

# SAFEGUARDING POLICY

## Statement of Purpose

1. Staffordshire & West Midlands Advice and Litigation Service (the **Organisation, we, our** or **us**) is committed to preventing and responding to risks of harm to and promoting the welfare of all children and adults at risk that we work with (i.e. as Staffordshire & West Midlands Advice and Litigation Service's service users). These individuals are referred to as the '**Beneficiaries**' of this Safeguarding Policy.
2. We recognise the importance of this commitment to safety and welfare and, further, are committed to safeguarding all Beneficiaries without discrimination due to an individual's age, disability, race, religion or belief, sex, gender reassignment, pregnancy or maternity leave status, marriage or civil partnership status, or sexual orientation.
3. This Safeguarding Policy is based on the safeguarding laws of England, Wales, and Scotland, including related guidance issued by the UK Government and relevant governmental departments, agencies, and public bodies. If this Policy is at any time inconsistent with this body of law, Staffordshire & West Midlands Advice and Litigation Service will act to meet the requirements of up-to-date safeguarding laws in priority to the requirements set out in this Policy.
4. Staffordshire & West Midlands Advice and Litigation Service has implemented this Safeguarding Policy in order to meet its obligations as a charity regulated by the Charity Commission for England and Wales.
5. Any questions in relation to this Policy should be referred to Data Protection & Welfare Protection Unit in the first instance, by emailing [legal.westmids@outlook.com](mailto:legal.westmids@outlook.com).

## Scope of this Safeguarding Policy

6. This Policy explains key aspects of how Staffordshire & West Midlands Advice and Litigation Service prevents harm in relation to its Beneficiaries via its practices and its Staff Members' conduct.
7. This Safeguarding Policy covers the organisation and operation of all of Staffordshire & West Midlands Advice and Litigation Service's activities involving children and adults at risk (i.e. our **Relevant Activities**). These primarily include:
  - a. Creating and or contacting clients, and or visiting clients
8. This Policy's guidelines and obligations apply to all individuals working for or acting on behalf of Staffordshire & West Midlands Advice and Litigation Service in the UK at all levels, including senior managers, officers, employees, consultants, trainees, homeworkers, part-time and fixed-term workers, casual workers, agency workers, volunteers, and interns (collectively '**Staff Members**').
9. This Policy does not form part of any contract of employment or similar and Staffordshire & West Midlands Advice and Litigation Service may amend it at any time at our absolute discretion.

## Defining Safeguarding

10. 'Safeguarding' is an umbrella term that refers to work (e.g. practices and procedures) aimed at preventing or responding to harm or risks of harm posed to vulnerable individuals, and at promoting these individuals' wider welfare. Safeguarding is particularly important for children and adults at risk. Most safeguarding legal obligations relate to the care of these groups and these are the groups to whom the protections set out in this Policy apply. For safeguarding purposes:
  - a. Children are individuals younger than 18 years old.

- b. Adults at risk are individuals 18 years old or over (in England and Wales) or 16 years old or over (in Scotland) who have care and/or support needs and who are, because of these needs, unable to protect themselves from harm (e.g. due to illness or disability). This need not be on a permanent basis.
11. The commitments and practices contained in this Safeguarding Policy apply to the safeguarding of Staffordshire & West Midlands Advice and Litigation Service’s Beneficiaries from harm caused by either:
    - a. The activities and practices of Staffordshire & West Midlands Advice and Litigation Service and any conduct of its Staff Members, or
    - b. People and situations outside of Staffordshire & West Midlands Advice and Litigation Service’s and its Staff Members’ control, where Staffordshire & West Midlands Advice and Litigation Service’s Staff Members are aware of, ought to be aware of, or reasonably suspect the risks posed by a situation.
  12. For the purposes of this Policy, a ‘**Safeguarding Concern**’ is any conduct or situation that is known or reasonably suspected by a Staff Member or another party that risks violating the safeguarding commitments set out above.

