



## Risk Management and Policies

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# Protection of Vulnerable Groups Policy & Procedure

This forms part of the Fèisean nan Gàidheal policy portfolio

<b>Date Approved</b>	04/03/2022
<b>Purpose</b>	To lessen the risks to participants under the age of 18 and vulnerable adults, and to outline for staff and volunteers the procedure for responding to reports of abuse or neglect.
<b>Summary</b>	The policy outlines how Fèisean nan Gàidheal implements its arrangements for the protection of children and vulnerable adults attending or participating in its events. It also raises awareness of possible risks to children and vulnerable adults in respect of abuse or neglect and sets out the responsibilities of the Child Protection Officer - a necessary appointment within each member Fèis.

## Protection of Vulnerable Groups Policy & Procedure

### 1. Policy Statement

It is the policy of Fèisean nan Gàidheal to take all reasonable measures and advise Fèisean so that they may ensure the safety and well-being of all participants, members, organisers, and tutors to protect them from physical, sexual, and emotional abuse and neglect.

Fèisean nan Gàidheal recognises that children, young people, and vulnerable adults deserve to feel safe, secure, and involved to enable them to gain from participation in events. We shall provide information and assistance to help them do so. Fèisean will be encouraged to fully inform parents/carers about the activities of the Fèis of which their child, or a vulnerable adult, is a participant.

Volunteers and paid staff of the Fèisean are committed to child participation in their activities. They recognise special consideration must be applied to issues of recruitment, training, and review of their work with children.

Fèisean nan Gàidheal provides a centralised disclosure checking service for its member Fèisean and it is a condition of funding, and continued membership, that all Fèisean comply with the procedures to check that all tutors and volunteers involved in Fèis activities are members of our PVG scheme.

### 2. The Protection of Children (Scotland) Act 2003 and 2011 PVG Scheme

A child is defined in law (Children Act 1989) as a person who is up to the age of 18 years. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody, does not change his or her status or entitlement to protection under the Children Act 1989.

This Act aims to improve safeguards for children by preventing unsuitable persons from working in childcare positions as defined under Schedule 2 of the Act. Organisations could face prosecution if they:

- recruit an individual to a childcare position who is fully (not provisionally) listed
- fail to remove an individual from a childcare position where it is found that they are fully listed and therefore, disqualified from working in such a position
- fail to refer an individual to Scottish Ministers where the grounds for referral (as detailed in the Act) have been met

The Act applies to all organisations (voluntary, statutory, and private) that appoint volunteer and paid workers to positions which are childcare positions as defined under Schedule 2 of the Act.

In February 2011, the Scottish Government introduced a new membership scheme to replace and improve upon the previous disclosure arrangements for people who work with vulnerable groups. The Protecting Vulnerable Groups (PVG) Scheme:

- helps to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour
- is quicker and easier, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required
- strikes a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.

The PVG Scheme is managed and delivered by Disclosure Scotland which, as an executive agency of the Scottish Government, has taken on additional responsibilities. This includes taking decisions, on behalf of Scottish Ministers, about who should be barred from working with vulnerable groups. Further guidance and legislation have been made available under the Disclosure Scotland (Scotland) Act 2020.

### **3. Access and Inclusion - Participants in Fèisean nan Gàidheal and Fèis activities**

Fèisean nan Gàidheal is committed to equality of opportunity in the access granted to participants in events run by the organisation, or on the organisation's behalf. This extends to Fèisean which are members of the organisation. Fèisean nan Gàidheal believes participation in the arts and creativity promotes equality and diversity, contributes to wellbeing and to the economy of Scotland. We are committed to ensuring that individuals (including staff, participants, volunteers, contract workers and tutors) who wish to take part, can participate in any event run by Fèisean nan Gàidheal - and individual Fèisean - regardless of race, colour, ethnic or national origins, marital status, sex, sexual orientation, disability, age, whether pregnant or a parent/carer, social background, religious beliefs or if they are resident in an area experiencing socioeconomic deprivation.

