

# **LIVE MUSIC NOW SCOTLAND**

## **POLICY & PROCEDURES FOR THE SAFEGUARDING OF CHILDREN & YOUNG PEOPLE**

Effective from:	10.02.2025
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## SECTION ONE: Safeguarding at Live Music Now Scotland

### Introduction to Live Music Now Scotland (LMNS)

Live Music Now Scotland’s mission is to bring high quality live music to people throughout Scotland, particularly those who would otherwise not have access to its transforming benefits and ability to affect societal change. At the same time, LMNS supports outstanding early career artists in establishing sustainable careers as professional musicians based in Scotland through fairly paid performing experience and training.

The objectives for which LMNS is established are:

- The advancement of the arts and culture through the promotion of music and other performing arts, in particular among those members of the public who would otherwise be deprived of the benefit of performances of live music and of other performing arts; and
- To advance the musical education of musicians at the outset of their careers as performing artists by providing them with support, specialist training and opportunities to complete their practical education by performing and working in public.

Live Music Now was founded in 1977 by legendary violinist Yehudi Menuhin and is the leading musicians’ development and outreach organisation in the UK. Live Music Now Scotland has been a fully devolved branch since 1984 working with over 135 musicians across a range of musical genres in delivering over 750 participatory performances and workshops annually in care homes, day centres, hospitals, additional support needs schools and units, nurseries and other community settings across the length and breadth of the country.

### The Purpose and scope of the Policy

This policy applies to all LMNS musicians, staff, musicians, volunteers, trustees of the charity and anyone delivering work on behalf of LMNS.

LMNS believes that children and young people should never experience abuse of any kind and that LMNS has a responsibility to promote the welfare of all children and young people, to keep them safe and to practice in a way that protects them.

The purpose of this policy is to safeguard the children and young people who receive LMNS’s services while also providing LMNS musicians, staff, trustees, and volunteers with the overarching principles that define our approach to child protection.

### Legal framework

This policy and the accompanying procedures have been written using guidelines issued by the NSPCC, relevant government guidance and are underpinned by the following legislation and guidance:

Children (Scotland) Act 1995	Protection of Vulnerable Groups (Scotland) Act 2007
Protection of Children (Scotland) Act 2003	Children & Young People (Scotland) Act 2014
Children’s Hearings (Scotland) Act 2011	UN Convention on the Rights of the Child 1991
Data Protection Act 2018	National Guidance for Child Protection in Scotland 2023
Protection of Children & Prevention of Sexual Offences (Scotland) Act 2005	

## Principles underpinning this policy

We recognise that:

- The welfare of children is paramount in all the work we do and in all the decisions we take.
- All children regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have the right to equal protection from all types of harm or abuse.
- Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with schools and other agencies is essential in promoting young people's welfare.

## Safeguarding children and young people

LMNS will seek to keep children and young people safe by:

- Always respecting, valuing, and listening to children and young people.
- Appointing a Designated Safeguarding Officer (DSO) and a Deputy DSO.
- Adopting child protection and safeguarding best practice through our policies, procedures and code of conduct for musicians, staff, volunteers and trustees.
- Ensuring the appropriate level of PVG checks are made on all adults working with children, young people and protected adults.
- Recruiting staff and volunteers safely, ensuring all necessary reference checks are made.
- Recording and storing information professionally and securely, in line with data protection legislation and guidance.
- Sharing information about safeguarding and good practice with musicians, staff and volunteers.
- Sharing concerns and relevant information with agencies and/or managing any allegations against staff and volunteers by following the procedures outlined in this policy.
- Ensuring that we have effective complaints and whistleblowing measures in place.
- Creating an open and honest culture where musicians, staff and volunteers feel comfortable sharing their safeguarding concerns.

## Getting it Right for Every Child (GIRFEC)

GIRFEC provides Scotland with a consistent framework and shared language for promoting, supporting, and safeguarding the wellbeing of children and young people. These are the eight indicators of wellbeing (SHANARRI) which are set within the 'four capacities' which are at the heart of the Curriculum for Excellence:

### SHANARRI:

- Safe
- Healthy
- Active
- Nurtured
- Achieving
- Respected
- Responsible
- Included

### Four capacities:

1. Confident individuals
2. Effective contributors
3. Successful learners
4. Responsible citizens

Every child in Scotland has the right to be kept safe from abuse, neglect, exploitation and any other kind of harm that puts them at risk. It's not just up to police, health professionals and social work to protect children, **everyone** has a responsibility to keep children safe from harm.



