

## Rainbow Migration safeguarding policy

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## 1. Purpose of this policy

Rainbow Migration is committed to providing a safe and secure environment for staff, volunteers and service users, especially those who are vulnerable adults and children. We believe every individual has the right to be safe.

This policy sets out Rainbow Migration's arrangements for safeguarding service users, staff and volunteers who are on Rainbow Migration's premises or who engage in activities controlled by Rainbow Migration including online services via Zoom, WhatsApp, or other digital channels. It is also concerned with safeguarding suspicions or incidents affecting service users that arise outside the organisation. It sets out the steps we will take to reduce the risk of harm, exploitation or abuse arising from activities connected with Rainbow Migration, and address any suspicions or incidents promptly and appropriately.

This policy applies to all staff, volunteers, trustees and contractors of Rainbow Migration who work on Rainbow Migration's premises or who engage in activities controlled by Rainbow Migration.

This policy should be used in conjunction with the following Rainbow Migration policies and procedures:

- Guidance on suicide and self-harm
- Lone working policy
- Equality, diversity and inclusion policy
- Consideration of offences policy
- Bullying and harassment policy<sup>1</sup>
- Whistleblowing policy
- Confidentiality policy
- General complaints policy
- Health and safety policy

## 2. Definitions

Rainbow Migration uses the following definitions for the purposes of this policy:

'Safeguarding' refers to the arrangements made to ensure that all reasonable measures are taken to prevent harm, exploitation or abuse especially to vulnerable adults and/or children.

'Child' or 'children' refers to a person or persons under the age of 18 years or who reasonably claims to be under 18.

A 'young person' is a person aged 18 to 25.

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<sup>1</sup> Forthcoming under Dignity at Work policy.

'Vulnerable adult'<sup>2</sup> (also known as adults at risk) for the purposes of this policy refers to a person who is aged over 18 years who is "vulnerable" to (i.e. unable or less able to protect themselves against) bullying, harassment, neglect, significant harm or exploitation. This definition of vulnerable adult is wider than the legal definition (see Annex D) and covers a wide range of vulnerabilities. If the narrower legal definition applies at any point in the policy, this will be emphasised. The emphasis is on identifying the vulnerability in the individual or in the individual's circumstances that makes it more difficult to protect themselves from harm or exploitation. A person may be vulnerable in one situation and not another. Factors which may make a person vulnerable or increase their risk of harm include:

- mental ill health or other emotional vulnerability such as feelings of shame or isolation
- immigration status or problems within their immigration case (such as refusal of asylum claim)
- learning disability
- other disability
- illness
- age
- homelessness or other destitution
- lack of formal education
- held under immigration powers in detention or prison
- being required to prove their sexual orientation, gender identity, gender expression or sex characteristics
- physically isolated, or conversely dominated by a crowd.

"Service user" refers to a person or group of people in contact with Rainbow Migration or on our premises who are eligible to benefit from Rainbow Migration's activities and services such as LGBTQI+ people seeking asylum, LGBTQI+ partnership visa applicants and overseas partners of LGBTQI+ people settled in the UK. It has a wide meaning. Rainbow Migration's beneficiary groups are defined in its governing charter. Not all Rainbow Migration service users are vulnerable adults, e.g. some British citizens accessing our partnership advice legal service.

'Staff' refers to Rainbow Migration employees or workers but also where applicable, to trustees, volunteers and others contracted by the organisation.

'Controlled posts' refers to posts that have frequent or intensive contact with vulnerable adults in the legal definition and children, or have frequent access to sensitive information about vulnerable adults in the legal definition and children. Currently Rainbow Migration has no controlled posts.

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<sup>2</sup> See Annex D. In law i.e Safeguarding Vulnerable Groups Act 2006 as amended a vulnerable person is someone who is receiving a regulated activity at the time they are receiving it. Regulated activities include personal care such as washing or dressing and healthcare. It is a very narrow definition for the purposes of defining narrow legal obligations eg on local authorities.

'Regulated activity' refers to activities defined in paragraph 7 Part2 Schedule 4 Safeguarding Vulnerable Groups Act 2006 as amended. It is generally work of a type that a person who has been barred by the Disclosure and Barring Service (DBS) must not do. They are generally activities that involve giving personal or health care or administering someone's personal affairs on their behalf. These are activities that, generally speaking, may place someone in an especially vulnerable position. Rainbow Migration does not currently carry out any regulated activities itself but may partner with organisations that do (such as provision of health services). Further information is set out in the Rainbow Migration consideration of offences policy.

### 3. Legal framework

The policy has been written on the basis of law and guidance that seeks to protect adults at risk, namely:

- The Care Act (2014)
- Supporting People Quality Assessment Framework (2003)
- Pan-London Multi-agency policy & procedures to safeguard adults from abuse (2011)
- Mental Capacity Act (2005)
- Government Information Sharing Guidance (2008)
- Safeguarding of Vulnerable Groups Act (2006)
- Data Protection Act (2018)
- Human Rights Act (1998)

### 4. Roles and responsibilities

Rainbow Migration has specific legal responsibilities to ensure that staff, volunteers and vulnerable adults are safeguarded against the risk of harm, abuse and exploitation. That can in some circumstances include a responsibility to take steps to safeguard a person against self-harm or attempted suicide<sup>3</sup>. The legal responsibilities set bounds on

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<sup>3</sup> Rainbow Migration has specific legal responsibilities to safeguard against harm, including self-harm and suicide. For example, if a service user is at immediate risk of suicide, we must take action, such as calling emergency services, even if the person does not want us to and it may breach confidentiality. However, if a service user has an intention to commit suicide but is not seriously contemplating it, our responsibility does not extend to contacting emergency services or the person's GP without their consent.

Similarly, the charity is not responsible for safeguarding a member of staff from self-harm if they have no way of knowing that the person's mental state is at risk. If a member of staff is exhibiting mental distress then it would be within our duty of care to ask them about that but it probably doesn't include, for example, phoning their partner without their consent to say we are worried about a risk of self-harm because our duty to them in safeguarding in such a case doesn't breach our duty of confidentiality.

what Rainbow Migration *must* do in response to safeguarding concerns. These legal responsibilities principally are:

- as employer to provide a safe working environment (health and safety and employment laws and duties of care arising through e.g. contract or negligence)
- with our building lessor (Canopi) to provide safe premises
- as a provider of services duties (e.g. in common law negligence or in contract) to anyone engaged in those services
- as a Charity – See Trustee responsibilities below.

Rainbow Migration currently does not undertake what are, in safeguarding law, defined as “regulated activities” and so is not subject to safeguarding legal obligations relating to preventing the employment of persons on the barred registers nor to the obligatory reporting of suspected abuse.

Where Rainbow Migration does not have a legal responsibility, it may nevertheless have an ethical or moral responsibility to act to prevent, report or otherwise seek to end abuse or exploitation. The powers available to Rainbow Migration to take steps (e.g. such as the power to override confidentiality rights of individuals) in those circumstances may be less than when there is a legal responsibility.

In general, our safeguarding includes:

- the safeguarding of all Rainbow Migration members of staff
- the safeguarding of service users *by* members of Rainbow Migration staff
- the safeguarding of service users *from* Rainbow Migration members of staff
- the safeguarding of service users from other service users
- the safeguarding of service users from others
- the safeguarding of service users from self-harm and suicide

#### 4.1. Trustee responsibilities

Safeguarding is the responsibility of all Trustees. Trustees of a charity have ultimate responsibility for the actions of the charity, to act responsibly and prudently and protecting the assets of the charity. The Charity Commission consider that charities must have in place measures to protect people in a charity and those who it comes into contact with, from abuse or maltreatment of any kind. Hence failure to do so may be misconduct or mismanagement or a breach of trustees duties.

