Understanding safeguarding
How to develop the right safeguarding culture, policies and procedures
Introduction

Safeguarding is a key challenge for any organisation that has contact with vulnerable groups.

“Safeguarding is about protecting vulnerable people from abuse and neglect, in order to ensure the best outcomes are achieved for them.”

The past decade has seen a number of high-profile safeguarding failings, from the sub-standard care at Mid Staffordshire NHS Foundation Trust, to the abuse of patients at the Winterbourne View private hospital and the sexual exploitation of young girls in Rochdale.

Case reviews following serious safeguarding incidents often identify multiple shortcomings – from a failure to properly listen to the concerns of employees, or the vulnerable individuals themselves, to a failure to share important or relevant information with partner agencies.

Safeguarding is about protecting vulnerable people from abuse and neglect, in order to ensure the best outcomes are achieved for them. This means putting their safety and well-being at the heart of decision-making, whilst also truly considering the ‘voice’ of that vulnerable person. If their wants and wishes conflict with their safety and wellbeing, this is when you may need to act in their ‘best interests’. In this whitepaper, we will examine the key safeguarding challenges your organisation might face. We will look at how and why things can go wrong, and discuss some of the ways in which you can build a better safeguarding culture.
What is safeguarding?

In order to understand safeguarding responsibilities, it is important to become familiar with key terms and definitions.

While anybody, irrespective of their circumstances, can potentially be a victim of abuse or neglect, only certain categories of people are defined as vulnerable for safeguarding purposes.

The term ‘safeguarding’ describes the action that is taken to promote the welfare of vulnerable people and protect them from harm, including the systems and measures that are put in place to ensure vulnerable people can live in safety – free from abuse and neglect.

What do we mean by vulnerable people?

For safeguarding purposes, vulnerable people are those who are deemed unable to protect themselves against abuse or neglect, due to their circumstances.

A vulnerable person is either a child, or an adult at risk. Anybody under the age of 18 is automatically classed as a vulnerable person because of their age. People who are aged 18 or over (16 or over in Scotland) may be considered an ‘Adult at Risk’, if they are in need of care and support services, (regardless of whether or not they are receiving them), and if, because of those needs, they are unable to protect themselves against abuse or neglect.

How do we define abuse and neglect?

It is important that every organisation is aware of how abuse and neglect might occur in their organisation. The different categories of abuse and neglect are:

- **Physical** – physical abuse is itself a wide-ranging term, which can include assault of another person, self-harm, inappropriate restraint, misuse of medication, inappropriate sanctions and Female Genital Mutilation (FGM). Circumstances in which a vulnerable person is deprived of their human rights and/or their liberty, and where Deprivation of Liberty Safeguards (DoLS) are not in place, would also be classed as physical abuse
- **Sexual** – engaging in or making someone witness sexual activity without consent. Sexual abuse can also include sexual exploitation, in which a person is sexually exploited for money, power or status
- **Psychological** – this is sometimes referred to as emotional abuse; examples include non-physical domestic abuse, bullying and cyber-bullying
- **Neglect and acts of omission** – this is the ongoing failure to meet a person’s basic needs, e.g. food and protection from hazards. It can also include ignoring someone’s care needs or failing to provide access to appropriate health, social care or educational services
- **Financial** – examples of financial abuse include: theft, fraud, misuse of possessions, pensions or benefits, and coercion (e.g. in relation to wills/inheritance)
- **Discrimination** – misuse of power that denies opportunity to some groups or individuals. Discrimination becomes a safeguarding matter when the victim is a vulnerable person
- **Institutional** – sometimes referred to as organisational abuse, this describes regime-wide abuse, neglect or mistreatment within a setting or service.
Who is responsible for safeguarding?

“Safeguarding is built on the fundamental principles of partnership working and appropriate sharing of information,” says Marie Williams, Safeguarding Risk Consultant, Zurich.

Some organisations, such as local authorities, healthcare providers, the police, and educational institutions, will have statutory obligations and particular responsibilities regarding safeguarding. However, even if your organisation does not fall into this category, if you have contact with vulnerable groups, you will still have a responsibility for safeguarding vulnerable people from abuse and neglect.

Williams says: “Safeguarding should not just be the responsibility of a particular individual or team within your organisation – everyone has a part to play in helping to protect vulnerable people from potential abuse or neglect. “It is important, therefore, that every member of staff or volunteer understands what abuse or neglect is and how this may impact in particular on a vulnerable person. It is vital that everyone is aware of their safeguarding responsibilities and knows how to raise a potential safeguarding concern.”
How and why do problems occur?

Safeguarding incidents can have devastating consequences for individuals, and have serious implications for organisations, from regulatory action to reputational damage.

