

TATE  
SAFEGUARDING  
POLICY AND PROCEDURES

NOVEMBER 2019

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## 1. TATE'S VISION AND AIMS

Tate's vision is to serve as artistically adventurous and culturally inclusive art museums for the UK and the world that are open, bold, rigorous and kind in all that we do. Ensuring a safe environment for children, young people and adults has been at the heart of Tate's work in recent years and, with our new 5 year strategy now approved and ahead of ambitious initiatives to engage an increasing number of children, young people and families, it is essential that we have a clear safeguarding policy that all staff understand supported by robust procedures that staff adhere to.

This policy and associated procedures will be regularly reviewed during 2019 and 2020 in the light of experience from initiatives such as Year 3. It is essential that staff regularly review and update themselves on the policy and procedures.

## 2. SCOPE OF THE POLICY

- 2.1 Tate defines safeguarding as the range of measures in place to protect people at Tate or those it comes into contact with from abuse or maltreatment of any kind. This broader definition of safeguarding is in line with the Charity Commission. Safeguarding is about all adults and children being kept safe and free from harm.
- 2.2 This policy sets out principles regarding Tate's safeguarding responsibilities and is consistent with all relevant legislation and statutory guidance including the Health, Safety and Welfare Act 1974, the Protection of Children Act 1999, the Children Act 1989 and 2004, the Safeguarding Vulnerable Groups Act 2006, the Care Act 2014 and Working Together to Safeguard Children 2018.
- 2.3 This policy applies to all people working on Tate sites in whatever capacity (employee, casual worker, volunteer (including trustees), student, freelancer, agency worker or contractor), including those working for Tate Gallery, Tate Eats and Tate Commerce or for one of Tate's external contractors. Throughout the rest of this document, these individuals will be referred to, for ease and simplicity, as 'Tate staff and volunteers'.
- 2.4 We recognise that Tate's visitors - whether teachers, parents, carers or members of the general public -also have a part to play in helping keep Tate's sites safe for everyone. We have added this policy to our public website so that our visitors have access to our Safeguarding Policy

## 3. CREATING A SAFE ENVIRONMENT

This section provides an introduction and overview of Tate's safeguarding policy.

- 3.1 Although safeguarding is in respect of everyone at Tate, we recognise that children and vulnerable adults are the most vulnerable individuals/groups Tate

has contact with. Children and vulnerable groups have contact with Tate in many different ways. For example, they may visit our exhibitions and displays, attend our events and workshops or log onto our website. Whoever come into contact with us, we want them to be safe from harm. All staff should:

- Treat children and adults with respect
- Listen to and take account of children's views
- Take concerns about their welfare seriously

3.2 Tate upholds the principle that the welfare of our visitors is paramount and that all individuals whatever their age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership, or any other equality characteristic. have the right to protection from abuse.

3.3 The word 'child' or 'children and young people' is used to refer to anyone under the age of 18, as defined by the Children Act 1989.

3.4 An "adult at risk"/vulnerable adult is defined by the Care Act 2014 as an adult who has needs for care and support (whether or not the local authority is meeting any of those needs) 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.

3.5 Tate's safeguarding procedures are intended to:

- Offer safeguards to the children and adults with whom we work, and to our members of staff and volunteers
- Help to maintain professionalism and high standards of practice.

Tate recognises that any policy and/or procedure is only as effective as the ability and skill of those who operate it. We are therefore committed to:

- Recruiting staff and all those that work on our behalf, either paid or in a volunteer capacity, safely, ensuring all necessary steps are taken and checks are made, in line with our recruitment and vetting procedures as outlined in our [Safer Recruitment policy](#) which can be accessed through the HR department or Tatenet.
- Training and supervising all staff and volunteers to adopt best practice to safeguard and protect children and vulnerable groups against abuse, and themselves against allegations being made against them providing a code of conduct for all
- Ensuring staff and volunteers are made aware of the Safeguarding Policy at induction
- Ensuring all Tate's exhibitions and displays, workshops, events and activities are planned and organised with safeguarding as a priority
- Storing children and adults' contact information, images, records and correspondence securely for the appropriate time period

- Ensuring that all our partners and contractors adhere to best practice in safeguarding children and adults
- Taking all concerns and/or allegations of abuse or risk to children and adults seriously, and responding to these swiftly and appropriately through the safeguarding procedures
- Sharing information about concerns with those relevant agencies which have a legal duty to act, and involving parents/carers/teachers where appropriate
- Providing support to staff and volunteers, if and where appropriate and to children and/or adults when concerns are shared

In addition to this policy there are other relevant Tate policies and procedures that have aspects which relate to safeguarding and should be read in conjunction with this document as relevant to your role and responsibilities. These are:

- Safer Recruitment Policy
- Disciplinary and Grievance Policy
- Whistleblowing Policy
- Social Media Policy
- Code of Conduct
- Photography & Film Making – Guidance on Consent and Data Protection (included as Appendix E)

- 3.6 Breaches of the safeguarding policy will be taken seriously and may require disciplinary procedures to be applied and/or a referral to the police or children's social care or Adult Safeguarding Board at the relevant local authority.
- 3.7 Tate's safeguarding policy was first adopted in January 2013. It has been substantially updated and reviewed in 2019. It will continue to be amended and updated throughout 2019 and 2020 in the light of experience emerging from the Year 3 project and other relevant initiatives. The next formal review of the policy will be in October 2020.

## 4. ROLES AND RESPONSIBILITIES FOR SAFEGUARDING WITHIN TATE

Although all staff have a responsibility for safeguarding, there are a number of specific roles within Tate which exist to support, advise and refer any concerns to the authorities should this be necessary.

- 4.1 The Designated Safeguarding Representative (DSR) and Deputy (DDSR) will:
- Be responsible for ensuring Tate's Safeguarding policy and procedures are regularly reviewed and kept up-to-date.
  - Promote the importance of safeguarding across the organisation

- Manage allegations or concerns about abuse against Tate staff
- Ensure mechanisms are in place to communicate and raise awareness about safeguarding issues.
- Keep senior managers and trustees up to date on safeguarding issues, providing reports and monitoring information on at least a quarterly basis
- Co-ordinate the Designated Safeguarding Officer (DSO) network ensuring that there are sufficient trained DSOs in place across the organisation and that the network meets at least quarterly to review safeguarding issues and share good practice.
- Ensure that roles at Tate are risk assessed and that security vetting is carried out in accordance with Tate's Safer Recruitment policy.
- Ensure the DSO network receive appropriate training and have oversight of basic safeguarding training for the organisation.
- Contact statutory services (eg Children's Social Care or Adult Safeguarding Boards) when appropriate
- Ensure incidents are dealt with and reported appropriately
- Collect monitoring data on all safeguarding concerns raised, their management and outcome in order to check compliance and note any lessons learnt
- Evaluate the effectiveness of safeguarding within the organisation and ensure records of any concerns reported are maintained and stored securely.

Tate's Designated Safeguarding Representative is Victoria Cheetham, Chief Operating Officer.

Tate's Deputy Designated Safeguarding Representative is Lisa Mack, Interim Head of HR.

4.2 The Designated Safeguarding Officers (DSOs) will:

- Act as first point of contact for all staff, contractors and volunteers for advice if they are concerned about the safety and welfare of a child or adult.
- Referring incidents to the DSR so they can be reported to the relevant statutory service (eg Children's Social Care or Adult Safeguarding Boards) if this is deemed appropriate
- Keep accurate records of safeguarding concerns and actions taken and then ensuring that a report of any incident that is reported to them is then forwarded to the DSR using the safeguarding forms provided by Tate
- Be familiar with all aspects of Tate's Safeguarding policy and procedures
- Keep accurate records of concerns about children and actions taken
- Ensure that staff in their departments are aware of the Safeguarding policy and procedures and how to proceed if they have a concern about a child or adult.
- Participate as a member of Tate's DSO network which meets quarterly to share good practice and learning and review Tate's Safeguarding policies and procedures
- Support staff/volunteers after they have shared their concerns about a child

or adult

- Contribute to the review and update of the safeguarding policy

For a full list of DSOs see Appendix B.