**Live Music Now Scotland Safeguarding Team**

LMNS Designated Safeguarding Officer (DSO), Lesley-Ann Smith, General Manager

Email: [lesleyann.smith@livemusicnow.scot](mailto:lesleyann.smith@livemusicnow.scot), Telephone: 07815 792054

LMNS Deputy DSO, Jude Anderson, CEO

Email: [jude.anderson@livemusicnow.scot](mailto:jude.anderson@livemusicnow.scot) Telephone: 07976 531117

**Staff Training Log**

<b>Name</b>	<b>Job Role</b>	<b>Training Undertaken</b>
Lesley-Ann Smith	General Manager / Designated Safeguarding Officer	NSPCC Designated Safeguarding Lead training 2020
Jude Anderson	CEO / Deputy Designated Safeguarding Officer	NSPCC Designated Safeguarding Lead training 2022

## SECTION TWO: Safer Recruitment & Code of Conduct

### Disclosure Scotland PVG (Protecting Vulnerable Groups) checks

#### **Musicians**

All musicians joining the LMNS scheme will work with both vulnerable groups: children and Protected Adults. To work for LMNS, all musicians are required to apply for a Disclosure Scotland PVG Scheme Record to work with children and protected adults.

Musicians who are members of the Disclosure Scotland PVG Scheme Record with approval to work with one group, are required to apply for an Existing Scheme Record to apply to work with a new group.

Musicians who are a member of the Disclosure Scotland PVG Scheme Record with approval to work with both groups, are required to apply for a Scheme Record Update to add Live Music Now Scotland to their membership.

**Musicians are not able to carry out work for LMNS until their PVG membership is in place.**

#### **Volunteers**

LMNS volunteers and trustees are required to complete a Basic/Level 1 Disclosure Scotland check.

#### **Staff**

LMNS staff are required to complete a Basic/Level 1 Disclosure Scotland check.

#### **Policies and training**

All new musicians take part in safeguarding training as part of their induction which introduces them to our procedures.

Before undertaking any work, musicians, staff and volunteers must read the Children and Young People Safeguarding Policy, Adults at Risk Safeguarding Policy and Digital Safety Policy and submit a 'Statement of Understanding' form. By completing this form, musicians, staff and volunteers agree to adhere to the policies while undertaking all paid or unpaid work with Live Music Now Scotland.

Musicians who lead residencies with children and young people are required to complete safeguarding training.

All musicians, staff and volunteers are strongly encouraged to attend Live Music Now Scotland's annual safeguarding training at least once every three years.

#### **Code of conduct**

This Code of Conduct outlines the conduct LMNS expects from all our staff and volunteers. This includes staff, trustees, musicians, volunteers, trainers and anyone who is undertaking duties for the organisation, whether paid or unpaid.

The code aims to help us protect children and young people from abuse and reduce the possibility of unfounded allegations being made. In your role at LMNS you are acting in a position of authority and have a duty of care towards the children and young people we work with. You are likely to be seen as a role model and are expected to act appropriately.

### **Behaviour**

You are responsible for:

- Prioritising the welfare of children and young people when delivering LMNS activity
- Providing a safe environment for children and young people while carrying out your LMNS activity
- Following our policies and procedures
- Reporting any breaches of this Code of Conduct to LMNS' DSO
- Notifying LMNS' DSO of any concerns regarding abusive behaviour, demonstrated by an adult, child or young person towards a person of any age
- Ensure your contact with children and young people is appropriate and relevant to the work of the project you are involved in
- Ensure that there is at least one venue staff member present during LMNS activities with children and young people
- If you are working on a 1-1 basis with a child or young person, ensure that you are within sight or hearing of other adults if a member of staff is not present
- If a child or young person specifically asks for or needs some individual time with you, only do this if you are in clear sight of another member of staff.

