



# Safeguarding Policy

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# Table of Acronyms

CAIT	Child Abuse Investigation Team
CEO	Chief Executive Officer
DSO	Designated Safeguarding Officer
MH&SD	Ministry of Health and Social Development
RDA	Recovery and Development Agency
RDP	Recovery to Development Plan



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# 1 Policy

## 1.1 Introduction

The British Virgin Islands does not currently have a national Safeguarding policy. This was identified back in 2006, and the BVI has been leading an ambitious programme since 2017 to produce such a policy and strategy since then which culminated in a draft national action plan in 2017 to produce such policy and strategy. The Ministry of Health and Social Development is the lead Ministry for the completion of this programme and, therefore, they should be the first point of contact for further development and questions relating to the care and protection of young and vulnerable people. This policy is designed to provide a framework from which to operate in order to protect those in society who are at most risk and should be updated once the BVI policy is completed.

This document cannot be totally comprehensive and, if there is any doubt, advice should always be sought from the Designated Safeguarding Officer who may seek further guidance from the Ministry of Health and Social Development. It is the responsibility of everyone to deliver the safeguarding of young and vulnerable people.

Within this policy, where reference is made to children or young people, this is also to include all vulnerable individuals irrespective of age<sup>1</sup>. This policy applies to all staff, including senior managers and the Board, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of the Recovery and Development Agency.

The purpose of this policy is to:

- Protect children and young people who may be exposed to work of the Recovery and Development Agency.
- Protect staff and volunteers with the overarching principles that guide our approach to safeguarding and child protection.

The Recovery and Development Agency believes that a child or young person should never experience abuse of any kind. It is the responsibility of everyone to promote the welfare of all children and young people and to keep them safe.

The protection of children should focus on:

- Protecting children from maltreatment;
- Preventing impairment of children's health or development;
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- Undertaking the role so as to enable those children to have optimum life chances and enter adulthood successfully.

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<sup>1</sup> *THE CONVENTION ON THE RIGHTS OF THE CHILD* Definition of the child (Article 1): The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Where possible, this should be implemented through coordinated responses in the best interests of the child when abuses and exploitation occur.

## 1.2 Aim

This document has deliberately taken a wide approach to which children fall within the scope of these procedures in order to ensure that the risk of children falling through the net is reduced. On the very few occasions where there is doubt about jurisdiction of responsibility, steps should always be taken in the first instance to protect children. Attempts should then be made to clarify jurisdiction and processes. If a solution is not forthcoming, then advice should be sought from the Ministry of Health and Social Development.

## 1.3 Outcomes

The Recovery and Development Agency Safeguarding Policy has five outcomes that are key to the wellbeing of children and young people. The five outcomes are:

- **Stay Safe:** being protected from harm and neglect.
- **Be Healthy:** enjoying good physical and mental health and living a healthy life style.
- **Enjoy and Achieve:** getting the most out of life and developing the skills for adulthood.
- **Make a Positive Contribution:** being involved with the community and society and not engaging in anti-social or offending behaviour.
- **Achieve Economic Well-Being:** not being prevented by economic disadvantage from achieving full potential in life.

The needs of the child are paramount and should underpin all child protection work and guidance relating to the safeguarding and wellbeing of children.

This Policy should be read alongside the Recovery and Development Policies for:

- Recruitment and training
- Recording and information sharing
- Code of conduct for staff and contractors
- Complaints
- Whistleblowing
- Health and Safety

## 1.4 Roles and Responsibilities

**Programme Level:** Every children's service or project that the RDA operates, where it could come in contact with children, should have a separate Safeguarding Analysis Tool (SAT) and the risk captured on the project risk matrix. An example of a SAT can be found at Annex A.

**Director Level:** Director is responsible for implementing the principles of Safeguarding policy within their business area. How safeguarding is implemented in each area will depend on the number of children for whom the Recovery and Development Agency has responsibility or contact with and whether children's services in that area are provided directly by the relevant client or contractor.

Each area should have in place procedures for managing and handling allegations against staff or volunteers.

**Recruitment:** All Directors are to ensure that all organisations, agencies and contractors accept responsibility for having safe recruitment procedures in place that follow the principles of the policy. This must be overseen by the Head of Human Resources to ensure safeguarding is considered at every stage. Everyone should be alert to the possibility that an individual may pose a risk of significant harm to a particular child or to children in a local community. Employers of staff or volunteers who have substantial unsupervised access to children should guard against the potential for abuse, through rigorous selection processes.

