

SAFEGUARDING POLICY FOR CHILDREN, YOUNG PEOPLE AND ADULTS AT RISK

Appendix 1: Definitions, Legislation and Guidelines

Version 3, January 2026

To be reviewed every 3 years, or sooner if there are changes in legislation or guidance, in conjunction with all other safeguarding policies and procedures.

1. CHILDREN & YOUNG PEOPLE

Definitions

Children - a child is anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection. 'Children' thus means 'children and young people' throughout.

Safeguarding and promoting the welfare of children is defined for the purposes of this policy as:

- Protecting children from abuse and maltreatment
- Preventing harm to children's health and development
- Providing support to meet children's needs when problems emerge
- Ensuring that children grow up with safe and effective care
- Taking action to enable all children and young people to have the best outcomes.

Abuse: Child abuse happens when someone harms a child. It can be physical, sexual or emotional, or involve neglect. Children who experience abuse may struggle to speak out, so it's vital that anyone working with children or young people is able to recognise the signs of abuse. Abuse can also take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults, or another child or children, for example:

- family members
- friends or other children
- people working or volunteering in organisational or community settings
- people they know
- strangers

Neglect: 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 caregivers)
- ensure access to appropriate medical care or treatment
- provide suitable education It may also include neglect of, or unresponsiveness to, a child's basic emotional needs

Radicalisation "is the process of a person legitimising support for, or use of, terrorist violence" (Prevent, 2023), and comes to support, or is encouraged to participate in, extremist ideologies or actions. It is considered a form of harm and may pose a safeguarding concern.

Public, Statutory or Regulatory Body (PSRB): Professional, Statutory and Regulatory Bodies (PSRBs) are a very diverse group of professional and employer bodies, regulators and those with statutory authority over a profession or group of professionals.

Legislation and Guidelines

This policy and associated procedures have been developed taking account of the following legislation and guidelines:

Legislation:

- The Children's Act 1989 provides the legal framework for the protection of children in the UK. Under the Children's Act, a child is defined as any person under 18 years of age;
- The Protection of Children Act 1999 requires employers to carry out Criminal Records Bureau (CRB) checks - now known as Disclosure and Barring Service or DBS checks before employees are allowed to come into contact with children. The Royal Parks is required under this legislation to apply for enhanced disclosure from the Criminal Records Bureau for staff working with children;
- The Children's Act 2004 provides the legal basis for how social services and other agencies deal with issues relating to children. In particular, it provides guidelines and principles so all individuals who are involved in looking after children, be it in the home, the workplace, school or elsewhere, are aware of how children should be looked after in the eyes of the law;
- The Disclosure and Barring Service 2013 (DBS) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). Under the provisions of the Safeguarding Vulnerable Groups Act 2006, the DBS makes decisions about who should be barred from working with vulnerable groups. There are two ISA Barred Lists (one for those barred from working with children and one for those barred from working with vulnerable adults). Barred individuals can be placed on one or both of these lists. Organisations and employers can request

DBS checks on potential employees as part of their recruitment and induction procedures;

- *The Children and Families Act 2014*, gives young carers and young adult carers in England a right to a carer's assessment and to have their needs met;
- *Children and Social Work Act 2017*, makes provision about looked after children; in relation to the welfare of children; and about the regulation of social workers.

Guidelines:

- *Working Together to Safeguard Children, 2023: A guide to inter agency working to safeguard and promote the welfare of children in England* (HM Government, July 2018). It provides guidance on how to refer allegations of abuse against those who work with children; requirements to notify serious incidents and definition of serious harm for serious cases.
- *Strategy for Dealing with Safeguarding Issues in Charities*, policy paper and regulatory alert (Charity Commission, December 2017), reminding charity trustees of their accountability for safeguarding even where certain aspects of their work are delegated. Charities working with children and vulnerable adults need to pay special attention, while all charities need to have strategies in place to prevent and deal with safeguarding issues.

2. ADULTS AT RISK

Definitions

In line with the Care Act 2014, Safeguarding adults at risk of abuse or neglect, is defined for the purposes of this policy as protecting an adult's right to live in safety, free from abuse or neglect, while promoting their wellbeing. This includes, where appropriate, having regard to the adult's views, wishes, feelings and beliefs when deciding on any action.

The Safeguarding duties apply to adults at risk. An adult at risk is defined as an individual who is 18 years of age or older, and who:

- Has need for care and support (whether or not a local authority is meeting any of those needs); and
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs, is unable to protect himself or herself from either the risk of, or the experience of abuse or neglect.

The Royal Parks welcomes millions of visitors across its sites per year. It is inevitable that some of these visitors will be considered an adult at risk and, as such, be at risk of abuse or neglect.

Abuse is understood as any act, or failure to act, that violates an adult's human and civil rights, causes harm, or places them at risk of harm. Abuse may be a single incident

or repeated behaviour, and it can occur in any relationship or setting. It may be deliberate or result from neglect, ignorance, or poor practice.

Abuse can take many forms, including physical, domestic, sexual, psychological or emotional, financial or material, discriminatory, organisational or institutional, neglect and acts of omission, and self-neglect.

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Public, Statutory or Regulatory Body (PSRB): Professional, Statutory and Regulatory Bodies (PSRBs) are a very diverse group of professional and employer bodies, regulators and those with statutory authority over a profession or group of professionals.

Legislation and Guidelines

This policy and associated procedures have been developed taking account of the following legislation and guidelines:

Legislation:

- Sexual Offences Act 2003 introduced several new offences concerning adults at risk and children;
- Mental Capacity Act 2005, provided the general principle that everybody has the capacity unless it is proved otherwise, that they should be supported to make their own decisions, that anything done for or on behalf of people without capacity must be in their best interests and should be the least restrictive intervention;
- Safeguarding Vulnerable Groups Act 2006, introduced the Vetting and Barring Scheme (VBS) and the role of the Independent Safeguarding Authority (ISA). The ISA made decisions on who should be barred from working with children and vulnerable adults. The VBS dealt with activities classified as 'regulated', including both paid and unpaid (voluntary) work. With the VBS and ISA now defunct, their functions have been absorbed by the Disclosure and Barring Service (DBS);
- Deprivation of Liberty Safeguards was introduced into the Mental Capacity Act 2005 and came into force in 2009. Designed to provide appropriate safeguards for vulnerable people who have a mental disorder and a lack of capacity to consent to the arrangements made for their care or treatment, and who may be deprived of their liberty in their best interests in order to protect them from harm;
- The Disclosure and Barring Service 2013 (DBS, last updated 2015), was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). Under the provisions of the Safeguarding Vulnerable Groups Act 2006, the DBS makes decisions about who should be barred from working with vulnerable groups. There are two ISA Barred Lists (one for those barred from working with children and one for those barred from working with vulnerable adults). Barred individuals can be placed on one or both of these lists. Organisations and

employers can request DBS checks on potential employees as part of their recruitment and induction procedures;

- The Care Act 2014 introduces new responsibilities for local authorities with major implications for adult care and support providers, people who use services, carers and advocates. This Act puts adult safeguarding on a statutory footing.

Guidelines:

- The Care and Support Statutory Guidance, August 2017
- Strategy for Dealing with Safeguarding Issues in Charities Policy Paper and Regulatory Alert (Charity Commission, December 2017), reminding charity trustees of their accountability for safeguarding even where certain aspects of their work are delegated. Charities working with children and vulnerable adults need to pay special attention, while all charities need to have strategies in place to prevent and deal with safeguarding issues.