#### 4.3 Line managers will:

- Be familiar with Tate's safeguarding policy and procedures and able to guide any of their team members who are concerned about the safety and welfare of a child or adult to an appropriate DSO
- Ensure freelance, contracted staff, volunteers or students are informed about the person to contact if they have a concern about the safety and welfare of a child or adult
- Ensure that all staff know where they can find the safeguarding policy and procedures and communicate to them any changes in policy and procedures
- Ensure that new staff understand the safeguarding policy and procedures during their induction period

#### 4.4 The DSO Network will:

- Meet quarterly to discuss safeguarding issues and share good practice and learning from incidents
- Be responsible for the implementation of the Safeguarding policy and procedures throughout Tate
- Act as an advisory group for Tate to draw on for operational safeguarding issues
- Contribute to the review of the Safeguarding policy and procedures
- Receive annual DSO training so they have up-to-date knowledge of safeguarding

#### 4.5 Trustees

Trustees will receive quarterly reports from the DSR about safeguarding across Tate. Additionally, two Tate trustees have agreed to have Board responsibility and oversight for safeguarding. These trustees will have an important role in ensuring the Board pays due regard to safeguarding issues.

The named trustees are

- John Booth
- Anna Lowe

## 5. RECRUITING AND SUPPORTING STAFF

5.1 Most people who apply to work for Tate will have the best motives for doing so. However, a small number of individuals who want to abuse children do sometimes target certain organisations as a way of gaining access to them. Others, although they do not deliberately set out to harm children, may hold

unsuitable attitudes or behave in a way that harms children or vulnerable adults. Our Safer Recruitment policy and processes have been designed to deter these people from applying and will also help to identify unsuitable people that might apply.

- 5.2 All people working for Tate in any capacity, including employees, casual workers, interns, contractors, freelancers 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 Disclosure and Barring Service (DBS) Enhanced Disclosure and a check to be made against the barring list for children and/or adults, as appropriate.
- 5.3 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 DBS Disclosure and a check against the barred list for children and/or adults, as appropriate. For further information please refer to <https://www.gov.uk/disclosure-barring-service-check/overview>'.

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## 6. WORKING WITH CHILDREN AND ADULTS

- 6.1 This section outlines the behaviour expected of all Tate staff and volunteers in respect of their work and contact with children and adults.
- 6.2 This guidance will not only help to protect children and adults, but will also help all Tate staff and volunteers to identify any practices which could be mistakenly interpreted and perhaps lead to false allegations of abuse being made. Safer working practices will protect Tate by reducing the possibility of anyone using their role within the organisation to gain access to those who are the most vulnerable in order to abuse them. This is because all members of Tate staff and volunteers will be expected to report any breaches of this code by any others working for or on behalf of the Tate.
- 6.3 If in doubt, you should always consider how an action or activity may be perceived as opposed to how it is intended.
- 6.4 This policy should guide all actions taken by Tate staff and volunteers. If it is necessary to act contrary to it, you should only do so after discussion and with the documented approval of your line manager or the person that has contracted you in.

## 6.5 Engaging directly with children and adults

- Work with children and adults in an open and transparent way.
- Always listen to and respect children and vulnerable adults, regardless of their age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership, or any other equality characteristic.
- Ensure allegations by a child or adults are reported, including any made against you.
- Avoid unobserved situations of one to one contact with a child or vulnerable adults.
- Follow the procedures for reporting safeguarding concerns or allegations. Never agree to keep any information relating to the harm of a child or vulnerable adult confidential.
- Ensure that your relationships with children and young people are appropriate to their age and take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought. The use of swear words in the presence of children, even if not directed at them, is never appropriate.
- Ensure that if you need to comfort a child or an adult who has become distressed, you do so in a way which is respectful of their personal space. Never act in a way which may be perceived as threatening or intrusive; ask before you act
- Ensure that dangerous or otherwise unacceptable behaviour by a child or adult is managed appropriately
- Ensure that the focus of your relationship with a child you have met through work is always on work. The aim should never be, or become, to develop the relationship into a long-term friendship.
- Never invite, or allow, a child or vulnerable adult you have met through work into your home or make contact with them outside of work. Never make sexually suggestive remarks or discriminatory comments to, in front of a child
- Be mindful of keeping yourself safe. Never act in a way that could be misconstrued or put yourself in a potentially vulnerable position

## ONLINE SAFETY

- 6.6 Tate recognises the opportunities and challenges technology brings to those working with children and adults. We advocate applying the same principles, expectations and standards for interacting and communicating with children and adults online as in other areas of practice, maintaining personal and professional boundaries in their communications and contacts with children, their families and adults. Tate has a social media policy which must be followed by all staff. Remember safeguarding is about keeping staff safe as well as children and other adults. Never act in a way that could be misconstrued or put yourself in a potentially vulnerable position.

6.7 The term 'online safety' is defined here as the process of limiting the risks to children and young people when using any internet, digital and mobile technology. To this end, Tate expects all staff to adhere to the following at all times:

- When communicating with children online, observe the same rules of behaviour as if speaking with them in person; that is by being polite, respectful, not swearing or saying anything (using the written word, images or icons) that could be regarded as sexual innuendo, bullying or discrimination.
- Always maintain professionalism in your communications online and on mobile devices.
- Tate IT equipment (including computers, laptops, mobile phones, tablets, notebooks, etc) must not be used to view, download, create or share (with colleagues or children) illegal content including abusive images of children). Contact with children online should only be with the knowledge and approval of your line manager and strictly for Tate work purposes only.
- If staff identify online concerns – be they be about illegal online content or suspicious behaviour by another adult online - then they must follow Tate procedures for reporting those concerns (see section 7.13 to 7.15' to 'section 8.12 to 8.14).

6.8 Staff must not:

- Give their personal contact details to any child. This includes personal mobile phone numbers, email address, home address, social networking accounts, personal website/blog URLs, online image storage sites, passwords etc
- Communicate with children via any personal social networking sites (e.g. as Facebook, Instagram and Twitter)
- Ask to become an online friend/contact of a child
- Add/allow a child to join their contacts/friends list on personal social networking profiles
- Share personal details with any child on a personal social network site
- Use their work or personal digital camera/ phone / video for work unless this is part of Tate official business and has been agreed and documented as part of their role or for specific projects by their line manager.
- Play online games with any child unless part of official Tate business using professional accounts and devices.
- Send any illegal or inappropriate content (written, images or icons) via mobile phones.
- Seek to befriend a child or their family online whom you have met through work for any purpose whatsoever including for the purpose of developing a personal and/or sexual relationship.
- Use their work or personal mobile phone to communicate with children. This includes phone calls, texts, emails, social networking sites etc.
- Use the internet or social media communication to send personal messages to any child unless this is part of official Tate business using professional accounts and devices.

