

# Safeguarding Policy

Written on behalf of Luton Brass Band by Luke Edmonds

May 2020

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# Luton Brass Band



## Section 1 – Policy Statement

This policy applies to all members, volunteers or anyone working on behalf of Luton Brass Band (“the Band”). The purpose of this policy:

- To protect children, young people and adults with care and support needs who are members of the Band;
- To provide staff and volunteers with the overarching principles that guide our approach to child protection;

Luton Brass Band believes that a child, young person or adult with care and support needs should never experience abuse of any kind. We have a responsibility to promote the welfare of all children, young people and adults at risk and to keep them safe. We are committed to practice in a way that protects them.

### Legal framework

This policy has been drawn up based on law and guidance that seeks to protect children and adults at risk, namely:

- Children Act (1989);
- United Convention of the Rights of the Child (1991);
- Data Protection Act (1998) and subsequent data protection guidance;
- Sexual Offences Act (2003);
- Children Act (2004);
- Protection of Freedoms Act (2012);
- Working together to safeguarding children: a guide to inter-agency working to safeguard and promote the welfare of children; HM Government (2015);
- The Safeguarding Vulnerable Groups Act (2006);
- The Human Rights Act (1998);
- The Children and Families Act (2014);
- Special educational needs and disability (SEND) code of practice: 0 to 25 years - Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities; HM Government (2014);
- General Data Protection Regulations (European Union) (2017);
- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers; HM Government (2015);
- The Care Act (2014);

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- The Care Act (2014) Care and Support Statutory Guidance (specifically the safeguarding section of this); and
- The Mental Capacity Act (2005).

## **We recognise that:**

- the welfare of the child is paramount, as enshrined in the Children Act (1989);
- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse;
- some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues; and
- working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

In addition, the Band is aware that it also has safeguarding responsibilities towards adult members, some of whom may be vulnerable at different times in their lives. The principles outlined above in relation to children, also apply to our work with adults. In terms of a legal framework, the arrangements for those over 18 are governed by the Care Act 2014. This Act stipulates that statutory safeguarding duties apply to an adult who:

- has care and support needs;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

We will seek to keep children, young people and adults safe by:

- valuing them, listening to and respecting them, ensuring that, in the case of adults, we work with their consent unless 'vital interests' [as defined in the Data Protection Act (1998)] are at stake, or the person has been assessed as lacking mental capacity [as defined in the Mental Capacity Act (2005)];
- adopting child protection and adult safeguarding practices through procedures and a code of conduct for and members and volunteers;
- developing and implementing an effective e-safety policy and related procedures;
- providing effective support and training for volunteers with responsibility;
- recruiting staff and volunteers safely, ensuring all necessary checks are made;
- sharing information about child protection and adult safeguarding with children, parents, volunteers and members; and
- sharing concerns with agencies who need to know and involving parents and children appropriately. Useful contact details:

Band Safeguarding Officers: Luke Edmonds and ..... TBC .....

Local police: 101 or, if in danger, 999

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NSPCC Helpline: 0808 800 5000 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

ChildLine: 0800 1111 (textphone 0800 400 222) or [www.childline.org.uk](http://www.childline.org.uk)

We are committed to reviewing our policy and good practice annually.

The Safeguarding Officers are responsible for monitoring the effectiveness of this policy.

This policy was last reviewed in: May 2020 (Date).

Signed: Luke Edmonds (Band Safeguarding Officers).

The next review is due in May 2021.

## Section 2 - Different Types of Abuse

### Abuse and Neglect of children

Abuse and neglect are forms of maltreatment of a child or young person. They may result in a child suffering or being likely to suffer significant harm. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult, or another child or children. Government guidance 'Working Together to Safeguard Children' (2015) defines various forms of abuse, including:

- 1. Physical abuse** Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
- 2. Emotional abuse** Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.
- 3. Sexual abuse** Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, even if the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for

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example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

4. Neglect Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care givers); or
- Ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

5. Emerging forms of abuse As suggested under the 'Sexual Abuse' heading above, it should be noted that perpetrators are increasingly using online methods to access children and young people as well as to indulge in abuse by creating or downloading abusive images of them. Other forms of abuse that have come to public attention relatively recently have included the sexual exploitation of children and young people for commercial gain, forms of modern slavery, and abuse linked to cultural or religious belief (such as: Female genital mutilation (FGM), honour violence, forced marriage, radicalisation or abuse associated with a belief in spiritual possession).

