



**SAFEGUARDING
POLICY & PROCEDURES**

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PART 1: SAFEGUARDING POLICY

1. The Scope of this Safeguarding Policy

1.1. Purpose

The purpose of this policy is:

- To ensure that all of staff, consultants, associates and volunteers understand and commit to the same values and understanding behind safeguarding.
- To guarantee the protection of anyone who Justice Studio works with.
- To guarantee the protection of anyone Justice Studio comes into contact with in any context.
- To ensure that there is an agreed, understood and standardised approach to safeguarding across the organisation by all Justice Studio staff, consultants, associates and volunteers.

1.2. Application

This policy applies to those working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff and volunteers.

This policy applies to all those listed above in that they can expect to be safeguarded from mistreatment at all times, and it also applies to them in that they must ensure that they are safeguarding others at all times. 'At all times' includes while staff are at work and outside work as they represent, or are identified with, the organisation and its values at all times.

1.3. Definitions of at-risk groups

This policy is particularly concerned with safeguarding the following groups:

1. **Adult at risk:** An adult at risk, replacing the term "Vulnerable adult" and in line with the Care Act 2014 and its statutory guidance, is an adult "experiencing, or at risk of abuse or neglect." Safeguarding in this context applies to an adult who:
 - has needs for care and support (whether or not the needs are being met)
 - is experiencing, or at risk of, abuse or neglect
 - 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 neglectIt must however be noted that an adult at risk could include anyone who may be at risk of abuse, exploitation or harm.
2. **Children:** A child is a person under the age of 18 in accordance with the UN Convention on the Rights of the Child.
3. **Community at risk:** A community at risk is a group of people looked at from the perspective of collective livelihoods, health, power imbalances or any groups of citizens who may be at risk of abuse, exploitation or harm such as refugees.
4. **Young Adults:** A young adult is a person over the age of 18 and under the age of 25.

1.4. Definitions of mistreatment

Justice Studio is completely against the following types of mistreatment:

1. **Bullying and harassment:** Bullying is behaviour, usually repeated over time, that intentionally hurts another individual or group, physically or emotionally. Our

understanding of bullying is that one person or a group can bully others. Bullying can occur either face to face between individuals or groups, or online using information technology such as computers or mobile phones. We recognise that people are often targeted by bullies because they appear different from others. Bullying can include:

- Verbal teasing or making fun of someone
- Excluding a person from games and conversations
- Pressurising other people not to be friends with the person who is being bullied
- Spreading hurtful rumours or passing round inappropriate photographs/images/drawings of the person being bullied
- Shouting at or verbally abusing someone
- Stealing or damaging someone's belongings
- Making threats
- Forcing someone to do something embarrassing or potentially harmful or dangerous
- Harassment on the basis of race, gender, sexuality or disability.
- Blocking or denying access to personal or career development by limiting or refusing access to training or promotion opportunities.

2. **Child sexual exploitation:** A form of sexual abuse that involves children being engaged in any sexual activity in exchange for money, gifts, food, accommodation, affection, status, or anything else that they or their family needs. It usually involves a child being manipulated or coerced, which may involve befriending children, gaining their trust, and subjecting them to drugs and alcohol. The abusive relationship between victim and perpetrator involves an imbalance of power where the victim's options are limited. It is a form of abuse that can be misunderstood by children and adults as consensual. Child sexual exploitation manifests in different ways. It can involve an older perpetrator exercising financial, emotional or physical control over a young person. It can involve peers manipulating or forcing victims into sexual activity, sometimes within gangs and in gang-affected neighbourhoods. It may also involve opportunistic or organised networks of perpetrators who profit financially from trafficking young victims between different locations to engage in sexual activity with multiple men.
3. **Commercial exploitation:** Exploiting a person in work or other activities for the benefit of others and to the detriment of the person's physical or mental health, education, moral or social-emotional development. It includes, but is not limited to, child labour.
4. **Discrimination:** Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation; verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic; denying access to communication aids, not allowing access to an interpreter, signer or lip-reader; harassment or deliberate exclusion on the grounds of a protected characteristic; denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic; substandard service provision relating to a protected characteristic.
Types of discriminatory abuse:
 - Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation
 - Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
 - Denying access to communication aids, not allowing access to an interpreter, signer or lip-reader

- Harassment or deliberate exclusion on the grounds of a protected characteristic
 - Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic
 - Substandard service provision relating to a protected characteristic.
5. **Domestic abuse:** Domestic violence or abuse can be characterised by any of the indicators of abuse outlined above and below in terms of: psychological; physical; sexual; financial; or emotional abuse. Domestic violence and abuse includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. It also includes so called 'honour'-based violence, female genital mutilation and forced marriage. Coercive or controlling behaviour is a core part of domestic violence. Coercive or controlling behaviour can include:
- Acts of assault, threats, humiliation and intimidation
 - Harming, punishing, or frightening the person
 - Isolating the person from sources of support
 - Exploitation of resources or money
 - Preventing the person from escaping abuse
 - Regulating and monitoring everyday behaviour.
6. **Emotional and psychological abuse:** Persistent emotional maltreatment that impacts on a person's emotional development. Emotionally abusive acts include: restriction of movement, degrading, humiliating, bullying (including cyber bullying), and threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile or rejecting treatment. Types of this abuse also include:
- Enforced social isolation – preventing someone accessing services, educational and social opportunities and seeing friends
 - Removing mobility or communication aids or intentionally leaving someone unattended when they need assistance
 - Preventing someone from meeting their religious and cultural needs
 - Preventing the expression of choice and opinion
 - Failure to respect privacy
 - Intimidation, coercion, harassment, use of threats, humiliation, bullying, swearing or verbal abuse
 - Addressing a person in a patronising or infantilising way threats of harm or abandonment; cyber bullying.
7. **Financial or material abuse:** Types of financial or material abuse: theft of money or possessions; fraud, scamming; preventing a person from accessing their own money, benefits or assets; employees taking a loan from a person using the service; undue pressure, duress, threat or undue influence put on the person in connection with loans, wills, property, inheritance or financial transactions; arranging less care than is needed to save money to maximise inheritance; denying assistance to manage/monitor financial affairs; denying assistance to access benefits; misuse of personal allowance in a care home; misuse of benefits or direct payments in a family home; someone moving into a person's home and living rent free without agreement or under duress; false representation, using another person's bank account, cards or documents; exploitation of a person's money or assets, e.g. unauthorised use of a car, misuse of a power of attorney, deputyship, appointeeship or other legal authority; rogue trading – e.g. unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship.

8. **Institutional racism:** Systematic distribution of positions, resources, power, opportunity and services in an institution to the benefit of people who are white and the exclusion of people of colour.
9. **Modern Slavery:** Human trafficking; forced labour; domestic servitude; sexual exploitation, such as escort work, prostitution and pornography; debt bondage – being forced to work to pay off debts that realistically they never will be able to.
10. **Neglect and negligent treatment:** Allowing for context, resources and circumstances, neglect and negligent treatment refers to a persistent failure to meet a child's or adult at risk's basic physical and/or psychological needs, which is likely to result in serious impairment of a their healthy physical, spiritual, moral and mental development. It includes the failure to properly supervise and protect the person from harm and provide for nutrition, shelter and safe living/working conditions. It may also involve maternal neglect during pregnancy as a result of drug or alcohol misuse and the neglect and ill treatment of a disabled child or adult at risk. Types of neglect and acts of omission for an adult at risk include:
- Failure to provide or allow access to food, shelter, clothing, heating, stimulation and activity, personal or medical care
 - Providing care in a way that the person dislikes
 - Failure to administer medication as prescribed
 - Refusal of access to visitors
 - Not taking account of individuals' cultural, religious or ethnic needs
 - Not taking account of educational, social and recreational needs
 - Ignoring or isolating the person
 - Preventing the person from making their own decisions
 - Preventing access to glasses, hearing aids, dentures, etc.
 - Failure to ensure privacy and dignity.
- Neglect also includes self-neglect. Types of self-neglect include: lack of self-care to an extent that it threatens personal health and safety; neglecting to care for one's personal hygiene, health or surroundings; inability to avoid self-harm; failure to seek help or access services to meet health and social care needs; inability or unwillingness to manage one's personal affairs.
11. **Organisational abuse:** Is where the strategic or operational priorities and practices within the organisation are carried out for the benefit of the organisation or staff members rather than the priority of supporting the people that it provides a service to. This can include run-down or overcrowded establishments; authoritarian management or rigid regimes; lack of leadership, monitoring and supervision; insufficient staff or high turnover resulting in poor quality care; abusive and disrespectful attitudes towards people using the service; inappropriate use of restraints; lack of respect for dignity and privacy; failure to appropriately support residents who display abusive or challenging behaviour; not taking account of individuals' cultural, religious or ethnic needs; failure to respond to abuse appropriately; interference with personal correspondence or communication; failure to respond to complaints.
12. **Physical abuse:** Actual or potential physical harm perpetrated by another person, adult or child. It may involve hitting, shaking, poisoning, drowning and burning. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child. Types of physical abuse include:
- Assault, hitting, slapping, punching, kicking, hair-pulling, biting, pushing
 - Rough handling
 - Scalding and burning
 - Physical punishments

- Inappropriate or unlawful use of restraint
- Making someone purposefully uncomfortable (e.g. opening a window and removing blankets)
- Involuntary isolation or confinement
- Misuse of medication (e.g. over-sedation)
- Forcible feeding or withholding food
- Unauthorised restraint, restricting movement (e.g. tying someone to a chair).