**Designated Safeguarding Officer:** The Designated Safeguarding Officer is the first point of contact for all staff and volunteers to go to for advice if they are concerned about a child (this may also need to be out of hours so staff and volunteers should always know how to contact them). It is their responsibility to make sure all staff are aware of how to raise safeguarding concerns and ensure all staff understand the symptoms of child abuse and neglect. They are also responsible for maintaining accurate and secure child protection records. The Designated Safeguarding Officer should be trained in safeguarding and should complete and update training every two years.

**Staff Level:** All staff have a commitment to safeguard and promote the welfare of children. All organisations and contractors should have or be encouraged to have a safeguarding policy. In circumstances where they do not, they must adopt the policy of the RDA. The policy must be available for and understood by all staff with a clear line of accountability for safeguarding, promoting the welfare of children and child protection.

**Child Abuse Investigation Team (CAIT):** This is managed by a police manager (usually a Detective Inspector) with relevant investigatory experience and/or training. Team members have appropriate access to management information systems. CAITs provides a 24-hour service to:

- Protect life and prevent crime;
- Investigate (often serious) crimes against children;
- Instigate criminal proceedings (in conjunction with the Crown Prosecution Service) provided:
  - a) there is sufficient evidence;
  - b) it is in the public interest to do so; and
  - c) it is in the best interests of the child;
- Share information within and, when necessary, outside the police service to protect children;
- Make decisions and undertake risk assessments;
- Undertake emergency protection of abused or neglected children and use powers of entry and removal, where necessary;
- Share information about sex offenders<sup>2</sup> for local Multi-Agency Public Protection Arrangements;

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<sup>2</sup> Currently the BVI does not have legislation to implement or maintain a Sex Offenders Registry.

- Support civil proceedings; and
- Set professional standards.

**CAIT Terms of Reference are:**

- Intra-familial abuse (as opposed to a 'stranger attack'); Intra-familial means: within the family and extended family defined as aunts; uncles; cousins; siblings including step, fostered, half brother and sister, grandparents, step grandparents, step mothers or fathers and can include long term partners but must be an established relationship.
- Professional abuse - persons working in a child focused environment who abuse their paid position e.g. teachers; sports coaches; youth workers; ministers; caretaker of a school; school cleaner; prison staff.
- Other caregivers - who act as a caregiver with some responsibility for the child at the time of the offence - e.g. babysitters; voluntary groups like scouting, unpaid sports coaches, close personal family friends.
- Where the victim is an adult and the abuse occurred whilst she/he was a child under the circumstances as described above.

## 1.5 Training and Development

All Recovery and Development Agency personnel who work with children, regardless of the level of contact with children, are required to undertake appropriate safeguarding familiarisation training. The aim of the training is to:

- Improve working relationships to achieve better outcomes for children and young people.
- Develop a shared understanding of the tasks, processes, principles, and roles and responsibilities for safeguarding children and promoting their welfare.
- Lead to sound decision-making, based on information sharing, through assessment, critical analysis and professional judgement.

## 1.6 Child Protection Procedures

All personnel who work with or have contact with children and young people should be able to recognise and know how to act on evidence that a child's health or development is, or may be, being impaired. This is particularly necessary when a child is suffering, or is at risk of suffering, significant harm, and they must be alert to possible indicators of abuse or neglect.

Child abuse, in all its forms, can arouse strong emotions in those facing such a situation. It is important to understand these feelings and not allow them to interfere with judgment about the appropriate action to take. Abuse can occur within many situations including the home, school and the sporting and leisure environment. Some individuals will actively seek employment or voluntary work with young people in order to harm them.

All staff members who have, or become aware of, concerns about the welfare or safety of a child or children should always seek advice from the Designated Safeguarding Officer and should know:

- Who to contact in what circumstances, and how;
- What services are available locally;



- How to gain access to local services;
- What sources of further advice and expertise are available; and
- When and how to make a referral to the Ministry of Health and Social Development.

There should always be the opportunity to discuss child welfare concerns with, and seek advice from, colleagues, managers, a designated or named professionals, or other agencies. However, the concerned person should:

- Never delay emergency action to protect a child from harm.
- Always record in writing concerns about a child's welfare, including whether or not further action is taken.
- Always record in writing discussions about a child's welfare. At the close of a discussion, always reach a clear and explicit recorded agreement about who will take what action, or that no further action will be taken.

