

*Last reviewed: February 2023*

## **LONDON PHILHARMONIC ORCHESTRA**

### **Policy for the safeguarding and protection of children and vulnerable adults** (Safeguarding Policy)

#### **Introduction**

The London Philharmonic Orchestra (LPO) is committed to good practice, which safeguards and protects children and vulnerable adults from harm. LPO staff, musicians, animateurs (workshop leaders), Board members and trustees recognise their responsibility to ensure that they, other professionals engaged by them, orchestral musicians, project leaders, volunteers and others who may work on activities where contact with children or vulnerable adults is anticipated, ensure that these activities take place in an environment that promotes the safety and wellbeing of children and vulnerable adults. This policy has been devised with reference to the regulatory framework for child protection and safeguarding, including the Safeguarding Vulnerable Groups act 2006.

#### **Definitions**

- The Disclosure and Barring Service (DBS) is the Government agency that helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children, by undertaking criminal records checks and checks against statutory barred lists.
- Children are defined as young people under the age of eighteen.
- Vulnerable adults are all those over the age of eighteen who:
  - have needs for care and support and;
  - are experiencing, or at risk of, abuse or neglect; and
  - as a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- LPO staff means employees of LPO (including members of the Education and Community team). The term LPO staff does not include LPO musicians and animateurs.
- LPO musicians and animateurs includes LPO orchestral players (members and extras), freelance workshop leaders and other musicians involved in LPO projects (including participants on the LPO's Rising Talent programmes working on other Education and Community projects).
- A participant is defined as any person taking part in an Education and Community project or event.

#### **Policy aims**

The LPO is committed to a child and vulnerable adult-centred approach. This means:

- We put the dignity, wellbeing and safety of every participant first
- We seek to achieve a balance between artistic outcomes and the social, emotional, intellectual and physical needs of the participants

# London Philharmonic<sup>★</sup> Orchestra

- Professional relationships between LPO musicians and animateurs and participants are based on mutual trust and respect and must remain appropriate at all times
- The feelings and concerns of any participant, their parent or carer, are listened to and acted upon appropriately
- We are committed to maintaining an attitude of “it could happen here” and to supporting LPO staff, musicians and animateurs who raise concerns about the safety and wellbeing of children and vulnerable adults with whom we work.

## **Status of the policy statement**

This policy statement has been approved by the Board and copies are provided to all LPO staff, musicians and animateurs and partner organisations participating in projects involving children and vulnerable adults. This policy is available on the LPO website and is reviewed annually by the Board.

## **Roles and Responsibilities**

- The Education & Community Director is the LPO’s Designated Safeguarding Lead.
- The Education & Community Director is responsible for ensuring the implementation and monitoring of the LPO’s safeguarding and child protection procedures.
- The Education & Community Director is responsible for considering (in consultation with other LPO staff and Board members, where necessary) whether any incidents involving children or vulnerable adults should be reported to social care, the police, the DBS or any other relevant authority.
- The Education & Community Director is responsible for ensuring that appropriate DBS checks are carried out in relation to LPO projects involving children and vulnerable adults, and for making decisions in relation to the suitability of individuals for work with children or vulnerable adults.
- Responsibility for overseeing the operational aspects of the DBS application process lies with the LPO Education & Community Director.

## **The role of the LPO**

The LPO works alongside schools and other partners to devise, organise and deliver projects. These projects are likely to have as participants, groups of children and/or vulnerable adults. Within the LPO, the key deliverers of education and community work are the LPO Education and Community team. In the main, other LPO staff members, whether permanent or temporary, do not become directly involved in Education and Community projects, but may be present as observers. Where children are formally engaged to participate in LPO performances by the LPO’s Concerts department (or any other department) the Good Practice Guidelines at Appendix 1 should be followed.

## **Procedures for working with Children and Vulnerable Adults**

- In most circumstances LPO musicians and animateurs will not be working alone with children or vulnerable adults participating in a project. Where small group work is taking place on an LPO-run project, a musician or animateur may be alone with children or vulnerable adults for short periods.

# London Philharmonic Orchestra

Where this occurs the LPO Project Manager or another member of the Education and Community team **must** be easily accessible (for example in an adjoining room or corridor). This is to ensure that musicians and animateurs can easily request support and assistance should it be required (for example where children or vulnerable adults are behaving inappropriately or an accident or medical incident has occurred, or if a child or vulnerable adult appears uncomfortable in any way).

