

TSA safeguarding policy

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Introduction

The Tuberous Sclerosis Association (TSA) is committed to ensuring that our community's safety is a priority and is safeguarded at all times. The TSA expects that all staff, trustees and volunteers share this view. The TSA will apply robust risk management processes if situations are identified where there might be a risk of harm to someone in the TSC community.

This policy outlines how the TSA delivers its specific objective of improving safeguarding practice in the charity, reflecting our commitment to prevent and reduce the risk of abuse, harm and neglect of the TSC community. It applies to all aspects of TSA's work, including but not limited to face-to-face interactions, the TSA Support Line, virtual and face-to-face events, and fundraising activities. The TSA is committed to safeguarding and promoting the welfare of all individuals involved in our community, regardless of the mode of interaction.

The TSA recognises its responsibility for safeguarding the TSC community as part of the charity's projects and outputs. TSA trustees, management and staff are committed to promoting a safe environment for the TSC community.

This policy and associated procedures will be kept under regular annual review. As part of this annual review, national changes to safeguarding policies and procedures will be noted and adapted as necessary.

What is safeguarding?

Safeguarding is about protecting people from significant and serious harm. This includes identifying those at risk or who have suffered harm, or who may be at risk of harm, and working with them and other agencies in order to protect them from avoidable harms.

The two fundamental requirements for effective safeguarding at the TSA are:

- **Preventing safeguarding incidents arising**, by providing high quality information and support
- **Ensuring effective responses when safeguarding risks do arise**, by implementing effective policies and procedures

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The individuals who we support may be vulnerable to different forms of harm because of a range of different reasons, such as ethnicity, background, age, health or physical or mental abilities. It is vital that we understand how to recognise, act upon and prevent such abuse or opportunities for such abuse. This is achieved through a strong safeguarding policy.

Roles and responsibilities

The role of the **named trustee safeguarding lead** on the Board is to ensure that safeguarding is a standing item on all Board agendas and offer support and advice to the named designated safeguarding lead on the senior management team when needed.

The role of the **named designated safeguarding lead** on the senior management team is to:

- Be a source of advice and expertise to all staff
- Develop the TSA's safeguarding policy and procedures and ensure that they are accessible to everyone at the TSA
- Keep staff up-to-date on current safeguarding procedures and practice, ensuring that they receive necessary training
- Support decision-making by staff about when and where information should be shared or a concern should be referred
- Maintain accurate records about safeguarding concerns and referrals
- Promote good practice and effective communications about safeguarding, both internally and externally

The TSA will designate a **safeguarding lead for face-to-face events and fundraising activities** to ensure these areas are monitored and managed with the same rigor as face-to-face interactions. These leads will work closely with the overall team to address any concerns arising from these specific activities.

Who this policy applies to and who it is for

This policy applies across all areas of the TSA's work and outputs, such as face-to-face and electronic interactions, virtual and face-to-face events, and fundraising activities. As **safeguarding is everyone's business**, this policy applies to all TSA trustees, staff, ambassadors and volunteers.

This policy and supporting procedures are here to safeguard and protect:

- Children and young people
- Adults at risk of harm

How the TSA defines 'Children and young people'

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The definition of a child is anyone who has not yet reached their 18th birthday, regardless of their circumstances. This policy's aims in child safeguarding are to:

- Protect children from maltreatment
- Prevent impairment of children's health or development
- Ensure that children grow up in circumstances consistent with the provision of safe and effective care
- Take action to enable all children to have the best outcomes

This is in-line with the Department for Education's 'Working Together to Safeguard Children' document. See Appendix A for further relevant legislation and guidance regarding safeguarding of children.

How the TSA defines 'Adults at risk'

'Adults at risk' refers to individuals over the age of 18 who:

- **Have specific needs for care and support** (whether or not authorities are meeting any of those needs)
- Are experiencing, or at risk of, **abuse or neglect**
- **Are unable to protect themselves from the risk or experience of abuse or neglect**, as a result of their care and support needs

This definition is aligned with the Care Act 2014, which outlines the criteria for safeguarding adults who may be vulnerable due to their circumstances.

See Appendix B for more information about relevant legislation and guidance.

