

## What is Safeguarding?

Safeguarding involves implementing measures to protect the health, well-being, and rights of individuals, ensuring that everyone can live free from abuse, harm, and neglect. At its core, safeguarding is about creating a safe and respectful environment where everyone feels valued. This means running your organisation in a way that actively prevents harm, harassment, bullying, abuse, and neglect, and being prepared to respond appropriately if issues arise. Safeguarding is a collective responsibility, integral to everyday activities within the organisation.

### Why Safeguarding Matters in the Alcohol Industry

Safeguarding matters in the alcohol industry, where unique risks can arise due to the nature of the business. Whether dealing with customers, staff, or partners, ensuring a safe environment is critical to preventing situations of vulnerability that may lead to abuse or harm. For instance, excessive alcohol consumption may increase the risk of harassment, violence, and exploitation, making proactive safeguarding measures essential to protect everyone involved.

### Understanding Safeguarding Concerns

It's important to remember that signs of abuse or neglect aren't always obvious and may be difficult to spot. It can be hard to imagine that abuse or neglect could happen in your workplace. If someone shares a safeguarding concern with you, it is crucial to understand that it may have taken them a lot of courage to speak up. Fear of not being believed is a common reason many people hesitate to come forward. Your response can make all the difference.

Abuse and neglect can take many forms. Organisations and individuals should not be constrained in their view of what constitutes abuse or neglect and should always consider the circumstances of the individual case. Some examples of abuse that can occur include:

1. Physical abuse
2. Sexual abuse
3. Psychological abuse
4. Financial or material abuse
5. Neglect and acts of omission
6. Self – Neglect
7. Discriminatory abuse
8. Organisational abuse

### Reasons to Prioritise Safeguarding

1. **Preventing Harm:** Abuse, harassment, and harm can happen to anyone - employees, volunteers, or customers. These issues are often hidden and unspoken but need to be addressed proactively.



2. **Moral Responsibility:** Abuse, harm, and neglect are fundamentally wrong. As an organisation, there is a duty to take action against these issues.
3. **Empowering Individuals:** By embedding safeguarding practices, individuals feel safer and more supported, ensuring those with no other recourse are protected.
4. **Building Trust:** Organisations that prioritise safeguarding build trust with their employees, clients, and the wider community, demonstrating a commitment to creating a safe environment.

## Why Companies Need a Safeguarding Policy

A safeguarding policy is crucial for any company, particularly those in sensitive industries such as alcohol where we potentially work with 'adults at risk'. Safeguarding is a responsibility of the employer under the Safeguarding Vulnerable Groups Act 2006. It is a vital framework that protects individuals, supports staff, and strengthens the integrity of companies. By defining responsibilities, establishing protective measures, and fostering a culture of safety, a safeguarding policy ensures companies operate with respect and care for the welfare of all stakeholders.

Staff should be trained to recognise signs of abuse or exploitation and should know how to respond if they spot concerning behaviour. Key examples include guests who appear to be under the influence of drugs or alcohol and visitors or members of staff who are accompanied by individuals who seem to be controlling or manipulating them.

We recommend that Wine GB members introduce a Safeguarding Policy and regularly review and update all their policies in this area, as it enables a business to pull together in one place the different protective processes they follow to comply with best practice and protect workers in our industry.

Why safeguarding policies are necessary, what they achieve, how they function:

### 1. Protects Individuals from Harm



**Purpose:** The primary aim of a safeguarding policy is to protect individuals - whether employees, clients, or other stakeholders - from abuse, neglect, exploitation, or harm.



**How It Works:** It sets clear guidelines on how to identify, report, and respond to safeguarding concerns, prioritising the welfare of all individuals involved.

### 2. Promotes a Safe and Supportive Environment



**Purpose:** A safeguarding policy creates a safe environment where everyone feels secure and supported, knowing that their welfare is taken seriously.



**How It Works:** The policy establishes standards of behaviours, promotes respect and inclusion, and outlines measures to prevent harm, such as staff training and recruitment checks.