- LPO staff, musicians and animateurs should always use toilets specifically designated for their use. Separate toilets for participants under 18 should be allocated.
- LPO staff, musicians and animateurs must maintain professional boundaries at all times. Personal contact details should not be shared with children or vulnerable adults, nor should LPO staff, musicians or animateurs communicate with children or vulnerable adults using personal phone, email or social networks (this would include, for example, accepting friend requests).
- LPO Education & Community staff may communicate directly by phone, text or email with certain participants, if they are participating in LPO activity as individuals, i.e. not as part of a school group or other organisation. This is likely to relate to e.g. LPO Junior Artists – musicians aged 15-19 on a year-long programme with the LPO. When communicating by email, a parent/carer should always be copied in. Communicating with participants by phone/text directly should generally be avoided, but may occur in certain limited situations, e.g. if a participant is running late and calls or texts the Education & Community Project Manager, or in the same situation if the Project Manager calls/texts the participant directly to find out where they are. LPO staff must only communicate using their work phones, never their personal phones. Direct communication by text should only be limited to specific questions/situations and never for general conversation.
- LPO staff, musicians and animateurs should not travel alone with children or vulnerable adults (for example by giving them lifts in a car). If exceptional circumstances arise that justify a member of LPO staff or a musician or animateur travelling alone with a child or vulnerable adult, the approval of the LPO Project Manager must be sought and the Education & Community Director should be informed as soon as possible.
- LPO musicians and animateurs should never take photographs or video in the course of any project. LPO staff should not take photographs or video unless this has been specifically authorised in advance by the LPO Project Manager. The LPO Project Manager must ensure that all necessary consents have been obtained before authorising the taking of photographs or video footage. Photographs and video may only be taken on LPO-owned equipment, not personal devices.
- It is not usually appropriate to touch children or vulnerable adults during project work. However, there may be limited circumstances where touch is appropriate. Examples might include explaining an aspect of instrument technique (for example how to hold an instrument or to demonstrate a hand position). LPO staff, musicians and animateurs should always seek the permission of the child or vulnerable adult (and their parent or carer, if present) before touching a child or vulnerable adult. It is **never** appropriate to touch a child or vulnerable adult on the trunk of the body.
- Circumstances may arise where a child or vulnerable adult touches a member of LPO staff, or an LPO musician or animateur. This might occur for a number of reasons, including where participants have learning difficulties or other special needs. In such situations, the member of LPO staff, musician or animateur should seek to minimise physical contact, but this should be done in a sensitive manner, appropriate to the circumstances of the individual child or vulnerable adult.

# London Philharmonic Orchestra

- LPO staff, musicians and animateurs should treat all participants with courtesy and respect, always paying proper regard to the social, emotional, intellectual and physical needs of the participants. Shouting at children or vulnerable adults, or other displays of anger or irritation are never appropriate. If participants are behaving inappropriately, LPO musicians and animateurs should seek support from the LPO Project Manager (or a member of school/centre staff if the work is taking place in a school or disability centre).
- LPO staff, musicians and animateurs should never show favouritism to any individual.
- LPO staff, musicians and animateurs should always give participants enthusiastic and constructive feedback rather than negative criticism.

## Media

Photographs or video footage of children or vulnerable adults participating in LPO projects will not be taken unless appropriate written consent has first been obtained (in the case of children, this should be obtained either from parents or carers or from the school). Where photographs and video footage is taken, care will be taken to ensure that the use of such material does not put any child or vulnerable adults at risk. Such material should not be linked online to the full names of participants or any other personal information that might put participants at risk. Material is stored on secure LPO drives, which can only be accessed by a limited number of clear DBS-checked staff members.

## Disclosures of abuse and reporting procedures

It is possible that, during an LPO project, a child or vulnerable adult might make a disclosure of abuse or of information that might be an indicator of possible abuse. It is important that LPO staff, musicians and animateurs know how to respond appropriately to such disclosures. LPO staff, musicians and animateurs should follow these guidelines:

1. Stay calm.
2. Listen carefully to what is said and show that you are taking it seriously.
3. Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others – do not promise to keep secrets.
4. Tell the child or vulnerable adult that the matter will only be disclosed to those who need to know about it.
5. Allow the child or vulnerable adult to continue at her/his own pace.
6. Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer.
7. Reassure the child or vulnerable adult that they have done the right thing in telling you.
8. Tell them what you will do next, and with whom the information will be shared (in the first instance this will be the LPO Project Manager and the Education & Community Director).
9. Make no judgement about what you have heard.
10. Record in writing what was said, using the child or vulnerable adult's own words, as soon as possible – note the date, time, any names mentioned, to whom the information was given and ensure that

the record is signed and dated. Recommended practice is to do this after the disclosure has taken place, not during the conversation itself.

11. You should also record in writing any incident of abuse or potential abuse you witness in the course of your work for LPO and alert the LPO Project Manager and the Education & Community Director as soon as possible. The LPO has a report form template to use for this purpose, and completed forms are stored under password protection in a private drive.
12. Remember that while you may have been the first person encountering an allegation of abuse it is not your responsibility to decide whether abuse has occurred. That is a task for the professional agencies, following a referral from the LPO's Education & Community Director.

