

Service Six

Safeguarding Children Policy



Date: April 2017

Review Date: April 2018

Policy Title: Safeguarding Children

Purpose: To provide specific direction to all staff in relation to the duty of care of every member of staff in promoting the well-being, and safeguarding from significant harm of all young people, including allegations against staff.

Strategic Manager: Senior Co-ordinating Manager

Chief Executive

Northamptonshire HQ
26 Rock Street
Wellingborough
Northamptonshire
NN8 4LW
Tel: 01933 277520

Others Involved In Implementing: Board of Trustees, Senior Managers, Designated Safeguarding Officer, Managers, personnel, outsourced specialist organisations and partner agencies.

Monitoring Arrangements:

Annual unless legislation changes or LSCBN documentation or information changes.

Policy Statement:

'Safeguarding and promoting the welfare of children – and in particular protecting them from harm - depends on effective joint working between agencies and professionals that have different roles and expertise.' (Working Together to Safeguard Children, Department of Health, 2006).

Service Six is committed to the development of effective partnerships with other agencies with responsibility for supporting children and young people and to identifying the mechanisms required to support this process.

CHILDREN IN NEED, CHILD ABUSE AND NEGLECT

Children in Need:

Children who are defined as being 'in need', under section 17 of the Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services (s17 (10) of the Children Act 1989), plus those who are disabled. The critical factors to be taken into account in deciding whether a child is in need under the Act are:

What will happen to a child's health or development without services being provided; and
The likely effect the services will have on the child's standard of health and development.

Local Authorities have a duty to safeguard and promote the welfare of children in need.

Abuse and Neglect:

Somebody may abuse or neglect a Child or Young Person by inflicting harm, or by failing to act to prevent harm. Children or Young People could be abused in a family, or in an institutional or community setting, by those known to them or, more rarely, by a stranger. There are four categories of harm in relation to Child Protection defined in 'Working Together to Safeguard Children, Department of Health, 2006'¹. For some Children and Young People more than one category may apply.

Categories of Harm:

Neglect: Neglect is the persistent failure to meet a Child or Young Person's basic physical and/or psychological needs, likely to result in the serious impairment of the Child or Young Person's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born it may involve a parent or carer failing to provide adequate food, shelter and clothing (including exclusion from home or abandonment), failing to protect a Child or Young Person from physical and emotional harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a Child or Young Person's basic emotional needs.

Physical Abuse: Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a Child or Young Person. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a Child or Young Person whom they are looking after. This situation is commonly described using terms such as factitious illness by proxy or Munchausen's Syndrome by proxy.

Sexual Abuse: Sexual abuse involves forcing or enticing a Child or Young Person to take part in sexual activities including prostitution, whether or not the Child or Young Person is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities,

¹ 'Working Together to Safeguard Children', Department of Health, 2006. This is an important document which reflects expectations of how agencies should protect children from harm and how they should work with other agencies to achieve this. Much of the information and the principles in these procedures are taken directly from this document.

such as involving children and young people in looking at, or in the production of, sexual online images, watching sexual activities, or encouraging children or young people to behave in sexually inappropriate ways.

Emotional Abuse: Emotional abuse is the persistent emotional ill-treatment of a Child or Young Person such as to cause severe and persistent adverse effects on the Child or Young Person's emotional development. It may involve conveying to children or young people that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children or young people. These may include interactions that are beyond the Child or Young Person's developmental capability, as well as over protection and limitation of exploration and learning, or preventing the Child or Young Person participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children and young people frequently to feel frightened or in danger, or the exploitation or corruption of young people. Some level of emotional abuse is involved in all types of ill treatment of a Child or Young Person, though it may occur alone.

Significant Harm: The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children. The local authority is under a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm. There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill treatment may include the degree and extent of physical harm, the duration and frequency of abuse and neglect, and the extent of premeditation, degree of threat and coercion, sadism, and bizarre or unusual elements in child sexual abuse. Each of these elements has been associated with more severe effects on the child or young person, and/or relatively greater difficulty in helping the child overcome the adverse impact of the ill treatment. Sometimes, a single traumatic event may constitute significant harm. More often, significant harm is a compilation of significant events, both acute and longstanding, which interrupt, change or damage the child's physical and psychological development. (Taken from *Working Together to Safeguard Children 2006*)

In essence this requires that local authorities assess the nature of harm to a child and liaise with other agencies to gain information to assist their assessment. Where they assess that harm to a child is significant then the local authority must intervene to protect that child.

