

Royal Botanic Gardens

Kew

Safeguarding Policy

January 2018

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Section I - Policy

1. About this policy

- 1.1 The Royal Botanic Gardens, Kew ("RBG Kew") is a world-famous centre for botanical and mycological knowledge. Through its two public gardens – Kew in west London and Wakehurst in West Sussex – RBG Kew engages with over 1.6 million visitors each year and with millions more people online. RBG Kew is also involved in community outreach activities and its staff frequently work overseas.
- 1.2 We value our engagement with the public, including children and adults who may be vulnerable. Most of the children who visit Kew come with their family, friends and carers or visit as part of an organised school or youth group. Similarly, adults who may be considered vulnerable or at risk, are in the main accompanied by carers.

2. Policy statement

- 2.1 Kew strives to ensure that all staff and visitors have an entirely positive experience in their contact with us and believes that a child or adult should certainly never experience Abuse of any kind through their association with Kew. This policy, therefore, sets out how we intend to safeguard the welfare of Children and Adults at Risk we are in contact with at Kew.
- 2.2 While the primary responsibility for ensuring the welfare of children and adults rests with the accompanying supervising adult/s, Kew has taken all reasonable steps to provide a physical and virtual environment which is safe for the public, as well as its own staff and volunteers and those steps are documented within this policy.

3. Purpose

- 3.1 This document states Kew's policy on the appropriate treatment of Children and Adults at Risk and minimizing the opportunity for Abuse when they are on Kew premises, or in contact with Kew and associates (see Section 4 on Scope). The policy aims to:
 - Promote and prioritise the safety and wellbeing of Children and Adults at Risk;
 - Provide assurance to parents, carers and other parties that Kew takes reasonable steps to manage risks and keep Children and Adults at Risk safe;
 - Ensure that everyone understands their roles and responsibilities in respect of safeguarding and is provided with the necessary information, training and support on safeguarding matters;
 - Prevent the employment of individuals in work with Children and/or Adults at Risk where they have been barred by the DBS or are deemed by Kew to pose an unacceptable risk to Children or Adults at Risk;
 - Ensure that appropriate action is taken in the event of any allegations or suspicions regarding Abuse or Inappropriate Behaviour towards Children or Adults at Risk visiting or interacting with Kew.
- 3.2 The Safeguarding Policy also seeks to manage effectively the risks associated with activities and events involving Children and Adults at Risk by ensuring departments:
 - Complete a risk assessment process which involves identifying risks in this area and means of reducing or eliminating these;
 - Implement the required actions identified by the risk assessment process and reviewing the effectiveness of these on a regular basis;

- Where eligible, ensure that the appropriate DBS or basic disclosure checks are conducted for those working with Children or Adults at Risk;
 - Require employees and those involved in working with Children or Adults at Risk to familiarise themselves with the content of this policy and its Code of Good Practice.
- 3.3 This policy requires that any suspicions and allegations involving Abuse to Children and Adults at Risk are referred to the Designated Safeguarding Leads: Head of Learning and Participation (Kew Gardens), Head of Programmes and Learning (Wakehurst) to determine what action, if any, must be taken. This is to ensure each situation is responded to thoroughly, and that suitable steps are taken, which may include contacting the statutory authorities (police or social services) and/or fulfilling the legal duty to refer information to the DBS as required. The procedure for managing suspicions and allegations aims to strike a balance between the need to protect Children and Adults at Risk from Abuse and the need to protect staff and others from false or unfounded accusations.

4. Scope and governance

- 4.1 This policy applies to RBG Kew, RBG Kew Enterprises Limited (“Enterprises”) and the Foundation and Friends of the Royal Botanic Gardens, Kew (“Foundation”) (all referred together in this document as “Kew”). All employees, trustees, officers, casual workers and agency workers (collectively “staff”) volunteers, students, consultants and contractors are required to be fully aware and adhere to this policy and are responsible for its successful implementation. Any breach of this policy (or suspected breach) should be reported to the Designated Safeguarding Leads: Head of Learning and Participation (Kew Gardens), Head of Programmes and Learning (Wakehurst).
- 4.2 Kew’s Director of Horticulture, Learning and Operations and Wakehurst’s Director have joint overall responsibility for the effective operation of this policy which has been reviewed, approved and endorsed by the Board of Trustees. The policy shall be reviewed at regular intervals (as specified in Clause 6.26) to ensure that it meets legal and policy requirements and reflects best practice. If you have any questions regarding this policy or any of its associated procedures, please contact the Head of Learning and Participation (Kew Gardens) or the Head of Programmes and Learning (Wakehurst) who are RBG Kew’s designated leads for safeguarding.