Fèisean nan Gàidheal has a separate Access Policy and an Equalities, Diversity and Inclusion Plan which may be accessed on its website.

### **4. Guidelines on The Protection of Participants in Fèisean nan Gàidheal and Fèis activities**

The following guidelines for Fèisean are based on the 2011 Code of Practice and subsequent advice and legislation, including the Protection of Children (Scotland) Act 2003 and the Disclosure (Scotland) Act 2020. They should be brought to the attention of all staff and volunteers.

#### **4.1 Group Management**

It is the responsibility of Fèisean nan Gàidheal to implement this policy. However, the protection of children and vulnerable adults is the responsibility of everyone who is involved at any level within Fèisean.

All staff and volunteers should be issued with brief guidelines on how to deal with the disclosure or discovery of abuse. The basic information is included in the [Yellow Card](#) (wording on yellow card should be amended to include Vulnerable Groups, not just children and young people) vulnerable groups procedure summary available to all personnel.

Every Fèis should identify an individual who would be available should any child or vulnerable adult indicate that there are issues that they would like to discuss with someone other than the group leader.

The Fèis committees should ensure that staff and volunteers have adequate training on awareness, recognition, and prevention methods to minimise risks of abuse.

#### **4.2 Appointing Staff**

Fèisean nan Gàidheal and member Fèisean will comply with the Protection of Children (Scotland) Act 2003 and the Disclosure (Scotland) Act 2020 through the Protecting Vulnerable Groups (PVG) membership scheme by requesting enhanced disclosure checks for all personnel, paid or voluntary, who may have access to children or vulnerable adults through the Fèisean.

We shall remove from post any individuals found to be disqualified from working with children and refer to Scottish Ministers any individual who has harmed, or placed at risk of harm, any child or vulnerable adult within the organisation. The Fèisean shall not hesitate to remove an individual from post if that individual has harmed, or placed at risk of harm, any child or vulnerable adult.

Prior to appointment all staff, paid or voluntary, should complete the application form which Fèisean nan Gàidheal has prepared. They should also complete a self-declaration form which details any criminal convictions and sentences. All convictions must be declared, and applicants should be assured that this information will be dealt with in strictest confidence and will not be used to discriminate against them. The successful candidate(s) will be asked to complete an online form for a PVG Level 2 Disclosure check which will be processed in conjunction with the collator at Fèisean nan Gàidheal.

All paid staff should have an interview prior to appointment. In the case of volunteers, a flexible approach should be taken. In both cases the opportunity should be taken to explore the person's experience of work or contact with children or vulnerable adults. This may be paid or voluntary or in a personal capacity. Should anything in the applicant's response cause concern, any area of uncertainty should be explored further.

These guidelines should apply to all potential staff, volunteers, and tutors within the Fèisean, no matter what the person's background. There should be no exceptions.

### **4.3 Within the Fèisean**

Work in the Fèisean should be planned so that no adult is ever left alone with a child, or vulnerable adult, in a place that cannot be observed by others. This may mean leaving doors open between rooms or rooms with glass doors.

This also applies out with the premises, for example transporting children and vulnerable adults in cars or minibuses or on visits to swimming pools or sports facilities.

All staff and volunteers should be familiar with this policy and procedures for dealing with suspected abuse of children and vulnerable adults.

All members of staff and committees should have a clear understanding of their role within the Fèisean and what is expected of them in their work with children and vulnerable adults. They should know to whom they are responsible and if they have responsibilities for supervision.

### **4.4 Supervision**

The Fèisean nan Gàidheal Board of Trustees will supervise the implementation of this policy within Fèisean nan Gàidheal whose officers will, in turn, do their best to implement the policy throughout the membership of the organisation.

### **4.5 Training and Support**

Fèisean nan Gàidheal will provide support and access training for staff and volunteers in order that they can effectively implement this policy.

