

**The Koestler Trust recognises the importance of safeguarding and tries to ensure that everyone with whom we work is safe, feels secure and is appropriately supported.**

This written policy on the safeguarding of children and vulnerable adults is made available to all staff, volunteers and shared with our partner organisations. It is also publicly accessible on our website.

## 1. Policy Statement

The Koestler Trust works directly with young adults and vulnerable adults in a range of its projects and programmes and has a responsibility to promote the wellbeing and safety of all people it comes into contact with.

The Koestler Trust believes that it is always unacceptable for a person to experience abuse or neglect of any kind and is committed to practice that protects children, young adults and vulnerable adults from harm. Further, it recognises its duty to ensure that appropriate action is taken where a child or vulnerable adult is experiencing harm or is at risk of harm.

## 2. Purpose of this policy

- To safeguard and promote the wellbeing of the children and vulnerable adults with whom the Koestler Trust works,
- To ensure that all employees and others covered by this policy understand the context within which checking with the Disclosure and Barring Service takes place,
- To provide all employees with guidance on how they should behave if they suspect that a child or vulnerable adult may be experiencing, or be at risk from abuse or harm,
- To guide employees on how to respond to - and report – concerns,
- To ensure compatibility with other Koestler Trust policies.

## 3. Who is affected by this policy?

This policy applies to all paid employees, trustees, volunteers, mentors, agency workers, contract/freelance staff, and unpaid staff working on behalf of the Koestler Trust in any capacity and in any setting.

This policy relates to all children from unborn up to 18 years of age and includes children with whom Koestler Trust has direct or indirect contact with, for example children known to adults with whom the Koestler Trust works directly.

This policy also relates to vulnerable adults who need to be safeguarded from harm.

In project proposals, partnership agreements and tenders, The Koestler Trust's Safeguarding policy should be mentioned and attached where appropriate. Project information leaflets for

children and vulnerable adults should all have a statement on safeguarding with contact details as appropriate.

#### **4. Definitions**

As per the definitions set out in the Children Act 1989, a 'child' is anyone who has not yet reached their 18th birthday. It also includes unborn children.

Adults aged 18 and over have the potential to be vulnerable (either temporarily or permanently) for a variety of reasons and in different situations. An adult may be vulnerable if he/she:

- Has a learning or physical disability,
- Has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs,
- Has a reduction in physical or mental capacity,
- Is in the receipt of any form of healthcare,
- Is receiving community services because of age, health or disability,
- Is living in sheltered or residential care home,
- Is unable, for any other reason, to protect himself/herself against significant harm or exploitation.

#### **5. Legal Framework**

Everyone has a right to be safeguarded from abuse or neglect. There is a legislative framework in place to safeguard children and vulnerable adults through The Children Act 1989 (as amended by section 53 of the Children Act 2004) and the Safeguarding Vulnerable Groups Act 2006.

Further guidance that sets out the requirements and expectations on professionals to work together to effectively safeguard children include *Working Together to Safeguard Children* (2015), *Safeguarding Disabled Children: Practice Guidance* (2009) and *What to do if you're worried a child is being abused* (2015) (Department for Education 2015).

The Koestler Trust does not have a statutory duty to comply with the key arrangements listed in *Working Together*, however it should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, as well as vulnerable adults.

#### **6. General Principles**

Safeguarding relates to the action taken to promote the welfare of children and vulnerable adults and to protect them from harm.

All staff should have a basic awareness of safeguarding issues. This includes:

- Being alert to the possibility of abuse and neglect,
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances,

- Knowing who in the organisation to raise concerns with,
- Being competent to take the appropriate immediate or emergency action.

If any member of staff has any concerns about a child or vulnerable adult they must alert the Koestler Trust's Designated Safeguarding Officer (DSO) immediately. If the DSO agrees there are grounds for concern, they must take appropriate action to safeguard the child or vulnerable adult. This may include contacting the relevant local authority social care service or the local police child abuse investigation team.

**If a child or vulnerable adult is in immediate danger the member of staff who first becomes aware of the danger should dial 999 for the police.**

The above may include;

- concerns about a member of staff,
- a suspicion that a child or vulnerable adult is being abused or neglected,
- a suspicion that an activity is taking place that could place a person at risk.

If the concern relates to a member of staff, The Koestler Trust's DSO should contact the local authority designated officer (LADO) responsible for providing advice and liaison in such cases. This is a general guide as the role of the LADO is expected to change, additionally some local authorities will have new multi-agency safeguarding arrangements.