Rainbow Migration will also appoint a trustee with responsibility for Safeguarding, Whistleblowing and Complaints to have primary responsibility within the Board for oversight of the operation of this policy, issues raised under it and bringing matters to

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It is important to consider the risk of self-harm or suicide when thinking about safeguarding, but there are limits to what actions can or should be taken depending on the circumstances and the limits of Rainbow Migration's responsibilities.

the attention of the Board. The role of the Safeguarding Trustee is to ensure that the organisation is held to account on safeguarding issues. They are not required to deal with reporting and/or responding to all suspicions, allegations or incidents. The Chair acts as the Safeguarding Trustee unless otherwise decided.

#### 4.2. Staff responsibilities

**The Executive Director** is the lead member of staff with responsibility for safeguarding.

The Support Services Manager is the lead member of staff for supporting service users who working with service users who have expressed an intent to self-harm or are contemplating suicide. See Rainbow Migration's guidance on suicide and self-harm for more information.

The Operations and Office Manager is responsible for ensuring all staff, volunteers and trustees:

- Confirm they have read this policy
- Confirm they have read Rainbow Migration's guidance on suicide and self-harm
- Receive induction and regular refresher training
- Sign Rainbow Migration's code of conduct as a priority as part of the induction process, and every time it is updated, or otherwise every three years since they last signed it

All staff, volunteers and trustees have a duty to:

- Identify abuse and report suspicions, allegations or actual incidents
- Sign and abide by our code of conduct
- Notify the Executive Director if they are the subject of an investigation by the police or a safeguarding agency into an allegation of abuse, neglect or exploitation of a child or adult. They are also required to notify the Executive Director if they receive a police caution or conviction for a criminal offence. See consideration of offences policy for further information.
- Conduct risk assessments for activities at Rainbow Migration or run by Rainbow Migration which involve vulnerable adults and take appropriate steps to protect the safety and welfare of the service users and staff and volunteers involved. Guidance on producing risk assessments<sup>4</sup> is available from the Operations and Office Manager.
- When undertaking activities at the premises of another organisation, familiarise themselves with the host organisation's safeguarding policies and procedures and the name and contact details of the organisation's safeguarding officer.

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<sup>4</sup> To be developed.

- Adhere to and/or undertake the actions to reduce or prevent safeguarding risks outlined in this policy.

Failure to implement these duties may result in disciplinary action.

#### 4.3. Responsibilities of guardians and carers

Parents, guardians or carers who bring children or legally vulnerable adults onto Rainbow Migration premises must take responsibility for their safety and wellbeing and ensure that they do not place themselves at risk, disturb others or damage property. Rainbow Migration cannot take responsibility for ensuring the wellbeing of children or vulnerable adults within the legal definition (see Annex E) who are on its premises without its knowledge and consent. Staff and volunteers must not take on responsibility for children or legally vulnerable adults beyond our normal services.

### 5. Safeguarding risks, mitigation and prevention

Rainbow Migration recognises that abuse, harm, or exploitation or the risk of abuse, harm or exploitation to a vulnerable adult service user (or member of staff or volunteer) may take many different forms and that individuals may have different perceptions of what constitutes harm, abuse or exploitation. Rainbow Migration regards harm, abuse or exploitation as including any physical, sexual, financial, material, psychological or emotional abuse or neglect, bullying, harassment, extortion or intimidation. Further guidance on the forms that harm or abuse might take is at Annex A.

A particular aim of this policy is to protect against any abuse which exploits the inevitable power difference between those involved (or perceived to be involved) in providing Rainbow Migration services and our service users. By definition, the staff, volunteers and trustees of Rainbow Migration are people with legal status in the UK. By definition, our service users are people who do not have, or whose partners do not have, the secure legal status in the UK they need or desire, and those seeking asylum are at risk of harm if they are expelled from the UK. They face a legal system which is hostile, complex and bewildering and which makes near impossible demands on them (such as to prove their sexual orientation or gender identity). All of them are vulnerable in that sense due to their relative powerlessness. Knowledge is power within the asylum and immigration system and therefore everyone who has knowledge (including often other service users) may have relative power.

We recognise that some people have additional needs because of their protected characteristics, and we will aim to help them overcome the barriers that they may face, especially around communication when implementing safeguarding.

Some service users additionally have other attributes or issues in their lives that make them more vulnerable to abuse and some are as a result “vulnerable adults” (also known as adults at risk) as defined in safeguarding law.

Rainbow Migration comes into contact directly and indirectly with children and young people through our services. We do not aim to provide services to children and young



people under the age of 18. We will come into contact with people of that age including where they claim to be under 18 but their age is disputed by the Home Office and/or Social Services. We will also come into contact with the children of service users. We will contact the local authority if we are concerned about anyone under 18.



# RAINBOW MIGRATION

Risk area	Risk reduction measures	Possible responses to incidents
5.1. Risks to staff		
Risks to staff from service users who may have a history of violence or aggression.	<p>Another member of staff should be present for meetings with service users when:</p> <ul style="list-style-type: none"><li>• staff are meeting with a service user for the first time</li><li>• we know the service user suffers from severe mental health issues and/or has a history of violence/aggression</li><li>• we know little about the service user</li><li>• the situation is particularly stressful e.g. we are likely to be denying them a service</li><li>• the meeting is outside the office or out-of-hours</li></ul> <p>See lone working policy for more information.</p>	Service users banned from our services.

Risk area	Risk reduction measures	Possible responses to incidents
<p>Risks to service users from other service users who may have a history of violence or aggression.</p>	<p>New support service users have an initial needs assessment with a Support Worker or the Support Services Manager. This needs assessment meeting can be done remotely but if the plan is for the service user to join a support group that meets in-person, it must be done in-person. Building an understanding of what support the person currently has, what other organisations and professionals they work with, and how they initially engage with us will help inform what work we shall do with the person.</p> <p>Support Workers have regular supervision meetings with the Support Service Manager where they are regularly asked about any concerns they may have regarding individual service users.</p> <p>Support Workers raise concerns about potential risks from any particular individual with the Executive Director to decide on what action to take, if any.</p>	<p>Service users banned from our services.</p>

Risk area	Risk reduction measures	Possible responses to incidents
5.2. Risks to service users		
Exploitation or harm to service users by Rainbow Migration staff and volunteers	<p>All first contact with service users must be via central communication channels e.g. hello@ email address or office phone number. Any contact that is first made directly to the mobile phone or email address of a particular member of staff must be redirected to the central channels.</p> <p>All new service users are informed about our safeguarding policy, our responsibilities and what they can expect from us, and how to report any safeguarding concerns. They are also be informed about our complaints procedures. See communication of this policy (below) for more information.</p> <p>All interactions with potential and current service users must be recorded on Salesforce.</p> <p>Staff and volunteers must not communicate with service users using personal accounts e.g. phone, Facebook, email.</p> <p>One-to-one meetings with services users should be in rooms adjacent to our office space or rooms which can be seen into (e.g. a gap in the frosted glass or leaving the door ajar). Meetings should never be held in rooms that service users can't open from the inside.</p>	

Risk area	Risk reduction measures	Possible responses to incidents
<p>If and when resource limitations require Rainbow Migration to ration our services, the rationing could become a source of exploitation or abuse.</p>	<p>Rainbow Migration t-shirts will only be given to current staff, trustees and volunteers. Anyone else must be approved by the Executive Director.</p> <p>At all times, our website, leaflets, emails when we respond to initial service user enquiries, and other communications must stipulate and highlight that all our services are free.</p> <p>If we have to restrict who can access our services, we will further stipulate that access to our services is not obtained by paying money or providing any non-monetary favours to anyone; and that nobody (whether staff, volunteers, trustees or external contacts) has any special access to influence the decision to allocate services.</p>	
<p>Risks to potential or current service users of others pretending to work for Rainbow Migration as a way of exploiting them</p>	<p>Rainbow Migration t-shirts will only be given to current staff, trustees and volunteers. Anyone else must be approved by the Executive Director.</p> <p>Staff who consent have their name and photo on our website.</p> <p>Our website will state that our office can be contacted by anyone who wishes to check if a particular individual does work for us.</p>	
<p>Risks to service users from online or remote service delivery (e.g. by phone, Zoom or WhatsApp) e.g. risk of the service user being overheard.</p>	<p>Staff must read Rainbow Migration's guides on using apps and online platforms for service delivery<sup>5</sup>.</p>	

<sup>5</sup> Jan 2023: Rainbow Migration has service user and staff guides for using Zoom and WhatsApp.