### **4.6 Whistleblowing/Sharing a concern**

It is crucial that individuals share their concerns - no matter how small - with the Child Protection Officer (either within the member Fèis or Fèisean nan Gàidheal's Child Protection Officer). Concerns may be about:

- a child or vulnerable adult's health, development and well being
- a parent/carer who may need help or be unable to care adequately for a child or vulnerable adult
- those who present a risk of harm to the child or vulnerable adult.

Often it is only when such information is brought together from several sources that the real risk to the child or vulnerable adult becomes evident.

Paid workers and volunteers should be able to share, in confidence with the nominated Child Protection Officer, concerns they may have about a colleague's behaviour. While it is often difficult to express concerns about colleagues, it is important that such concerns are communicated. Workers/volunteers should talk to their manager/supervisor or other suitable authority figure if they become aware of anything that makes them feel uncomfortable. Concerns about a worker's/volunteer's relationships with children or vulnerable adults must always be reported through the appropriate channels. Concerns may also be voiced directly to the Fèisean nan Gàidheal Collator/Child Protection Officer. Workers/volunteers should never engage between themselves in malicious gossip about another worker.

## 5. Guidelines on minimising opportunities for children or vulnerable adults to suffer harm

### Supervision Ratios

When working with groups of children or vulnerable adults, steps should be taken to ensure that appropriate supervision is in place.

In relation to registered childcare activities, the Scottish Government – National Care Standards (2005) advises the following adult: child ratios:

- 1 adult to 3 children under 2 years of age
- 1 adult to 5 children for children between 2 to under 3 years
- 1 adult to 8 children for children between 3 and 8 years
- 1 adult to 10 children if all children are 8 and over
- 1 adult to 1 child where a child has certain special needs

**Note:** Two adults to be in attendance at any one time.

Good practice also states that (depending on the activities being undertaken):

- a. there must be adequate space
- b. there must be access to a telephone on the premises
- c. Health and Safety risk assessments must be carried out
- d. there must be a First Aid box
- e. suitable refreshments may be provided if appropriate
- f. special needs are appropriately catered for

Although these guidelines apply to children, we recommend they should also apply in work with vulnerable adults.

### Code of good behaviour and good practice

#### 1. You should ALWAYS

- Respect everyone as an individual
- Provide a good example of acceptable behaviour
- Respect everyone's right to privacy
- Be available as a listening ear, and if necessary, refer for more appropriate help
- Be sensitive to other people's likes and dislikes
- Try to ensure that your actions cannot be misunderstood or cause offence
- Show understanding when dealing with sensitive issues
- Where possible plan activities which involve more than one person being present or at least within sight or hearing
- Check sleeping arrangements for adults, children and young people is appropriate
- Seek parental consent for photographs/videos

## **2. You should NEVER**

- Permit abusive behaviour e.g., bullying, harassment, and discrimination
- Have inappropriate physical or verbal contact with others
- Jump to conclusions or make assumptions about others without checking facts
- Encourage inappropriate attention-seeking behaviour
- Show favouritism to anyone
- Make suggestive and or personal remarks or actions, even in jest
- Deliberately place yourself or others in a compromising situation (bear in mind that letters/emails/phone calls (mobile and landline) to children, young people and vulnerable adults should be checked for meaning and tone, and used with care and discretion)
- Believe it could never happen to me

## **Disclosure or Discovery of Abuse**

### **Type of abuse**

- Physical - actual or intended injury to a child or vulnerable adult
- Emotional - lack of love and affection
- Sexual - adults or other children using children or vulnerable adults for sexual gratification
- Neglect - failure to care for children or vulnerable adults

### **What should you do if abuse is disclosed or discovered?**

- Do not delay
- Do not act alone
- Do not start to investigate
- Do consult with the person to whom you are directly responsible
- Do not discuss the abuse with anyone other than those who need to be involved
- Do not discuss the abuse with the parents/guardian of the child or vulnerable adults (or any alleged abuser), unless guided to do so by Social Work/Police