In any situation where there is a suspicion of abuse, the welfare needs of the child or vulnerable adult must come first even where there may be a conflict of interest (e.g. where the suspected perpetrator may be a member of staff).

## **7. What Constitutes Abuse?**

Abuse is a deliberate act of ill-treatment that can harm or is likely to harm a person's safety, wellbeing and development. Abuse can be physical, sexual or emotional. Abuse may not, however, fall easily into these categories and staff and volunteers are not expected to be experts in the field.

Neglect also constitutes abuse but can be defined as failing to provide or secure a child or vulnerable adult with the basic needs required for physical safety and wellbeing.

The Koestler Trust recognises that a person's welfare is paramount and that all children and vulnerable adults - regardless of age, disability, gender, racial heritage, religious belief and sexual orientation or identity - have the right to protection from all types of harm and abuse.

### 7.1 Categories of abuse

Children and vulnerable adults can experience abuse in a number of ways. Forms of abuse that may affect children and vulnerable adults include:

- Abuse of trust,
- Child sexual exploitation,
- Child Trafficking,
- Discriminatory abuse,

- Domestic violence or abuse,
- Emotional Abuse,
- Female Genital Mutilation (FGM),
- Financial or material abuse,
- Grooming,
- Harmful sexual behaviour,
- Modern slavery,
- Neglect,
- Online abuse,
- Organisational or institutional abuse,
- Physical Abuse,
- Psychological or emotional abuse,
- Radicalisation of children or vulnerable adults,
- Self-neglect,
- Sexual Abuse.

These categories can overlap and an abused child or adult often suffers more than one type of abuse.

### 7.2 Disabled children and disabled adults

Disabled children and adults are particularly vulnerable to abuse in any form. Safeguards for disabled children are essentially the same as for the non-disabled. Staff must maintain high standards of practice, remain vigilant to the possibility of a child or young adult being abused and minimise situations of risk. All staff must ensure that the children and vulnerable adults they work with know how to raise concerns, and have access to interpreters/specialist workers and other aids to communication if required.

Where there are concerns about the welfare of a child or vulnerable adult with a disability, they should be acted upon in accordance with the procedures set out in this policy. The same thresholds for action apply. Where concerns are raised about a child or vulnerable adult who has communication difficulties, appropriate support, interpreting services and communication aids must be secured.

## **8. PROCEDURES FOR SAFEGUARDING CHILDREN AND VULNERABLE ADULTS**

### 8.1. Organisation duties and responsibilities

- Raise awareness of the need to protect children and vulnerable adults and reduce risks to them,
- Ensure that staff in contact with children and vulnerable adults have the requisite knowledge, skill and qualifications to carry out their jobs safely and effectively,
- Ensure safe practice when working in partnership with other organisations, in particular that they have in place adequate safeguarding arrangements, including appropriate policies and mechanisms to provide assurance on compliance,
- Maintain an organisation that is safe for all staff, children and vulnerable adults and an environment where poor practice is challenged,

- Ensure that all staff, volunteers and trustees who will be working with children and vulnerable adults consent to vetting through the Disclosure and Barring Scheme where applicable,
- Ensure that when abuse is suspected or disclosed, it is clear what action must be taken,
- Ensure that the Chief Executive, members of the Senior Management Team and the Designated Safeguarding Officer are accountable for the effective implementation of this policy,
- Ensure that all staff receive a copy of this safeguarding policy, understand its meaning and application and are aware of their responsibilities.

### 8.2. Responsibilities of the Designated Safeguarding Officer

These procedures are set within the wider context of The Koestler Trust's organisational policy and practice. The Designated Safeguarding Officer (DSO) is responsible for ensuring that safeguarding is given high priority within The Koestler Trust. Specific responsibilities include:

- Providing support and advice to managers and all staff on safeguarding matters related to children and vulnerable adults,
- Ensuring that all members of staff receive training on safeguarding as part of their induction, and on an ongoing basis where required,
- Managing referrals/cases reported and working with Senior Management to ensure resolutions,
- Carrying out referrals to the relevant local authority social care team where abuse of a child or vulnerable adult is reported or suspected,
- Referring the matter to the local authority designated officer (LADO) where a member of staff is suspected of abuse,
- Maintaining an overview of safeguarding issues and monitoring the implementation of this policy, in conjunction with the Chief Executive.