Section 53 of the Children Act 2004 states that before determining what, if any, services to provide a child in need, or action to take with respect to a child at risk of significant harm, the wishes and feelings of the child should be ascertained as far as is reasonable and given due consideration.

DEFINITIONS

Service Six Staff: Within this policy and the attached procedures the generic term Service Six Staff is used to identify all Service Six Directly Employed Staff, self-employed sessional

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staff and volunteers who engage in both direct and indirect work with young people. The definition of Service Six Staff is also to include Line Managers, supervisors as well as other service delivery and administrative staff where appropriate.

A Child: For Child Protection/safeguarding purposes a child (and for these procedures a Child or Young Person) is an individual under the age of eighteen years.

Designated Person: Every Education Establishment must designate a senior member of staff with specific responsibility for Child Protection/Safeguarding.

Social Services: The Agency primarily responsible for Child Protection.

Within Northamptonshire it's currently the Children, Families and Education Service, which will be referred to as Social Services throughout these procedures.

Within Milton Keynes it's currently Children's Social Care.

Child Protection Register (CP Register): A local register of the names of Children and Young People who are considered to be at risk of significant harm and also the category of harm they are experiencing or are likely to experience.

Child Protection Conference (CP Conference): A formal inter-agency meeting called to consider whether a child's name should be placed on the CP Register or be removed from the CP Register. This meeting will also decide on an inter-agency action plan to protect a child whose name is placed on the CP Register.

Northamptonshire Review and Conference Service (NRCS) & Milton Keynes Council Children's Social Care: organisations responsible for the upkeep of the CP Register and for arranging CP Conferences. This organisation is also available to give advice to workers about individual cases.

Northamptonshire Safeguarding Children Board (NSCB) & Milton Keynes Safeguarding Children Board (MKSCB): An inter-agency committee responsible for policy, procedures and inter-agency resources relating to Child Protection in Northamptonshire & Milton Keynes. Service Six is a member of NSCB.

Inter-agency Procedures: These are the procedures developed by NSCB & MKSCH and apply to all agencies working with Children and Young People in Northamptonshire & Milton Keynes. These are available on the NSCB website: www.northamptonshirescb.org.uk and on the MKSCB website www.mkscb.org

Child Protection Section 47 Enquiries: The Children and Young People's Service have the statutory duty to make, or cause to be made, enquiries where the circumstances, as defined in section 47 of The Children Act 1989 exist. The responsibility for undertaking s.47 enquiries lies with the local authority in which the child lives or is found.

Designated Officer Local Authority (DOLA): In relation to the procedural arrangements when managing allegations and concerns of abuse made against people who work with

children, every Local Authority should appoint a DOLA. The DOLA's role is to manage and oversee individual cases where the allegation criteria appear to have been met.

Core Assessment: The Children and Young People's Service are responsible for the co-ordination and completion of this assessment, drawing upon information provided by partners. It is begun at the conclusion of an initial assessment that recommends that it is required; and/or when a strategy discussion/meeting initiates a S.47 enquiry; and / or when a decision is taken to request a child protection conference.

PRINCIPLES

Whenever any member of personnel has reason to suspect that a Child or Young Person is at risk of abuse or neglect, they will take action promptly that will safeguard and promote the welfare of the Child or Young Person. The welfare of the Child or Young Person is always paramount.

When working with a Child or Young Person staff should always maintain appropriate professional boundaries, should avoid behaviours which might be misinterpreted by others and should report any incident with this potential to their line manager.

Under no circumstances can a promise be given to a Child or Young Person about confidentiality in a matter relating to child protection.

If any member of staff is unsure about whether their concern is a child protection matter they must immediately discuss it with their Line Manager.

If in doubt advice must be sought from

- the Initial Contact Team in Northamptonshire based at John Dryden House (Tel. 0300 126 1000).
- Children's Services in Milton Keynes based at Civic Offices (01908 253169 or 01908 253170)

Service Six staff must not be expected to deal with child protection matters alone. Advice and support should always be available from Line-Managers and from other agencies as appropriate.

