

CLAY Safeguarding and Protection from Abuse Policy
Last Updated: August 2022
Next Review Date: August 2023

The policy is reviewed annually and has been developed with the support of our partners and board of directors.

This is a working document which will evolve to reflect changes in law, policy and best practices.

E-mail hello@liveartleeds.com for the most up to date version.

This version was reviewed and updated in **August 2022**.

The **Safeguarding Officer** for CLAY is **Marie Koehl**

The **Deputy Safeguarding Officer** for CLAY is **Jessica Sweet**

DATE OF NEXT REVIEW: JULY 2022

The following legislation and guidance have been taken into account in the development of this policy:

- The Children Act (1989)
- The Police Act (1997)
- Public Interest Disclosure Act (1998)
- The Protection of Children Act (1999)
- Criminal Justice and Court Services Act (2000)
- Care Standards Act (2000)
- The POVA or Protection of Vulnerable Adults scheme launched 2004
- Every Child Matters and the Children Act (2004)
- Safeguarding Vulnerable Groups Act (2006)
- Working Together to Safeguard Children (2010)

Definitions:

Children, Young People / Person

The terms 'child' and 'young person' are used throughout this document and should be considered interchangeable. The use of the word 'child' reflects the definition of 'child' in the Children Act 1989, as anyone under the age of 18 and is widely used in legislation and guidance.

Vulnerable Adult

Vulnerable adult refers to anyone over the age of 18 who is considered for whatever reason, unable to protect themselves. This could be, but is not limited to, a disability or mental health condition. This includes all full and part time paid staff, including freelancers, contractors, volunteers, trustees and workshop/project participants.

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1. Introduction

- 1.1 **CLAY** is a venue and curatorial team based in Leeds who present events locally and nationally.

CLAY works with a broad range of individuals, often from protected characteristics. CLAY have in the past and will in the future work with communities that may be classed, or class themselves as “vulnerable adults” i.e. those who are over 18 but who may be unable to protect themselves from harm or from being exploited.

- 1.2 CLAY’s Community consists of staff (CLAY), those who present work at events (Artists), those who help within it (Volunteers), those who are subscribers (Studio occupants) and visitors to events (Audiences).
- 1.3 CLAY is committed to safeguarding artists, audiences, subscribers, volunteers, staff, all other members of the community and the public. This includes staff and individuals at other venues and events, hires and freelance staff. Audiences, participants, those using our venue, and those working with artists, deserve care. .
- 1.4 All members of CLAY are in a position of trust and should respect and trust one another and all those they deal with.
- 1.5 CLAY will do **all within its powers** to ensure that all the members of the Community are aware of and observe this policy.
- 1.6 Throughout this policy document we refer to “members of the Community”. When we do so we mean primarily artists, studio holders and audiences but this can also be a reference to any or all of the others referred to above such as freelance employees, Volunteers and those using our venue.

2. Policy Scope

- 2.1 CLAY seeks to protect members of the Community from all forms of abuse. All deserve to be happy and secure in their activities. All need to feel sure that the people in charge of these activities are trustworthy, responsible and will do everything they can to keep members of the Community safe from harm. This policy applies to all members of the Community irrespective of gender identity, age, race, disability, sexuality, religion, belief or class.
- 2.2 CLAY sees it as a fundamental duty to put in place safeguards to protect those it works with.
- 2.3 CLAY is committed to working in partnership with local agencies within the Safeguarding framework and to having its procedures accorded with relevant local frameworks. CLAY are also working with its partners, East Street Arts, Guild, Leeds City Council, and Leeds Beckett to iterate and develop new policies to reflect any changes in laws or regulations.
- 2.4 The following general principles apply to this policy. CLAY will seek to:

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- Prevent the abuse of members of its Community.
- Ensure the detection of abuse at the earliest opportunity
- Take prompt and decisive action, working with our board of directors.
- Promote partnership working with relevant authorities
- Respect the wishes of members of the Community and take them into account as appropriate
- Ensure that appropriate training and development opportunities are made available to staff at CLAY
- Ensure members of staff are consulted in policy development
- Ensure policy and procedures reflect **current best practice**
- making time to prioritise learning opportunities
- offering an accessible and if appropriate anonymous accountability procedure (our accountability policy is in process and will be published as soon as possible)

3. Committed to safeguarding

3.1 CLAY is committed to providing an environment that is safe and free from abuse and therefore undertakes to:

- Regular reviews of activity with staff and our board of directors. (At least 4 times a year)
- Regular meetings to review policy and how it relates to hires and events annually, at minimum.
- Make appropriate Disclosure and Barring Service (DBS) checks or other appropriate checks on all employees and volunteers where necessary and ensure that these checks are up-to-date and reviewed at least every three years.
- Operate robust mechanisms for the assessment of needs and risks, within a framework that effectively recognises the dynamic nature of risk and its appropriate management.
- Operate confidential reporting systems that allow those with concerns to raise those appropriately without fear of reprisal
- To develop an accountability policy within 2022.

