

Safeguarding Policy (Adults)

FNF Both Parents Matter Cymru

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1. Mission Statement

FNF Both Parents Matter Cymru (hereafter referred to as ‘the charity’) aims to ensure the safety and well-being of all people involved with the charity. This Policy contributes to this end by provision of clear expectations regarding the recognition of potential harms and the adoption of working practices and procedures which promote safety for all involved.

In our work with adults who may be at risk of abuse or neglect, or at elevated risk due to age, illness, disability or social disadvantage, the charity will endeavour at all times to provide services and activities which minimise risk and are as safe as we can make them. We aim to protect all involved from harm or maltreatment, prevent the impairment of health, ensure the provision of safe and effective support services and promote the life chances of all involved.

In our work we may hear allegations of ongoing, or potential, harms to children. The charity’s response to such situations is addressed by the parallel Policy of Safeguarding Children.

2. Scope

This Policy is applicable to the safeguarding of the charity’s adult service users, staff, trustees and volunteers.

Staff, trustees and volunteers are required to be adults (18 and over). Overwhelmingly the charity’s service users are also adults. However, about one in a thousand service users are under 18. This Policy shall also be applied to under-age service users except where adult status is necessary. In addition, the separate Policy on Safeguarding Children shall also apply.

Third parties are not covered here, but the safeguarding of children as third parties is addressed by the separate Policy on safeguarding children. The latter Policy also addresses the safeguarding of children in those circumstances in which charity staff, trustees or volunteers come into physical contact with children.

3. Special Considerations

3.1 Adults

It must be recognised that one of the charity’s primary purposes is to support male victims of domestic abuse, and hence that most of our service users have such abuse in their immediate background. For many service users, aspects of this abuse will be ongoing. The support that the charity provides in this context is therefore a part of safeguarding which is embedded in our normal operations. Consequently, it is appropriate to include this “normal business” component of safeguarding in this Policy. In fact, it is necessary to do so in order to expose what protection issues lie beyond normal business and hence in need of particular safeguarding measures (“Special Measures”), as laid down herein.

3.2 Children

The parallel Policy of Safeguarding Children addresses when issues affecting children are to be regarded as covered by normal business versus when they must be escalated to Special Measures, including a possible safeguarding report.

4. Legislative Framework

The overarching statutory instrument from which Safeguarding obligations derive is the [Social Services and Well-being \(Wales\) Act 2014](#). The statutory guidance in [Working Together to Safeguard People volumes 1-6](#) determines the actions that individuals and agencies “must” and “should” do to comply with the safeguarding legislation in the Act.

5. Definition of Adults at Risk

Wales Safeguarding Procedures provide guidance on the [statutory definitions of adults at risk](#), derived from the [Social Services and Well-being \(Wales\) Act 2014](#). The definition is an adult who:

- (i) is experiencing, or is at risk of, abuse or neglect, and,
- (ii) has needs for care and support (whether or not the authority is meeting any of those needs), and,
- (iii) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Not all the charity’s service users will meet this definition. Note, however, that the further guidance in relation to abuse and neglect includes the following.

- Abuse can be physical, sexual, psychological, emotional or financial (includes theft, fraud, pressure about money, misuse of money);
- Neglect describes a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s well-being.
- The guidance advises that practitioners should be aware that one of the behaviours that could place an adult at risk of abuse or neglect is domestic abuse and violence against men.

The issue of the domestic abuse of men is amplified further by the [Pointers for Practice: Signs and Indicators of Possible Abuse and Neglect in an Adult at Risk](#) which include the following: physical abuse, sexual abuse, enforced social isolation (preventing someone accessing services or seeing friends), regulating everyday behaviour, intimidation, coercion, harassment, use of threats, humiliation, bullying, swearing and verbal abuse, cyber-bullying, preventing a person from accessing their own money, benefits or assets, false representation, using another person’s bank account, cards or documents, preventing the person from making their own decisions, frustrating a person’s privacy or dignity, and the whole range of behaviours identified as domestic abuse.

75% of the charity’s male service users are at significant risk of domestic abuse, consistent with the above definition of “at risk” (scoring 9 or higher on the [Safelives Domestic Violence Risk Identification Checklist](#), RIC). Hence, around 75% of our service users meet the “at risk” criterion (i), above. 27% meet the Safelives definition of “high risk” sufficient to motivate a MARAC (RIC score 14 or higher).

The extent to which these service users will also meet criteria (ii) and (iii) will vary. However, the fact that they have contacted the charity for assistance *may* imply that they have a need for care and protection which is not being met elsewhere and which they cannot provide for themselves unaided, thus meeting criteria (ii) and (iii). Whether or not this is the

case will depend upon the particular individual's circumstances. Most service users approach the charity with child contact problems, which do not, in themselves, imply abuse or neglect to the above definition. However, the very high prevalence of partner abuse, as properly assessed and quantified by the charity, suggests that many, and probably most, service users will meet criteria (ii) and (iii).

