Safeguarding Guidance for the Maritime Sector

Seafarers UK's Approach to Safeguarding
This guidance is provided to help organisations who are applying for Seafarers UK grant funding to understand their responsibilities in respect of safeguarding.

All grant applications submitted to Seafarers UK must include a copy of the charity's latest safeguarding policy which has been reviewed at a meeting of the Trustees within the last 12 months. The policy should include a Review Date which is signed by the Chairman or Trustee as evidence that a recent review has taken place. The review should also be recorded in the minutes of the meeting at which the review occurred.

Seafarers UK requires organisations supporting seafarers and their families to understand their responsibilities in respect of safeguarding and have the ability to respond effectively and appropriately when someone comes forward to share concerns or disclose abuse.

Seafarers UK's due diligence process for new grant applications includes ensuring that an organisation is in good financial health and fulfilling all of its legal requirements. This includes responding appropriately to safeguarding issues. This approach helps to ensure that our grant funding will be used appropriately. Importantly, it also means that any seafarer coming into contact with an organisation that has received funding from Seafarers UK can expect to receive an appropriate standard of care and service within a safe and trusted environment.

What is Safeguarding?
Safeguarding refers to measures used to protect the health, well-being and human rights of individuals to live free from abuse, harm, neglect and exploitation. It is also about reducing the potential for harm by raising awareness and supporting people in making informed decisions. Children and adults with care and support needs at risk of, or experiencing abuse and unable to prevent it themselves must be supported.

In its simplest form safeguarding is about keeping everyone; including children, young people and adults at risk, safe from harm, abuse, neglect and exploitation. Everybody has the right to be safe no matter who they are or whatever their circumstances.

All organisations have a role to play in recognising and responding to safeguarding concerns. Safeguarding can best be achieved when it is intrinsic within the behaviour and culture of a values-led organisation. Organisations that fail to act on safeguarding are failing to meet their duty of care responsibilities, which at worse, can leave adults and children exposed to an ongoing risk of harm, abuse, exploitation or neglect. Individuals need to be informed enough to ensure that complaints and concerns about adults and children at risk are identified and acted upon appropriately.

The Care Act 2014 establishes the law relating to safeguarding adults in the UK.

There are different requirements in respect of safeguarding children:

In England the Department for Education has developed the key statutory guidance Working Together to Safeguard Children (July 2018).

In Northern Ireland the Department of Health have developed the overarching policy framework: Co-operating to Safeguard Children and Young People in Northern Ireland.

In Scotland the Scottish Parliament has developed National Guidance for Child Protection in Scotland.

In Wales the All Wales Child Protection Procedures establishes the procedures to be followed.

Safeguarding Adults

Adults who may be considered vulnerable include:
- Those who lack the mental capacity to make decisions about their life.
- Those who have suffered a stroke or have dementia.
- Elderly adults.
- Those who have a disability that prevents them from taking care of themselves.
- Certain adults may face greater risk if they are isolated, have mental health issues, are misusing drugs and/or alcohol, or have low self-esteem.

Abuse of adults can happen anywhere. It can happen at home, in a residential or nursing home, in a hospital, at work or in the street. A change in character or personality of the person being abused may be the first obvious sign of a problem.

There are different types of abuse, which include:
- Physical - being hurt or harmed either deliberately or through rough, careless or thoughtless behaviour.
- Emotional abuse or bullying - being humiliated or put down or made to feel anxious or frightened.
- Financial abuse or theft - someone using an individual's money or possessions in a way that they don't want.
- Neglect - not being given the things needed to feel safe and comfortable or not making sure an individual gets the care or treatment needed.
- Sexual abuse - being made to do something that an individual doesn't want to do.
- Discrimination - including racist, sexist or abuse about a person's disability.
- Domestic abuse - examples include psychological, physical, sexual, financial, emotional abuse or 'honour'-based violence.
- Modern slavery - includes slavery, human trafficking and forced labour.
- Organisational abuse - include neglect and poor care within an institution or specific care setting such as a hospital or care home.
- Self-neglect - includes not caring for personal cleanliness, health or surroundings and includes behaviour such as hoarding.

