

Safeguarding Children and Adults at Risk Policy 2020

This policy was approved by the Trustees of the British Museum on 5 November 2020 and will be reviewed no later than 2025.

INTRODUCTION

The British Museum is committed to ensuring access to its collections for children and adults at risk. Everyone who accesses premises, exhibitions, staff and resources should be safe and protected from harm.

This policy is in place to ensure that the Museum is following the requirements of the Safeguarding Vulnerable Groups Act and relevant legislation.

It is mandatory for everyone working at the Museum to abide by the Museum's safeguarding policy, procedures and guidance and undertake any relevant training appropriate for their role. Any employee found not to have followed it may be subject to disciplinary action or alternative appropriate action if they are not an employee.

DEFINITIONS

Child

A child, as defined in the Children's Acts 1989 and 2004, is anyone *who has not yet reached their 18th birthday*. Throughout the Museum's safeguarding documentation, the words 'child' and 'children' are used to mean anyone up to the age of 18.

Adult at Risk

An adult at risk is defined as a person aged 18 and over who is or who may be in need of community care services because of age, illness, physical or learning disability, or someone who is or may be unable to take care of or protect themselves against harm or exploitation (including those who have difficulty in communication and may need additional help).

SCOPE AND ASSOCIATED POLICIES AND PROCEDURES

This policy applies to everyone working at The British Museum and The British Museum Company, including: Trustees, employees, contractors, agency workers and volunteers.

As part of its safeguarding commitment the Museum has allocated responsibilities to a Safeguarding Working Group to act as Designated Safeguarding Officers. Their role is to act as a point of contact for everyone working at the Museum with safeguarding concerns and to advise on safeguarding matters. The group consists of staff from Learning and National Partnerships; Membership; Visitor Services; Security, Human Resources, IS, Marketing and Press and The British Museum Company Limited who have undergone specific training to support this role.

The Safeguarding Children and Adults at risk Policy is used in conjunction with the following policies and procedures:

- Keeping Children and Adults at Risk Safe
- Data Protection Code of Practice
- Disciplinary Procedure
- Recruitment Guide
- Screening of Personnel to meet HMG Baseline Personnel Security Standards (BPSS)
- Volunteer Policy
- Whistleblowing Procedure
- Social Media Code of Conduct

AIMS

The British Museum aims to:

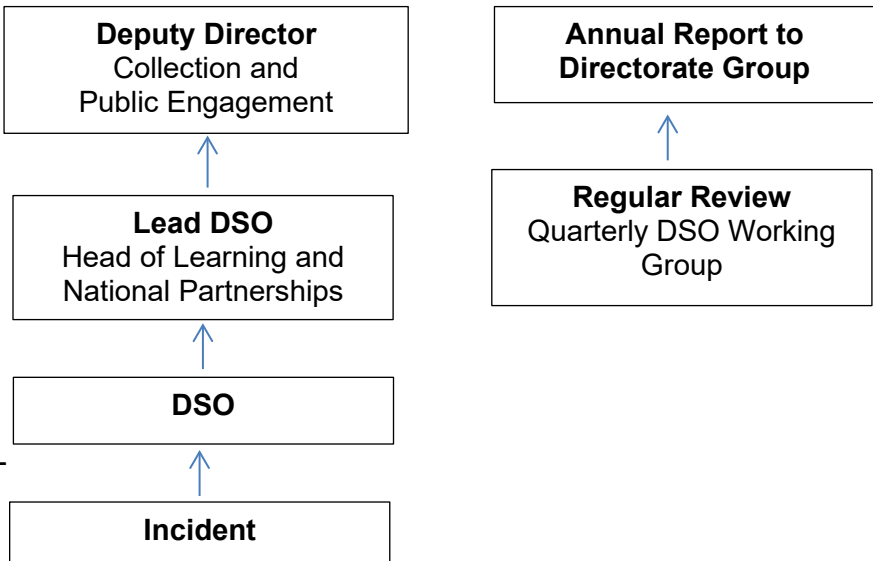
- respect the rights of all children and adults at risk
- provide an environment (including museum-led activities off-site both in the UK and internationally) which is safe and welcoming for children and adults at risk and which protects them from all forms of abuse
- ensure that everyone working at the Museum is aware of the need to protect children and adults at risk and know how to reduce the risks to them
- provide procedures, training and guidance for everyone working at the Museum for their own protection