### **Key Measures that Staffordshire & West Midlands Advice and Litigation Service is Committed to Implementing and Maintaining to Safeguard its Beneficiaries**

13. Following applicable local safeguarding arrangements when safeguarding children. These arrangements include leadership and guidance issued by the safeguarding partners for a local area (i.e. the local authority, chief officers of police, and a clinical commissioning group).
14. Following applicable leadership and guidance provided by local Safeguarding Adults Boards when safeguarding adults.
15. Ensuring that Staff Members are trained to, and encouraged to, report any Safeguarding Concerns that they identify. Staff Members will be encouraged to follow Staffordshire & West Midlands Advice and Litigation Service’s safeguarding reporting procedures as closely as possible when reporting concerns (set out below under the heading ‘**Procedures: Reporting**’).
16. Ensuring that all Staff Members listen to all safeguarding-related queries and concerns raised by other Staff Members, Beneficiaries, or relevant other parties, with respect and professionalism. Staff Members should be trained how to, and encouraged to, then assist with reporting any such concerns via Staffordshire & West Midlands Advice and Litigation Service’s regular reporting procedures.
17. Ensuring that all reported Safeguarding Concerns are dealt with by appropriate individuals and teams and in accordance with Staffordshire & West Midlands Advice and Litigation Service’s relevant procedures (set out below under the heading ‘**Procedures: Investigation and Response**’).
18. Implementing and maintaining comprehensive, accessible, fair, and efficient procedures for Staff Members to use when reporting and dealing with Safeguarding Concerns. These procedures will be made known and easily accessible to all Staff Members.
  - a. Procedures will be designed to ensure all safeguarding issues are dealt with fairly and objectively even when allegations are made against one of Staffordshire & West Midlands Advice and Litigation Service’s Staff Members. Any such allegations will be treated in a manner that takes into account the gravity of the accusations, but which does not vilify or presume the guilt of an accused individual without a fair investigation.
  - b. Any reports that qualify as protected disclosures under whistleblowing law will be treated securely and in a protected manner in line with whistleblowing law.
19. Appointing Data Protection & Welfare Protection Unit to hold responsibility for managing safeguarding policies and procedures within Staffordshire & West Midlands Advice and Litigation Service.
20. Following appropriate recruitment processes when recruiting new Staff Members, including volunteers. This includes:

- a. Conducting all appropriate pre-employment checks (e.g. Disclosure and Barring Service (DBS) criminal record checks).
  - b. Ensuring new Staff Members take part in, and understand the content of, all necessary safeguarding training before having any contact with Staffordshire & West Midlands Advice and Litigation Service's Beneficiaries.
  - c. Following Staffordshire & West Midlands Advice and Litigation Service's policies and procedures on hiring and recruitment.
21. Providing appropriate safeguarding training for all relevant Staff Members. Every Staff Member should be provided with, and required to undertake, training that is appropriate to their role, responsibilities, and degree and type of contact with Beneficiaries. This should, where appropriate, include training on:
- a. How to define and identify potential signs of different types of abuse, including physical abuse, emotional abuse, sexual abuse and exploitation, neglect, and others.
  - b. How to listen to and respond to concerns or disclosures about safeguarding issues during an initial conversation (e.g. how to explain when information can and cannot be kept confidential).
  - c. How to use Staffordshire & West Midlands Advice and Litigation Service's safeguarding reporting procedures and when doing so is appropriate.
  - d. Which additional resources (e.g. policies, other supporting documents, or external educational resources) are available to ensure Staff Members remain informed about safeguarding.
22. Ensuring that all information related to Safeguarding Concerns, including the content of reported concerns as well as the personal data of anybody involved, is handled safely and securely. This involves:
- a. Following the requirements set out by the UK's data protection laws, including The UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
  - b. Following Staffordshire & West Midlands Advice and Litigation Service's data protection policies and procedures, including our Data Protection and Data Security Policy.
  - c. Providing Staff Members with training on data protection and privacy, where appropriate.
  - d. Ensuring Staff Members always have an identifiable point of contact for questions or concerns about data protection and privacy. This is currently Data Protection & Welfare Protection Unit, who can be contacted by emailing [legal.westmids@outlook.com](mailto:legal.westmids@outlook.com).
  - e. Only sharing information about a Safeguarding Concern internally as far as is necessary to manage the concern for the relevant Beneficiary's benefit.
23. Ensuring transparency and awareness regarding safeguarding information and procedures. For example, by:
- a. Providing information to Beneficiaries about our safeguarding procedures so that they are aware of how to raise any concerns.
  - b. Ensuring all Staff Members are aware of safeguarding laws, Staffordshire & West Midlands Advice and Litigation Service's safeguarding commitments and procedures, and Staff Members' responsibilities in relation to these.
24. Regularly reviewing all safeguarding policies and procedures to ensure that they are up-to-date with safeguarding law and that they remain suitable for Staffordshire & West Midlands Advice and Litigation Service's Relevant Activities and workforce, and meeting any review and evaluation requirements specific to Staffordshire & West Midlands Advice and Litigation Service's industry and organisation type.