## 7. CONFIDENTIALITY AND INFORMATION SHARING

- 7.1 Sharing information appropriately and in a timely fashion is a very important part of keeping a child or adult safe from harm. Care must also be taken to ensure that both adults and children's confidentiality is maintained, and that information is handled and disseminated on a need to know basis only. Individuals must be confident that information held about them by Tate will only be disclosed to others either with their consent or when there is a legal duty to do so.
- 7.2 The principles of the Data Protection Act 2018 must be adhered to when handling personal information, that is: personal information is obtained and processed fairly and lawfully; only disclosed in appropriate circumstances; accurate, relevant and not held for longer than necessary; and kept securely.
- 7.3 The Act allows for the disclosure (in other words, sharing) of personal information without consent of the subject in certain conditions, including for the purposes of the prevention and detection of a crime, for example where there is a safeguarding concern.
- 7.4 It is best practice to gain verbal or written consent, from a child, adult or parent/carer before any personal contact data relating to them is shared with another organisation (such as children's social care). However, you may not need to seek consent to share information if it might be unsafe to seek (e.g. seeking consent might increase the risk to the child or adult) or causes an unjustified delay or if it would prejudice the prevention, detection or prosecution of a serious crime. The most important consideration is whether the child or adult needs to be protected. If in doubt about whether to share information, discuss with the DSR and seek advice from children's social care or the NSPCC Helpline or the Safeguarding Adults Board.

In summary, the principles for information sharing are that it is necessary and proportionate; relevant; adequate; accurate; timely; secure; and that a record is kept of having shared the information.

## 8. IDENTIFYING AND RESPONDING TO CONCERNS

- 8.1 Tate staff may, at times, have to respond to concerns about the welfare and safety of children and adults. This could include actual or alleged harm. Alternatively, a child or adult we are working with may tell someone of their abuse directly. If a child or adult is at immediate risk of harm, you need to act immediately and call Security first and then the duty manager. Otherwise, contact your DSO within one working day. A DSO may then take advice from,

or refer onto, the DSR, who will then decide whether other agencies, such as the police or statutory services, need to be contacted.

8.2 There are 4 key steps to be followed:

1. Being alert to signs of abuse and neglect
2. Questioning behaviours and listening to the individual
3. Ask for help
4. Referring to children's social care, safeguarding adults' boards and/or the police

8.3 Being alert to signs of abuse or neglect

Welfare concerns may arise in many different contexts and can vary greatly in terms of their nature and seriousness. Children may be abused in a family or in an institutional or community setting, by those known to them or by a stranger, including via the internet. In the case of female genital mutilation, children may be taken out of the country to be abused. They may be abused by an adult or adults, or another child or children. An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. Abuse and neglect can happen over a period of time but can also be a one-off event. Child abuse and neglect can have major long-term impacts on all aspects of a child's health, development and well-being.

8.4 You can become aware of the actual or alleged harm to, or abuse of, a child in a variety of ways:

- a child tells you
- the child's play or behaviour
- the child's appearance, including injuries the child's interaction with the parent/carer
- someone else tells you that they suspect a child is being abused the behaviour of another adult towards a child
- you may observe harmful behaviour between a child and adult or between children

8.5 There are four broad categories of child abuse and neglect:

- Physical abuse
- Neglect
- Emotional abuse
- Sexual

8.6 It is important to be mindful that some children are particularly vulnerable to abuse because of their age or their living circumstances or characteristics. Disabled children are at greater risk of abuse than non-disabled children. Children living in adverse parental circumstances may also be more at risk; in particular, children living in homes where there is domestic violence,

substance misuse and /or severe parental mental illness. Children from particularly isolated or new communities may also be at increased risk of abuse as well as those children who display challenging behaviour. Parental behaviour may also indicate child abuse or neglect, so you should be alert to parent-child interactions which are concerning.

8.7 There are a number of categories of vulnerable adult abuse:

- physical (including unlawful restraint)
- domestic violence ('controlling/coercive/threatening')
- sexual abuse (including Female Genital Mutilation - FGM and sexual exploitation)
- forced marriage
- honour based violence
- psychological/emotional
- financial and material
- modern slavery/ trafficking
- radicalisation
- neglect and acts of omission
- disability and hate crime
- discriminatory
- self neglect
- organisational abuse

8.8 All staff and volunteers should be familiar with the definitions and indicators of abuse and neglect. See [Appendix C](#) for definitions of abuse and neglect.

8.9 What to do if a child or adult makes a disclosure

The signs of child or adult abuse might not always be obvious and a child or vulnerable adult might not tell anyone what is happening to them. Sometimes a child or vulnerable adult will tell you directly what is happening as a means of getting help. Therefore, you should question behaviours if something seems unusual and try to speak to the child, alone, if appropriate, to see further information.

If a child or adult says or indicates that they are being abused, or information is obtained which gives concern that they maybe being abused, the person receiving this information should:

- Stay calm
- Listen to the individual
- Take what the individual says seriously, recognising the difficulties inherent in interpreting what is said by a person who has a speech disability and/or differences in language
- Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said
- Reassure them that you will act to keep them safe, but do not promise that

- you won't tell anyone, as you may need to do so to protect them
- Make a record of what has been said, heard and/or seen using the safeguarding reporting form

#### 8.10 Referrals to external agencies

It is not the responsibility of anyone working at Tate in a paid or voluntary capacity to decide whether a child or adult is being abused or neglected. However, it is your job to pass on the information to those who are qualified to do so.

If you become aware of any concern relating to the welfare of a child or adult you should speak to the relevant DSO as soon as possible and in all instances within one working day.

The concern will then be discussed and a decision made by the DSO and DSR as to whether to refer the concern to the police or the relevant local safeguarding authority/statutory service.

#### 8.11 How to make a referral

- It is Tate policy that all concerns about children and vulnerable adults are reported as soon as possible and within one working day, to your line manager in the first instance and the DSO.
- The person who identifies the concern should record the details of the concern on the Safeguarding Reporting Form and submit to a DSO.
- The DSO may resolve the issue but - in some cases - may seek the advice of the DSR. The DSR, in conjunction with the DSO, will decide if it is appropriate to make a referral to the police or relevant statutory service. All referrals must be made within 24 hours of the concern or disclosure coming to light. The DSR or Deputy DSR is responsible for making the referral.
- The person who raised the concern in the first place will be given appropriate feedback and will receive support from either the DSO or line manager, if required.
- Once a referral has been made to the relevant statutory service, they have a day to decide what further action is necessary to take and should inform the referrer of this. If the DSR has not heard anything back from the statutory service, they should follow this up and note the outcome.
- If further signs of potential abuse and neglect are identified again, then report and refer again as per this procedure.

#### 8.12 Medical emergency with suspicion of abuse

An ambulance should be called for a child or vulnerable adult requiring urgent medical attention. For London galleries, inform Security on ext 2222 to let them know an ambulance is coming. If an ambulance is not required, the child or adult should be escorted (by taxi, if necessary) to the nearest accident department by two staff from Tate. Where possible, the child should

be accompanied by a parent or carer. If a parent or carer unreasonably refuses to allow necessary medical treatment, the police should be contacted immediately. The DSR or DDSR should be contacted as soon as is practical and they should make the necessary referral to the relevant statutory service and follow steps outlined in 8.11.

#### 8.13 Action to take regarding indecent/obscene images of children

What to do if a member of staff is inadvertently exposed to indecent images of children whilst using the internet:

- Inform your line manager
- The URLs (webpage addresses) which contain the suspect images should be reported to the National Crime Agency's Child Exploitation and Online Protection Command (CEOP) – the member of staff/volunteer/freelancer should do this and immediately inform the DSR/DDSR and the IS Service Desk of having done so. You must avoid sending copies of the actual images to CEOP.
- Any copies that exist of the image, for example in emails, should be deleted.

#### 8.14 What to do if indecent images of children are found on Tate electronic devices

- Inform your line manager and DSR immediately.
- The police should be informed immediately, and advice sought.
- The URLs (webpage addresses) which contain the suspect images should be reported to CEOP. You must avoid sending copies of the images to CEOP
- If any copies need to be stored at the request of the police, they should be stored securely where no one else has access to them. All other copies must be deleted.

