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The evolving safeguarding risk landscape

How should organisations respond
to today's challenges?



Forethought

Organisations today face a daunting array of emerging and evolving safeguarding risks.

For any organisation that has contact with children or adults at risk (vulnerable adults), there is no duty more important than protecting them from harm.

However, with the speed at which this risk landscape is evolving, it can be difficult for organisations to keep up with the latest concerns and legislative developments.

While longstanding risks, such as physical abuse of young people and child sexual exploitation, remain key challenges, there are other risks – such as online abuse – that did not exist before the arrival of the internet, social media and smartphones. There are also other risks that have been present for

many years, but which are now gathering greater prominence. These include knife crime, drugs, radicalisation, and sexual abuse in sport.

In recent years, there have been attempts to update safeguarding legislation and guidance to ensure it more accurately reflects the range of dangers that exist today. However, as we will discuss in this whitepaper, legislative progress has not always been smooth.

As even lawmakers struggle to keep pace with the speed of change in terms of safeguarding risk, it should be no surprise that many organisations across the public, private and voluntary sectors are finding it difficult too.

We understand the position our customers find themselves in, and hope this whitepaper provides vital support and information to help you navigate this risk landscape.

Marie Williams,
Safeguarding Risk Consultant,
Zurich



The evolving legal landscape

Safeguarding laws and guidelines are continually being reviewed – and keeping track of all the relevant changes can be difficult for many organisations.

While statutory safeguarding guidance is reviewed and updated regularly, there are some recent changes that organisations with safeguarding exposures should be particularly aware of.

Some of these changes may only apply in certain circumstances, or in particular parts of the United Kingdom. However, the factors influencing these changes may carry far wider relevance.

Working Together to Safeguard Children

Working Together to Safeguard Children (WTSC) is a national framework for how agencies in England should work together to safeguard children and promote their welfare. It received a significant update last year.

One section of WTSC 2018 outlines the arrangements each local area will need to implement by 29 September 2019, in order to facilitate the move to a new Safeguarding Partners model.

Under this model, the Safeguarding

Partners in each area – local authorities, police, and clinical commissioning groups – will be equally responsible for coordinating multi-agency safeguarding arrangements locally. Other organisations will need to understand how to work with the Safeguarding Partners – and refer concerns – under the new model.

WTSC 2018 also sets out a series of specific duties applying to organisations that work with children and families. One of the most important changes in the 2018 guidance is a broadening of who these duties apply to. WTSC 2018 makes clear that almost all organisations that have contact with children, including clubs and small businesses, need to have in place the arrangements outlined in Chapter 2 of the guidance, including:

- Clear whistleblowing procedures
- Clear procedures for escalating safeguarding concerns
- Information-sharing processes
- A designated child safeguarding practitioner

- Safe recruitment practices
- Appropriate supervision and support for staff
- A culture of listening to children and taking into account their wishes and feelings

Our previous whitepaper, Understanding Safeguarding, contains useful guidance to help organisations address some of these issues.

Implications for sports clubs

In recent years, the abuse of young people in sport has made headlines, with a number of high-profile scandals involving professional football clubs. While abuse in sport is not a new phenomenon, the increased media coverage has sparked a debate about whether organisations are doing enough to address it.

Marie explains: “This increased coverage has had a positive impact, because more people have felt empowered to come forward to report that they have also been a victim of abuse. This is widening the dialogue about abuse in sport, which can in turn drive a change in legislation.”

The updated WTSC guidance specifically references the responsibilities of sports clubs and organisations. It states that: “Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of children, how they should respond to child protection concerns and how to make a referral to local authority children’s social care or the police if necessary.”

The safeguarding picture across the UK

Diverse laws, statutory guidance and ways of governing and monitoring safeguarding apply in different parts of the United Kingdom. For the purposes of clarity and consistency, we have focused here on the relevant laws and guidance that apply in England (although Deprivation of Liberty Safeguards also apply in Wales), but which may also have relevance in other parts of the country.

Marie explains: “The changes to WTSC and KCSIE, for example, are setting a new standard for children’s safeguarding, and they could pave the way for future changes in other nations within the United Kingdom.”