Section II - Procedures

5. Safeguarding framework – procedures for keeping children and adults at risk safe at Kew

Kew recognises that providing a safe environment for all, but particularly for Children and Adults at Risk, involves creating a culture in which safeguarding is second nature. As part of this, the provision of practical guidance and procedures is necessary to support staff in meeting their safeguarding responsibilities. The following section outlines the key areas of activity to support development of this culture.

Safer recruitment

- 5.1 Kew already has excellent recruitment processes in place but will review and, where necessary, adapt and provide processes to ensure that managers are able to assess roles, in order to identify and communicate DBS requirements in adverts, undertake appropriate enquiries during interviews and implement any required checks, in order to minimise risks, such as gaps in employment history and to deter and detect those that may be a risk to Children and Adults at Risk.

Code of good practice

- 5.2 Kew staff, volunteers, students, consultants and contractors are required to comply with the Safeguarding Code of Good Practice (see Section 7. below). Kew will take timely and appropriate action against those who breach the Code. In serious cases, this may include disciplinary action in line with the provisions of Kew's disciplinary procedures, and/or referral to the relevant authorities for appropriate action, including criminal prosecution. Obligations to adhere to the Code must be included in all relevant contracts and agreements.

Education and training of employees

- 5.3 Kew understands that, in order for this Safeguarding Policy to be well understood and effectively implemented, it is essential that there are high levels of awareness regarding the policy and that staff are clear, confident and competent in putting the policy into practice.
- 5.4 All staff, volunteers and students shall be made fully aware of their duties to report actual or suspected Abuse, Inappropriate Behaviour or any possible breaches of the policy including the Code of Good Practice by undertaking the following levels of training. Kew will also adequately brief consultants and contractors on the policy, as appropriate.
- 5.5 Level 1 – All trustees, staff, volunteers and, where appropriate, third party contractors would be introduced to Kew's safeguarding policy and procedures and how to report a safeguarding incident within Kew. This would be initially rolled out through Kew intranet, team meetings, drop-in sessions and an information pack. Level 1 awareness would then be managed by HR during induction for new staff, and the Volunteer Co-ordinator for new volunteers.
- 5.6 Level 2A – For staff, volunteers and contractors who have contact with Children and Adults at Risk, such as teachers, explainers, co-ordinators, those responsible for school work placements or communicating on social media as part of their role and so on, it is proposed that face to face training is undertaken. This covers Kew's policies and procedures, the legal framework, types of Abuse, how to recognise risky situations, responding to a disclosure, reporting (including referrals to external regulators).
- 5.7 Level 2B – For managers responsible for anyone who works with Children or Adults at Risk or communicates with such audiences on social media and who have responsibility for recruiting and inducting staff and reporting incidents. This will take 1 day and covers the manager's role in implementation of Kew's safeguarding policy, safer recruitment, creating a safe environment, managing incidents, responding to allegations against staff, e-safety.

- 5.8 Level 3 – For safeguarding leads or those with designated safeguarding roles, including any directors and possibly trustees with overarching responsibility for safeguarding, the following face to face training is proposed. This will take 1 day and covers the roles and responsibilities of a safeguarding lead, creating best practice procedures, assessing safeguarding risks, responding appropriately to safeguarding concerns, delivering safeguarding training, reporting outside of Kew and awareness of wider safeguarding concerns.

Management responsibilities

- 5.9 All managers shall be responsible for ensuring staff, volunteers, students, consultants and contractors are aware of the policy and are supported to implement and work in accordance with it, as well as creating a management culture that recognizes the importance of safeguarding.
- 5.10 The Trustees and Executive Board are ultimately responsible for ensuring the effective implementation of the policy and that everyone associated with Kew is equipped and supported to meet their safeguarding responsibilities. The Executive Board are responsible for establishing a safeguarding committee which shall meet twice a year to monitor progress on implementation of the policy and identify any additional action required to support and improve the safeguarding environment within Kew.

Personal data and image use

Kew recognises its obligations to process personal data in line with data protection legislation¹ and to safeguard information concerning members of the public, including the use of images and stories of Children and Adults at Risk. Choices of such images and messages must be made based on values of respect, equality, dignity and fairness and in line with existing processes, obtaining consent where appropriate or necessary.