#### 8.15 What to do if a member of staff is found in possession of indecent images of children on their electronic device whilst at work:

Report the matter to the DSR/DDSR. They should then:

- Contact the police regarding the images. If there is doubt about whether the images are criminal, then discuss with the police the best way for them to receive copies to determine whether they are criminal or not;
- Discuss with the police what to do about the device that the images are on; quarantine the device in question and discuss with the police about checking for any other images on that device;
- Keep the line manager informed and suspend the person's access to their Tate network account but do not explain the reason for this until clarified with the police;
- Initiate the procedure for managing safeguarding allegations against staff/volunteers (See Section 10).

## 9. RECORDING THE INFORMATION – KEEP IT CLEAR AND SIMPLE

- 9.1 Information may need to be passed to the relevant statutory service (e.g. children’s social care, safeguarding adults board or the police).
- 9.2 It should be recorded on the Safeguarding Reporting Form (Appendix A). The form can be completed by the person reporting the concern, the line manager or the designated person. However, it is the DSO’s responsibility to ensure it has been completed and the DSR/DDSR will make the referral to the relevant statutory service. To be as helpful as possible the information should include:
- The nature of the allegation or concern
  - A description of any injuries
  - The individual’s account, if they can give them, of what has happened and how any injuries occurred
  - Any times, dates, or other relevant information
  - Whether the parent, carer, child or adult is aware of the referral having been made
  - A clear distinction between what is fact, opinion, or hearsay
  - However, do not delay reporting the matter by trying to obtain more information
- 9.3 All records of safeguarding concerns and referrals are stored electronically and will be kept for 25 years with access strictly controlled.

## 10. MANAGING SAFEGUARDING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

- 10.1 Evidence indicates that abuse which takes place within an organisation is rarely a one-off event. It is crucial those involved in Tate are aware of this possibility and that all allegations are taken seriously, and appropriate action taken.
- 10.2 The procedures should be followed in all cases, including outside work, in which it is alleged that a member of Tate staff/volunteer has:
- Behaved in a way that has or may have harmed a child or adult
  - Possibly committed a criminal offence against or related to a child; or vulnerable adult
  - Behaved towards a child in a way that indicates they are unsuitable to work with children or vulnerable adults.

- 10.3 The procedures are:
- If a staff member has a concern about the behaviour of another member of staff, volunteer, student, contractor or freelancer they should discuss it with their line manager in the first instance.
  - The line manager will report it to the DSR/DDSR within the same working day.
  - If the concern is about the behaviour of the line manager then you can report the matter directly to the DSR/DDSR
  - If the concern is about the behaviour of the DSR it can be reported to the named safeguarding trustees, Deputy DSR, HR department or the Director of Tate
  - The DSR/DDSR should be informed of situations even if it is unclear if the allegation constitutes abuse or not, and the action to be taken is not obvious. The DSR/DDSR needs to consider who else needs to be informed bearing in mind the need to maintain confidentiality.
  - The DSR/DDSR will require a written account from the member of staff/ manager about the allegation and a summary of any available additional information including the names and addresses of any potential witnesses. Both documents should be signed and dated.
- 10.4 The fact that a member of staff tenders their resignation or ceases to provide their services will not prevent an allegation/concern from being followed up in accordance with these procedures and a conclusion reached.
- 10.5 Settlement Agreements - A 'settlement agreement' by which an individual agrees to resign, and an employer agrees not to pursue disciplinary action, and both agree to a form of words to be used in future references will never be used by Tate in situations where there are concerns about their behaviour towards children and vulnerable adults.
- 10.6 There may be circumstances where allegations are about poor practice rather than child abuse but, where there is any doubt, the DSR/DDSR should seek advice from the designated officer(s)\* in the local authority.

Every effort should be made to ensure that confidentiality is maintained for all concerned and to protect the integrity of the investigation process.

\*This role was previously referred to as the LADO. Different LAs may refer to it differently from now onwards.

- 10.7 It is acknowledged that feelings generated by the discovery that a member of staff or volunteer is, or may be abusing a child or vulnerable adult, will raise concerns among other staff or volunteers, including the difficulties inherent in reporting such matters. However, it is important that any concerns for the welfare of a child or vulnerable adult should be reported and acted upon immediately.

10.8 Tate will fully support and protect any member of staff or volunteer who, in good faith, reports their concern that a colleague is, or may be abusing a child or vulnerable adult.

10.9 What happens next?

Where there is a complaint of abuse against a member of staff, there may be three types of investigation:

1. A criminal investigation
2. An investigation or enquiry by the relevant statutory service
3. A disciplinary investigation or enquiry by Tate

The HR department, DSR/DDSR and line manager will decide if an individual accused of abuse should be suspended from work pending enquiries by the police and/or relevant statutory service. Advice and support to the person who has been suspended from work will be provided by a member of the HR Department and their line manager.

Investigations will be dealt with quickly, fairly and impartially. The member of staff or volunteer should be informed about the allegation or concern as soon as possible (but not before consultation with the designated officer in the statutory service/police where necessary, in respect of timing and content).

Tate's disciplinary process should happen as soon as possible; however, the police and statutory service investigation may delay Tate's disciplinary process.

If the investigation shows that the allegation is clearly about poor practice Tate will consider whether performance management or the need to instigate its disciplinary procedure is required.

Irrespective of the findings of police or the statutory service, Tate will assess all individual cases under the appropriate disciplinary procedure to decide if a member of staff can be reinstated or a volunteer's services resumed and how this can be sensitively handled. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police. In such cases, Tate must reach a decision based upon the information that is available.

The welfare of the children or vulnerable adults should always remain paramount. Consideration should be given to what support may be appropriate to children, parents or carers, vulnerable adults and members of staff.

10.10 Referral to DBS for consideration to bar

If Tate removes an individual (paid worker or unpaid volunteer) from work with children or adults (or would have, had the person not left first) because that person poses a risk of harm, Tate must make a referral to the Disclosure and Barring Service (DBS) so that they can consider if the individual should be

barred from, or have conditions imposed, in respect of working with children or vulnerable adults. It is an offence to fail to make a referral without a good reason.

The DSR is responsible for making the referral to the DBS. The referral form can be found on the DBS website.

Tate may seek advice about this from the designated officer in the relevant statutory service.

A decision about making a 'referral to bar' has to be made within 30 days of the final outcome of the investigation/inquiries.

#### 10.11 Referral to a professional regulatory body

If a member of staff/volunteer is registered with a professional regulatory body, there may be a requirement to notify that body if Tate removes an individual (paid worker or unpaid volunteer) from working with children or vulnerable adults (or would have, had the person not left first) because that person poses a risk of harm to children or vulnerable adults. It is the responsibility of the DSR to make such a referral.

#### 10.12 Contracted and sub-contracted (freelance) staff and students

In the event that a member of staff or volunteer has, or is aware of, concerns raised by the behaviour of a contractor, a member of their staff, a sub-contractor/freelancer or student, this must be raised with your line manager and / or the DSR who will then decide who else needs to be informed and what action needs to be taken and by whom.

#### 10.13 Secure storage of concern/referral information

If, as a result of the discussion, a referral is made using the procedures set out above, a copy of the referral form must be kept together with this record. It should include the name and role of the person to whom the referral was made, their telephone number and the time and date. Where the concern related to an allegation or concern about a member of staff, all files are kept for 7 years after the individual has left Tate or if they were in the Civil Service Pension Scheme until the individual reaches 100 years old or has deceased, whichever is the soonest.

It is also important that all records are stored securely:

- Compile and label hard copy files carefully.
- Files containing sensitive or confidential data should be locked away and access to the keys strictly controlled.
- Access to records needs to be limited to people in named roles who either need to know about the information in those records and/or who manage the records/files.

- If files are to be stored long term arrangements need to be made for the keys to be passed from outgoing staff to their successors.
- Electronic files must only be accessible by limited staff.
- Arrangements must be in place for ongoing management of the records including the review and disposal of records.