13. **Sexual abuse:** Forcing or enticing a person to take part in sexual activities that they cannot, or have little choice in consenting to, or understanding in the case of children. This may include, but is not limited to, rape, oral sex, penetration, or non-penetrative acts such as masturbation, kissing, rubbing and touching. It may also include involving people in looking at, or producing sexual images, watching sexual activities and encouraging children to behave in sexually inappropriate ways. Types of sexual abuse include:

- Rape, attempted rape or sexual assault
- Inappropriate touch anywhere
- Non-consensual masturbation of either or both persons
- Non-consensual sexual penetration or attempted penetration of the vagina, anus or mouth
- Any sexual activity that the person lacks the capacity to consent to
- Inappropriate looking, sexual teasing or innuendo or sexual harassment
- Sexual photography or forced use of pornography or witnessing of sexual acts or indecent exposure.

14. **Sexual assault** is any action to which a person has not or cannot lawfully consent to in which, through coercion (including the use of drugs or alcohol), threat or force, the offender subjects the victim to sexual touch that is unwanted and offensive. Sexual assault can range from unwanted touching and groping, to battery, attempted rape, rape, and sexual torture.

15. **Sexual harassment** is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature. These acts constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.¹

16. **Sexual violence** includes rape/attempted rape, sexual abuse and sexual exploitation.² Sexual violence is 'any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person's sexuality, using coercion, threats of harm or physical force, by any person regardless of relationship to the victim, in any setting, including but not limited to home and work.' Sexual violence takes many forms, including 'rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.'²

2. Our safeguarding approach

2.1. Acknowledging power structures

¹ Mazurana, D and Donnelly, P (2017) Stop the Sexual Assault against humanitarian and development aid workers. Feinstein International Centre.

² Inter-Agency Standing Committee (2015) Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

Justice Studio acknowledges that the world we live in is structurally unequal. By this we mean that certain groups of people have more cultural status, societal value and structural power than others in our society. These power structures (such as patriarchy, white privilege, and cis heteronormativity) cause some groups of people to be structurally less powerful than others. Generally, it is the people who have more given-privilege in the world who exploit people with less given-privilege.

2.2. What is safeguarding?

To safeguard is to protect from harm or damage. We define safeguarding as:

- The protection of people and the environment from maltreatment, all forms of abuse and neglect.
- Preventing maltreatment, abuse or the impairment of health and development.
- Taking action to ensure that all people are valued, respected and achieve positive outcomes including ensuring that children grow up in a safe, positive, caring and nurturing environment.
- Challenging, educating, and holding to account those who hold more societal power to ensure that they do not perpetrate or allow abuses.

We do not tolerate safeguarding malpractice or abuse, including, but not exclusive to, all of the types of mistreatment outlined in Section 1.4 above.

Justice Studio is concerned with promoting safeguarding at four levels:

1. Ensuring that Justice Studio's **leaders and managers** are committed to, and believe in, the importance of resourcing and practicing safeguarding best practice.
2. Ensuring **Justice Studio as an organisation** embodies safeguarding best practice at all times especially through its culture.
3. Ensuring that Justice Studio promotes safeguarding practices within all of our **projects and programmes**.
4. Ensuring that Justice Studio assists and challenges our **client organisations** to have robust safeguarding procedures and a safeguarding culture that protects their staff and those they work for in the wider community.

2.2.1. Pro-Safeguarding Leadership

Justice Studio recognises that organisational leadership is fundamental in either promoting safeguarding practice or allowing abuse. Safeguarding is considered a key responsibility of the Director(s) of the organisation and the designated Safeguarding Officer will always be a member of the Justice Studio board.

2.2.2. Organisational safeguarding

Staff working in organisations must be safeguarded, both for their own sake and the sake of them being able to ensure that they can recognise, prevent and respond to any harm to the people they are working for. The culture of an organisation is both instrumental to creating an environment for abuse (both inside and outside of it) and it is also the reason why incidents are not reported.³ A strong, positive, robust culture can bring good outcomes for organisations, their staff, those they work with, and the wider community. As such, Justice Studio works hard to ensure a positive organisational culture as a key part of our approach towards safeguarding.

In addition, Justice Studio follows the best practice 10 standards of safer organisations which set out the key principles that remain common in the identification and upholding of safeguarding in organisations:

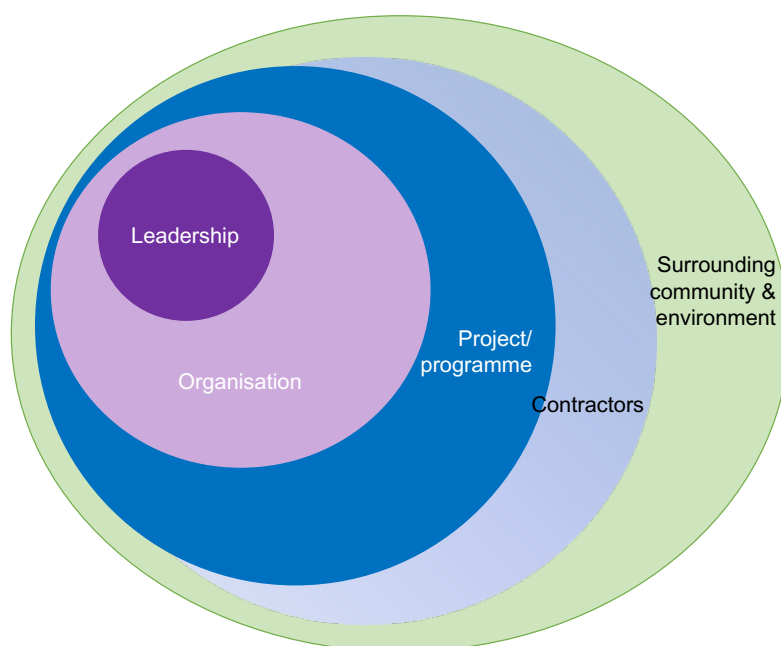
³ Nobert, M (2017) Addressing Sexual Violence in Humanitarian Organisations: Good Practices for Improved Prevention Measures, Policies, and Procedures. Report the Abuse

1. Safeguarding policies and procedures
2. Safeguarding awareness training
3. Safer recruitment
4. Safe management of workers
5. Working safely
6. Communicating effectively
7. Responding to concerns
8. Supporting those who have experienced harm
9. Managing those who pose a risk
10. Working in partnership

2.2.3. Safeguarding within our projects and programmes

When designing and undertaking our research and consultancy work, Justice Studio is committed to ensuring ethical and safeguarding best practice at all times. We will ensure that a conscious effort is made to ensure that we do not just 'do no harm', but that we actively seek to promote the outcomes of those we work with either directly or indirectly. We will ensure that all of those we undertake research or consultations with are protected by following our Ethical Research and Consultation Guidelines. Our purpose is to create global social equality, and therefore in our projects we will actively work to eliminate social exclusion, exploitation and abuse.

We will assess the extent to which safeguarding concerns have been incorporated and understood at all stages of our project cycle, namely: design, inception and mobilisation, delivery, and in learning and closure. We are also vitally aware of what may happen after our project or programme has finished as a direct or indirect result of programme activities. This is of particular concern when Justice Studio may have uncovered mistreatment as part of its work.



2.2.4. Safeguarding within our client organisations

Justice Studio's purpose is to challenge and assist the organisations that we work with to be the best they can be. This includes ensuring that they are following safeguarding best practice. Our clients work with the most disadvantaged individuals and groups in society such as:

- Children and young people
- Women
- Those with minority gender identities

- Older people and the those with a physical and/or learning disability, those with mental health issues or cognitive impairments.
- Other adults at risk due to characteristics, circumstances or power imbalances for example
- Communities experiencing poverty, migration, or hostile conditions such as conflict
- Communities suffering from the effects of climate change and environmental damage which is harming the wellbeing of the surrounding community and their livelihoods.