6. Abuse of a position of trust This is a legal concept within The Sexual Offences Act 2003. It involves an adult of 18 or over engaging in sexual activity with or in the presence of a child or young person under 18, where the older person is in a position of responsibility towards the child or young person in one of a variety of settings, including a 'workplace setting'. The concept also covers 'causing or inciting a child' to engage in sexual activity, and 'causing a child to watch a sexual act'.

6.1 Responsibilities under Working Together to Safeguard Children Under Chapter 1 of this statutory guidance it is the responsibility of band leaders and those working with young members to share information and work together with statutory partners if they have concerns that a child or young person may be at risk of abuse or neglect. Once a referral has been received by a local authority children's social care team, they should, within one working day, decide about the type of response that is required and acknowledge receipt to the referrer. Feedback should also be provided to the referrer on decisions taken by the local authority. For example, the local authority, may take the view that the child and family are in need of support services, or may decide that the child is in need of protection. If a band believes that the position taken by the local authority is inadequate to protect the child or young person, we will consider escalating the referral within the Local Authority. It is not the job of bands to take a view on whether abuse has taken place or is at risk of taking place, nor is it the job of bands to conduct an assessment on this matter; this is the role of the statutory agencies such as the local authority and police.

Abuse of adults There are many different types of abuse affecting adults. They include:

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1. Physical This is 'the use of force which results in pain or injury or a change in a person's natural physical state' or 'the non-accidental infliction of physical force that results in bodily injury, pain or impairment'. It may include behaviours like the misuse of medication, inappropriate restraint or the use of inappropriate sanctions, as well as the actions more commonly associated with physical abuse (such as slapping, pushing etc).

2. Sexual Examples of sexual abuse include the direct or indirect involvement of the adult at risk in sexual activity or relationships which they do not want or have not consented to. Specific behaviours could include:

- Rape / indecent exposure;
- sexual harassment;
- inappropriate looking or touching;
- sexual teasing or innuendo;
- sexual photography;
- subjection to pornography or witnessing sexual acts;
- indecent exposure;
- sexual assault; and
- putting pressure on the young adult to consenting to sexual acts.

3. Emotional and psychological This is behaviour that has a harmful effect on the person's emotional health and development, or any form of mental cruelty that results in mental distress, the denial of basic human and civil rights such as self-expression, privacy and dignity. Specific behaviours might include:

- Threats of harm or abandonment;
- Deprivation of contact;
- Humiliation;
- Blaming;
- Controlling;
- Intimidation;
- Coercion;
- Harassment;
- Verbal abuse;
- Cyberbullying;
- Isolation; and
- Unreasonable and unjustified withdrawal of services or supportive networks.

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4. Organisational Institutional abuse is the mistreatment or neglect of an adult at risk by a regime, or individuals within settings and services, that adults at risk live in or use. It may include care or support provided in the person's own home. Such abuse violates the person's dignity, resulting in lack of respect for their human rights. It may range from one-off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

5. Discrimination This type of abuse may include:

- Discrimination based on gender, race, colour, language, culture, religion, politics or sexual orientation;
- Discrimination based on a person's disability or age;
- Harassment and slurs which are degrading; and
- Hate crime.

6. Financial and material This is the use of a person's property, assets, income, funds or any other resources without their informed consent or authorisation. It may include:

- Theft;
- Fraud;
- Internet scamming;
- Exploitation or coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions; and
- The misuse or misappropriation of property, possessions or benefits.

7. Neglect and acts of omission Examples of this might include:

- Ignoring medical, emotional or physical care needs;
- failure to provide access to appropriate health, care and support or educational services; and
- The withholding of the necessities of life, such as medication, adequate nutrition and heating.

8. Self-neglect This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour like hoarding. It should be noted that the legislation and guidance make it clear that this list is not exhaustive and that those working with adults at risk should be open to the possibility of other forms of abuse.

Consent and capacity: responsibilities under legislation and guidance affecting the safeguarding of adults.

## Section 3 - Anti-Bullying Policy

### **We recognise that:**

- Bullying is "behaviour, usually repeated over time, that intentionally hurts another individual or group of individuals, physically or emotionally";
- One person or a group can bully others; and



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- Bullying can occur either face to face between individuals or groups or online, using information technology, such as computers or mobile phones.

