

TATE SAFEGUARDING POLICY

Protecting Children and Vulnerable Groups

Approved by the Board of Trustees: 16 January 2013
Date of Next Review: January 2015

1 Introduction

Tate is committed to the protection and safety of children and adults who come into contact with Tate as visitors to the galleries, as participants in Tate activities, and online. This commitment to safeguarding requires that appropriate procedures are in place and that Tate maintains consistent vigilance over these.

This policy sets out principles regarding Tate's duty of care toward helping to protect children and adults who fall under the definition of regulated activity and to support staff and volunteers who have responsibility for these groups. This policy is consistent with the Health, Safety and Welfare Act 1974, the Protection of Children Act 1999, the Children Act 2004, the Safeguarding Vulnerable Groups Act 2006, the Safeguarding Vulnerable Groups Order (Northern Ireland) 2007 and the Protection of Freedoms Act 2012.

2 Scope of the Policy

For the purposes of this policy, the following definitions apply and are consistent with the guidance published by HM Government following the introduction of the Protection of Freedoms Act 2012 which amended the Safeguarding Vulnerable Group Acts 2006.

2.1 Regulated activity relating to children

A child is any person up to the age of 18. Regulated activity relating to children comprises:

- Unsupervised activities: teaching, training, caring for or supervising children; driving a vehicle solely for children; providing advice/guidance on well-being
- Work for a limited range of establishments where there is opportunity for contact (for example children's homes, schools, childcare premises). This does not include supervised contact by volunteers.

Work undertaken in the two categories above is only a regulated activity if it is done regularly.

- Relevant personal care, for example washing, dressing, health care supervised by a professional.
- Registered child minding and foster caring.

2.2 Regulated activity relating to adults

Regulated activity in relation to adults no longer refers to 'vulnerable adults'. The focus is on the type of care that the adult requires, rather than the setting within which the adult receives that help. There is no longer a requirement for an activity to be carried out a certain number of times before it is categorised as a regulated activity.

Six categories of people fall within the definition of those carrying out a regulated activity. In addition, anyone supervising those in these six categories falls within the definition. The categories are:

- Those providing health care.
- Those providing personal care (for example help with washing and feeding).
- Those providing social care.
- Those providing assistance with handling cash, paying bills or shopping.
- Those assisting a person in his/her personal management of his/her affairs.
- Those who transport an adult because of their age, illness or disability from their place of residence to a place where they are receiving health or social care. This does not include taxi drivers or family and friends.

As a result of the changes to the definition of regulated activity relating to adults we now have no roles at Tate that undertake this type of regulated activity. However, employees may find themselves in settings where adults are deemed vulnerable (eg the Learning team working with adults in care homes) and therefore adults are still referred to throughout this policy. References to 'vulnerable adults' throughout the rest of this document should be read in the context of the new definition of regulated activity relating to adults.

2.3 Abuse and Neglect

Somebody may abuse or neglect a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family or in an institutional or community setting; by family members, those known to them or, more rarely, by a stranger.

2.3 Physical Abuse

Physical abuse is any intentional physical contact that results in discomfort, pain or injury. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child or vulnerable adult. It may also involve inappropriate/unauthorised methods of restraint.

2.4 Emotional Abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It includes grooming, harassment and inappropriate emotional involvement.

2.5 Sexual Abuse

Sexual abuse involves forcing or enticing a child or vulnerable adult to take part in sexual activities, whether or not they are aware of what is happening.

2.6 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's or vulnerable adult's health or development.

2.7 Financial and Material

This could involve theft, fraud, exploitation or the misuse of property, possessions or benefits.

2.8 Discrimination

This may include racist, sexist, ageist, homophobic, religious or disability related and other forms of harassment.

2.9 Cause for Concern

Cause for concern means that a person may become aware that a child or vulnerable adult is suffering or is at risk of suffering harm, abuse or neglect through recognising signs of abuse detailed in Tate's 'Guidance for Protecting Children and Vulnerable Groups'.