### 8.3. Responsibilities of the Chief Executive

The Chief Executive has responsibility for deciding whether to refer any reported matters onto the police or to the local authority social care service. Where possible, referrals should be made on the same working day and certainly **within 24 hours**. It is the responsibility of the Chief Executive to decide whether the parents/carers (if applicable) of the child or young person or vulnerable adult should be informed of the referral.

The Chief Executive is also responsible for;

- Supporting the DSO in their tasks (listed above),
- Auditing the operation of the policy and procedures,
- Implementing a training strategy for employees,
- Ensuring that the policy and procedures are implemented throughout the organisation,
- Ensuring that the organisation's safeguarding policy is reviewed annually.

#### **8.4. Responsibilities of trustees**

To comply with their legal duties, trustees must react responsibly to reports of safeguarding risks and incidents of abuse and take steps to make sure all staff know how to deal with these.

Trustees should report a serious incident to the Charity Commission if:

- beneficiaries have been, or are alleged to have been, abused or mistreated while under the care of The Koestler Trust, or by someone connected with the Koestler Trust, for example a trustee, staff member or volunteer,
- there has been an incident where someone has been abused or mistreated (alleged or actual) and this is connected with The Koestler Trust's activities,
- there has been a breach of procedures or policies at The Koestler Trust which has put beneficiaries at risk, including a failure to carry out checks which would have identified that a person is disqualified under safeguarding legislation, from working with children or adults.

#### **8.5. Responsibilities of all line managers**

Individual line managers are responsible for ensuring staff comply with the expectations set out within this policy. Specific responsibilities include:

- Being the first point of contact for reports of concerns,
- Ensuring that all employees and volunteers in regulated roles are subject to DBS checks where applicable.
- Reporting all concerns to the Designated Safeguarding Officer (DSO),
- Providing advice and support to employees reporting disclosures or concerns,
- Working with the DSO to resolve issues.

#### **8.6. Employee responsibilities**

All Koestler Trust staff have a responsibility to ensure the safety of children and vulnerable adults with whom they work. It is the responsibility of staff to promote good practice and minimise and manage potential risks. All staff – including volunteers, freelance staff and trustees - must be aware of the requirements within these procedures.

#### ***Action to safeguard:***

Koestler Trust staff have no powers to investigate abuse. Nonetheless all Koestler Trust staff have a duty to safeguard and promote the welfare of children and/or vulnerable adults and a responsibility to work closely and co-operatively with other agencies in order to achieve this.

Staff may have a role as referrers, witnesses or supporters in safeguarding processes. If a member of staff suspects that a child or vulnerable adult is being harmed, experiencing, or already has experienced, abuse or neglect and/or is likely to suffer harm in the future, they

must talk to the Designated Safeguarding Officer and/or Chief Executive. The DSO/Chief Executive will agree next steps including making any necessary referrals.

If anyone other than the DSO or Chief Executive makes a referral, they should inform the DSO as soon as possible.

**It is not the responsibility of the Koestler Trust to decide whether or not abuse has taken place. It is the responsibility of staff at The Koestler Trust to act if there is cause for concern, in order that the appropriate agencies can investigate and take any action necessary to protect the young and/or vulnerable adult.**

**If a members of staff is concerned that a child is in immediate danger, or requires immediate medical treatment, they should call the police and/or emergency medical services on 999 straight away.**

## 9. Staff Behaviour

### 9.1. Code of conduct

Koestler Trust staff working with children and/or vulnerable adults may be required to undergo awareness training.

Staff should not:

- meet with a child or vulnerable adult on their own (this excludes Volunteer Art Mentors who operate under separate bespoke risk assessments and in line with our Lone Working policy in our Volunteer Handbook),
- ask overly personal questions, including those about age or appearance (unless specifically related to a work project, in which case it must be documented),
- send/give out material that could be considered offensive, which includes material on social media sites,
- suggest or imply a personal relationship could develop,
- take an aggressive or bullying tone,
- have physical contact,
- offer or accept personal gifts,
- travel alone with a young and/or vulnerable person.

### 9.2. Online Communications

Staff should take care when communicating with others online, particularly when identifying themselves as Koestler Trust staff members and when in contact with children and vulnerable adults. Language should not be overfamiliar, and personal details should not be shared.

### 9.3 Social Media and websites

Many websites contain offensive, obscene or indecent material such as:

- Sexually explicit images and related material,
- Advocating of illegal activities,
- Advocating intolerance for others.

