

The evolving safeguarding risk landscape

How should organisations
respond to today's challenges?

Contents

- 2 Introduction
- 3 The evolving legal landscape
- 10 Putting the right policies and procedures in place
- 11 Helping customers manage safeguarding risks



Introduction

Organisations today face a daunting array of emerging and evolving safeguarding risks.

For any organisation that has contact with children or adults at risk (vulnerable adults), there is no duty more important than protecting them from harm.

However, with the speed at which this risk landscape is evolving, it can be difficult for organisations to keep up with the latest concerns and legislative developments.

While longstanding risks – such as physical abuse of young people and child sexual exploitation – remain key challenges, there are other risks (e.g. online abuse) that did not exist before the arrival of the internet, social media and smartphones. There are also other risks that have been present for many years which are now gathering greater prominence. These include knife crime, drugs, radicalisation, and sexual abuse in sport.

In recent years, there have been attempts to update safeguarding legislation and guidance to ensure it more accurately reflects the range of dangers that exist today. However, as we will discuss in this whitepaper, legislative progress has not always been smooth.

As even lawmakers struggle to keep pace with the speed of change in terms of safeguarding risk, it should be no surprise that many organisations across the public, private and voluntary sectors are finding it difficult too.

We understand the position our customers find themselves in, and hope this report provides vital support and information to help you navigate this risk landscape.



The evolving legal landscape



Safeguarding laws and guidelines are continually being reviewed – and keeping track of all the relevant changes can be difficult for many organisations.

While statutory safeguarding guidance is reviewed and updated regularly, there are some recent changes that organisations with safeguarding exposures should be particularly aware of.

Some of these changes may only apply in certain circumstances, or in particular parts of the United Kingdom. However, the factors influencing these changes may carry far wider relevance.

The evolving legal landscape

Government bans unregulated accommodation: Children & young people

Supported accommodation providers for looked after 16–17-year-olds will be required to register with the regulator Ofsted.

Children receiving or leaving care will be given more robust protection after new regulations banning unregulated accommodation will be required to register with Ofsted and must meet all regulatory standards by October 2023. A consultation was held with children, young people and professionals working within the sector on the standards of approach to regulation. The consultation response succeeds the publication of the government's children's social care strategy, delivering on commitments set out by the strategy. The regulator Ofsted will commence the new inspection schedule as of April 2024 to include the previously unregistered services.

Providers can begin registering with Ofsted as of April 2023 but must be registered by October or could face prosecution. Providers will be required to complete a review of the support they are offering young people every six months, and will need to include the views and experiences of children and young people. The reports are required to be submitted to the regulator.

The measures are backed by £142 million in funding that will be shared over three years with £17.2 million set to be allocated to Ofsted and £123 million to local authorities. The department for education has been awarded a £750,000 contract to the national children's bureau to support the changes.

Working Together to Safeguard Children

In July 2018, the Department for Education published a new edition of the statutory guidance [**Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children**](#). WTSC is a national framework on how organisations in England should work together to safeguard children and promote their welfare. Working Together 2018 places a statutory duty on three key agencies to hold local responsibility for safeguarding; the local authority, the police and health (through the Clinical Commissioning Groups — CCGs). WTSC guidance is for: local authority chief executives, directors of children's services, safeguarding partners, teachers and education staff, social workers, health service professionals, adult services, police officers & voluntary and community sector workers in contact with children and families.



The evolving legal landscape

Safeguarding partners model: effective multi-agency working

WTSC 2018 implements a safeguarding partners model. Under this model, the Safeguarding Partners in each local area – clinical commissioning groups, police and local authorities – will be equally responsible for coordinating multi-agency safeguarding arrangements locally. Other organisations will need to understand how to work with the safeguarding partners – and refer concerns.

WTSC 2018 also sets out a series of specific duties applying to organisations that work with children and families. One of the most important changes in the 2018 guidance is a broadening of who these duties apply to. WTSC 2018 makes clear that almost all organisations that have contact with children, including clubs and small businesses, need to have in place the arrangements outlined in Chapter 2 of the [guidance](#), including:

- Clear whistleblowing procedures
- Clear procedures for escalating safeguarding concerns
- Information-sharing processes
- A designated child safeguarding practitioner
- Safe recruitment practices
- Appropriate supervision and support for staff
- A culture of listening to children and taking into account their wishes and feelings

In July 2022, the [WTSC 2018 was updated](#) to reflect recent changes in legislation.