Responding to complaints

- 5.11 Kew is committed to responding effectively and sensitively to all allegations, suspicions or disclosures of Abuse, both current and historical and whether involving Kew staff, volunteers, contractors or not, and undertakes to develop simple, clear and accessible mechanisms for reporting safeguarding concerns. Kew places a mandatory obligation on all staff to report concerns, suspicions, allegations, disclosures and incidents that indicate actual or potential Abuse of Children and/or Adults at Risk, Inappropriate Behaviour, or that suggest this policy may have been breached in any way.
- 5.12 Designated Safeguarding Leads (DSLs) have been established (Head of Learning and Participation (Kew Gardens), Head of Programmes and Learning (Wakehurst) and will receive ongoing support and training in understanding how to effectively discharge their duties. Managers are responsible for ensuring that the reporting procedures are followed, so that suspected cases of abuse are reported to the DSLs via the reporting form set out in Annex III [to be included]. The DSL shall ensure that such reports are responded to appropriately and referred promptly to the relevant authorities as required.

Ensuring contractor compliance

- 5.13 Kew requires all external contractors that are working/in contact with children and/or Adults at Risk to work in ways that are consistent with the principles and policies statements expressed herein.
- 5.14 Relevant agreements/contracts must include reference to the safeguarding policy, and managers overseeing contractors shall work with contractors to secure their commitment to meeting the policy requirements, as is appropriate to the activity.

¹ Currently The Data Protection Act 1998, but from 25 May 2018 the General Data Protection Regulation (GDPR) and any replacement UK legislation that may be enacted.

Risk management

5.15 Kew already operates extensive risk management processes to ensure that a wide range of risks across the organisation are effectively identified and addressed. The risk of Children and Adults at Risk being exposed to Abuse or Inappropriate Behaviour as a result of any Kew activity (through staff or volunteer misconduct or poor activity design or delivery, for example) shall be further mitigated by the addition of a specific safeguarding risk assessment that can be used where required.

Implementation, monitoring and review

5.16 Kew shall set up a safeguarding oversight committee. The committee shall meet twice a year to review safeguarding generally (including progress in respect of implementation of this policy) along with those issues that have been reported, in order to identify and recommend areas for improvement.

5.17 Kew shall review this policy after 1 year from its initial publication, and thereafter every two years (unless changes to law or guidance require earlier review).

Resources

5.18 Kew undertakes to commit sufficient resources to support initial roll out of the policy, implementation and any ongoing monitoring or identified improvements.

5.19 In line with the procedural framework outlined above, when working at, with, or on behalf of Kew, the following policies and procedures must be adhered to:

- a) Recruitment, selection and vetting for staff and volunteers
- b) Completion of any required safeguarding training
- c) Code of Good Practice when dealing with Children or Adults at Risk, as set out below
- d) Disclosing concerns about a Child or Adult at Risk;
- e) Whistleblowing policy
- f) Data protection policy
- g) All Health and safety policies and procedures (including the Contractor's Code of Practice)
- h) E-safety guidance [to be developed]
- i) [others]

6. Code of good practice

6.1 When working or liaising with Children and Adults at Risk, all staff, volunteers, students, consultants or contractors should be made aware and comply with the following Code of Good Practice:

- a) All individuals shall be treated with respect regardless of race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- b) Threatening, abusive or sexually provocative language or Inappropriate Behaviour towards anyone is prohibited.
- c) Immediately report any allegations, suspicions or disclosures about potential or actual Abuse or Inappropriate Behaviour to the Designated Safeguarding Leads: Head of Learning and

Participation (Kew Gardens) or the Head of Programmes and Learning (Wakehurst).

- d) In cases of a lost Child or Adult at Risk, injury or other emergency or danger, seek assistance from constabulary (at Kew via ext 3333) or a Ranger (at Wakehurst via ext 4070 or the radio system).
- e) Unless it is part of your designated role, minimise situations where you may be alone with Children or Adults at Risk, but if unavoidable, inform another member of staff of the situation as soon as you can.
- f) Remember that interactions via email and social media can be open to misinterpretation, and refrain from exchanging personal details including personal contact details with Children and Adults at Risk. Ensure that photographs, video or other images of Children and Adults at Risk are only taken with the permission of their parents or carer, and under Kew's standard written terms.
- g) Remember that this policy and the principles within it apply at all times, whether on Kew Premises, or acting on behalf of Kew outside its Premises, both within the community and when overseas.
- h) Immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occur during association with Kew that relate to exploitation and Abuse of a Child or Adult at Risk.

