any illegal substances on TAE Wales activities is against the law and appropriate safeguarding action will be taken where necessary.
- When working with partner organisations, a term of our agreement will be that the third-party state: **'We confirm that we have read and understood TAE Wales' Safeguarding policy and agree to abide by it.'**

Any safeguarding concerns regarding a child or young person must be reported to the TAE Wales Operations Manager or if preferred reports can be made directly to the Triumph Safeguarding Team.

If a child or young person is at immediate risk of significant harm call 999 and request the police.

## ADULT AT RISK GUIDANCE:

The principles of this adult at risk guidance are:

- **Empowerment** – putting people first and helping all feel involved and informed.
- **Protection** – supporting individuals so they can take action.
- **Prevention** – responding quickly to suspected cases of abuse.
- **Proportionality** – making sure what we do is appropriate to the situation and for the individual.
- **Partnership** – sharing the right information in the right way.
- **Accountability** – making sure all staff and volunteers have a clear role when dealing with adults at risk.

## RESPONSIBILITIES:

It's the responsibility of all volunteers and staff to:

- Promote and prioritise the safety and wellbeing of adults at risk alongside young people.
- Make sure that everyone's clear about their roles and responsibilities in respect of safeguarding and be provided with appropriate learning opportunities to recognise, identify, and respond to signs of abuse, neglect and other safeguarding concerns relating to adults at risk.
- Securely maintain the confidentiality of any records in guidance by GDPR of all adults at risk safeguarding concerns.
- Make sure that all adults undertaking roles and responsibilities with adults at risk are appropriately checked as per TAE Wales' vetting policy, including where they're engaged in regulated activity with adults.
- Make sure that all reports of suspected or alleged abuse are taken seriously and are responded to and reported appropriately in line with TAE Wales' Safeguarding policy.
- Make sure adults are provided with opportunities to disclose any relevant details about their circumstances and that where appropriate, this information will be treated with confidentiality.
- Prevent the participation of unsuitable individuals through the robust use of disclosure checking as they apply, and the application of best practice in the safe recruitment of staff and volunteers working with children, young people, and adults at risk.
- Make sure that robust safeguarding arrangements and procedures are in operation and address without delay any failure to comply with this policy.

**If any adult is unable to understand and/or uphold the Safeguarding policy and the Code of Practice set out on the Black Card, or is unable to safeguard children or young people, then they cannot be considered for staff member appointments.**

- TAE Wales also has a whistleblowing process if you feel you aren't being listened to.
- The TAE Wales' mandatory safeguarding training incorporates adult at risk advice that will assist in recognising any concerns, what to do and where to report. There's also a reporting process for raising concerns within the adult at risk process. All concerns that reach the safeguarding threshold **MUST** be reported to the TAE Wales Operation Manager or via the referral form to the Triumph Safeguarding Team (Appendix D).

## TYPES OF ABUSE AND EXPLOITATION

Types of abuse and exploitation (defined by legislation or relevant guidance):

Abuse is a form of maltreatment and can either be inflicted by others or self-inflicted. Abuse can take place at home, education or within any physical environment. It can also happen in an online or virtual environment such as social media or gaming apps. An abuser can be anyone, but they're often known by the young person or adult at risk. An abuser may make every effort to build a trusting relationship with the young person or adult at risk and will often befriend or seek to maintain the respect of friends and colleagues. This is grooming behaviour. Abuse can occur in any relationship at any time. It can occur within any community, culture, or religion. It may result in significant harm to, or exploitation of, the person subjected to it.

**Emotional/psychological** – persistent emotional maltreatment of a person that results in their wellbeing or development being impaired. Some form of emotional abuse is involved in all types of abuse but can also occur on its own.

**Physical** – is an individual's body being injured or hurt, e.g. hitting, pushing or assault.

**Physical abuse** can also be in other forms, e.g. poisoning, inflicting illness upon another. It's an intentional act.

**Sexual** – involvement in a sexual act where the person doesn't wish to be involved, doesn't have the understanding to make an informed choice or through coercion, e.g. rape, sexual assault, inappropriate touching, or exposure. It may also include sexual exploitation, where gifts or bribes are offered. Sexual abuse can also occur across electronic devices or social media.