#### 10.14 Escalation process – what to do if safeguarding concerns are not being appropriately acted upon

Escalation is the course of action that should be taken where there are concerns that a child or vulnerable adult's safety is compromised and the current action of either Tate or other external agencies does not support effective safeguarding.

If you have concerns about the safety or welfare of a child or adult and feel they are not being acted upon by the DSO or DSR, you can make the referral directly to the statutory service yourself, contact the NSPCC Helpline or use Tate's Whistleblowing policy.

If Tate has concerns that an external agency is not acting upon their safeguarding concerns appropriately:

- The DSO in conjunction with the DSR will determine if the matter requires escalation. In the first instance, the aim should be to resolve the disagreement at the lowest level between the individuals involved.
- If this fails, the matter should be raised with a more senior manager in the other agency.
- If this approach fails, each local safeguarding board for children and adults will have a process for escalating a concern so the procedure to be followed will depend on the area in which the concern arose
- The procedures for each Local Safeguarding Board/Partnership can be found on the relevant council's website.
- A record of all conversations and actions must be kept.

## 11. DEPARTMENTAL GUIDELINES

The following Guidelines are specific to Tate's operation and programmes. These guidelines will be constantly reviewed, updated and added to over the coming months in the light of further work and consideration given to safeguarding by individual teams.

Currently these guidelines cover:

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

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

### 11.1 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 appropriate<sup>2</sup>, whether they are accompanied by an adult.

Staff should assess all situations sensitively and act accordingly, treating visitors with respect while recognising that the child or adult's welfare is paramount. If there is any cause for concern, the staff member should report this to the Duty Manager.

### 11.2 Admissions to Exhibitions and Displays

All exhibitions and displays at Tate will take safeguarding into consideration as part of the risk assessment and on the advice of the DSO, and possibly DSR, will ensure the correct measures, such as signage and screening have been taken.

Where there is an identified issue or concern with an exhibition, Tate will take responsibility for informing visitors of the specific content through the appropriate channel in consultation with the relevant DSO(s) and DSR from the following list:

- Information Assistants
- Visitor Experience teams
- Learning Assistants
- Learning Curators
- 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 the Tate website

### 11.3 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.

#### 11.4 Learning Projects and Events

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.

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 responsibility 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.

In all cases where a safeguarding concern is raised in the risk assessment it should be discussed and risk managed with a relevant DSO and the DSR.

### 11.5 Tate Digital

Tate aims 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 GDPR.

Tate Digital engages with audiences on a range of third party social media platforms to encourage engagement and participation around art. We are committed to a range of guidelines to protect participants and foster positive digital communities. We provide guidance and training to all staff and artists we invite to engage with young people online. We will moderate responses across all social media channels as far as the platforms' built-in tools allow

With regard to children, Tate has 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.

### 11.6 Privacy Policy

Tate Digital provides a privacy policy clearly explaining what we do with the information we collect through the website, internet and other forms of electronic communication.

### 11.7 Safety Guidelines

Tate Digital provides 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.

### 11.8 Moderation

Tate Digital's approach to moderation aims to ensure that all content is suitable for the user group for each given area of the website. Users are able to contact a member of Tate Digital regarding anything inappropriate. All content on the Kids area of the site is pre-moderated to ensure it is suitable before it appears on the site. Tate does not tolerate online bullying. If we find bullying occurring Tate will step in and remove comments.

### 11.9 Terms and Conditions.

Tate Digital provides clear terms and conditions throughout the website. These 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.

## 12. 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.

## 13. 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.

## 14. WORKING IN OR WITH SCHOOLS

By law all schools have a duty to safeguard and promote the welfare of their pupils. They will have their own safeguarding policy and procedures. If any Tate member of staff, freelancer or volunteer is working in a school setting and has a concern about a child or the behaviour of a member of the school they must:

- Pass this information to the school's designated safeguarding lead or head teacher and inform their line manager
- Record the concern on the safeguarding reporting form (Appendix A)
- Inform a DSO
- The relevant DSO or DSR should follow up the concern with the school within 24 hours to confirm what action has been taken. If no action has been taken and the DSO remains concerned, then they should follow the procedure for escalation of a concern (See section 11)

## 15. CONTRACTORS AND SUB-CONTRACTORS (FREELANCE)

- 15.1 Contractors provide valuable services to and on behalf of Tate. These contractors in turn may employ people or sub-contract to others. To protect children and the reputation of the Tate it is important that, where appropriate, any such contracts for services / terms of engagement reflect the need for them to be aware of and to follow the safeguarding policy and procedures; this includes ensuring that they are made aware of the process for reporting concerns to one of the DSOs or an appropriate manager.
- 15.2 The responsibility for employees of contractors, and sub-contractors remains with the main contractor who must ensure that they are informed about their responsibility to report any concerns directly to them in the first instance and to an identified Tate DSO in line with this policy and procedure.

## 16. LOST CHILD OR VULNERABLE ADULT PROCEDURES

All Tate sites have specific procedures for what do to in the event of finding or trying to locate a lost child or vulnerable adult. The site-specific procedures are in Appendix D.

## 17. PHOTOGRAPHY & FILM MAKING – GUIDANCE ON CONSENT AND DATA PROTECTION

In some circumstances i.e. family events and workshops Tate may take photographs of children, guidelines on what images may be taken and how they must be stored are outlined in Appendix E.

## APPENDIX A SAFEGUARDING REPORTING FORM

Name of report writer	
Date	
Name of person making the disclosure	
Name(s) of others present	
Date and time of incident	
Factual record of conversation with the victim/person reporting the cause for concern	
Any next steps agreed	
Signature and name of staff member	
Signature of DSO and date of receipt	
Actions taken by DSO	

When completed please send this form to Lisa Mack, Interim Head of HR and Deputy Designated Safeguarding Representative (DDSR) .

## APPENDIX C DEFINITIONS OF ABUSE AND NEGLECT

### CATEGORIES OF ABUSE OF CHILDREN

#### NEGLECT

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 health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

1. Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
2. Protect a child from physical and emotional harm or danger
3. Ensure adequate supervision (including the use of inadequate care-givers)
4. Ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

#### EMOTIONAL ABUSE

The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

#### SEXUAL ABUSE

Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

#### PHYSICAL ABUSE

A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical

## APPENDIX C

harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### CATEGORIES OF ABUSE FOR ADULTS

#### PHYSICAL ABUSE

Including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

#### DOMESTIC VIOLENCE

Including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.

#### SEXUAL ABUSE

Including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

#### PSYCHOLOGICAL ABUSE

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

#### FINANCIAL OR MATERIAL ABUSE

Including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

#### MODERN SLAVERY

Slavery, human trafficking, forced labour and domestic servitude. People are bought and sold for sexual exploitation, forced labour, street crime, cannabis cultivation, grooming and pimping, domestic servitude, forced marriage or even the sale of organs and human sacrifice. How to report Modern Slavery.

#### DISCRIMINATORY ABUSE

Including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.

#### ORGANISATIONAL ABUSE

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

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### NEGLECT AND ACTS OF OMISSION

Including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating

### SELF-NEGLECT

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It involves no other perpetrator.

### SEXUAL EXPLOITATION

This covers exploitative situations where a person receives 'something' as a result of them performing or having performing on them, sexual activities.

## APPENDIX D UNACCOMPANIED & LOST/MISSING CHILDREN/VULNERABLE ADULTS PROCEDURE

### LOST CHILD OR VULNERABLE ADULT PROCEDURE

Site: Tate Britain & Tate Modern

Updated: 11.09.19

#### 1. PURPOSE OF PROCEDURE

The purpose of this procedure is to ensure that children or vulnerable adults who are lost or missing at Tate are located and/or reunited with the responsible adult with whom they were visiting.

To ensure the safety of the child/vulnerable adult, it is essential that the staff looking after them are convinced that the right adult is matched with the right child/vulnerable adult. Staff should also be sure they document the details of the child and the adult.