### **Attitudes and values**

You should:

- Treat children and young people with respect and dignity
- Value and take children and young people's contributions seriously, actively involving them in planning LMNS activities wherever possible
- Encourage and support each child and young person
- Respect differences in gender, sexual orientation, culture, race, ethnicity, disability and religious belief systems, and appreciate that all participants bring something valuable and different to the group

### **Leading by example**

You should:

- Lead by example, behaving in a way that we would wish others to follow
- Use appropriate language with children and young people
- Challenge any inappropriate language, bias, or discrimination displayed by a child or young person, or an adult who works with them
- Respect a young person's right to personal privacy as far as possible. If you need to break confidentiality to follow child protection procedures, it is important to explain this to the child or young person at the earliest opportunity.

### **Unacceptable behaviour**

You must not:

- Allow concerns or allegations to go unreported
- Smoke, consume alcohol or use illegal substances while undertaking LMNS activities
- Develop inappropriate relationships with children and young people
- Engage in behaviour that is in any way abusive, including having any form of sexual contact with a child or young person
- Share your personal contact details with children and young people (mobile number, email or address) or contact/connect with them via social media
- Act in a way that can be perceived as threatening or intrusive
- Patronise or belittle children and young people
- Make sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to or in front of children and young people.



**Upholding this code of behaviour**

You should always follow this code of behaviour and never rely on your reputation or that of LMNS to protect you.

If you have behaved inappropriately, you will be subject to LMNS's disciplinary procedures. Depending on the seriousness of the situation, you may be asked to leave LMNS. Employers have a legal responsibility to refer to Disclosure Scotland where an individual has harmed a child or protected adult.

## SECTION THREE: Recognising abuse and neglect

### Types of child abuse

The following information is to assist everyone at LMNS to be more alert to the types and possible signs of abuse. This is not a definitive guide; it has been customised to recognise the signs that you are most likely to encounter in an LMNS setting while performing, working or volunteering. These signs do not necessarily mean that a child is being abused.

### What is child abuse?

Any child or young person can experience abuse or neglect. They may experience harm in a family environment, or in an institution or community setting such as a school or club. They may know the person who is abusing them or, more rarely, experience abuse from a stranger. Abuse can happen in person or online, or through a combination of the two. Children can also experience more than one type of abuse, and it can have serious and long-lasting impacts on their lives.

### Physical Abuse

Physical abuse happens when a child is deliberately hurt, causing injuries such as cuts, bruises, burns and broken bones. It can include hitting, kicking, shaking, throwing, poisoning, burning or suffocating. Physical abuse may also happen when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child. Physical abuse can also be caused through omission or the failure to act to protect. If a child is frequently injured, and if the bruises or injuries are unexplained or the explanation doesn't match the injury, this should be reported.

### Emotional Abuse

Emotional abuse is emotional maltreatment of a child which has a severe and persistent negative effect on the child's emotional health and development. It's also known as psychological abuse. Exposing a child to aggression, cruelty or abuse between others is also a form of emotional abuse. Most forms of abuse include an emotional element, but emotional abuse can also happen on its own. There are several categories of emotional abuse. These include rejection, terrorizing, bullying, manipulation, imposing unreasonable expectations and exposing them to the ill-treatment of others.

### Sexual Abuse

Child sexual abuse is when a child is forced or persuaded to take part in sexual activities. This may involve physical contact or non-contact activities and can happen online or offline. Children and young people may not always understand that they are being sexually abused. Children and young people of any age, including very young children and babies, can experience sexual abuse.

**Contact abuse** involves activities where an abuser makes physical contact with a child. It includes sexual touching of any part of the body; forcing or encouraging a child to take part in sexual activity; making a child take their clothes off or touch someone else's genitals; rape or penetration.

**Non-contact abuse** involves activities where there is no physical contact. It includes flashing at a child; encouraging or forcing a child to watch or hear sexual acts; not taking proper measures to prevent a child being exposed to sexual activities by others; making, viewing or distributing child abuse images; allowing someone else to make, view or distribute child abuse images.

**Online sexual abuse** includes persuading or forcing a child to send or post sexually explicit images of themselves, this is sometimes referred to as sexting; persuading or forcing a child to take part in sexual activities via a webcam or smartphone; having sexual conversations with a child by text or online.

### **Neglect**

Neglect is not meeting a child's basic physical and psychological needs. It is a form of child abuse that can have serious and long-lasting impacts on a child's life - it can cause serious harm and even death. The four main types of neglect are physical neglect, educational neglect, emotional neglect and medical neglect. Neglect can happen at any age, sometimes even before a child is born. If a mother has mental health problems or misuses substances during pregnancy, for example, she may neglect her own health, and this can damage a baby's development in the womb.