- Integrated care boards have replaced clinical commissioning groups as a result of the Health and Care Act 2022
- Public Health England: has now been replaced by the UK Health Security Agency and the Office for Health Improvement and Disparities (OHID), which is part of the Department of Health and Social Care, and by the UK Health Security Agency. The Chief Public Health Nurse role has transferred to OHID
- Domestic Abuse Act 2021: references to the Domestic Abuse Bill should be read as the Domestic Abuse Act 2021
- UK GDPR: references to the GDPR should be read as the UK GDPR. The UK GDPR is the retained EU law version of the GDPR. The UK GDPR sits alongside the Data Protection Act 2018

The evolving legal landscape

Implications for sports clubs

In recent years, the abuse of young people in sport has made headlines, with a number of high-profile scandals involving professional football clubs. While abuse in sport is not a new phenomenon, the increased media coverage has sparked a debate about whether organisations are doing enough to address it. In essence more people have felt empowered to come forward to report that they have been a victim of abuse. This is widening the dialogue about abuse in sport, which can in turn drive a change in legislation.

The updated WTSC guidance specifically references the responsibilities of sports clubs and organisations. It states that: “Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of children, how they should respond to child protection concerns and how to make a referral to local authority children’s social care or the police if necessary.” Organisations should consider what support they can provide to help their staff and volunteers understand and fulfil their safeguarding responsibilities, including providing appropriate guidance and training.

Allegations against people in positions of trust

WTSC 2018 makes clear that all organisations working with children, including sports clubs, should implement policies for dealing with allegations where a person in a position of trust has harmed a child, or behaved in a way that indicates a risk of harm to a child. For the purposes of the guidance, a child is anybody aged under 18.

The guidance is intended to address a legal loophole, that a sports coach could not be prosecuted for having a sexual relationship with a 16-year-old or 17-year-old under their supervision (even though teachers, carers and others in positions of trust could be as they are more heavily regulated). Despite efforts by campaigners and politicians to close the loophole, which would require an amendment to the Sexual Offences Act, the law is yet to be changed.

The key message is that it is now necessary for a sports club or other organisations to follow the updated guidance. Safeguarding can be a major challenge for sports organisations, particularly smaller clubs as they often don’t have in-house safeguarding expertise or resources. Organisations need to understand that abuse can happen anywhere that people interact with other people and that includes sports clubs. It’s vital they understand what their responsibilities are too vulnerable groups and that they implement policies to set out their management intentions and offer an appropriate level of safeguarding training to their staff and volunteers.

The evolving legal landscape

Keeping Children Safe in Education (KCSIE)

The Department of Education published an updated version of KCSIE in June 2022. This replaces the KCSIE 2021 publication and sexual violence and sexual harassment (SVSH) between children in schools and colleges as The SVSH guidance has now been fully incorporated into the KCSIE. The guidance framework is for schools and colleges in England and lays out what these educational settings must do in order to safeguard and promote the welfare of children and young people. issued under Section 175 of the Education Act 2002 (as amended), the Education (Independent School Standards) Regulations 2014, the Non-Maintained Special Schools (England) Regulations 2015 and the Apprenticeships, Skills, Children and Learning Act 2009 (as amended). Schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

The main themes within the publication are as follows:

- **Safeguarding information for all staff** – roles and responsibilities
- **The management of safeguarding** – a full safeguarding legislation & framework
- **Safer recruitment** – clear guidance on robust due diligence
- **Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors**
- **Child-on-child sexual violence and harassment**

One section of the latest guidance explains the most important changes that have been made since the previous guidance was published in 2016. The latest version of KCSIE includes updates on emerging and evolving risks, such as 'county lines' exploitation, honour-based (domestic) violence, and radicalisation.

The safeguarding picture across the UK

Legislation, regulation, and statutory guidance varies in different parts of the UK. For the purposes of clarity and consistency, we have focused here on the relevant legislation and guidance that apply in England (although Deprivation of Liberty Safeguards also apply in Wales), but which may also have relevance in other parts of the UK.

The changes to WTSC and KCSIE, for example, are setting a new standard for children's safeguarding, and they could pave the way for future changes across the whole of the UK.

The evolving legal landscape

Deprivation of liberty safeguards (2023)

The Deprivation of Liberty Safeguards (DoLS) are an important set of safeguards relating to adults at risk (vulnerable adults). Underpinned by the Mental Capacity Act 2005, The safeguards determine when it is appropriate to restrict the freedom of a person who is in receipt of care either in a hospital or other care settings. DoLS become sanctionable when a person lacks the mental capacity to make their own decisions regarding their own treatment and welfare. This is particularly critical in a safeguarding context as DoLS can at times allow restraints and restrictions in a person's support. However, DoLS have long been criticised as not fit for purpose, with the Law Commission arguing they create a 'one-size-fits-all' approach that is not appropriate for every kind of care setting. In April 2019, Parliament agreed a final version of the Mental Capacity (Amendment) Bill, which will introduce a replacement system – Liberty Protection Safeguards (LPs). The new legislation was due to come into force in Spring 2022 but has however been further delayed. LPS will introduce several important changes, including the requirement for a pre-authorisation review, which must be carried out by a professional who is not involved in the day-to-day care of the person who could be deprived of their liberty. A code of practice for LPs was published in June 2022.