Bullying can include:

- Verbal teasing or making fun of someone;
- Excluding members from activities and conversations;
- Pressurising other members not to be friends with the person who is being bullied;
- Spreading hurtful rumours or passing round inappropriate photographs/images/drawings;
- Shouting at or verbally abusing someone;
- Stealing or damaging someone's belongings;
- Making threats;
- Forcing someone to do something embarrassing, harmful or dangerous;
- Harassment based on race, gender, sexuality or disability; and
- Physical or sexual assault (although all sexual incidents and all but very minor physical incidents constitute abuse and must be dealt with in accordance with child protection procedures).

Bullying causes real distress. It can affect a person's health and development and, at the extreme, can cause significant harm. People are often targeted by bullies because they appear different from others; We all have a role to play in preventing bullying and putting a stop to bullying.

The purpose of this policy is:

- To prevent bullying from happening in our brass band;
- When bullying does happen, to make sure it is stopped and that those involved receive the support they need; and
- To provide information to all members, volunteers, young people and their families about what we should all do to prevent and deal with bullying.

We will seek to prevent bullying by:

- Developing a code of behaviour that sets out the "dos" and "don'ts" in terms of how everyone involved in the Band is expected to behave, both in face-to-face contact and online;
- Advertise and promote the Band in a way that will help to attract members from diverse groups;
- Provide welcome information to new members and help them to settle in; and
- Hold discussions with members, volunteers, young people and families who are part of the Band to ensure that they understand our anti-bullying policy.

When bullying occurs, we will respond to it by:

- If bullying is suspected or reported, the member of the committee who has been approached will deal with the incident immediately;





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- A clear account of the incident will be recorded and given to the Committee who will interview all concerned and will record the incident; and
- Parents will be kept informed (Youth Members).

Persons who have been bullied will be supported by:

- Offering an immediate opportunity to discuss the experience with a committee member of their choice;
- Parental involvement (Youth Members);
- Reassuring the student;
- Offering continuous support; and
- Restoring self-esteem and confidence.

Persons who have bullied will be helped by:

- Discussing what happened;
- Discovering why the person became involved;
- Establishing the wrongdoing and need to change;
- Informing parents or guardians to help change the attitude of the person (Youth Members). If the Bullying does not cease or conflict become resolved, the following disciplinary steps can be taken:

Official warning to cease offending

Seating position to be reviewed

Member sent home

Permanent exclusion

Police informed o Monitoring and reviewing

We are committed to reviewing our policy and good practice annually.

The Safeguarding Officers are responsible for monitoring the effectiveness of this policy.

This policy was last reviewed in: .....May 2020..... (Date)

Signed: .....Luke Edmonds.....(Band Safeguarding Officer)

The next review is due in May 2021

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## Section 4 - Whistle Blowing Procedure

**Aims and purpose of this procedure** The aim of this procedure is to provide a clear and transparent way for all members of the Band to raise genuine concerns about acts of wrongdoing or malpractice within the organisation. It also aims to ensure that any concerns are dealt with effectively and in a timely fashion. This procedure provides the Band Committee and specifically the Chairman and Safeguarding Officers with steps to deal with allegations, ensuring that members and volunteers are not penalised for raising genuine concerns, even if those concerns prove to be unfounded. It also provides the means for taking disciplinary action against anyone who is found to have raised false concerns with malicious intent.

The procedure does not apply to safeguarding concerns or allegations about a member of staff or volunteer. Concerns or allegations of this nature should be dealt with by following the managing allegations process.

**What to do if you wish to raise a concern about malpractice** Speak to the Band Chairperson or Safeguarding Officers. If your concern relates to one of these Officers, then it may be necessary for another Committee member to also be involved to support the officer you have spoken to.

The Officer you have approached should arrange to meet with you as soon as possible to discuss your concern. This meeting can take place away from the band room if necessary. You will be told at the meeting, or as soon as possible afterwards, what action will be taken to address your concern. It may not be possible to tell you the full details of the outcome, as this could relate to confidential third-party information. If no action is to be taken in relation to your concern, you will also be informed of this fact and given the reasons why.