The Child or Young Person's records should be kept up-to-date and be completed in accordance with these Safeguarding procedures.

Service Six staff should not volunteer information about a Child or Young Person to any person telephoning who is not known to them. In these circumstances staff should take a name and details and call the individual back on a verifiable number.

Service Six is committed to the development of effective partnerships with other agencies with responsibility for safeguarding/child protection.

Information held by schools about child protection matters, or whether a child is on the CP Register, should be shared with the Service Six staff if they are working with the Child or Young Person at an enhanced or intense intervention level. Service Six staff should confirm this to be the procedure when negotiating partnership agreements and should be aware whether a Child or Young Person they are working with is on the Child Protection Register.

Service Six staff working in Education Agencies such as Schools or Colleges, must ascertain who the senior member(s) of staff identified as the Designated Person(s) for Child Protection is (are) and where they are located.

Service Six staff working in schools should ensure that they have access to a copy of the establishment's Safeguarding/Child Protection procedures.

In order to facilitate the protection of children Service Six staff are expected to liaise with local authorities to assist them in their assessment of concern about a Child or Young Person.

Service Six may need to continue to offer support to a Child or Young Person through any process of investigation if this is deemed helpful to the Child or Young Person.

CONFIDENTIALITY

Work with Children and Young People is founded on the belief that every individual has the right to make his/her own decisions and that the process of working with Children and Young People should be focused on the needs of the individual whose interests are paramount. The process should always respect the privacy of Children and Young People and personal information should not be passed on without the individual's prior written permission.

Within these parameters there may be exceptional situations, which come within the scope of Safeguarding/Child Protection legislation and the British Association for Counselling & Psychotherapy (BACP) ethical framework where confidentiality cannot be maintained in the interest of the Child or Young Person's welfare. Where the Service Six staff is concerned that a Child or Young Person may be at risk of significant harm, confidentiality must be broken. This should be made absolutely clear to Children and Young People at the earliest possible stage.

While Service Six should seek, in general, to discuss any concerns with the family and, where possible, seek their agreement to making referrals to Social Services, this should only be done where such discussion and agreement-seeking will not place a Child or Young Person at increased risk of significant harm or jeopardize a criminal investigation.

Sexual Relationships and Contraception

When discussing issues of sexual relationships and contraception with young people, when one or both of the young people in a relationship are under 16 years of age, it is important that you are aware of the basis on which you are able to offer support and advice and how

this relates to issues of child protection. This is an area that is best dealt with within a training context but you should also refer to Service Six delivery protocols about the Sexual Offences Act 2003 and also the 'Fraser Ruling Competencies.'

Confidentiality within Therapeutic services

What are the limits to confidentiality?

Service Six's terms and conditions letter is given to all clients or their parents / carers before therapeutic services start. This gives a clear statement regarding confidentiality. It makes clear that if it becomes apparent that a child is at risk of abuse, their safety and welfare will take priority over all other considerations. It also indicates that a court of law may order information to be disclosed in accordance with the Children's Act.

When a Child or Young Person is going to receive counselling, an assessment of their understanding and intelligence must be made before counselling can commence. Service Six recognises that children and young people should not be offered levels of confidentiality that could prove impossible to keep. Separate procedures are followed for ensuring children understand the basis on which counselling is provided. The degree of confidentiality and involvement of parent(s) or carer(s) is clarified prior to counselling.

Guidance Specific to Therapeutic Practitioners

Whether a practitioner is offering counselling to an adult or child client, they must be satisfied that the client understands and accepts the terms and conditions under which it is provided; including confidentiality and its limitations.

Service Six practitioners are always expected to report any concerns they may have about any aspect of the safety or well-being of any child, however slight or inconsequential they may seem. In the first instance, practitioners should contact their line manager in the event that they receive any disclosure or allegation concerning the abuse, past or present, of any child that they are counselling, or who is connected to any client receiving counselling, or if they have any suspicions or concerns about abuse relating to any child. If the line manager is not available on the day of the concern being raised, the practitioner should consult the Operations Manager or the Chief Executive.

Service Six practitioners will record all details carefully and advise their line manager, for referral onto the Operations Manager.