## **Signs of abuse and neglect**

You should always be alert to possible signs of abuse or neglect and raise any concerns with the LPO's Education & Community Director. Abuse can take many different forms, including emotional abuse, neglect, physical abuse and sexual abuse. The NSPCC refer to the following categories of abuse:

Bullying and cyberbullying

Child sexual exploitation

Child trafficking

Domestic abuse

Emotional abuse

Female genital mutilation

Grooming

Neglect

Non-recent abuse

Online abuse

Physical abuse

Sexual abuse

Further information about these different types of child abuse and possible signs and symptoms can be found on the NSPCC website:

<http://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/>

As already stated, any concerns about the welfare of a child or vulnerable adult or possible abuse (including disclosures of abuse or incidents of possible abuse) should be raised in the first instance with the LPO Project Manager and subsequently with the LPO's Education & Community Director. If the Education & Community Director is unavailable, any concerns should be raised with the LPO's Chief Executive.

## **Referrals to the Local Social Services department**

Where a child or vulnerable adult is believed to be at risk of immediate serious harm, an immediate referral should be made to the relevant social services. Anyone can make such a referral but, where

practicable, the LPO Project Manager and Education & Community Director should be consulted first. The LPO Education & Community Director may also consult the Designated Safeguarding Lead of any partner institution (for example a school or day centre for older people) before making such a referral.

Where there is no risk of immediate serious harm to a child or vulnerable adult but there are concerns about a child or vulnerable adult's welfare, then the Education & Community Director should decide whether or not a referral to social services is appropriate, in consultation with the Designated Safeguarding Lead at any partner institution and, where appropriate, members of the LPO Board. The reasons for any decision to refer (or not refer) should be carefully recorded, along with the names of those consulted when making the decision.

Where a criminal offence is suspected, it will normally be for social services to consider the situation and refer the matter to the police, if necessary.

Any member of LPO staff, musician or animateur who considers that a situation has not been adequately addressed should press for reconsideration of their concerns.

## Disclosure and Barring Service Checks

LPO staff and LPO musicians and animateurs engaged in "regulated activity" must have undertaken an enhanced DBS check with barred list check. It is acknowledged that some LPO musicians or animateurs may not come within the statutory definition of "regulated activity" (because the work they undertake with children or vulnerable adults may not take place every week or for more than three days in a 30 day period). However, the LPO's expectation, on advice from the Incorporated Society of Musicians, is that all LPO staff, musicians and animateurs who work with children and vulnerable adults should be subject to an enhanced DBS check (even if they are not in "regulated activity" and are therefore not eligible for a barred list check).

The LPO will facilitate the appropriate checks for all LPO staff, musicians and animateurs including paying the necessary application fee. However, where a member of LPO staff, or an LPO musician or animateur already has an enhanced DBS check for the appropriate workforce (i.e. children or vulnerable adults) from a previous employer or other organization **and has already subscribed to the DBS update service**, no further DBS check will be required. The LPO will undertake a free online check (provided the member of LPO staff, LPO musician or animateur gives their permission and discloses a copy of their DBS reference number). Where LPO staff, musicians or animateurs have **not** subscribed to the DBS update service, a fresh DBS check will need to be undertaken in respect of their work at LPO.

All DBS checks must be renewed (or a further online check be carried out via the DBS update service) at least every three years. DBS checks may be repeated more frequently than every three years where it is reasonably practicable and cost-effective to do so (for example where musicians and animateurs have subscribed to the DBS update service).

## Situations where it is impractical to obtain an enhanced DBS check

In exceptional circumstances, where there are valid reasons why it has not been possible to obtain an enhanced DBS check in time for a project, the Education & Community Director may, in consultation with any other partners involved in the project, decide that the LPO musician or animateur should be permitted to take part in a particular project without a DBS check. This is entirely a matter for the discretion of the Education & Community Director and any other partners. Where an LPO musician or animateur without an enhanced DBS check is permitted to take part in a project, their work with children or vulnerable adults should be supervised at all times by a member of LPO staff with an enhanced DBS check. The LPO will also ask the artist to complete a temporary Personal Disclosure form to self-declare any relevant convictions.

LPO staff, musicians and animateurs must **never** engage in “regulated activity” unless they have undergone an enhanced DBS check with a barred list check.

## Assessing information disclosed as a result of a DBS check

In the event of a DBS check disclosing information relevant to the individual’s suitability to work with children or vulnerable adults, the certificate information will be retained until a decision regarding the individual’s suitability to work with children or vulnerable adults has been determined. Responsibility for decisions concerning an individual’s suitability to work with children or vulnerable adults rests with the LPO Education & Community Director.

The LPO’s policy in relation to the storage and retention of information relating to DBS checks is set out at Appendix 3.