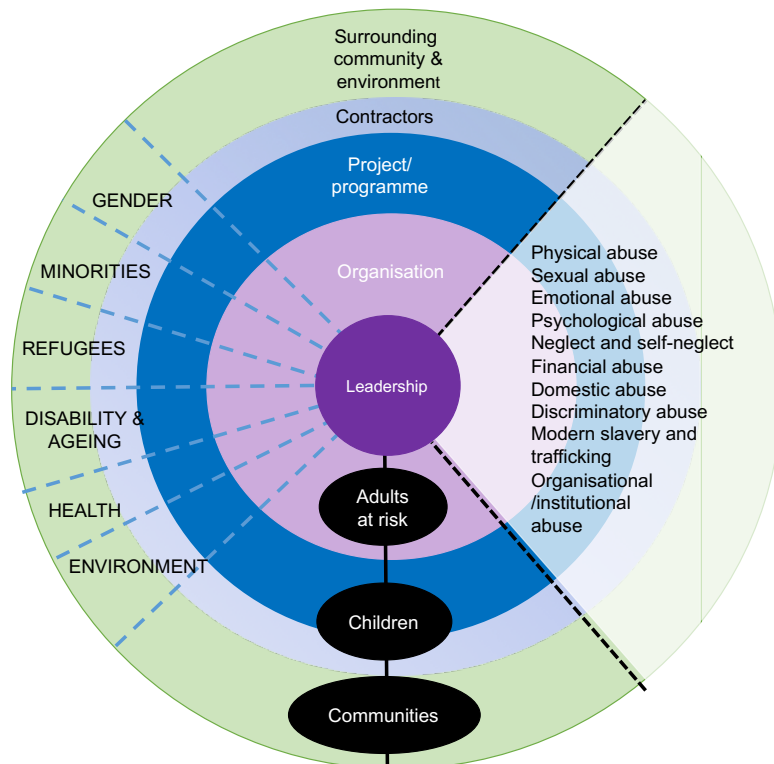
In many instances Justice Studio is also called in specifically to review an organisation’s safeguarding approach and practice. As such, ensuring that our clients are working for these people and not in any way harming them is a key aspect of our work. However we acknowledge that we cannot know everything about client and partner behaviour nor can we control it. Whilst we make every effort to ensure they behave appropriately, ultimately it is our clients’ responsibility and liability to ensure that they behave in an ethical and pro-safeguarding way.

2.3. Our commitment to safeguarding all

Justice Studio believes that it is completely unacceptable to abuse or take advantage of another person or our environment. It is our utmost concern that we promote and empower the people we work with and at no point in time leave them feeling small, unsafe or powerless. We believe that harm, abuse, neglect and exploitation of any kind are unacceptable and we are committed to safeguarding all people irrespective of ability, ethnicity, faith, gender, sexuality and culture.

We have a responsibility to ensure that we promote and encourage people’s power and safeguard everyone from abuse and harm. Not only that, but we have a responsibility to call out, expose and voice abuses of power when we can see them. We are committed to ensuring that all of our staff, consultants, associates and volunteers live these safeguarding principles and actively seek to safeguard everyone we work with at all times.

3. How we will keep people safe



3.1. Safeguarding and risk mitigation

3.1.1. Scoping and safe programme design

Justice Studio will ensure that all of its projects are designed to challenge existing negative power structures and to enhance and promote the power of groups who have less privilege. Our projects and work will be designed to prevent harm.

3.1.2. Having referral procedures in place

Where a project involves direct contact with children or adults at risk, the project must have a clear escalation and reporting procedure agreed with the client/partner/funder before any contact is made.

3.1.3. Being alert to the indicators of mistreatment

We will be alert to signs of abuse within our own organisation, the organisations of others, and as we undertake direct work with children or adults at risk. Where we uncover any forms of the above defined mistreatment within our own organisation, or the organisations of our clients, funders or partners we will challenge it.

3.1.4. Safer recruitment

We will ensure safer recruitment of staff and associates by:

- Ensuring that our commitment to safeguarding is mentioned at the earliest opportunity in adverts, and interviews
- Ensure that staff and associates are made aware of, and are required to follow, the Code of Conduct and the Safeguarding Policy and Procedures as part of contracts of employment and consultancy
- Holding face-to-face interviews for staff and consultants
- Require an enhanced criminal background check (or equivalent in-country police check) such as the Disclosure and Barring Service in the UK on each member of staff or associate as and where their work with children and/or adults at risk makes them eligible for such checks
- Having a probationary period for all staff, with a review before they are confirmed in post.

3.1.5. Induction

All staff and associates will be trained in the Justice Studio Safeguarding Policy and Procedures within at least two months of them joining the organisation and/or before they have to undertake any direct work or consultations with children or adults at risk.

3.1.6. Supervision

We will provide the following types of emotional supervision to all staff:

- Monthly feedback sessions with staff for safe reflection on their thoughts, feelings and experiences of the negative and positive experiences from the past month, for constructive feedback to be given, and for relationships to grow stronger
- Peer support for projects which involve trauma or possible safeguarding concerns, set up on a project by project basis where the risk is deemed appropriate
- A list of psychological support providers of clinical supervision who are made available on an ad hoc basis if staff require and also on a more structured project basis where possible and necessary.

3.1.7. Safeguarding supervision and training

We will supervise and train our staff in safeguarding as follows:

- Providing regular support and supervision to staff and associates with regards to our safeguarding policies, procedures and expectations, especially to those with a safeguarding remit or who are likely to work directly with children or adults at risk

- Ensure that staff and associate's knowledge and experience is commensurate with their role and gaps in safeguarding knowledge and experience are highlighted and addressed with training
- Training, learning opportunities and support on safeguarding is provided by the Safeguarding Officer on an annual basis to ensure the commitments of this policy are met and staff skills and knowledge is in line with best practice
- Ensuring that all staff, consultants, associates and volunteers are trained in the issues relating to abuse and the risks to children and adults at risk as well as safeguarding best practice in accordance with, and as appropriate to, their roles and responsibilities.

3.1.8. Communicating the policy

The policy will be communicated to all staff on an annual basis, as new staff and associates join the organisation as part of their induction, and if concerns or events make the reiteration of the policy necessary.

A copy of the policy will be made available on our internal dropbox. A copy will be enclosed with relevant contracts, proposals or agreements as appropriate and it will be included in the employee handbook.

The policy and procedures will be discussed and updated in an interactive workshop with all core staff on an annual basis or if and when further input is required as a result learning or good practice developments.

3.2. Creating a culture and environment which promotes safeguarding

Justice Studio understands that our culture, in terms of the stories and jokes we tell, our rituals and routines, the formal and informal power and influence structures and the way we talk about ourselves and others is the most powerful force for safeguarding. As such we strive to embody and nurture systems, structures and routines that do not discriminate or belittle. We talk openly of the values that we hold important. We strive for a culture of trust rather than control and cooperation rather than competition. Our structures support regular honest and direct feedback of positive and negative behaviour and our feelings towards each other.

3.2.1. Modelling pro-safeguarding behaviour

Our staff and associates will model safeguarding behaviour in all that we do including demonstrably valuing children and adults at risk, listening to and respecting them. This includes, where necessary, sharing information on our safeguarding policy and procedures with the people we work with so that they know what they can expect from us.

When working directly with children and adults at risk we will:

- Follow Justice Studio's safeguarding policy and procedures at all times
- Value and take children's and adults' contributions equally seriously, actively involving them in planning activities wherever possible
- Ensure any contact with children and adults at risk is appropriate and in relation to the work of the project
- Respect a person's right to personal privacy and withdrawal of consent
- Be aware of high-risk situations
- Develop clear rules to address specific physical safety issues relative to the local physical environment of a project
- Recognise that special caution is required when you are discussing sensitive issues with children or adults at risk
- Discuss, with those we work with, their rights and what they can do if there is a problem
- Challenge unacceptable behaviour and report all allegations/suspicions of mistreatment.

3.2.2. Preventing and responding to bullying and harassment

We will prevent bullying and harassment by promoting a culture that uses radical candor and constant open feedback to prevent the risk of people talking about each other behind each others' backs. Our Director(s) and managers will encourage and support staff and associates to be able to directly challenge behaviour that they find upsetting in any way.

If bullying is uncovered then we will respond to it by:

- Addressing the issue from the point of view of the person being bullied, the bully, any bystanders and Justice Studio as a whole
- Holding a meeting between those bullied, the bully (or bullies) and any other relevant or support person to discuss the incident; facilitate an apology; and agree a plan to address the situation including details of support for the bullied and consequences and/or support for the bully
- Referring all but minor incidents that have been directly observed by a staff member and dealt with at the time to the Safeguarding Officer to record.

3.2.3. Monitoring and continuous improvement of projects and programmes

We will monitor the situational context of our projects and programmes, keeping alert to changes in safeguarding practices in the locality, or environmental factors which are likely to impact on the wellbeing of those we work with and our staff. If it comes to light that our programmes could be made safer then we will ensure that this is enacted as soon as possible.

3.2.4. Leadership and management

Justice Studio's Director(s) will continuously make it clear through their own practice, and the organisation's codes of conduct, recruitment procedures, training and internal communications that any form of abuse will not be tolerated. They will ensure that all staff and associates understand the safeguarding policy and procedures and have access to a copy of the safeguarding policy and procedures at all times. They will also provide effective support to staff and associates through supervision, support and training in safeguarding practice.

3.2.5. Governance and accountability

All staff and associates will be responsible and accountable for their own behaviour and choices. Ultimate responsibility and accountability for the organisation rests with the Justice Studio Director(s). They will ensure that:

- There are named safeguarding officer(s) who are clear of their roles and responsibilities
- There is a clear and accessible procedure for identifying and reporting abuse
- There are checks and balances within our safeguarding governance to ensure that our policy and procedures are being met and checked.

