

The background image shows the interior of a grand, domed gallery. A large, dark marble column stands on the left. The ceiling is a complex, multi-tiered dome with a central skylight and smaller arched skylights. The walls are decorated with gold leaf, blue and red panels, and circular medallions. The overall atmosphere is one of historical grandeur and architectural detail.

THE
NATIONAL
GALLERY

POLICIES &
PROCEDURES

SAFEGUARDING POLICY

February 2023

Policy statement

The National Gallery is committed to ensuring access to its collection (and sites) for all, including children, young people and adults at risk (as defined in the Appendix). This Safeguarding Policy is in place to ensure that anyone who engages with the National Gallery, whether onsite, offsite, online or in virtual environments is protected from harm and provides a framework for the management of Safeguarding Risks by the National Gallery. It recognises that being subjected to harassment, violence and/or abuse, may breach children's rights, and the rights of adults at risk, as set out in the Human Rights Act.

The National Gallery seeks to safeguard children, young people and adults at risk by:

- i. valuing, listening to and respecting children, young people and adults at risk;
- ii. adopting and adhering to safeguarding procedures, a code of conduct and compliant recruitment practices for trustees, employees, workers, contractors, agency workers and trainees including through training and e-learning as appropriate;
- iii. providing an effective management structure for safeguarding through supervision and support of persons to whom this Policy applies;
- iv. sharing information about concerns internally, and with appropriate external agencies, in a timely manner;
- v. creating a safe environment by risk assessing relevant activities undertaken onsite, offsite, online and in virtual environments; and
- vi. protecting the identity of children, young people and adults at risk by restricting access to personal information and reproduction of images in print or online.

This policy has been developed in accordance with requirements and principles established in the relevant legislation and statutory guidance. The National Gallery is committed to reviewing this policy every year on or before the end of the financial year or earlier if there are major changes in legislation or within the National Gallery.

Safeguarding reporting structure

If you have any immediate concerns regarding a safeguarding incident, or any questions about this Policy, you should contact:

- Safeguarding Lead: Susan Foister, Deputy Director of the National Gallery
- Safeguarding Deputy: Karen Eslea, Head of Learning and National Programmes

The Safeguarding Lead oversees the **Safeguarding Governance Group ('SGG')** comprising the Safeguarding Lead, Deputy, the **Designated Safeguarding Officers** across the National Gallery, from time to time, and such other members of senior management when needed. (A list of Designated Safeguarding Officers can be found in the Safeguarding Procedures document). The SGG coordinates the National Gallery's response to safeguarding risks, reviews and monitors performance of the National Gallery's safeguarding obligations and horizon scans for future developments. All safeguarding concerns and disclosures related to this Policy should be reported directly to a Designated Safeguarding Officer.

Designated Safeguarding Officers are responsible for:

- receiving and recording information from anyone who has safeguarding concerns;
- assessing the information promptly and carefully, clarifying or obtaining more information when they need to;
- consulting initially with a statutory child/adult protection agency;
- following the National Gallery's referral process outlined in the Safeguarding Procedures document, and, if necessary, making a formal referral to a statutory child/adult protection agency;
- ensuring that procedure is followed on such matters as making a referral, confidentiality and recording; and
- leading in the development of safeguards and review of National Gallery Safeguarding Policy and Procedures

The National Gallery has a named Trustee who has oversight of the National Gallery's management of its safeguarding responsibilities and the SGG.

Scope of this Policy and the Safeguarding Procedure

This Policy (and the associated Safeguarding Procedure) applies to anyone who works at the National Gallery (including all National Gallery employees, casual workers, trustees, contractors, agency workers and those who work with the National Gallery, including all external partners, when engaged either on the Gallery sites, or on Gallery business).

The National Gallery recognises that it must identify all activities that take place onsite, offsite, virtually, online and with partner organisations to identify safeguarding risks. The Safeguarding Governance Group will manage a Safeguarding Risk Register which identifies risks across the organisation.

Activities that have been identified include, but are not limited to:

- Learning and National Programme projects, events and workshops;
- Exhibitions (including their design and layout);
- Social Media content and interaction;
- Use of digital technology, virtual environments and online programming;
- Filming and Photography;

- Events, including licensable activities;
- Development (including in particular the relationship between fundraising and adults at risk
- Building and refurbishment plans for public spaces
- Procurement

The National Gallery's **Safeguarding Procedure** contain specific step by step guidance on the National Gallery's internal operating procedures and practices and should be read in conjunction with this Policy by persons to whom this Policy applies.

The Safeguarding Procedure contains further details in relation to:

- the **allocation of responsibilities** for safeguarding activities and risk management;
- the **referral process** for safeguarding and what to do if a child, young person or adult at risk discloses (i.e. tells you about abuse or harm s/he is suffering or has suffered) or if you have a safeguarding concern following an incident;
- **risk assessment** in relation to Regulated Activities (see Appendix) when and how they must be undertaken;
- the National Gallery's use of the **disclosure and barring service** ('DBS') and where and when DBS checks are required and how this links to risk management;
- standards for working with **partner organisations** and when they are expected to either adhere to the National Gallery's safeguarding standards or to have their own clear safeguarding policies and procedures in place;
- **procurement** by the National Gallery and what standards it requires from its contractors and service providers;
- the National Gallery's safeguarding procedures in relation to **specific activities and/or risks** including:
 - Within the overarching Selection and Recruitment Procedures
 - photography, filming and recording;
 - film screenings;
 - lost and unaccompanied children;
 - the use of social media;
 - safety within exhibitions; and
 - safety at events and licensed events.
- the National Gallery's **Safeguarding Code of Conduct**, being a set of behaviours, principles and standards when working with, meeting or interacting with children, young people and adults at risk on behalf of the National Gallery.