Staff should ensure that they don't directly or indirectly send links to such sites in any communications such as on Twitter or Facebook.

In addition staff must not place any material on to the Internet that would be considered inappropriate, offensive or disrespectful of others. Disciplinary action will be taken against staff that breach this policy.

#### 9.4 Public Showcasing

In addition staff must not place any identifying photos or personal information about children or vulnerable adults on social media unless written permission has been provided by an appropriate independent adult (eg parent, keyworker etc). This excludes group shots of audience members taken in public setting where a sign is clearly on display saying photography is taking place at the event/venue.

Where an inappropriate or identifying image or text is shared inadvertently, the user must leave the website and/or delete the material immediately. They should also report the incident to their line manager, the DSO and Chief Executive. Failure to notify the Trust of the breach will be treated as gross misconduct.

Details of the incident and the actions taken must be recorded in writing.

#### 9.5 Assessing the risk of publicly showcasing work by Vulnerable Adults and Children

Risk assessments around the appropriateness of using an artwork image in a high profile setting or inviting an entrant to perform in public or appear in film must consider if the person is vulnerable and, if so, whether the public showcasing of them or their work is in their best interest.

When looking to make this decision the factors that should be taken into account are;

- Is the vulnerable person or child giving free and informed consent; i.e. do they understand what they are agreeing to?
- Are there victim issues that should be taken into account that could potentially put the vulnerable adult or child at risk of harm?
- Would the showcasing result in their identity being linked with 'Criminal Justice' in a way that, in the future, prevents them from disassociating themselves with past experiences of the criminal justice system?
- If anonymity is required (i.e. the use of an artwork image by a child or vulnerable adult in a high profile setting), does the child or vulnerable adult understand the need to maintain their own anonymity and are they capable of abiding by the requirement?

It is accepted that Koestler Trust staff will not be in a position to make these judgements on a vulnerable person or a child's behalf, so the above questions should be asked of a key worker, probation officer, parent or other appropriate adult. Koestler's Showcasing Policy should be referenced for the framework by which these assessments should be made.



Where any potential performer or the artist behind an artwork, that is to be shown in a high profile way, is known to be vulnerable or to be a child then the CEO or member of the Senior Management Team must approve any risk assessment around the public showcasing.

## 10. Confidentiality and sharing information

### 10.1. Confidentiality and the possible impact on the child or vulnerable adult

In any work with children and/or vulnerable adults it is important to be clear about confidentiality. Confidentiality and safeguarding should be discussed with children and/or vulnerable adults at the beginning of any piece of work and reminders and information given from time to time, to ensure that they understand the processes and what responsibilities members of staff have. **It is absolutely essential to be clear about the limits of confidentiality well before any such matter arises.**

While personal information held by professionals and agencies is subject to a legal duty of confidence and should not normally be disclosed without the subject's consent, **it is essential that staff respond quickly where they have concerns or suspicions of abuse.** Any concerns about confidentiality should not override the rights of children and/or vulnerable adults at risk of, or suffering, harm.

The Koestler Trust's responsibility for protecting children and vulnerable adults means that, where necessary to protect welfare, it **will breach confidentiality to raise concerns.**

Information sharing must be done in a way that is compliant with the General Data Protection Regulation and Data Protection Act 2018, the Human Rights Act 1998 and the common law duty of confidentiality. However, a concern for confidentiality must never be used as a justification for withholding information when it would be in the child or vulnerable adult's best interests to share information.

### 10.2. Do not promise to keep secrets.

Should it become necessary to pass on information shared by another party this decision should always be discussed with the person in question and where possible their cooperation sought beforehand. Explanations of the reasons; processes; likely sequence of events; and who to contact for information or for support should also be provided.

When a child or vulnerable adult makes an allegation of abuse they may hope that the abuse will stop without further enquiries. They may fear the effect this will have on their family and may fear retribution from the abuser. They should be helped to understand why the referral (to the Designated Safeguarding Officer) must be made and what is likely to happen as a result. It is important to reassure the child or vulnerable adult but he/she must not be told that their allegation will be treated in a particular way or that the information will be kept a secret.

**A record should be kept of any decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.**

Even if a concern has been discussed with a line manager/ the DSO, it is important that all concerns are properly recorded in writing whether or not further action is taken. The Koestler Trust has a standard Safeguarding & Child Protection Report form (see APPENDIX A) for recording suspected abuse to help people record relevant information. **This form must be used for all concerns and passed as soon as possible to the DSO.**

It is important that concerns raised are recorded accurately and in detail. All discussions should end with clear and explicit recorded agreement about who will be taking what action. Where no further action is the outcome the reason for this should be clearly recorded.