3 Statement of Principles

- 3.1 Tate will seek to actively promote the well being and empowerment of children and vulnerable adults through the services we provide.
- 3.2 In line with Tate's Safer Recruitment Policy, all people working for Tate in any capacity, including casual workers, interns, contract staff and volunteers, will be security checked in accordance with the requirements of the Cabinet Office Baseline Security Standard. Those who have particular roles and responsibilities which involve working directly with children, young people or adults carrying out regulated activity will be required to have a satisfactory Criminal Records Bureau (CRB) Enhanced Disclosure and a check to be made against the barring list for children and/or adults, as appropriate.
- 3.3 All employment recruitment advertisements, recruitment packs and induction packs, and any print or online employment information that relates to roles which are required to work with children, young people and adults and undertake regulated activity will include the statement: 'Tate operates a Policy for the Protection of Children and Vulnerable Adults and successful applicants will be subject to a satisfactory Enhanced CRB Disclosure and a check against the barred list for children and/or adults, as appropriate. For further information please refer to www.crb.gov.uk'.
- 3.4 In instances where freelancers, volunteers or contractors are undertaking activities with children or adults that come under the definition of regulated activity they will also be subject to the same enhanced vetting checks required of Tate's employees.
- 3.5 In so far as possible, staff will avoid situations in which they are alone or in isolated one-to-one situations with children or vulnerable adults. All working practices should occur in open spaces, in front of others in an 'open door' environment.
- 3.6 Appropriate risk assessments will be carried out to ensure the protection of children and vulnerable adults taking part in Tate activities.
- 3.7 Any staff that come into contact with a child or vulnerable adult, and believe that they have cause for concern, should follow the procedures outlined in Tate's 'Guidelines for Staff in Protecting Children and Vulnerable Groups' and should contact Tate's designated safeguarding representative immediately.
- 3.8 The Human Resources Director will act as Tate's designated safeguarding representative, to whom staff should report any cause for concern they may have.
- 3.9 Tate's designated safeguarding representative will log concerns and incidents in writing and where appropriate refer the matter to the Local Authority Social Care Referral and Assessment team (for Children) or the Local Authority Adults Social Care (for Adults). If it is suspected that the allegation of abuse is also a criminal offence or is a crime such as assault, racial harassment, rape or theft, or if an

individual has been intentionally harmed, the local police should also be contacted.

- 3.10 If there is an allegation against a member of Tate staff, the procedures outlined in Chapter 15 of the London Child Protection Procedures will be followed. The alleged perpetrator may be subject to suspension from work and subsequent disciplinary procedures in line with Tate's employment policies.
- 3.11 Tate will take additional safety measures, over and above those required of the Data Protection Act, to ensure children's and vulnerable persons' safety on Tate's website. Children should not be able to disclose their real name and location, or give out details to other users of Tate's website, and Tate's safety guidelines and terms and conditions will be made prominent to help users of Tate's website understand the rights and obligations of all users.
- 3.12 Inductions materials for new staff will include reference to Tate's procedures for the protection of children and vulnerable adults.
- 3.13 Tate's designated person and line managers of departments where staff come into regular and direct contact with children and vulnerable adults in the course of carrying out their roles will have specific safeguarding training.

January 2011, updated January 2013

Guidance for Staff in Protecting Children and Vulnerable Groups

1 Introduction

Tate's Safeguarding Policy defines and outlines the principles regarding Tate's duty of care toward helping to protect children and adults who fall under the definition of regulated activity (referred to in this document as 'vulnerable adults') and to support staff and volunteers who have responsibility for these groups.

This guidance is supplementary to Tate's Safeguarding Policy and provides additional information, guidelines and procedures to staff to help ensure the protection of children and vulnerable adults at Tate.

2 Cause for Concern

In so far as possible, staff must avoid situations where they are alone or in isolated one-to-one situations with children or vulnerable adults. All working practices should occur in open spaces, in front of others in an 'open door' environment.

In the course of their work for Tate, staff may come into contact with children or vulnerable adults where allegations of abuse may be revealed. If staff are worried that a child or vulnerable adult is at risk, they are deemed to have 'cause for concern'.

'Cause for concern' means that a member of Tate staff may become aware that a child or vulnerable adult is suffering or is at risk of suffering harm, abuse or neglect through recognising signs of abuse detailed below.

An allegation of abuse may come to light through the following situations:

- A child or vulnerable adult tells you about a worry or concern they have.
- You see or notice changes in a child or vulnerable adult's behaviours or moods.
- You see obvious physical signs of abuse or neglect.
- Someone else tells you about something they have seen or heard.
- An adult or another child tells you that they themselves may have harmed a child or vulnerable adult or that they are having difficulties with them.
- You see worrying behaviours from an adult or a carer towards a child or vulnerable adult.
- You know something personal about an individual that causes you to be concerned about a child or vulnerable adult's behaviour.
- A parent or carer shares information with you that they are having difficulty in meeting their child or dependent's needs.
- A member of staff raises concerns about a colleague (this could be done informally or through the Whistle Blowing Policy).