COMMITMENT

The British Museum endeavours to safeguard children and adults at risk by:

- adopting safeguarding procedures for all which minimise any opportunity for abuse and establish appropriate treatment of children and adults at risk
- ensuring individuals working with children / adults at risk are fully aware of and trained to follow the Museum’s policies, procedures and guidance
- sharing information about safeguarding and good practice with staff, volunteers and visitors
- providing effective management through supervision, support and training
- sharing information about concerns with agencies who need to know, and involving parents/carers as appropriate
- following robust procedures for the recruitment and selection of staff and volunteers and ensuring individuals who are working with children / adults at risk have the appropriate DBS checks in place
- informing staff that not adhering to the policy and guidelines may lead to disciplinary action under the Disciplinary Procedure and taking action as required
- designating members of staff to lead on safeguarding issues
- reviewing our policy, procedure, guidance and practice at regular intervals and updating these in and accordance with current Government legislation and best practice
- taking all safeguarding concerns seriously and responding fairly, swiftly and appropriately to any incidences reported.

SAFEGUARDING REPORTING STRUCTURE



DISCLOSURE AND BARRING SERVICE (DBS)

DBS checks form an important part of the Museum's safeguarding procedures. Careful consideration is given to what level of DBS check is required for each role. You are only legally entitled to carry out an enhanced or enhanced with barred lists DBS check if someone's position is one of those listed in the 'exceptions order' of the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 **and** in the Police Act regulations **and** (for the barred list check) meets the definition of regulated activity.

There are two levels of enhanced checks:

1. Enhanced: To be eligible for an enhanced DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 174 (exceptions) Order 1975 and in Police Act Regulations. If the answer is yes to the two questions below then you are entitled to undertake an enhanced DBS check.

Does the role involve one of the following activities?	Will the work take place regularly?
<ul style="list-style-type: none">• Teaching• Training• Care• Supervision• Advice• Treatment• Transportation• Being in sole charge	<p>This is defined as: Frequently – once a week or more</p> <p>Or Intensively - takes place on four or more days in a 30 day period.</p> <p>Or Overnight – defined as between 2am and 6am</p>

2. Enhanced with adults and or children's barred lists check(s): To be eligible to request a check of the children's or adults' barred lists the position must meet the DBS definition of 'regulated activity'- See appendix 1 for a comprehensive definition of 'regulated activity'. It is important to understand this definition. It is expected that extremely few museum roles would fall into this category.

Everyone working at the Museum who is eligible is required to undertake an enhanced DBS check, or, if they are involved in a regulated activity must have an enhanced with barred list check. This is a requirement of the Museum as part of their safeguarding responsibilities. If in any doubt at all Human Resources or the Volunteer Office should be contacted immediately.

The Museum will accept a certificate previously issued by another organisation provided that the individual is a member of the update service and the Museum can carry out an instant update check. (For further information please see the Update service section below).

Prospective employees

The need for an enhanced DBS, or enhanced DBS check and barred list check, must be made evident by the recruiting manager when requesting approval to recruit.

Once an individual has been selected for a vacancy requiring an enhanced DBS check their status will be checked by Human Resources as part of the recruitment procedure. The individual will not be permitted to commence work until their disclosure has been approved by HR. The individual should show their enhanced DBS certificate to their HR Advisor as soon as they have received it.

Existing Employees

Individuals who are currently employed by the Museum whose roles are deemed by HR to require an enhanced DBS check, or enhanced with barred list check, will be checked every 3 years.

Where an employed individual is about to commence in an activity which is not part of their regular duties (e.g. volunteering for a BM Young Friends sleepover) they will also need to apply for an enhanced DBS check, or enhanced with barred list check, and have it returned clear before they commence this activity.