### **Domestic Abuse**

Domestic abuse is any type of controlling, coercive, threatening behaviour, violence or abuse between people who are, or who have been in a relationship, regardless of gender or sexuality. It can also happen between adults who are related to one another. Domestic abuse can include coercive control, physical abuse, emotional abuse, sexual abuse and rape, stalking and harassment, economic and financial abuse, and technology-facilitated abuse.

### **Bullying & Cyber-bullying**

Bullying is when individuals or groups seek to harm, intimidate or coerce someone who is perceived to be vulnerable. It can involve people of any age, and can happen anywhere – at home, school, work or using online platforms and technologies (cyberbullying). This means it can happen at any time. Bullying encompasses a range of behaviours which may be combined and may include verbal abuse, physical abuse, emotional abuse, and cyberbullying/online bullying. Bullying and cyberbullying can be a form of discrimination, particularly if it is based on a child's disability, race, religion or belief, gender identity or sexuality.

### **Other forms of harm**

The NSPCC and inter-agency guidance draws attention to other safeguarding issues for children, young people and families such as:

- Exploitation by criminal gangs and organised crime groups
- Female Genital Mutilation (FGM)
- Child trafficking and modern slavery
- Child sexual exploitation
- Extremism leading to radicalization

To find out more, please visit [Types of Child Abuse & How to Prevent Them | NSPCC](#)

## SECTION FOUR: Barriers to disclosure and reporting abuse

### Barriers to disclosure

Some children and young people are reluctant to seek help because they feel they don't have anyone to turn to for support. They may have sought help in the past and had a negative experience, which makes them unlikely to do so again. They may also:

- Feel that they will not be taken seriously
- Feel too embarrassed to talk to an adult about a private or personal problem
- Worry about confidentiality
- Lack trust in the people around them and in the services provided to help them
- Fear the consequences of asking for help
- Worry they will be causing trouble and make the situation worse
- Find formal procedures overwhelming

Not all children and young people realise they have experienced abuse.

### Barriers to reporting abuse

#### ***Barriers which may prevent children and young people sharing concerns:***

- Feeling there is no-one to talk to who will listen and can be trusted
- Fear of not being listened to, understood, taken seriously or being believed
- A belief in self-reliance
- A sense of pointlessness about sharing problems and belief that nothing will change
- Embarrassment

LMNS recognises that children and young people with disabilities may experience additional challenges to communicating their concerns. Research has demonstrated that disabled children and young people are particularly vulnerable to abuse for several different reasons depending on their impairment. These reasons include:

- A dependency on others for their primary needs such as feeding, clothing and intimate care which may make a young person feel powerless to report abusive treatment and might mask abusive behaviour
- Different communication methods or lack of appropriate vocabulary that might provide a barrier for a child or young person wanting to communicate about their concerns
- Isolation within a residential setting
- A fear of retribution

#### ***Barriers to reporting concerns to the Designated Safeguarding Officer:***

- Fear you may be wrong
- Doubts about the child or young person's honesty
- Your own anger and distress
- The child or young person's attempts to bind you to secrecy
- Uncertainty of procedures and consequences
- There may be other reasons for the young person's behaviour
- Not wanting to interfere in family life

**REMEMBER:** It is not your responsibility to decide whether abuse has occurred or not. Pass on your concerns and they will be taken seriously.

## SECTION FIVE: What to do if you have a safeguarding concern



### RECOGNISE

You may suspect or witness harm or abuse or it may be disclosed to you.

Children and young people who have been abused may want to tell someone, but do not have the exact words to do so. They may attempt to disclose abuse by giving adults clues, through their actions and by using indirect words. Adults need to be able to notice the signs that a child or young person might be distressed and ask them appropriate questions about what might have caused this.

**If you suspect that a child is being abused or at risk of harm, always report your concerns.**



### RESPOND

It takes extraordinary courage for a child to go through the journey of disclosing abuse. The people that children and young people choose to disclose to need to listen, understand and respond appropriately so they get the help, support and protection they need.

A child or young person may voluntarily or inadvertently share information about abuse or neglect with you individually or in a group setting. Alternatively, they may share information with you in response to your concern. It is good practice to ask a child or young person why they are upset or how a cut or bruise was caused as it can help clarify uncertain concerns you may have and lead to the right course of action.