Organisations should consider what support they can provide to help their staff and volunteers understand and fulfil their safeguarding responsibilities, including providing appropriate guidance and training.

Allegations against people in positions of trust

WTSC 2018 makes clear that all organisations working with children, including sports clubs, should have clear policies for dealing with allegations where a person in a position of trust has harmed a child, or behaved in a way that indicates a risk of harm to a child. For the purposes of the guidance, a child is anybody aged under 18.

Marie says this part of the guidance is intended to address a legal loophole, which means that a sports coach cannot be prosecuted for having a sexual relationship with a 16-year-old or 17-year-old under their supervision, even though teachers, carers and others in positions of trust could be.

Despite efforts by campaigners and politicians to close the loophole – which would require an amendment to the Sexual Offences Act – the law is yet to be changed. However, says Marie: “It’s inevitable the loophole will eventually be closed, and this guidance is looking to the future. The key message is that there is no excuse for a sports club or other organisation not to be following these updated guidelines.”

Marie acknowledges that safeguarding can be a major challenge for sports organisations, particularly smaller clubs.

“Smaller organisations often don’t have in-house safeguarding expertise or resources, and they often don’t know where to go for credible information.

“But organisations need to understand that abuse can happen anywhere that people interact with other people, and that includes sports clubs. It’s vital they understand what their responsibilities are to vulnerable groups, and that they seek out help if they need it.”

Marie stresses that even though WTSC 2018 is focused on organisations and agencies that work with children and families, its guidance is equally applicable to those who work with adults at risk.

“It’s best practice guidance for safeguarding all vulnerable groups. Even if you don’t have contact with children, it’s definitely worth reading and understanding its contents.”

Keeping Children Safe in Education (KCSIE)

Keeping Children Safe in Education is statutory safeguarding guidance for schools and colleges in England. Like WTSC, it was significantly updated last year.

KCSIE covers topics such as:

- Indicators of abuse and neglect
- The role of management
- Safer recruitment
- Allegations of abuse made against staff
- Child-on-child sexual violence and harassment

Marie says: “Although KCSIE only applies to schools and colleges, it is definitely worth reading and following even if you are not an education setting. It’s the gold standard for protecting children. It provides best practice guidance on contemporary safeguarding challenges that can then be applied to any organisation that has contact with children.”

One section of the latest guidance explains the most important changes that have been made since the previous guidance was published in 2016. The latest version of KCSIE includes updates on emerging and evolving risks, such as ‘county lines’ exploitation, honour-based (domestic) violence, and radicalisation.

Deprivation of Liberty Safeguards

The Deprivation of Liberty Safeguards (DoLS) are an important set of safeguards relating to adults at risk. The safeguards determine when it is appropriate to restrict the freedom of a person who is in receipt of care in a hospital or other care setting, who lacks the mental capacity to make their own decisions regarding their own treatment and welfare. However, DoLS have long been criticised as not fit for purpose, with the Law Commission arguing they create a one-size-fits-all approach that is not appropriate for every kind of care setting, in today’s world.

In April 2019, Parliament agreed a final version of the Mental Capacity (Amendment) Bill, which will introduce a replacement system – Liberty Protection Safeguards (LPS). The new legislation is likely to come into force in Spring 2020. LPS will introduce a number of important changes, including the requirement for a pre-authorisation review, which must be carried out by a professional who is not involved in the day-to-day care of the person who could be deprived of their liberty.

A code of practice for LPS will be published later this year.

Independent Inquiry into Child Sexual Abuse

The Independent Inquiry into Child Sexual Abuse (IICSA) has launched 13 separate investigations, concerning issues as wide-ranging as the abuse of children in residential schools, and abuse and exploitation facilitated by the internet.

Given the inquiry’s broad remit, its eventual findings and recommendations will carry significance for many organisations with safeguarding responsibilities. The IICSA website contains regular updates about the status of each of the investigations, including timelines for the public hearings being held in 2019.