In order that staff are supported and encouraged to act if they have 'cause for concern' a reporting structure is in place.

3 Reporting Structure

Any staff that come into contact with a child or vulnerable adult, and believe that they have cause for concern that the child or vulnerable adult may be the subject of abuse or neglect, should contact Tate's designated safeguarding representative.

The Human Resources Director will act as Tate's designated safeguarding representative, to whom staff should report any cause for concern they may have.

If the allegation has been made against a member of staff then the procedures outlined in Chapter 15 of the London Child Protection Procedures must be followed and the alleged perpetrator may be subject to Tate's internal suspension from work and subsequent disciplinary procedures in line with our employment policies.

When receiving an allegation from a child or vulnerable adult, the following guidelines should be adhered to in order to ensure their future protection:

- Listen to the victim.
- Tell the victim you are taking what they are expressing or saying seriously.
- Reassure the victim that they are right to talk to someone.
- Do not attempt to interview the victim, although it may be necessary to clarify with them what they are saying.
- Do not promise confidentiality to the victim. Tell the victim you will need to talk to someone who can help.

4 Tate Guidelines

The following Guidelines are specific to Tate's operation and programmes.

They cover:

- General Visits
- Admissions to Exhibitions and Displays
- Group visits: General
- Group visits: Learning
- Learning Projects and Events
- Tate Online

4.1 General Visits

On entry to the galleries it is the responsibility of staff to be observant and be prepared to ask an unaccompanied child, if appropriate¹, whether they are accompanied by an adult. In the case of vulnerable adults staff should ask, if appropriate, whether that person has or needs personal support. Staff should assess all situations sensitively and act accordingly, treating visitors with respect while recognising that the child or vulnerable adult's welfare is paramount. If there is any cause for concern the staff member should report this to the Duty Manager.

4.2 Admissions to Exhibitions and Displays

Where there is an identified protection issue in terms of the content of Exhibitions or Displays a risk assessment will be undertaken during the planning process. Where there is an issue Tate will take responsibility for informing visitors of the specific content through the appropriate channel from the following list:

- Information Assistants
- Visitor Experience Teams
- Learning Assistants
- Learning Curators

¹ The lower age limit for unaccompanied children visiting the gallery is 12 years old.

- Curators
- Press and Communications Department
- Programme leaflet
- Exhibitions leaflet
- Information for teachers and group leaders
- Signage
- Information in the foyer and/or at the entrance /pay desk for special exhibitions/displays
- Information on Tate Online

4.3 Group Visits: General

On entry to the galleries it is the responsibility of staff to identify the group leaders and confirm their responsibility for the supervision of the young people and vulnerable adults in their care at all times.

- In all cases staff should avoid one-to-one situations with children and vulnerable adults.
- In cases of a first aid incident in addition staff should refer to the relevant Front of House procedures.
- In the case of an incident of a lost child staff must stay in a public area and call for assistance by radio or telephone.
- Staff should report any concerns to the Duty Manager.

4.4 Groups Visits: Learning

In addition to the above guidelines outlined under 'Group Visits: General' the first contact for Education group visits is by telephone or email to Membership and Ticketing Services (MTS) followed, in many cases, by contact with Learning Curators.

- MTS and Learning staff will inform teachers and group leaders verbally and will send written information and Guidelines for Group Visits. These guidelines should refer to Tate's Health and Safety Policy and Safeguarding Policy.
- Where appropriate this may be followed up by a conversation with the relevant Learning staff in order to meet any particular special needs.
- Information on the content of exhibitions, displays and activities will be conveyed verbally and in written form sent to the teacher or group leader.

Where it is felt that there is a specific protection issue, teachers and group leaders will be informed. In these instances teachers and group leaders will be encouraged to:

- Visit the gallery to assess the risk in order to make informed choices about their proposed group visit.
- Undertake a planning visit session with staff to ensure content and themes are discussed and risk assessed.

In devising and planning talks and workshops for groups, staff and artist educators will ensure that the protection of children and vulnerable adults is included in the risk assessments relating to the activity. Risk assessments will be available for teachers and group leaders on request.

4.5 Learning Projects and Events

Where projects are planned by the Learning teams, either independently or with external partners, a full risk assessment of the project should be undertaken. This assessment will include assessment of content, processes, staffing, parental/adult supervision, use of photography/other media and appropriate behaviour.