Risk area	Risk reduction measures	Possible responses to incidents
Risks arising from Rainbow Migration services delivered from other locations or organisational premises.	<p>When undertaking activities at the premises of another organisation,, staff must familiarise themselves with the host organisation’s safeguarding policies and procedures and the name and contact details of the organisation’s safeguarding officer. We should also check that they are LGBTQI+ inclusive.</p> <p>All new activities with service users taking place outside Rainbow Migration premises must be risk assessed first.</p>	
Risk to service users of poor quality, negligent or unregulated immigration advice	Signpost and refer service users only to lawyers, representatives or firms approved by the Legal and Policy Director <sup>6</sup> . Such lawyers or firms should be on Salesforce and a record should be made on Salesforce that the service user was signposted or referred there.	Complaints raised with the SRA or OISC.

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<sup>6</sup> At a minimum, lawyers, firms or representatives should be listed on the Law Society, OISC, SRA and/ or Legal Aid websites.

Risk area	Risk reduction measures	Possible responses to incidents
<p>Risk of exploitation by Rainbow Migration interpreters</p>	<p>Staff should only use interpreters approved by Rainbow Migration. At the time of writing (Jan 2023), we have a contract with ClearVoice. The addendum to our agreement with them requires ClearVoice to:</p> <ul style="list-style-type: none"> <li>• Delete all Rainbow Migration service user data immediately following appointments</li> <li>• For billing purposes, sessions can be referenced by service user initials or first name, but no other personal data</li> <li>• Not to record phone calls as standard practice</li> </ul> <p>Rainbow Migration staff should:</p> <ul style="list-style-type: none"> <li>• Prior to booking the interpreter, gain consent (for support service) or agreement (for legal service ) to share service user data with the interpreting agency and/or individual interpreter</li> <li>• Record the name of the interpreter in the service user's case notes on Salesforce (in case we need to raise a complaint later)</li> <li>• Agree with the service user in advance a sign or code word they can use if they feel uncomfortable at any point during the interpreter's presence so that they can end the meeting</li> <li>• Not leave the interpreter alone with the service user</li> </ul> <p>See Rainbow Migration guidance on working with interpreters for more information.</p>	<p>Complaints raised with the interpreting agency</p>

Risk area	Risk reduction measures	Possible responses to incidents
<p>Risk to service users of being 'outed' as LGBTQI+ and/or seeking asylum in the media, on the internet, at a public event or elsewhere without their consent</p>	<p>Contact between service users and journalists will be via Rainbow Migration (i.e. a service user's contact details will not be given to journalists). Service users will be advised to speak to their lawyers before engaging in any media work (even if they want to remain anonymous in case other details of their asylum claim could make them being identifiable). Service users will be made aware of the risk that people in the UK or anywhere in the world may be able to identify them from details they provide in their story, particularly if they choose to use their real name and/or their image (via consent form).</p> <p>We will assess the ethics of any research project before introducing a service user to a researcher.</p>	
<p>Disclosure of service users personal information or confidential data outside the charity</p>	<p>Meetings with service users must take place in a private space where they cannot be overheard.</p> <p>DBS checks to be carried out before staff can work with service users alone, and must be repeated at regular intervals – see consideration of offences policy for more information.</p> <p>Data protection and IT security measures to reduce the risk of data breaches. See policies and procedures on data protection, IT, use of email, use of WhatsApp, use of Zoom etc (a full list of relevant policies and procedures is available from the Operations and Office Manager).</p>	



Risk area	Risk reduction measures	Possible responses to incidents
5.3. Risks to service users arising from outside Rainbow Migration		
Risk to service users of abuse, harm or exploitation from staff, volunteers, trustees, service users or other individuals at other organisations	<p>Signpost and refer service users only to organisations approved by the Support Services Manager. Such organisations should be on Salesforce as an 'account' and a record should be made on Salesforce that the service user was signposted or referred there.</p> <p>Organisations about which we have concerns should be marked on Salesforce as 'do not refer'. Anyone who believes an organisation should be marked as such should discuss this with the Support Services Manager, for decision by the Executive Director. The names of such organisations will be available to all staff and trustees.</p> <p>We will avoid speaking at events or partnering on initiatives with organisations if we have concerns about their safeguarding practices. We will also avoid sharing their content in our communications.</p>	Complaints to the Executive Director or trustees of another charity, or the Charity Commission.
Risk of being 'outed' by GP and other professionals e.g. to others in their diaspora or religious community	<p>We advise service users of their rights, how to engage with a statutory service and how to ask for what they need from a service. If service users fear being outed by professionals, we advise them and support them.</p> <p>We only refer service users to organisations that have a safeguarding policy and are LGBTQI+ inclusive.</p>	Complaints raised with the GP practice / relevant professional
Risks to service users of harm, exploitation or abuse in shared accommodation	Staff will try to secure appropriate accommodation for service users. This can include writing to the Home Office with evidence as to why particular accommodation is not appropriate or safe and/or specify particular accommodation needs.	Complaints raised with the housing provider,

Risk area	Risk reduction measures	Possible responses to incidents
	Where service users are being harmed or abused in shared accommodation, we will make complaints (consent will be obtained where necessary) and/or try to get them moved. We will also offer emotional support to try to prevent harm to themselves and provide a safe space where they can discuss risks.	Migrant Help and/or the Home Office.  Alternative accommodation sourced.
Financial, sexual or other exploitation of service users by people outside Rainbow Migration for evidence to use in asylum claims	The support service discusses with service users the different ways they could be exploited. This includes advising them that they should not be charged money by others for evidence, and to raise it with us if they are worried that this is occurring.	



## 6. Relationships with asylum service users

Relationships with service users are defined as romantic, sexual, or friendships which involve exchanging personal information, social media accounts, online identities, arranging communications or meetings that are purely social or for personal pleasure outside of the context of work (and any other interpretations of familiar behaviour that is outside of a professional working relationship with service users). Friendships are not to be confused with behaving in a friendly manner towards a service user within a professional relationship. We must be particularly careful to avoid any opportunity for actual or perceived exploitation, harm or abuse, in order to protect service users, staff, volunteers, trustees, and the reputation of Rainbow Migration.

All romantic, sexual or friendship relationships as described above are prohibited by Rainbow Migration within the bounds laid out in this section. Sexual exploitation and abuse of service users by staff, volunteers or trustees constitute acts of gross misconduct and are therefore grounds for termination of employment.

### 6.1. Pre-existing relationships

It is possible that someone known or related to a member of staff, volunteer or trustee will be referred to Rainbow Migration as a potential future service user. It is the responsibility of that member of staff, volunteer or trustee to inform the Executive Director or the Board of Trustees immediately of their connection to the potential service user. That person must then not be allowed to be involved in any advice or casework on behalf of Rainbow Migration with that service user for the duration of the service user's involvement with the charity. This is because once the individual becomes a service user, there is frequently a shift in relationship and in the balance of power with the member of staff, volunteer or trustee. The service user may not be able to divulge information because of their existing relationship, and it could be perceived that the member of staff, volunteer or trustee would try to affect the outcomes prejudicially, or that other staff members, volunteers or trustees would feel, either consciously or unconsciously, obliged to provide them with a preferential or prejudicial (i.e. favourable or unfavourable) service.