All persons subject to the Policy shall report any issues arising in relation to children, young people and adults at risk as well as any breaches or suspected breaches of this Policy to a Designated Safeguarding Officer immediately.

Employees who are suspected of breaching the Safeguarding Procedures (or this Policy) will be subject to suspension, investigation and potential dismissal within the Gallery's Disciplinary Policy and related Procedures. Serious breaches will be referred to the police or a statutory child or adult protection agency.

Trustees

Safeguarding must be a governance priority for all charities and is a fundamental part of operating as a charity for the public benefit. [Safeguarding and protecting people for charities and trustees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/safeguarding-and-protecting-people-for-charities-and-trustees). Tonya Nelson is the Safeguarding lead for the Board. The Board of Trustees must take reasonable steps to protect from harm people who come into contact with the National Gallery.

This includes:

- People who benefit from The National Gallery's collection and any activities related to the collection;
- Employees and Casual Workers contracted with The National Gallery;
- Agency Staff, Contractors and Volunteers; and
- Other people who come into contact with The National Gallery and its work through partnerships.

Trustees will hold the organisation to account if things go wrong. They should act swiftly to ensure that any issues are dealt with in accordance with the National Gallery's Safeguarding Policy and Safeguarding Procedure.

Responsibility for Children, Young People and Adults at Risk

Responsibility for children and young people

The National Gallery welcomes independent visitors aged 13 and over. Responsibility for a child ultimately lies with the parent or whoever is *in loco parentis* for that child. This is usually a teacher, social worker, carer or guardian, whichever applies.

Local authorities have a responsibility for organisations working with children in their boroughs to have their own safeguarding and child protection policies. Employees from schools and other institutions will therefore comply with their own policies and procedures and the National Gallery ensures that these responsibilities are always made clear to the organisations it works with.

However, whilst primary responsibility rests with such persons named above, the National Gallery recognises that it has special duties of care towards children, young people and adults at risk that help protect these groups from harm as set out in this Policy.

Regulated Activities

Responsibility for an adult at risk ultimately lies with the person undertaking Regulated Activity (as defined in the Appendix) relating to that individual.

Considering legislation, guidance and best practice, the National Gallery does not consider that it currently undertakes Regulated Activity for children, young people and adults at risk. The National Gallery will not undertake any Regulated Activity unless there is an exceptional reason to do so. And in which case projects will be risk assessed on a case by case basis and must be referred to a Designated Safeguarding Officer to gain advice. Any Regulated Activity should be avoided, and if it is considered essential, must be approved by the Lead Safeguarding Officer.

Children and young people on school trips and attending organised events

Children who are invited to take part in organised events *must* be accompanied by a responsible adult.

For school visits the teacher is *in loco parentis*. These adults are responsible for supervising the children in their care at all times:

The National Gallery requires the following adult to pupil ratios for facilitated school visits:

Early Years Foundation Stage (3-5 years old)	1:6
Key Stages 1-2 (5-11 years old)	1:10
Key Stages 3-5 (11-18 years old)	1:15

Confidentiality

The right of a child, young person or adult at risk to be protected takes precedence over a parents'/guardians' right to confidentiality.

The Lead Safeguarding Officer will keep all Disclosure of Information Report forms in a secure place for 12 years. All sensitive material that the National Gallery manages will be dealt with in conjunction with the Data Protection Policy.

National Gallery Policy and Procedures

Other policies and procedures that relate to the National Gallery's Safeguarding Policy are:

- Anti- Slavery Policy
- Code of Conduct
- Disciplinary Policy
- Data Breach Policy
- Data Protection Policy
- Dignity at Work Policy
- Fundraising Policy

- Selection and Recruitment
- Use of Technology Policy
- Whistleblowing

Appendix

Definitions

Children and Young People

In the context of this policy a child is defined as anyone under the age of 18, thus including those commonly referred to as ‘young people’.

Adult at risk

An adult at risk may be someone aged 18 years or over who *‘may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’*. This definition is taken from the Care Act 2014 (as amended).

Regulated Activity

A tool to establish whether an activity is a “Regulated Activity” can be found here <https://www.gov.uk/find-out-dbs-check/y/caring-for-or-working-with-children-under-18-or-working-in-a-school/teaching-or-caring-for-children/working-in-a-school-nursery-children-s-centre-or-home-detention-service-young-offender-institution-or-childcare-premises/yes>

Regulated activity excludes family arrangements, and personal, non-commercial arrangements.

1. *Regulated Activity relating to children* comprises:
 - i. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
 - ii. Work in a limited range of establishments (‘specified places’), with opportunity for contact: for example, schools, children’s homes, childcare premises. Not work by supervised volunteers;
 - iii. Moderating an online chatroom or online media for children more than 3 times per month

Work under (i) or (ii) is Regulated Activity only if done regularly by the same person:

- Once a week or more, or
- 3 or more days in 30, or
- Overnight

2. *Regulated Activity relating to adults* comprises

Regulated activity relating to adults no longer labels adults as ‘vulnerable’. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities.

There are six categories of people who fall within the definition of Regulated Activity (and so will anyone who provides day to day management or supervision of those people).

- i. Providing health care
- ii. Providing personal care
- iii. Providing social work

- iv. Assistance with cash, bills and/or shopping
- v. Assistance in the conduct of a person's own affairs
- vi. Conveying