

Labour Party

# Safeguarding Code of Conduct 2020



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## 1. INTRODUCTION

The Safeguarding Code of Conduct outlines the behaviour expected of staff, volunteers, members and elected representatives of the Labour Party, and staff, members and volunteers of other organisations who engage with children and adults at risk through the Labour Party and its activities. The underpinning principles of the code are that:

- the welfare of children and adults at risk is paramount;
- It is the responsibility of all staff, volunteers, members and elected representatives to behave with integrity, maturity and good judgement.

## 2. DEFINITIONS

- **Child<sup>1</sup>:** In England, Northern Ireland and Wales a child is someone under the age of 18. Whether living with their family, in state care, or living independently. This generally applies in Scotland but in some cases, for example for parts of the Scottish Child Protection Process, it will be 16.
- **Adult at risk:** An adult who:
  - (a) Has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) Is experiencing, or is at risk of, abuse or neglect, and
  - (c) As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it<sup>2</sup>.
- **Abuse:** Maltreatment of a child or adult at risk. Somebody may abuse or neglect a child or adult at risk by inflicting harm or by failing to act to prevent harm. Abuse may be perpetrated by an adult towards an adult at risk, an adult towards a child, a child towards another child or a child towards an adult at risk.
- **Safeguarding and promoting welfare:** Protecting children and adults at risk from maltreatment, preventing harm to their development, ensuring they grow up or live with the provision of safe and effective care and taking action to enable them to have the best outcomes.
- **Harm:** The ill-treatment or impairment of the health or development of an individual, including impairment suffered from seeing or hearing the ill-treatment of another<sup>3</sup>.
- **Safeguarding concern:** When there is information that a child, young person or adult at risk has been harmed, or is at risk of being harmed, by their own or someone else's behaviour.
- **Safeguarding Allegation:** Where a person who is an employee, member, volunteer or elected representative of the Labour Party has:
  - a. Behaved in a way that has harmed a child or an adult at risk, may have harmed a child or an adult at risk, or behaved in a way that might lead to a child or an adult at risk being harmed;
  - b. Possibly committed or is planning to commit a criminal offence against a child or an adult at risk or related to a child or an adult at risk, or;
  - c. Behaved towards a child or an adult at risk in a way that indicates they are, or would be, unsuitable to work with children or adults at risk.

<sup>1</sup> Defined by the Children Act 1989

<sup>2</sup> Defined by the Care Act 2014 and only applies to local authorities in England. Social Care in Scotland, Wales and Northern Ireland has devolved responsibility. However, the principles of good practice set out in this document apply throughout the UK.

<sup>3</sup> Definition of harm under Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002

- **Volunteer<sup>4</sup>**: Any person engaged in an activity related to the Labour Party which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit the Labour Party.

This term includes:

- Any member of the Labour Party elected to local government;
- Any member elected to a role of their Branch or Constituency Labour Party
- Any member who is a member of the Labour Party's National Executive Committee (NEC) or National Constitutional Committee (NCC).

### 3. PURPOSE

The Safeguarding Code of Conduct will:

- help to protect children and adults at risk from abuse and/or inappropriate behaviour from other individuals;
- clarify the standard of behaviour required of staff, members, volunteers and elected representatives;
- Reduce the possibility of unfounded allegations of abuse being made against staff, members, volunteers and elected representatives.

The Safeguarding Code of Conduct is intended to provide a minimum framework for safer working practice for staff, members, volunteers and elected representatives who work with, or come into contact with, children and adults at risk at all levels of party engagement and activity.

### 4. DUTY TO UPHOLD THE SAFEGUARDING CODE OF CONDUCT

It is the responsibility of all staff, members, volunteers and elected representatives to ensure that their behaviour meets the standards of this code of conduct at all times. Any breaches of the code must be reported:

- Staff, members, volunteers and elected representatives can report breaches of the code of conduct to their Regional Safeguarding Lead (RSL) who will escalate the report to the Safeguarding Unit;
- Staff members, volunteers, members and elected representatives can report breaches of the code of conduct to the Labour Party Complaints Team who will record the report and refer it to the Safeguarding Unit;
- Staff members, volunteers, members and elected representatives can also report breaches of the code of conduct directly to the Safeguarding Unit;

Staff, members or volunteers who are found to have breached this code of conduct may be subject to the Labour Party's disciplinary procedures. Any breach of the code involving a volunteer or member of staff from another organisation will result in them being reported to the appropriate safeguarding officer within that organisation.

For members, volunteers and elected representatives this code relates to Labour Party rules, that is: "No member of the Party shall engage in conduct which in the opinion of the NEC is prejudicial or in any act which in the opinion of the NEC is grossly detrimental to the Party" (2016 Rule Book, Chp 2.1.8).

A referral may be made to a statutory agency i.e. the police and/or the local authority children's or adult social care department if the behaviour alleged to have breached the code of conduct constitutes a safeguarding allegation.

