



Document D5.1: Safeguarding Context and Overview

Section 1: Context: Abuse and Relevant Terms Used in Safeguarding

This section is included so that the context and need for Safeguarding is clear to all members of the band. In order to clarify the difference between this Overview and the Safeguarding Policy, it has been included as a separate document.

Abuse and neglect of children

Abuse and neglect are forms of maltreatment of a child or young person. They may result in a child suffering or being likely to suffer significant harm. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult, or another child or children. Government guidance 'Working Together to Safeguard Children' (2018) defines various forms of abuse, including:

1. Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

2. Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

3. Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in



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preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

4. Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care givers); or
- Ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

5. Other ways in which abuse may be perpetrated

As suggested under the 'Sexual Abuse' heading above, it should be noted that perpetrators are increasingly using online methods to access children and young people as well as to indulge in abuse by creating or downloading abusive images of them. Other forms of abuse include in which digital technology may often (but not always) play a part include:

- Child sexual exploitation: a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity

(a) in exchange for something the victim needs or wants, and/or

(b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

- Forms of modern slavery.
- Abuse linked to cultural or religious belief (such as: Female genital mutilation (FGM), honour violence, forced marriage or abuse associated with a belief in spiritual possession).
- Extremism – defined in Working Together 2018 as behaviour which includes targeting people who may be vulnerable – including the young – by seeking to sow division between communities on the basis of race, faith or denomination; justify discrimination towards women and girls; persuade others that minorities are inferior; or argue against the primacy of democracy and the rule of law in our society. County lines: a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into the UK, using dedicated mobile phone lines or other form of 'deal line'. They are likely to exploit children and vulnerable adults to move and



store the drugs and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

- Child criminal exploitation: where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity

- (a) in exchange for something the victim needs or wants, and/or

- (b) for the financial or other advantage of the perpetrator or facilitator and/or

- (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

6. Abuse of a position of trust

This is a legal concept within The Sexual Offences Act 2003. It involves an adult of 18 or over engaging in sexual activity with or in the presence of a child or young person under 18, where the older person is in a position of responsibility towards the child or young person in one of a variety of settings, including a 'workplace setting'. The concept also covers 'causing or inciting a child' to engage in sexual activity, and 'causing a child to watch a sexual act'.

7. Young carers

A young carer is a person under 18 who provides or intends to provide care for another person (of any age, except generally where that care is provided for payment, pursuant to a contract or as voluntary work). Statutory safeguarding guidance recognises that young carers may have support needs, and stipulates the circumstances in which a local authority must carry out an assessment.

8. Contextual safeguarding

This is an approach to safeguarding where it is recognised that risk to children or young people exists in situations outside the family. The term and the methodology were developed by Dr Carlene Firmin and staff at the University of Bedfordshire. It advocates a multi-agency and multi-dimensional approach that targets the contexts where children and young people may be at risk rather than individual young people themselves, although individual support may still have an important role to play. For further information see

<https://contextualsafeguarding.org.uk/>

9. Responsibilities under Working Together to Safeguard Children

In keeping with the content of section 1 of this guidance, it is clear that within brass bands it is the responsibility of band leaders and those working with young members to share information and work together with statutory partners if they have concerns that a child or young person may be at risk of abuse or neglect. Once a referral has been received by a local authority children's social care team, they should, within one working day, make a decision about the type of response that is required and acknowledge receipt to the referrer. Feedback should also be provided to the referrer on decisions taken by the local authority. For example, the local



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authority, may take the view that the child and family are in need of support services, or may decide that the child is in need of protection. If a band believes that the position taken by the local authority is inadequate to protect the child or young person, we will consider escalating the referral within the Local Authority. It is not the job of bands to take a view on whether abuse has taken place or is at risk of taking place, nor is it the job of bands to conduct an assessment on this matter; this is the role of the statutory agencies such as the local authority and police.

Abuse of adults

There are many different types of abuse affecting adults, many of which are similar to abuse suffered by children and young people. The Care and Support Statutory Guidance that is supported by the Care Act 2014 describes these as:

1. Physical

This is 'the use of force which results in pain or injury or a change in a person's natural physical state' or 'the nonaccidental infliction of physical force that results in bodily injury, pain or impairment'. It may include behaviours like the misuse of medication, inappropriate restraint or the use of inappropriate sanctions, as well as the actions more commonly associated with physical abuse (such as slapping, pushing etc.).

2. Sexual

Examples of sexual abuse include the direct or indirect involvement of the adult at risk in sexual activity or relationships which they do not want or have not consented to. Specific behaviours could include:

- rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- indecent exposure
- sexual assault
- putting pressure on the young adult to consenting to sexual acts

3. Emotional and psychological

This is behaviour that has a harmful effect on the person's emotional health and development, or any form of mental cruelty that results in mental distress, the denial of basic human and civil rights such as self-expression, privacy and dignity. Specific behaviours might include:



- threats of harm or abandonment
- deprivation of contact
- humiliation
- blaming
- controlling
- intimidation
- coercion
- harassment
- verbal abuse
- cyberbullying
- isolation
- unreasonable and unjustified withdrawal of services or supportive

4. Organisational Institutional abuse

Organisational Institutional abuse is the mistreatment or neglect of an adult at risk by a regime, or individuals within settings and services, that adults at risk live in or use. It may include care or support provided in the person's own home. Such abuse violates the person's dignity, resulting in lack of respect for their human rights. It may range from one-off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