3.3. The Role of the Safeguarding Officer

3.3.1. Purpose of the role

Although everyone has a role to play in ensuring that everyone is safe, Justice Studio's Safeguarding Officer will take the lead role in ensuring that appropriate arrangements are in place for keeping everybody safe and promoting safety and welfare through our projects and culture.

3.3.2. Duties and responsibilities

The Safeguarding Officer is responsible for the day-to-day implementation, supervision and monitoring of the Safeguarding Policy and Procedures, including:

- Maintaining an up to date policy, procedures and administrative systems
- Ensuring that relevant staff and/or associates are aware of, and follow, the procedures, including implementing safer recruitment procedures

- Advising the Director(s) on safeguarding concerns and issues
- Maintaining the contact details for local social services and police where Justice Studio is operating.

If there is a concern, the Safeguarding Officer will:

- Be the first point of contact for any concerns or allegations, from children or adults, ensuring that confidentiality is maintained in all cases
- Decide on the appropriate action to be taken, in line with the organisation's procedures and in conjunction with the person in charge

**The current Safeguarding Officer at Justice Studio is:
Marianne Moore, Director**

3.4. Acting swiftly and decisively if a safeguarding concern comes to our attention

Justice Studio is committed to ensuring that all staff and associates are clear what steps to take where concerns arise regarding the safety of anyone they work with through Justice Studio. In addition, we commit to:

- Being mindful that abuse may come to light within the organisations and communities that we work in and recognising our responsibility to report on suspected or actual child or adult at risk abuse taking place
- Reporting any concerns in line with our *Procedures for Preventing Safeguarding Concerns* (chapter 6)
- Taking steps to ensure that people are supported, protected and not put at further risk or made vulnerable by the very action of reporting harm and/or abuse
- Sharing concerns with other organisations in line with our *Procedures for Sharing Safeguarding Information with other Organisations* (see chapter 6).

3.4.1. Review

We are committed to a review of this policy and its associated procedures annually, when legislation changes, or as a response to lessons learned.

This policy was last updated on:
1st June 2019
Signed:



Marianne Moore
Director
Justice Studio Ltd

PART 2: SAFEGUARDING PROCEDURES

4. Procedures for identifying and reporting safeguarding concerns

This procedure applies to any paid member of staff or associate who may be concerned about the safety and protection of someone at risk of harm, abuse or exploitation.

4.1. Purpose

The purpose of this procedure is to ensure that all staff and associates understand what to do if they have a concern that someone is in need of protection.

The different types of abuse below may either be picked up by you or their existence may be disclosed to you by another person directly or through a complaint. Remember that your guiding principle is that the safety of the person is always the most important consideration.

4.2. Identifying a concern about abuse yourself

Recognising the mistreatment of somebody can be complicated even for the most experienced of carers so great care must be taken when addressing it. The signs and symptoms of abuse can be very obvious or hardly recognisable. In turn, abuse can be perpetrated by those who are the victims of abuse themselves.

4.2.1. Symptoms of mistreatment

The indicators of mistreatment include, but are not limited to, the following:

Type of Abuse	Possible indicators of abuse
1. Physical Abuse	Indicators of physical abuse include: bruising, cuts, welts, burns and/or marks on the body or loss of hair in clumps; frequent injuries; unexplained falls; subdued or changed behaviour in the presence of a particular person; no explanation for injuries or inconsistency with the account of what happened; injuries inconsistent with the person's lifestyle.
2. Sexual abuse	Indicators of sexual abuse include: self-harming; poor concentration, withdrawal; reluctance to be alone with a particular person; bruising, particularly to the thighs and inner thighs, buttocks and upper arms and marks on the neck; torn, stained or bloody underclothing; unusual difficulty in walking or sitting; pregnancy in a woman who is unable to consent to sexual intercourse; the uncharacteristic use of explicit sexual language or significant changes in sexual behaviour or attitude; knowledge of sexual matters that should be beyond the child's/young person's development age.
3. Emotional abuse	Indicators of emotional or psychological abuse include: An air of silence when a particular person is present; withdrawal or change in the psychological state of the person; insomnia; low self-esteem; uncooperative and aggressive behaviour; a change of appetite, weight loss/gain; signs of distress: tearfulness, anger; apparent false claims by someone involved with the person to attract unnecessary treatment.
4. Psychological abuse	
5. Neglect and self-neglect	Indicators of neglect include: poor environment – dirty or unhygienic; poor physical condition and/or personal hygiene pressure sores or ulcers; malnutrition or unexplained weight loss; untreated injuries and medical problems; inconsistent or reluctant contact with medical and social care organisations; accumulation of untaken medication; uncharacteristic failure to engage in social interaction; inappropriate or inadequate clothing. Indicators of self-neglect include: very poor personal hygiene; unkempt appearance; lack of essential food, clothing or shelter, malnutrition and/or dehydration; living in squalid or unsanitary conditions; neglecting household maintenance; hoarding; collecting a large number of animals in inappropriate

	conditions; non-compliance with health or care services; inability or unwillingness to take medication or treat illness or injury.
6. Financial abuse	Indicators of financial abuse include: missing personal possessions; unexplained lack of money or inability to maintain lifestyle; unexplained withdrawal of funds; the person allocated to manage financial affairs is evasive or uncooperative; the family or others show unusual interest in the assets of the person; recent changes in deeds or title to property rent arrears and eviction notices; failure to provide receipts for shopping or other financial transactions carried out on behalf of the person; disparity between the person's living conditions and their financial resources.
7. Domestic abuse	Indicators of domestic abuse include: low self-esteem; feeling that the abuse is their fault when it is not; physical evidence of violence such as bruising, cuts, broken bones; verbal abuse and humiliation in front of others; fear of outside intervention; damage to home or property; isolation – not seeing friends and family; limited or no access to money.
8. Discriminatory abuse	Indicators of a person suffering from discriminatory abuse include: the person appears withdrawn and isolated; expressions of anger, frustration, fear or anxiety; the support on offer does not take account of the person's individual needs in terms of a protected characteristic.
9. Modern Slavery and Trafficking	Indicators that someone is a victim of modern slavery or trafficking include: signs of physical or emotional abuse; appearing to be malnourished, unkempt or withdrawn; isolation from the community, seeming under the control or influence of others; living in dirty, cramped or overcrowded accommodation and/or living and working at the same address; lack of personal effects or identification documents; always wearing the same clothes; avoidance of eye contact, appearing frightened or hesitant to talk to strangers; fear of law enforcers.
10. Organisational and institutional Abuse	Indicators of organisational or institutional abuse include: lack of eligibility and choice for people using the service; inadequate staffing levels; poor or no training; people being hungry or dehydrated; poor standards of care; lack of personal clothing and possessions and communal use of personal items; lack of adequate procedures; poor record-keeping and missing documents; few activities; public discussion of personal matters; lack of management overview, monitoring, supervision and support; toxic culture.

4.3. Disclosure of abuse

Ways that abuse might be brought to your attention:

- Someone might make a direct disclosure about themselves
- A child or adult at risk might offer information that is worrying but not a direct disclosure
- Another person might disclose about abuse that a child or adult at risk is suffering or at risk of suffering
- Another person might be concerned about a child or adult at risk's appearance or behaviour or about the behaviour of a parent/carer/partner towards them
- You may receive an anonymous or non-anonymous complaint or message.

Any allegation or concern regarding the abuse of a child or adult at risk must be treated extremely seriously and in a fair and reasonable manner for all concerned. Particular care should be taken in regard to confidentiality and the sharing of information with appropriate people.

4.3.1. How to respond if someone discloses abuse

The procedure is slightly different depending on whether the issue or disclosure relates to a child or an adult.

Dos and Don'ts in reacting to disclosures:**Do:**

- Stay calm
- Reassure the person they are doing the right thing by telling you
- Listen patiently, but don't ask questions (especially leading questions)
- Record (in their own words) as much information as possible
- Explain what you are going to do
- Explain confidentiality, and where it does and doesn't apply - i.e. you can't keep "secrets"
- Seek permission where possible
- Ensure the person (and others) are safe and there is no immediate danger
- Contact / consult with a manager or supervisor at the earliest opportunity
- Write down what you've seen / heard / done and what happened next at the earliest opportunity

Don't:

- Appear shocked, horrified, disgusted or angry
- Assume that someone else is doing or is going to do something to help
- Ask questions about the details (especially leading questions)
- Make comments or judgements (other than showing concern)
- Promise to keep secrets - you will have a duty to share information
- Confront the alleged abuser as you may increase the risk to the person or to yourself.

If the safeguarding concern relates to a child:

- React calmly
- Be aware of your non-verbal messages
- Tell the child or parent they have done the right thing by telling you
- Avoid making comments or judgements about what is shared
- Don't stop a child or parent who is talking freely about what has happened
- Observe and listen but don't interrogate
- Keep responses short, simple, slow and gentle
- If you need to ask questions, only ask open / open ended questions
- Tell the child or parent what will happen next, and be honest
- Make a written note of:
 - what is said
 - who is present
 - anything else relevant after the child or parent has spoken to to when you reported the issue
- Hand over the issue to the person responsible for safeguarding at the organisation they are affiliated to
- Discuss/report the matter to the Safeguarding Officer to help decide if any other actions are needed to ensure appropriate action has been taken.

