



# **Guild of Students**

## **Safeguarding Children, Young People and Adults Policy**

**Manager responsible for review: Jobs, Skills and Volunteering Manager**

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## **Guild of Students Safeguarding Policy**

### **1. Introduction to Policy**

1.1. The University of Birmingham Guild of Students is committed to ensuring that a safe and supportive environment exists for all staff, Officers, volunteers, students and visitors to the Guild.

The Guild recognises that there are a number of circumstances in which children, young people and adults at risk will come onto Guild premises or otherwise have contact with Guild staff, Officers, volunteers, students or visitors.

1.2. This policy will contribute to the protection and safeguarding of children, young people and adults at risk, by:

- Clarifying the standards of behaviour for staff and volunteers;
- Outlining procedures to reduce potential risks;
- Addressing concerns and detailing reporting procedures.

### **2. Scope of the Policy**

2.1. This policy, procedures and guidance applies to all Guild staff, Officers, volunteers, students and visitors.

2.2. For the purpose of the policy, the following terms are used:

- A child is anyone under the age of 16.
- A young person is anyone between the ages of 16 and 18.
- An adult at risk is a person aged 18 or older who has care and support needs, (whether or not these needs are being met); and, 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 (*Safeguarding Adults, Birmingham Safeguarding Adults Board, 2016*).
- Care and support needs' are a mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent.
- Safeguarding is embedding practices throughout the organisation to ensure the protection of children and adults at risk, wherever possible.
- Child and adult protection is responding to circumstances that arise.

2.3. Abuse may take a number of forms, including the following:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Bullying
- Neglect
- Financial (or material) abuse

### **3. Role of Guild Staff, Officers and Volunteers**

3.1. The Guild has outlined a Statement of Best Practice for Guild staff, Officers and volunteers who come into contact with children, young people and/or adults at risk, through their activities with the Guild. The Statement (**Appendix 1**) sets out examples of behaviour to be regarded and appropriate.

3.2. All Guild staff, Officers and volunteers are expected to:

- Be familiar with this safeguarding policy;
- Understand their role in relation to safeguarding;
- Be aware that safeguarding allegations can be about anyone;
- Be alert to signs and indicators of possible abuse;
- Record concerns and give the record to the Guild's Safeguarding Officer or a member of the Safeguarding Group.
- Deal with a disclosure in line with the guidance (**Appendix 2**), inform a member of the Safeguarding Group immediately, and provide a written account as soon as possible.

### 3.3. Safeguarding Training

All relevant Guild staff, Officers and volunteers will receive safeguarding training and update briefings as appropriate.

The Safeguarding Officer and the HR department are responsible for ensuring that training is delivered and kept up to date. The Safeguarding Officer is also responsible for ensuring that they keep their own knowledge to a high standard through attending appropriate training and keeping up to date on relevant legislation and good practice.

### **4. Guild's Safeguarding Group**

The Guild's Safeguarding Group consists of members of staff who are able to respond to safeguarding incidents.

#### **Safeguarding Officer:**

1. Jobs, Skills and Volunteering Manager

#### **Deputy Safeguarding Officer:**

2. Student Groups Manager

#### **Support:**

3. HR and Admin Manager
4. Volunteering Coordinator (Internal)
5. Director of Support and Development
6. Other staff where appropriate

The Safeguarding Group is available through [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk)

4.1. The Safeguarding Officer is the first point of contact for dealing with any concerns that staff, Officers, students, volunteers or parents/guardians may have. The role involves:

- Reporting safeguarding concerns to the relevant bodies and members of staff;
- Keeping accurate records of the disclosure including the actions that have been taken by the relevant bodies and the Guild;
- Update and review the Safeguarding Policy and all relevant procedures on an annual basis, and ad hoc where required;
- Ensure there is a process for checking the suitability of staff and volunteers who wish to work or volunteer with children/adults at risk.

## **5. Recruitment of Staff and Volunteers**

### 5.1. Recruiting Staff

The Guild's HR department is responsible for deciding if a Guild role requires a Disclosure and Barring Service (DBS) check, as part of the recruitment procedure. The relevant Guild Senior Manager responsible for undertaking the interviews for the role will ensure that appropriate questions are asked as part of the interview process, to assess the suitability of the candidate in working with children and/or adults at risk.

### 5.2. Recruiting Volunteers

The Jobs, Skills and Volunteering department is responsible for deciding if a Guild volunteering role requires a DBS check as part of the recruitment procedure.