Staff should not be alone with the child/vulnerable adult but should request assistance from a colleague throughout the incident.

#### 2. PROCEDURE FOR WHEN A RESPONSIBLE ADULT REPORTS A LOST CHILD/VULNERABLE ADULT:

1. take the full name and description of the child/vulnerable adult
2. activate the Lost Child/Vulnerable Adult Procedure via radio to the Duty Manager by stating 'Code Pink' followed by the description of the child/vulnerable adult who is lost
3. do NOT communicate their name over the radio
4. the Duty Manager will ensure the details are communicated on both the VE and the Security radio channels
5. take the name and contact details of the adult seeking the lost child/vulnerable adult

A full visual survey of the building should then be undertaken by the VE and Security teams and via CCTV where possible.

If a child is under the age of 13 and is not found within 20 minutes the Police should be called on 999 by Security Control under the instruction of the Duty Manager. This time line could be sooner depending on the circumstances and the age of the child. If a child/vulnerable adult is above the age of 13 and is not found within 20 minutes the Police should be called on either 999 or 101 by Security Control under the instruction of the Duty Manager depending on the circumstances.

When a child/vulnerable adult is found without a responsible adult the procedure below should be followed.

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## 3. PROCEDURE FOR CHILDREN/VULNERABLE ADULTS FOUND WITHOUT A RESPONSIBLE ADULT

1. stay with the child/vulnerable adult
2. request assistance from a colleague so as not to be alone with the child/vulnerable adult
3. take the full name and description of the child/vulnerable adult or as much detail as is possible
4. take the name and as much description of the responsible adult they have become separated from as is possible
5. activate the Lost Child/Vulnerable Adult Procedure via radio to the Duty Manager by stating 'Code Pink' followed by the description and name of the responsible adult they have become separated from
6. do NOT communicate the child/vulnerable adult's name over the radio
7. the Duty Manager will ensure the details are communicated on both the VE and the Security radio channels

Once handed over to the DM/VEM or Security the details of all children found should be recorded to provide as much information as possible. Dependent upon the age of the child - details should include:

- their name
- age
- who they are with, (preferably a name but if not their relationship, e.g. mother, sister).

A brief description of the child/vulnerable adult should be added to the record.

The child/vulnerable adult should then be taken to an area out of public view, where they will await collection. Staff should re-assure a child that they are taking them to a safe place while they find the responsible adult they were visiting with. Staff should not at any point be alone with the child/vulnerable adult.

If a vulnerable adult appears confused and do not know who and/or where they are staff can ask the person if they can check their bag/coat pockets for identification as long as two members of staff are present at all times.

The agreed collection points are:

- Tate Modern: Clore Welcome Room
- Tate Britain: Staff Entrance
- Tate Liverpool:
- Tate St. Ives:

Codeword Pink should be used to minimise the general public knowing a lost child/vulnerable adult is in the building. Any announcement over the radio should only include the first name and description of the responsible adult who has become separated from the child/vulnerable adult – NOT those details of the child/vulnerable adult.

**APPENDIX D****4. PROCEDURE FOR REUNITING A CHILD/VULNERABLE ADULT WITH THE RESPONSIBLE ADULT.**

It is important that staff are confident that the right adult is reunited with the right child/vulnerable adult.

Before the reunion takes place, the adult claiming the lost child/vulnerable adult should provide these details about the child/vulnerable adult:

- Their name
- Their age
- A description of the child/vulnerable adult's appearance and clothing.

They should also provide the following details about themselves:

- Their name and who they are in relation to the child/vulnerable adult they are claiming

Ideally, this information should be provided before the responsible adult is able to see the child/vulnerable adult.

This may not always be practical but is best practice.

Only when staff are satisfied that the details match should the two parties be reunited.

Staff should use their professional judgement as to whether they have any concerns once the two parties are reunited.

Should staff have any reservations about releasing the child/vulnerable adult they should escalate their concerns to the Duty Manager who should then ask the parties to remain there under the guise of completing essential procedures and contact the Police to assist.

## APPENDIX E

# PHOTOGRAPHY & FILM MAKING - GUIDANCE ON CONSENT & DATA PROTECTION

## 1. SUMMARY

- Don't commission photography or filming unless it's needed. Consider why you are taking images of an event, for what purpose. Do you need images? You shouldn't take photographs or carry out filming "just-in-case" the images might be needed in the future.
- Consent must be obtained for all photographs, images, recordings or filming.
- Consent can be obtained through the use of signage and provision of information in marketing materials stating that filming or photography will be taking place, but written consent must be obtained for the use of images of children under 16 or vulnerable people.
- Where a child is under 16 consent can only be given by the child's parent or legal guardian. If a young person is 16 or 17 and deemed able to understand the concept of consent they can give consent themselves.
- For vulnerable groups, do not presume that the person lacks the capacity to give consent. It is good practice to obtain the person's consent and ask the person's carer or legal guardian to countersign the consent form.
- Consent should not be presumed to be indefinite – for example, once a person reaches the age of 16, they may decide that they no longer wish Tate to use their image.
- When using photographs and/or film, a child or vulnerable person's last name should not be used.
- Create a 'Do and Don't' list if your event involves children or vulnerable adults – see Appendix 2 for an example.
- If you have images on your drives that are not needed, out of date or do not comply with the procedure below, delete these images. Before deleting any images that include children, you should seek permission from Tate's Records Manager.
- Before taking photographs or filming children or vulnerable adults seek advice from your team's Designated Safeguarding Officer (DSO).

## 2. BACKGROUND

This guidance is intended to provide general guidance for Tate staff, contractors and other third parties when planning activities where photography or filming may take place, particularly where the planned activity will involve children and/ or vulnerable groups.

The guidance should be read in conjunction with:

- [Tate's Safeguarding policy](#);
- [Tate's Data Protection policy](#)

## APPENDIX E

This guidance sets out the procedures which must be followed when photography or filming of children and/or vulnerable groups is planned, as well as giving more general guidelines around Data Protection and photography.

### 3. SCOPE OF THESE GUIDELINES

For the purposes of these guidelines, the same definitions as set out in the Safeguarding Policy apply in relation to regulated activity relating to children and adults.

These guidelines apply to all people working on Tate sites in whatever capacity (including, but not limited to, employees, casual workers, volunteers (including trustees), freelancers, students, agency workers or contractors) where the work they are involved in includes photography or filming of children or vulnerable groups. This includes those working for Tate Gallery, Tate Eats, Tate Commerce or one of Tate's external contractors.

### 4. PHOTOGRAPHS & DATA PROTECTION

When Tate makes or uses photographs or films involving any living person - including adults as well as children or vulnerable groups - for Tate business, it is possible that photographs or images in a film could be personal data within the meaning set out in the Data Protection Act 2018 ("DPA") and the General Data Protection Regulations (GDPR).

#### WHAT IS PERSONAL DATA?

Personal data is defined as:

*"... data which relate to a living individual who can be identified –  
(a) from those data, or  
(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller"*

A photograph of an individual or group of individuals who are clearly recognisable from the photograph or film is therefore capable of being personal data.

Photographs that are taken for personal use are unlikely to be personal data.

Examples:

- A headshot of a person looking straight into the camera, taken by or on behalf of Tate for a marketing publication, is likely to be personal data;
- An image of a group of people participating in a workshop, where their faces can be clearly seen, or where there is other identifying information such as a uniform, is likely to be personal data;
- A general group image where individuals cannot be clearly made out is unlikely to be personal data.