### 6.2. Developing relationships

It is the responsibility of all staff members, volunteers and trustees to ensure their professional relationships with service users do not develop into something more personal, whether romantic, sexual or friendship. It is necessary to maintain a degree of objectivity and exercise sound judgements in order to provide an appropriate and effective service, which a relationship would inevitably compromise. It is never acceptable for a member of staff, volunteer or trustee to engage in or encourage an

intimate relationship with current service users as it raises the possibility or leaves them open to allegations of exploitation, abuse of authority, unfairness, harassment or even sexual assault.

If 6 months have passed since a service user was granted leave to remain or 6 months have passed since they last time they accessed a service after being granted, whichever is the latter, they would no longer be considered a service user but a former service user. If it is intended that a personal relationship is formed with a known former service user in a context that is completely separate to their connection through Rainbow Migration, for example if they have a mutual friend with no connection to Rainbow Migration, then the ban on developing the relationship does not apply. However, whilst service users have agency, any relationship that developed between staff, trustees or volunteers and former service users may still involve an imbalance of power. Staff, volunteers and trustees should be mindful of the potential for exploitation of such former service users, especially if their immigration status in the UK is not permanent or could be considered precarious and/or the employee, volunteer or trustee has knowledge of past confidential matters disclosed during the course of engagement with Rainbow Migration's services and should therefore act in a responsible manner. Such relationships are expressly not encouraged.

If such a relationship gives rise to an allegation of exploitation, an abuse of authority or other complaint, that would be considered under this policy and/or our complaints policy, regardless of the person now being a former service user.

### 6.3. Money and gifts

Similarly, staff, volunteers and trustees must not lend, borrow, buy or sell money, gifts, vouchers or otherwise any other item of value to or from service users. Gifts or any items of value must not be accepted from service users, with the exception of small tokens given as an offer of thanks – but this should never be encouraged. In cases where small tokens are offered and accepted, they must be reported to the Executive Director or Chair immediately and the gifts shared with the entire staff, volunteer and/or trustee team.

### 6.4. Contact with service users

**Physical:** Physical contact can have different connotations and meanings from culture to culture and individual to individual. Many Rainbow Migration service users will also have experienced physical or sexual abuse or exploitation in their lives. Rainbow Migration advises against staff, volunteers or trustees initiating any physical contact with service users except where necessary for health and safety purposes. Rainbow Migration also recognises that in offering an emotional support service, service users may request physical contact such as a hug and that rejecting them in these moments could be detrimental to them; but that staff, volunteers, trustees and service users also have the right to avoid physical contact. Where a service user initiates or requests physical contact for the purpose of emotional support, reassurance or in celebration (for example of being granted refugee status), staff, volunteers and trustees should only do so if they are personally comfortable and in an appropriate manner.

**Verbal:** For the same reasons, staff, volunteers and trustees must remain vigilant about their use of language in front of service users and be mindful that certain behaviours, joking or speaking styles can be interpreted in different ways.

**Unsolicited:** If staff, volunteers, or trustees are contacted or receive requests to communicate with potential or existing service users on personal channels (e.g. private email addresses or on social media), it is the duty of the staff member, volunteer or trustee to refer them directly to Rainbow Migration's official communication channels (e.g. Rainbow Migration's office phone number). No further communication or engagement should be pursued.

**Communication channels:** When communicating with service users, staff, volunteers and trustees should never use or reveal any personal details, i.e. non-work email account, personal mobile phone number, etc. Where staff, volunteers or trustees do not have access to a work email or work phone number for example, they should contact an appropriate member of staff to assist with this, e.g. to contact service users on their behalf; arranging access to suitable methods of contact.

## 7. What to do when you are first have a suspicion, hear an allegation or witness an actual incidents

The welfare of a service user, vulnerable adult or member of staff, volunteer or trustee who is or may have been subject to abuse must be paramount.

If a member of staff, volunteer or trustee discovers an act of abuse whilst it is happening, their first duty is to do their best appropriately to stop the act. The Executive Director, Chair or Trustee for Safeguarding should be contacted as soon as practicable but in certain situations, the police or social services, or medical services (e.g. ambulance) also must be contacted immediately for the protection of the victim.

If a disclosure is made to staff, volunteers or trustees – either by the victim, a witness or concerned person – they should refer to Annex B “Responding to allegations or suspicions” for guidance on how to respond in that instance. All suspicions and allegations must be taken seriously.

Where the disclosure is made to them in the context of their role at Rainbow Migration, staff must report the concerns in line with the following advice.

Staff, volunteers and trustees must always report any suspicion, allegation, apparent abuse or disclosure promptly (usually immediately) to the Executive Director or Chair. If it is not possible to contact either the Executive Director or the Chair, it must be reported to another Trustee (ideally the Trustee for Safeguarding Etc) or in the last resort the Legal and Policy Director or Support Services Manager. The accused person should never be the person informed.

If abuse which constitutes a criminal offence is alleged, consideration should be given to whether the first report should be to the police before reporting the matter internally within Rainbow Migration. If the victim wants to call the police, staff should not prevent

them and should offer assistance where possible and appropriate. Support to the victim may, though, be easier to provide if an internal report allows the Executive Director with other staff to begin to make arrangements for it, especially if the report to the police is not urgent.

For reasons of confidentiality, information should only be disclosed to those who need to know.

Staff must not attempt to deal with, investigate or resolve a suspicion, allegation, or actual incident themselves unless directed to do so by the Executive Director.

Responding to concerns from external visits or working with partner organisations

Staff with concerns about a vulnerable adult or a child with whom they come into contact in the course of external visits should follow the procedure in place at the other institution concerned. They must also inform the Executive Director, or in their absence the Chair. If for any reason the member of staff feels that following the other organisation's safeguarding procedure is inappropriate, they must refer their concerns to the Executive Director or Chair.

### 7.1. Responding to other concerns

There may be instances when a member of staff, trustee or volunteer receives information in the course of their normal duties about allegations of abuse or exploitation towards a vulnerable adult or child that are unconnected with the activities of Rainbow Migration or the use of its premises. In such instances, staff must exercise a duty of care and should encourage the informant (whether or not they are the victim) to report the matter to the appropriate agencies if that is appropriate. The member of staff must also inform the Executive Director, or in their absence the Chair or Trustee for Safeguarding.

If the informant declines or if the member of staff remains concerned, they should consider making a report themselves or through the Executive Director (depending on the urgency and seriousness of the allegation). The welfare and safety of a vulnerable adult within the legal definition (see Annex E) or child at risk of or who has suffered abuse, remain paramount. Duties, including moral duties, to report allegations of abuse in those circumstances will usually outweigh duties of confidentiality and require that the report be made (whether to the police or social services, or to a responsible agency).

### 7.2. Responding to accidents involving children or vulnerable adults

Any accident on Rainbow Migration premises, especially one involving a child or vulnerable adult, must be reported to a Canopi first aider. The accident will be recorded in the accident book for the building which is kept by the building reception. Accidents involving children or vulnerable adults must also be reported to a manager or the Executive Director as soon as practicable after the event. See health and safety policy for more information.

## 8. What to do when a suspicion, allegation or actual incident is reported internally

Rainbow Migration has a duty to investigate where there is a member of staff or volunteer involved (either as the suspected perpetrator or victim) or where the harm or abuse takes place at a Rainbow Migration service, premises or in accessing Rainbow Migration services. However, it is not always the responsibility of Rainbow Migration to investigate exploitation, harm or abuse. Even where we have such a responsibility, duties to report to others (for example the police or a regulator) may take precedence over internal investigation.