Signs of harm, abuse or neglect

There are five main categories of abuse:

- Neglect (i.e. a lack of overall adequate care)
- Emotional abuse
- Financial abuse
- Physical abuse
- Sexual abuse

Things to look out for include the following (but this is not an exhaustive list):



- Alcohol and substance misuse
- Concealed pregnancy
- County lines
- Discriminatory abuse
- Discriminatory abuse
- Domestic violence or abuse, including 'honour-based' violence, female genital mutilation and forced marriage,
- and coercive or controlling behaviour
- Emotional or psychological abuse
- Exploitive use of technology
- Financial or material abuse
- Gambling
- Hate and "mate" crime
- Misuse of technology
- Modern slavery
- Neglect or acts of omission
- Organisational or institutional abuse
- Physical abuse
- Radicalisation
- Self-neglect
- Sexual abuse
- Sexual exploitation
- Spiritual abuse
- Trafficking

Managing and mitigating the risk of harm

The TSA will collectively manage risks and reduce the likelihood of harm by:

- Providing an up-to-date safeguarding policy and procedures that reflect current safeguarding legislation and guidance
- Operating in line with Local Authority safeguarding policies and procedures
- Identifying a named trustee safeguarding lead on the Board and a named designated safeguarding lead on the senior management team
- Training trustees and staff at induction and on an ongoing basis to ensure that they have a strong understanding of safeguarding and how to recognise, respond to and record any concerns
- Having robust safer recruitment and selection procedures
- Promoting and using safer working practices
- Conduct regular risk assessments specific to virtual events and fundraising activities
- Ensure all interactions, virtual and face-to-face, are conducted on secure platforms with appropriate privacy settings
- Monitor and manage the involvement of children and adults deemed 'at risk' in fundraising activities to prevent exploitation

Safeguarding principles

Signification harm for children

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The Children Act 1989 introduced the concept of ‘significant harm’ as the threshold which justifies compulsory intervention in family life in the best interests of children.

There are no absolute criteria upon which to rely when judging what constitutes ‘significant harm’. Sometimes a single traumatic event may constitute significant harm. More often, however, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage a child’s physical and psychological development.

Safeguarding principles for adults

We will benchmark our safeguarding arrangements for adults at risk against the following six Safeguarding Principles, which are:

1. Empowerment. Presumption of person-led decisions and informed consent
2. Protection. Support and representation for those in greatest need
3. Prevention. It is better to take action before harm occurs
4. Proportionality. Proportionate and least intrusive response appropriate to the risk presented
5. Partnership. Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
6. Accountability. Accountability and transparency in delivering safeguarding

Capacity and lack of capacity

Adults have the right to make decisions on their own behalf and they are presumed to have the capacity to do so. Adults lacking capacity to make decisions that would protect and promote their own interests are potentially extremely vulnerable. The Mental Capacity Act 2005 sets out the circumstances in which it can be established that a person lacks the capacity to make a specific decision at a particular time.

Adults at risk should be supported to participate as far as possible in decision-making and express their views. Where it has been established that an adult lacks capacity to make a specific decision, information can be disclosed in accordance with the Mental Capacity Act 2005, when in the opinion of the member of staff, it would be in the person’s best interests. Where an adult lacks capacity to consent to disclosure it is usually reasonable to assume unless there is clear evidence to the contrary that they would want people close to them, or directly involved in their care, to be given appropriate information about their illness, prognosis and treatment.

On the rare occasion that TSA staff have to make a decision on behalf of an adult who is lacking capacity to make a specific decision at a particular time, they will do so in that person’s best interest and ensuring that it is the least restrictive option available.

Safeguarding procedures

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The TSA has a set of clear safeguarding procedures for all aspects of our work, virtual and face-to-face, to make sure that everyone at the charity knows:

- What to do and who to tell internally if you have a concern about a service user
- How to handle a disclose of abuse or neglect, and how to respond and record your concerns
- When and how to share information with others, including respecting people's wishes and understanding when it may be appropriate to act without consent
- When and how to make a referral to Children's Social Care, a third-party organisation or the Police if there are concerns about significant harm
- What it is important to record about safeguarding issues and how to make a record

The TSA's safeguarding procedures can be found separate to this document.

Data protection and confidentiality

Confidentiality is essential to an ongoing and successful safeguarding policy where the TSC community is trusted and respected. The TSA's staff will usually obtain the consent of a service user before sharing any information with family and friends or with trained professionals to facilitate further help and support. Confidentiality is an important part of the TSA's ethos. However, this needs to be balanced against common law duty to support anyone in the TSC community that we are concerned about, including the TSA's own staff.

Information sharing is essential for effective safeguarding. The TSA may have one piece of a jigsaw which will help a safeguarding partner to understand the bigger picture for a child or adult deemed at risk. Concerns about an individual or group must be passed onto the relevant statutory authorities.

There are a small number of situations where consent is not needed. For example, if there is immediate risk of harm to the person or someone else, a serious crime has been committed or can be prevented, or if the person lack capacity at this time to make a decision about consent. The Data Protection Act 2018 includes safeguarding children and others at risk as a justified reason for sharing information without consent. The TSA does not need consent to share information with the Local Authority safeguarding team or the Police where there is immediate risk of harm to the person or someone else, a serious crime had been committed or can be prevented, or if the person lacks capacity at this time to make a decision about consent.