Consequently this Safeguarding Policy is predicated on the need for staff, trustees and volunteers of the charity to meet statutory requirements relating to the protection of adults at risk. However, this Policy goes beyond that by including consideration of harms to those (e.g., staff, trustees and volunteers) who do not necessarily meet the criteria for being considered "at risk".

6. Children at Risk

The charity does not work *directly* with children. Should this change, this Policy will require immediate revision to include additional safeguards.

A child at risk is a person under 18 years old who (i) is experiencing, or is at risk of, abuse, neglect or other kinds of harm; and, (ii) has needs for care and support (whether or not the authority is meeting any of those needs).

Because the charity does not work directly with children, the charity is not in a position to identify children at risk in a manner that the charity is able to independently corroborate. The charity unambiguously has a duty of care (i.e., safeguarding) towards its service users (adults) and towards its staff, trustees and volunteers. Children occur as third parties in the charity's operations.

However, it is commonly the case that a service user may have concerns about the children to which his or her case relates. It may be that these concerns, if valid, would meet the definition of "a child at risk". This is not a matter that the charity can ignore.

Consequently, in parallel with this Policy addressing Adult Safeguarding, the charity also has a Policy for the Safeguarding of Children which defines the duties of the staff, trustees and volunteers of the charity in respect of children potentially at risk.

7. Duty to Report

This Policy draws a distinction between,

- [1] The duty of all staff, trustees and volunteers to raise, within the charity, issues of safeguarding which lie outside those addressed by normal business and to document such instances in the manner laid down herein; versus,
- [2] A formal "Duty to Report" safeguarding incidents or concerns to external authorities.

In regard to the latter, formal Duty to Report is normally restricted to "relevant partners" as defined by section 162(4) of the [Social Services and Well-being \(Wales\) Act 2014](#). This does not normally include third sector organisations. The charity is not, therefore, subject to a formal Duty to Report to external authorities.

However, the charity may choose to do so.

The escalation of an internal safeguarding report to an external report to relevant authorities (usually social services or the police) shall be decided by the Chair of the Board of Trustees as advised by the Safeguarding Officer (see below) EXCEPT in those cases explicitly

identified in this Policy as requiring immediate action to protect any individual who is deemed to be under present or imminent risk of serious harm from themselves or another. (See also the charity's "Suicide Awareness and Guidance on Action in Acute Cases").

In less urgent cases, the Chair of the Board of Trustees must approve any reporting of safeguarding issues to statutory bodies. This is without prejudice to external communications of relevant issues that lie within normal business. In the case of serious safeguarding incidents such external reporting is obligatory under Charity Commission rules, and [must be reported to the Charity Commission itself if the incident occurred "within" the charity](#), i.e., during execution of the charity's work (see [section 18.1](#)). The definition of "serious" in this context is given in [section 18.2](#).

8. Disclosure and Barring Service (DBS) Checks

8.1 Levels of DBS Checks

There are [four levels of Disclosure and Barring Service \(DBS\) check](#),

- a basic check, which shows unspent convictions and conditional cautions;
- a standard check, which shows spent and unspent convictions and cautions;
- an enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role;
- an enhanced check with barred lists, which shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role.

8.2 Eligibility for DBS Checks

Employment of paid staff or unpaid trustees and volunteers can be made conditional upon a satisfactory DBS check providing there is eligibility to do so. [Guidance on eligibility](#) depending upon function or services performed has been provided by the UK government. The use of this tool suggests that, for the functions of our trustees, staff and volunteers, the charity has eligibility only for a Basic DBS Check.

Consideration has been given to whether it might reasonably be argued that some of the charity's functions might provide eligibility for a higher level of check. We have concluded that this is not the case, as explained below.

The following function would give eligibility for a Standard DBS Check,

- Working with elderly, ill or disabled adults / Moderating online chat or online media / Infrequently

In reality, the charity does not "work with disabled adults" in the sense intended by this guidance, though the high level of service users' self-reported disability (32%) might be taken as justification. However, this is a dubious interpretation because the charity does not work with the client because of, or to alleviate, said disability. So this example is unlikely to justify eligibility.

The following function would justify an Enhanced DBS Check Without a Barring List Check,

- Caring for or working with children (under 18) or working in a school / Driving children / Infrequently

In reality the charity does not “care for or work with children” in the sense intended by this guidance, though it is feasible that social events under the Buddy Scheme might involve driving children – and certainly does involve events which include children, albeit under the supervision of their parent, grandparent or other approved carer. Again it seems dubious to claim justification of eligibility for this higher level of DBS check given the charity’s actual role and function.