It is not the responsibility of anyone working for the Recovery and Development Agency, in a paid or unpaid capacity, to decide whether or not child abuse has taken place. However, there is a responsibility to act on any concerns by reporting these to the Designated Safeguarding Officer. It is essential that all staff and contractors fully support and protect anyone, who in good faith, reports his or her concern that a colleague is, or may be, abusing a child.

Allegations of previous abuse. Allegations of abuse may be made some time after the event (e.g. by an adult who was abused as a child or by a member of staff who is still currently working with children). Where such an allegation is made, the Recovery and Development Agency will follow the same procedures as at Annex B. This is because other children, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse must be excluded from working around children.

If there is concern that relates to abuse outside of the Recovery and Development Agency, then this should be reported in the same way.

## 1.7 Confidentiality and Sharing Information

Although disclosure of personal or confidential information without the consent of the subject should be the exception rather than the rule, disclosure without consent is justified in a number of circumstances, including where such disclosure is necessary in order to protect the vital interests of the subject. Each case, though, must be considered on its merits, and advice should be taken.

## 1.8 Promoting Good Practice

Good Practice Guidelines should be encouraged to demonstrate exemplary behavior in order to promote children's welfare and reduce the likelihood of allegations being made. The following are common sense examples of how to create a positive culture and climate:

- Always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets).
- Treating all young people/disabled adults equally, and with respect and dignity.
- Always putting the welfare of each young person first.

- Being an excellent role model - this includes not smoking or drinking alcohol in the company of young people.
- Giving enthusiastic and constructive feedback rather than negative criticism.
- Keeping a written record of any injury that occurs, along with the details of any treatment given.

Use of photographic or filming equipment should only be for work purposes. In situations where it is needed to use photographic equipment around children and vulnerable people, permission must be sought from the parents or the responsible adult (school teacher, for example). It is the responsibility of everyone to stop and report any activity with photographic and video equipment that could be deemed inappropriate.

### 1.9 Accusations of a Member of Staff

The CEO, in conjunction with the Designated Safeguarding Officer, should make an immediate decision about whether any individual accused of abuse should be temporarily suspended, pending further police inquiries or Agency investigation. Irrespective of the findings of the inquiries, the Recovery and Development Agency should assess all individual cases to decide whether a member of staff or contractor can be reinstated. This may be a difficult decision; particularly where there is insufficient evidence to uphold any action by the police. In such cases, the CEO must reach a decision based upon the available information which could suggest that, on a balance of probability, it is more likely than not that the allegation is true. The welfare of the child should remain of paramount importance throughout.

## 2 Annex A

### 2.1 Safeguarding Analysis Tool

This form should be completed and, where the answer is no, the risk should be recorded on the project risk matrix with appropriate mitigation recorded. If contractors do not have a safeguarding policy, then they are to agree to adopt the RDA policy.

<b>Organisation/Company Name:</b>			
<b>Criteria</b>	<b>Please ✓ as appropriate</b>		
	<b>YES</b>	<b>NO</b>	<b>Risk No.</b>
<p><b>Does the Organisation/Company have their own Safeguarding Policy and procedures?</b></p> <p>If Yes, see complete sections 1 below.</p> <p>If No,</p> <p>a. Have they provided written evidence to show compliance with, and promotion of, the principles contained in the RDA Safeguarding Policies and Procedures?</p> <p>b. Have they presented evidence of their own safeguarding policy development plans?</p>			
<p><b>1. Child /Vulnerable Adults Safeguarding Policy</b></p> <p>Does the organisation have a safeguarding policy that all involved in the activity are required to adhere to?</p> <p>Is the policy publicised and promoted to all staff, volunteers and stakeholders?</p>			
<p><b>2. Child/Vulnerable Adults Safeguarding Procedures</b></p> <p>Do the procedures contain clear instructions on what to do in the event of concerns about the welfare or protection of a child, young person or vulnerable adult?</p> <p>Are there clear guidelines for recording concerns about the welfare or protection of a child, young person or vulnerable adult, the organisation's response and reasons?</p>			