Putting the right policies and procedures in place

As safeguarding risks evolve at pace, it is crucial that organisations have relevant, robust and up-to-date safeguarding policies in place, as well as clear operational guidelines to help protect vulnerable people from harm.

In our previous whitepaper, *Understanding Safeguarding*, we discussed why it is important for organisations to develop a culture of trust and openness, where every individual feels comfortable reporting their concerns.

A safeguarding policy is a way for organisations to demonstrate – both internally and externally – that they have the right culture in place.

“Culture goes hand-in-hand with policy,” says Marie. “A safeguarding policy is a way of advertising that you take safeguarding seriously. It shows a positive commitment to good governance.”

Despite this, there can be misunderstandings about exactly what should be included in a safeguarding policy.

“One misconception is that you can just lift a template for a safeguarding policy document from the internet,” says Marie. “If you’re doing that, then you’ve misunderstood what a safeguarding policy is supposed to achieve. It needs to be tailored to the specific needs of your organisation – there’s no such thing as a one-size-fits-all safeguarding policy.”

Another common area of confusion concerns the difference between a safeguarding policy and safeguarding procedures.

Marie explains: “A safeguarding policy is your public commitment to how you will keep people safe, whereas your safeguarding procedure is your internal, in-depth operational guidance and advice.

“People often get confused by the two. I’ve seen examples of organisations including everything they know about safeguarding in a 30-page document and calling it their safeguarding policy – that’s not what a policy should be.”

Taking a person-centred approach to safeguarding

It is also important to ensure a safeguarding policy can be easily read and understood by the vulnerable individuals to whom its guidance applies.

“A lot of organisations forget the people that they are actually safeguarding when they’re putting their policy together,” says Marie. “For example, an organisation that works with children might write a policy that is fine for its staff, but fail to create a child-friendly version.

“Promoting a person-centred approach is very important in safeguarding, and if you are not tailoring your safeguarding policy to the people you are supposed to be looking after, that’s a sign you’re missing the mark.

“The simplest way of approaching your policy is to ask yourselves, ‘is it accessible to everybody who needs to read it?’”

What role should organisations without statutory responsibilities play?

Even organisations that do not have statutory safeguarding responsibilities can play an important role in protecting vulnerable people from abuse and neglect. For example, housing association staff and contractors are well-placed to identify vulnerable individuals and highlight potential safeguarding concerns.

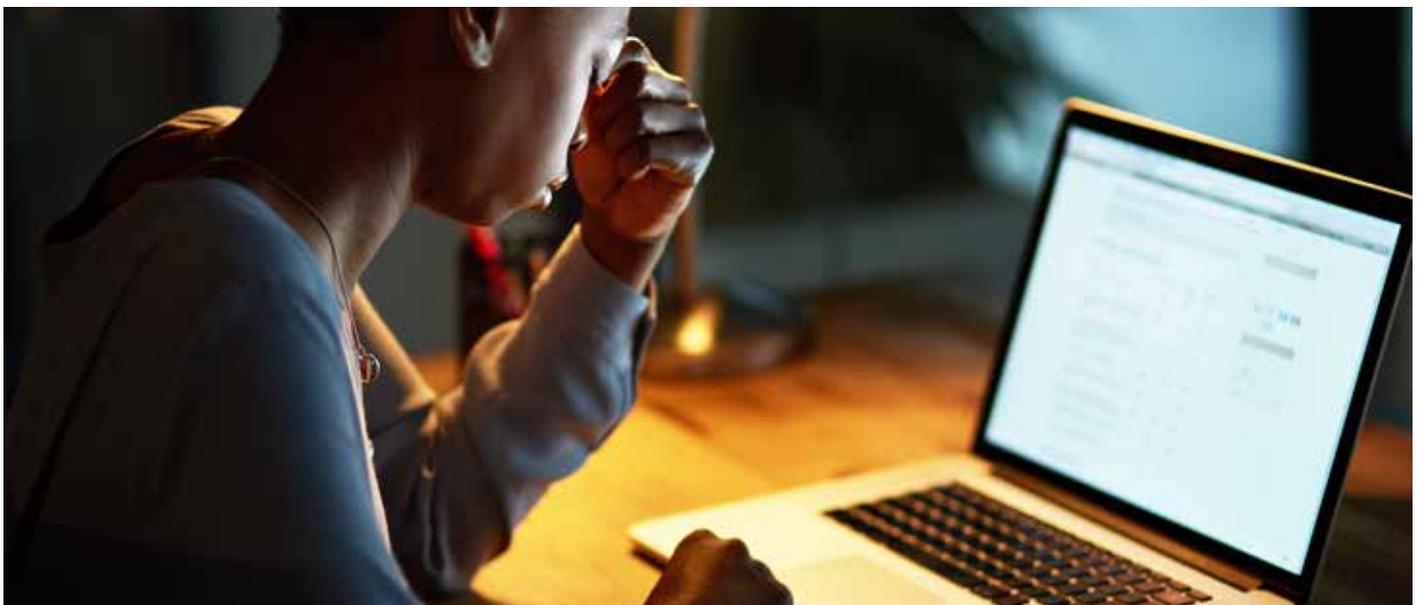
In order to achieve this, organisations should have appropriate policies and procedures in place to help prevent, detect and deal with abuse. This includes providing staff with guidance that enables them to:

- Identify abuse/neglect, and when it is happening to a vulnerable person
- Understand how to record information about potential safeguarding concerns, and about the rationale for any action they have taken to safeguard an individual
- Understand information-sharing practices in the context of safeguarding, whereby they must share relevant and confidential information with other agencies

A safeguarding policy checklist

While there is no one-size-fits-all safeguarding policy template, there are certain features that every policy should include. To help organisations ensure they have covered the key objectives, we have put together a simple checklist.

- Does your policy include an opening statement outlining its purpose and explaining to whom it applies?
- Does this statement outline (in general terms) how your organisation will meet its commitment to keeping vulnerable people safe?
- Does your policy explain the relevant law and statutory guidance that supports it?
- Is your policy inclusive? Have you involved people from different parts of your organisation to ensure it is relevant for everyone?
- Is your policy accessible to the vulnerable people concerned? For example, is there a separate version that is easy for children, or adults at risk, to read and understand?
- Is your policy easy to find? For example, is it clearly advertised on your website (if you have one)?
- Can you demonstrate that your policy has undergone an equality impact assessment?
- In order to demonstrate that your safeguarding policy has been approved and supported by your organisation, has it been signed by a senior member of the leadership team?
- Does your policy link to your internal, in-depth safeguarding procedures?
- Does your policy reference arrangements for dealing with areas of risk particular to your organisation?
- Does your policy include the date it came into force, when it was last reviewed/revised, and the date of the next review?



Helping customers manage safeguarding risks

Zurich is the only insurer in the UK to have a dedicated Safeguarding Risk Consultant. But we are also innovating in other ways – such as helping to develop a Safer Schools App.

In her role as Zurich's Safeguarding Risk Consultant, Marie Williams works internally with our underwriting teams and other colleagues, to ensure we properly address safeguarding risks.

Marie also works directly with customers to help them build a greater understanding of their duty of care to protect children and adults at risk against abuse and neglect.

An innovative approach to safeguarding in schools

Marie has been instrumental in our partnership with independent safeguarding organisation Ineqe, which has included the development of a Safer Schools App – a risk-management tool that helps schools better understand and manage their contemporary safeguarding challenges.

"Zurich is the only insurer Ineqe is working with, and the app has been tailored for the benefit of our customers," says Marie.

The Safer Schools App is available to all our education customers. It provides

access to a wide range of resources, including training materials and up-to-date, credible and relevant information about emerging risks – particularly relating to social media.

"Digital technology is changing the way we live, but it's not the enemy. It can be used to combat some of the emerging and evolving risks our customers are facing," says Marie.

"Through Zurich's involvement with the app, we are demonstrating that we are innovators. No other insurer is doing what we're doing."

To discuss any aspect of this whitepaper further, or for more information,



Email us at info@zurichmunicipal.com



Please call us on **0800 232 1901**



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