The Six Safeguarding Principles
When responding to a safeguarding concern, action should be taken in accordance with the six principles contained within The Care Act 2014.

The six principles are person-centred and aid understanding. The principles are:

- ➢ **Empowerment:** people are supported and encouraged to make their own decisions and give informed consent.
- ➢ **Prevention:** it is better to take action before harm occurs.
- ➢ **Proportionality:** the least intrusive response appropriate to the risk presented.
- ➢ **Protection:** support and representation for those in greatest need.
- ➢ **Partnership:** local solutions through services working with their communities – communities have a part to play in preventing, detecting and reporting neglect and abuse.
- ➢ **Accountability** and transparency in safeguarding practice.

Safeguarding in Charities – a Governance Priority
Charities typically help and support people who are vulnerable or at a time when they need help to cope with difficulties in their life that may make them feel more vulnerable than they usually do. This means that it is important that a charity provides a safe and trusted environment.

Guidance on Safeguarding and protecting people for charities and trustees issued by the Charity Commission for England and Wales (October 2018) states that protecting people and safeguarding should be a governance priority for all charities. An essential duty for a trustee is to take reasonable steps to ensure that people who come into contact with the charity are protected from harm. This includes beneficiaries, staff, volunteers and others who come into contact with the charity.

The approach adopted should be appropriate to the work carried out by the charity and those it works with. The Charity Commission recommends that trustees establish an organisational culture that prioritises safeguarding, so that it is safe for those affected to come forward and report incidents and concerns with the assurance they will be handled sensitively and properly.

When referring beneficiaries to other organisations and services, it may be advisable to ensure that the recipient organisation also has appropriate safeguarding policy and procedures in place to respond to safeguarding issues.

A commitment to keeping people safe should be embedded right across a charity's organisational culture. After all, a charity should be a safe and trusted environment!

Charity Commission Guidance on Safeguarding and Protecting People
The Charity Commission's guidance Safeguarding and protecting people for charities and trustees was most recently updated on 25 October 2018. Within it the Charity Commission state that they expect charities to:

- make sure all trustees, employees, volunteers and beneficiaries know about safeguarding and people protection.
- have appropriate policies and procedures in place.
- check that people are suitable to act in their roles.
- know to spot and refer or report concerns.
- have a clear system of referring or reporting to relevant organisations as soon as you suspect or identify concerns.
- set out risks and how you will manage them in a risk register which is regularly reviewed.
- be quick to respond to concerns and carry out appropriate investigations.
- not let one trustee dominate your work - trustees should work together.

If working with children or adults at risk there are more legal requirements to follow.

Safeguarding incidents should be reported to the Charity Commission.

Further information on how to comply with some of these points is included below.

Safeguarding Training

The Charity Commission expect charities to "make sure all trustees, employees, volunteers and beneficiaries know about safeguarding and people protection." One of the ways to achieve this is through providing training. It is recommended that people working with vulnerable adults or children receive training to help them understand their responsibilities. This applies whether a volunteer or a paid employee.

Safeguarding training is provided at 3 different levels:
Level 1: Sometimes referred to as an introduction. This is a basic level of training. It provides an overview of safeguarding responsibilities, how to recognise signs of abuse, respond to a disclosure and report your concerns. Typically health and social workers, teachers, police and volunteers may take this course.

Level 2: This is an advanced level of training. It covers everything included in Level 1 training but goes into more detail about safeguarding procedures, scenarios, and what happens after a referral. The course is designed for those who have frequent contact with children or vulnerable adults.

Level 3: This refers to the training of a Designated Safeguarding Officer or Lead. This provides information on the specific responsibilities of a Designated Safeguarding Officer. This may include content such as working with other organisations and how to sensitively share information in accordance with data protection laws.

Some maritime charities require their trustees and volunteers to carry out Level 1 training, while the person with the greatest level of responsibility (the Designated Safeguarding Officer) is also required to undertake Level 3 training. Dependent on the type of services offered, training may be more of a necessity, eg: if providing care home services.