Where appropriate students who volunteer with children and/or adults with care and support needs will:

- Successfully pass a recruitment and selection process;
- Undergo a DBS check at the appropriate level for the role, where appropriate;
- DBS check being accepted by the Guild, where applicable;
- Completion of safeguarding training, online or in person.

### 5.3. Criminal Record

A criminal record it will not necessarily stop a person from volunteering or working with the Guild. A review of the person's suitability will be conducted by the Safeguarding Officer, and/or the relevant Guild staff members. This review will include the nature of the offence, when the offence was committed, the staff/volunteer role, and any other supporting information that is provided.

## **6. Health and Safety**

The Guild has in place a Health & Safety Policy which outlines the Guild's requirements and commitments to ensure that Health and Safety is maintained within the organisation.

### 6.1. Areas of Risk

There are a number of activities undertaken or facilitated by the Guild which bring children, young people and/or adults at risk into contact with Guild staff, Officers, volunteers, students and visitors. The following are identified as activities which present key areas of risk:

- Organised visits, events and other activities on Guild premises;
- Organised visits, events and other activities undertaken in venues away from Guild premises;
- Children, young people and adults at risk attending events or activities organised or facilitated by the Guild.

### 6.2. Risk Assessments for Organised Activities

The organisers will ensure that appropriate risk assessments have been completed, and where appropriate liaised with a member of the Guild's Safeguarding Group.

Where a student group, association or society organises an activity with children, young people and/or adults at risk, it is expected that the appropriate staff member ensures that the appropriate risk assessments have been completed.

It is expected that for visits by schools where members of staff of that school are in attendance, the school will complete their own risk assessment and take on its own safeguarding procedures.

## **7. Policy Review**

This policy will be reviewed by the Guild's Safeguarding Group annually, and when there are changes in legislation, or best practice.

Updated: September 2017

Updated by: Guild Safeguarding Officer

## **APPENDIX 1**

### **Statement of Best Practice**

All Guild staff, Officers and volunteers are requested to demonstrate professional behaviour towards all individuals they come into contact, and understand that allegations or concerns can be made against anyone including a member of staff, Officer or volunteer.

#### **Expected practice by staff and volunteers:**

##### **Guild staff, Officers and volunteers should:**

- Treat everyone with fairness, equality and respect;
- Be aware that physical contact with an individual may be misinterpreted;
- Retain a professional approach, including physical contact (unless it is reasonably necessary to do so for health or safety reasons, or teaching and learning) and avoid inappropriate familiarity;
- Always have the appropriate number of staff or volunteers attending the activity;
- Complete the appropriate level of safeguarding training;
- If applicable, undertake a DBS Check through the Guild at the appropriate level, which has been seen and accepted by the Guild;
- Report any allegations or concerns using the Guild's Safeguarding Procedures.

##### **Guild staff, Officers and volunteers should avoid:**

- Being alone with children, young people or adults at risk, such as in a room with the door closed;
- Making inappropriate contact using social media or other forms of communication;
- Smoking, drinking alcohol or swearing in company of children, young people or adults at risk;
- Lending to or borrowing from children, young people or adults at risk;
- Photographing or filming children or adults at risk without informed consent from the appropriate person;
- Transporting children, young people or adults at risk in private vehicles, unless it is a life threatening situation and no other option is available.

## APPENDIX 2

### Reporting Procedures (To be used by anyone)

#### **1. A concern should be reported if:**

- A child, young person or adult at risk discloses information about abuse or inappropriate behaviour;
- Information is disclosed or behaviour witnessed about a Guild member of staff/ volunteer that could constitute abuse or inappropriate behaviour;
- Something doesn't feel quite right.

#### **1.1 How to report a concern:**

##### **In an emergency or if a crime has been committed:**

- Call 999 and ask for the Police if someone is in immediate danger
- Inform the Guild's Safeguarding Group to make them aware of the situation.

Immediate danger refers to situations where the welfare of the child/adult is in clear and immediate danger.

##### **Office Hours (Monday to Friday 9am – 5pm)**

- Within working hours concerns can be reported by taking directly to the Safeguarding Officer or e-mailing [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk).

##### **Outside of Office Hours (Monday to Friday 5pm – 9am, Saturday or Sunday)**

If a concern occurs out of hours and the reporter does not feel it can wait until office hours to report, they must contact emergency duty team:

- Adults and Communities Access Point (ACAP) – 0121 675 4806
- Children's Advice and Support Service (CASS) - 0121 303 1888

#### **1.2 Volunteering/working with an external organisation**

If the activity takes place within an external organisation and the concern is about a child, young person or adult at risk, report any concerns to the Safeguarding Officer of that organisation, who is then responsible for making the referral to Social Services. The volunteer/staff member should also make the Guild's Safeguarding Officer aware of the disclosure and the actions that are being taken to report the disclosure.



