

Policy Statement

MyBnk acknowledges a duty of care to safeguard and promote the welfare of children and vulnerable adults and is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice. Hereafter the term 'service users' should be taken to refer to any child, young person or vulnerable adult working with us as part of a MyBnk programme, as well as members of our Youth Advisory Panel, volunteers and work placement students.

MyBnk recognise that the welfare of the service user is paramount in all circumstances. It aims to ensure that regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity service users receive equal protection from abuse. As part of our safeguarding policy we will work together with other agencies including Social Services and the Police in the prevention, identification, investigation and treatment of alleged, suspected or confirmed abuse. Hereafter the term 'workforce' should be taken to refer to all MyBnk staff, freelancers and volunteers.

This policy seeks to:

- Promote and prioritise the safety and wellbeing of service users
- Ensure the workforce understand their roles and responsibilities in respect of safeguarding and are provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to service users
- Ensure appropriate action is taken in the event of incidents or concerns of abuse and that support is provided to those who raise or disclose the concern
- Ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored
- Ensure the workforce (and trustees) are subject to a Disclosure and Barring Service check prior to the commencement of work with service users.
- Ensure robust safeguarding arrangements and procedures are in operation and that these procedures are regularly monitored and updated in response to changes in legislation and/or safeguarding guidance

We recognise that we also have a duty to protect our workforce from situations that may lead to the allegation of abuse. All members of the workforce are accountable for adhering to this policy and have a responsibility to:

- Be aware of and recognise abusive, oppressive situations and practices
- Voice and record their concerns or evidence of abuse, which they may see or hear about, within the framework of this procedure
- Co-operate with any investigation

- Never prevent or persuade another person from expressing their concerns about abuse

Failure to fulfil any of these responsibilities is a failure of duty to care and could lead to disciplinary action and/or criminal investigation.

Legal framework

A child is defined as a young person under the age of 18 years old. MyBnk recognises that all children have the right to protection from all forms of abuse including neglect, physical, sexual and emotional abuse.

An adult is defined as a person aged 18 years or over. A vulnerable adult can be defined as a person who:

- May be in need of services by reason of mental or other disability, age or illness
- And who may not be able to take care of him or herself, or is unable to protect him or herself against significant harm or exploitation.

MyBnk recognise that service users outside of this definition may also be vulnerable to abuse due to their personal circumstances and life experiences. For instance, a background of homelessness, low self-esteem, social exclusion, drug or alcohol dependency, offending or institutional care, domestic violence or sexual exploitation may leave an individual vulnerable to abuse.

MyBnk recognises a legal responsibility to ensure the safety and protection of service users. This policy recognises key legislation and legal guidance in relation to service users which includes:

- Children's Act 1989 and 2004
- Human Rights Act 1998
- The Data Protection Act 1984 and 1998
- The Safeguarding Vulnerable Groups Act 2006
- The United Nations Convention on the Rights of the Child (UNCRC).
- Public Disclosure Act 1998
- Mental Capacity Act 2005
- Working Together to Safeguard Children 2006 and 2010

Identifying Abuse

Abuse is a violation of an individual's human and civil rights by any other person or persons. It may consist of single or repeated acts. It may be, but is not limited to, physical, emotional, sexual, financial, neglect or an omission to act.

A protection concern is defined as service user indicating and/or disclosing that they are at risk, or suffering from abuse. It covers situations where a service user is in immediate danger due to actions or threats, is being coerced into participating in or is experiencing unwelcome and unwanted sexualised or predatory behaviours by a peer or by an adult.

MyBnk will use the following definitions of abuse, all of which will be considered protection issues.

Emotional abuse

The persistent emotional maltreatment of a service user such as to cause serious damage to their emotional health and development. Service users who are emotionally abused are usually suffering another type of abuse or neglect at the same time – but this isn't always the case. Emotional abuse may involve:

- Conveying to a service user that they are worthless, unloved, inadequate, or valued only because they meet the needs of another person
- Imposing expectations that are inappropriate to the age or development of the service user – e.g. over-protecting a service user or limiting their exploration and learning
- Exploiting or corrupting a service user
- Bullying such as humiliating, threatening, or shouting at a service user
- Not recognising a service user's own individuality, trying to control their lives and not promoting their social development
- Pushing a service user too hard or not recognising their limitations
- Manipulating, blaming, scapegoating/making the service user perform degrading acts

Physical abuse

When a service user is deliberately hurt or injured by someone they are being physically abused. It isn't accidental – service users who are physically abused suffer violence such as being hit, kicked, poisoned, burned, slapped or having objects thrown at them. It may also include shaking, throwing, scalding, drowning, suffocating or other ways of causing physical harm. Physical abuse can cause or lead to:

- Injuries which the service user cannot explain, or explains unconvincingly
- Injuries which have not been treated or have been treated inadequately

- A parent or carer fabricating symptoms of, or deliberately inducing, illness in a service user.