When a child or young person makes a disclosure of abuse or neglect:

#### DO...

- ✓ Stay calm
- ✓ Listen carefully to what is being said
- ✓ Take what the child or young person has to say seriously
- ✓ Find an appropriate early opportunity to explain that the information will need to be passed on officially to keep them safe.
- ✓ Keep your body language open and encouraging (lean forward and uncross your arms and/or legs)
- ✓ Be compassionate, understanding and reassure them that their feelings are important
- ✓ Allow the child or young person to speak at their own pace – respect any pauses
- ✓ Ask questions only for clarification
- ✓ Reflect back in summary what they have said to check your understanding and use their language as much as possible to show it's their experience
- ✓ Reassure the child or young person that they have done the right thing in telling you, that they have not done anything wrong and explain what happens next

### DO NOT...

- Promise to keep secrets
- Ask 'leading' questions that suggest a particular answer
- Do not interrupt them
- Ask them to repeat their disclosure unless necessary
- Do not make notes while the child or young person is talking

### CONSENT

- Ask the child or young person if they will give consent for their personal information to be passed on. Explain who it will be passed to and that it is being done to keep them safe.
- Information can be shared without consent if:
  - sharing the information will enhance the child or young person's safeguarding
  - there is a risk of harm to the child or others
  - it is in the public interest – this includes protecting children from significant harm and promoting the welfare of children.
- If you're sharing information without consent keep a written record explaining:
  - what steps you took to get consent
  - the child or young person's reasons for not giving consent (if known)
  - why you felt it was necessary to share information without consent.



### REPORT

Report the concerns you have about a child immediately to:

1. LMNS Designated Safeguarding Officer (DSO):

Lesley-Ann Smith, LMNS General Manager  
Tel: 07815 792054  
[lesleyann.smith@livemusicnow.scot](mailto:lesleyann.smith@livemusicnow.scot)

In the absence of the LMNS DSO, concerns should be reported to the LMNS Deputy DSO:

Jude Anderson, CEO  
Tel: 07976 531117

[jude.anderson@livemusicnow.scot](mailto:jude.anderson@livemusicnow.scot)

2. The venue's Designated Safeguarding Lead or Officer
3. Should the concerns involve **both** the Designated Safeguarding Officer and the Director, the report should be made directly to the Children's Social Care Services in the local authority where the alleged abuse took place. Contact details of the Children's Social Care Services for all local authorities can be found here: [Child protection: report a concern and support - mygov.scot](#)

Recognise

Respond

Report

Record

## RECORD

### When

Immediately after the conversation with the child or young person, while it is fresh in your mind, you must write down an accurate record of the information you have been given on the *Child/Young Person Report of Concern Form* (See [APPENDIX](#)).

This written record will be updated throughout any resulting investigation, with a detailed chronology of events and the contact details for the lead person in the relevant agencies (social care, police etc.)

### What

You should note down:

- The child's full name if known
- The timing and date
- The setting/venue
- What the child or young person said or did that gave you cause for concern, or if the child made a verbal disclosure, write down their exact words as close as possible to verbatim, using the child's own words. Do not paraphrase.

### How

- You should only record the facts. Recording any personal opinions can lead to bias.
- Use language that is clear and precise, ideally avoiding the use of terminology.

## SECTION SIX: Whistleblowing policy and procedure

Whistleblowing occurs when a musician, member of staff or volunteer raises a concern about misconduct, illegal or underhand practices by individuals and/or an organisation; or about the way care and support is being provided, such as practices that cause harm or risk of harm to others or are abusive, discriminatory or exploitative.

This includes situations in which the DSO and/or Deputy DSO fail to address the concerns of a musician, staff member, or volunteer.

In line with LMNS's whistleblowing policy and procedures:

- LMNS is committed to the highest possible standards of conduct, openness, honesty and accountability.
- LMNS takes poor or malpractice seriously and ensures that a whistleblowing concern is clearly distinguished from a grievance.
- Staff or volunteers have the option to raise concerns outside of line management structures.
- Staff or volunteers are enabled to access confidential advice from an independent source.
- LMNS will, where possible, respect the confidentiality of a member of staff raising a concern through the whistleblowing procedure; and
- It is a disciplinary matter both to victimise a bona fide whistleblower and for someone to maliciously make a false allegation.