Examples of training courses providing safeguarding and also training Raising Awareness of Trafficking and Modern Slavery are available online from many different providers, and are

currently priced at c.£30 for one learner. These are just two examples of online course, many others are available:

- ➢ Educare: https://www.educare.co.uk/charities-and-businesses

- ➢ High Speed Training: https://www.highspeedtraining.co.uk/available-courses/safeguarding-people.aspx

The Merchant Navy Welfare Board provide a free one day classroom based training course at various locations throughout the year. Please check the MNWB website for more information: https://www.mnwb.org/advanced-safeguarding-course

Safeguarding Policy & Procedures

The Charity Commission requires charities to "have appropriate policies and procedures in place." The Safeguarding Policy should be available to all trustees, employees and volunteers, beneficiaries and interested members of the public. Trustees, employees and volunteers should be familiar with its contents and know how it should be applied.

The Charity Commission require the trustees to review the policy at least once a year (depending on the nature of the charity's work more frequent reviews may be required). Regular reviews can be indicated by including a Review Date within the policy. It is advisable for the review date to be signed by the Chairman or a Trustee as evidence that the review occurred. The review should also be recorded in the minutes of the meeting at which it took place. NB: Seafarers UK will check the review date of the Safeguarding Policy to ensure that this requirement to regularly review the policy has been met.

The policy should clearly articulate:
- ➢ the organisation's commitment to safeguarding
- ➢ the roles and responsibilities of everyone in the organisation in respect of safeguarding
- ➢ how the charity will protect people from harm
- ➢ how incidents and allegations will be handled
- ➢ reporting to the relevant authorities (including the Charity Commission).

The procedure should establish:
- ➢ guidelines on identifying harm, abuse or neglect
- ➢ describe the different forms this may take, including physical, emotional, sexual abuse and neglect
- ➢ how concerns and incidents will be handled, reported and recorded. This may include actual concerns or incidents, as well as alleged or suspected concerns or incidents.

An effective policy and procedure will help to ensure that everyone can be the organisation's 'eyes and ears' on the ground, know their roles and responsibilities and how to take action to ensure everyone is kept safe from harm.

Disclosure and Barring Service

The Charity Commission requires charities to "check that people are suitable to act in their roles." Further guidance from the Charity Commission on this point states that charities "must make sure that trustees, staff and volunteers are suitable and legally able to act in their positions. This includes people from or working overseas." The types of checks required by the Charity Commission include:
  ➢ criminal records checks where the position is eligible
  ➢ references and checks on gaps in work history
  ➢ confirmation that staff can work in the UK
  ➢ health checks where appropriate

The Disclosure and Barring Service can provide a basic check on details of convictions and conditional cautions considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974. Basic checks currently cost £25. A more detailed check can be requested in respect of certain roles, for example in healthcare or childcare. The Disclosure and Barring Service provide a simple tool that can be used to check whether a DBS check is required for a specific role:
https://www.gov.uk/find-out-dbs-check

Designated Safeguarding Officer

The Charity Commission requires charities to "know how to spot and refer or report concerns." To help to ensure that safeguarding is handled appropriately some organisations have a Designated Safeguarding Officer (DSO) or a Lead Safeguarding Officer (LSO) who has received appropriate training to perform effectively in this role.

A Designated Safeguarding Officer is the person responsible for ensuring the safeguarding policy is adhered to, is effective and is appropriately acted upon when safeguarding issues arise. The Designated Safeguarding Officer is the first point-of-call for all staff and volunteers who have safeguarding concerns. They manage concerns, complaints, whistleblowing and allegations relating to child protection or adults at risk. They are the person who will be responsible for working with, and making referrals to, local safeguarding boards when safeguarding incidents arise and it is appropriate to do so.

Everyone should be aware who is the Designated Safety Officer and how to take forward a safeguarding concern or issue.

Reporting Safeguarding Concerns
The Charity Commission requires charities to "have a clear system of referring or reporting to relevant organisations as soon as you suspect or identify concerns." Safeguarding concerns must be reported in line with a charity's policy and procedures. NB: In cases where an individual is considered to be at immediate risk or danger, it may be more appropriate to call the police.

