



# **Safeguarding Children and Adults at Risk Policy**

**The Gurkha Museum Trust**

**Registered Charity No 1169920**

**Adopted: May 2018**

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Governance Committee, The Gurkha Museum Trust**

**To be reviewed annually: Next review November 2026**

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## **THE GURKHA MUSEUM TRUST**

**Registered Charity No 1169920**

# **Safeguarding Children and Adults at Risk Policy**

## **Introduction**

The Gurkha Museum is committed to protecting children and adults at risk against all forms of abuse and recognises its duty to ensure that appropriate action is taken where a child or adult is identified as experiencing, or at the risk of experiencing, abuse.

This policy sets out the Museum's obligations on adhering to the requirements of the Safeguarding Vulnerable Groups Act 2006 and Care Act 2014 during all stages of an individual's employment with the Museum, whether paid, contracted or voluntary in capacity.

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

This policy will be made available on request to group leaders, teachers, and relevant police authorities.

The designated safeguarding lead is the Director of The Gurkha Museum Trust.

## **Definitions**

### Child

A child, as defined in the Children's Acts 1989 and 2004, is anyone *who has not yet reached their 18<sup>th</sup> birthday*. 'Children' therefore means 'children and young people' throughout.

### Adult at Risk

An "Adult at Risk" is defined as someone aged 18 years or over; who may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

For the purposes of this policy both definitions will cover not only those who visit the Museum but all such persons with whom Museum staff and volunteers may come into contact in the course of carrying out the Museum's business and activities.

## **Scope and Associated Policies**

This policy applies to everyone working at the Museum or on Museum outreach activities (including employees, contractors, temporary workers, volunteers and casual workers).

As the Museum receives visits from schools, children, young persons and vulnerable adults in addition to the Museum's own Education and Outreach programme and that of Winchester Military Museums. Trustees have agreed that it is the policy of the Museum for all senior members of staff to undergo Basic DBS checks. The Chair of Trustees in his/her supervisory

role is also to undergo a Basic DBS check as are any Staff or Volunteers who assist with the Museum's Education and Outreach Programme.

The Safeguarding Children and Adults at Risk policy should be read in conjunction with the following policies: *Privacy Policy and Volunteer Management Policy*.

This policy and the associated guidance will be reviewed annually or sooner if required by changes in legislation or procedure, or following any relevant incident.

## **Aims**

The Gurkha Museum Trust aims to:

1. Respect the rights of all children and adults at risk.
2. Provide an environment (including museum-led activities off-site) which is safe and welcoming, and which protects children and adults from all forms of abuse
3. Ensure that everyone working at the Museum is aware of the need to protect children and adults at risk, and knows how to reduce the risks to them.
4. Provide procedures and guidance for everyone working at the Museum for their own protection.

## **Commitment**

The Gurkha Museum Trust and everyone who works within it endeavours to safeguard children and adults at risk by:

1. Adopting safeguarding procedures for all which minimise any opportunity for abuse and establish appropriate treatment of children and adults at risk.
2. Ensuring individuals working with children/ adults at risk are fully aware of and trained to follow the Museum's procedures, guidance and Code of Practice.
3. Sharing information about the principles of safeguarding and good practice with staff, volunteers and visitors.
4. Providing effective management through supervision, support and training.
5. Ensuring any accompanying individuals (parents, carers, teachers etc.) are aware of their own responsibilities in relation to safeguarding.
6. Sharing information about concerns with agencies who need to know, and involving parents/carers as appropriate subject to the provisions of GDPR.
7. Following robust procedures for the recruitment and selection of staff and volunteers and ensuring that individuals who are working with children/adults at risk have the appropriate DBS checks in place.
8. Informing staff that not adhering to the policy and guidelines will lead to formal disciplinary action as outlined in the Staff Manual.
9. Designating a member of staff to lead on safeguarding issues, who shall be the Head of Fundraising and Marketing (as line-manager for the Outreach and engagement team) for the time being.
10. Reviewing the policy and practice on an annual basis and as follow up to any legislative/policy change or a relevant incident.
11. Ensuring safeguarding policies and procedures are regularly updated in accordance with current Government legislation and best practice.
12. Taking allegations seriously and responding fairly, swiftly and appropriately to allegations of abuse.