While not every safeguarding incident can be avoided, it is important that organisations are aware of some of the most common failings that can increase the risk of a safeguarding incident occurring.

These may include:

**Lack of training/guidance:**
- Lack of understanding and confidence in ability to deal with safeguarding
- Staff may not know how to identify abuse or neglect, or understand who might be vulnerable and how
- Staff may also not have received appropriate training, including emerging safeguarding risks.

**Systemic failings:**
- Risk assessments may be inadequate, inappropriate or incomplete
- There may not be a straightforward system for recording or documenting incidents, and clear processes for staff to report or escalate concerns
- Arrangements for sharing information with other agencies may be unclear or misunderstood
- Procedures for storing or processing personal or sensitive data about vulnerable individuals or alleged perpetrators may be inadequate.

**Cultural failings:**
- Vulnerable individuals may not be given the support they need to come forward if they are being abused or neglected. They may not feel able to make a disclosure or raise an alert about potential abuse or neglect towards them or another vulnerable person.
- Employees and volunteers, in turn, may not feel confident in reporting their concerns to a higher authority
- They may fear their concerns will not be taken seriously, that their feedback will not be valued, or that there will be reprisals
- An open and transparent culture where staff are encouraged and empowered to raise safeguarding concerns may not exist.

While this is by no means an exhaustive list of the potential safeguarding challenges you may face, it demonstrates that there is a wide range of issues for you to consider when establishing your own safeguarding policies and procedures.

**Emerging safeguarding risks**

Another challenge organisations face is that safeguarding risks are constantly evolving.

Digitech (digital technology), in particular, has dramatically increased the range of potential safeguarding threats.

Here is a brief list of some of the emerging trends and threats in safeguarding:

- Sexting (taking a sexually explicit photograph and digitally sharing it with others, e.g. texting, email)
- Sextortion (where a person is persuaded to digitally share an image or video of themselves involved in a sexual act, and is then blackmailed in relation to it)
- Cyber bullying – using digital technology to bully or harass
- Cyber gaming
- Doxing (connecting someone’s online anonymous identity to their real-life identity, to use with malicious intent)
- Radicalisation
- Modern slavery.

“There is also now a growing awareness of safeguarding risks linked to cultural practices, beliefs and faith systems, such as FGM or forced marriage,” says Williams.

“Safeguarding policies and procedures should be regularly reviewed and updated to account for the evolving world we live in and the changing nature of safeguarding risks.”
Every organisation with potential safeguarding risk exposures should have relevant policies and procedures in place to protect vulnerable people from harm.

While organisations with statutory safeguarding responsibilities are likely to require more detailed policies and procedures than other bodies, there are a number of general principles that are applicable to every organisation.

Accessibility:
• Written safeguarding policies should be made available to every member of staff, irrespective of their role. All staff must be aware of how and where to access these policies and they should be positively advertised.
• You should carefully consider the most appropriate time to introduce staff to your safeguarding policies – e.g. as part of the recruitment process, at interview, during inductions or annual reviews, etc.

Ease-of-use:
• Policies should be written using clear, simple language.
• Jargon should be avoided.
• The definitions of technical terms should be clearly explained and kept up-to-date.

Achievability:
• Policies and procedures should match the needs of your organisation – and be achievable.
• Some organisations fall into the trap of drafting overly detailed policies that are designed to stand up to intense scrutiny, but end up being too onerous or impracticable for staff to follow.

Relevance:
• Policies should be regularly reviewed – and if necessary amended or updated – to ensure they remain relevant, contemporary and in line with statutory guidance.
• There are certain circumstances which should necessitate an immediate review of your safeguarding policies and procedures, such as: changes in relevant legislation or regulations; a serious safeguarding incident involving your organisation or an organisation similar to yours; the publication of any relevant serious case review findings; any significant structural change within your organisation – e.g. changes in staffing levels or the nature of the work you do.

Providing the right training
While the level of training required may vary significantly from organisation to organisation – due to the type of organisation or the roles that staff perform – it is important that whatever training you provide aligns with your safeguarding policies and procedures. “In other words, what you are teaching your staff to do should match what your policies are telling them to do,” says Williams.

Here are a few questions to consider when providing safeguarding training for your staff:
• Is it relevant? Does the training reflect the work staff actually carry out, and the situations they are likely to encounter on a day-to-day basis? Does it take into account the type of work that you will be engaging staff in, e.g. regulated activity?
• Is it current? Does it encompass the most up-to-date guidance on safeguarding legislation and best practice?
• Will staff remember it? Is there a mechanism – e.g. a post-training quiz, questionnaire or feedback session – to ensure staff have taken the training on board? Do you have a process for ensuring staff confirm their understanding of training and are competent to undertake their safeguarding responsibilities?
• How will you monitor its effectiveness? Do you have a system for ensuring staff are acting in accordance with their training, e.g. reviews/appraisals? How do you identify learning gaps and how do you fill these?
• How can you improve it? What will you do to encourage feedback and make staff feel confident their concerns or suggestions will be listened to?