There may be situations in which concerns or allegations turn out to be unfounded. It is important that everyone in the organisation knows that if they raise a concern which, through the process of investigation, is not validated, they have not in any way been wrong in their initial action. LMNS endorses responsible action, and whistleblowers should be confident of support.

**It is everyone's duty to be vigilant in preventing abusive practice.**

## SECTION SEVEN: Safeguarding Guidelines for online activities with young people

These guidelines exist for any online sessions delivered by LMNS.

### Setting up a session

To set up a session via an online platform, musicians should:

- Use a work account to sign in to the online platform.
- Ensure privacy settings for the online platform are used to make the session secure. For Zoom, use Meeting ID option to 'generate automatically' an ID for the meeting to reduce the risk of the meeting being accessed by a member of the public.

### Contacting the venue or family

When liaising with the venue or participant's family, musicians should:

- Use their professional work email and copy the relevant LMNS team member for that project into all correspondence.
- Correspond with the parent or carer and not the young person directly.

### On the day

Musicians and/or LMNS staff should:

- Use a neutral space (not a bedroom or bathroom) for online sessions.
- Ensure the background is professional and tidy.
- Present themselves as if delivering face-to-face sessions, in dress & manner.
- Ensure that if they are working with a child or protected adult that the parent/carer/venue staff is present throughout the entire session. The session should be stopped if there is no parent/carer/venue staff present. Alternatively, arrangements can be made for an LMNS staff member to be present in their place.
- In conjunction with venues, sessions may be recorded and kept on file for 28 days for safeguarding purposes.
- The use of social media or any way of communicating through unofficial channels is prohibited.
- Private chat or sharing of images between musicians and participants is prohibited.

### After the session

If you have any safeguarding concerns regarding the child, young person or protected adult, contact LMNS's Designated Safeguarding Officer (Lesley-Ann Smith, [lesleyann.smith@livemusicnow.scot](mailto:lesleyann.smith@livemusicnow.scot)).

## SECTION EIGHT: Procedure for referrals – reporting concerns & disclosures

### Procedure for referrals: Referring the concerns to the relevant agencies

The Designated Safeguarding Officer will:

- Collate and clarify the precise details of the allegation or suspicion
- Contact the relevant agencies within the local authority, in Scotland or anywhere in the UK, where the suspected or alleged abuse took place and liaise with them throughout any ongoing investigations.

After a person working on behalf of LMNS reports a concern or disclosure to the LMNS Designated Safeguarding Officer (DSO), the venue's Designated Safeguarding Lead, and the completed Report of Concern form is forwarded to the DSO, LMNS' DSO should identify if it is a serious concern and follow the procedures below.

#### Serious concern

- Contact the venue's (school, nursery etc) Designated Safeguarding Lead to report the serious concern or disclosure by:
  1. Sharing the following information:
    - Clearly identifying themselves and their contact details
    - Stating what has prompted the concerns, including details of any specific incidents or disclosure by the child or young person
    - Giving details of any other agencies or individuals consulted in relation to the concern
  2. Sharing the accurate and detailed account recorded on the *Child/Young Person Record of Concern Form* (See [APPENDIX](#))
  3. Liaising with the venue's DSL throughout any ongoing investigations.
  4. Maintaining the Record of Concern with information on the development of the investigation and ultimate outcome
  5. Provide a confidential update to the person who recorded the concern.

#### Possible serious concern

- Seek advice from the relevant Social Services
- Follow the procedure above if advised to report the concern
- Liaise with the Deputy DSO and the Trustee Lead for Safeguarding and record the actions taken and the reason for the decision – whether it is to share information or not.

#### Not a serious concern

- Notify the Deputy DSO and the Trustee Lead for Safeguarding and record the actions taken and the reasoning.
- Refer back to the person who reported the concern.

## SECTION NINE: Procedure for managing allegations against people who work with children

LMNS is committed to ensuring that all children and young people who participate in our activities can do so in a safe environment and will adopt the following approach when managing allegations against a LMNS musician, staff member, trustee, volunteer or any person working on behalf of LMNS.

### 1.1 Allegation made to Live Music Now Scotland

If a musician, employee, trustee, board member, volunteer, or any person working on behalf of LMNS acts in a way that raises a safeguarding concern, or if a child or young person discloses information about someone working on behalf of LMNS, this must be reported.