It is not the responsibility of Rainbow Migration to investigate harm or abuse perpetrated by third parties against Rainbow Migration service users (for example by a member of their family or another service provider) other than the extent necessary to make any reports or provide advice.

However, we have a duty of care to act if there is cause for concern, to protect the welfare of service users, staff and volunteers, and to notify the appropriate agencies about any concerns when required to by law (under any of the legal obligations listed above) or if permitted to do so by those involved, so that they can investigate.

Rainbow Migration's annual report should include an appropriate summary of safeguarding incidents in the organisation.

### 8.1. On being notified of any suspicion, allegation or apparent abuse involving a member of staff, the Executive Director (or their alternate) shall:

- Take such steps as they consider necessary to ensure the safety of the adult victim in question and any child or other vulnerable adult who might be at risk.
- Consider whether there is a need to arrange medical treatment especially if needed urgently.
- Liaise with the person who reported the original concern and ensure that a report of the incident(s) is completed (see Annex C). If the informant is the alleged victim, consider having a witness present for the meeting or discussions.
- Consult with (other) trustees only to the extent necessary for advice.
- If the victim is a vulnerable person within the legal definition (see Annex D) or is a child, report the matter to the Southwark Social Services or the social services department for the relevant area if it is more appropriate, for example if it relates to an incident at the person's home.
- If the matter is reported to another agency such as the police or social services (whether by Rainbow Migration or others), the Executive Director will obtain any necessary advice or guidance as to whether the victim and/or the accused can be informed by the ED of the allegation (if they have not been

told already) or of the fact that a report or notification has been made to that agency. That includes whether the victim and/or accused can or cannot be informed that data about them is being “processed” (e.g. stored or transferred) by Rainbow Migration and of their data protection rights. Informing the victim and/or accused may, for example, hamper a criminal or other investigation which may supersede the person’s right to be informed that data has been received about them.

- Notify the Executive Director or Chair if not already informed.

## 8.2. Suspicions, allegations or incidents about actions of staff, volunteers, trustees or contactors

- If the matter alleged appears to be a criminal offence, and the matter has not been referred to the police, the Executive Director should give consideration with the victim to notifying the police. Rainbow Migration considers that all criminal offences related to safeguarding, especially those alleged against staff or volunteers, should be reported to the police. If the victim does not consent to reporting it to the police, the ED should consider (taking advice as appropriate) whether, exceptionally, given all the circumstances, the report to police should be made despite the objections of the victim. The welfare and safety of service users remains paramount.
- Any notification of suspicion, allegation or evidence of abuse or harm may result in the Executive Director or their alternate taking the decision to suspend the member of staff concerned whilst investigations proceed. Suspension in this context is not a disciplinary measure and implies no assumption of guilt.
- Investigation of employees should be conducted in line with the disciplinary policy as far as that is consistent with the welfare and safety of the service user. If an external agency (such as the police) is investigating, their agreement to the proposed internal investigation should be sought. Careful consideration must be given to whether it is in the interests of the welfare of the victim for them to be interviewed especially if they have been interviewed by another agency. This decision must be taken in the individual circumstances. Sometimes giving the victim the opportunity to speak is best, whilst in other cases it may be re-traumatising or distressing.
- Rainbow Migration may refer a member of staff to a relevant professional body if there are concerns over their suitability to practise and/or remain on a professional register or equivalent. Serious misconduct must normally be reported. The Executive Director will normally make this referral on behalf of Rainbow Migration. Relevant bodies include OISC (potentially for any immigration advisor or manager/trustee), the SRA (for any solicitor) and the Bar Council (for any barrister).



### 8.3. Suspicions, allegations or incidents about actions of service users

- If the matter alleged appears to be a criminal offence, and the matter has not been referred to the police, the Executive Director should give consideration with the victim to notifying the police. Rainbow Migration considers that all criminal offences related to safeguarding should be reported to the police. The fact that the alleged perpetrator is a service user (and therefore of precarious immigration status) is not a reason for Rainbow Migration not to report a serious criminal offence. If the victim does not consent to reporting it to the police, the Executive Director should consider (taking advice as appropriate) whether, given all the circumstances, the report to police should be made despite the objections of the victim. Where the victim is a member staff or volunteer, the Executive Director should bear in mind the moral pressure the victim may feel not to report and should be more ready to take the decision without requiring their consent. The welfare and safety of service users remains paramount, but not of an alleged perpetrator.
- If an external agency is investigating the matter, their agreement to a proposed internal investigation should be sought. Careful consideration must be given to whether it is in the interests of the welfare of the victim for them to be interviewed especially if they have been interviewed by another agency. This decision must be taken in the individual circumstances. Sometimes giving the victim the opportunity to speak is best, whilst in other cases it may be re-traumatising or distressing.
- A service user may be barred from any Rainbow Migration service if the allegations against them are found to be true or if their behaviour otherwise, or the circumstances generally, mean that on a risk assessment, they should no longer be admitted to services in order to safeguard others.
- Consideration should be given as relevant to notifying other partner services that the service user has been barred.

## 9. Data protection and confidentiality

Reporting suspicions, allegations or incidents externally must not be avoided on the basis that this may harm Rainbow Migration's reputation or expose it to either a claim or potential claim from a victim or to an investigation and/or proceedings by a regulator and/or relevant state body.

Concerns about compliance with data protection or information laws should not act as a barrier to sharing information as appropriate to secure the safety and wellbeing of a vulnerable adult or child and advice should be sought where it appears to be a barrier.

## 9.1. Confidentiality

Our duties of confidentiality limit or restrict the disclosure of information within or outside Rainbow Migration to only those who need to know. Our duties do not prevent staff reporting such concerns to the Executive Director in line with this policy.

As far as possible, the confidentiality of all individuals involved in any allegation, investigation or resulting disciplinary proceedings will be respected by Rainbow Migration. However, there may be circumstances in which it is necessary for Rainbow Migration to share information with parties such as social services, the police, and the guardians or carers of the individual concerned. Information may also need to be disclosed if there is a public interest imperative. Rainbow Migration cannot therefore guarantee that the confidentiality of disclosures can be maintained in all circumstances.

## 9.2. Data protection

Records about alleged abuse will contain personal data about the individuals involved – the alleged victim, the informant and the alleged perpetrator – and is covered by data protection legislation. Information collected for a safeguarding report is likely to contain “special category” personal data (e.g. health, sexual orientation) and may contain criminal offence data which attract additional protection and require additional justification.

The lawful basis for processing may be one of the following:

- Processing is necessary in the substantive public interest for the protection of a person under 18 or an “over 18 at risk” from neglect, physical, mental or emotional harm according to the Data Protection Act 2018, Sch1 Part 2 (para18)
- Processing is necessary in the substantive public interest for the prevention or detection of an unlawful act according to the Data Protection Act 2018, Sch1 Part 2 (para 10)
- Processing of safeguarding information is necessary to comply with a legal obligation, including relevant charity law
- Consent

**Privacy notices** should be given and consent obtained as far as possible in advance of recording data. This is subject to:

- The need to prioritise safeguarding
- Taking into account that victims or informants may not divulge information about abuse at a time or place when privacy notices and consent documents are available to issue
- Victims or informants disclosing abuse may also be in too emotional a state to receive and understand notices and consent (in which case they should be given later)

- Informing the victim and/or accused that data about them is being “processed” (e.g. stored or transferred) may hamper a criminal or other investigation which may supersede the person’s right to be informed that data has been received about them.
- **Informant:** Where the informer is not the alleged victim, a privacy notice (informant/witness) should be given ideally at the time or if that is not available or appropriate, within 1 day.
- **Victim of alleged abuse:** A privacy notice should be given ideally at the time of disclosure or if that is not available or appropriate, within 1 day. If the information comes from a third-party informant, the alleged victim is entitled to be told Rainbow Migration have the personal information about them within a reasonable period (usually 1 month). If contact is being made with that individual, it is expected that the privacy notice will be supplied at the latest by first point at which contact is made or before the data is disclosed to another party. Where police, children or adult services are involved or likely to become involved, advice from the relevant statutory agency should be taken before disclosing any information to a party who is not already aware that the information has been passed to Rainbow Migration.
- **Accused person:** The accused person is also entitled to rights under the Data Protection Act 2018 including the right to be informed and have access to their data. However, on an individual basis it is possible to justify an exemption from notifying where the information has come from a third party on the basis that **providing the information to the individual would render impossible or seriously impair the achievement of the objectives of the processing.** If the accused does not know about the information and providing it now would render the investigation of the alleged abuse or the safeguarding the alleged victim impossible. This exemption should be documented and should only be claimed for the minimum possible time. Information about another person never revealed in a data access response.