<sup>4</sup> Adapted from the Disclosure and Barring Service definition of a volunteer as defined in the Police Act 1997 (criminal records) Regulations 2002

## 5. ABUSE OF A POSITION OF TRUST

Staff, members and volunteers, including elected representatives and senior officials, should be aware that they may be seen as role models by children, young people and adults at risk and therefore they must act in an appropriate manner at all times. Elected representatives and others in positions of authority must take particular care that their status and power is not used, or may seem to be used, inappropriately to influence children or adults at risk or to cause them harm.

When engaging with children and adults at risk on behalf of the Labour Party, staff, volunteers and elected representatives are considered to be acting in a position of trust. A relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for any person in a position of trust to understand the power this can give them over those they work or volunteer with or represent and the responsibility they must exercise as a consequence of this relationship.

Children aged sixteen or seventeen years old can legally consent to sexual activity but they may still be relatively immature emotionally. It is essential that staff, volunteers and elected representatives who are in a position of trust recognise this vulnerability and make sure it is not exploited. Staff, volunteers and elected representatives must not engage in sexual activity or allow a sexual relationship to develop with any member under the age of eighteen years old. Any behaviour which might allow a sexual relationship to develop between the person in a position of trust and a child or young person must be avoided.

Where a person aged eighteen or over is in a specified position of trust<sup>5</sup> with a young person under eighteen, it is an offence, in certain circumstances, for that person to engage in sexual activity with or in the presence of that young person, or to cause or incite that young person to engage in or watch sexual activity even if the young person appears to consent.

## 6. WORKING WITH CHILDREN AND ADULTS AT RISK

When working with children and adults at risk through any Labour Party activities or events, it is essential that staff, members, volunteers and elected representatives:

1. uphold this code, and any safeguarding procedures, at all times;
2. treat children and adults at risk fairly, without prejudice or discrimination and avoid favouritism;
3. ensure that allegations or disclosures about abuse by an adult or child are taken seriously and reported, including peer-on-peer abuse by children or young people;
4. follow the Labour Party safeguarding procedures for reporting safeguarding concerns which can be found in the Labour Party Safeguarding Children Policy and Procedure and the Labour Party Safeguarding Adults at Risk Policy and Procedure;
5. challenge unacceptable behaviour and report all allegations and suspicions of abuse regardless of the status of the adult(s) involved, including their political office, or organisation(s) that may be implicated in so doing;
6. respect a child or an adult at risk's right to personal privacy but never agree to keep any information relating to the harm of a child or an adult at risk confidential;
7. ensure that all contact, interactions and communications (face-to-face and online) with children and adults at risk are appropriate and relevant to the work of the Labour Party;

<sup>5</sup> Sexual Offences Act 2003. Sect 16-19 re-enacts and amends the offence of abuse of position of trust. Position of Trust offences apply to those who care for, train, supervise or are in sole charge of those up to the age of 16 years in specified settings which include: children's homes, education settings, hospitals and those reporting for court proceedings.

8. use language which is appropriate and is not bullying, offensive, intimidating or discriminatory on the grounds of: age; disability; gender reassignment, gender identity; race; religion or belief; sex, sexual orientation; marriage and civil partnership; or due to a person's pregnancy;
9. maintain appropriate conduct and avoid threatening or potentially violent behaviour that may lead to children or adults at risk feeling anxious or frightened by behaviour during meetings or events;
10. value and take the contributions of children and adults at risk seriously, actively involving them in planning activities wherever possible;
11. plan activities so that they involve more than one other person being present, or at least within sight and hearing of others. There may be occasions where this is not possible so in such circumstances the activity should be conducted in a room with an open door and/or in sight of other adults.
12. plan activities so that they are held in suitable venues and locations for children and adults at risk and ensure that appropriate travel arrangements and health and safety measures are in place;
13. ensure that the focus of any relationship with a child or an adult at risk that they have met through the Labour Party remains professional at all times;
14. foster a culture where children, young people and adults at risk feel comfortable to raise any concerns they may have about inappropriate attitudes or behaviour towards children or adults at risk;
15. carefully consider any physical contact with a child or an adult at risk. Ensure that physical contact is appropriate and not unnecessary or unjustified. They should be aware that physical contact with a child or an adult at risk may be misinterpreted, no matter how well intentioned;
16. Staff, volunteers, members and elected representatives should:
  - a. consider the way in which they offer comfort and reassurance to a distressed child or adult at risk and do it in an appropriate way;
  - b. never touch a child or adult at risk in a way which may be considered indecent;
  - c. record and report situations which may give rise to concern from either party;
  - d. not assume that all children or adults at risk seek physical comfort if they are distressed;
  - e. ensure that if any kind of physical support is required during any activities, it is provided only when necessary in relation to the activity and that this is done in a way that other colleagues can observe them and in a way that the child or adult at risk is comfortable;
  - f. follow the recommended adult-to-young people ratios for meetings and activities;
  - g. follow the Labour Party safeguarding guidance when delivering Labour Party activities<sup>6</sup>

It is essential that staff, volunteers, members and elected representatives do not:

17. conduct a sexual relationship with a child or have any form of sexual contact with a child involved in Labour Party activity. Any such behaviour between an adult member of staff, volunteer or elected representative and a child involved in Labour Party activity represents a serious breach of trust on the part of the staff member, party member, volunteer or elected representative;
18. physically, emotionally or sexually abuse, maltreat or exploit any child or an adult at risk or neglect their basic physical and psychological needs;
19. exaggerate or trivialise child abuse or the abuse of adults at risk;
20. investigate safeguarding concerns, their responsibility is to report concerns;

<sup>6</sup> [labour.org.uk/members/my-welfare/safeguarding](https://labour.org.uk/members/my-welfare/safeguarding)

21. undertake activity which lessens the effectiveness of this code or display attitudes or behaviours which are not conducive to protecting and promoting the welfare of children and adults at risk;
22. make sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to, or in front of, children or discuss adult sexual relationships in front of them;
23. rely on their reputation or that of the Labour Party or any elected office that they hold to protect them;
24. give or receive gifts and/or substances such as drugs, alcohol, cigarettes, e-cigarettes to or from a child;
25. encourage or appear to encourage children to drink alcohol or take drugs;
26. allow their judgment to be impaired by alcohol or any other substance when acting in a position of trust;
27. smoke cigarettes or vape with, or in front of, children and young people;
28. arrange any overnight event involving children or young people without consulting with the Safeguarding Unit in good time before the event;
29. use any type of physical punishment in order to discipline children or adults at risk. Shouting should be avoided whenever possible and used only if alternative forms of discipline have failed;
30. photograph or film children without first obtaining written consent;
31. take advantage of the vulnerability of an adult at risk to achieve financial gain for themselves or the Labour Party;
32. receive high value gifts from children or adults at risk.

## 7. ONLINE AND E-SAFETY

The term e-safety can be defined as the process of limiting the risks to children and adults at risk, our staff, volunteers and members when communicating via the internet, digital and mobile devices and using social media. Social media includes blogs, Wikis, online communities, and social networking sites such as Facebook and Twitter and Instagram.

As an organisation that engages with children and adults at risk, the Labour Party acknowledges the positive impact and involvement that social networking sites such as Facebook, Twitter and Instagram can have on the lives of our members and their ability to learn about and engage in political debate.

The online environment is utilised by the Labour Party to encourage children and adults in our campaigning work and events. At the same time, we recognise the dangers and potential risks that online activity can pose to both children and adults at risk. There is a wide range of ways to communicate with children and adults and this is a rapidly changing environment as new technologies, applications and social media sites merge. No code of conduct for e-safety can cover all of these areas separately.

To safeguard children, adults at risk and themselves in respect of using all these forms of media, devices, apps and social networking sites, staff, volunteers, members and elected representatives must adhere to the following standards:

### *Content:*

1. When communicating online observe the same rules of behaviour as if speaking with them in person. Be professional, polite and respectful;
2. Do not swear or say anything (using the written word, images or icons) that could be regarded as sexual innuendo, bullying, intimidation or discrimination;
3. Ask whether the content of the message could be misunderstood or misinterpreted by someone else;

4. Always ensure the content of any online communication has a clear 'work' purpose;
5. Don't use any 'text speak' abbreviations, symbols or emoticons even if you ordinarily use these in your personal life;
6. Never disclose non-public and confidential information about the Labour Party, its staff/volunteers or the children or adults with whom we are working;
7. Contact with young members online must be a recognised element of your work and done strictly for Labour Party purposes only;
8. Do not send any illegal or inappropriate content (written, images or icons) including 'sexting' via mobile phones or sharing of abusive images of children.

### *Openness and scrutiny*

1. Always communicate with children and adults at risk in a way that is open to others to see if necessary;
2. Do not use private messaging facilities on social networks or apps. If communication needs to be private then do this by email exchange or phone and note the conversation afterwards;
3. Ensure there is always a record of these conversations that would be open to others to check if necessary;
4. It should always be clear who a communication is from when the Labour Party is communicating with a child or an adult at risk;
5. Never use anonymous apps (where the sender can remain anonymous);
6. Only use social media and apps where there is a permanent record of what's been said and sent thereby being open to scrutiny e.g. the use of Snapchat is inappropriate.

### *Use of equipment*

Labour Party equipment (including computers, laptops, mobile phones, notebooks, etc.) must not be used to view, download, create or share illegal content including abusive images of children.

### *Text messaging*

The use of text messaging to communicate with individual children increases the vulnerability of both the child and the member or volunteer. There may be circumstances in which it is justified, subject to appropriate safeguarding considerations. In these circumstances:

1. Members and volunteers should only send individual text messages to a child in response to a specific question or immediate request; members and volunteers should not engage in general conversation with children via text message;
2. All messages should be stored and backed up regularly on a computer - phone messages should not be edited or deleted;
3. Children's mobile phone numbers should be kept secure via passcode locks on phones and computers. The mobile phone numbers should not be shared with anyone else unless consent has been given;
4. The content should relate solely to Labour Party activity;
5. All bulk text messages sent to children and young people should also be sent through approved channels and recorded for external moderation if required.