The following function would justify an Enhanced DBS Check Without a Barring List Check,

- Caring for or working with children (under 18) or working in a school / Giving legal advice

The charity certainly does give legal advice, and that advice is typically related to children, specifically whether a parent is to have contact with a child. However, the charity does not “care for or work with children” in the sense intended by this guidance. In particular, case advisors (who are the only personnel authorised to give legal advice) will not come into physical contact with the children in question. Again it seems dubious to claim justification of eligibility for this higher level of DBS check given the charity’s actual role and function.

8.3 Regulated Activities and Barred Persons

Regulated activity is work a barred person cannot legally do. To be placed in regulated activity, the worker (paid or unpaid) must have the highest level of DBS check (an enhanced DBS check with a barring list check). The DBS Service has published [guidance on what constitutes regulated activity with adults in Wales](#) and also [guidance on what constitutes regulated activity with children in Wales](#). The charity’s functions and activities do not meet any of these criteria and so the charity’s work does not include Regulated Activities. The charity is therefore not eligible for Barring List checks.

8.4 Policy on DBS Checks

- [1] The charity will carry out Basic DBS Checks for all staff, trustees and volunteers.
- [2] Basic DBS Checks will be a condition of employment, whether paid staff or unpaid trustees or volunteers.
- [3] All adverts for paid staff and all adverts calling for volunteers must state that appointment will be conditional upon carrying out a Basic DBS check.
- [4] The DBS checks will be carried out and examined by the charity before a new recruit or volunteer is authorised to a role or put to work.
- [5] A Basic DBS Check may be waived if the person in question already has had such a check (or a higher level of DBS check) within the last two years, providing the charity examines the report and checks the correct identity.
- [6] All staff, trustees and volunteers will be subject to repeat Basic DBS Checks every three years.
- [7] The Safeguarding Officer shall ensure that arrangements are in place to ensure that, (i) records of the DBS checks are retained (under confidential control), (ii) a system is in place to ensure that repeat checks are carried out at intervals as required by this Policy
- [8] Confidentiality must be maintained, DBS outcomes being restricted to the management team and Trustees, who shall not make these outcomes known to others.

9. Recruitment

All newly recruited staff, trustees or volunteers shall be subject to DBS checks as laid down in section 8.4.

As part of the recruitment process the charity shall ask candidates for recruitment as staff, trustees or volunteers whether they have any *unspent* convictions or conditional cautions relating to offences committed as an adult. (Guidance on rehabilitation periods required for a conviction to become “spent” can be found [here](#)). The same convictions/cautions would be expected to be revealed by the Basic DBS check.

However, recruitment must comply with the charity’s policy on employing ex-offenders, the essence of which is that ex-offenders shall be treated fairly, consistent with the obligation to support rehabilitation. Unspent convictions or cautions revealed voluntarily or by the DBS check do **NOT** automatically prevent the candidate’s employment as staff or volunteer (see the Policy on Employment of Ex-Offenders).

All candidates for staff posts or as volunteers should be supplied with a copy of the charity’s Policy on Employment of Ex-Offenders if they so request.

When recruiting new staff it is good practice to check for any gaps in working history, take up references, check qualifications and ensure the chosen candidate has the right to work in the UK.

All newly recruited staff and volunteers (and trustees if they were not formerly staff or volunteers) will be formally inducted into the charity via the charity’s induction process. The Procedures which define this induction process shall include reference to the Safeguarding Policies and shall convey to the recruit their responsibilities under these Policies.

10. Normal Business as Safeguarding

It must be recognised that the main business of the charity is dealing with service users who are frequently distressed, and very often this distress is related to aspects of abuse or other harms (see [this publication](#)). This is not to claim that service users’ distress results solely from abuse, but that their overall situation typically includes abuse or other harms within it. A large part of the charity’s work (arguably all the charity’s work) is aimed at the alleviation of the causes of distress, or as a palliative for it. It is important in this Policy to separate the harms that are addressed by the charity’s normal services from those that are not. The latter are the subject of this Policy, i.e., harms which are outwith the coverage of normal business and require specific treatment. To clarify the distinction it is necessary to first lay down what is covered by normal business.

10.1 Normal Business: Male Service Users at Risk of Domestic Abuse

The charity is a specialist provider of support to men as victims of domestic abuse. Around three-quarters of our male service users are at risk of domestic abuse, and around one-quarter at high risk. Normal business to address such abuse, as well as for other reasons, includes, (i) assessment of the risk of DV, (ii) assessment of mental well-being and social isolation, (iii) provision of advice, including legal advice, taking all issues of relevance into account including harms to, and allegations against, the client, (iv) emotional support. The latter is the main support provided to victims of abuse and takes the form of one-on-one support from a

“buddy” befriender, involvement in online or face-to-face group meetings, and social events, all of which are optional.