Tate is not in a position to assume a duty of care directly over children and young people. This particularly relates to any projects which could involve children and young people being provided with overnight accommodation in any format or with activities which may sit outside Tate's core activity. The duty of care for children and young people should remain at all times within the sphere of responsibility of parents, teachers, carers or guardians.

Staff should only carry out risk assessed activities. Any changes should be agreed with Learning Curators and relevant senior management and a new risk assessment carried out. These risk assessments should:

- Be clear about roles and responsibilities of staff and accompanying adults.
- Ensure parental/teacher/group leader supervision at all times.
- Ensure an appropriate staff to child ratio.
- Gain parental/teacher/group leader consent for all photography/other media.

4.6 Tate Online

The ambition is for Tate Online to provide a number of opportunities for children, young people and adults to login to the website, upload their own content and interact with other users online. We have policies in place to ensure that any data we capture on our users is held in accordance with the Data Protection Act.

With regard to children, Tate will have additional measures in place to ensure their safety online. This includes making sure that children are unable to disclose their real identity or location online, that they are unable to give out any details (such as email address) to other users and that all content on the Kids area of the site is pre-moderated to ensure its suitability for the age group.

4.61 Privacy Policy. Tate Online will provide a privacy policy clearly explaining what we do with the information we collect through the website, internet and other forms of electronic communication.

4.62 Safety Guidelines. Tate Online will provide safety guidelines aimed at the user group for each given area of the website. For example, Tate Kids offers safety guidelines accessible to parents and also written so that children can easily understand them.

4.63 Moderation. Tate Online's approach to moderation aims to ensure that all content is suitable for the user group for each given area of the website. Users will be able to contact a member of Tate Online regarding anything inappropriate and we will remove it. All content on the Kids area of the site will be pre-moderated to ensure it is suitable before it appears on the site.

4.64 Terms and Conditions. Tate Online will provide clear terms and conditions throughout the website. These will act as user guidelines or terms of usage and set out the rights and obligations of users of the website. These aim to help users understand the terms of usage whether they be parents, children or young adults.

5 Tate's Responsibility in Relation to Children and the Licensing Act 2003

Item 4 of the Licensing Act 2003 places specific responsibility on Tate for the welfare of children on its premises.

The licensing objectives are:

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

Accordingly, the sale of alcohol to minors is prohibited. Tate does not permit smoking anywhere on the premises and does not sell tobacco products. There is no gaming or gambling on site.

6 Insurance

As a non-departmental public body, Tate is exempt from carrying Employer's Liability Insurance and is therefore not permitted to insure against injury to those working at Tate. This means therefore that Tate will be liable to cover the cost of any successful claims made against the organisation. Tate is unable to offer insurance cover to visiting students, work experience visitors, volunteers, etc, and it encourages those institutions who visit Tate to provide their own insurance cover. All freelancers working on Learning projects and events should be covered by their own public liability insurance.

7 Recruitment, Induction and Training

The detailed procedures for the recruitment and vetting of staff are set out in Tate's Safer Recruitment Policy. In line with this policy:

- All staff working for Tate in any capacity including casual workers, interns, contract staff and volunteers are security checked in accordance with the requirements of the Cabinet Office Baseline Security Standard. Those who have particular roles and responsibilities involving directly working with children, young people and adults carrying out regulated activity will be required to have a satisfactory Criminal Records Bureau (CRB) Enhanced Disclosure and a check to be made against the barring list for children and/or adults, as appropriate.
- All employment advertisements, recruitment packs and induction packs and any print or online employment information that relates to roles which are required to work with children, young people and vulnerable adults and undertake regulated activity will include the statement: 'Tate operates a Policy for the Protection of Children and Vulnerable Adults and successful applicants will be subject to a satisfactory Enhanced CRB Disclosure and a check against the barred list for children and/or adults, as appropriate. For further information please refer to www.crb.gov.uk'.

Inductions for new staff will include reference to Tate's procedures for the protection of children and vulnerable adults. All volunteers, freelancers, interns and casuals will be made aware of Tate's Safeguarding policy and associated procedures.

Tate will adopt a tiered approach to training. Awareness training will be provided to front of house employees and more in-depth training for those working in departments

and teams that undertake regulated activity, ie Learning, Tate Online and those with responsibility for reporting under the policy, ie Duty Managers and Human Resources.

If you have any further questions about Tate's Safeguarding Policy, or the protection of children and vulnerable adults at Tate, please contact your line manager or the Human Resources contact in the Human Resources department.

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