**Neglect/act of omission** – the failure to prevent harm that may damage, impair the growth or development of a child or young person by not meeting their basic physical or mental needs.

**Peer on peer abuse** – children and young people can also be abusers of other children, usually through bullying, sexual abuse, physical abuse, issues online, youth produced sexual images or any form of initiation.

## FURTHER TYPES OF HARM AND ABUSE

**Bullying** – is a pattern of behaviour that can be threatening, aggressive, intimidating, abusive, insulting, offensive, cruel, vindictive, humiliating, degrading, or demeaning. It can happen between young people, adults, in groups or singularly. It can happen within the 'real world' or online.

**Online bullying or cyberbullying** – happens across social media networks when gaming or via mobile phones. Examples can include posting offensive material and spreading rumours or embarrassing images.

**'Sexting' (including youth produced sexual images)** – when someone shares sexual, naked, or semi-naked images of themselves or others or sends sexually explicit pictures. Sharing, possession or distribution of such images of a person under the age of 18 is illegal in the UK. There are also criminal offences regarding adults posting sexual images of other adults in certain circumstances.

**Drug or alcohol misuse** – is a pattern of behaviour which changes or alters the mood or mental state of an individual. Not all substances that can cause harm are illegal but should not be permitted within the context of TAE Wales.

**Self-harm or self-neglect** – deliberately causing harm to yourself by either hurting or putting yourself in harm's way. Self-harm is mainly a coping strategy which young people adopt to release emotional stress. Self-neglect is the failure to care for yourself, e.g. personal hygiene, health, or environment.

**Addiction** – is the inability to stop a particular behaviour (alcohol, drugs, gambling etc) which can impact relationships, health, finances, and career. Addiction often co-occurs with other issues, and it can make people vulnerable to coercion and/or mental health issues.

**Domestic (relationship) abuse** – is abuse or violence in a relationship. It's a pattern of behaviour that can be a form of abuse and its purpose is to assert power over another. From 2018, stalking is also included in this definition. It also includes coercive behaviour. Such abuse can happen to young people and adults.

**Financial** – the theft or control of a person's property or assets.

**Discrimination** – when someone's targeted because of a difference, e.g. race, sex, gender, age, disability, religion or belief, sexual preference, appearance or cultural background, pregnancy and maternity, marriage, or civil partnership.

**Organisational/institutional** – where an organisation fails to prevent repeated maltreatment, abuse or neglect of children or adults at risk.

## EXPLOITATION

**Sexual** – is where individuals are coerced into any form of sexual activity by power, money, or status.

**Modern slavery/human trafficking** – includes forced labour, domestic servitude, coercion, deceiving or forcing an individual into a life of abuse/servitude, e.g. prostitution or drug running.

**Gang** – a group of people (any age) with a defined leadership and internal organisation that identifies with or claims control over territory in a community and engages, either individually or collectively, in illegal and possibly violent behaviour.

**County lines** – is a term used when drug gangs from cities expand their operations to smaller towns, often using violence to drive out local dealers and exploiting children and vulnerable adults to sell drugs.

## SAFEGUARDING COMMITMENTS

**Promoting a safe, trusted environment and a culture that prioritises safeguarding.**

All staff and volunteers will respect children, young people, and adults at risk, and establish a culture where we put young people first so they can develop their skills for life. They will also provide supportive and safe spaces for everyone involved.

TAE Wales will strive to create and maintain environments which are safe for everyone who has dealings with them.

## **THIS IS ACHIEVED BY**

- Volunteer and staff training.
- Creating safer working practice.
- Responding promptly to safeguarding concerns.
- Treating people with respect.
- Organisational learning and compliance.
- Effective communication.

## **TRAINING**

TAE Wales is committed to making sure that safeguarding training remains updated and relevant, so that all staff members understand their individual and organisational commitment to ensuring that young people's safety and wellbeing remains a priority.

## **CREATING SAFER WORKING PRACTICES**

Safe working practice means working together to create a safe space for all. TAE Wales will offer young people and adults at risk a transparent and open environment where they can learn. They can be confident that the Black Card's values are embedded within the culture, that challenge is accepted and that the building of open, strong professional relationships is encouraged.