Williams says: “The risk of harm to vulnerable individuals can never be completely eliminated, so, at the very least, what you should do as an organisation is ensure you have effective policies and procedures that set reasonable expectations of staff. These should meet statutory requirements, and you need to provide appropriate training to complement these policies and procedures.”

Furthermore, it is essential that you are able to demonstrate that staff understand their responsibilities and can evidence ‘defensible decision making’, should the need for scrutiny arise. An effective records management system is crucial here.
Developing the right safeguarding culture

In order for safeguarding policies, procedures and training to be effective, organisations must first foster a culture where staff feel comfortable reporting their concerns.

“Developing a working culture where staff feel able to raise issues as soon as they identify them is as much about attitudes as it is about policies and procedures.”

If anyone within your organisation identifies that a vulnerable individual is at risk of abuse or neglect, can you be sure that they will report their concerns? This extends to vulnerable people themselves – would they feel able to make a disclosure if they felt another vulnerable person was at risk of abuse or neglect within your organisation?

Organisations should not take it for granted that safeguarding concerns will always filter through to management.

Surveys of health and social care workers, for instance, have identified barriers that can prevent workers from speaking out, such as the fear of being viewed as a troublemaker, or that nothing will be done to address their concerns. The 2016 NHS Staff Survey, for example, found that only 70% of staff felt safe to raise concerns about unsafe practice.
A culture of openness and transparency

“Developing a working culture where staff feel able to raise issues as soon as they identify them is as much about attitudes as it is about policies and procedures,” says Williams.

“Managers should ensure that staff know to whom they should report potential safeguarding issues, and that they will be given assurances that their concerns will be taken seriously.”

In some organisations, this is not always the case. A study by the whistleblowing charity Public Concern at Work found that 60% of whistleblowers receive no response from management – either positive or negative.

One way to help build a culture of openness and transparency, is to ensure your organisation has a whistleblowing policy that explains how individuals can report serious concerns.

Whistleblowing policies should make clear:
- Who is responsible for overseeing the policy
- That concerns may be made anonymously
- How concerns will be escalated
- How whistleblowers will be kept informed of the progress of any investigation
- How the findings of any investigation will be recorded and reviewed
- What whistleblowers can do if they are not satisfied with how the investigation has been handled

Williams adds: “Safeguarding is built on the principle that staff are vigilant about the conduct of others and will act in the best interests of a vulnerable person if they feel they are at potential risk of harm. It is therefore vital that you emphasise the importance of whistleblowing throughout your organisation and ensure this message positively reaches staff at all levels.”

Learning from mistakes

Developing a culture of openness also requires an acknowledgement that things can go wrong. One of the barriers that can prevent organisations from learning important lessons following high-profile safeguarding failures is the attitude that ‘this couldn’t happen to us’.

The reality is that safeguarding incidents can happen anywhere. Organisations should carefully scrutinise the findings and recommendations of audits and safeguarding reviews, and ensure that key messages filter down to frontline staff.

Defensible decision-making

Evidence and justification is key in safeguarding practice. Should your actions or conduct be called into question, it is important to be able to refer to evidence that explains how you came to reach a certain decision.

Defensible decision-making requires:
- Evidence of appropriate risk assessment: where risks are rated red, amber or green, is a sensible approach. Risk assessments should be reviewed and updated regularly. You can use this approach for risk registers too.
- A straightforward system for recording information: this could take the form of a database to collate all the information you are likely to need. When providing training for staff, you should also consider whether they need any additional guidance on how to record/document safeguarding decisions.
- Sufficient detail: written records should explain clearly how safeguarding decisions were reached, including what information was known at the time, any alternative courses of action that were considered, and an explanation of why it was decided not to take these courses of action. Decisions must be recorded clearly, so that you can call on this information to be able to justify your decisions and defend your actions, should they be scrutinised later. Always consider whether decisions are being recorded in a way that would make sense to another person reading them!”
How Zurich Municipal can help

Zurich Municipal is the first insurer to have a Safeguarding Risk Consultant in the UK. Marie Williams’ role is to guide our work in supporting organisations to better understand their safeguarding exposures and better manage their risks.

We have also published a number of articles discussing specific areas of safeguarding.

These include:
- The importance of recording evidence of safeguarding decisions
- How to practise safer recruitment
- How to develop an open safeguarding communications culture

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

- Please call us on 0800 232 1901
- Email us at info@zurichmunicipal.com
- You can also visit newsandviews.zurich.co.uk to read all our safeguarding content.