3.2 As stated CLAY has a paramount duty to protect members of its community. However CLAY acknowledges an individual's right to live with risk in their life and therefore to accept a risk of harm if they do so, being aware of all relevant implications.

3.3 Any form of exploitation or abuse by a member of staff in work or at an event associated with CLAY will constitute gross misconduct and will therefore lead to immediate suspension and disciplinary proceedings. If appropriate, reports will be made to the relevant authorities.

3.4 Any form of exploitation or abuse by a volunteer will constitute gross misconduct and will result in immediate suspension and where appropriate, reporting to the relevant authorities.

3.5 Any form of exploitation or abuse by an artist or community member will constitute gross misconduct and may result in a permanent or temporary ban, and where appropriate, reporting to the relevant authorities.

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- 3.6 Staff, and volunteers must never allow themselves to be compromised by, nor take advantage of, their relationship with vulnerable adults. CLAY relies on building relationships based on trust and this trust must never be abused.
- 3.7 When staff meet artists outside of the venue they should ensure professional boundaries are maintained and act according to this safeguarding policy as appropriate.
- 3.8 When any member of staff, volunteer or artist has a concern regarding the behaviour of any member of our community towards them they can discuss this with the company directors, board of directors or contact confidentiality. There will be a record of all concerns raised.

3.9 **Photography/visual records**

Photographs of people and children may be considered as personal data, as defined by the Data Protection Act (1998), if an individual can be identified from the photograph or image.

Photographs may not be displayed by CLAY without the specific consent of the young person and/or their parent or carer. This includes publicity or marketing material or material created by any external organisation.

Where feasible, permission must be sought from parents and or carers for any photographs or images to be taken of children and or young people at any CLAY event or provision.

Regarding on-going projects, a permission form will be provided at the start of the process.

Further details regarding photography & visual records can be found in CLAY's data & privacy policy.

4. Recognising Abuse

4.1 CLAY commits to being vigilant to ensure that abuse does not occur within the community or indeed that members of CLAY are not the subjects of abuse.

4.2 Abuse can take many forms and **may or may not involve criminal activity**. Abuse is a violation of a person's rights or dignity by someone else. There are many kinds of abuse; **some** are listed below:

- Physical

Including hitting, slapping, pushing, kicking, restraint or inappropriate sanctions.

- Sexual

Including rape and sexual assault or sexual acts to which the person has not consented, could not consent or was pressured into consenting.

- Psychological

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Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

- Financial or material

Including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, the misuse or misappropriation of property, possessions or benefits.

- Neglect or acts of omission

Including ignoring medical or physical care needs, failure to provide access to appropriate health care, social care, education services or misuse of medication, adequate nutrition or heating.

- Discriminatory

Including racist, sexist behaviour, failure to respect gender identity and harassment based on a person's ethnicity, race, culture, sexual orientation, age, disability, or class and other forms of harassment, slurs or similar treatment.

- Institutional abuse

This can sometimes happen in residential homes, nursing homes, group living environments or hospitals when people are mistreated because of poor or inadequate care, neglect and poor practice.

Any of these forms of abuse can be either deliberate or be the result of ignorance, or lack of training, knowledge or understanding.

5. Raising Concerns and Responsibilities

5.1 Every member of the CLAY Community has the responsibility to raise any concerns they may have about the possibility of someone being abused. Therefore, every individual must regard themselves as a potential reporter of abuse, regardless of their role within the organisation. It is important to remember that a person may only inform of, or report abuse and accept support when doing so, when they feel they can trust the person to whom they report to.

5.2 Reporting or raising concerns about abuse means:

- Recognising signs of abuse
- Responding to disclosures
- Alerting Investigators
- Playing a part where appropriate to protect individuals further
- Preserving evidence following an incident
- Recognising on-going bad practice
- Collecting and recording initial information
- Paying attention to what has happened following the report

As a reporter of your concerns you are not being asked to verify or prove that the information is true. You are being asked to log concerns and report to the appropriate individual and report it to the correct authorities as appropriate.