## **RESPONDING PROMPTLY TO EVERY SAFEGUARDING CONCERN OR ALLEGATION**

Anyone who reports any safeguarding concerns or allegations to TAE Wales will be treated with respect. All safeguarding concerns and allegations will be dealt with in accordance with statutory child safeguarding guidance and TAE Wales's safeguarding procedures. All staff and volunteers will cooperate fully with the statutory authorities in all cases. The safeguarding procedures are outlined in the end-to-end process.

## **TREATING WITH RESPECT, CARE AND DIGNITY, THE VICTIMS OF ABUSE AND OTHER SAFEGUARDING CONCERNS**

Whenever a safeguarding concern, poor practice issue or allegation of abuse is raised, TAE Wales will offer support to all those that have been affected. People will receive a compassionate response, be listened to and be taken seriously. TAE Wales will respond in accordance with this policy and practice guidance. Where appropriate, this will be done in collaboration with the relevant statutory agencies.

## **TREATING WITH RESPECT, CARE AND DIGNITY, THOSE THAT ARE THE SUBJECT OF CONCERNS OR ALLEGATIONS**

In responding to safeguarding concerns or allegations of abuse, TAE Wales will endeavour to respect the rights under criminal and civil law of an accused person. TAE Wales will take responsibility for making sure that steps are taken to protect young people when any person is considered a risk to others through the safeguarding process. In addition, TAE Wales recognises people who are subject to safeguarding concerns



are vulnerable during any internal or statutory agency process. TAE Wales will take all reasonable steps to support people through this process.

## **CONFIDENTIALITY**

Sharing information is vital to protect children, young people, and adults at risk from suffering or being likely to suffer significant harm. However, information will only be shared with the relevant people and otherwise will be treated with the strictest of confidence to make sure that all individuals involved have trust in the handling of any allegation or concerns.

## **SUPPORT FOR TAE WALES STAFF**

TAE Wales acknowledges the emotional impact and distress that can be caused to staff when dealing with, witnessing, or referring child protection or safeguarding matters. The TAE Wales Operation Manager, in collaboration with staff at Triumph Motorcycles Limited, will offer support, guidance and appropriate signposting to any individual who has been affected. It's recognised that making a referral can be difficult, but all staff members have a duty to report concerns or suspicions and have a right to do so in confidence and free from harassment. All staff members will be appropriately supported throughout the process if and when required.

The TAE Wales whistleblowing policy is available online if, after reporting a concern, you don't feel that it has been adequately dealt with.

## **TAE WALES WILL ENCOURAGE A CULTURE OF LEARNING THROUGH THE ORGANISATION**

Keeping young people and adults at risk safe and dealing with all parties involved in any safeguarding enquiry respectfully is of paramount importance. However, TAE Wales recognises that processes and outcomes can and must be improved. TAE Wales is committed to being transparent about learning from these situations through a robust and effective quality assurance and compliance process.

## **HANDLING OF DATA**

This policy will be regularly reviewed and updated accordingly.

## **AN ADULT AT RISK WHO TAKES PART IN A TAE WALES EVENT**

Adults at risk who wish to take part in a TAE Wales event are more than welcome to do so. A consultation pre-event is required to discuss any adjustments that the adult at risk may need. As a motorcycle riding centre each individual's needs will be discussed pre-event to see if the necessary accommodations can be made.

## REASONABLE ADJUSTMENTS

Reasonable adjustments should be made where possible, subject to the needs of the individual and remove or reduce any barriers or support access, by making changes (where practical) to:

- Physical environment (e.g. the meeting place)
- The way things are done (e.g. the programme, routines)
- The support provided (e.g. equipment, adapting communication, the level of support)

These considerations should be explored in detail, in consultation with the individual and where appropriate, their carer. The situation should be regularly reviewed to make sure that the adjustments are removing barriers to participation, are being implemented effectively and are responding to the needs of the individual. What's reasonable is dependent upon the effectiveness of the adjustment, whether it can be done, and the cost and resources available to TAE Wales at that time. "Reasonable adjustments" is a legal term which recognises that each organisation will have different practical resources to meet the needs of an individual person.