The allegation should be reported to the Designated Safeguarding Officer immediately and a *Child/Young Person Report of Concern form* completed detailing what has been seen, heard or disclosed. If the DSO is unavailable or is the subject of the allegation, it should be reported to the Deputy DSO.

The allegation will be reported to the Local Authority Designated Officer (LADO) where the incident took place **within one working day** if it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed, a child;
- Possibly committed a criminal offence against, or related to, a child; or
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Enquiries and assessment by children's social care about whether a child needs protection or is in need of services
- Consideration by an employer of disciplinary action in respect of the individual

The police and other relevant agencies will always be consulted before informing the person who is the subject of an allegation that may possibly require a criminal investigation.

### 1.2 Initial consideration

Child protection services will discuss the matter with LMNS and, where necessary, obtain further details of the allegation and the circumstances in which it was made.

If the allegation is not patently false and there is cause to suspect that a child is suffering, or likely to suffer, significant harm, child protection services will follow their procedures and may ask for a strategy discussion to be convened straight away. In these circumstances, the strategy discussion should include the child protection services and LMNS' DSO.

If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, child protection services should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should involve LMNS.

### **1.3 Action following initial consideration**

There are three possible courses of action that might follow the initial consideration and one, or a combination of these, may be necessary:

- Disciplinary action
- Police investigation
- Referral on to a list of persons considered unsuitable to work with children

#### **Disciplinary Action**

Where the initial evaluation decides that the allegation does **not** involve a possible criminal offence, it is dealt with by LMNS. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be taken within **3 working days**.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**.

Where further investigation is required to inform consideration of disciplinary action, LMNS should discuss who will undertake that with child protection services. The investigating officer should aim to provide a report to LMNS within **10 working days**.

On receipt of the report of the disciplinary investigation, LMNS should decide whether a disciplinary hearing is needed within **2 working days**, and if a hearing is needed it should be held within **15 working days**.

In any case in which children's social services have undertaken enquiries to determine whether the child or children need protection, LMNS should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

**Note:** the timescales given are not performance indicators, but they provide useful targets to aim for that are achievable in many cases.

#### **Case Subject to Police Investigation**

If a criminal investigation is required, this will be managed by the police. If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or a court acquits the person, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. If the person is convicted of an offence, the police should also inform Live Music Now Scotland immediately so that appropriate action can be taken.

#### **Referral to the Disqualified from Working with Children List**

If the allegation is substantiated, and in conclusion of the case LMNS dismisses the person or ceases to use the person's services, or the person ceases to provide their services, the employer has a legal duty to inform Disclosure Scotland. LMNS also has a duty to report to the appropriate regulatory bodies such as OSCR and any professional regulatory body. If a referral is appropriate the report should be made within one month.

### **1.4 Other considerations**

#### **Supporting those involved**

The person who is the subject of the allegation should be told about the allegation as soon as possible provided that doing so does not place any children or young people at further risk of harm. LMNS should keep the individual informed of the progress of the case and arrange to provide appropriate

support to them while the case is ongoing. If the person is suspended, LMNS should also make arrangements to keep the individual informed about developments in the workplace.

### **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. Everyone involved in the investigation should understand this.

### **Resignations and 'Settlement Agreements'**

A person's resignation, or ceases to provide their services, should not stop an allegation from being investigated in accordance with these procedures. It is crucial that every attempt be made to resolve any charges pertaining to the welfare or safety of children, even if the person concerned refuses to cooperate with the process. Settlement agreements, in which the employee agrees to resign, and the employer agrees not to pursue disciplinary action, must not be used in cases of alleged abuse.

### **Record keeping**

LMNS will keep a clear and comprehensive summary of:

- Any allegations made
- Details of how allegations were followed up and resolved
- Decisions reached and actions taken

These details will be kept in a confidential file relating to that person and a copy should be given to the individual. Such information will be retained on file, including for people who have left LMNS, at least until the person reaches normal retirement age, or for 10 years if that is longer.

### **Oversight and monitoring**

LMNS has identified Lesley-Ann Smith, General Manager, as the person to whom allegations or concerns should be reported. Staff and volunteers will be made aware of this person and who else to report to in the absence of this person. If the Deputy Designated Safeguarding Officer is also unavailable all LMNS musicians, staff, volunteers, trustees and any person working on behalf of LMNS will know that they can go directly to child protection services to report their concerns.