7. Legal background

7.1 There are many statutes that include provisions relating to the welfare and protection of Children and Adults at Risk. These include but are not limited to:

- Children Act 1989
- Data Protection Act 1998
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012)
- The Children (Performances and Activities) (England) Regulations 2014
- Relevant government guidance on safeguarding children - HM Government Guidance on working together to safeguard children

Further details on key legislation in this area, and additional useful references may be found at Annex II.

8. Version and revisions to this policy

8.1 Version 1 of this policy was approved on 8 December 2017 by RBG Kew's Board of Trustees.

Annex I Definitions and terms

Definitions based on the Department of Education's "Working Together to Safeguard Children" statutory guidance on inter-agency working March 2015.

Abuse: A form of maltreatment. Somebody may abuse or neglect a child or Adult at Risk by inflicting harm, or by failing to act to prevent harm. Children and Adults at Risk may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children and abuse can take varying forms, examples of which are as follows:

Physical – physical contact resulting in pain, hurt or injury including by use of an instrument, or failure to prevent such abuse.

Emotional – the cause of distress, trauma or psychological damage by severe or persistent emotional ill-treatment; disparagement, bullying, verbal abuse, harassment, grooming or controlling behaviour.

Sexual – forcing or encouraging the participation in sexual activities (whether involving physical contact or not) either which the individual does not, or is unable to, give consent to, or may not understand or fully comprehend.

Neglect – the persistent failure to meet or provide basic physical or psychological needs, such as food, shelter, clothing, supervision or protection from physical and emotional harm.

Child: A child is any person under the age of 18.

Adult at risk (also referred to as vulnerable adults): An adult who may be vulnerable to abuse or maltreatment is deemed to be someone aged 18 or over, who:

- i) Has needs for care and support
- ii) Is experiencing, or is at risk of, abuse or neglect; 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.

Inappropriate Behaviour means any behaviour constituting a criminal offence, or which intentionally adversely affects the health, safety or welfare of any other individual.

Regulated Activity means

In relation to Children: activities that involve certain close interaction with Children which is unsupervised*, such as teaching, training, instructing, caring or supervising if such work carried out once a week or more, or on 4 or more days in a 30 day period).

*unsupervised, means not regularly supervised by someone who themselves is in Regulated Activity, and so has therefore been subject to appropriate disclosure and barring service checks.

In relation to Adults at Risk: the provision of healthcare, personal care or other social care or assistance with the conduct of their affairs. Assistance need only be carried out once to be considered Regulated Activity, but does not include (e.g) assistance with finishing a meal on a one-off basis.

Annex II Relevant key legislation and guidance

Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012)

Sets out the framework for the Disclosure and Barring Service (DBS) and makes it a criminal offence for both individuals, and employers to enable anyone on the barred lists to undertake Regulated Activity relating to children or adults at risk.

Data Protection Act 1998 and (from May 2018) the General Data Protection Regulation 2016

Determines requirements when processing personal data from which a living individual can be identified, or special categories of personal data, such as racial or ethnic origin, health data, political, religious beliefs or sexual orientation.

Department for Education Statutory Guidance: Regulated Activity (Children) – supervision of activity with children which is regulated activity when unsupervised.

Provides guidance on the supervision by staff or volunteers of children.

Equality Act 2010.

Harmonises the law on discrimination and equality, making it unlawful to discriminate against, harass or victimise anyone when carrying out a public function.

The Children (Performances and Activities) (England) Regulations 2014

Sets out requirements for local authority licencing for activities involving children (for example if involving a child in a paid photo-shoot), which documents steps taken to safeguard the child's welfare, identifying a responsible person and chaperoning.

Other references

HM Government Guidance on working together to safeguard children. Also known as “A guide to inter-agency working to safeguard and promote the welfare of children”, this summarises obligations for local authorities, healthcare and educational organisations. However, it also applies to those in the community and voluntary sectors and sets out formal definitions of the terms Physical Abuse, Emotional Abuse, Sexual Abuse, and Neglect.

Children's Acts 1989 and 2004 setting out requirements for local authority care, the provision of a Children's Commissioner and the promotion and safeguarding of children's welfare, whilst also recognizing parental responsibility for children.

Sexual Offences Act 2003, sets out a number of key offences including child sex offences, abuse of a position of trust and indecent photographs.

Criminal Justice and Court Services Act 2000, relates to disclosure and child protection issues.