## **2. How to deal with a disclosure**

It is not your responsibility to decide whether or not abuse has taken place. That is the responsibility of social services, the police or any other relevant body.

It is important to remember the following when a child/adult makes a disclosure:

- It is your responsibility to act as soon as possible on any concerns so the appropriate people/authorities can be contacted;
- You will need to make it clear that you cannot keep secrets and you will have to pass it on. If they decide not to tell you after hearing this, do not pressure them;
- Remain calm and caring;
- Take time to listen and reassure them that it's okay to tell.;
- Try and get as much information as possible;
- Report any safeguarding concerns to the Safeguarding Officer following the appropriate procedure as soon as possible.

## **3. How the Guild will deal with the concern**

The Safeguarding Officer or another appropriate member of staff, will reply to emails sent to [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk) within 1 working day to acknowledge that it has been received. It may not be appropriate to inform the reporter about the outcome of the referral due to data protection issues. However, the reporter should be kept up to date as much as possible, and if appropriate, with the progress of the referral.

### **3.1 Safeguarding referral about a child, young person or adult at risk**

Safeguarding concerns about a child, young person or adult at risk will be dealt with by the Safeguarding Officer, or another named staff member who will follow the 'Reporting an observation or disclosure about a child, young person or adult at risk procedure' (**Appendix 3**).

### **3.2 Safeguarding referral about Guild staff member, Officer or Member of the Guild**

Safeguarding concerns about Guild Staff member, Officer or Member of the Guild will be dealt with by the Safeguarding Officer, or another named staff member who will follow the 'Procedure for reporting safeguarding concerns about a Guild Staff member or an Officer or a Member of the Guild' (**Appendix 4**).

## **4. Serious Case/Reporting Review**

The Safeguarding Officer will produce an annual report outlining any safeguarding issues that have occurred and make recommendations for changes that will improve safeguarding practice. The report will be submitted to the Audit and Risk Committee for review.

## APPENDIX 3

### **Procedures for reporting safeguarding concerns about a child, young person or adult at risk (For Guild of Students' use)**

#### **1. Guild's Safeguarding Group:**

The Guild's Safeguarding Group consists of members of staff who are able to respond to safeguarding incidents. The first point of contact for the concern should be the Safeguarding Officer. In the absence of the Safeguarding Officer, the Deputy Safeguarding Officer is responsible for dealing with all concerns, and there on the support team.

- **Safeguarding Officer:** Jobs, Skills and Volunteering Manager
- **Deputy Safeguarding Officer:** Student Groups Manager
- **Support:** HR and Admin Manager; Volunteering Coordinator (Internal); Director of Support and Development; Other staff where appropriate.

#### **1.1. Has a referral been made about the same child, young person or adult at risk before?**

The named person is to check the Safeguarding Referrals folder to read through any previous referrals that may have been made about the child, young person or adult at risk.

#### **1.2. Complete a multi-agency referral form**

The Multi Agency Referral Form is used to record all the information relating to the concern that the named person has received, either via e-mail, phone or face to face.

If the child, young person or adult at risk attends a Community Volunteering Group activity, a parental consent/emergency contact form will have all the information that is required to complete the form. The forms are held by the Jobs, Skills and Volunteering department.

#### **1.3. Storing confidential information**

The information relating to the concern will be stored in a restricted file, which will only be accessible to the named people in this procedure.

#### **1.4. Reporting concerns about a child or young person**

The Children's Advice and Support Service (CASS) is the route to access the Multi-Agency Safeguarding Hub (MASH) to report/discuss safeguarding concerns for a child. MASH is a multi-agency team which co-locates key safeguarding agencies including professionals from social care, police, health and education.

Phone: 0121 303 1888 Email: [cass@birmingham.gov.uk](mailto:cass@birmingham.gov.uk)

#### **1.5. Reporting concerns about an adult**

The Birmingham City Council Adults and Communities Access Point (ACAP) – 0121 675 4806 is the route to report/discuss safeguarding concerns for an adult.