## SECTION TEN: Designated Safeguarding Officer Role and Responsibilities

### Purpose of the Designated Safeguarding Officer Role

The Designated Safeguarding Officer (DSO) is responsible for:

- Dealing with any concerns about the protection of children.
- Taking the lead in ensuring that appropriate arrangements for keeping children and young people safe are in place for LMNS.
- Promoting the safety and welfare of children and young people involved in LMNS's activities at all times.

### Duties and responsibilities

1. Take a lead role in developing and reviewing LMNS's safeguarding and child protection policies and procedures.
2. Take a lead role in implementing LMNS's safeguarding and child protection policies and procedures: ensuring all safeguarding and child protection issues concerning children and young people who take part in LMNS's activities are responded to appropriately.
3. Make sure that everyone working or volunteering with or for children and young people at LMNS including the board of trustees, understands the safeguarding and child protection policy and procedures and knows what to do if they have concerns about a child's welfare.
4. Receive and record information from anyone who has concerns about a child who takes part in LMNS's activities.
5. Take the lead on responding to information that may constitute a child protection concern, including a concern that an adult involved with LMNS may present a risk to children or young people. This includes:
  - a. assessing and clarifying the information
  - b. making referrals to statutory organisations as appropriate
  - c. consulting with and informing the relevant members of LMNS's management
  - d. following LMNS's safeguarding policy and procedures.
6. Liaise with, pass information to and receive information from statutory child protection agencies such as:
  - a) the local authority child protection services
  - b) the police. This includes making formal referrals to agencies when necessary.
7. Store and retain child protection records according to legal requirements and the organisation's safeguarding and child protection policy and procedures.
8. Work closely with the board of trustees to ensure they are kept up to date with safeguarding issues and are fully informed of any concerns about organisational safeguarding and child protection practice.
9. Report regularly to the board of trustees on issues relating to safeguarding and child protection, to ensure that child protection is seen as an ongoing priority issue and that safeguarding and child protection requirements are being followed at all levels of the organisation.
10. Be familiar with and work within inter-agency child protection procedures developed by local child protection agencies.
11. Be familiar with issues relating to child protection and abuse and keep up to date with new developments in this area.
12. Attend regular training in issues relevant to child protection and share knowledge from that training with everyone who works or volunteers with or for children and young people at LMNS.

LMNS's Senior Management Team and Trustees will support the Designated Safeguarding Officer in their role and accept that any information they may have in their possession will be shared in a strictly limited way on a need-to-know basis.

## APPENDIX: CHILD/YOUNG PERSON REPORT OF CONCERN FORM

Please answer all relevant questions as fully as you can and pass the form on as quickly as possible (even if you cannot complete all sections).

<b>Work location</b>	
<b>Name of Child</b>	
<b>Age/Date of Birth</b>	
<b>Gender</b>	
<b>Names of parent(s) (if known)</b>	
<b>Home Address (if known)</b>	

**PLEASE COMPLETE THOSE SECTIONS BELOW THAT ARE RELEVANT**

<b>1 Disclosure by a child or young person</b>
When was the disclosure made (dates and times)?
Who did the child/young person make the disclosure to?
What did the child/young person say (in their own words)?

**2 Indicators**

Describe any signs or indicators of abuse (with times and dates)

Has the child/young person alleged that any particular person is the abuser  
(if so, please record details and the relationship, if any, to the child/young person below)

**3 Concerns expressed by another person about a child/young person**

Record the concerns that were passed to you (with dates and times) and if possible ask the person who expressed the concerns to confirm that the details as written are correct.

**4 Details of any immediate action taken, e.g. first aid, etc.**

<p><b>5 Does the child/young person have any particular needs, e.g. communication, etc.?</b></p>    
<p><b>Signatures</b></p>
<p><b><i>To be signed by the person reporting the concern</i></b></p> <p>Name _____</p> <p>Job title _____</p> <p>Signed _____ Date _____</p>
<p><b><i>Date received and actioned by Designated Safeguarding Officer/Deputy DSO</i></b></p> <p>Name _____</p> <p>Signed _____ Date _____</p>
<p><b><i>Action taken by Designated Safeguarding Officer/Deputy DSO</i></b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Signed _____ Date _____</p>