Staff should not pursue questioning of a child or vulnerable adult for information if it is not given freely. There should be no delay in reporting the matter by waiting for all the information.

In completing the form it is important not to write speculative comments but to stick to the facts. Staff's opinion may be crucial but it should be recorded as an opinion and any evidence stated to support these opinions. Records pertaining to issues of child protection may be accessible to third parties such as Children's Services, Police, the Courts and Solicitors.

Records must be kept securely in a locked place or file to which access is restricted. Managers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information - verbally, through the mail, electronically, etc. - should be done in such a way that confidentiality is maintained.

#### On and off-site activities

A Risk Assessment should be carried out at least 48 hours before any activity involving a child and/or vulnerable adult takes place. Safeguarding and Code of Conduct procedures apply whether the activity is on or off-site.

## **11. SAFE RECRUITMENT**

### 11.1. Recruiting staff

The Protection of Freedoms Act 2012 under the Safeguarding Vulnerable Groups Act 2006 sets out that it is an offence for an employer to knowingly employ someone in a regulated position if they are barred from doing so. **As of the last review date of this policy the Koestler Trust does not employ any staff in a regulated position.**

Where there is regular contact but not 'regulated' (i.e. supervised) it is still possible to consider an enhanced criminal records check but this will not include a check of the barred list through the Disclosures and Barring Service (DBS). You must seek advice from the Chief Executive as to whether an enhanced criminal records check should be sought. As a general

rule anyone who will have sustained contact with a particular vulnerable adult or child during the course of their work for the Trust will be required to undergo an Enhanced DBS check. For the purpose of this policy the term 'sustained' means meeting with the same individual child or vulnerable adult on six or more occasions.

Most roles within the Koestler Trust, whilst not 'regulated positions', may involve infrequent supervised (i.e. not alone) direct work with children and/or vulnerable adults. Activities could include (but are not limited to): convening meetings; holding a focus group; running a group curation project, presenting in a prison or secure hospital. Where this is the case, the relevant member of staff will be required to have a Basic DBS check carried out prior to commencing any direct work with children and/or vulnerable adults.

Where a criminal conviction is disclosed by an applicant or through a DBS check/basic disclosure, the employees' line manager and the Chief Executive, will use The Koestler Trust' Employment of Ex-Offenders Risk Assessment Frameworks (See APPENDIX B) to objectively consider the level of risk. If the level of risk is too high to allow the individual to start/continue working in a particular role/activity, the consequences of this for the individual will depend upon:

- The check concerned,
- The reason for the check (that is, check for a new employee, a recheck for an existing employee in their current post or a check for an existing employee in a new post),
- Relevant legislation,
- The post concerned,
- Whether the individual is suitable for other employment opportunities available within the organisation.

Possible outcomes include amended duties, redeployment, withdrawal of an offer of employment or, where the individual started work before the relevant screening check was completed, dismissal.

### 11.2. Recruitment of ROTL Volunteers

A separate policy exists on the recruitment of prisoners who undertake volunteer placements with us whilst on Release on Temporary Licence (see 'Release on Temporary Licence (ROTL) Policy'). As a serving prisoner automatically is considered a 'Vulnerable Adult' under the definition laid out in this Safeguarding policy the prison will be asked to disclose any specific vulnerabilities in relation to the volunteer and to confirm that it is both safe and appropriate under their own risk assessment for that volunteer to work alongside unvetted volunteers and members of the public.

### 11.3. Good Recruitment Practice

Best practice guidelines around safe recruitment practice should be adhered to in all recruitment. This includes the recruitment of volunteers working with the Trust for more than one consecutive day (i.e. it excludes Feedback Volunteers).

Best practice for safe recruitment of staff requires;

- checking work history via a CV or application form (and asking for explanations for any gaps in employment),
- taking up two references,
- checking identity documents,
- face-to-face interview.

Best practice guidelines must be followed for all staff working at the Koestler Trust and partner organisations even if direct contact with children and/or vulnerable adults is not part of their role.

#### 11.4. Supporting staff

It is the responsibility of managers to ensure that the staff they line manage are aware of and understand the procedures and have levels of knowledge and skills commensurate to the level and nature of their direct involvement with children and/or adults.