The TSA recognises that some people may share information about their own family dynamics, stresses and triggers that includes information about children. The TSA will promote effective and early identification of safeguarding concerns.

The Data Protection Act 2018 includes safeguarding of children as a justified reason for sharing information without consent. The TSA will also only share information regarding adults at risk

either with their expressed consent or when a significant safeguarding concern is present. The TSA will do this in a fair and proportionate way.

TSA recruitment and safe working practices

Disclosure and Barring Service (DBS) checks

The TSA will not knowingly allow a trustee, member of staff, manager, ambassador or volunteer (either in a paid or unpaid capacity) to work with or support a group which they are barred from working with.

The TSA is aware of its responsibility for ensuring that it carries out appropriate Basic and Enhanced DBS disclosure checks on applicants for any position that qualifies for such a check. All trustee and staff roles at the TSA require a Basic DBS disclosure check.

Safer staffing

Training

The TSA is clear that training and raising awareness of safeguarding issues, policies and procedures is fundamental to the development and maintenance of a safer environment, safer organisation and safer staff. The charity will ensure that appropriate safeguarding training during induction and at regular intervals is provided to trustees and members of staff to assist them in:

- Preventing and recognising harm
- Responding appropriately to allegations of harm
- Recording and sharing concerns
- Knowing who to tell and when information can be shared

The TSA will provide internal training by the designated safeguarding lead for trustees and staff at induction. It is the aim of the TSA that all staff receive an annual safeguarding refresher course, as well as further ad-hoc updates when needed.

After a safeguarding concern happens, staff will be updated on the course, effect and resolution. This will be seen as a learning opportunity for everyone to further their safeguarding training.

All members of staff who have frontline roles on the TSA's Support Line will receive additional external training from a provider that specialises in safeguarding for helplines.

Whistleblowing

The Public Interest Disclosure Act 1998 amended 2013, introduced protection for workers from reprisals for disclosing information in the public interest. It emphasises the importance that

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‘whistleblowing’ can play in deterring and detecting malpractice and abuse of children and adults at risks.

The TSA will promote practical arrangements for whistleblowing to enable staff to voice any concerns, made in the public interest, without fear of repercussion. Any staff member who uses the ‘whistleblowing’ procedure will be made aware that their employment rights are protected. Staff members will be supported in this individual responsibility to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where it helps to safeguard the welfare of children, young people and adults at risk.

The TSA will ensure that the charity:

- Has an appropriate whistleblowing policy in place
- Has clear procedures for dealing with allegations against staff
- Encourages and supports staff to report any behaviour by colleagues that raises concern regardless of source

All safeguarding concerns raised by staff through the ‘whistleblowing’ pathway must be referred to the Joint Chief Executive Officers for consideration and assessment.

Safeguarding allegations against staff

The TSA will immediately refer all safeguarding allegations about its staff to the appropriate Local Authority social services safeguarding team for adults or children.

It is a matter of policy that any staff member about whom a safeguarding allegation is made will be suspended without prejudice immediately, pending investigation. This will be the case even if the allegation is not linked to their role or activity with TSA. Such instances will be rare and any decision to suspend will not be taken lightly.

The decision will be taken by the Joint Chief Executives and designated safeguarding lead in discussion with the relevant line manager. The decision will be informed by advice from external HR and legal specialists. If the safeguarding allegation is about the Chief Executive, the designated safeguarding lead will raise it directly with the Chair and Vice Chair who will make the decision on behalf of the charity.

During any investigation of an allegation against a suspended member of staff, the TSA recognises that the charity has a continuing duty of care. They will ensure a link person is nominated who is not connected to the investigation to provide support and guidance, such as a local GP, trade union or HR adviser, who can signpost the suspended member of staff to other external support networks.

Complaints about TSA staff

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All complaints that are received about the conduct or behaviour of TSA staff will be dealt with according to the TSA Complaints policy.

If any complaint is identified as a potential safeguarding concern, issue or risk then this complaint will be referred directly into Safeguarding Procedures. It will be forwarded to the designated safeguarding lead who will fully investigate the situation with the Joint Chief Executives in order to respond to the complaint. If the complaint is about a Joint Chief Executive then either the Chair, Vice Chair or trustee safeguarding lead will investigate and respond to the complaint.

Under no circumstances will safeguarding referrals be delayed whilst waiting for the client to make a formal written complaint.