If the safeguarding concern relates to an adult:

- Reassure the person telling someone about it was the right thing to do
- Tell them that you now have to do what you can to keep them (or the subject of the allegation) safe
- Let the person know what you are going to do next and who else needs to know about it

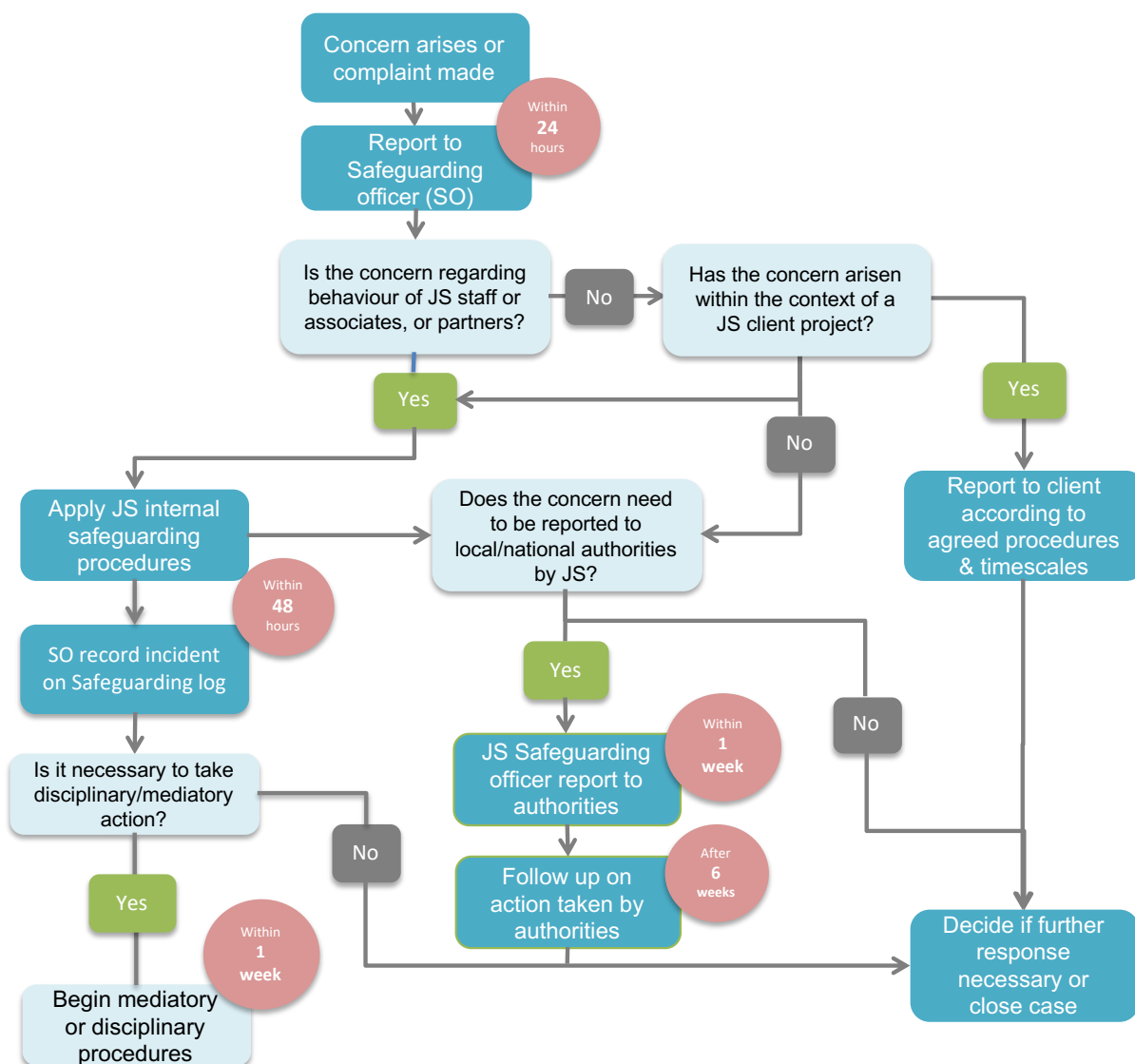
- Let them tell their whole story if they want to. Don't try to investigate or quiz the person, but make sure that you are clear as to what they are saying
- Ask the person what they would like to happen as a result of what they have said
- Do not make or infer or imply any promises about action/inaction that you cannot keep
- Do not give advice unless you are trained to do so

If the person is in immediate harm:

- Contact emergency services if the person is hurt or injured - 999 (ambulance, Police or GP) at the earliest opportunity.
- If it is a crime, keep the "scene of crime" safe from contamination (preserve forensic evidence if appropriate).
- It may be necessary to report to the police if the procedure and responsibility allows it (see the below reporting procedure)

4.4. Reporting procedure

All witnessed, suspected or alleged violations of Justice Studio's Safeguarding Policy will be reported to the designated Safeguarding Officer as soon as possible and at least within 24 hours in line with the below flow chart. The Safeguarding Officer will take appropriate action to protect the person/persons in question from further harm together with others in the organisation, during and following an incident or allegation.



4.5. Recording and handling information by the JS Safeguarding Officer

4.5.1. Reporting to the client and/or organisation where incident has taken place

If the JS Safeguarding Officer suspects that a child or adult at risk may have been the subject of any form of mistreatment, the allegation must be referred as soon as possible to the appropriate authority within the client organisation and/or organisation that the child or adult at risk is connected to. The organisation will then make a decision as to whether or not they will need to alert other authorities including, where necessary, the police. The Safeguarding Officer will respect the organisation and/or clients’ decision and processes for the treatment of the disclosure unless they are concerned that the disclosure may not be appropriately addressed and/or they are concerned that the person is at risk from the client/organisation

Justice Studio will agree with each client any procedures with formal follow-ups or review, of incidents reported.

4.5.2. Reporting to the authorities

If the incident has arisen outside the context or a client project and/or the JS Safeguarding Officer suspects that the disclosure may not be being addressed by the client and/or they are concerned that the person is at risk from the client/organisation then they will take a decision as to whether or not to alert authorities directly including, where necessary, the police. In this

context reporting the incident may be considered whistleblowing, please see Justice Studio's *Whistleblowing Procedure* (Chapter 8).

4.5.3. Sharing information

All information must be treated as confidential and only shared with those who need to know. If the alleged abuse took place outside the scope of a Justice Studio project then the police or social care authority will decide who else needs to be informed, including the child's parents/carers. It should not be discussed by anyone within the organisation other than the person who received or initiated the allegation and, if different, the person in charge.

Confidential information must be stored securely. It is recommended that it should be retained for at least three years and destroyed by secure means, e.g. by shredding.

4.6. Concerns or allegations regarding Justice Studio staff or associates

If a staff member or associate breaches the safeguarding policy or code of conduct, the matter must be brought to the attention of the Safeguarding Officer. If necessary, the allegations or concerns will be reported to the appropriate authorities.

Under no circumstances should any individual attempt to confront an alleged abuser or deal with the situation alone.

4.7. Statutory authorities

If Justice Studio is contacted by the police or other authority concerning information received or a complaint made by or about an employee or associate, the full safeguarding decision procedure (in the diagram above) must be followed. Any staff or associate who receives such a complaint must co-operate fully with official requests for factual information, but not express any personal opinions on the person's conduct.

5. Procedure for dealing with allegations made against or by Justice Studio staff and associates

This procedure outlines what you should do if an allegation of mistreatment is made against a Justice Studio staff member or an associate.

5.1. Aims

The aims of this procedure are:

- To ensure that everyone working with Justice Studio is protected and supported following an allegation that they may have been abused by someone from within Justice Studio
- To ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other people by an abusive individual is managed effectively
- To facilitate an appropriate level of investigation into allegations
- To ensure that Justice Studio continues to fulfil its responsibilities towards members of staff, consultants, associates and volunteers who may be subject to such investigations
- To ensure that individuals are able to continue in their role if they have been at the centre of allegations that are unfounded or deemed to be malicious in origin.

5.2. Application

This procedure applies to:

- Any member of staff, consultant, associate or volunteer to whom an allegation of abuse has been made, that involves another member of the team
- Anyone in a leadership or managerial position (including the Safeguarding Officer and Director(s)) who may be required to deal with such allegations and manage investigations that result from them.

5.3. What to do if an allegation is made or information is received

5.3.1. If the person alleged to have caused harm is working with someone at risk now:

If the person alleged to have caused harm is working with someone at risk now, the concern needs to be discussed immediately with the person's line manager and the Safeguarding Officer. Then the named person should, in a sensitive manner, remove the staff member involved in the allegation from direct contact with any children or adults at risk.

It should then be explained to the person, in private, that there has been a complaint made against them, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children or adults at risk. Each situation will be taken on a case by case basis and will include precautions such as the person undertaking alternative working arrangements or duties with no contact with vulnerable groups. In extreme cases it may be best for the person to return home on the understanding that the person dealing with the matter or Safeguarding Officer will telephone them later in the day.