All staff should:

- be supervised and supported in their work
- work to the Koestler Trust's safeguarding procedures which are reviewed and updated as necessary,
- receive training in safeguarding at a level appropriate to their work situation,
- be able to raise concerns about poor and dangerous practice through the Koestler Trust's whistle blowing Policy
- have access to personal safety procedures,
- have training and support as required to effectively discharge their responsibilities.

#### 11.5. Allegations against staff

Any suspicion, allegation or actual abuse of a child or vulnerable adult by an employee, trustee, volunteer, mentor, agency worker, contract staff and unpaid staff must be reported to the Designated Safeguarding Officer and/or to the Chief Executive immediately.

Concerns about staff must be treated with the same rigour as other concerns. If there are concerns that abuse has taken place the DSO will pass this information to the Local Authority Designated Officer for investigation. The DSO will work with the member of staff's line manager and with the Chief Executive.

#### 11.6. Reporting a serious safeguarding incident

The DSO and senior managers will also need to refer to the Disciplinary Policy and Procedure and decide whether the member of staff should be suspended pending a full investigation.

If the member of staff is not happy with the response they receive from the DSO, then they should refer to the Koestler Trusts Whistle Blowing Policy.

There may be instances when a staff member's performance or conduct when working with children and/or vulnerable adults will lead to the Koestler Trust's disciplinary procedures

being invoked. The Disciplinary Policy is available in the Staff Handbook. The nature of the concern about the staff member's conduct and or performance will determine how and what disciplinary action is taken.

**On occasion, a child or vulnerable adult may abuse another child or vulnerable adult. Safeguarding procedures should be followed in respect of all parties in those situations.**

If any member of staff is involved in an actual or suspected serious safeguarding incident, or if a serious safeguarding incident takes place within any of the Koestler Trust's workplaces or working context, in addition to following the protocols set out within this policy, it should also be reported to the Charity Commission. It is the responsibility of Trustees to ensure that this takes place.

All suspected or actual safeguarding incidents should be reported to the Charity Commission by email at: [RSI@charitycommission.gsi.gov.uk](mailto:RSI@charitycommission.gsi.gov.uk). In addition, immediate action should be taken to:

- prevent or minimise any further harm,
- report it to the police, if it is suspected a crime has been committed, and to any other regulators the charity is accountable to,
- plan what to say to staff, volunteers, trustees, the public and the media,
- review what happened and prevent it from happening again - this may include strengthening internal controls and procedures, and/or seeking appropriate help from professional advisers.

## 12. Complying with this policy

### 12.1. Expectations of employees

It is important that staff work to a high standard of professional conduct and act with integrity at all times, in order to minimise the risk of abuse from within the Koestler Trust. It is important to create a work environment where the risk of abuse is minimised and children and vulnerable adults feel comfortable and safe. When incidents of abuse are raised or suspected it is important that staff have the necessary information and support and follow the procedures appropriately.

Staff should make sure they have read this safeguarding procedures in full. They should highlight and discuss any issues requiring clarification and any training issues with their line manager. Staff should make sure that they have a working knowledge of the different forms of abuse and possible indicators.

### 12.2. Freelance staff

All staff should ensure that, when working with children and/or vulnerable adults, all colleagues, volunteers and other staff from partnering organisations have the appropriate employee checks in place which must include a full career history, identity checks and references and adherence to Disclosure & Barring Service (DBS) where applicable.

It is the responsibility of the commissioning manager to ensure that these staff are familiar with this document and agree to work within this framework. If there are any concerns with the conduct of freelance staff, these concerns must be raised following the steps outlined in this policy.

If you suspect that a child or vulnerable adult needs protection or is at risk of abuse, please contact THE KOESTLER TRUST's Designated Safeguarding Officer

## People to Contact

**1st Contact:** Director of Outreach & Involvement (Designated Safeguarding Officer)  
Sarah Mathéve: 020874000333/07435 781843

**2nd Contact:** Chief Executive  
Fiona Curran : 02087400333 / 07760 751 627

In the absence of the above designated members of staff, contact:-

Ealing Social Services  
Social Services Reception  
Acton Town Hall  
Winchester Street  
High Street  
London  
W3 6NE  
**Tel: (020) 8825 8000.** Minicom: 8832 6274.  
Opening hours: Mon-Fri, 9am-4.30pm