Practitioners are expected to keep their notes in accordance with Service Six's and BACP guidelines regarding maintaining security. In any case where a client makes a disclosure relating to child abuse, notes which are being kept in basic form will have to be fully and clearly written, in relation to the disclosure.

Practitioners will have to provide copies of their notes to a court of law if they are required to do so. They may also be required to contribute reports in relation to child protection cases. The Operations Manager, Designated Safeguarding Team and Chief

Executive will be able to advise in such cases, in keeping with Service Six's information governance procedures.

WHAT HAPPENS FOLLOWING A REFERRAL?

Social Services are the agency responsible for carrying out any investigation although in more serious cases this is undertaken jointly with, or in consultation with, the police. If any urgent decisions are required, such as the need for a medical examination or treatment, or the need for court action to ensure a Child or Young Person's safety, then Social Services and the Police will see that the necessary action is taken.

If Social Services investigate and it is felt that a Child or Young Person may be at risk then NRCS will convene a CP Conference. The Operations Manager and any other relevant member of Service Six personnel should decide who should attend to share details of the concern for a Child or Young Person. Where a Service Six member of personnel (with the exception of therapeutic personnel) is working at an intensive level with a Child or Young Person then they should accept an invitation to attend a CP Conference and later be familiar with any child protection plan and be a member of a Core Group or continue to provide feedback to the social worker about a Child or Young Person's progress.

If it is decided that the Service Six staff should attend a CP Conference then consideration should be given as to whether they should be supported by their Line Manager, especially if this is their first CP Conference.

Service Six staff should be advised by the Establishment if a Child or Young Person within an establishment they are working in is recorded as having a child protection plan if the Service Six staff is engaged in individual work with a Child or Young Person at an enhanced or intense intervention level.

At the initial CP Conference, at which the parents/carers are likely to be present, a Core Group will be established. An initial task of the Core Group is to establish a detailed Child Protection Plan. Where the Child or Young Person is in an Educational Establishment a member of staff who has regular contact with the Child or Young Person should be nominated to join and be prepared to take part in the Core Group. The Service Six staff may be invited to take on this role on behalf of or in addition to the Establishment. Decisions about the appropriateness of this will be determined by the level of engagement the Service Six staff regularly has with the Child or Young Person. It is essential that this work is regarded as a priority and that the same member of staff attends Core Group meetings in order that there is a consistency of approach and that the Child Protection Plan is implemented effectively. Where a Service Six staff has been involved in the Child Protection Plan, it is essential that the Service Six staff participates in any Review CP Conference where decisions related to continuation of registration, or deregistration, will be made.

RECORDING

At the point of referral an individual electronic based file will be created. All records related to child protection/child welfare concerns will be securely stored and clearly labelled. Notes of general discussions that, on balance do not result in a referral to Social Services or, if a referral is made does not lead to an investigation, should also be retained by the Operations Manager and Designated Safeguarding Team in alphabetical order in a Safeguarding/Welfare folder.

Records must be kept confidential with access restricted to appropriate staff. The paper based file should always be stored in a locked cabinet, the location of which will be known to all staff and a back-up system will be available if the Operations Manager is not available.

Service Six must ensure that their records are up to date and made available to the education establishment when necessary if the establishment is responsible for any referral.

Copies of forms sent to other agencies will be scanned and electronically filed in the Safeguarding folder and client pack. Notes from meetings, etc. should be clear and detailed but reflect fact rather than assumption. Minutes circulated from other agencies such as CP Conference or Core Group meeting notes should be filed chronologically. Letters and notes of phone calls should all be filed.

The Operations Manager and Designated Safeguarding Team will be required to ensure that all documentation is appropriately recorded and stored. This will include recording in supervision notes by the line manager. The line manager should automatically include child protection issues on the supervision agenda. This will help to monitor and record appropriate actions.

When a case is closed Line Managers will ensure procedures are followed to ensure the full contents of the paper based child welfare/protection file is provided to the Operations Manager and Designated Safeguarding Team for them to store securely indicating clearly the date the case is closed.

All records of child protection cases should be kept for a minimum of 7 years from the time they are closed. Systems should be in place to enable senior managers to be aware of the numbers of child protection cases being dealt with by staff and to see that the work is monitored appropriately.

TRAINING

As part of their induction all Service Six Members of Staff will complete Safeguarding Induction Training.