Some of the most notable changes:

- DoLS applies only to people in care homes and hospital, LPS will also apply to people in supported accommodation, shared lives accommodation and their own homes.
- Whereas DoLS would only come into effect for those in care 18 or over, LPs will include those who are 16 and 17 too. Which is beneficial as the transition from children's to adult social care is both difficult as far as the individual's experiences but also within the legislation and framework.

LPs is set to solve some challenges that DoLS incurred:

- Create a new simplified legal framework that is accessible and clear to all affected parties
- Deliver improved outcomes for persons deprived of their liberty and their family/ unpaid carers.
- Provide a simplified authorisation process capable of operating effectively in all settings.
- Ensure that the Mental Capacity Act works as intended, by placing the person at the heart of decision-making and is compliant with Articles 5 and 8 of the European Convention on Human Rights.
- Ensure increased compliance with the law, improve care and treatment for people lacking mental capacity and provide a system of authorisation in a cost-effective manner.

LPs has yet to be implemented.

The evolving legal landscape

County Lines

The [national crime agency](#) define [county lines](#) as where illegal drugs are transported from one area to another, often across police and local authority boundaries (although not exclusively), usually by children or vulnerable people who are coerced into it by gangs. The 'county line' is the mobile phone line is used to take the orders of drugs. Importing areas (areas where the drugs are taken to) are reporting increased levels of violence and weapons-related crimes because of this trend.

County lines will typically manifest suburban areas, market towns and coastal towns but can also occur within inner-city areas where the organised crime groups / gangs originate. School aged children, children who are in care and vulnerable adults are at particular risk of exploitation and being forced into participation of such activities. As with child sexual exploitation, children often do not see themselves as victims or realise they have been groomed as they are recruited into engaging in these criminal acts. Any individual who has been groomed into working with or aiding organised criminal networks are at significant risk of violence, financial and emotional abuse. In fact, county lines is a form of abuse in its own right. It is important to be aware of the signs.

What to look out for:

- A change in behaviour (sometimes ant-social behaviour)
- A change in mood (fearful/withdrawn/emotional/secretive/aggressive etc)
- Truancy or trouble at school
- Drug and alcohol misuse
- Going missing for periods of time
- Being spotted in unknown vehicles
- Being spotted with unknown adults
- Increase in visitors to home
- Unexplained money or things of value (iPhone, jewellery, clothes and trainers etc)
- Unexplained injuries

If you have reason to suspect a young or vulnerable person has been or is involved with gang activity you should call your local police constabulary by calling 101 or 999 (in an emergency) or if you would rather remain anonymous you can contact Crimestoppers on 0800 555 111.



Putting the right policies and procedures in place

While there is no one-size-fits-all safeguarding policy template, there are certain features that every policy should include. To help organisations ensure they have covered the key objectives, we have put together a simple checklist.

- | | |
|--|---|
| <input type="radio"/> Does your policy include an opening statement outlining its purpose and explaining to whom it applies? | <input type="radio"/> Can you demonstrate that your policy has undergone an equality impact assessment? |
| <input type="radio"/> Does this statement outline (in general terms) how your organisation will meet its commitment to keeping vulnerable people safe? | <input type="radio"/> In order to demonstrate that your safeguarding policy has been approved and supported by your organisation, has it been signed by a senior member of the leadership team? |
| <input type="radio"/> Does your policy explain the relevant law and statutory guidance that supports it? | <input type="radio"/> Does your policy link to your internal, in-depth safeguarding procedures? |
| <input type="radio"/> Is your policy inclusive? Have you involved people from different parts of your organisation to ensure it is relevant for everyone? | <input type="radio"/> Does your policy reference arrangements for dealing with areas of risk particular to your organisation? |
| <input type="radio"/> Is your policy accessible to the vulnerable people concerned? For example, is there a separate version that is easy for children, or adults at risk, to read and understand? | <input type="radio"/> Does your policy include the date it came into force, when it was last reviewed/ revised, and the date of the next review? |
| <input type="radio"/> Is your policy easy to find? For example, is it clearly advertised on your website (if you have one)? | |

Useful Links:

[What should you include in your charity's safeguarding policies and procedures?](#)
[Safer recruitment and regulated activities: A guide for charities and community organisations](#)

What role should organisations without statutory responsibilities play?

Even organisations that do not have statutory safeguarding responsibilities can play an important role in protecting vulnerable people from abuse and neglect. For example, housing association staff and contractors are well-placed to identify vulnerable individuals and highlight potential safeguarding concerns.

In order to achieve this, organisations should have appropriate policies and procedures in place to help prevent, detect and deal with abuse. This includes providing staff with guidance that enables them to:

- Identify abuse/neglect, and when it is happening to a vulnerable person
- Understand how to record information about potential safeguarding concerns, and about the rationale for any action they have taken to safeguard an individual
- Understand information-sharing practices in the context of safeguarding, whereby they must share relevant and confidential information with other agencies

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