Sexual abuse

A service user is sexually abused when they are being forced or persuaded to take part in sexual activities. This doesn't have to be physical contact, and it can happen online. Sometimes the service user won't understand that what's happening to them is abuse. They may not even understand that it's wrong. Sexual abuse includes:

- Causing or inciting a service user under the age of 16 to engage in sexual activity, where the offender is aged 18 or over, pursuant to the Sexual Offences Act 2003.
- Causing or inciting a service user under the age of 13 to engage in sexual activity, regardless of consent, pursuant to the Sexual Offences Act 2003.
- Forcing or persuading a service user to take part in prostitution or pornography
- Non-contact activities such as showing a service user images of sexual activity, including photographs, videos or via webcams.
- Encouraging a service user to engage in sexual activity

Neglect

Neglect is the persistent failure to meet a service user's basic needs. A service user may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care. Neglect includes a parent or carer failing to:

- Protect a service user from physical and emotional harm or danger
- Ensure adequate supervision, including the use of inadequate care-givers. This can include a service user under the age of 16 being left alone overnight or a service user under 12 being left alone for a long period of time
- Promote educational activities, encourage or praise a service user

Although these are the four 'traditional' categories of abuse, MyBnk also recognise that abuse can take many different forms not listed above. There are also particular risks faced by some service users because of gender, race, disability or sexual orientation. We also recognise that sensitive issues such as self-harming, eating disorders, mental health issues, underage sex, drug taking and underage drinking may be disclosed which could develop into protection issues.

Prevention

MyBnk have a number of procedures to ensure that the workforce do not put service users at risk, either through their actions or lack of action. MyBnk is committed to recruitment and employment practices which aim to ensure that individuals who seek employment work with or alongside MyBnk take part in a stringent recruitment process. This includes:

- All members of the workforce being subject to two personal references.
- All members of the workforce undergoing a Disclosure and Barring Service (DBS) check. Satisfactory clearance is required prior to working with MyBnk service users.
- All members of the workforce whose work with service users meets the definition of 'regulated activity', as defined by the Safeguarding Vulnerable Groups Act 2006, are provided with safeguarding training.
- MyBnk complying with any updated legal guidance of Child Protection procedures.
- All members of the workforce reading MyBnk's Safeguarding Children and Vulnerable Adults Policy as part of their induction.
- The Chief Operating Officer being responsible for ensuring all members of the workforce are made aware of MyBnk's safeguarding procedures.
- Ongoing support and supervision being provided to members of the workforce, including reviewing DBS checks after a maximum of three years.

Code of Conduct

MyBnk works in partnership with various types of organisations including schools, youth centres, youth offending teams, looked after and leaving care teams, housing associations, local authorities and social services. MyBnk recognises its responsibility to work in partnership with organisations to safeguard their service users.

The purpose of the following Code of Conduct is to act as a guide to all those working on behalf of MyBnk in their interactions with service users. MyBnk members of the workforce should:

- Treat all service users with respect and recognise their right to personal privacy
- Provide an example of good conduct; behaviour should always be friendly, courteous and kind
- Ensure that wherever possible there is more than one adult present at workshops with service users, or that you are at least in sight or hearing distance of others
- Be aware of any service user needs and ensure that necessary resources or provisions are in place to ensure all service users are included
- Encourage service users to feel comfortable enough to point out attitudes and behaviour that they do not like during sessions

- Be aware of situations that may present risks and ensure that they are aware of programme specific risk assessments that MyBnk have in place
- Listen, empathise and be understanding when discussing issues that are sensitive in nature with service users
- Avoid physical or verbal contact that may be considered inappropriate
- Challenge unacceptable behaviour and report all allegations or suspicions of abuse using the procedure outlined below
- Have read MyBnk's lone working guidance in our Health and Safety Policy and be following its guidelines
- Obtain written consent from both the organisation and its service users before taking any photographs
- MyBnk's Data Protection Policy must be strictly adhered to. The personal details of the service users must be restricted to only those whose roles require it
- Not exaggerate or trivialise child abuse claims and should investigate any claims made by service users

The following situations are never appropriate while working with service users:

- Being drawn into attention-seeking behaviour, or make suggestive/derogatory remarks or gestures in front of service users
- Making assumptions or judgements about service users
- Showing favouritism to any individual
- Drinking or providing alcohol
- Allowing a service user into your car
- Telling a service user your home address or personal phone number
- Taking a service user to your home, or allowing a service user inside your home
- Talking about a service user in a public space where the conversation can be overheard
- Giving out any information (including pictures) over the phone, through social media or by e mail about service users without their consent
- Believing "it could never happen to me", or taking a chance when common sense, policy or practice suggests you should take a more prudent approach

Child and Vulnerable Adult Safeguarding Officers

MyBnk have designated persons responsible for acting as a source of advice on matters concerning the safeguarding and protection of service users. In the event of

suspected or actual cases of abuse they are responsible for co-ordinating action within the organisation and for making a referral to the appropriate statutory agencies.

Duties expected of MyBnk's safeguarding officers include:

- Managing open cases, ensuring documentation such as case records are maintained and stored in a secure and confidential manner.
- Intervening and liaising with external agencies where a referral needs to be made in accordance with the Data Protection Act, 1998
- Providing information and advice on safeguarding and child protection within the organisation

The Chief Operating Officer (COO) is responsible for responding to allegations, strong suspicions or evidence of abuse. The COO will ensure clear procedures and practices are in place for the team to be able to respond to allegations or suspicions of abuse efficiently and effectively in line with MyBnk's procedures.

Currently the MyBnk Child and Vulnerable Adult Safeguarding Officers are Manfred Meyer, COO, and Fiona Montgomery, Head of Education.

Procedure for dealing with a disclosure or suspicion of abuse

Delivery at a Host organisation

If a service user discloses abuse to a member of the workforce or if they suspect that a service user is being abused, they must report this to the host organisation's Child Protection Officer as soon as possible. Should the host organisation not have a Child Protection Officer then cases of suspected or disclosed abuse should be reported to the 'lead worker' at the host organisation, the lead worker being the person with the highest managerial status on site or available. This should be done in a discrete and confidential manner.

The MyBnk COO should then be notified as soon as the host organisation has been made aware of the incident. If the COO is unavailable they should report to MyBnk's Education Director.

Delivery on MyBnk controlled premises

If a service user discloses abuse to a member of the workforce or if they suspect that a service user is being abused, they must report the disclosure to MyBnk's COO as

soon as possible. If the COO is unavailable they should report to the Education Director.

At both host organisations and MyBnk controlled premises MyBnk members of the workforce should follow the guidance given to them in their safeguarding training. A written record of any disclosure, suspicion or allegation must be made.

Guidance given in their safeguarding training will include listening carefully and taking notes. To further support MyBnk members of the workforce in this regard the following actions should be observed:

- Remain calm – remember that this is not an easy thing for the service user to do
- Make the service user feel secure and safe without causing them any further anxiety
- Ensure the service user is not in need of immediate medical attention and establish whether it is safe for them to return to their home
- Allow the person to speak without interruption and at their own pace
- Never trivialise or exaggerate the issue
- Never coach or lead the conversation in any way
- Reassure the service user and explain that they were right to speak up
- Make a full record of the nature of the allegation and other relevant information. This should include information relating to where the alleged abuse took place, the date, time and place; all pertinent names, your name, the names of others present, the name of the service user, the name of the abused person and the name of the abuser; details of the abused person, address, age, date of birth; and a description of the alleged abuse including any injuries observed, an account of what happened, if it was a single incident or if it has happened repeatedly
- Questions should be kept to the minimum necessary to understand what is being alleged
- Be honest – the service user should be informed that their disclosure cannot be kept a secret and they should be made aware of what will happen next
- Do not show negative emotions – To show anger, disgust or disbelief may dissuade the service user from talking about the abuse
- Let the service user know that you are taking the matter very seriously
- **Remember that you are not responsible for deciding whether abuse has occurred.** This is a task for Social Services or the Police following a referral from MyBnk's Child and Vulnerable Adult Safeguarding Officer

When the matter has been reported to the Child and Vulnerable Adult Safeguarding Officer they will fill in a MyBnk 'Child Protection and Vulnerable Adult reporting form'.

Where there is a clear allegation, strong suspicion or evidence of abuse towards a child there will be no delay in making a referral by telephone to the appropriate

statutory agencies. Our duty is to report without delay and not to attempt to carry out any investigation into allegations or suspicions of abuse. It is the task of Social Services to investigate abuse against a child under Section 47 of the Children Act 1989.

Consent of the service user

Where there is a clear allegation, strong suspicion or evidence of abuse towards a vulnerable adult all action, including referrals to the Social Services and the police must be subject to the consent of the service user. In every situation it will be assumed that the service user can make their own decisions and action will only be taken in the absence of consent from the service user where they or others are in physical danger.

Within the limits of your relationship with the alleged victim and the complexities of the situation, talk to them about your concerns and the risks involved to them and seek their consent for any subsequent steps you feel are necessary.