### 3. Provides Clear Reporting and Response Procedures



**Purpose:** A structured approach to reporting and addressing safeguarding concerns ensures that issues are managed promptly and appropriately.



**How It Works:** The policy includes procedures for reporting incidents, conducting investigations, and responding, with designated individuals (e.g., a safeguarding or welfare lead) overseeing these processes to ensure proper handling of sensitive situations.

#### 4. Ensures Legal Compliance



**Purpose:** Safeguarding policies help companies comply with legal obligations, including the UK's safeguarding laws, data protection regulations, and industry-specific requirements.



**How It Works:** By aligning with current legislation, the policy helps the company meet its legal duties to protect individuals, mitigating the risk of legal action, penalties, or reputational harm.

#### 5. Protects the Company's Reputation



**Purpose:** Companies with strong safeguarding practices are seen as responsible and trustworthy, enhancing their reputation and public image.



**How It Works:** A clear safeguarding policy demonstrates the company's commitment to ethical practices and accountability, building trust with clients, partners, and the broader community.

#### 6. Supports Staff and Volunteers



**Purpose:** Safeguarding policies guide and support staff and volunteers, helping them understand their responsibilities and act in the best interest of those they work with.



**How It Works:** The policy offers training, resources, and a framework for recognising signs of abuse or harm, empowering staff to take appropriate action without fear of repercussions.

#### 7. Minimises Risk and Liability



**Purpose:** A safeguarding policy helps minimise the risk of harm and reduces the likelihood of incidents escalating into significant issues.



**How It Works:** It addresses potential risks proactively through preventive measures like background checks, ongoing monitoring, and regular policy reviews, ensuring safeguarding practices adapt to emerging challenges.

#### 8. Promotes Consistency and Accountability



**Purpose:** The policy ensures consistent safeguarding practices across the organisation, regardless of location or team.



**How It Works:** By outlining clear standards and procedures, the policy holds everyone accountable, ensuring all safeguarding concerns are treated seriously and urgently.

## 9. Importance in the Alcohol Industry



**Purpose:** In the alcohol industry, safeguarding is critical due to the increased risk factors, such as exposure to vulnerable individuals, and possible excessive drinking and resulting inappropriate behaviour at events and in hospitality settings.



**How It Works:** The policy helps protect individuals who may be at higher risk due to excessive alcohol consumption, such as ensuring responsible service, preventing abuse, and maintaining a safe environment for all. It reinforces the industry's commitment to ethical conduct and community safety, helping to prevent incidents that could damage both individuals and the company's reputation.

To ensure that safeguarding measures are effective and vulnerable individuals are protected, alongside a Safeguarding Policy, companies should also have in place the following procedures: Grievance Policy and Procedure, Disciplinary Policy and Procedure, Equality and Diversity Policy, Anti-harassment and Bullying Policy (including details on the new Sexual Harassment Duty introduced in October 2024) and a Whistleblowing Policy and Procedure.

## Legal Acts and Laws

### **The Law: Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012**

By law, any business that works with children or vulnerable adults must have safeguarding policies and procedures in place, along with appropriate training for staff. This applies to alcohol and hospitality industries.

Safeguarding policies and training should be tailored to reflect the unique interactions that occur in these sectors, ensuring the safety and well-being of everyone involved.

The Safeguarding Vulnerable Groups Act (SVGA) 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work. The Independent Safeguarding Authority was established as a result of this Act. On 1 December 2012 the Criminal Records Bureau and Independent Safeguarding Authority merged to become the [Disclosure and Barring Service](#) (DBS). Organisations with responsibility for providing services or personnel to vulnerable groups have a legal obligation to refer relevant information to the service.

The Protection of Freedoms Act 2012 (Chapter 1 of Part 5) amends the SGVA 2006, retaining the national barring function whilst abolishing registration and monitoring requirements. For further information see the [Protection of Freedoms Bill Home Office Fact Sheet](#) which supports the provisions in the Act.