## APPENDIX E DATA PROTECTION PRINCIPLES

The Data Protection Act (DPA) 2018 sets out eight principles that must be followed when processing personal data:

- It must be obtained and used fairly and lawfully and only in accordance with certain conditions;
- It may only be obtained for one or more specified and lawful purposes;
- It must be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- It must be accurate and, where necessary, kept up to date.
- It must not be kept for longer than is necessary for the purpose for which it was obtained.
- It may only be processed in accordance with the rights of individuals set out in the DPA.
- Tate must take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- It must not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### WHAT IS DATA PROCESSING?

Pretty much any use of personal data is “processing”. The DPA defines processing as:

*“... obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –*

*(a) organisation, adaptation or alteration of the information or data,*

*(b) retrieval, consultation or use of the information or data,*

*(c) disclosure of the information or data by transmission, dissemination or otherwise making available, or*

*(d) alignment, combination, blocking, erasure or destruction of the information or data.”*

The DPA sets out a number of lawful bases for the processing of personal data (in accordance with the first data protection principle), the key one of which is that consent should be obtained from the individual. There are a number of other bases for lawful processing, most of which would not be applicable when taking photographs. One exception would be where Tate has captured images on CCTV of a crime being committed, it would be lawful to hand that data over to the police if they were investigating the alleged crime.

### OBTAINING CONSENT

The first principal is that anyone should be able to say no to having their photograph taken or to being filmed.

## APPENDIX E

First, it should be made absolutely clear to visitors that photography and/or filming may be taking place. This can be done through appropriate signage; in promotional information about an activity, including on the website, in invitations to events or other materials relating to an event.

Consent must be knowingly and freely given and the uses that Tate will make of the images must also be made clear to the individual.

Consent can be obtained by getting formal written consent through the use of a consent form. A sample consent form is attached at Appendix 1.

However, where it is not possible to obtain consent – perhaps due to the numbers of people involved – legitimate interests may provide an alternative lawful basis for taking photographs or filming an event. The individuals must be properly informed of the activity by having clear signage in place, explaining that photography and/or filming will be taking place. This could be backed up by clear information on an event invitation, or information on the web page relating to that event.

However, in the case of children or vulnerable groups, consent is the best approach although it may not be so easy to obtain, because the child or vulnerable adult may not have capacity to consent and if that is the case, such individuals should not be filmed or photographed.

## VULNERABLE GROUPS & CHILDREN AND CAPACITY

The law presumes that anyone over the age of 16 has capacity to give consent unless it is clearly established that they lack capacity. The Mental Capacity Act (MCA) 2005 states:

### *1. The principles*

- (1) The following principles apply for the purposes of this Act.*
- (2) A person must be assumed to have capacity unless it is established that they lack capacity.*
- (3) A person is not to be treated as unable to make a decision unless all practicable steps to help them have been tried.*

### *2. People who lack capacity*

- (1) For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time they are unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.*
- (2) It does not matter whether the impairment or disturbance is permanent or temporary.*
- (3) A lack of capacity cannot be established merely by reference to -*
  - (a) a person's age or appearance, or*
  - (b) a condition of his, or an aspect of their behaviour, which might lead others to make unjustified assumptions about their capacity.*

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The law states that a child is anyone under the age of 18. However, in the UK, for the purposes of online processing of a child's personal data in the context of offering an online service, children aged 13 and over are deemed able to provide their own consent. For children under this age, you need to obtain the consent from whoever holds parental responsibility for the child.

Tate considers that consent for photography or filming should always be sought from a parent or guardian for children aged under 16.

### 5. PHOTOGRAPHY / FILM MAKING BY OR FOR THIRD PARTIES

Wherever possible photography should be carried out by Tate Photography so that all images remain within Tate's systems and control. Personal equipment should not be used to take or store photographs and recordings of children.

Artists or other third parties involved in an activity may wish to take photographs or film the activity. If this is the case a written agreement must be put in place with the third party setting to ensure that they comply with Tate's safeguarding and data protection policies. Please contact the Legal department for further information on the type or types of agreement that you might need.

### 6. STORAGE & USE OF PHOTOGRAPHY & FILMS

A project is currently underway to store images securely within Tate's image database, imagenet.

While this is under development the following principles should be applied when storing and using photographs and films.

- Images or video recordings of children along with the relevant consent forms must be kept securely. Hard copies of images should be kept in a locked drawer and electronic images should be stored in a protected folder with restricted access.
- Ideally departments who as part of their work need to commission, store and use images or video recordings should designate a protected folder in which to store these where access is restricted to a small number of designated people.
- Where images are requested and emailed internally or externally, recipients should be instructed to delete the image when it has been used. Images should not be stored on drives internally or externally outside of the designated protected drive.
- Images must not be stored on unencrypted portable equipment such as laptops, memory sticks and mobile phones.
- Images or video recordings should never be stored on personal equipment or hard copies stored at home.
- Retention periods should be determined for the retention of images and films. Before images which include children are deleted you should seek permission from Tate's Records Manager.

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### 7. FREQUENTLY ASKED QUESTIONS / SCENARIOS

#### **I'M RUNNING A CLOSED WORKSHOP FOR LESS THAN 30 PEOPLE. I WANT TO FILM/TAKE PHOTOGRAPHS. WHAT SHOULD I DO?**

At events, workshops, lectures and festivals where there are fewer than 30 people, consent forms must be filled out by all visitors or by the appropriate parent or guardian for children under 16 or vulnerable adults.

#### **I'M RUNNING A FAMILY EVENT. HOW DO I BRIEF THE PHOTOGRAPHER/FILMMAKER?**

When taking photographs/film of people, where you can clearly see their faces, written consent must be obtained using the standard consent form.

For family events put signs in the spaces that you are using clearly indicating that photography/filming is taking place. Add a note to say large stickers are available if people do not want to be filmed. The photographer can then avoid those families.

For family events consent must be given by a parent or guardian if a child's face (under age of 16) is visible in the photography/film. It doesn't matter if it's an event for 5 people or 5000 people, consent must be given.

We would recommend an assistant is assigned to support the Tate Photographer who can concentrate on gathering content forms. This could be one of the programme team.

Make sure that you maintain a complete and readily accessible archive of your completed forms on a password protected folder on the T:/drive.

#### **I'M RUNNING AN EVENT FOR VULNERABLE ADULTS AND I WANT TO FILM/TAKE PHOTOGRAPHS. HOW DO I BRIEF IN THE PHOTOGRAPHER/FILMMAKER?**

The same rules apply as for children and families, but a counter signature may be needed if the adult doesn't have the capacity to sign the form. Don't assume that a vulnerable adult doesn't have the capacity to consent and ask them first.

#### **I'M RUNNING A 'DROP IN' EVENT OPEN TO ALL VISITORS, I DON'T KNOW WHAT AGE GROUPS WILL COME?**

Put signs in the spaces that you are using saying photography/filming is taking place. Add a note to say large stickers are available if people do not want to be filmed. The photographer can then avoid those people.

When taking photographs of people of any age, where you can clearly see their faces, you will need to obtain written consent.

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Even in a group situation, if you are taking a picture of a child (under the age of 16) or a vulnerable adult you will need to obtain the appropriate consent.

### **I'M RUNNING AN EVENT FOR YOUNG PEOPLE. THERE COULD BE 16-18-YEAR OLDS WHO COME ON THEIR OWN. WHAT DO I DO?**

When taking photographs of people of any age, where you can clearly see their faces, you will need to use a form to obtain written consent.

However, for a large-scale event, like Late at Tate, signage should be placed around the building.

If a close-up shot is taken of an individual and you can gain consent, ask for their consent. You might need to employ an assistant to do this

### **WHAT ABOUT IF WE ARE TAKING A PANNING SHOT OF YOUNG PEOPLE AT A BUSY LATE AT TATE?**

Put very prominent signage around the workshop/DJ/dancing/crowded area you know you are going to film. Add a sentence onto the website listing for the event to inform people that the event will be filmed/photographed.