Whether and how you do this needs to be a matter of judgement, the underlying principle being that individuals should normally have a right to decide if and how they wish to be helped. If the victim wishes, close relatives or carers should be involved so long as they are not the alleged perpetrator.

Records of disclosures made and any subsequent correspondence should be forwarded to the COO who will store them securely.

No member of the workforce will prejudice their own standing or position within MyBnk by responsibly reporting potential or suspected abuse of a service user.

Information relating to actual, suspected or alleged abuse should be treated with the utmost care and confidentiality. Information should only be shared with those members of the workforce who need to be aware. Information should not be disclosed other than is necessary to support the service user.

Whistleblowing and external allegations against MyBnk representatives

MyBnk is committed to being an open, honest and accountable organisation and encourages a free and open culture.

If an employee or volunteer is concerned that a colleague is behaving inappropriately towards a service user, or acting in a way that is contrary to the Safeguarding Children and Vulnerable Adults policy, they should disclose their concerns to the COO. If their concern relates to the COO it should be raised with the CEO and if it relates to the CEO it should be raised with the Chair of the Board of Trustees. The accused should not be informed about the allegation at this point.

Where there is a clear allegation, strong suspicion or evidence of abuse the allegation will be treated as a safeguarding matter and the procedure outlined from pages 6 to 8 will be followed.

If the allegation is not a safeguarding matter it will be dealt with according to MyBnk's Complaints Policy and Disciplinary Procedure. All complaints will be treated in confidence and be investigated promptly and impartially. No employee will be penalised for raising a genuine concern regarding service user protection matters. They will be protected by the Public Interest Disclosure Act 1998, which details the rights of employees who 'blow the whistle' on malpractices within their organisation.

External allegations of abuse against a MyBnk member of the workforce will be taken very seriously. The same procedure for internal allegations against MyBnk representatives as detailed in the previous paragraphs will be followed for external allegations.

Before any investigation, the accused concerned will be informed that an allegation has been made against them. No details of the allegation should be given prior to the investigation and it should not be discussed with other members of the workforce to avoid prejudicing the investigation. A decision will be made on whether the member of the workforce continues working or is suspended for the duration of the investigation in accordance with MyBnk's Disciplinary Procedure. The accused concerned should be advised to take legal advice.

On completion of the investigation a decision will be made on whether formal disciplinary proceedings need to be commenced. This must be conveyed to the member of the workforce within seven days of the completed investigation.

Confidentiality

MyBnk's confidentiality policy and procedures will be followed in all cases where we receive any information concerning alleged abuse of one of our service users. Where the alleged perpetrator is a MyBnk member of the workforce, confidentiality will be respected in line with MyBnk's Disciplinary Procedure. Members of the workforce have a professional and legal responsibility to share relevant information, concerning the protection of service users, with statutory agencies.

All personal information regarding a service user will be kept confidential except when child abuse is suspected or in the absence of consent from the service user when they or others are in physical danger. All records will be kept in a secure area in accordance with MyBnk's Data Protection Policy.

Training and Support

All members of the workforce whose work with service users meets the definition of 'regulated activity' are provided with safeguarding training. They will also be given opportunities to attend support days that include discussing safeguarding issues and to be updated on relevant legislation.

As part of the support members of the workforce receive they also have regular catch ups with their line managers where they can discuss safeguarding issues and are able to access information and advice regarding child protection and safeguarding from MyBnk's Child and Vulnerable Adult Safeguarding Officers.

Web Policy

The MyBnk website contains a number of interactive features aimed at our service users. Personal information collected from the website is protected at all times by physical, managerial and electronic safeguards. The MyBnk Data Protection Policy outlines these safeguards and details the procedures in place to ensure that service users' personal data is not at risk. MyBnk endeavour to protect the identity of service users who appear on our website or on our marketing materials. MyBnk seek permission from host organisations, who in turn seek permission from service users' legal guardians prior to any photographs or videos being taken. We also ensure that service users cannot be identified by surname or school class.

Related Policies

MyBnk Safeguarding Children and Vulnerable Adults policy should be read in conjunction with the following MyBnk Policies:

- Health and Safety Policy
- Equal Opportunities Policy
- Disciplinary Procedure
- Data Protection Policy
- Behaviour Policy
- Risk Assessment

Monitoring

The senior management team, in consultation with the Child and Vulnerable Adult Safeguarding Officers will review this policy and its effectiveness annually. It will also be reviewed in the event of any of the following circumstances:

- Changes in legislation and/or government guidance
- As required by our delivery partners

- As a result of any other significant change or event

Annual reviews of this policy will also include the review and updating of programme specific risk assessments.

Policy implemented (date initially ratified by MyBnk's trustees)	March 2010
Last reviewed	April 2019
Next review	April 2021, or sooner if felt required
Responsible member of staff	COO