Exceptional cases arise in which a male service user is at greater risk from domestic abuse than can be effectively addressed by these normal services of the charity. Such situations require Special Measures outwith normal business in order to fulfil the charity’s safeguarding obligations. Examples of such exceptional cases are,

- When the service user is judged to be in present and serious danger so that immediate protection takes priority (see [section 15.2.2](#));
- When the service user is still living with the abuser and has been assessed as at High Risk (RIC of 14 or higher), see [section 15.1](#).

10.2 Normal Business: Women Service Users

Women contacting the charity may sometimes be doing so on behalf of another person. Where the true subject of concern is male, treat as if a male caller. Otherwise this section applies.

Many female registrants report domestic abuse. The charity does not provide specialist support to female victims of domestic abuse. In addition to advising female clients (e.g., provision of legal advice), harm in the form of domestic abuse reported to the charity is normally addressed by referral or signposting to the most appropriate local DV charity in the women’s sector, e.g., a Women’s Aid affiliated charity. The charity’s confidential Caseworker file will include details of the cases and the referral/signposting made.

An exception arises when the caller is judged to be in present and serious danger so that immediate protection takes priority (see [section 15.2.1](#)).

11. Overarching Responsibilities of Staff, Trustees and Volunteers

The following are the key safeguarding responsibilities of the charity as a whole,

- To know what constitutes abuse, neglect or other harms ([section 12](#));
- To exercise vigilance in identifying such harms to anyone involved with the charity (staff, trustees, volunteers and service users) especially those that might require Special Measures beyond normal business ([section 13](#));
- To act accordingly, appropriately and in a timely manner when such cases are identified as laid down in this Policy ([sections 14 and 15](#));
- To maintain confidentiality ([section 19](#));
- To leave a written record when such instances occur ([section 17](#)).

The following sections expand upon these overarching responsibilities.

12. Recognising Harms

Most staff and many volunteers will be trained in the application of the [Safelives Domestic Violence Risk Identification Checklist](#). This constitutes a good grounding in the nature of domestic abuse. It is recommended that awareness of this Checklist is included in the generic induction process to ensure that all staff and volunteers have at least this basic level of awareness of the nature of domestic abuse, and that victims can be male as well as female. A more extensive set of behaviours which constitute domestic abuse is now available in the form of the [Statutory Guidance](#) to the [Domestic Abuse Act 2021](#). See also [section 5](#).

More generally, harm can be caused by accidents, deliberate abuse (physical, sexual, emotional, financial), neglect (deliberate or not) or factors such as bullying, prejudicial attitudes or a failure to enable a person to participate in activities that are open to most of their peers.

13. Identifying the Need for Special Measures

Section 10 has defined what aspects of protection (i.e., service in response to harms) fall within the normal business of the charity, and how these are addressed by normal business.

Special Measures are required when any harms are identified, to staff, trustees, volunteers, service users or certain third parties, which fall outside normal business. The Special Measures to be taken are laid down by this Policy, or the parallel Policy on Safeguarding Children. By applying these Measures to everyone, it may be that the victim does not meet the definition of a person “at risk” (**section 5**), and hence may go beyond formal safeguarding obligations.

It will be important not to trigger Special Measures if the identified issue could be effectively addressed through normal business, e.g., through normal case advising, or the emotional support provided by the Buddy Scheme.

Cases when Special Measures will be required include,

- When the domestic abuse risk is greater than can be safely addressed by normal business (see examples in **section 15**);
- When there is a real and present danger of serious harm to the individual (service user, staff, trustee or volunteer), whether this harm arises from another person (**sections 15.1, 15.2**) or from the individual themselves (e.g., acute suicide risk, see **section 15.3**);
- When a crime has been committed, or there is a real and present danger of a serious crime being committed which requires prevention (**section 15.4**);
- When there is a situation which puts other people at risk of serious harm (e.g., of abuse when a suspected perpetrator is known to be caring for, or working with, other people who are vulnerable and at risk, e.g., children, **sections 15.5 and 16**);
- When an individual (e.g., a service user) is judged to be exposed to serious harm but is being subject to controlling influence from a third party (e.g., a perpetrator of abuse) and is therefore under coercive pressure which prevents them from disclosing their true situation. (This can occur in the most serious cases of partner abuse of men);
- When an individual (e.g., a service user) is judged to have lost mental competence for independent action as a result of mental ill-health, alcohol or substance abuse, or extreme distress, and is in real and present danger of harming himself or another, or failing to effectively protect himself from harm. (The Appendix provides guidance on assessing mental competence);
- Any instances of harm to staff, trustees or volunteers which the victim regards as reportable.

Examples of appropriate action in the above circumstances are addressed in **sections 15 and 16**.