- If you do not want the person you have concerns about to know your identity, you should make this clear to the officer dealing with your concern at the earliest opportunity. Every effort will be made to respect your wishes, but it cannot be guaranteed that your identity will not be disclosed. If this is the case, you will be informed and any issues you may have about this will be discussed with you;
- If you need support in raising your concern, you may bring another member or volunteer with you, however consideration should be taken to respect the confidentiality of the concern.

**What to do if someone raises a concern with you about malpractice** If someone tells you they are concerned about the actions of another member or volunteer, you should arrange to meet him/her as soon as possible. If you are not the person responsible for dealing with these matters, you should establish why he/she has chosen to discuss the concern with you. You should then inform them to speak to the safeguarding team or chairman and offer to support them to do this. You should not, however, refuse to hear what the person has to say. You should approach the situation sensitively, recognising the discomfort that the person may feel. Offer to meet him/her away from the band room if he/she wishes, but ensure you are protected and not alone if this person is under 18. You should also remind the person with the concern about other sources of support available to him/her. Some are listed at the end of this document. If the person reporting the concern wants his/her identity to be kept confidential, you should explain that this will be done if possible, but that it may not be achievable. Make notes of your discussions with the individual and check the accuracy of your notes with him/her.

**Deciding what action to take** Once you have established the nature of the concern, it may be of a relatively minor nature and you may decide to resolve it informally. If the concern appears more serious, you must consider first whether any immediate action is needed to protect children or a

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vulnerable adult. If so, you should check the Safeguarding Procedures to consider what action to take. You should also consider whether there is a need to involve the police and/or other statutory services e.g. health. If so, you should contact the Safeguarding Officers (if this is not you) to discuss the matter further. If you are not the person responsible for dealing with concerns i.e. Chair, Safeguarding Officers or other appointed Committee member, you should refer the matter to the appropriate Officer, who will decide what action to take.

Conducting an Investigation Unless the matter is relatively minor and can be dealt with informally, the responsible officer should arrange for an investigation to be completed as swiftly as possible. The investigation should also be demonstrably thorough and impartial.

The scope of the investigation will be determined by the nature of the concern. Witnesses may need to be consulted and records may need to be scrutinised. It is also possible that advice may be needed from someone with specialist knowledge in the area of concern.

Once the investigation is completed, a report should be produced summarising the nature of the concern, the investigation process and the outcome, including specific recommendations. Take measures to preserve the anonymity of the person who raised the concern, if this has been his/her wish. If the concerns are not upheld, this should also be made clear.

If the concern is upheld and the person at the centre of it is found to have been culpable or remiss in some way, the report's recommendations should be carried out using a clear plan of action. The plan may include the use of disciplinary action, training, coaching, counselling, the implementation of new policies or procedures, or a referral to the Independent Safeguarding Authority.

If it becomes apparent during the investigation that a criminal offence may have been committed, the police will be informed. Your own investigation may have to be suspended on police advice, if they decide that they need to become involved. The person who raised the concern should be informed of the outcome, but not the details of any disciplinary action. The person who raised the concern should be offered support or counselling.

If the concern is unfounded and the person who raised it is found, through the process of investigation, to have acted maliciously or out of a desire for personal gain, it may be appropriate to consider disciplinary action against him/her.

Recording the concerns The Chair or Safeguarding Officer should make accurate notes of each stage of the process, including the discussions during meetings, regardless of whether the concern is dealt with formally or informally. Copies of these notes should be given to the person who is the subject of the concern.

The person who raised the concern should also be given copies of notes from his/her discussion. Notes made during the investigation and the report of the investigation, together with any notes relating to the outcome, should be kept securely and compliant with data protection. If it was requested, these notes should not reveal the identity of the person who reported the concerns.

We are committed to reviewing our policy and good practice annually.

The Safeguarding Officers are responsible for monitoring the effectiveness of this policy.

This policy was last reviewed in: .....May 2020..... (Date)

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Signed: .....Luke Edmonds.....(Band Safeguarding Officers)

The next review is due in August 2021

## Section 5 - Safety & Social Media

It is recognised that the internet provides unique opportunities to promote the Band including vacancies and performances using a wide variety of social media, such as Facebook, Twitter, Instagram and YouTube. These guidelines aim to protect individuals within the Band and to encourage them to take responsibility for what they write, exercise good judgment and common sense. Inappropriate use of social media can pose risks to the bands reputation and can jeopardise compliance with legal obligations.