Following this all staff will attend a one day Safeguarding training course per year, to be initially completed ideally within 6 months of joining the Charity.

All staff will undertake general Early Help Assessment training or update training, annually.

MANAGING ALLEGATIONS AGAINST STAFF

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All Service Six members of Board or Staff (i.e. all Directors, Trustees, Observers Staff, including those provided by an employment agency or contractor, volunteers and students on work placement experience) are considered to be in a position of trust when working directly or in contact with young people. Thus they are expected to behave in an appropriate manner with any young people they come into contact with during the course of their work. When there is a concern or allegation that a Member of Service Six, in connection with their employment, role or voluntary activity, has:

- Behaved in a way that has harmed or may have harmed a Child or Young Person (up to the age of eighteen);
- Possibly committed a criminal offence against or related to a Child or Young Person;
- Behaved towards a Child or Young Person or young people in a way that indicates they are unsuitable to work with children;

Then these behaviours, including any concerns of an inappropriate relationship between a member of Service Six and a Child or Young Person, should be considered within the context of the four categories of abuse i.e. physical, sexual, emotional abuse and neglect.

Furthermore any allegation or concern that arises about a Member of Service Six outside of their immediate working environment or role, that may present a risk to young people at their work, should also be dealt with in accordance with this policy.

Roles and Responsibilities

The senior manager within Service Six with strategic responsibility for Safeguarding and Child Protection is the Chief Executive. The Designated Safeguarding Officer within Service Six with operational responsibility for managing allegations is Emma Campion. In this case Service Six will inform the Designated Officer Local Authority (DOLA) of this, and of alternative arrangements in case of absence or if they are the subject of the allegation.

The Operations Manager has overall responsibility for ensuring procedures are followed at an operational level. The role of this person is to ensure:

- That they understand the procedures for managing allegations or concerns against staff as detailed in Working Together (2010) and other relevant guidance;
- That they understand and follow the criteria under which allegations or concerns of abuse should be notified to the DOLA;
- That they understand how strategy discussions and initial evaluations operate and are able to attend and contribute to these effectively when required to do so;
- Liaison with the DOLA and gathering any information which may have a bearing on the allegation;
- Liaison with the DOLA regarding issues relating to suspension, provision of risk assessments, support for the accused person, progress of external investigations, disciplinary processes (including information provided by police and/or social care),

reports to the barring list or regulatory body, appropriate action regarding false allegations (including those made with malicious intent) and record keeping;

- Liaison with the DOLA in respect of information to be provided to the Child or Young Person, parent, accused person and others;
- Where appropriate reports and information are provided as required to the named senior officer;
- Where appropriate liaison with the named senior officer to: Inform him/her of any issues and ongoing investigations
- Ensure there is always cover for his/her role
- That policy and procedures are updated and reviewed annually and to work with the named senior officer regarding this;
- That detailed accurate secure written records of allegations/concerns received and how resolved, including the progress of external investigations, are kept;
- Appropriate training for the role and attend any relevant or refresher training courses;
- That awareness is raised of the need to empower young people who are in vulnerable positions by ensuring that their agency produce good whistle blowing and complaints procedures for all young people.
- In the absence of the Operations Manager or if they are the subject of the allegation, the Chief Executive or other delegated member of the Designated Safeguarding Team should be prepared to undertake the role.

The Chief Executive has strategic responsibility for ensuring procedures are followed. Responsibilities include:

- Ensuring that LSCBN procedures for managing allegations are implemented within Service Six;
- Ensuring that the workforce is aware of and implements the procedures in relation to all allegations against adults who work with or on behalf of young people;
- Ensuring that Service Six has systems in place to review cases and identify and implement any changes including, whether there are features of the organization which may have contributed to the abuse occurring therefore improving procedures and practice;
- Resolving any inter-agency issues which impede the implementation of NSCB & MKSCB procedures;
- Ensuring that the roles of the Designated Safeguarding Team and DOLA (and their contact details) are included in policy and procedures.
- Ensuring that effective reporting and recording arrangements are in place.

In the absence of the Chief Executive or if they are the subject of the allegation, an alternate member of the Designated Safeguarding Team should be identified.