14. Identification Versus Investigation

It is not the task of the charity to carry out investigations outside the charity itself. Our duty is to identify the risk of harm when this arises from our normal business dealings with service users and other people within the charity. We have a duty to be vigilant and not to “turn a blind eye”. We have a duty to take the actions defined herein when such risks or harms are identified. However, it is not our role to carry out investigations when such cases arise. This is the job of statutory services. We are neither empowered to investigate nor competent to do so.

An exception arises when complaints are made by staff, trustees or volunteers against another member of staff, trustee or volunteer. The charity must then deploy the Complaints Procedure, and this may include an element of ‘investigation’, but internal to the charity. Where the nature of the complaint appears to involve a criminal offence, the charity is obligated to take the matter to the appropriate external authorities, probably the police.

15. Special Measures

This section gives guidance on the sort of actions that may be required when harms to anyone involved with the charity have been identified and these fall outside the provisions of normal business.

Throughout this section it must be borne in mind that, in respect of reports of harm to an adult, it should be assumed that the adult has the capacity to make decisions for themselves so that action taken on their behalf will require their consent. Consent should therefore be obtained from the adult in question prior to taking actions such as making a referral or raising an external safeguarding report UNLESS:

- A crime has been committed or is believed to be in the process of being committed;
- The situation, if not reported, would put other people at risk of similar abuse (e.g., the suspected perpetrator is known to be caring for, or working with, other people who are judged to be at risk, e.g., children);
- The individual is subject to undue controlling influence (possibly from the perpetrator or a person with an interest in protecting them), thus subjecting them to coercive pressure which inhibits them from giving consent;
- The individual has been judged by officers of the charity to lack competence to make rational decisions due to extreme distress, mental ill-health or abuse of alcohol or other substances (see Appendix).

15.1 Domestic Abuse of Men Outwith Normal Business

Cases may arise when the service user is still living with the abuser and has been assessed as at High Risk (RIC of 14 or higher). Such cases *may* be judged to constitute a risk to the service user which is not safely addressed by the charity’s normal service provision. If there is judged not to be a present and serious danger, the appropriate action may be to refer to a MARAC. (The charity’s IDVA can advise on the process). However, some caution may be needed as the charity has seen instances of the MARAC process leading to an abuser discovering the victim’s new address thus enabling further abuse. Caution is also required for any cases where the man is still living with the abuser as reprisals can result if the abuser

discovers the man has sought help. Consent will be required except possibly in the most extreme cases of present and serious danger.

15.2 Present and Serious Danger

15.2.1 Female Callers Reporting Present and Serious Danger from DV

For women calling the charity's helpline and the caller is judged to be in present and serious danger, immediate protection takes priority but cannot be provided by the charity. Assuming the caller is in Wales, she will be signposted to the Live Fear Free helpline (0808 80 10 800). If the caller seems too distressed to act effectively in her own interests, it may be appropriate to ask the caller if she would prefer us to make the call on her behalf. The helpline operative may do so, or ask the helpline coordinator, the workflow coordinator or other member of staff to do so if they can be reached immediately. The caller's permission is essential. Referral is by consent only. It must be borne in mind that the caller may be fearful of reprisals if the abuser discovers she has sought help.

If an attack is in progress at the time of the call, the caller should be asked if she is in a position to call the police (999). If not, or as an alternative, the woman's current location should be obtained and the call to the police made on her behalf. When talking to the emergency service, make reference to your being from a domestic abuse service. Where an attack is in progress the victim's consent is not required.

15.2.2 Male Registrants Reporting Present and Serious Danger from DV

If an attack is in progress at the time of the call, the caller should be asked if he is in a position to call the police (999). If not, or as an alternative, the man's current location should be obtained and the call to the police made on his behalf. When talking to the emergency service, make reference to your being from a domestic abuse service. Where an attack is in progress the victim's consent is not required.

Alternatively, if an attack is feared to be imminent, the caller should be asked if he can move to a place of safety. This may not always be possible, e.g., if children are involved. The current location of the man should be recorded. If possible, and if this would not exacerbate the situation, the charity's IDVA or the service user's Buddy should be appraised immediately so that they can maintain phone contact with the man during the time of threat. These actions must be with consent only, being mindful of the possibility of reprisals by the abuser. An exception may arise if the man is deemed to have lost competence (see [Appendix](#)).

15.3 Protection Against Suicide

28% of our male service users are experiencing, or have experienced, suicidal ideation. 5.4% have attempted suicide. All officers and volunteers of the charity should be aware that the charity sits at the epicentre of suicide. The top five indicators of suicide risk are also the top five characteristics of our service users, namely, (i) being a male in mid-life, (ii) being unemployed or employed in unskilled manual work, (iii) having impaired mental well-being especially when socially isolated, (iv) having recently undergone parental separation, especially where there is child contact dispute, and, (v) domestic abuse.