**Direct Contact** Centre for Children's Services:  
0845 045 5203 (8am - 8pm) (Social Care)

**If unable to contact Ealing Direct (Social Care) and/or in extreme emergency situations call the  
Police: 999**

## **Other Policies Referenced in this document**

- Safeguarding Reporting Form
- Employment of People with a Criminal Conviction: Risk Assessment Framework
- Showcasing Policy
- Whistle Blowing Policy
- Lone Working Policy for Volunteer Arts Mentors
- Release on Temporary Licence (ROTL) Policy

DATE FOR NEXT REVIEW OF THIS POLICY – November 2024

## Key Phone Numbers

(as at 06/11/2022)

Service	Contact Number
<b>Police (local)</b>	Ealing Police Station: 020 86493573 Or national police service: 999
<b>Community Mental Health</b>	020 8483 1720 Out of Hour contact: 0300 1234244
<b>Adult Support Services/ Safeguarding Adult</b>	020 8825 8000
<b>Adult Support Services (out of hours)</b>	020 8825 5000
<b>Age Concern</b>	020 8567 8017
<b>Social Services</b>	020 8825 8000 / 020 8566 2360
<b>MIND in Ealing</b>	020 8992 0303
<b>Ealing CAMHS</b>	020 8354 8160
<b>Drug Misuse</b>	RISE: 020 8843 5900 020 8825 9888
<b>Ealing CCG</b> 3rd Floor, Perceval House 14/16 Uxbridge Road Ealing, W5 2HL	020 8280 8080
<b>NHS England</b> North West London Area Team	020 7322 3700

# Koestler Trust

## Safeguarding Reporting Form

This form should be used to record safeguarding concerns relating to Children and/or Vulnerable persons. In an emergency please do not delay in informing the police or social services. All the information must be treated as confidential and reported to the Designated Safeguarding Officer within one working day or the next working day if it's a weekend.

The form should be completed at the time or immediately following disclosure, but after all necessary emergency actions have been taken. Please complete the form as fully as possible.

1	Your details – the person completing the form
Name	
Position	
Telephone	
Email	

2	Details of the person affected
Name	
Address	
Telephone	
Email	

3	Details of the incident – please describe in detail using only the facts



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<b>4</b>	<b>Other present or potential witnesses</b>
<b>Name</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	

**5 Additional relevant information – please detail anything else that you believe to be helpful or important**

**REPORTING STAFF MEMBER**

**I confirm that I have completed this form and provided information that is factual and does not contain my own views or opinions on the matter.**

Have any additional documents been attached to this assessment? YES  NO

If **yes**, please give details.....

**NAME** .....

**SIGNATURE** .....

**DATE** .....

**DESIGNATED SAFEGUARDING OFFICER/CHIEF EXECUTIVE**

**I confirm that I have read this form and notified any external agencies as required..**

YES  NO

If **yes**, please give details.....

**Agreed action to be taken is;**

.....

.....

**NAME** .....

**SIGNATURE** .....

**DATE** .....

# Employment of People with a Criminal Conviction

## Risk Assessment Framework

<b>Purpose</b>	To help establish the risk to the Koestler Trust in the recruitment /employment of an ex-offender
<b>For Use by</b>	Supervising Managers
<b>Date</b>	July 2018

### 1. Background

This framework is to assist in the assessment of an applicant's/employee's suitability for a post in the light of the individual's criminal record status/offending background. **In all cases it should be noted that:**

- prior to undertaking this assessment, all members of staff involved are required to have familiarised themselves with the Koestler Trust's policy on recruiting ex-offenders.
- it is important to maintain an open, non-judgemental attitude when undertaking this assessment.
- the aim of this procedure is to ensure that the applicant receives a fair and objective assessment as part of the Trust's commitment to preventing unfair discrimination against ex-offenders.

For each Risk Assessment Framework review the following principles will apply:

- the safety and well-being of staff, service users and other stake-holders will be the overriding priority at all times,
- maintaining the reputation and good standing of staff and the Trust is vital,
- the predetermined requirements of the post in question must be fully met.

#### (a) For Posts which do not require a Criminal Records Check:

This assessment framework may be applied to assist assessing the potential risk impact of employing a shortlisted applicant/recommended appointee who has indicated that s/he has an unspent criminal record. Under the *Rehabilitation of Offenders Act 1974*, the applicant is not obliged to provide details of any previous spent convictions, unless the post has been identified as exempt from the act.