## Implications

- Copies of this policy will be made available to all LPO staff, as well as LPO musicians and animateurs undertaking project work with children and vulnerable adults.
- LPO staff and LPO musicians and animateurs should receive regular training based on this policy, as well as thorough prior briefing in relation to every project involving children and vulnerable adults.
- A copy of this policy must be placed on the LPO website.
- This safeguarding policy is subject to annual review by the LPO Board. *The next date of review is February 2023.*

## LPO Contacts

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## APPENDIX 1

### GOOD PRACTICE GUIDELINES CHILDREN ENGAGED TO PARTICIPATE IN LPO PERFORMANCES

#### YOUNG ARTISTS UNDER THE AGE OF 18 BOOKED TO PERFORM AS SOLOISTS WITH THE ORCHESTRA

- A designated member of the LPO Concerts team (or LPO Education & Community team for performances which fall within the Education & Community programme) will ensure that the agent is contractually obliged to provide a chaperone (who may be the agent, parent or other carer) for any young artist under the age of 18. The chaperone will be required to take responsibility for the welfare of the young artist at all times while the young artist is working with the LPO.
- The young artist will be allocated a private dressing room with en-suite facilities when rehearsing/performing at the Royal Festival Hall; the LPO will use its best endeavors to provide similar facilities when performing at other venues.
- LPO staff or visitors are not authorised to enter the young artist's dressing room unless the chaperone is present to authorise the admission of visitors.
- The management of the LPO performance or rehearsal venues are to be informed of the above requirements when a young artists is contracted to perform with the LPO.

#### CHOIRS AND ENSEMBLES OF MUSICIANS UNDER THE AGE OF 18

- The designated member of the LPO Concerts/Education team will ensure that youth choirs or ensembles provide a suitable level of supervision to ensure the welfare of the young musicians.
- When performing with the LPO at the Royal Festival Hall, the young musicians will be allocated separate dressing room accommodation in the choir rooms.
- The young musicians' management will be responsible for their welfare and supervision, including controlling access to dressing room accommodation whilst the young musicians are in occupation.

In each case, the relevant LPO department will liaise with the relevant local authority department to determine whether a child performance license or Body of Persons Application is required. The LPO acknowledges that it is the responsibility of the Orchestra to apply for any performance licenses required for concerts which are self-promoted, or where the Orchestra is engaging the artists.



## APPENDIX 2

### FOYLE FUTURE FIRSTS, YOUNG COMPOSERS AND CONDUCTING FELLOWSHIP SCHEMES

The London Philharmonic Orchestra runs three highly regarded schemes for emerging artists, the Foyle Future Firsts, Young Composers and Conducting Fellowship schemes. These schemes are aimed at early-career professional musicians.

Although the participants in these programmes are adults, the LPO has a duty of care towards them and LPO mentors are therefore in a position of a trust in relation to participants. LPO mentors must ensure that their conduct towards participants is professional at all times, and that they do not behave in a way that could be regarded as a breach of that position of trust or could bring the LPO into disrepute. In particular LPO mentors should not engage in sexual activity with participants nor do anything that could be regarded as seeking to prepare a participant for sexual activity in the future.

## APPENDIX 3

### LPO POLICY IN RELATION TO THE STORAGE AND RETENTION OF INFORMATION RELATING TO DBS CHECKS

All information held in connection with this policy will be held and processed lawfully in accordance with the 2018 General Data Protection Regulation. Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Information received in connection with DBS checks is treated as sensitive personal data and is treated as confidential with access limited only to those members of staff who require it. In most cases this is limited to the LPO Education & Community Director and Education & Community Project Managers, designated members of the LPO's Concerts team and the Chief Executive Designate.

All DBS check information will be stored electronically on a spreadsheet only accessed by staff members with satisfactory DBS checks themselves. ID documentation required to process a check is not retained by the LPO. If a DBS check is 'clean', the only information retained will be the date of the check, the reference number and the fact that it was 'clean'.

In the event of a DBS check disclosing information relevant to the individual's suitability to work with children or vulnerable adults, the certificate information will be retained until a decision regarding the individual's suitability to work with children or vulnerable adults has been determined. Responsibility for decisions concerning an individual's suitability to work with children or vulnerable adults rests with the LPO Education & Community Director. The certificate information will then be held for a further period of up to six months to allow for the resolution of any disputes after which the certificate information will be securely destroyed. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the LPO will consult the DBS about this and will give full consideration to the provisions of the Data Protection Act and the human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

The LPO will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a DBS certificate after the six month retention period has elapsed. However, we may keep a record of the date of issue of a certificate (or the date of any online check undertaken via the DBS Update Service), the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

#### **Sharing with third parties**

The LPO will not share DBS certificate information with third parties other than to confirm that a DBS check has been carried out and that the individual concerned has been cleared to work with children or vulnerable adults. In particular LPO will not inform a third party whether or not a check was 'clean'.