5. Discrimination

This type of abuse may include:

- discrimination based on gender, race, colour, language, culture, religion, politics or sexual orientation
- discrimination based on a person's disability or age
- harassment and slurs which are degrading
- hate crime

6. Financial and material

This is the use of a person's property, assets, income, funds or any other resources without their informed consent or authorisation. It may include:

- theft
- fraud



- internet scamming
- exploitation or coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions the misuse or misappropriation of property, possessions or benefits

7. Neglect and acts of omission

Examples of this might include:

- ignoring medical, emotional or physical care needs
- failure to provide access to appropriate health, care and support or educational services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

8. Self-neglect

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour like hoarding. It should be noted that the legislation and guidance makes it clear that this list is not exhaustive and that those working with adults at risk should be open to the possibility of other forms of abuse.

9. Domestic violence or abuse

This is abuse perpetrated in the context of relationships with family members, friends or carers, and can, in turn, be broken down into other types of abuse relating to:

- psychological
- physical
- sexual
- financial
- emotional

10. Modern slavery

This may take various forms, such as:

- Human trafficking
- Forced labour
- Domestic servitude
- Sexual exploitation, such as escort work, prostitution and pornography
- Debt bondage – being forced to work to pay off debts that realistically they never will be able to



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Consent and capacity:

responsibilities under legislation and guidance affecting the safeguarding of adults

When statutory agencies consider whether a safeguarding response to an adult is needed under the Care Act 2014, they are required to examine three critical components:

- the person's need of care and support;
- their risk of, or experience of neglect or abuse; and
- their ability or inability to protect themselves.

These are not questions to which brass bands are expected to supply an answer. Rather, bands will seek advice from the local authority adult safeguarding team and will make a referral if necessary. It is also important to note that, even if the three critical components are not fully met, the person may still welcome and benefit from a preventative approach. Managing issues of consent to the sharing of information is a critical difference between safeguarding children and young people under 18, and safeguarding those who are legally adults. In its work with adults, bands can draw on set of national principles that are enshrined within the legislative framework for safeguarding adults, and reflect their approach to information sharing including consent, capacity and confidentiality, they are:

- Empowerment – supporting the adult to make their own decisions and informed consent
- Protection – support and representation for those in greatest need
- Prevention – it is better to take action before harm occurs, including signposting to agencies that can help
- Proportionality – proportionate and least intrusive response appropriate to the risk presented
- Partnership – local solutions through services working with their communities
- Accountability – accountability and transparency in delivering safeguarding If someone gives consent to safeguarding information being shared, this should, where possible, take the form of something explicit such as signing a consent form.

Where someone who is capable of giving consent to information being passed on to a statutory safeguarding authority, declines to do so, bands should consider whether 'vital interests' are at stake under the terms of the Data Protection Act. For example, this may include situations where the adult is in imminent or serious danger, or another person is in danger (including a child of the person or any other child or adult) or a crime has been or is about to be committed. If a brass band feels that any of these circumstances may apply, a referral to the local authority should be made even without the consent of the person. The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves.

The principles of the Act state that an adult at risk:



- has the right to make their own decisions and be assumed to have capacity unless proved otherwise
- must receive all appropriate help and support to make decisions
- has the right to make eccentric or unwise decisions (in the opinion of others), and that
- decisions made on behalf of a person who lacks mental capacity must be done in their best interests and be the least restrictive of their basic rights and freedoms.

In addition, decisions are time and decision-specific. This means that a person may be able to make a certain decision, but not others, at a particular point in time. Decision-making ability may fluctuate over time. Therefore, bands will also pass on information where it appears that the adult at risk may lack mental capacity to consent to this, or may be being coerced to withhold consent. The local authority will then consider who can obtain a 'best interests' decision and how it can be made. Procedures advise that the local authority will do this after full consideration of the Mental Capacity Act Code of Practice and also of the extent of appropriate involvement from the family and/or carers of the adult at risk. An assessment of their capacity should be made by a professional person qualified to do so. In making this assessment, consideration will be given by the local authority to seeking the support of an Independent Mental Capacity Advocate to support the individual who lacks capacity. Any decision made on behalf of an adult at risk should weigh up and balance both the Mental Capacity Act and the Human Rights Act, to protect their best interests whilst respecting their rights. A summary of the key elements can be found on:

www.scie.org.uk/publications/adultsafeguardinglondon/files/protecting-adults-at-risk-in-london.pdf

10 Signs and indicators of abuse of both children and young adults

There may be many signs and indicators that a child or adult is being abused or is at risk. Equally, most of the signs are not themselves diagnostic of abuse (although some physical signs may lead to a positive diagnosis of abuse by a medical professional). Equally, some children and adults who suffer abuse show no outward signs of what is happening to them. At least as important as specific physical or behavioural signs are the way in which different signs and indicators may be clustered together or perhaps a change in a child's or adult's behaviour or appearance that cannot be easily explained in any other way. It is important to remember that a single agency or person is unlikely to pick up on all the signs that may be present in an abusive situation, and that concerns need to be shared to enable a referring agency to build up a clearer picture of what may be going on for a child or adult at risk. For more information about signs and indicators of abuse of children and young people, go to the NSPCC website:

<https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/>

For more information about adult abuse, go to the SCIE website:

<http://www.scie.org.uk/publications/ataglance/69-adults-safeguarding-types-and-indicators-of-abuse.asp>