## **Code of Practice**

Everyone working at the Museum has a responsibility to ensure that children and adults at risk visiting the Museum, or engaging in its activities, are protected from abuse. It is each individual's responsibility to ensure that:

1. Their behaviour is appropriate at all times.
2. They observe the rules established for the safety and security of young and/or vulnerable people and understand the consequences of not adhering to these rules.
3. They recognise the position of trust in which they have been placed and seek to protect themselves.

All those who are involved in an activity with children or adults at risk at the Museum, or during its off-site events, are required to understand and adhere to the code of behaviour as follows:

1. Always ensure that other members of staff/volunteers are informed about where they are undertaking an activity with children and what that activity is.
2. Avoid spending time with children or vulnerable adults alone and unobserved. Ensure that when they are with children or vulnerable adults that another member of staff/volunteer is present if at all possible or at least that other adults are present in the vicinity.
3. Colleagues should be vigilant and aware of safeguarding risk at all times. In the event of any concern about a colleague's conduct they must report the matter to the Designated Safeguarding Officer.
4. Do not have, or be perceived to have, favourites amongst children or vulnerable adults you come into contact with.
5. Do not develop social relationships with children or adults at risk. If coming into contact with those who have been at work in a social situation, you should maintain a professional distance.
6. Do not arrange meetings with children or adults at risk outside of work context.
7. Be aware of any physical contact. You should not have physical contact with children or vulnerable adults unless this essential – for example for their safety.
8. Do not engage in inappropriate behaviour, speech or contact.
9. Never make suggestive remarks or threats or use any other inappropriate language.
10. Do not give out personal gifts of any kind and report any gifts received to the line manager.
11. Take any allegations or concerns about abuse seriously and refer concerns immediately following the Museum's procedures.
12. Do not do things of a personal nature which a child or adult at risk can do for themselves or have done by an appropriate care-giver.
13. Do not take photos or film any child or adults at risk for personal use. Note that any photos taken for the purposes of the Museum require the consent of the individual/their parent/teacher.

If an individual has any concerns about any aspects of the procedures, appropriate checks or the Code of Practice, then they should contact the Designated Safeguarding Officer.

Trustees are responsible for safeguarding even if certain aspects of the work are delegated to staff. Trustees therefore make this clear commitment, will publish this policy and hereby state that failure to follow it will be dealt with as a very serious matter.

## **Disclosure and Barring Service**

DBS checks form an important part of the safeguarding policy. Since December 2012 the regulations surrounding DBS checks have changed, particularly with regard to regulated

activity. Careful consideration will be given to whether a DBS check is required for each role. Of the staff and volunteers at the Museum it has been carefully considered that Basic DBS checks are required for all senior management staff and the Chair of Trustees. Staff are only legally entitled to carry out an enhanced or enhanced with barred lists DBS check if someone's position is one of these listed in the 'exceptions order' of the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and in the Police Act 1997 regulations and (for the barred list check) meets the definition of regulated activity. Standard checks are only available for certain roles and tasks, which are beyond the scope of the Museum's activities.

There are two levels of enhanced checks:

### **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 staff are entitled to undertake an enhanced DBS check.

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

### **Enhanced with adults and/or children's barred list 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'. 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, the Designated Safeguarding 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).

### **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.



Signed:

Daren Bowyer MA MPhil PhD

Safeguarding Lead

Director

[Director@TheGurkhaMuseumTrust.co.uk](mailto:Director@TheGurkhaMuseumTrust.co.uk)

01962 842832 (ext 6)

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## 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 working with a child or a vulnerable adult.

#### **Activities that place a postholder in Regulated Activity with children are**

1. Unsupervised activities: teach, train, instruct, care or supervise children, or provide 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 member of staff is regularly 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 member of staff 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 specifically 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 postholder in Regulated Activity with a vulnerable adult (a person aged 18 years or 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 and 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 vulnerable adults these remain regulated activities even if they are conducted under the supervision of someone in a regulated activity. An adult is considered vulnerable at the point of receiving any of the activities outlined above. The settings in which the activities take place and the characteristics of the adult receiving them are not relevant in deciding whether an adult is vulnerable.



## **Appendix 2**

### **Further Information**

The Government guidance for DBS eligibility can be found here:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Detailed guidance by the Government on the Disclosure and Barring Service can be found here: <https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>