Contractors and Freelancers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident by the member of staff contracting services from a contractor or freelancer. The staff member needs to consider carefully the question whether they are eligible for either check. The individual will not be permitted to commence work until their disclosure is returned and has been approved by the Contractors Desk.

For contractors employed through a contract for services, the requirement to submit to an enhanced DBS check, or enhanced with barred list check, must be included on the contract. Their status will then be checked by the Contractors Desk as part of their procedure. The individual will not be permitted to commence work until their disclosure has been approved.

Volunteers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident when the volunteer role is created and to the volunteer before they agree to undertake that role/task.

Volunteers, who are eligible for an enhanced DBS check, or enhanced with barred list check, will be required to undertake one.

Once an individual has been selected for a volunteer role requiring either check, their status will be checked by the Volunteer Office and the relevant paperwork completed where necessary. The individual will not be permitted to commence volunteering until their disclosure has been approved by the Volunteer Office.

Update service

Checks carried out by other organisations can now be accepted by the Museum in certain circumstances, using the update service. The update service enables organisations to carry out an instant online check on an individual's enhanced DBS certificate, providing that the individual is registered with this service. The Museum will seek to use the online update service wherever possible. If the post holder is eligible for an enhanced DBS check, they will be asked if they are a member of the update service and in addition asked for their permission to allow the Museum to check their enhanced DBS certificate. If the answer is yes to both questions, the Museum will check their enhanced DBS certificate using the online update service. The Museum takes the refusal of permission very seriously as this may impact on the ability of the post holder to carry out the role.

APPENDIX 1

What is 'regulated activity'?

Regulated activity is work that a barred person must not do.

Since September 2012 the definition of regulated activity has changed. There are now different definitions of regulated activity depending on whether you are working with a child or adult at risk.

Activities that place a post holder in Regulated Activity with children are:

1. Unsupervised activities: teach, train, instruct, care or supervise children, or provide advice guidance on well-being, or drive a vehicle only for children;
2. Work for a limited range of establishments ('specified places') with opportunity for contact: for example, schools, children's homes, childcare premises.

The Museum does not come under the list of 'specified places' and therefore only the first point above is relevant. If the activities in point 1 are being conducted under the reasonable day to day supervision of another person engaging in regulated activity then it is not regulated activity. It is up to the organisation to define what 'reasonable day to day supervision' means.

Illustrative example: A Learning Facilitator is regularly (as defined on page 6) teaching groups of school children at the Museum. This will **not** be considered regulated activity if it is supervised by someone in regulated activity (e.g. a teacher is always present). However, if the Learning Facilitator is usually the only adult present in the room then this is considered regulated activity and they will be eligible for an enhanced with barred list DBS check.

Points to note:

The activity must be for children. If it is merely incidental to activity with adults then it is not considered regulated activity. For example, if a child comes to a training event put on for adults then the trainer would not be engaging in regulated activity.

Activities that place a post holder in regulated activity with an adult (a person aged 18 years and over) are:

1. Healthcare for adults provided by, or under the direction or supervision of a regulated health care professional (members of peer support groups and first-aiders are excluded)
2. Personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting, oral care or care of the skin, hair or nails (excluding only hair-cutting); prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
3. Social work - provision by a social care worker of social work which is required in connection with any health services or social services
4. Assistance with and managing an adult's cash, paying an adult's bills or shopping because of their age, illness or disability
5. Assisting in the conduct of an adult's own affairs under a formal appointment
6. Conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work

Points to note:

- For adults at risk these remain regulated activities even if they are conducted under the supervision of someone in a regulated activity.
- An adult is considered at risk at the point of receiving any of the activities outlined above. The setting in which the activities take place and the characteristics of the adult receiving them are not relevant in deciding whether an adult is at risk.
- A person whose role involves the day to day management or supervision of any person engaging in regulated activity, should check with their HR Advisor to assess if their role is classed as a regulated activity.

APPENDIX 2

Further information

The Government guidance for DBS eligibility can be found here:

<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

The Government overview of the Disclosure and Barring service can be found here:

<https://www.gov.uk/disclosure-barring-service-check/overview>

The Government definition of regulated activity (adults) can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

The Government definition of regulated activity in relation to children can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf