

## NELSON MANDELA SCOTTISH MEMORIAL FOUNDATION

### Policy Statement: Safeguarding and the Protection of Vulnerable Groups

The Nelson Mandela Scottish Memorial Foundation (NMSMF) is committed to managing our charity in an open and transparent manner. We aim to ensure that the public can have confidence in the conduct and operation of the Foundation and we will adhere to best practice in all aspects of our management and reportage.

The legal duty of all charity trustees is to act in the best interests of their charity and, in particular, to act with due care and diligence. The NMSMF Trustees will make sure that we create a safe environment for staff, beneficiaries and volunteers. We will seek always to develop and maintain a culture that enables anyone to report concerns, whilst making sure that those concerns are dealt with appropriately and in a sensitive manner.

This policy applies to all Trustees, staff, volunteers, agency workers and any other contractors/consultants who may be engaged by the Foundation. The aim of the Policy is to ensure the safety and wellbeing of children, young people and adults at risk who may be engaged in the work of the Foundation or who may be beneficiaries of the Charity.

#### 1. Definitions

**Children and Young People:** Anyone under 18 years of age<sup>1</sup>.

**Adults at Risk:** This term refers to anyone aged 16 or over whom for the time being:

- is unable to safeguard their own welfare or properly manage their financial affairs; and
- is in one or more of the following categories:
  - (A) a person in need of care and attention by reason of their infirmity or the effects of ageing
  - (B) a person suffering from an illness or mental disorder
  - (C) a person substantially affected by a disability

Adults at risk may be in need of health or social support services and may be unable to take care or protect themselves from harm or exploitation.

#### 2. Key Principles & Responsibilities

**2.1 All Trustees** have a duty of care to protect and safeguard such groups from any situation where they may suffer verbal, physical or psychological abuse, bullying, harassment, ill-treatment or discrimination.

**2.2 The Board of Trustees** will subscribe to the principles of the Protection of Vulnerable Groups (PVG) membership scheme in Scotland<sup>2</sup>

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<sup>1</sup> The Protection of Children (Scotland) Act 2003 defines children as anyone under 18 years of age.

<sup>2</sup> <https://www.mygov.scot/pvg-scheme/?via=https://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm>

- 2.3 The Foundation** shall ensure that any contractor engaged in working on the charity's behalf with children or vulnerable individuals/groups has appropriate Safeguarding Policies and procedures and has PVG certification in place for relevant employees and/or volunteers
- 2.4 Safeguarding** incidents should they occur will be included in the Foundations approach to 'Notifiable Events'.
- 2.5 The Board** has a nominated individual as an initial point of contact for any 'Safeguarding' related concern. The nominee is the Chairman of the Board of Trustees. (In the event that any matter should relate to the Chair, any Trustee may be approached).
- 2.6 The Board** will keep this policy statement under review in line with emerging guidance from the Charities Regulator, OSCR.

### 3. Relevant Legislation

**3.1** The United Nations Convention (of the rights of the child 1992) states that each child has a right to be treated as an individual and have protection from all forms of abuse, neglect or exploitation. For a child to require protection from abuse it does not require it to have actually taken place but there must be prior assessment that identifies a significant likelihood or risk that abuse could occur.

**3.2** The Protection of Vulnerable Groups (Scotland) Act aims to improve safeguarding for children and protected adults by preventing (barring) unsuitable people from doing regulated work through the maintenance of lists of disqualified persons.

**3.3** The Sexual Offences (Amendment) Act 2000 – Abuse of Trust makes it an offence for a person aged 18 years and over to have sexual intercourse or engage in any other sexual activity with or directed towards a person under that age if the person aged 18 and over is in a position of trust in relation to the younger person.

**3.4** The Rehabilitation of Offenders Act 1974, as amended, requires that organisations do not discriminate unfairly against a job applicant/member of staff /course applicant on the basis of a spent criminal conviction or other information revealed by a check where it is not relevant to the post/place requirements. (However, under Part V of the Police Act 1997, where a position is classified as being regulated work it is exempt from this Act and a PVG Records check will be conducted).

### 4. Cross-Referencing to Other Policy Statements

The following Policy statements also have relevance to the above:

Policy Title	Date of Approval	Version
'Notifiable Events'	26 March 2018	V1 19Mar2018
Equality, Diversity & Inclusion		

5. Document Control

Policy Statement	Date of Approval	Author & Version
Safeguarding & Protection of Vulnerable Groups	26 March 2018	JC Version 1/19 March 2018