## HOW DO WE MAKE SURE TAE WALES STAFF ARE SAFE TO WORK WITH ADULTS AT RISK

It's the policy of TAE Wales that all staff and adult volunteers, must have the appropriate disclosure check for the role and the regulated activity they're undertaking.

In line with our safer recruitment and safeguarding policies, a member must not undertake a role until they've successfully:

- Completed the relevant recruitment checks for that role; and
- Completed the required training for that role.

In addition, no individual should be expected to undertake a role that they don't feel comfortable with.

## THE CONCEPT OF 'MENTAL CAPACITY' TO MAKE INFORMED SAFEGUARDING DECISIONS

Mental capacity is a legal term and is contained in the Mental Capacity Act 2005 and the Mental Capacity Act Code of Practice, which is statutory guidance.

Mental capacity is assessed in relation to the particular decision which needs to be made. This means that whether a person has mental capacity to make a particular decision or not has to be considered on an individual basis considering the circumstances at the time. You mustn't just make a conclusion that someone lacks mental capacity generally. If a person lacks the capacity to make this particular decision, then someone else (usually their parent/carers) may be able to make that decision for them.

## **A PERSON MUST BE ASSUMED TO HAVE CAPACITY TO MAKE DECISIONS THAT AFFECT THEM**

A person must be assumed to have capacity to make decisions that affect them unless there's evidence that they're not able to make the relevant decision.

Someone is treated as being unable to make a decision if they're not able:

- To understand the information relevant to the decision,
- To retain that information,
- To use or weigh that information as part of the process of making the decision, or
- To communicate their decision (using the most appropriate method to ensure effective communication).

## **ALL PRACTICAL STEPS SHOULD BE TAKEN TO HELP THEM MAKE THE DECISION**

Before concluding that an individual is unable to make a decision, all practical steps should be taken to help them make the decision. Importantly, the Mental Capacity Act is clear that a person isn't to be treated as unable to make a decision merely because they make an unwise decision, have a disability, or are assumed to not be able to because of their individual needs. If an individual lacks capacity to make a particular decision, the person making the decision on their behalf may, when appropriate, act in the individual's best interests.

## **SAFER RECRUITMENT**

TAE Wales are committed to making sure that adults who are on the TAE Wales Team are appropriate candidates. Our priorities are to safeguard children, young people, and adults at risk.

To achieve this, we're invested in recruiting the best people and supporting them in their role through our safer recruitment policy.

## **TAE WALES MAKES SURE THAT ALL INSTRUCTORS WORKING WITH CHILDREN**

- Undertake a robust application process.
- Undertake an induction which clearly explains their role and responsibilities to safeguarding within TAE Wales.
- Complete the appropriate level of training required for their role.
- Complete appropriate vetting process if required.

## **LEGISLATION AND GUIDANCE**

The TAE Wales safeguarding procedures are set out in the end-to-end process. TAE Wales policy documents and government legislation across the UK support this policy. All these documents are underpinned by the Human Rights Act 1998 and the UN Convention on the rights of the child, 1992. For full details of legislation see Appendix B.

## REVIEW

This policy is due for review:

- Every 12 months or
- Following any legislative changes, or.
- Following any learning by TAE Wales, or.
- Any change in jurisdictional guidance, whichever comes first.

## SAFEGUARDING CONTACT DETAILS

Telephone the TAE Wales Centre to speak to the Operations Manager: 01639 844620

Email the team: [Safeguarding@triumph.co.uk](mailto:Safeguarding@triumph.co.uk)

## APPENDIX A: KEY DEFINITIONS

### Child:

In England, Isle of Man, Northern Ireland and Wales, a child is defined as 'any person under the age of 18, whether living with their families, in state care or living independently' (Working Together to Safeguard Children 2018, p.7 & The Children (Northern Ireland) Order 1995).

### Young Person:

Has no specific legal definition. However, 12–18 years is the standard age associated with this term. At TAE Wales, the term 'young person' is used to describe participants up to the age of 25 years.

### Adult:

Has a specific legal meaning of anyone above the age of 18 years.