Protection against suicide is therefore a central feature of the charity's normal business. Detailed guidance is provided by a separate policy: Suicide Awareness and Guidance on

Action in Acute Cases. Awareness of this procedure and the responsibilities it imposes are part of the charity's induction process. Further training on the procedure and general suicide awareness is carried out annually, all staff, trustees and volunteers being invited. In particular this procedure defines how cases of serious or acute risk are identified and the action to be taken with them, including the referral process.

15.4 Criminal Offences

This section relates to crimes against an adult. For offences against children see [section 16](#). Whatever action is taken, or whatever discussions take place, particular attention should be paid to leaving a documentary record (see [section 17](#)). Such records might be relied upon in subsequent criminal investigations.

15.4.1 Crimes Committed Against or By a Service User

[The CPS state](#) that there is no legal obligation to report a crime to the police in the UK. (In some jurisdictions, e.g., some States of the USA or Australia, there does appear to be such an obligation, but not in English Law). This is important because reporting a crime may not always be in the best interests of the victim, either because of the risk of reprisals or because an escalation to criminal proceedings will obviate less draconian measures, such as reconciliation. The matter hinges on severity and the particulars of the case.

Our duty is safeguarding, not criminal prosecution. However, reporting a crime becomes appropriate if this furthers the interests of safeguarding, taking into account all concerned. If so, it will be up to the victim to make the report. The police are very unlikely to take any report further if they do not have the victim's interview evidence.

Should the charity become aware that a service user has committed a crime against another, whether a child, an (ex)partner or an officer of the charity, AND this crime has been committed since registration with the charity, they should be asked to desist and be made aware that the charity is under no obligation to continue to assist their case. Whether assistance to the service user is terminated immediately, or a provisional warning given, will depend upon the circumstances and the severity of the crime in question. In this context it should be borne in mind that a large proportion of allegations against service users will be false and it may be necessary to make a judgment on that basis. Moreover, even genuine offenders are entitled to due process of law, and part of the charity's services (e.g., legal advice) fall in that category. Consequently, offending should not necessarily lead to termination of support.

If a crime has not yet occurred but there is a likelihood of an offence occurring, it becomes incumbent upon the charity, if it be within our power, to take action to attempt to prevent the offence. The charity's IDVA or the service user's Buddy should be involved in discussing the matter with the service user to that end.

15.4.2 Crimes Committed Against Charity Officers

Where the victim is any member of staff, a trustee or volunteer, the victim shall notify the Safeguarding Officer who will leave a written record of the nature of the offence. Whether the crime is also reported to the police is at the discretion of the victim and the charity imposes no policy directive on that issue.

15.4.3 Crimes Committed by Charity Officers

The Policy shall be that if the charity becomes aware of a criminal offence committed by any member of staff, trustee or volunteer against any victim in the execution of the charity's business, reporting the matter to the police shall be obligatory. The Safeguarding Officer is responsible for bringing such cases to the attention of the Trustees. The Trustees alone shall be responsible for making any required reports to the police. By preference, the offender should be encouraged to self-report instead. Serious offences are likely to lead to termination of employment. A safeguarding report must be raised and must be copied to the Charity Commission.

15.5 Other Harms

This section relates to harms against an adult which may or may not be criminal offences, but have not been determined to be so. For harms to children see [section 16](#). Whatever action is taken, or whatever discussions take place, a documentary record should be retained (see [section 17](#)).

Allegations of harms perpetrated by a service user, and allegations of harms to a service user, are commonplace in the charity's cases. These form part of the client's case itself, typically a family court case. This Policy is not intended to interfere with, or take the place of, our normal business in advising on such matters or providing support consequent upon such harms. This Policy addresses only Special Measures as become required when incidents occur which lie outside normal business (see [section 13](#)).

Issues may arise as part of normal business which a case advisor considers may require communication with external authorities, such as local authority social services, including Cafcass Cymru, or the service user's legal representation. These are decisions for case advisors with which this Policy should not interfere. The scope of the following sections should be understood to be issues beyond normal business requiring Special Measures and a safeguarding report.

15.5.1 Harms to a Service User by a Third Party

Where the charity becomes aware of harms to a service user, the response by the charity will normally be covered by [section 10](#) or [sections 15.1-4](#) or the same principles should be followed.

15.5.2 Harms Perpetrated by a Service User

Should the charity become aware that service user is imposing harms on another, whether a child, an (ex)partner or an officer of the charity, they should be asked to desist and be made aware that the charity is under no obligation to continue to assist their case. Whether assistance to the service user is terminated immediately, or a provisional warning given, will depend upon the circumstances and the severity of the harms in question. The prevalence of false allegations, and their judged likelihood in the individual case, should be taken into account.