Privacy notices are available in Annex E.

## 10. Communication of this policy

Any safeguarding policy will only be effective if the people potentially affected will raise their concerns and that will only happen if they have trust in Rainbow Migration’s ability to respond appropriately. That trust must be built in advance. It will rely on communication of the policy and highlighting of potential concerns and risks that people may encounter. It also relies on Rainbow Migration being perceived in all its work as being an accessible organisation, open to and engaging with feedback from and accountable to the people it engages with, whether they are service users, staff or volunteers.

All members of staff, volunteers and trustees must confirm they have read and understood this policy and will abide by it, and sign the code of conduct. They will also receive induction and regular refresher training.

All new service users must be informed about our safeguarding policy, our responsibilities and what they can expect from us, and how to report any safeguarding concerns<sup>7</sup>. They must also be informed about our complaints procedures.

This safeguarding policy, our code of conduct and our complaints procedures will be publicly available on our website.

## 11. Key contacts

**Executive Director:** Number removed from public version

**Trustee for Safeguarding (Chair):** Number removed from public version

**Human resources subcommittee:** Number removed from public version

**Canopi Borough reception:** Number removed from public version

**Southwark Council Child Protection Unit:** 020 7525 1921, **vulnerable adults (within legal definition):** 020 7525 1754

**Southwark Council Emergency:** out of hours: 020 7525 5000

**Southwark Metropolitan Police:** 0300 123 1212

**NSPCC Child Protection Helpline:** 0800 800 5000

## 12. Further information and guidance

Further information, guidance and interpretation of this policy should be sought from Executive Director or Trustee for Safeguarding Etc.

## 13. Updates and versions

This policy must be reviewed at least once every two years. Rainbow Migration will keep this policy under review to ensure that service users, staff and volunteers are safeguarded and that this policy complies with developments in legislation, regulations and good practice.

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<sup>7</sup> Jan 2023: A link to the policy and information on how to raise safeguarding concerns is included in an email sent to all service users when they first contact us.

<b>Version</b>	<b>Date</b>
First adopted	Believed to be 2007 or 2008
Previous version(s) approved	4 June 2019; Updated from UKLGIG to Rainbow Migration on 11 June 2021; 3 Aug 2021; 14 October 2022
This version approved	16 February 2023
Next review date	February 2025

## 14. Annex A: Potential indicators of harm, abuse, exploitation or neglect

Harm, abuse, exploitation or neglect can take many forms and can include, but not be limited to the following. Actions which may not be abuse generally can be abuse when done to a child or vulnerable person (within the legal definition) purely because of their limited mental or legal capacity:

- **Physical abuse:** Physical abuse is deliberately causing physical harm to another person. This might involve punching, kicking, biting, burning, scalding, shaking, throwing or beating with objects or implements. It can include giving a child or vulnerable adult alcohol or illegal drugs.
- **Emotional or psychological abuse:** Emotional abuse is where repeated verbal threats, criticism, ridicule, shouting, lack of love and affection causes a severe adverse effect on a child or vulnerable adult's emotional development. It may feature inappropriate expectations being imposed on a child or vulnerable adult, over-protection and limitation of exploration and learning, or preventing the child or vulnerable adult from taking part in normal social interaction.
- **Sexual abuse:** Sexual abuse involves forcing or enticing a vulnerable adult to take part in sexual activities, whether or not the vulnerable adult is aware of what is happening. It may include requiring sexual activity in return for accommodation or payment. It may involve physical contact or it may involve non-contact activities such as involving vulnerable adults in watching sexual activities, producing or looking at sexual images, encouraging children to engage in sexual acts or behaviour, or grooming a vulnerable adult in preparation for abuse (including via the internet). Apparent consent from the child or vulnerable person may not be valid consent freely given without coercion or duress from the circumstances.
- **Neglect or acts of omission:** Neglect is the persistent failure to meet a vulnerable adult's basic physical and/or psychological needs in a way that is likely to result in serious impairment of their health, development or wellbeing. It can include failure to provide adequate food, clothing, shelter (including exclusion from home or abandonment), medical care, or protection from physical and emotional harm or danger. It also includes failure to ensure access to education or to look after a child or vulnerable adult whilst under the influence of alcohol or drugs.
- **Online abuse:** Online abuse is any form of abuse that happens via the internet, whether through social networks, online games or mobile telephones. It may involve cyberbullying, grooming in preparation for abuse, sexual abuse, sexual exploitation or emotional abuse. In such cases, the abuser may be known to the vulnerable adult, they may not be known or they may disguise their real identity.
- **Financial or material abuse:** This includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with immigration, wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Vulnerable adults can be subject to one or more forms of abuse at the same time. They may display physical symptoms of abuse or neglect in the form of injuries or untreated medical issues; they may exhibit behaviour or knowledge that is inappropriate or unexpected for their age or circumstances; they may appear to be uncomfortable in the presence of certain people or being left alone with them; they may also exhibit aggressive or anti-social behaviour or display symptoms of depression or anxiety.

## 15. Annex B: Responding to allegations or suspicions

If you receive an allegation of harm or abuse or suspect that this is occurring:

<b>DO</b>	<b>DO NOT</b>
Stay calm and remain objective.	Do not panic or overreact.
Make sure the time and place are appropriate and secure. Think about whether to ask another person to be present as a witness.	Do not defer listening.
Listen, hear and take seriously.	Clarify bare facts but do not probe for more information. Inappropriate questioning may influence how the allegation is received or considered by others at a later date.
Give time to allow the service user, staff member or vulnerable adult to say what they want to say	Do not make assumptions. Do not paraphrase or offer explanations or justifications for actions
Reassure and explain that they have done the right thing in telling you about the incident.	Do not promise that complete confidentiality can be maintained. Do not make other promises you cannot keep.
Act immediately in accordance with the procedure in this Policy. Immediately means usually within 1 day.	Do not try to deal with the allegation by yourself.
Make a written record of what was said to you in the language used as soon and as accurately as possible using the form at Annex D. Give a privacy notice if available and it is appropriate.	Do not try to paraphrase or put their words into "correct English". Do not express your own opinions or conclusions in the report. Do not make a child or vulnerable adult repeat themselves unnecessarily.
Report the incident in accordance with the procedures outlined in this policy.	Do not fail to report the incident or delay reporting the incident.
Maintain confidentiality about the incident and the people involved within reporting obligations.	Do not divulge information to people with no role in dealing with the incident.





**Details of the subject of alleged abuse (if applicable)**

Full name:

Address:

Home telephone:

Mobile telephone:

Pronouns (he/she/they):

Date of birth:

Nature of alleged injury/harm:

Comments or explanation given by the affected person:

Initial action taken:

Are there any children or other adults at risk?