### Safeguarding:

For the purposes of this policy, we are using the terms 'safeguarding' and 'to safeguard' to describe the prevention and precautionary approach to planning and procedures needed to protect children and young people from any potential harm, impairment of a child's health or development, providing safe and effective care and taking action to enable all children and young people to have the best outcomes.

### Child protection:

A part of safeguarding and refers to the activity undertaken to protect children suffering from or at risk of significant harm (Working Together to Safeguard Children 2018).

### Adult at risk

An adult, who is, or may be, in need of community care services i.e. adult social services, because of mental health, disability, age or illness, and/or who's unable to care for themselves or unable to protect themselves from significant harm or exploitation.

An 'adult at risk' is an adult who:

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

### **Parent**

An individual who, in law, has custody, guardianship or access rights regarding a child and who may have corollary obligations to financially support a minor, typically by way of child support. Also includes individuals who may have a child born through a surrogacy; those who adopt a child, those who have care or control of a child through a foster care arrangement; and those who have the care or custody of a child through a Court order.

Under section 576 of the Education Act 1996 (EA 1996), a 'parent' in relation to a child or young person is defined as: The biological parents of a child, whether they are married or not. Anyone who, although not a biological parent, has parental responsibility for a child.

### **Parental responsibility**

A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he's either:

- Married to the child's mother.
- Listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in).

You can apply for parental responsibility if you don't automatically have it.

### **Births registered in England & Wales**

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility. They both keep parental responsibility if they later divorce.

### **Births registered in Scotland**

A father has parental responsibility if he's married to the mother when the child is conceived or marries her at any point afterwards. An unmarried father has parental responsibility if he's named on the child's birth certificate (from 4 May 2006).

### **Births registered in Northern Ireland**

A father has parental responsibility if he's married to the mother at the time of the child's birth. If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage. An unmarried father has parental responsibility if he's named, or becomes named, on the child's birth certificate (from 15 April 2002).

### **Births registered outside the UK**

If a child is born overseas and comes to live in the UK, parental responsibility depends on the UK country they're now living in.

### **Unmarried parents**

An unmarried father can get parental responsibility for his child in one of three ways:

1. Jointly registering the birth of the child with the mother (from 1 December 2003).
2. Getting a parental responsibility agreement with the mother.
3. Getting a parental responsibility order from a court.

**Civil partners**

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, e.g. donor insemination or fertility treatment.

**Non-civil partners**

For same-sex partners who aren't civil partners, the 2nd parent can get parental responsibility by either:

- Applying for parental responsibility if a parental agreement was made.
- Becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

**Person focused**

Our safeguarding practice places the views of an individual at the centre of our policy planning and implementation processes. It encourages us to have conversations with people about how we might respond in safeguarding situations in ways that enhance involvement, inform choice and control. We work preventatively, to make sure that robust procedures are in place and respond to each adult at risk as a unique and valued individual, in ways which advances the person's rights, dignity and wellbeing and are legal, proportionate, and reasonable; mindful at all times that we are working to safeguard adults who have the right to be involved in and informed of all safeguarding decisions which affect them. It's about seeing people as experts in their own lives and working alongside them with the aim of enabling them to reach better resolution of their circumstances and recovery.

**Child and young person focused**

Our safeguarding practice places the views of children and young people at the centre of our policy planning and implementation processes. This approach makes sure that their welfare remains paramount in all we do.

**Adult protection**

Adult protection is part of safeguarding and refers to the activity undertaken to protect adults suffering from, or at risk of significant harm (No Secrets – Statutory guidance (2000), and Social Care Institute for Excellence (2011): Safeguarding Adults at Risk of Harm).

**Adult at risk**

An adult, who is, or may be, in need of community care services i.e. adult social services, because of mental health, disability, age or illness, and/or who is unable to care for themselves or unable to protect themselves from significant harm or exploitation.

**Significant harm**

Harm is the 'ill treatment or the impairment of the health or development of the child'. It's determined significant by 'comparing a child's health and development with what might be reasonably expected of a similar child'.

**Development**

Includes physical, intellectual, emotional, social, or behavioural development.