### **I'M TAKING IMAGES FOR TATE SOCIAL MEDIA. DO I HAVE TO GET CONSENT?**

Yes. The same rules apply. You must gain consent from a parent or guardian for children under the age of 16. You must also gain consent of the carer/guardian of vulnerable adults, if they do not have the capacity to give consent themselves. You must ensure signage is present stating photography is taking place.

### **I'M TAKING IMAGES FOR MY OWN SOCIAL MEDIA. DO I HAVE TO GET CONSENT?**

You should not be using personal cameras/devices to take images of children and/or vulnerable adults on Tate premises.

### **WHAT SHOULD THE SIGNAGE SAY?**

All signage must state the following:

Filming/photography is taking place in this area for Tate and its partners. If you do not want to be photographed/filmed, please inform a member of Tate staff.

### **HOW MANY SIGNS DO I NEED TO PUT UP?**

You should ensure signs are visible, particularly at entrances and where people are likely to congregate.

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As a rule of thumb:

- For large spaces, two signs in the space e.g. Turbine Hall (Tate Modern) and Duveens (Tate Britain)
- For filming across the gallery, one sign at all entrances to the gallery e.g. Manton entrance (Tate Britain)
- If you are just filming in one room, one sign should be placed at the threshold of the room.

### WHO IS RESPONSIBLE FOR GATHERING CONSENT FORMS AT AN EVENT?

The team who programmed the event is responsible for gathering consent forms, not the Tate Photographer.

### SOMEONE AT MY EVENT DOESN'T WANT TO BE FILMED/PHOTOGRAPHED?

All visitors who do not want to be photographed or filmed should inform a member of staff immediately and must be issued with a prominent sticker. This means the photographer or filmmaker can avoid them.

### I NEED TO MAKE A TWEAK TO THE CONSENT FORM WHO SHOULD I CONTACT?

For legal advice email Tara Feshitan or Bernard Horrocks. You can also talk to your team's Designated Safeguarding Officer (DSO).

### AN ARTIST WANTS TO BRING THEIR OWN CAMERA/TAKE PHOTOGRAPHS AT A FAMILY EVENT. WHAT DO WE DO?

We will not allow artists to take pictures at family events using their own camera that includes audiences. Tate can share with them the official Tate photography after the event.

If there is not a Tate Photographer present we recommend the artist takes images before people enter the event space, if they want to capture the set-up.

If the artist still wants to take photography, the DSR will be notified and the relevant members of staff, DSO and DSR will assess the request and risk management.

### I'VE GOT A STACK OF CONSENT FORMS AFTER AN EVENT. WHAT DO I DO WITH THEM?

Scan them and save them in a password protected folder on the T:/drive which has access restricted to only those people who need it. Shred the original forms.

Alternatively, keep them in a locked cupboard in the office. Ensure the location of keys is known to those people in the team who need it or the DSO for your team.

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We suggest that you keep all consent forms and images together in the same folder or in the same locked cupboard. Make sure the naming convention is the same on the images and consent forms. If possible, number each consent form with the number of the photograph.

### WHAT DO I DO IF SOMEONE WITHDRAWS THEIR CONSENT?

Go into your password protected folder and delete the image. If this image is on the website, please email the website inbox: Website@tate.org.uk

Shred any hardcopies. Keep a record that the image has been deleted.

### I HAVE AN EVENT INVOLVING CHILDREN/FAMILIES IN A MONTH'S TIME, I WANT TO TAKE PHOTOGRAPHS FOR MARKETING AND WEBSITE PURPOSES, WHAT SHOULD I BE THINKING ABOUT?

A month before:

- Speak to your Designated Safeguarding Officer (DSO) for advice.
- If relevant, send out consent forms to the teacher or group leader if it's a bookable event.
- Book a Tate Photographer.
- Assign a member of staff to accompany the photographer to gain consent from participants.

A week before:

- Send an event memo to appropriate internal staff.
- Email the Signage Co-ordinator to prepare signage.
- Book signage stands from Visitor Experience.
- Buy large colourful stickers for people who would like to opt out of photography or filming.

On the day:

- Print consent forms.
- Print signs and put into stand(s). Make sure the signage is prominent in the room.
- Offer stickers for people who don't want to be filmed/photographed.

Scan and save the consent forms in a password protected folder. See point 6 of this document.

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## APPENDIX 1 - CONSENT FORM FOR PHOTOGRAPHY AND/OR FILMING AND CONTRIBUTOR RELEASE

Name of event:	
Location:	
Date:	

Thank you for attending this event at Tate. We will be taking photographs and/ or filming at the event. The images we take may be used by Tate and / or its trading company, Tate Enterprises Limited for the following purposes:

- Publicity and marketing – both online and in print (for example on our website)
- Educational purposes
- To store a copy for Tate’s archive
- Other: \_\_\_\_\_ (please describe)

Name:	
Name of school (delete if needed):	

(if the person is aged under 16 or is deemed to be a vulnerable adult, a parent, guardian, head teacher or responsible adult must sign below. A countersignature might be needed for a vulnerable adult)

Consent:

I give The Board of Trustees of the Tate Gallery of Millbank London SW1P 4RG ("Tate") and its associated trading company, Tate Enterprises Limited, permission to use images of me (or of person(s) for whom I am responsible) taken at the event.

Further, I give Tate and / or Tate Enterprises permission to use my contribution(s) to the event. Such contributions include but are not limited to artworks created at a Tate event, a talk or presentation given in connection with Tate, or an interview for a Tate recording. I waive my rights to be acknowledged as the contributor and I understand that my contribution may be edited.

Signature:	
Counter signature (delete if needed)	
Name of counter signatory (delete if needed)	
Relationship to signatory: (delete if needed)	

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In relation to your personal data, Tate will always comply with the Data Protection Act 2018 and the General Data Protection Regulations.

### APPENDIX 2 - EXAMPLE OF DO AND DON'T LIST FOR A FAMILY EVENT AT TATE MODERN

#### Safeguarding at a glance

This document relates to Tate's Safeguarding Policy, drawing your attention to aspects of the policy that are relevant to you when working with the Early Years and Families' team as a Learning Assistant on the Playing Up Art Trolley [PUAT].

#### Do

- Remain visible to the other Learning Assistant you are working with at all time. If you encounter a child who is lost, report this as soon as possible to a member of Tate staff\* who will inform the Duty Manager. Stay with the child until the Duty Manager has arrived. Ensure you are visible at all times to others while waiting with the child. In the case of someone reporting a lost child, get a full description of the child and report it to a member of Tate staff\* as soon as possible, who will inform the Duty Manager. Familiarise yourself with the Tate Modern Lost Child/Vulnerable Adult procedure which is available on Tatenet.
- Report to a member of Tate staff\* if you become concerned about the welfare of a young person you encounter (due to visible signs or through conversation).
- Discourage anyone not participating in the event from taking photographs of children participating in events. If they do not stop and if their behaviour seems suspicious to you in any way, inform a member of Tate staff.\*
- Invite anyone who doesn't want to be photographed by Tate when professional photography is taking place to register for an opt-out sticker. (Stickers and forms will be available from the front desk).

#### Don't

- Work with an individual young person\*\* out of sight of their family/ visitor group or the other Learning Assistant. Do not place yourself in an unaccompanied situation with a young person, for example get in a lift on your own with a young person.
- Do not offer to accompany young children to the toilet. If a child asks to be taken to the toilet inform their parent or guardian.
- Take any images of young people and families on your mobile phone or other equipment.
- Offer or accept the exchange of personal contact details between any young people you come into contact with as part of your work at Tate, including through social media such as Facebook.
- Provide any confidential support to any young person you come into contact with as part of your work at Tate.

\*Tate staff = Visitor Experience/ Security/ Information/ Early Years and Families

\*\*Young person = Although the EFY team work with under 16s and their families primarily, for this programme our definition of young person is under 16.