Details of the Informant:

Name:

Contact details which can be used:

**Details of the person completing this record**

Name:

Contact details:

Signature:

Date:

Notified to:

Exec Director \_\_\_\_\_ Chair \_\_\_\_\_

Social Services \_\_\_\_\_ Police \_\_\_\_\_

Medical \_\_\_\_\_ Charity Commission \_\_\_\_\_

Reviewed by Safeguarding Trustee \_\_\_\_\_

**Privacy notices given?**

## 17. Annex D: Legal definition of a vulnerable adult

See Department of Health Guidance "Regulated Activity(Adults) 2012

Extract on Legal Definition of "vulnerable adult":

### Factual Note

This document provides information on the scope of Regulated Activity in relation to adults, as defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) and as amended by the Protection of Freedoms Act 2012 (PoFA)<sup>1</sup>. This note describes the situation in England and Wales (please note that certain inspection functions and commissioners are additionally within regulated activity in Wales).

The definition of 'vulnerable adults' in section 59 SVGA has been repealed.

The definition of regulated activity for adults from 10th September 2012 will identify the activities provided to any adult which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time. The SVGA will no longer label adults as 'vulnerable' because of the setting in which the activity is received, nor because of the personal characteristics or circumstances of the adult receiving the activities.<sup>2</sup>

This means, for example, anyone providing personal care to an adult is in regulated activity irrespective of whether that occurs in, say, a hospital, a care home, a day care centre, a prison or in sheltered housing.

There is no longer a requirement for a person to carry out the activities a certain number of times before they are engaging in regulated activity. Any time a person engages in the activities set out below, they are engaging in regulated activity.

### General points

#### **1. Regulated activity continues to exclude any activity carried out in the course of family relationships, and personal, non-commercial relationships.**

a. Family relationships involve close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family.

b. Personal, non commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial

relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

**2. An adult is a person aged 18 years or over.**

**3. A person whose role includes the day to day management or supervision of any person who is engaging in regulated activity, is also in regulated activity.**

### **New definition of regulated activity**

There are six categories within the new definition of regulated activity.

#### **Providing Health Care**

1. The provision of **health care** by any **health care professional** to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional, is regulated activity.

a. A **health care professional** is a person who is regulated by any of the following professional regulators:

- General Medical Council
- General Dental Council
- General Optical Council
- General Osteopathic Council
- General Chiropractic Council
- General Pharmaceutical Council
- Pharmaceutical Society of Northern Ireland
- Nursing and Midwifery Council
- Health Professions Council

b. **Health care** includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. **Health care** also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with a medical condition. An example of this is taking blood from a blood donor or cosmetic surgery.

2. The provision of **psychotherapy and counselling** to an adult which is related to health care the adult is receiving from, or under the direction or supervision of, a health care professional, is regulated activity. This would include the provision of psychotherapy and counselling over the telephone. Life coaching is excluded.

3. **First aid**, when any person administering the first aid is doing so on behalf of an organisation established for the purpose of providing first aid (for example, St John Ambulance Service), is regulated activity. This includes first aid given by Community First Responders.

4. A worker employed for another purpose who volunteers, or is designated, to be that organisation's first aider is not in regulated activity. For example, a person who works in

a department store whose role includes being a first aider is not engaging in regulated activity.

5. **Members of peer support groups** (for example, Alcoholics Anonymous), are not in regulated activity, even if the group is directed or supervised by a health care professional.

6. All staff who work in **community pharmacies and opticians** who are not regulated health care professionals will be excluded from regulated activity.<sup>7</sup> For example, a person who works in a high street pharmacy providing health advice to customers over the pharmacy counter will not be in regulated activity.

7. Staff in GP surgeries or dental practices who do not provide health care (for example, receptionists) will not be in regulated activity.

### Providing Personal Care

1. Anyone who provides an adult with physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult's age, illness or disability, is in regulated activity.

2. Anyone who prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting and supervision, is in regulated activity.

3. Anyone who trains, instructs or provides advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability, is in regulated activity.

4. There is one exception to this. Excluded from regulated activity is any physical assistance provided to an adult in relation to the care of their hair when that assistance relates only to the cutting of the adult's hair. This is to ensure that hairdressers who cut the hair of patients and residents in hospitals and care homes are not engaging in regulated activity.

### Providing Social Work

The activities of regulated social workers in relation to adults who are service users or potential service users are a regulated activity. These activities include assessing or reviewing the need for health or social care services, and providing ongoing support to service users.

### Assistance with general household matters

Anyone who provides day to day assistance to an adult because of their age, illness or disability, where that assistance includes at least one of the following, is in regulated activity:

- a. managing the person's cash,
- b. paying the person's bills, or
- c. shopping on their behalf.

#### Assistance in the conduct of a person's own affairs

Anyone who provides assistance in the conduct of an adult's own affairs by virtue of:

- Lasting power of attorney under the Mental Capacity Act 2005
- Enduring power of attorney within the meaning of the Mental Capacity Act 2005
- Being appointed as the adult's deputy under the Mental Capacity Act 2005
- Being an Independent Mental Health Advocate
- Being an Independent Mental Capacity Advocate
- Providing independent advocacy services under the National Health Service Act 2006 or National Health Service (Wales) Act 2006
- Receiving payments on behalf of that person under the Social Security Administration Act 1992

is in regulated activity.

#### Conveying

1. Any drivers and any assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are in regulated activity. The driver does, or the person assists in, such conveying on behalf of an organisation and for the purpose of enabling the adult to receive services. The meaning of health care, relevant personal care and relevant social work are discussed above.

2. In addition, hospital porters, Patient Transport Service drivers and assistants, Ambulance Technicians and Emergency Care Assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving, health care, relevant personal care or relevant social work, are also in regulated activity.

3. Conveying does not include licensed taxi drivers or licensed private hire drivers, and does not include trips taken for purposes other than to receive health care, personal care or social work (for example, trips for pleasure are excluded).

## 18. Annex E: Privacy notices

### 18.1. Rainbow Migration safeguarding privacy notice (to subject of the concern)

#### 1. Why have I been given a privacy notice?

You have been given this privacy notice because Rainbow Migration has received information about you that suggests that there may be a safeguarding concern for your safety or your wellbeing. Safeguarding means the arrangements we make to ensure that people who come into contact with Rainbow Migration and who work for Rainbow Migration are kept safe from harm whilst engaged with us. Whilst we investigate those concerns Rainbow Migration is committed to the protection of your rights under the Data Protection Act 2018. This notice will inform you of your rights and provide information about how we hold and use your personal data.

The most important points in this notice for you to understand are:

- We will not use this information about you for any reason other than safeguarding.
- We will keep the information securely.
- We may have to share the information with other official organisations if that is necessary to protect someone from harm or the law obliges us to share it with them.

#### 2. What personal data do we have about you?

Personal data is almost any information which is identifiable about you. We will have some personal data about you if you have used one or more of our services. You will have given us that information. We may now have information about you from another person or organization. Personal data includes names, addresses and dates of birth and what is called special category personal data such as information about sexual life or sexuality or health. Criminal offence data includes information about allegations, proceedings and convictions. Personal, special category and criminal offence data may be processed when we investigate a safeguarding concern about someone.

#### 3. Sharing your personal, special category and criminal offence data

- a) **Within Rainbow Migration:** Your data will be held in confidence and will be shared only where necessary with appropriate people within Rainbow Migration who need to know (such as the Executive Director and the Chair).
- b) **With statutory agencies and other organisations:** Rainbow Migration will share safeguarding information only when necessary and authorized in law. This may include sharing it with statutory agencies and other organisations including police, probation, local authority designated officers, children and adult services or the Charity Commission. If we have time and we are allowed to, we will ask

you if you will agree to us sharing necessary information to keep you or others safe.