<p>Are there clear guidelines for reporting concerns where appropriate to external agencies such as Social Care or Police and partner agencies?</p> <p>Do the procedures contain clear instructions on what to do in the event of an allegation, incident or suspicion of abuse or poor practice?</p> <p>Are there complaints and disciplinary procedures to manage concerns about the behaviour of staff, coaches, volunteers, etc.?</p>			
<p><b>3. Prevention</b></p> <p>Has the organisation identified staff with designated responsibility for safeguarding and protecting children, young people and vulnerable adults? e.g. Designated Safeguarding Officer</p> <p>Are there procedures for recruitment and selection of staff and volunteers including safeguarding checks for those working with children, young people and vulnerable adults?</p> <p>Are there operating procedures in relation to the organisation's duty of care to children, young people and vulnerable adults in place where appropriate? Specifically:</p> <ul style="list-style-type: none"> <li>• Emergency accident procedure</li> <li>• Use of photographic images</li> </ul>			
<p><b>4. Communication and Partnership</b></p> <p>Have all reasonable steps been taken to ensure that children, young people and vulnerable adults and care takers are informed about the policy and procedures, and how they can raise concerns?</p> <p>Are there processes for holding and sharing information?</p>			
<p><b>5. Education and Training</b></p> <p>Are all those working with children, young people, vulnerable adults and those with responsibility for running activities appropriately trained in safeguarding and protecting children, young people and vulnerable adults?</p>			
<p><b>6. Review and Monitoring</b></p> <p>Is it clear when and by whom the policy was formally adopted on behalf of the organisation?</p>			

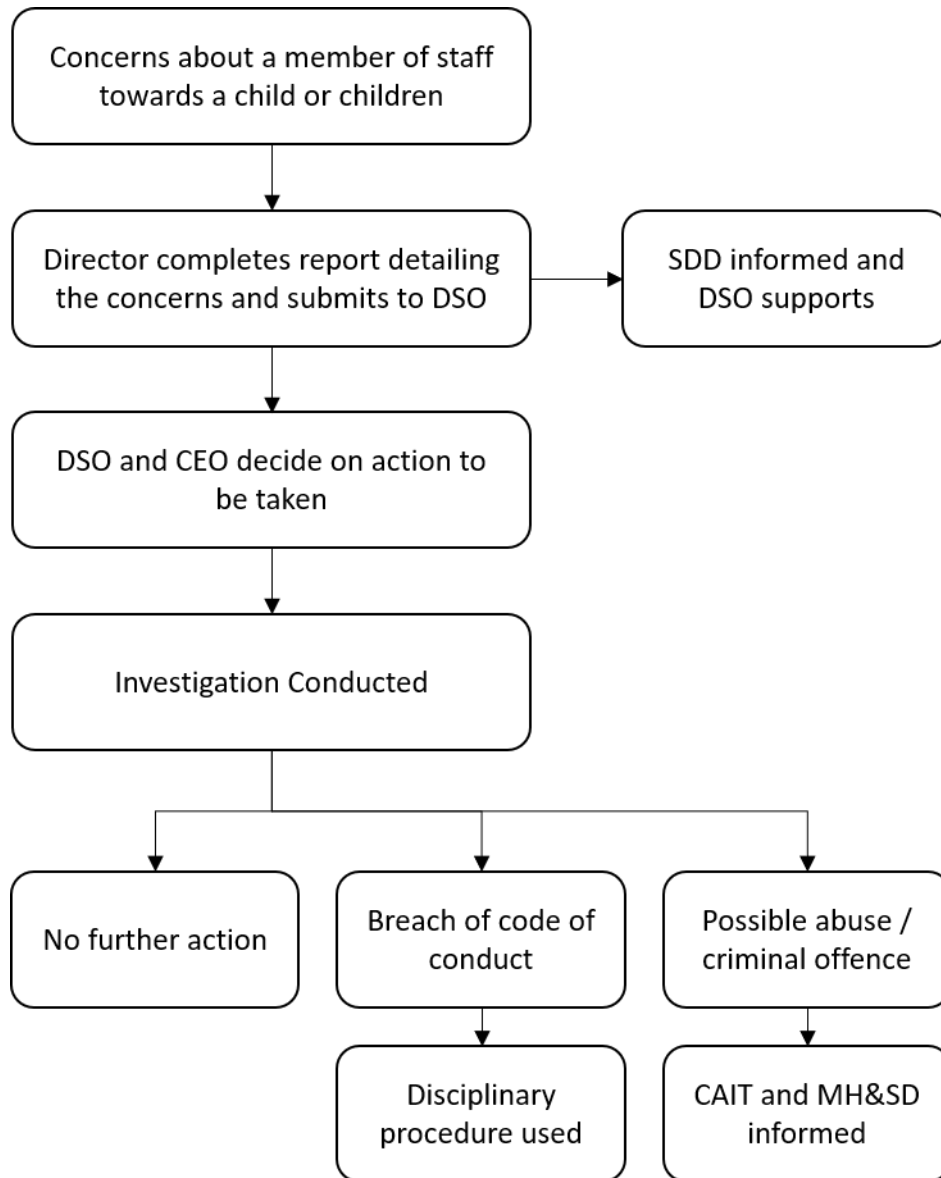
Is it clear how, by whom and when the policy and its implementation will be monitored and reviewed?			
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### 3 Annex B