**(b) For Posts which require a Standard or Enhanced CRB Disclosure:**

As these posts are considered exempt from the Act, a satisfactory Disclosure will be required from the appointee which will reveal all spent and unspent criminal records. This assessment framework is to be applied if

- i. a shortlisted applicant or recommended appointee has indicated that s/he has a current criminal record and/or a spent record in advance of the Disclosure check being undertaken, and this information is relevant to the post.
- ii. the results of a Disclosure do not appear to be satisfactory when compared with the requirements of the post.

**(c) For Posts which require a Basic Disclosure:**

A satisfactory Basic Disclosure will be required from the appointee which will reveal all unspent criminal records. This assessment framework is to be applied if

- i. a shortlisted applicant or recommended appointee has indicated that s/he has a current criminal record in advance of the Basic Disclosure being undertaken, and this information is relevant to the post.
- ii. the results of a Basic Disclosure do not appear to be satisfactory when compared with the requirements of the post.

## **2. Framework for Assessment**

### **Step One Suitability for the Post**

Consider the applicant's qualifications, skills, abilities and experience and compare these with the requirements of the job description and person specification.

### **Step Two Assessing the nature of the conviction and its relevance to the role**

<b>Question</b>	<b>Info</b>	<b>Comments/Assessment</b>
Is this an post exempt from the Rehabilitation of Offenders Act 1974 i.e. an excepted post - this includes positions of trust, clinical areas, financial management, working regularly children (aged under 18 years), vulnerable adults or the elderly.	For posts exempt from the act, details of spent records/convictions must be made known to the prospective employer. It is illegal to employ certain offenders in some occupations.	<i>continued over...</i>

Question	Info	Comments/Assessment
Are other legal constraints applicable?	The Independent Safeguarding Authority maintains a list of people who must not work with children. (This list will be checked as part of an Enhanced Disclosure for posts which involve work with children).	
Are other legal constraints applicable - continued	<p>The Independent Safeguarding Authority maintains a list of people who must not work with vulnerable adults. (This list will be checked as part of an Enhanced Disclosure for posts which involve work with vulnerable adults).</p> <p>Motoring convictions would have an impact on the appointment of drivers.</p>	
Does the post involve direct responsibility for finance or items of value?	If yes, consider what could happen and the seriousness of that eventuality.	<i>continued over...</i>

Question	Info	Comments/Assessment
Does the post involve direct contact with members of the public?	If yes, consider what could happen and the seriousness of that eventuality.	
What type of crime was it and to what level?	In general, custodial sentences are more serious and the longer the sentence the more seriously the Courts viewed the crime at that time.	
How old was the individual at the time of the crime?	Rehabilitation periods are cut in half where the person was under 18 at the time of conviction	
Has the offence been decriminalised since the conviction?		
Consider the country in which the offence was committed.	For example some activities are offences in Scotland and not in England & Wales, and vice versa.	
<p>What were the circumstances of the conviction?</p> <ul style="list-style-type: none"> <li>- when did it occur?</li> <li>- was it a one-off or part of a history of offending?</li> </ul>	The applicant may be approached for more details	<i>continued over...</i>

Question	Info	Comments/Assessment
<p>What evidence is there of:</p> <ul style="list-style-type: none"> <li>- remorse?</li> <li>- motivation to change since the offence occurred?</li> <li>- successful rehabilitation?</li> </ul>	<p>Supporting evidence may be available from specialist agencies e.g. Probation Service</p>	
<p>Is the applicant likely to re-offend?</p>	<p>Consider whether the individual's circumstances have changed since the offence.</p>	
<p>Will the post offer an opportunity to re-offend?</p>		
<p>Consider whether the offence could create unacceptable risks for</p> <ul style="list-style-type: none"> <li>- other employees</li> <li>- service users</li> <li>- suppliers</li> <li>- the public at large</li> <li>- property</li> <li>- the reputation of the Trust.</li> </ul>	<p>Consider in particular whether one-to-one or unsupervised contact might occur.</p>	
<p>How does the nature of the crime relate to the post in question?</p>		<p><i>continued over...</i></p>

Question	Info	Comments/Assessment
What factors might decrease or increase risk?	Consider supervisory, location options	
Consider the possible insight and knowledge that a reformed person could bring to the role.		

**Other Comments**

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**Recruitment Decision**

**Please attach any other information in support of this individual's risk assessment to this form.**

Have any additional documents been attached to this assessment? YES  NO

If **yes**, please give details.....

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Subject to Koestler offering this person a role, is the role suitable for this person?

**YES**  **NO**

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**SIGNATURE** .....

**JOB TITLE** .....

**DATE** .....