Please understand that we cannot promise not to pass on information about this situation to these organisations if it is necessary to keep a vulnerable person or a child safe.

#### **4. How long do we keep your data?**

Information relating to safeguarding concerns will be kept permanently and securely.

#### **5. Your rights and your personal data**

You have rights with respect to your personal data including data held about you relating to safeguarding. These include the right to access the data, to have it corrected if it is wrong and the right to destruction when it is no longer necessary for us to keep it.

We will only use your data for the reasons we have given you. If any other reason arises we will inform you as soon as practicable.

#### **6. What is the lawful basis for us processing your personal, special category and criminal offence data?**

In this situation we are allowed in law to process the information (for example to store and read and report the information) for one or more of the following legal reasons:

1. Processing is necessary in the substantive public interest for the protection of a person under 18 or an over 18 at risk from neglect, physical or emotional harm according to the Data Protection Act 2018, Sch2 Part 2 (para18).
2. Processing is necessary in the substantive public interest for the prevention or detection of an unlawful act according to the Data Protection Act 2018, Sch2 Part 2 (para 10).
3. Processing of safeguarding information is necessary to comply with a legal obligation, including Working Together to Safeguard Children (2018).

You can obtain further information or request access to your data from:

The Operations and Office Manager, Rainbow Migration

[hello@rainbowmigration.org.uk](mailto:hello@rainbowmigration.org.uk)

Or 7-14 Great Dover Street, London SE1 4YR



## 18.2. Rainbow Migration safeguarding privacy notice (concern from third party)

### **1. Why have I been given a privacy notice?**

You have been given this privacy notice because Rainbow Migration has received information about you from another person or organization that suggests that there is a safeguarding concern that you or someone in your family may have been at risk of harm. Safeguarding is the arrangements we make to ensure that people who come into contact with Rainbow Migration and who work for Rainbow Migration are kept safe from harm whilst engaged with us. Whilst we investigate those concerns Rainbow Migration is also committed to the protection of your rights under the Data Protection Act 2018. This notice will inform you of your rights and provide information about how we hold and use your personal data.

### **2. What personal data do we have about you?**

Personal data is almost any information which is identifiable about you. We will have some personal data about you if you have used one or more of our services. You will have given us that information. We now also have information about you from another person or organization who was worried for you. Personal data includes names, addresses and dates of birth and what is called special category personal data such as information about sexual life or health. Criminal offence data includes information about allegations, proceedings and convictions. Personal, special category and criminal offence data may be processed when we investigate a safeguarding concern about someone.

### **3. What is the lawful basis for processing your personal, special category and criminal offence data?**

We are allowed in law to process (mainly to store and read and report the information) for one or more of the following legal reasons:

- Processing is necessary in the substantive public interest for the protection of a person under 18 or an over 18 at risk from neglect, physical or emotional harm according to the Data Protection Act 2018, Sch2 Part 2 (para18)
- Processing is necessary in the substantive public interest for the prevention or detection of an unlawful act according to the Data Protection Act 2018, Sch2 Part 2 (para 10)
- Processing of safeguarding information is necessary to comply with a legal obligation, including Working Together to Safeguard Children (2018)
- If you consent (give your permission)

We will not use or keep your data longer than necessary for safeguarding purposes. We will keep the information securely.

### **4. Sharing your personal, special category and criminal offence data**

- **Within Rainbow Migration:** Your data will be held in confidence and will be shared only where necessary with appropriate people within Rainbow Migration who need to know (such as the Executive Director and the Chair)
- **With statutory agencies and other organisations:** Rainbow Migration will share safeguarding information only when necessary and authorized in law. This may include sharing it with statutory agencies and other organisations including police, probation, local authority designated officers, children and adult services or the Charity Commission. If we have time and we are allowed to, we will ask you if you will agree to us sharing necessary information to keep you or others safe.

Please understand that we cannot promise not to pass on information about this situation to these organisations if it is necessary to keep a vulnerable person or a child safe.

## **5. How long do we keep your data?**

Information relating to safeguarding concerns will be retained permanently.

## **6. Your rights and your personal data**

You have rights with respect to your personal data including data held about you relating to safeguarding. These include the right to access the data, to have it corrected if it is wrong and the right to destruction when it is no longer necessary for us to keep it.

We will only use your data for the reasons we have given you. If any other reason arises we will inform you as soon as practicable subject to safeguarding having priority.

You can obtain further information or request access to your data from:

The Operations and Office Manager, Rainbow Migration  
hello@rainbowmigration.org.uk  
Or 7-14 Great Dover Street, London SE1 4YR

### 18.3. Rainbow Migration safeguarding privacy notice (informant/witness)

#### **a) Why have I been given a privacy notice?**

You have been given this privacy notice because Rainbow Migration has personal data information about you relating to safeguarding relevant to Rainbow Migration. Safeguarding is the arrangements we make to ensure that people who come into contact with Rainbow Migration and who work for Rainbow Migration are kept safe from harm whilst engaged with us. Whilst we look into those concerns Rainbow Migration is also committed to the protection of your rights under the Data Protection Act 2018. This notice will inform you of your rights and provide information about how we hold and use your personal data.

#### **b) What personal data do we have about you?**

Personal data is almost any information which is identifiable about you. We will have some personal data about you if you have used one or more of our services or you work or volunteer for us. You will have given us that information. We now also have information about you from another person or organization who was worried for you. Personal data includes names, addresses and dates of birth and what is called special category personal data such as information about sexual life or health. Criminal offence data includes information about allegations, proceedings and convictions. Personal, special category and criminal offence data may be processed when we investigate a safeguarding concern about someone.

#### **c) What is the lawful basis for processing your personal, special category and criminal offence data?**

We are allowed in law to process (mainly to store and read and report the information) for one or more of the following legal reasons:

- Processing is necessary in the substantive public interest for the protection of a person under 18 or an over 18 at risk from neglect, physical or emotional harm according to the Data Protection Act 2018, Sch2 Part 2 (para18)
- Processing is necessary in the substantive public interest for the prevention or detection of an unlawful act according to the Data Protection Act 2018, Sch2 Part 2 (para 10)
- Processing of safeguarding information is necessary to comply with a legal obligation, including Working Together to Safeguard Children (2018)
- If you consent (give your permission)

We will not use or keep your data longer than necessary for safeguarding purposes. We will keep the information securely.

#### **d) Sharing your personal, special category and criminal offence data**

- a) **Within Rainbow Migration:** Your data will be held in confidence and will be shared only where necessary with appropriate people within Rainbow Migration who need to know (such as the Executive Director and the Chair)
- b) **With statutory agencies and other organisations:** Rainbow Migration will share safeguarding information only when necessary and authorized in law. This may include sharing it with statutory agencies and other organisations including police, probation, local authority designated officers, children and adult services or the Charity Commission. If we have time and we are allowed to, we will ask you if you will agree to us sharing necessary information to keep you or others safe

Please understand that we cannot promise not to pass on information about this situation to these organisations if it is necessary to keep adult or child safe.

**e) How long do we keep your data?**

Information relating to safeguarding concerns will be retained permanently.

**f) Your rights and your personal data**

You have rights with respect to your personal data including data held about you relating to safeguarding. These include the right to access the data, to have it corrected if it is wrong and the right to destruction when it is no longer necessary for us to keep it.

We will only use your data for the reasons we have given you. If any other reason arises we will inform you as soon as practicable subject to safeguarding having priority.

You can obtain further information or request access to your data from:

The Operations and Office Manager, Rainbow Migration

[hello@rainbowmigration.org.uk](mailto:hello@rainbowmigration.org.uk)

7-14 Great Dover Street, London SE1 4YR