DBS referral

If at any time TSA removes an individual from their role and believe that the person has caused harm or poses a future risk of harm to vulnerable groups, including children or adults at risk (or the person has resigned or left that post in circumstances where they may have been removed), then they will refer the matter to the Disclosure and Barring Service.

Review of this policy

This safeguarding policy will undergo a formal review on an annual basis to ensure it remains up-to-date with current legislation, best practices, and the evolving needs of the TSC community. In addition to the scheduled annual review, the policy may be reviewed on an ad-hoc basis in response to significant events, changes in the law, or the identification of new risks or concerns within the charity's operations.

All reviews will consider feedback from staff, volunteers, beneficiaries, and safeguarding partners to ensure the policy effectively addresses all areas of the TSA's work, including face-to-face interactions, virtual events, and fundraising activities. Any updates or changes to the policy will be communicated promptly to all relevant stakeholders and incorporated into the training program to ensure continued compliance and understanding.

Updates to this policy will be formally signed off in meetings of the TSA Board of Trustees.



Appendix A – More details about legislation and guidance relating to safeguarding children

- **The Children Act 1989** places a legal duty on the local authority to make enquiries if they have reasonable cause to suspect a child is suffering or likely to suffer significant harm to enable them to decide whether to take any action in order to safeguard or promote the child's welfare.
http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_1_12
- **The Children Act 2004** Section 11 of the Children Act 2004 placed duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children, for example police, NHS, local authorities, probation, prisons and offending services.
<http://www.legislation.gov.uk/ukpga/2004/31/contents>
- **Working Together to Safeguard Children: A Guide to interagency working to safeguard and promote the welfare of children, HM Government 2015.** These documents define the categories of child abuse and provide a useful list of signs and symptoms.
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- **The United Nations Convention on the Rights of the Child**, Families and Babies believe that every child has the right to be loved and cared for and to be safe and well, to be offered a good standard of education, to be protected from exploitation and to have opportunities for rest and play (1991). Similarly, all children have the same rights and the same value, regardless of age, race, culture, gender, disability, or social/economic background. <http://www.unicef.org/crc/>
- **What to do if you're worried a child is being abused, Department of Health 2015.** This guidance is accompanied with flowcharts following the procedure from referral, initial assessment, emergency action that might need to be taken, through to what happens after a strategy discussion and child protection review conference.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf
- **Sharing Information, Department for Children, Schools and Families 2015.** This HM Government advice is non-statutory and has been produced to support practitioners in the decisions they take when sharing information to reduce the risk of harm to children and young people. This advice is for all frontline practitioners and senior managers working with children, young people, parents and carers who must make decisions about sharing personal information on a case by case basis. It might also be helpful for practitioners working with adults who are responsible for children who may be in need.
<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>



Appendix B – More information about legislation and guidance on safeguarding adults at risk

- **England – Care Act 2014, HM Government.** This Act replaced the ‘No Secrets’ Department of Health 2000 guidance in respect of safeguarding adults at risk. The terms ‘adult at risk of abuse or neglect’ and the previously used term ‘vulnerable adult’ are interchangeable and mean the same. This act makes the creation of Safeguarding Adult Protection Boards, vetting and training as mandatory for the first time. The Act came into force in April 2015.
- **England – Care and Support, Statutory Guidance on Implementation of the Care Act 2014.** The Government issued statutory guidance in October 2014 which explained how the new Care Act 2014 Regulations which came into effect from April 2015 work in practice. They made changes that included clarifying the guidance on adult safeguarding and revising the eligibility criteria to focus on outcomes and better address social isolation.
- **England – Mental Capacity Act, Department of Health 2005.** This Act provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions. It makes it clear who can take decisions, in which situations and how they should go about this. <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>
- **Scotland – The Adult Support and Protection Act 2007 and related Code of Practice**
- **Wales – Social Services and Wellbeing (Wales) Act 2014**
- **Northern Ireland – Adult Safeguarding Prevention and Protection in Partnership (Policy)**
- **Data Protection Act 1998.** The Data Protection Act 1998 gives effect throughout the United Kingdom to an EC Directive of 1995. It requires compliance with eight Data Protection Principles which set out standards for processing and handling information. Where you have concerns that the actions of some may place children at risk of significant harm or adults at risk of serious harm, it may be possible to justify sharing information with or without consent for the purposes of identifying people for whom preventative interventions are appropriate. <https://www.gov.uk/data-protection/the-data-protection-act>
- **The General Data Protection Regulation (GDPR) 2018** includes safeguarding of children or others at risk as a justified reason for sharing information without consent.
- **Counter-Terrorism and Security Act 2015.** Section 26 of the Act places a duty on partners of Local authorities and certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. <https://www.gov.uk/government/publications/prevent-duty-guidance>