When responding to a safeguarding concern it is important that the Six Safeguarding Principles are always taken into account, action is proportionate and the person who is at risk is supported and encouraged to make their own decisions and give informed consent.

The reporting procedure can be simply expressed in the form of a flowchart. The flowchart will be different for each charity and will vary according to the number of people and roles and responsibilities within the charity.

The flowchart will begin when a safeguarding concern is identified. It will identify the steps that need to be taken to escalate a safeguarding concern to the Designated Safeguarding Officer and then onto the relevant authority.

The "relevant authority" is the body that has responsibility for co-ordinating the local safeguarding strategy. Each local authority is required to set up a local safeguarding board to coordinate the work on safeguarding adults and children within the local area. Separate boards are established for adults and children: a Local Safeguarding Adults Board (LSAB) and a Local Safeguarding Children Board (LSCB).

The Boards are responsible for commissioning safeguarding reviews when an individual safeguarding issue is identified. They also identify and review trends and patterns in safeguarding activity, abuse and neglect.

- ➢ **In England and Wales:** contact the local authority Adult Safeguarding Team.
- ➢ **In Northern Ireland:** contact the Adult Protection Gateway Service based in the local Health and Social Care Trust. For more information visit nidirect
- ➢ **In Scotland:** contact the Adult Protection or Care team in your local council. For more information visit Act Against Harm.

Reporting Safeguarding to the Charity Commission

The Charity Commission requires charities to report serious incidents to the Charity Commission.

The Charity Commission defines a serious incident as *"an adverse event, whether actual or alleged, which results in or risks significant:*
- ➢ *harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work*
- ➢ *loss of your charity's money or assets*
- ➢ *damage to your charity's property*
- ➢ *harm to your charity's work or reputation"*

Sharing Information

Sharing the right information, at the right time, with the right people, is fundamental to good practice in safeguarding adults but has been highlighted as a difficult area of practice.

The law does not prevent the sharing of sensitive, personal information within organisations. If the information is confidential, but there is a safeguarding concern, sharing information may be justified.

The law does not prevent the sharing of sensitive, personal information **between** organisations where the public interest served outweighs the public interest served by protecting confidentiality – for example, where a serious crime may be prevented.

Information can be shared lawfully within the parameters of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Ideally, there should be a local agreement or protocol in place setting out the processes and principles for sharing information between organisations.

Safeguarding in the Maritime Sector
It is important to state that "safeguarding is safeguarding'. It is about keeping everyone safe - regardless of their defining characteristics or sector they operate within.

Many of the broader issues mentioned previously, are also relevant in the maritime sector. At a workshop of maritime welfare charities organised by Seafarers UK's Grants Team in March 2019, there was a consensus about the potential vulnerability of seafarers. Examples of the vulnerability of seafarers include:

➢ Confinement within a vessel for long periods of time make it harder to escape from those inflicting abuse or harm.
➢ Time away at sea may cause feelings of loneliness and isolation.
➢ When ashore some Seafarers may lack the social networks and support structures that many people take for granted and this absence may leave them vulnerable.

International Seafarers
If a concern arises about an international seafarer working on an international vessel, the seafarer or your organisation can contact Seafarer Help run by the International Seafarers Welfare and Advice Network for advice and support. Seafarer Help is funded by Seafarers UK. It provides a free, confidential, multilingual helpline for seafarers and their families available 24 hours a day, 365 days per year.

> phone: +44 20 7323 2737
> email: help@seafarerhelp.org

In addition to Seafarer Help, there are a number of other maritime welfare charities working with and supporting international seafarers:

> **Apostleship of the Sea**
> https://www.apostleshipofthesea.org.uk/
> Apostleship of the Sea is a Seafarers UK funded charity providing help, support and advice to seafarers at almost all of the major ports in Great Britain and globally

irrespective of their nationality. Volunteer ship visitors work in association with the local chaplains to support seafarers in need.

Human Rights at Sea

https://www.humanrightsatsea.org/

Human Rights at Sea is a Seafarers UK funded charity raising global awareness of human rights protections and abuses at sea. In 2019 they published the Geneva Declaration on Human Rights at Sea.