15.5.3 Harms Perpetrated by Charity Officers

If the charity becomes aware of harms to any victim perpetrated by any staff, trustee or volunteer with the charity in execution of the charity's business then the charity's

Disciplinary Procedure shall be invoked automatically. The Safeguarding Officer has the responsibility to ensure this.

16. Criminal Offences or Other Harms to Children

The issue of harms to children are a special case because of the vulnerability of children and also because of the unique significance of children in the work of the charity. Hence consideration of actual or potential harms to children is necessary despite children appearing only as “third parties” in the charity’s work, i.e., the charity does not work directly with children.

The charity’s work centres on non-resident parents following parental separation. Parental separation is intrinsically traumatic for children. In fact, it is [the leading ACE](#) (Adverse Childhood Experience). The normal business of the charity aims to minimise adverse impact on children by encouraging constructive, mutually beneficial co-parenting as much as possible.

However, the children involved in a case may also be victims of domestic abuse and allegations to this effect may be made to the charity by a service user. The charity cannot and should not attempt to investigate such claims. However, where they seem to have credibility they cannot be ignored either. The responsibilities of the charity to children in these circumstances are laid down in a separate Policy for Safeguarding Children.

A further issue addressed by that separate Policy relates to the attendance of children at some of the social events organised under the charity’s Buddy Scheme.

17. Internal Safeguarding Reports / Record Keeping

When any instance of harm occurs, outwith normal business, so that this Policy is invoked, the Safeguarding Officer shall be responsible for ensuring that a written report is lodged in the corresponding case in Caseworker.mp. However, any member of staff, trustee or volunteer may author the report. As a minimum the report shall cover,

- The names of the individuals involved;
- The name of the person writing the report;
- The nature of the harm identified;
- The date, time and location of the incident;
- How the issue came to the charity’s notice, who reported the issue to whom, and when;
- What action was taken by the charity;
- The outcome or status at the time of writing;
- Any other information of importance according to circumstances.

The report must be copied to the Safeguarding Officer. Actions to be taken upon the raising of a safeguarding report are addressed in [section 18.2](#).

18. Responsibilities

18.1 Responsibilities of Trustees

- Trustees shall be subject to the same recruitment requirements as staff, including DBS checks (see [section 8.4](#)).
- The Board of Trustees is ultimately responsible for safeguarding in the charity. It is a key part of their governance role. The lead Trustee on safeguarding shall be the Chair. Under this Policy, the Safeguarding Officer (see [section 18.2](#)) is nominated as the Board's lead on safeguarding, reporting to the Chair.
- The Board must be aware of the safeguarding responsibilities they have passed onto others in the charity, as defined by this Policy.
- The Board should review any safeguarding reports at reasonable intervals in order to gauge the state of safeguarding in the charity. To this end it is recommended that "Safeguarding Reports" be a standard agenda item on Trustee Board meetings.
- The Board must be alerted immediately by the Safeguarding Officer if there is a serious safeguarding incident. In that event it is the Board which is responsible for making the decision to (a) make a safeguarding report to authorities outside the charity, and, (b) to report the incident to the Charity Commission (as required by charity registration in the case of serious incidents).
- If the charity finds it necessary to remove an individual (paid staff or unpaid volunteer) from work with "at risk" adults due to safeguarding concerns (or would have done so had the person not left first) the Trustees are advised to make a referral to the DBS. (It would be an offence to fail to make a referral without good reason in such circumstances in the case of regulated activities. However, the charity does not carry out regulated activities, hence the weakening of this to advice rather than obligation).

18.2 The Role and Responsibilities of the Safeguarding Officer

The charity's appointed Safeguarding Officer is the National Manager or, by delegation, the Assistant Manager.

- The Safeguarding Officer is responsible for ensuring that Basic DBS checks are carried out and recorded in conformance with this policy (see [section 8.4](#)).
- The Safeguarding Officer is responsible for ensuring that serious safeguarding incidents are reported immediately to the Board of Trustees. [The bar for an incident to be considered serious is high. [This advice](#) suggests that the definition should be restricted to cases when "abuse or neglect of a child or vulnerable adult is known or suspected, and the child/adult has died or been seriously harmed".]
- The Safeguarding Officer shall be the recipient of all safeguarding reports and ensure they are stored appropriately in the charity's Caseworker.mp system.
- For each safeguarding report raised, the Safeguarding Officer shall be responsible for considering the adequacy of the action taken by the charity given the details of the incident and triggering further action if what has been done is deemed inadequate. This may involve, for example, communications within the charity to raise awareness of the issue and hence to minimise the risk of repeat occurrences.