The information provided to them at this stage will need to be very limited. This is because discussions need to take place first with other agencies or authorities that may need to be involved.

If the person is a member of a trade union or a professional organisation, they should be advised to make contact with that body. Arrangements by Justice Studio should also be made for the member of staff or associate to receive on-going support in line with the responsibilities the organisation has towards their welfare.

5.4. Conducting an investigation

Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations. There are up to three possible lines of enquiry when an allegation is made:

1. A police investigation of a possible criminal offence
2. Enquiries and an assessment by the local authority social care department about whether a child or adult at risk is in need of protection
3. Investigation by an employer and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual in the workplace until the outcome of the other investigations and enquiries is known.

5.5. Reporting an allegation or concern

If the allegation is made by a child, adult at risk or family member to a Justice Studio staff member or associate, or if a member of Justice Studio's staff observes concerning behaviour by a colleague first hand, this should be reported immediately to the staff member's line manager or person to whom they are responsible and the Safeguarding Officer.

If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their manager. If the person who is the subject of the concern is the Safeguarding Officer the matter should be reported to another senior person in the organisation, and a new Safeguarding Officer immediately appointed at least for the duration of the investigation.

5.6. When to involve the local authorities

The named person or deputy should report the allegation to the local authorities of the jurisdiction working in within **one working day** if the alleged behaviour suggests that the person in question:

- May have behaved in a way that has harmed or may have harmed a child or adult at risk
- Has possibly committed a criminal offence against or related to a child or adult at risk
- Has behaved towards a child or adult at risk in a way that suggests that he/she may be unsuitable to work with at risk groups. This should also happen if the individual has volunteered the information themselves.

There should be discussion between the appropriate local authority and Justice Studio's Safeguarding Officer to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded or whether there may be some substance to the allegation, together with what might need to happen next in either circumstance.

If there is any reason to suspect that a child or adult at risk has suffered, or be likely to suffer, significant harm Justice Studio may need to make referral to the appropriate body. It should be asked from the outset that the local authority shares any information obtained during the course of their enquiries with Justice Studio if it has any relevance to the person's employment.

5.7. Dealing with a criminal offence

If there is reason to suspect that a criminal offence may have been committed, Justice Studio, or the appropriate local authority may, after consultation, contact the police. In this case the Safeguarding Officer and/or any other representative from Justice Studio should cooperate

fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person's employment.

Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

5.8. Talking to the person who is the subject of the allegation

The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the local authority. The police and local authority may have views on what information can be disclosed to the person.

Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.

The Safeguarding Officer/other relevant person will need to keep in close communication with the local authorities and any other agencies involved in order to manage the disclosure of information appropriately.

5.9. Taking disciplinary action

As any proven allegations would be considered gross misconduct, they may be dealt with under Justice Studio's disciplinary procedures. The fact that a member of staff resigns during an investigation must not hinder the process, and disciplinary procedures should still be completed and the outcome recorded on the staff member's file, and reported to the necessary professional bodies if relevant and appropriate.

If the initial allegation does not involve a possible criminal offence, the Safeguarding Officer/responsible person should still consider whether formal disciplinary action is needed. If the local authority has undertaken any enquiries to determine whether a child or adult at risk is in need of protection, the Safeguarding Officer/responsible person should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

The following timings should be kept to wherever possible, depending on the nature of the investigation:

- If formal disciplinary action is not needed, other appropriate action should be taken within **three working days of the concern being raised with Justice Studio**.
- If disciplinary action is required, and can be progressed without further investigation, this should take place **within 15 days of the concern being raised with Justice Studio**.
- If Justice Studio decides that further investigation is needed in order to make a decision about formal disciplinary action, the Safeguarding Officer/responsible person should discuss with the local authority this investigation being done by an independent person to ensure that the process is objective. The outcome of this investigation should be presented to the Safeguarding Officer/responsible person **within 25 working days of that decision being taken**.
- Having received the report of the disciplinary investigation, the Safeguarding Officer/responsible person should decide **within two working days** whether a disciplinary hearing is needed.
- If a hearing is needed, it should be held within **15 working days of that decision being taken**.

- The Safeguarding Officer/responsible person should continue to liaise with the local authority during the course of any investigation or disciplinary proceedings. If a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person's future work arrangements until this is concluded. The named person should then either liaise with the police directly or via the local authority to check on the progress of the investigation and criminal process.
- The Safeguarding Officer/responsible person should request that the police inform Justice Studio straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge them with an offence or to administer a caution.

If disciplinary action is taken against any UK member of staff the Safeguarding Officer/responsible person must refer to the UK DBS if they:

- Dismissed them because they harmed a child or adult at risk
- Dismissed them because they might have harmed a child or adult at risk, or otherwise
- Were planning to dismiss them for either of these reasons, but the person resigned first.

5.10. Managing risk and supporting those who have been mistreated

If the person who has been mistreated is another Justice Studio staff member or associate, then the following procedures will be followed.

5.10.1. Support

Support to the person mistreated will be as follows:

- Aiding and supporting them to access psychological support via Justice Studio's approved supervision and counselling partners.
- If the person is a member of a trade union or a professional organisation, they should be advised to make contact with that body to see what support is available
- Arrangements should also be made for them to receive support and information about the progress of the investigation.

5.10.2. Compassionate leave

The person who has been mistreated is entitled to compassionate leave if they would like it. The duration of the compassionate leave should be agreed and discussed with the Safeguarding Officer, the person concerned and their line manager. Any information such as explanations to other staff members as to why the person is not at work or working to different arrangements should be agreed and negotiated between the Directors and the individual concerned.

5.10.3. Returning to work

If it is decided that the person who has taken leave is able to return to work, the Safeguarding Officer and the person to whom the person at the centre of the allegations is accountable to, should consider how best they should be supported in this process.

A plan to facilitate a return should be drawn up in consultation with the individual and should take into account the need to manage any remaining risks or concerns (whether perceived or actual) and also to support the person concerned after what will have been and may remain a very difficult experience.

5.11. Managing risk and supporting the accused person

The first priority of Justice Studio must always be the safety and welfare of children and adults at risk. However, as an employee, associate or volunteer, the person who is the subject of the allegation has a right to be treated in a fair, sensitive and non-judgemental manner and to have their privacy respected as far as this preserves the safety of themselves and others.

Information about the allegation must only be shared on a need to know basis with those directly responsible for supervising and managing the staff member or associate. Any other information (for example, explanations to other staff members as to why the person is not at work or working to different arrangements) should be agreed and negotiated with the individual concerned.

5.11.1. Support

Support to the accused person will be as follows:

- Aiding and supporting them to access psychological support via Justice Studio's approved supervision and counselling partners.
- If the person is a member of a trade union or a professional organisation, they should be advised to make contact with that body as soon as possible after being informed that they are the subject of an allegation
- Arrangements should also be made for them to receive support and information about the progress of the investigation.

5.11.2. Suspension

The possible risk of harm presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that Justice Studio may need to consider suspending the person if there is cause to suspect that someone may be at risk of significant harm, or if the allegation is serious enough to warrant investigation by the police, or if it is so serious that it could lead to dismissal. However, a decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person and each case should be assessed based on the unique circumstances of that case.

The situation should be discussed fully between the Safeguarding Officer and the individual's manager or person to whom they are accountable at Justice Studio and the local authorities. The outcome of the discussion should also be carefully documented.

Grounds for suspension should be clearly set out if this is the outcome. If suspension is not the outcome, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children or adults at risk, and/or increased levels of supervision whilst at work.

5.11.3. Returning to work

If it is decided, once the case has been concluded, that a person who has been suspended or who has taken sick leave due to the stress induced by the allegation, is able to return to work, the Safeguarding Officer and the person to whom the person at the centre of the allegations is accountable to should consider how best they should be supported in this process.

A plan to facilitate a return should be drawn up in consultation with the individual and should take into account the need to manage any remaining risks and also to support the person concerned.

If the allegation is found to be without substance or fabricated, Justice Studio should consider referring the person in question to appropriate support services or authorities.

5.11.4. Resignation

Justice Studio will not enter into compromise agreements with individuals who resign following the conclusion of investigations into allegations made against them, and should always comply with its statutory obligations to lawfully share information about the individual in the interests of protecting people. If asked for a reference for the person, any relevant conclusions from investigations will be disclosed.

5.12. Recording

Keeping a record of the investigation:

- All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these
- These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside
- The notes should be kept confidentially on the file of the person who is the subject of the allegation. If there are no reasons not to do so, a copy of the records should be given to the individual
- The notes should be held on file for a 10 year period, whether or not the person remains with Justice Studio for this period.
- All data recorded should be done so with accordance to Justice Studio's Data Protection Policy.

6. Procedure for Sharing Information with other Organisations

6.1. Information sharing procedure

Staff and associates may find themselves wishing to, or being asked to, share information of a confidential nature about people in their projects, programmes or organisations.

This may be because:

- The staff member/associate is of the view that someone may benefit from support
- Someone from another organisation has been in touch and wishes to know something about the person's involvement with Justice Studio
- Someone from a project/programme or organisation has asked Justice Studio to help or support them or to refer them to help or support.
- The staff member/associate is concerned that someone may be at risk of significant harm, or there is a serious crime that may have been committed or about to be committed involving someone.