### **Equality Act 2010**

The Equality Act 2010 is the main piece of legislation which protects both individuals at work and the general public against discrimination of any form.

The Equality Act 2010 sets out 9 protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An individual with one of these protected characteristics should be protected from discrimination. Individuals are also protected in some situations if they are connected to someone with a protected characteristic, or if someone mistakenly believes they have the protected characteristic when they don't.

There are several different types of discrimination which a business must protect its employees and service users from. These include direct discrimination, indirect discrimination, harassment and victimisation. There are also two additional types of discrimination which can apply when an individual has a disability: discrimination arising from a disability and a positive duty to make reasonable adjustments to accommodate a disability.



Businesses are required to show that they actively prevent discrimination in the workplace. If this is not done and an individual suffers discrimination as a result, they can bring a tribunal claim. This applies to employees and workers and to service users, i.e. those using a service provided by your business or visiting premises on your site.

Organisations are also required to comply with the new duty to prevent Sexual Harassment in the workplace which is in force from 26 October 2024. This requires businesses to carefully consider the potential risks of sexual harassment occurring in the workplace and take reasonable steps to prevent it from happening. The guidance makes it very clear that what is reasonable will vary depending on the circumstances of the employer and specific advice should be taken by businesses to ensure they are complying effectively with this duty. The guidance has confirmed that reasonable steps will be judged looking at the size and resources of the business, the sector, the third parties in contact with the business, the risks from the working environment, the costs of taking a step versus the benefit it could achieve and how effective particular steps may be.

### **The Gangmasters (Licensing) Act 2004, the Modern Slavery Act 2015 and the Immigration Act 2016.**

As employers, businesses in the alcohol and hospitality industry play a pivotal role in protecting non-UK nationals working in the industry from abuse and exploitation.

Whether employees or workers are employed directly by the business, provided through an intermediary or come to the UK using the sponsored Seasonal Worker Scheme, they must be treated fairly.

The Gangmasters Licensing Authority was set up to protect vulnerable workers and prevent exploitation in specific sectors, including the agriculture sector. Employers in the sector must make sure they comply with all normal employment laws and regulations as well as the laws on modern slavery. This includes providing an employment contract paying the national minimum wage, complying with the Working Time Regulations, providing appropriate equipment and tools, providing appropriate training to do the job, and treating workers fairly whilst at work. Where accommodation is provided it must be appropriate, hygienic and in a good state of repair.

Employers must carry out right to work checks on all new employees before they commence work, not just non-UK nationals. Appropriate records should be kept, and any concerns notified promptly in the correct way.

## Health and safety legislation

All businesses must also comply with the Health and Safety at Work Act 1974. It requires all business to provide a safe working environment and minimise risks to a person's health and safety in the workplace. It also extends to those visiting the premises, so the duties apply equally to protect members of the public visiting a vineyard, shop, restaurant or Cellar Door. Its main requirements are to carry out risk assessments, provide safe equipment, train staff, provide proper facilities and proactively manage health and safety at all times.

## General employment laws and regulations

As a baseline, all employers should also ensure they keep up to date with current employment law and HR best practice. This includes providing up to date and Good Work Plan compliant contracts, paying the national minimum wage, complying with the Working Time Regulations and providing fair treatment.

To ensure that safeguarding measures are effective and vulnerable individuals are protected, alongside a Safeguarding Policy, businesses should also have in place as a minimum the following general procedures:

- Grievance Policy and Procedure, Disciplinary Policy and Procedure,
- Health and Safety Policy, Equality and Diversity Policy,
- Anti-harassment and Bullying Policy (including details on the new Sexual Harassment Duty introduced in October 2024),
- Whistleblowing Policy and Procedure

Policies on data protection and Privacy Notices setting out personal data is processed are also important documents for businesses to have in place. There are several other practical policies a business may wish to put in place to which do not have a safeguarding focus but which help businesses manage employment issues more effectively.