Band Website and Social Media pages. It is important that you have permission prior to posting images of Band members on official websites and social media pages. This permission can be obtained through the Membership Form.

Personal details such as phone numbers and email addresses should not be posted on the internet without the permission of the individual.

It is important to consider the age range of Band members when posting images, and comments on pages and ensure that these are appropriate and in keeping with the Band ethos.

Individuals within the Band It would be best practise for adult members of the Band not to be social media friends with children, young people or vulnerable adults who are members of the Band. This is particularly important with social media forms that allow individual private communication. These members can still communicate with each through social media in a group setting such as the Band's social media page or Website.

Any content that raises a safeguarding concern should be reported to the Band Safeguarding Officers who will carry out safeguarding, whistle blowing, or allegations management procedures outlined in the Band's Safeguarding Policy.

We are committed to reviewing our policy and good practice annually.

The Safeguarding Officers are responsible for monitoring the effectiveness of this policy.

This policy was last reviewed in: .....May 2020..... (Date)

Signed: .....Luke Edmonds.....(Band Safeguarding Officers)

The next review is due in May 2021

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## Section 6 - Best Practice for Supporting Young People and Adults at Risk

Having young players as members of Luton Brass Band is extremely rewarding. These guidelines, in addition to the other supporting documents, allow Luton Brass Band to ensure that young people under 18 (henceforth referred to as young players), and adults at risk (henceforth referred to as players with care and support needs) are protected and that measures are in place to clarify positions of responsibility both within the band and with parents/carers.

Transporting young people and vulnerable adults to rehearsals and concerts It is common practice for members of Luton Brass Band to share lifts to both rehearsals and concerts. When this involves a young player or players with care and support needs, the Band will consider these best practice guidelines:

- If a young player, or player with care and support needs, is needing help with transport, this will be arranged directly between the parent/carer/player and Band member offering the lift and not through a third party or the Band Committee. It will be made clear to the parent/carer that this is a personal arrangement and the Band does not hold any responsibility for this arrangement;
- Band members will be made aware of best practice when providing lifts to young people and, in some cases, those with care and support needs. This will include but is not limited to:

Where possible, avoid travelling with the young person alone;

Agreeing pick up and drop off arrangements with parents;

Asking the young person to sit in the rear of the car, particularly if you are alone;

Having a contact number for the parent; and

Driving within the law.

- Despite the Band not holding responsibility for the arrangement of lifts, there is still a duty of care if there are any concerns raised regarding transporting young people or those with care and support needs to the Band. Any issues raised will be dealt with in line with the Band's Safeguarding and Whistleblowing Policies and, if necessary, appropriate referrals made to statutory authorities.

Young people and those with care and support needs attending concerts, contests and events outside the band room There will be occasions throughout the year where the Band are away from their rehearsal space, either performing at engagements, concerts, contests or even social activities. During this time, young players' needs and those of players with care and support issues, will be considered and a position of responsibility agreed between the Band and the parent/carer/adult with care and support needs.

In the case of a young person under 18, if the young player's parent (or other agreed responsible adult) is not present at the event, the Band has a Duty of Care to act in loco parentis for the duration of the event.

In this instance the following will be considered;

- Young people will be supervised throughout the duration of the event. The person or persons responsible for supervision will be safely recruited for this role (including a DBS check and other



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appropriate safeguards) and be made aware of any specific needs (including dietary) or medical conditions of the young people;

- The Band will consider appropriate environments for young players during social times during the event (for example after playing and before receiving the results at a contest);
- It may be required to gain parental permission for the young player to attend the event, if it is outside the normal activities agreed to on the membership form;
- Group transport should conform to the legal requirements including, rest times, number capacity of the vehicle and seat belts. Considerations will also be taken in relation to breakdown and recovery;
- Pick up and drop off points will be agreed and emergency contact information held; and
- Provision of information to the young player and their parent/carer prior to the event.

We are committed to reviewing our policy and good practice annually.

The Safeguarding Officers are responsible for monitoring the effectiveness of this policy.

This policy was last reviewed in: .....May 2020..... (Date)

Signed: .....Luke Edmonds.....(Band Safeguarding Officers)

The next review is due in May 2021