Before sharing the information, the staff member/associate should record what it is that they wish to share, who they wish to share it with, and the purpose of doing so. If the reason involves risk of harm to someone, then Justice Studio's *Procedures for Identifying and Reporting Safeguarding Concerns* (see chapter 6) should be followed.

6.2. Consent

The staff member/associate should first consider the issue of consent to the information being shared. If the information relates to an adult who is capable of giving consent, and such consent has not already been obtained, then the staff member/associate should seek the consent of the person concerned unless doing so would place someone at risk of harm or would impede the prevention or investigation of a serious crime. If the information relates to a child or young adult, then the matter should be discussed with the child or young adult if they are capable of understanding it. If, in the view of the staff member or associate, the child or young adult is competent to give their consent (for this see information about [Gillick competence](#)) then this should be sought unless the urgency or seriousness of the situation prevents this, as suggested above.

When seeking consent, the staff member/associate should ask for this in writing if possible, unless this is inappropriate. If written consent is not possible, then the staff member/associate should record that it has been obtained verbally. Before being asked to give consent, families and children should be made aware of what information is to be shared, the purpose of doing so, with whom it will be shared and the consequences of its not being shared.

It is important to remember that a child (please be aware of the appropriate legal age criteria in the country JS is operating in) cannot consent to their own abuse, harm or exploitation, including sexual exploitation and therefore cannot withhold or give consent for information sharing.

Good practice in sharing information:

- Make a conscious decision on how much information to share based on the public interest – which, will normally be the best interests of the child
- Ensure that it is shared securely – this means checking who exactly is receiving the information, and that they are doing so in a confidential environment
- Make sure that the information you share is as accurate and up to date as possible; if you are unsure of any of it but still decide to share it, then make sure that the recipient is aware of any areas of uncertainty
- Distinguish clearly between fact and opinion
- Ask what the recipient is going to do with the information and whether they will need to pass it on to anyone else
- Inform the person who is the subject of the information that it has been passed on, unless it would be unsafe or inappropriate to do so.

Seven Golden Rules for Information Sharing:

1. Remember that Data Protection legislation is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The staff member/associate should then pass the information on to the agreed agency **within one week of consent being obtained or sooner if circumstances require**. This should be done within the following parameters of good practice, and recorded.

If consent is withheld, or if it cannot be sought because of a risk of harm to someone, or because of the risk of a serious crime being committed, or because of the investigation of a serious crime being compromised, then the staff member/associate should consult with the Safeguarding Officer on whether the information should be shared without consent.

In such a situation, the Safeguarding Officer and the staff member/associate need to weigh up whether sharing the information is in the public interest.

'Public interest' can refer to the interests of the whole community, or to a group within the community, or to individuals. Normally it would be considered to be in the public interest for the confidentiality of service users to be protected, but this may be outweighed by the public interest involved in protecting people from harm, preventing crime or disorder, or promoting children's welfare by making sure that they have access to safe and effective care.

The Safeguarding Officer, in consultation with the member of staff/associate, needs to decide whether, on balance and in this particular case, the public interest is served by information being shared without consent.

If the decision is not to share the information, this must be recorded and the reasons for not sharing must be stated. If the decision is to go ahead and share the information, then this must be done by either the manager or the staff member/volunteer (it must be clearly understood between them who will do it) **within one week of the decision being made (or sooner if circumstances require)**. The parameters of good practice in sharing information outlined above should be used to inform the process of sharing the information.

The Safeguarding Officer should record the decision to share the information without consent, the reasons for doing so, and the details of how this was done.

7. Justice Studio Complaints Procedure

This complaints procedure aims to assist making representations or complaints to Justice Studio about our staff, associates and/or the services we provide.

It describes the processes by which we aim to resolve complaints and seeks to ensure that anyone who makes a complaint has their concerns resolved swiftly.

7.1. What is a complaint?

We understand a complaint to be:

An expression of dissatisfaction about a service (whether that service is provided directly by Justice Studio or by a contractor or associate) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.

7.2. What may be complained about?

A complaint may arise as a result of:

- An unwelcome or disputed decision
- Concern about the quality or appropriateness of a service
- Delay in decision making or provision of service
- Delivery or non-delivery of service
- Quantity, frequency, charge or cost of a service
- Attitude or behaviour of staff.

7.3. Anonymous complaints

Anonymous complaints will be reviewed by the Director(s) who will decide if any action needs to be taken. If there is a safeguarding concern it will be referred to the Safeguarding Officer.

7.4. Time limits for making a complaint

Complaints should ideally be made as soon as possible, and no more than 12 months after an event taking place. Justice Studio will only consider complaints where the events occurred more than 12 months before the complaint was made:

- If there are genuine reasons for the complaint not being made within one year
- If there is sufficient access to information/individuals involved to enable an effective and fair investigation.

The time limit is because it is often difficult, or sometimes impossible, to investigate the issues in a full and thorough manner, as the relevant staff may no longer be in post. Where it is decided that a complaint will not be considered, the complainant will be informed in writing of the reasons for this decision.

7.5. Confidentiality and consent

All information disclosed about a complainant must be confined to that which is relevant to the investigation of the complaint and only disclosed to those people who have a demonstrable need to know. The mistreated person's express consent is not required to access information about them for the purpose of investigating a complaint that they raised themselves.

Only information which is relevant to the complaint should be considered for disclosure and then only in line with Justice Studio's *Procedure for Sharing Information with Other Organisations* (see chapter 8).

7.6. Timescales

Complaints will be responded to **within two weeks** by a Justice Studio Director.

8. Whistle blowing procedure

8.1. Aims and purpose of this procedure

The aim of this procedure is to provide a clear and transparent way for anyone who works for Justice Studio to raise genuine concerns about acts of wrongdoing or malpractice in the workplace. It also aims to ensure that any concerns are dealt with effectively and in a timely fashion.

This procedure provides whistleblowers with clarity about how to voice a concern and which channels they can use. It also gives managers and those responding to whistleblowers the steps to deal with allegations, ensuring that staff and associates are not penalised for raising genuine concerns, even if those concerns prove to be unfounded. It also provides the means for taking disciplinary action against anyone who is found to have raised false concerns with malicious intent.

The procedure does not apply to individual allegations about a member of staff or associate. Concerns or allegations of this nature should be dealt with following the *Procedures for Dealing with Allegations made against or by Justice Studio Staff and Associates* (see chapter 7).

8.2. What is whistleblowing?

Whistleblowing only covers concerns where there is a public interest element. It does not cover individual concerns about your own employment or related matters.

The UK Public Interest Disclosure Act (PIDA) 1998 provides protection for workers who reasonably believe that they are acting in the public interest and where the disclosure falls into one of more of the following categories:

- A criminal offence that has, is being, or is likely to be committed
- Unauthorised or inappropriate disclosure, misuse or loss of confidential, personal and/or sensitive information
- A miscarriage of justice
- Risk or damage to the environment
- A danger to the health and safety of employees or others
- Attempts to suppress or hide information relating to wrongdoing.

The concern can be about an incident that happened in the past, is happening now, or that is believed likely in the future. As long as there is a reasonable belief that the information is true then the whistleblower will be protected regardless of whether they are mistaken or the matter cannot be proved. Please note the new EU Directive on whistleblowing passed on 16th April 2019 brings in more protection for whistleblowers.

8.3. Procedures for Whistleblowers within Justice Studio: Raising a concern

8.3.1. Who can whistleblow?

Anyone in Justice Studio can whistleblow, including staff, consultants, associate consultants, volunteers, Non-Executive Directors, self-employed contractors and job applicants.

8.3.2. How to raise a concern internally

In order to raise a concern within Justice Studio:

- Speak to the Safeguarding Officer, your manager, another colleague (preferably someone you work with closely) or a Director. If your concern relates to your manager or the person to whom you are accountable to at Justice Studio, you should speak to the nominated Director for whistleblowing or a colleague. If you choose to speak to a

colleague, with prior reference to you, they may nominate another responsible person to handle your concern

- Your manager or nominated person will arrange to meet with you as soon as possible to discuss your concern. This meeting can take place away from the workplace if necessary
- You will be told at the meeting, or as soon as possible afterwards, what action will be taken to address your concern. It may not be possible to tell you the full details of the outcome, as this could relate to confidential third party information. If no action is to be taken in relation to your concern, you will also be informed of this fact and given the reasons why.

If you do not want the person you have concerns about to know your identity, you should make this clear to the responsible person you have confided in at the earliest opportunity. Every effort will be made to respect your wishes, but it cannot be guaranteed that your identity will not be disclosed. If this is the case, you will be informed and any issues you may have about this will be discussed with you.

If you need support in raising your concern, you may bring a work colleague or trades union representative with you to the meeting with the responsible manager.

8.3.3. How to raise a concern externally

Ideally everyone should feel able to make a disclosure within Justice Studio. However, where attempts to raise matters internally have been unsuccessful or, exceptionally, if you feel you cannot raise your concerns internally, you may consider raising the matter externally.