### **What should you do if a child or vulnerable adult tells you that they have been abused?**

- You must never promise the child or vulnerable adult you will not tell anyone
- Show acceptance of what the child or vulnerable adult says
- Your reaction should be neutral
- Do not press for information or ask leading questions
- You should be aware the child or vulnerable adult may have been threatened
- As soon as possible afterwards you should write down what the child or vulnerable adult has told you
- DATE and SIGN the record of allegations/concerns (see below)

If you are a committee member, volunteer or tutor you should contact your designated Fèis Child Protection Officer who will then inform the Fèisean nan Gàidheal Collator/Child Protection Officer and/or the appropriate authority. The form for recording allegations/concerns of abuse should be completed immediately, by the person to whom the abuse is disclosed/by whom the abuse is discovered.

**Under no circumstances should any individual member of staff, volunteer, or the organisation itself attempt to deal with the problems of abuse alone.**

## 6. Confidentiality

The organisation operates on the presumption that children or vulnerable adults approaching it for confidential advice or information have demonstrated a maturity entitling them to have their desire for confidentiality respected. This means that, in general, no information given in confidence by the child or vulnerable adults will be divulged to any person outside Fèisean nan Gàidheal. Where there is suspicion of abuse, the matter MUST be referred immediately to Social Work and/or the Police. The welfare of the child or vulnerable adult is paramount, and confidentiality is not an option where a child or vulnerable adult is, or may be, at risk.

Confidentiality resides in Fèisean nan Gàidheal as an organisation, not in individual employees or volunteers. This means that appropriate discussion with other employees or volunteers will not constitute a breach of the organisation's policy. Such discussions may be necessary to assist the employee or volunteer to help a child or vulnerable adult, or to ensure their specific needs are catered for. Nevertheless, discretion should be used in passing on information received in confidence, and the child or vulnerable adult's wishes respected as far as possible, even as regards discussion within the organisation.

Details provided by staff, volunteers or applicants prior to appointment must be treated in confidence and should not be the cause of unfair discrimination. Any information regarding the disclosure or discovery of abuse must also be treated with discretion and confidentiality.

## 7. Data protection: Principles and practice

Fèisean nan Gàidheal and the Fèisean must collect personal information about staff, participants, tutors, volunteers etc. For example, we need names, addresses to post information, and dates of birth for distinguishing between individuals with similar names. We also need to hold details of individuals' achievements so that we can issue references, etc. Individuals undertaking any Fèis activities would normally be required to supply these personal details to us, or to the local Fèis.

Access to this information is strictly controlled but, where permission has been sought and granted, we share it within the education, training, and music community when this is appropriate, e.g., tutor information within the traditional music sector, personal information for PVG checks etc. We also supply the Scottish Government, Creative Scotland, and other funding bodies, with data for statistical analysis, and we release data for official and commissioned surveys.

We do not, under any circumstances, provide information to organisations involved in direct marketing or similar ventures.

In accordance with the Code of Practice published by the Scottish Ministers under section 122 of the Police Act 1997, for registered persons and other recipients of Disclosure Information, Fèisean nan Gàidheal will ensure the following practice.

1. PVG's will only be requested when necessary and relevant to a particular post.
2. Fèisean nan Gàidheal will ensure that an individual's consent is given before seeking a PVG and will seek their consent before disclosing information for any purpose other than recruitment.
3. PVG information will only be shared with those authorised to see it in the course of their duties.
4. Where additional PVG information is provided to Fèisean nan Gàidheal and not to the PVG applicant, Fèisean nan Gàidheal will not disclose this information to the applicant but will inform them of the fact that additional information has been provided, should this information affect the recruitment process.
5. Physical PVG information will be stored in a locked non-portable container. An electronic database of PVG data will be stored on a password-protected computer. Only those authorised to see this information in the course of their duties will have access to this container.
6. PVG information will be destroyed, if appropriate, by shredding.