5.3 Responsibilities of the reporter:

- Stay calm
- Listen carefully

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- Not question directly
- Be aware of the need to preserve evidence
- Reassure the alleged victim
- Treat information sensitively
- Do not promise to keep the disclosure secret from those who need to know
- Inform the alleged victim that in certain circumstances other agencies and authorities must be contacted but that their wishes will be made clear throughout

5.4 The individual responsible for investigating the alleged incident must take careful notes; the availability of accurate and objective information will be essential if the complaint leads to further investigation

5.5 Those responsible for investigation have the responsibility to establish if abuse has taken place. The police have the responsibility to establish criminal offences. The responsibility to investigate concerns and allegations against staff rests with social services and the police. Enquiries under s.47 Children Act 1989 and criminal enquiries always take precedence over internal and disciplinary investigations.

5.6 Reporting is the first step in the process of keeping vulnerable adults and children safe and empowering them for the future. Reporting through the appropriate channel will enable a proper and timely assessment and/or investigation to be carried forward.

5.7 Individuals may choose to remain at risk and refuse to accept any assistance. In these circumstances a detailed record of any complaint, any risk identified and advice and assistance given must be made. Where a Companion is at risk of serious harm then further action (including contacting external agencies) may be taken with the Companion's consent.

6. Reporting Abuse

6.1 Decisive action is imperative. Concise, factual notes should be made if time allows and an immediate report given to the safeguarding officer.

6.2 If the reporter is informed or suspects that the alleged abuser is a member of the CLAY team the disciplinary procedure will be invoked.

6.3 It is the responsibility of the safeguarding officer where necessary to report the incident to the Police and/ or local authority services.

6.4 Onward referral does not end the responsibility of CLAY to ensure that reasonable steps are taken to prevent further abuse or reoccurrence. Similarly internal investigation will need to be taken within CLAY that may lead to action within its disciplinary procedure or other appropriate action being taken. Investigation may require that an employee, volunteer, studio holder or artist is suspended / banned whilst that investigation is undertaken. Any internal action will be coordinated with any appropriate external bodies where necessary.

6.5 For details of external bodies that can help with a safeguarding issue, see Appendix 1.

7. Operation and Review

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- 7.1 This policy and the effectiveness of its operation will be kept under review by senior staff and board of directors.
- 7.2 It is accepted that there is a need to review and monitor continually this safeguarding policy and associated procedures, gaining further advice and information wherever possible. All members of CLAY should be aware of this policy and associated procedures and have been involved in its development, in order to understand their individual responsibilities and help promote best practice. See Appendix 2 for details of where to access further information.
- 7.3 Where possible training and development opportunities will be ongoing to ensure that all employees are aware of their individual responsibilities.

Appendix 1

Useful Contact Numbers

Adult Social Care Customer Services

To make a safeguarding adults referral or for further information about adult social care during office hours

Tel: 0113 222 4401

Emergency Duty Team

To make a safeguarding adults referral, out of hours

Tel: 0113 240 9536

Safeguarding Adults Partnership Support Unit

For advice and information

Tel: 0113 224 3511 (office hours)

Police Call Centre

If you believe a serious crime has been committed, but the person is not in imminent danger.

Tel: 0845 6060 606

Leeds City Council Domestic Violence Team

For confidential advice and information

Tel: 0113 395 2140

Helplines

Action on Elder Abuse

National Helpline

Tel: 0808 808 8141

Victim Support Helpline

For advice and information

Tel: 0845 303 0900

Samaritans

Tel: 0845 790 9090

Stop Hate UK

Independent information and support on hate crime

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Freephone: 0800 138 1625

A4MHD

Advocacy for Mental Health and Dementia

Tel: 0113 247 0449

Leeds Advocacy

Advocacy for people with learning disabilities

Tel: 0113 244 0606

Appendix 2

Further Information

For information on:

- Recognising signs of abuse
- Key contacts
- Contacts for victims of child abuse in Leeds
- Further information about child protection issues in general

Please refer to:

- Child Protection Code of Conduct, second edition 2001/02, published by
- West Yorkshire Area Child Protection Committees' Procedures
- Safe from Harm: A Code of Practice for Safeguarding The Welfare of Children in Voluntary Organisations in England and Wales Home Office publication 1993

For information on the protection of vulnerable adults, please refer to:

- No secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse (Dept of Health/Home Office publication)

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