Mission to Seafarers

https://www.missiontoseafarers.org/

Mission to Seafarers is a Seafarers UK funded charity that helps and supports seafarers through a global network of chaplains, staff and volunteers by providing a range of welfare and emergency support services.

Sailors' Society

https://www.sailors-society.org/

Sailors' Society is a Seafarers UK funded charity working in ports across the world. Their chaplains help seafarers and their families with welfare and practical support. They can help seafarers to access medical treatment; and liaise with families when seafarers are kidnapped by terrorists or imprisoned.

Further Information:

Charity Commission: have a number of different publications. They see their role as about raising trustees' awareness of their responsibilities in respect of safeguarding.

 ➢ Charity Commission's approach to safeguarding in charity sector: 'Strategy for Dealing with Safeguarding Issues in Charities' https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities

 ➢ Charity Commission Guidance for charities: 'Safeguarding and protecting people for charities and trustees' https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees

NCVO: offers practical support and information on safeguarding with a focus on working with volunteers. https://www.ncvo.org.uk/practical-support/information/safeguarding

NHS: offers an NHS Safeguarding Guide which can be downloaded as an App to a mobile phone: http://www.myguideapps.com/nhs_safeguarding/default/

Social Care Institute for Excellence: offers a range of resources and can also offer training and consultancy on safeguarding.
 https://www.scie.org.uk/safeguarding

 In April 2019 they organised a charity roundtable, their report is available here: https://www.scie.org.uk/safeguarding/charities/roundtable-2019-04

NSPCC: offers guidance and an example policy for organisations working with children and young people. https://learning.nspcc.org.uk/safeguarding-child-protection/writing-a-safeguarding-policy-statement/

Anna Craft Trust: national charity which exists to minimise the risk of abuse of disabled children and adults at risk. https://www.anncrafttrust.org/about/

Real Safeguarding Stories: provide short videos of examples of safeguarding incidents. These can be a useful visual aid to share with trustees, volunteers and staff to help them understand the type of safeguarding incidents that may occur and the effect the experience can have on people. https://realsafeguardingstories.com/

SAFEcic: offers lots of guidance and have a number of sector specific information hubs (for charities, care organisations, faith organisations and UK organisations working overseas). They also organise an annual safeguarding conference. They offer safeguarding audits and pre-inspection audit and pre-inspection audit services for a wide range of organisations. These aim to raise standards for safeguarding children and/or adults and also assist managers in benchmarking the safeguarding arrangements in their organisation.
https://www.safecic.co.uk/

Local Safeguarding Boards: every local authority has a Local Safeguarding Children Board (LSCB) and a Local Safeguarding Adults Board (LSAB). These are multi-agency bodies to coordinate what is done by everyone on the Board to safeguard and promote the welfare of children and adults in vulnerable situations in the area. The Boards publish policies and procedures in their area and provide other support. Contact your local authority for more information or see SAFEcic's list of LSCBs and LSABs.

The Legal Framework:
Statutory guidance on inter-agency working to safeguard and promote the welfare of children - https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

➢ **The Human Rights Act 1998** states that everyone has the right to live free from abuse and neglect: https://www.equalityhumanrights.com/en/human-rights/human-rights-act

➢ **The Maritime Labour Convention 2006 (MLC):** an international agreement of the International Labour Organisation ('ILO') which sets out seafarers' rights to decent conditions of work. It applies to all seafarers, including those with jobs in hotel and other passenger services on cruise ships and commercial yachts. https://seafarersrights.org/seafarers-subjects/maritime-labour-convention-mlc/

➢ **The Care Act 2014** establishes local authorities' duties in relation to assessing people's needs and their eligibility for publicly funded care and support: http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted

➢ **Safeguarding Vulnerable Groups Act 2006:** created the Vetting and Barring Scheme and the role of the Independent Safeguarding Authority. The Act places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance. https://www.opsi.gov.uk

➢ **Disclosure and Barring Service 2013:** provides a criminal records check service for potential new employees who will be working with children and vulnerable adults: https://www.gov.uk/dbs-update-service