**Health**

Includes physical and mental health.

**Ill-treatment**

Includes sexual abuse and other forms of ill-treatment which may not be physical.

**Safety**

Safety's about being protected from, and not causing, danger, risk, injury, loss, or harm. Safety can be a

feeling, a physical object or place, and an action, and sometimes refers to the laws, rules, and principles that are intended to keep people safe. Safety isn't just about what happens inside the meeting place, it's also about what happens outside it – including days out – and may be about something that's happening at home.

### **Wellbeing**

Wellbeing refers to a person's sense of contentment and satisfaction with their conditions in life and their current circumstances. It's closely linked to emotional balance and mental health but is also affected by an individual's attitude, values, and perspective.

### **Grooming**

Is the planned and deliberate act of manoeuvring an individual into a position of isolation to make sure they become a key influencer or 'trusted person'.

## **APPENDIX B: LEGISLATION AND GUIDANCE ACROSS ALL JURISDICTIONS**

This policy complies with the following pieces of legislation. This is not an exhaustive list.

### **Children Act 2004**

All four countries (England, Scotland, Wales & N. Ireland) have their own interpretation of the act but in essence, the acts share the same principle. e.g. the intention to ensure that the welfare and developmental needs of children and young people are met, including their need to be protected from harm.

### **Working Together to Safeguarding Children Guidance rev 2018**

Lays out the framework that all statutory and non-statutory agencies should follow to make sure everyone's working together to safeguard children and young people.

### **Health, Safety and Welfare Act 1974**

UK wide - There is a duty for employers to protect and ensure a safe space for employees and volunteers.

### **Data protection GDPR 2018**

The GDPR explicitly states that children's personal data merits specific protection. It also introduces new requirements for the online processing of a child's personal data. Children have the same rights as adults over their personal data.

### **Equality Act 2010**

Consolidates previous anti-discrimination law in the UK. It requires equal treatment for everyone.

### **The Counter-Terrorism and Security Act 2015**

Gave local authorities a statutory duty to have 'due regard to the need to prevent people from being drawn into terrorism' (the 'Prevent' duty).

### **Human Rights Act 1998 and the United Nations Convention the Rights of the Child**

Signed up to in 1991 by UK government – some elements have been enshrined within UK law i.e. Article 1, definition of a child; Article 2, all children should be treated the same; Article 3, the best interests of the child must be a primary consideration in decision making; and Article 12, all children have the right to express their views freely, in all matters that affect them.

### **Safeguarding Vulnerable Groups Act 2006**

All people working with children and young people should be appropriately checked if they're undertaking a regulated activity on a regular basis.

### The Care Act 2014

Sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

## SPECIFIC GUIDANCE ACROSS REGIONS

### England

- Care Act, 2014
- Care and support statutory guidance, 2016.
- Children's Act 1989
- Children's Act 2004
- Children and Families Act, 2014
- Children and Social Work Act, 2017
- Education Act 2002
- Education Act 2011
- Equalities Act 2010
- Keeping Children Safe in Education, 2018
- Mental Capacity Act, 2005
- Safeguarding disabled children practice guidance, 2009.
- Safeguarding Vulnerable Groups Act, 2006
- SEND code of practice, 2014
- Working Together to safeguard children, 2018.

### Isle of Man

- Safeguarding Act 2018

### Northern Ireland

- The Children (Northern Ireland) Order, 1995
- Cooperating to safeguard children and young people in Northern Ireland, 2017
- Mental Capacity Act (NI), 2016 Adult Safeguarding: Prevention and protection in partnership, 2015
- Safeguarding Vulnerable Groups (NI) Order, 2007
- Safeguarding Board Act (Northern Ireland) 2011

### Scotland

- Adult Support and Protection (Scotland) Act 2007
- Adult Support and Protection Code of Practice, 2014
- Adults with Incapacity (Scotland) Act, 2000
- Children (Scotland) Act, 1995
- Children and Young People (Scotland) Act, 2014
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Mental Health (Care and Treatment) (Scotland) Act 2003
- National Guidance for Child Protection in Scotland 2014.
- Protecting Vulnerable Groups (Scotland) Act 2007
- Scottish Social Services Council (SSSC) Standards (2014).