7. No image or photocopy of the PVG information will be made; however, the following details will be retained:
  - Date of issue of disclosure
  - Name of subject
  - Disclosure type
  - Position for which disclosure was requested
  - Unique reference number of disclosures
  - Recruitment decision taken
8. Fèisean nan Gàidheal will ensure that all staff with access to PVG information are aware of this policy and have received relevant training and support.
9. In common with its other policies, Fèisean nan Gàidheal will publish this policy and make a copy of it, and the Code of Practice published by the Scottish Ministers under section 122 of the Police Act 1997, available to any applicant for a post within Fèisean nan Gàidheal that requires a PVG disclosure.
10. Fèisean nan Gàidheal aims through its Access Policy to ensure that all applicants for positions within the organisation are fairly treated.

## **8. Responsibilities of the post of Child Protection Officer (in the Fèisean)**

The post entails:

1. Checking that tutors, supervisors, drivers, tuck-shop attendants, voluntary helpers and anyone who may have contact with children or vulnerable adults have been PVG checked and, if that check was carried out by another organisation, ensure that **Fèisean nan Gàidheal** is linked to that disclosure. In practice this will be done in collaboration with the Fèisean nan Gàidheal Collator.
2. Checking that references and self-disclosures have been received for each employee/volunteer and are satisfactory.
3. Checking that each tutor/supervisor/volunteer is acquainted with the Fèisean nan Gàidheal Protection of Vulnerable Groups Policy and has a copy of the "Yellow Card" summary. Most Fèisean cover this at tutor induction immediately before each Fèis.
4. Ensuring that the tutor/supervisor/volunteer knows to bring any concerns regarding the protection of children or vulnerable adults to you in the first instance, and that no investigation should be carried out by them personally.
5. On receiving notice of a concern, or a child or vulnerable adult having made a disclosure regarding abuse, that this information will be passed directly for attention to the Fèisean nan Gàidheal Collator who will liaise with the relevant authorities.
6. Ensuring that a Participation Permission form for each child or vulnerable adult has been received and is fully completed, and that the information is distributed on a "Need to Know" basis to personnel and the form kept in accordance with Data Protection principles.
7. Ensuring that any press releases including photographs of children meet appropriate guidelines, i.e., that individual children cannot be identified in group photographs (a general caption may be used, rather than "back row, left to right...", or that photographs of individuals are not named, e.g. "A young Fèis participant tries out the clàrsach at Fèis an Earraich". This is to lessen the opportunities for the criminal practice of "grooming" children for abuse. Permission should be sought for any photographs used for publicity.
8. Ensuring that the Fèis adheres to its own guidelines and those of Fèisean nan Gàidheal in respect of the protection of children and vulnerable adults, e.g., that one-to-one tutoring situations are avoided or minimised, that residential arrangements are suitable, and that no unsuitable child or adult behaviour is tolerated.

9. Providing a "First Point of Contact" for parents/guardians with concerns about the welfare of a child or vulnerable adults at a Fèis and contacting those parents/guardians in the case of any significant incident involving their child or a vulnerable adult in their care.
10. Ensuring that risk assessments for all Fèis activities are carried out in good time and in any case to implement any control measures required before the activity is allowed to take place. This task may be delegated to a designated Health & Safety Officer within the Fèis, but it is the responsibility of the Child Protection Officer to ensure that it is carried out. Sample risk assessment forms and checklists are provided online. Risk assessment forms should be kept for a minimum of 6 months following the activity. The risk assessment should be reviewed each time the activity is undertaken, e.g., annually in advance of the main Fèis, and before follow-on class sessions.
11. Regularly appraising procedures within your own Fèis, and to suggest improvements in those procedures to the Fèis committee and to Fèisean nan Gàidheal.
12. Keeping and maintaining the Child Protection Policy, Procedures and Records file and implementing updates provided by Fèisean nan Gàidheal and to attend training sessions and seminars as may be required from time to time.