## **Staff Members' Responsibilities**

25. All Staff Members have a responsibility to promote the safety and wellbeing of all of Staffordshire & West Midlands Advice and Litigation Service's Beneficiaries. This means that all of Staffordshire & West Midlands Advice and Litigation Service's policies and procedures relevant to safeguarding and all UK laws relevant to safeguarding must be followed at all times. Specifically:
26. All Staff Members must contribute to upholding the key measures that Staffordshire & West Midlands Advice and Litigation Service has committed to taking to safeguard its Beneficiaries (set out above) to an extent that is appropriate for their role, responsibilities, and degree and type of contact with Beneficiaries. Specific ways that Staff Members should do this will be clarified during training. If a Staff Member is uncertain as to their responsibilities, it is their responsibility to raise this with Data Protection & Welfare Protection Unit.
27. Staff Members must actively participate in all safeguarding training they are assigned and, if they do not understand any aspects of their training, must raise this with Data Protection & Welfare Protection Unit.
28. Staff Members must never do anything to actively risk the safety or wellbeing of any of Staffordshire & West Midlands Advice and Litigation Service's Beneficiaries. This includes, but is not limited to:
  - a. Subjecting them to or facilitating abuse of any sort.
  - b. Engaging in any sexual activity with children (i.e. anybody under the age of 18).
  - c. Participating in or facilitating any activities that may commercially exploit Beneficiaries. For example, failing to report suspected child labour or trafficking.
29. Staff Members must report all Safeguarding Concerns that they have regarding Beneficiaries, regardless of whether the concerns relate to potential wrongdoing of other Staff Members, other Beneficiaries, or external parties (e.g. parents, teachers, other organisations, or members of the public).

## **Procedures: Reporting**

30. Staff Members will receive safeguarding training that should enable them to identify Safeguarding Concerns (e.g. suspected abuse, neglect, or threats to wellbeing) relevant to Staffordshire & West Midlands Advice and Litigation Service's Beneficiaries.
31. If a Staff Member identifies a Safeguarding Concern, to report it they should:
  - a. Report any safeguarding and or child protection issues and or concerns to the DPO and Welfare Unit straightaway without any delay, and ensure all information is documented in detail.
32. If a Staff Member feels unable to follow the above steps, they should report their Safeguarding Concern in a reasonable alternative manner. This may be the case if, for example:
  - a. Following the above procedure would require disclosing the concern to somebody who is implicated in the Safeguarding Concern or who the Staff Member is otherwise uncomfortable contacting about this concern, or
  - b. The matter is time sensitive and involves a risk of serious harm to somebody, in which case contacting an external agency (e.g. the police, the ambulance service, or a mental health crisis line) or a more senior member of Staffordshire & West Midlands Advice and Litigation Service's staff first may be more appropriate.

## **Procedures: Investigation and Response**

33. Reported Safeguarding Concerns will be dealt with promptly according to the following process:
  - a. Immediate response and review by our trained Safeguarding and Protection Team.
  - b. Full in depth investigation.
  - c. Pass the case over to other agencies such as local authorities and or law enforcement where applicable and or deemed as appropriate.

- d. Complete review (internal) to ensure there is nothing that our staff can learn and or do differently.
- 34. Staff Members who report a Safeguarding Concern will be kept informed about the progression of the matter they reported to an appropriate degree. Note that, depending on the nature of the concern and consequent investigations, some information about matters may be kept confidential and not shared with the reporter.
- 35. If a Staff Member is found to be in breach of this Safeguarding Policy or safeguarding law in general, they will be treated fairly and will only be dismissed if appropriate in the circumstances and in accordance with employment law.
- 36. Referrals or notifications to external organisations (e.g. police services, local authorities, or regulatory bodies) will be made when, and only when, this is appropriate, and will always be made in accordance with the law (e.g. data protection law).

## **Supporting Documents and Other Protections**

- 37. This Safeguarding Policy does not cover all of Staffordshire & West Midlands Advice and Litigation Service's commitments relevant to protecting its Beneficiaries. We also have other policies in place that protect our Beneficiaries, Staff Members, and/or others. These include:
  - a. A Data Protection and Data Security Policy.
- 38. All of the policies, procedures, and other documents set out above are available on request from the person within the Organisation responsible for HR matters or via Staff Members' line managers.

## **Attribution**

- 39. This Safeguarding Policy was created using a document from Rocket Lawyer (<https://www.rocketlawyer.com/gb/en>).