General Considerations

Persons To Be Notified:

The parent /carer of the Child or Young Person involved and the accused member of staff should be informed as soon as possible after an allegation is made. The DOLA should be consulted first as police and/or the CYPS may wish to restrict the information provided. In some circumstances the parent/carer may need to be told straight away e.g. if the child is injured and requires medical treatment.

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

Support:

The parent/carer and Child or Young Person should be helped to understand the processes involved and kept informed about the progress of the case.

Similarly the member of staff should be helped to understand the processes involved and the possible outcomes and kept informed of progress in the case. Where appropriate they should be advised to contact their union or professional association at the earliest opportunity.

Resignations and “Compromise Agreements”:

“Compromise agreements” must not be used i.e. where a member of staff resigns provided that disciplinary action is not taken and that a future reference is agreed. For example, it is not acceptable that a member of staff who is deemed as having behaved in an inappropriate manner, is then allowed to resign, and also have a future reference provided, when they should have been subjected to the Managing Allegations process instead. Furthermore every effort should be made to reach a conclusion (in terms of the Managing Allegations process) even if the individual refuses to co-operate or disciplinary sanctions are not possible.

Organised And Historical Abuse:

The DOLA should be informed of any concerns of organized or widespread abuse, as complex abuse procedures (i.e. procedures responding to organized abuse which may involve a number of abusers and/or a number of children) may need to be applied. The response to historical allegations should be the same as for contemporary concerns.

Whistle-blowing:

All staff should be made aware of the whistle-blowing policy and feel confident to voice concerns about the actions of colleagues. If a member of staff believes that an allegation or concern is not being dealt with appropriately they should report the matter to the DOLA.

Initial Response to an Allegation Or Concern

In the event of a member of Service Six being concerned or made aware about the inappropriate behaviour of another Member of Service Six, then that person should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions;
- Make assumptions or offer alternative explanations;
- Promise confidentiality.

They should:

- Make a written record of the information (if possible in the words of the Child or Young Person/adult), including time, date and place of incident, persons present and what was said;
- Sign and date the written record;
- Ensure that the matter is immediately reported to the Operations Manager (or the Chief Executive in their absence or where the Operations Manager is the subject of the allegation)

Initial Action by the Operations Manager

The Operations Manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses. They should ensure that:

- Written details of the concern/allegation, which are signed and dated by the person receiving (not the Child or Young Person/adult making) the allegation are obtained;
- The line manager has countersigned and dated the written details;
- Any information about times, dates and location of incident(s) and names of any potential witnesses is recorded;
- Any discussions about the Child or Young Person and/or member of staff, any decisions made and the reasons for those decisions are recorded;
- Details of the parent/care and any siblings are recorded.

The named manager or their delegated representative should report the matter to the Designated Officer Local Authority (DOLA) by telephone within one working day. Referral should not be delayed in order to gather information. A failure to report an allegation or concern is a potential disciplinary matter.

Initial Consideration of An Allegation Or Concern

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

- A police investigation of a possible criminal offence;
- CYPs enquiries and/or assessment about whether a Child or Young Person is in need of protection or services;
- Consideration by an employer of disciplinary action.

The DOLA and the named manager should consider whether further details are needed and whether there may be evidence which shows that the allegation is false or unfounded.

The possible outcomes of initial consideration are:

- No further action;
- Criminal proceedings;
- Disciplinary procedures including suspension if deemed appropriate;
- Immediate provision of family support services;
- Instigation of a strategy discussion, s.47 enquiry and core assessment;
- Emergency action to protect children.

Strategy Discussion

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, or a criminal offence might have been committed, a strategy discussion will be held to decide on appropriate action. In this case the Operations Manager (with the involvement of MENTOR) will represent Service Six (unless he/she is unavailable or is the subject of the allegation in which case the role will be undertaken by the Chief Executive or other delegated member of the Designated Safeguarding Team).

Suspension

Suspension is a neutral act and should not be automatic. Indeed alternatives to suspension should be considered if they are appropriate. However, it should be considered in any case where:

- There is cause to suspect a Child or Young Person is at risk of significant harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

If it is agreed between Service Six and the DOLA/strategy discussion that the employee should be suspended, internal procedures (Terms and Conditions of Employment) should be undertaken. They should take into account the following:

- Immediate protection from harm of the Child or Young Person;
- Immediate protection from harm of the employee;
- Police advice;
- Advice from the DOLA;
- Support for the member of staff;
- Persons to be notified;
- The amount of information given to the member of staff, subject to any restrictions imposed by the Police.