- When a safeguarding incident is reported it may be that external parties, e.g., those with statutory duties and powers, should be informed of the incident. The Safeguarding Officer is charged with identifying when such cases arise, but shall not refer safeguarding incidents outside the charity unilaterally. In such circumstances the Safeguarding Officer must make a recommendation to the Chair of the Trustee Board. The decision to promulgate the matter outside the charity rests with the Board.
- The Safeguarding Officer is responsible for compiling and presenting to the Board of Trustees an Annual Safeguarding Report. [Guidance regarding what such a report should contain](#) has been provided by NCVO.
- The Safeguarding Officer is responsible for ensuring that all staff, trustees and volunteers are trained in the contents of this Policy. Attendance at such training shall be recorded in the individuals' training records and repeated at intervals.
- The Safeguarding Officer is responsible for maintaining this Policy as a live document, updating periodically as required and obtaining management team approval.
- The Safeguarding Officer shall be the source of advice to staff, trustees and volunteers in regard to the interpretation of this Policy and their responsibilities under this Policy, and shall promote adherence to these responsibilities.

18.3 Responsibilities of Staff

Staff are responsible for,

- Appreciating that safeguarding is everyone's responsibility;
- Encouraging volunteers to feel confident in reporting safeguarding issues;
- Requesting being trained on the contents of this Policy if they have not been trained or if they feel they require a reminder of their safeguarding duties;
- Acting in a timely manner to report any safeguarding incidents of which they become aware, reporting the same in writing in accordance with [section 17](#).

18.4 Responsibilities of Volunteers

Volunteers are responsible for,

- Appreciating that safeguarding is everyone's responsibility;
- Requesting being trained on the contents of this Policy if they have not been trained or if they feel they require a reminder of their safeguarding duties;
- Acting in a timely manner to report any safeguarding incidents of which they become aware to any member of staff or a trustee, or raising a written report.

19. Confidentiality

The legal requirements under data protection by organisations can be found at the [Information Commissioner's website](#). This is implemented within the charity via our Data Protection and GDPR Compliance Policy together with our Privacy Policy. All case data, records, assessments, letters, emails, advice and correspondence are stored in our confidential Caseworker.mp files with cloud storage only. Only members of the management team have

access to this database. (The working files to which volunteers have access, on “Teams”, is separate).

Staff, trustees and volunteers should be mindful at all times that issues relating to live family court cases must not be shared with anyone other than the management team of the charity, the volunteers assigned to the case (if any), and the service user in question or the service user’s legal representative. Violation of this confidentiality condition is potentially an illegal act.

In addition to legal restrictions, the charity also makes a privacy commitment to service users at registration to which all must conform. Personnel should understand that any personal information they may learn about service users in the course of their work should not be discussed with anyone other than the management team or other volunteers who are approved to work on the case in question.

In general this will mean that specific instances of harm, and the documentary reporting that results, will not be shared widely in the charity but confined to the above personnel. However, this should not prevent generic learning points being promulgated to all staff, trustees and volunteers in suitably anonymised form providing that this does not permit identification of the individuals involved.

20. Communication and Training

The Trustees and the Safeguarding Officer as their agent shall ensure that this Policy is promulgated to all staff, trustees and volunteers and that all are trained in the contents of this Policy and their responsibilities under this Policy, both via the induction process and via periodic training thereafter.

Communication of safeguarding issues outside the charity falls under the governance duty of the Board of Trustees, subject to the advice of the Safeguarding Officer (see sections [18.1](#) and [18.2](#)).

21. Allegations Against a Person Within the Charity

This Policy has explicitly addressed harms, or allegations of harms, committed by the staff, trustees or volunteers with the charity. Parallel procedures of relevance are the charity’s Complaints Procedure and its Disciplinary Procedure.

22. Whistleblowing

Whistleblowing is making a report in the public interest where there is wrongdoing, risk or malpractice. It is covered by the Public Information Disclosure Act (1989). The Act provides for protection of certain staff but not yet for volunteers. Staff or volunteers with an issue should first deploy the charity’s Complaints Procedure. Whistleblowing applies only when the procedures in place have failed to give satisfaction. Staff or volunteers contemplating whistleblowing might avail themselves of the advice provided by [Protect](#).

Appendix: Mental Competence

The Mental Capacity Act 2005 sets out five statutory principles which underpin the legal requirements in the Act. These are:

- [1] A person must be assumed to have capacity unless it is established that they lack capacity;

- [2] A person is not to be treated as unable to make a decision unless all practicable steps to help him or her to do so have been taken without success;
- [3] A person is not to be treated as unable to make a decision merely because he or she makes an unwise decision;
- [4] An act done, or a decision made, under the Act for or on behalf of a person who lacks capacity must be done, or made in his or her best interests;
- [5] Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

This Policy was last reviewed and approved by the charity on 9 December 2022.