Phone: 0121 303 1234 Email: [ACAP@birmingham.gov.uk](mailto:ACAP@birmingham.gov.uk)

## APPENDIX 4

### **Procedure for reporting safeguarding concerns about a Guild Staff member or an Officer or a Member of the Guild of Students (For Guild of Students' use)**

#### **1. Scope of procedure**

In accordance with the Safeguarding Policy, this procedure must be followed when either:

- A child, young person or adult at risk has made a disclosure about a Guild Staff member or Officer or Member of the Guild of Students
- An individual (reporter) has observed an incident involving a Guild member of Staff or Officer or member of the Guild of Students that is considered to be a safeguarding issue.

If the disclosure or observation is regarding a disclosure that does not involve a Guild Staff member, Officer or member of the Guild of Students, , please refer to the reporting safeguarding concerns about a child, young person or adult at risk procedure **(Appendix 3)**

If the disclosure or observation is about a member of staff, Officer or volunteer from another organisation, please report the concern to the appropriate person within that organisation who will take a lead on reporting it. Contact the Guild's Safeguarding Officer on [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk) for advice, if required.

#### **2. Guild's Safeguarding Group**

The Guild's Safeguarding Group consists of members of staff who are able to respond to safeguarding incidents. The first point of contact for the concern should be the Safeguarding Officer. In the absence of the Safeguarding Officer, the Deputy Safeguarding Officer is responsible for dealing with all concerns, and there on the support team.

1. **Safeguarding Officer:** Jobs, Skills and Volunteering Manager
2. **Deputy Safeguarding Officer:** Student Groups Manager
3. **Support:** HR and Admin Manager; Volunteering Coordinator (Internal); Director of Support and Development; Other staff where appropriate.

#### **3. How to report a concern**

##### **3.1. Is the child/adult in immediate danger?**

- Call 999 and ask for the Police if someone is in immediate danger
- Inform the Guild's Safeguarding Group to make them aware of the situation.

Immediate danger refers to situations where the welfare of the child/adult is in clear and immediate danger.

##### **3.2 Office Hours (Monday to Friday 9am – 5pm)**

Within working hours concerns can be reported by taking directly to the Safeguarding Officer, or member of the Group, via e-mailing [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk), telephone or in person.

### **3.2 Information the Safeguarding Officer will record**

The named person makes notes on the concern making sure the following information is obtained.

- The name/s of the Guild staff member and/or volunteer that you have concerns about
- The date, time and location that the incident occurred
- The child/adult at risk name, age and address
- Details of the incident
- Name of the group/activity that they were participating in
- Contact details of the reporter

Ensure you have kept thorough notes and, if possible, ask the reporter to sign the notes. However, the interviewer should not request any more information than is needed. In depth interviews about the incident should only be carried out by trained investigators.

If no named staff are available, reception staff requests the reporters contact details and sends an e-mail to [safeguarding@guild.bham.ac.uk](mailto:safeguarding@guild.bham.ac.uk) which will be picked up by the relevant named person. If the reporter feels that their complaint is urgent and needs to be dealt with immediately, Guild staff should inform them to contact the Police.

- 3.

### **3.3 Outside of Office Hours (Monday to Friday 5pm – 9am, Saturday or Sunday)**

If a concern occurs out of hours and the reporter does not feel it can wait until office hours to report, they must contact emergency duty team:

- Adults and Communities Access Point (ACAP) – 0121 675 4806
- Children's Advice and Support Service (CASS) - 0121 303 1888

## **4. How concerns are recorded by the Guild**

### **4.1 Complete a multi agency referral form**

The Multi Agency Referral Form is used to record all the information relating to the concern that the named person has received, either via e-mail, phone or face to face.

### **4.2. Storing confidential information**

The information relating to the concern will be stored securely and only be accessed by the named people in this procedure.

## **5. Arranging the initial meeting with SMT**

The named person notifies a member of SMT about the incident and arranges to meet with them on the same working day to discuss the incident.

### Complaint against a Guild member

SMT will arrange a meeting with the following staff members:

- The Safeguarding officer and/or deputy safeguarding officer
- The Activities and Development Officer (or another appropriate Officer)
- HR Manager

## Complaint against a Guild staff member or Officer

SMT will arrange a meeting with the following staff members:

- The Safeguarding officer and/or deputy safeguarding officer (if appropriate)
- The Representation and Resources Officer (or another appropriate Officer)
- HR Manager
- Line manager of the Guild staff member to whom the complaint is about

### **5.1. Outcome of initial meeting**

The aim of the initial meeting is to identify whether :

- a criminal offence has been committed by the staff/Officer/member, or
- an adult at risk/child has been harmed by the staff/Officer/member, or
- the individual has behaved in a manner that indicates they are unsuitable to work or volunteer with children or adults at risk

If any of the above is identified as happening, or there is evidence to suggest that any of the above may have happened, the SMT staff member must refer the concern to the Position of Trust team (POT).

POT Team Office Hours: 9:00 to 17:00 0121 675 1669, [potteam@birmingham.gov.uk](mailto:potteam@birmingham.gov.uk)

### **5.2 POT**

The POT will advise you on the best course of action to take and allocate a Local Authority Designated Officer (LADO) to lead on the case. The Guild is not responsible for coming to a conclusion on the outcome of a referral. Once a LADO has been allocated, they will retain overall management of the process.:

The LADO may request further information from the Guild such as previous work or volunteering history of the person, whether the child/adult at risk have made similar allegations and current contact the person has with children/adults at risk. This information can be found by consulting with the Safeguarding Officer and the HR Manager.

### **5.3 Strategy Meetings**

A strategy meeting between the Guild, LADO, and any other appropriate organisations may be organised to discuss how to progress with the complaint.

### **5.4 Investigating a complaint**

If it is decided that an investigation must take place, LADO will retain overall responsibility of the investigation and agree timescales of the investigation and measures for progress with the Guild. The Guild and LADO will identify the scope of the investigation, whether a specialist assessment is advisable, and whether the individual is suspended during investigation. The investigation should

- Be fact-finding and ensure standards for safeguarding children are observed whilst maintaining the balance of fairness for the employee.
- Include the views of the LADO and professionals consulted previously.
- Evidence must be gathered which establishes, on the balance of probabilities, what behaviour or incident led to the allegation or concern.
- In cases where a disciplinary investigation follows an initial criminal investigation prior agreement should have been reached that witness statements taken by the Police will be shared with the employer for use in potential disciplinary processes.

- If the criminal investigation has resulted in a charge, it may be necessary for court transcripts to be included within the disciplinary evidence.
- When a criminal investigation has not been initiated and no witness statements are available, advice should be taken from the LADO with regards to obtaining sufficient information.

Information collated should determine whether a disciplinary hearing is required, or if not, whether the LADO should be contacted to discuss what options would be appropriate to support the staff/member and child/adult at risk.

### **5.5 Outcome of investigation**

Once LADO have investigated the complaint, a course of action is agreed, which could include:

- A referral to POT Team using the 'Management of Allegations against Person's in a Position of Trust (POT) referral/consultation' form
- A referral to social services, as there are grounds to suspect that the child has been abused but there is no reason to suspect that this is as a result of actions of the person. Ask the Safeguarding Officer for support in making the referral or follow the Reporting Concerns about a child, young person or adult at risk procedure (appendix 3).
- There is no case to answer and no action is required
- The initial investigation establishes that the allegation does not involve a criminal offence but does involve behaviour that must be dealt with through disciplinary investigation following the appropriate Guild Disciplinary Procedure.
- Whether the allegation meets the agreed threshold and a strategy meeting is needed or a similar meeting to determine whether the persons suitability to continue working with children has been called into question.
- Whether the suspension of the adult and a referral to the Independent Safeguarding Authority (ISA) is appropriate because:
  - There is a cause to suspect a child is at risk of significant harm
  - The allegation warrants investigation by the police, or
  - The allegation is so serious that it might be grounds for dismissal

The LADO will also confirm what information should be shared with external agencies and the person at the centre of the investigation.

### **5.6 Maintaining confidentiality**

The Guild and LADO have a responsibility to safeguard confidentiality. Sensitive information will only be disclosed on a need to know basis.

Based on the recommendations of the LADO the outcome of the initial investigation will be passed on internally to:

- The individual who the complaint is against
- The Chief Executive
- The President (when the investigation is regarding an Officer)
- HR Manager

Based on the recommendations of the LADO, the outcome of the initial investigation will be passed on externally to:

- The reporter
- Parents/guardian of the child
- The adult at risk or an appropriate guardian

### **5.7 Support for the Individual who the allegation is against**

The HR Manager will act to manage and minimise the stress inherent in the allegations and disciplinary process. The individual will be informed of concerns or allegations as soon as possible after the LADO has been consulted, and given an explanation of the likely course of action, unless there is an objection by social care or Police.

The HR Manager will:

- Advise the individual to contact their Trade Union representative, if they have one
- Give access to welfare counselling or medical advice as appropriate
- If the individual is suspended, ensure that they are kept informed of both the progress of their case and current work-related issues.
- Not discourage social contact with colleagues and friends, except where it is likely to be prejudicial to the gathering and presentation of evidence.
- Make the individual aware of the concerns and why his or her suitability to work with children is being questioned and given the opportunity to state his or her case.
- Manage the return of the individual to work/volunteering following a suspension to facilitate their reintegration. This may involve informal counselling, guidance, support, reassurance and help to rebuild confidence in working with children and young people.

### **5.8 Recording the outcome of an investigation**

The HR Manager records the outcome of the investigation and keeps the details as legally required, at least until the person reaches normal retirement age, or for 25 years if longer.

## **5. Independent Safeguarding Authority (ISA)**

The purpose of ISA is to reduce the risk of harm to children and vulnerable adults from people who work with them. They do this by assessing information referred to them on the risk of harm posed by an individual working or applying to work in regulated activity, based on known information held about that individual.

### **6.1 Criteria for referral to ISA**

Where a person/organisation has a legal duty to refer, there are two main conditions which should be met for a referral to be made:

1. They have permanently removed a person from 'regulated activity' through dismissal or permanent transfer from 'regulated activity' (or would have if the person had not left, resigned, retired or been made redundant); and
2. They believe the person has either:
  - a. Engaged in 'relevant conduct' (i.e. conduct that has harmed a child or vulnerable adult or put them at risk of harm)
  - b. Satisfied the 'harm test' (i.e. no action or inaction occurred but the present risk that it could was significant), or

- c. Received a caution or conviction for a 'relevant offence' (i.e. an offence that automatically leads to a person being barred from the list if found guilty of the offence).

A referral must still be made by the Guild if the individual has left employment/University before an investigation is completed.

LADO will make an assessment and advise the Guild as to whether the person will be added to the barred list, which means the person will be unable to work/volunteer in regulated activity for an amount of time specified by LADO.

## **6.1 Referring to ISA**

To make a referral to the ISA, the Guild's HR Manager completes an ISA referral form using the information obtained through the investigation. The ISA Referral form should then be signed by the HR Manager and sent to: **Confidential; Independent Safeguarding Authority; Post Office Box 181; Darlington DL1 9FA**

The ISA will acknowledge the referral by return post within three working days of receipt. They will make a decision on the referral by reviewing the information and evidence provided and may request additional information from the police, the Local Authority and the Guild if required.

The duty to provide information will override any local advice that information should be withheld on grounds of confidentiality. Failure without reasonable excuse to provide required information is an offence, and the magistrates' court may impose a fine of up to £5,000 on anyone convicted.

## **6.2 Outcomes of ISA referral**

### **6.2.1 No barring**

If the ISA does not feel there is a case for the individual to answer then they will decide not to bar from the safeguarding list. Individuals can continue to work/volunteer in regulated activity.

### **6.2.2 Discretionary barring**

A discretionary referral is a referral by an individual or an organisation following the outcome of an investigation. ISA will use the evidence received to make a decision on whether the individual should be barred from the Safeguarding list. If the ISA is 'minded to bar', they will write to the person and request reasons as to why they feel they should not be barred. The ISA will provide all of the evidence that they have relied on in making the 'minded to bar' decision. All information that the Guild has supplied to the ISA may be disclosed for the purposes of representation or an appeal by the person. The individual will have eight weeks to make representations in writing to the ISA.

As the current employer the Guild will receive notification in writing that the ISA is 'minded to bar' the person unless there is no longer a legitimate interest in the individual at the point of the referral (i.e. the Guild no longer employs them or are not considering employing them). If the individual is subsequently barred they will notified in writing by the ISA.

### **6.2.3 Autobarring**

Automatic barring (autobar) cases are where a person has been cautioned or convicted for a 'relevant offence' or been issued with a Risk of Sexual Harm Order and the details have been provided to DBS by the Home Office.



#### **6.2.4 Review of a Bar**

A barred person will have the right to request a review of a DBS decision after a minimum barred period has elapsed as follows:

- Aged under 18 when barred - 1 year
- Aged 18 to 24 when barred - 5 years
- Aged 25 or over when barred - 10 years

All requests for review must be made to the DBS who will agree to a review if the person can demonstrate that their circumstances have changed significantly in such a way that a bar is no longer appropriate. The DBS will not remove anyone from the list unless they are satisfied that the risk has diminished.

APPENDIX 5

Safeguarding Reporting Flowchart  
(To be used by anyone)