#### 3.1 Safeguarding Flow Diagrams

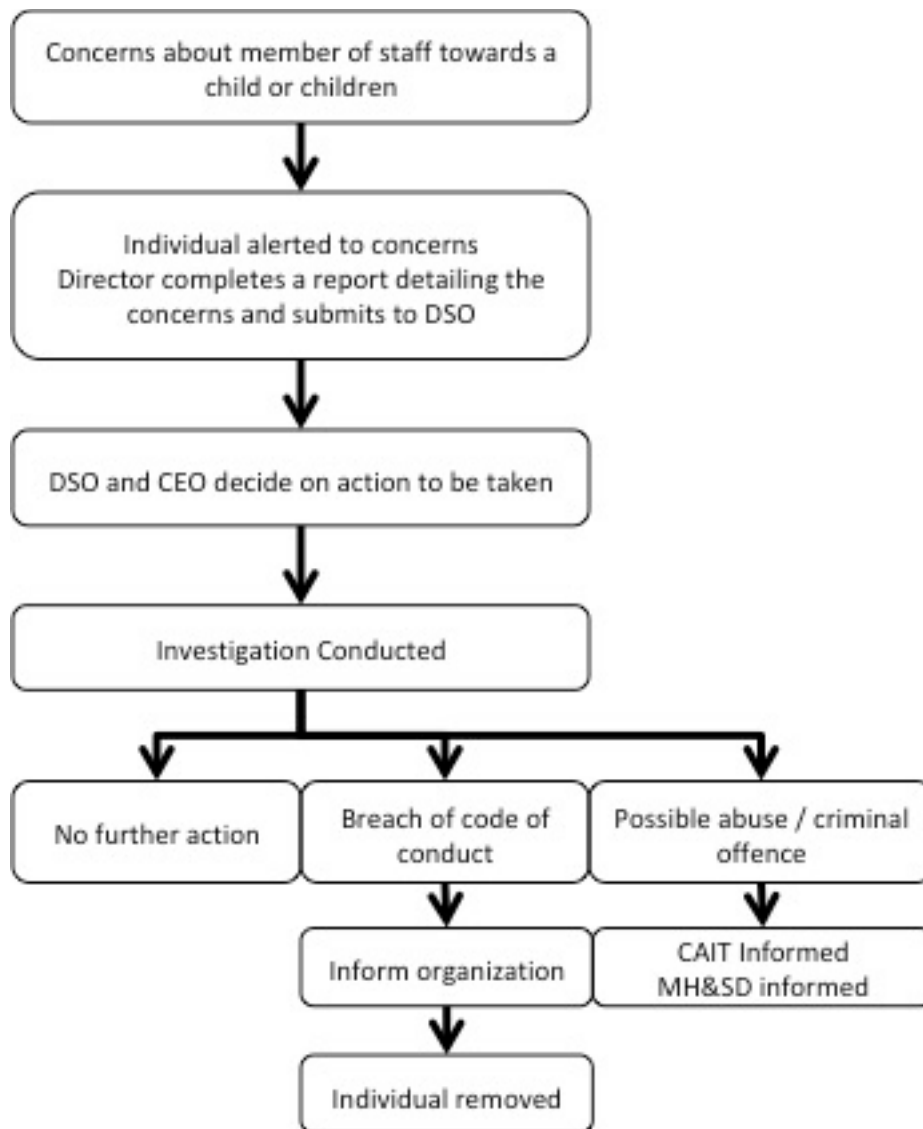
These have been written to show the actions to be taken in differing circumstances. If at all unclear, then further guidance and advice can be taken from the DSO.

#### 3.2 About behavior of a member of Recovery and Development Agency Staff





### 3.3 About Another Organisations Staff



### 3.4 Outside of Work