One option for external disclosures is to prescribed persons. Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the disclosure. Prescribed persons have individual policies and procedures for handling concerns and complaints. Generally these will be accessible on their websites. A complete list of prescribed persons can be found **here**.⁴ For more advice on this you can contact the charity **Public Concern at Work** on 020 7404 6609.⁵

Alternatively, in extreme cases, a whistleblower might choose to approach the media with their concerns. Please note that if a whistleblower goes to the media, they can expect in most cases to lose their whistleblowing law rights. It is only in exceptional circumstances that they can go to the media without losing their rights. They must reasonably believe that the information they disclose and any allegation contained in it are substantially true. They cannot be acting for personal gain. Unless the wrongdoing is exceptionally serious, if they have not already gone to their employer or a prescribed person, they must reasonably believe that their employer will subject them to “detriment” or conceal or destroy evidence if they do so. And even then, their choice to make the disclosure must be reasonable.

8.4. What to do if you want to raise a whistleblowing concern in a client organisation

If you suspect malpractice in a client organisation then report the concern to the Justice Studio Safeguarding Officer or your manager for discussion and support.

In the first instance, the client’s own whistleblowing and/or safeguarding policy and procedures should be followed. However, if there is reason to believe the incident is being ignored or covered up by the client organisation then Justice Studio will either support you to bring the

⁴ Full link for list of prescribed persons: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

⁵ Full link for Public Concern at Work: <https://protect-advice.org.uk>

complaint to an external body yourself or take the decision to make a whistleblowing complaint as an organisation. The decision to take the matter to an external regulator by the organisation will be a Director level decision.

8.5. Responding to a concern from within Justice Studio

8.5.1. Establishing if you are the right person to respond

If someone tells you they are concerned about the actions of another staff member or associate, you should arrange to meet them as soon as possible. If you are not the person's manager, you should establish why they have chosen to discuss the concern with you. You may suggest that the person speaks to another responsible Justice Studio staff member if you wish, but you should not refuse to hear what the person has to say.

Once you have established the nature of the concern, it may be of a relatively minor nature and you may decide to resolve it informally.

If the concern appears more serious, you must consider first whether any immediate action is needed to protect a person or community at risk. If so, you should refer to the *Procedures for Identifying and Reporting Safeguarding Concerns* (see chapter 6).

If you are not the manager of the person who is the subject of the concern, you should refer the matter to the person's manager or person to whom they are accountable, with the whistleblower's consent.

8.5.2. Steps for responding

If you are approached by someone with a whistleblowing concern, and believe you are the appropriate person to respond to it, follow the six point plan: remember, listen, advise, reassure, take action and feedback.

Step 1: Remember

- Remind yourself about your obligations under this whistleblowing policy
- Remember that your behaviour at this point should respect Justice Studio's code of conduct and good ethical practice
- Remember that the person in front of you blowing the whistle is going to be feeling nervous and cautious. Take this into account in how you engage with them, for example by being patient, responding with sensitivity and above all, listening respectfully
- Remember that whistleblowing can save lives, jobs, money and reputations. Whistleblowers can be amongst the most loyal and public spirited of employees.

Step 2: Listen

- Listen to what they have to say and record it. Ask them to clarify any grey areas, but bear in mind that the person may not know exact details. Read back what you've recorded so that the person knows what you've written down
- Check whether the person raising the concern with you is doing so as a complaint (because they have a vested interest in what's happened) or as whistleblowing (which usually involves no direct, personal interest in what's happened). Follow the appropriate procedure for whichever situation applies, but remember, if the person is in doubt or insists it is whistleblowing, then treat it as whistleblowing
- Do not let your feelings about what they are telling you (the message) become confused with how you respond to the person in front of you (the messenger)
- Remember that while the whistleblower should provide you with what evidence they have to back up the concerns they are raising with you, they are not required to provide you with any form of investigatory evidence. It is for you and Justice Studio to investigate the concern being raised and to gather that evidence.

Step 3. Advise

- Suggest that, if they haven't already done so, the person becomes familiar with this whistleblowing policy
- Reassure the person that they should not suffer detriment for having raised this concern, unless it is later proved that the information they're providing was false to their knowledge
- Reassure the person that their identity can be kept confidential if they request, but also point out that in certain circumstances, the law may require its disclosure
- Remind the person that they are entitled to seek independent guidance from the charity **Public Concern at Work**.

Step 4. Reassure

- Outline who will be looking into their concerns and how they will go about doing so, as well as how long this might take. Provide the person with a copy of these procedures for handling a concern raised by a whistleblower
- Reassure the person that they should be told the outcome of the investigation into the concerns they've raised, but also point out that in certain circumstances (such as relating to data protection or the rights of third parties), such feedback might not be possible
- Tell the person that if they suffer any form of detriment from Justice Studio or any of its employees as a result of having raised this concern, then they should report this to you as soon as possible. Examples of detriment (both short and long term) to look out for include: closer monitoring, ostracism, blocking access to resources, unrequested reassignment or relocation, bullying or harassment, victimisation, suspension, demotion, disciplinary sanction, denial of training, dismissal, failure to promote, failure to provide an appropriate reference and failure to investigate a subsequent concern.

Step 5. Take Action

- Decide how you're going to deal with the issue that is being whistleblown – for example, is there any immediate urgency with regard to a danger to life?
- Discuss and agree this whistleblowing approach with the Safeguarding Officer or a Justice Studio Director
- The Safeguarding Officer should then record the agreed whistleblowing approach to be taken within the safeguarding log and initiate an investigation into the concerns being raised and allocate to it the appropriate level of resource and expertise.

Step 6. Feedback

- Remind those conducting the investigation that feedback is to be provided to the person who raised the concern and agree with them when and what this is likely to be, and who will provide it. Check that such feedback was subsequently given.

8.5.3. Conducting an investigation

Unless the matter is relatively minor and can be dealt with informally, the Safeguarding Officer/responsible manager should arrange for an investigation to be completed as swiftly as possible. The investigation should also be demonstrably thorough and impartial.

The scope of the investigation will be determined by the nature of the concern. Witnesses may need to be interviewed and records may need to be scrutinised. It is also possible that advice may be needed from someone with specialist knowledge.

Once the investigation is completed, a report should be produced summarising the nature of the concern, the investigation process and the outcome, including specific recommendations.

Take measures to preserve the anonymity of the person who raised the concern, if this has been their wish. If the concerns are not upheld, this should also be made clear.

If the concern is upheld and the person at the centre of it is found to have been culpable or remiss in some way, the report's recommendations should be carried out using a clear plan of action. The plan may include the use of disciplinary action, training, coaching, counselling, the implementation of new policies or procedures for the whole workforce, or a referral to the relevant Independent Safeguarding Authority. Such as the DBS (Disclosure and Barring Service in the UK.

If it becomes apparent during the course of the investigation that a criminal offence may have been committed, the police should be informed. Your own investigation may have to be suspended on police advice, if they decide that they need to become involved.

The person who raised the concern should be informed of the outcome, but not the details of any disciplinary action. It may be appropriate for the person who raised the concern to be offered support or counselling.

If the concern is unfounded and the person who raised it is found, through the process of investigation, to have acted maliciously or out of a desire for personal gain, it may be appropriate to consider disciplinary action against them.

8.5.4. Recording the concerns

The responsible manager should make accurate notes of each stage of the process, including the discussions during meetings, regardless of whether the concern is dealt with formally or informally. Copies of these notes should be given to the person who is the subject of the concern. The person who raised the concern should also be given copies of notes from their discussion.

Notes made during the investigation and the report of the investigation, together with any notes relating to the outcome, should be kept on the file of the person at the centre of the concern. If it was requested, these notes should not reveal the identity of the person who reported the concerns.

8.6. Responding to a concern made externally

Justice Studio is committed to the highest standards of transparency, probity, integrity and accountability. As such, in the event that a concern is raised via an external body or the media about practice within Justice Studio, we will:

Step 1: Remember

Remember that whistleblowing can save lives, jobs, money and reputations. Whistleblowers can be amongst the most loyal and public spirited of employees.

Step 2: Listen

Listen carefully to everything that is reported to us and record it. We will ensure that we listen completely and without defensiveness, ready to learn and improve our practice.

Step 3. Cooperate

If the external body requires us to submit any information or undergo an investigation we will do so with complete cooperation and transparency.

Step 4. Take Action

Where necessary, either in tandem with an external investigation or where an external investigation has not been required, we will launch an internal investigation into the situation.

Step 5. Reassure, support and communicate

We will take steps to reassure and support our staff and explain what steps we are taking to support them during any investigation and/or in the period following the allegation(s). Further we will ensure that no staff suffer any detriment from Justice Studio or any of its employees as a result of the allegation(s).

Step 6. Learn and act

If the concern is upheld and Justice Studio is found to have been culpable or remiss in some way, we will take steps to learn from the circumstances of the situation and decide a clear plan of action. The plan may include the use of disciplinary action, training, coaching, counselling, the implementation of new policies or procedures for the whole workforce to minimise the opportunity for a similar event happening again in the future.

9. References

UK legislation and guidance

Care Act 2014: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

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<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf

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