- The Age of Legal Capacity (Scotland) Act 1991 (c.50).

## Wales

- Children's Act, 1989
- Children's Act, 2004
- Children and Social Work Act, 2017
- Social Services and Wellbeing Act, 2014
- Social Services and Well-being (Wales) Act -Working together to safeguard people, volume 1, 2016
- All Wales Child Protection procedures, 2008
- Safeguarding Vulnerable Groups Act, 2006
- Mental Capacity Act, 2005

## ADULT AT RISK RELEVANT LEGISLATION

This policy complies with the following pieces of legislation specifically. See also Safeguarding children and young people policy.

This is not an exhaustive list.

### **The Adult Support and Protection (Scotland) Act 2007**

Made adult protection a statutory responsibility and placed a responsibility on partner agencies to co-operate with statutory investigations and to report concerns about abuse or harm to the relevant local authority (even if allegations are anonymous).

### **The Social Services and Well-Being (Wales) Act 2014**

Provides the legal framework for improving the wellbeing of people who need care and support, and carers who need support, and for transforming social services in Wales. This act introduces a mandatory duty to report if you have a concern about 'an adult at risk' (as defined in this legislation – see glossary) who may be or has been abused or harmed.

### **Adult Safeguarding: Prevention and Protection in Partnership July 2015**

Places significant emphasis on prevention and early intervention to improve safeguarding arrangements for adults who are at risk from harm and abuse.

### **Inter-Agency Safeguarding Adults Adult Protection Policy 2016–2018 (Isle of Man)**

Sets the expectation of us as providers of social care services to enact our core responsibility to provide safe, effective and high-quality care. Adult protection concerns require a variety of responses including internal and external investigations, disciplinary processes, clinical governance processes and the involvement of the police, regulatory authorities, and staff training.

### **Mental Capacity Act (2005)**

Applies to anyone over the age of 16. Decisions about a young person's capacity and best interests can be made in the same way as for any adult.

### **Children and Families Act 2014**

A child will become a young person once they reach the end of compulsory school age (ie the last Friday of June in the year the child turns 16). At that point, parental rights under the law in relation to the young person's education will automatically pass to the young person themselves.

However, if the young person is recognised as being covered by the **SEN and Disability Code of Practice 2015 ('the Code')**, their family and parents should continue to be involved in discussions about their future. The young person may also ask them to help in other ways such as attending meetings, filling in forms or receiving correspondence on their behalf. This is particularly important for 16- and 17-year-olds, for whom parents will retain parental responsibility until they reach the age of 18 and in certain cases, up to 25 years.

## APPENDIX C: ROLES AND RESPONSIBILITIES FOR SAFEGUARDING

Everyone at TAE Wales must fully understand and implement the safeguarding policies and procedures relevant to their role. To enable this to happen, we have a comprehensive training programme and a safeguarding structure that makes sure we're pro-actively safeguarding right across the organisation.

Our structure includes:

### Triumph Motorcycles Ltd Safeguarding Team:

- Receive reports of any allegations and investigate appropriately, with the TAE Operations Manager.
- Pass any information to statutory agencies where required.

### TAE Wales Operation Manager:

- Must be satisfied that everyone they appoint are: (a) appropriate people to carry out the responsibilities of the appointment, and (b) if required, maintain a current valid disclosure check and the appropriate level for their role (DBS). They must make sure that all applicants demonstrate an understanding of and a commitment to the principles and procedures supporting The TAE Wales Safeguarding policy.
- In cases where there's an allegation or suspicion of abuse, the TAE Wales Operation Manager, as appropriate, in consultation with the Triumph Motorcycles Ltd Safeguarding Team, must immediately take steps to make sure that no TAE Wales situation arises which could cause further harm. To this end, suspension of the employee may be necessary.

### All staff and volunteers

- Safeguarding's the responsibility of all staff and volunteers. They must attend training to enable them to do this and follow the Code of Behaviour – Young People First (Black Card).
- Undertake mandatory training as per the appointment process.

## APPENDIX D: SAFEGUARDING REFERRAL FORM

[Safeguarding Referral Form](#)