Written confirmation, giving the reasons for the suspension, should be sent within one working day.

Disciplinary Process

Disciplinary or Suitability Process and Investigations

The DOLA and the Operations Manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy discussion that a police investigation or CYPS enquiry is not necessary; or
- Service Six or the DOLA is informed by the police or CPS that an investigation and trial is complete, or that an investigation or prosecution is to be discontinued.
- The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:
- The result of any investigation or trial and the information that should then be provided by the police and/or social care without delay;
- The different standard of proof in disciplinary and criminal proceedings.

In the case of agency, contract and volunteer workers, internal disciplinary procedures may not apply. In such cases the DOLA and the Operations Manager should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action.

Timescales

If formal disciplinary action is not required, appropriate action should be instituted within **three working days**. If a disciplinary hearing is required, and further investigation is not required, it should be held within **fifteen working days**.

If further investigation is required a report should be provided within **ten working days**. On receipt, it should be decided within **two working days** whether a disciplinary hearing is needed and, if so, hold it within **fifteen working days**.

Record Keeping

A clear and comprehensive summary of the case should be kept on a member of staff's confidential personnel record. The member of staff should be provided with a copy. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

Unfounded and False Allegations

If an allegation is demonstrably false, the DOLA should refer the matter to CYPS to determine whether the child is in need of services, or might have been abused by someone else. If the allegation has been deliberately invented, the police may be asked to consider other action.

Referral to List 99, POCA or Regulatory Body

If the allegation is unsubstantiated and Service Six ceases to use the member of staff's services, or they resign or otherwise cease to provide their services, the DOLA and the Operations Manager (in liaison with MENTOR) should discuss whether a referral should be made to DfES List 99 or Protection of Children Act List (POCA) and/or regulatory body. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children.

If a referral is to be made, it should be submitted within **one month**.

Learning Lessons

A final strategy discussion should be held to ensure that all tasks have been completed and, where appropriate, agree an action plan for future practice based on lessons learnt. The Operations Manager (in liaison with MENTOR) and the DOLA should review the circumstances of the case to determine whether there are any improvements to be made to procedures or practice.

In some circumstances, a serious case review may be appropriate. Records will be made available to the NSCB or MKSCB for this purpose.

Appendix Index

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Appendix 1;

Practice Guidance for Managing Disclosures.

Introduction

The possibility of any form of child abuse can cause anxiety and distress for everyone. From time to time children and young people will choose to share information with an adult about an abusive incident or incidents. Service Six staff will often be involved with children and young people in situations that can be conducive to the sharing of sensitive or personal information. It is therefore important that Service Six consider the content of such potential discussions so that they are as prepared as possible and ensure that they respond in a manner that is helpful and reassuring to the Child or Young Person. All Service Six staff are advised that once they perceive that a potential disclosure could occur, that they remind the Child or Young Person/s about the confidentiality policy and that they may have to act on the information given within the discussion.

How Children and Young People Might Disclose Abuse

Children and Young people rarely disclose in a predictable way that they are being abused. You may observe from their presenting behaviour or changed demeanour indicators that may lead you to believe that the Child or Young Person may be troubled in some way. This might be due to a variety of reasons such as separating/divorcing parents, friendship or relationship difficulties, bereavement, etc. and not necessarily abuse. It is important not to interpret the Child or Young Person's behaviour by jumping to conclusions.

Some young people may choose to tell you about a 'friend' who is being abused. This could be true and in these situations you should strongly encourage them to ask their 'friend' to come and see you or another adult, e.g. a teacher. However, the Child or Young Person may actually be talking about themselves and testing your reaction to their account.

The Child or Young Person may choose to tell you about an abusive experience while you are in a group setting. It is important to manage this as sensitively as possible and to acknowledge that what they are telling you is important and that you are taking it seriously. Do not ignore what the Child or Young Person is saying as this might lead to them feeling dismissed or disbelieved. Again this might be a way in which they are 'testing' your reaction. Ask to speak with them immediately after the group activity as continuing this in a group setting would be inappropriate.

Children and Young people may choose to tell Service Six staff about an abusive situation in order to get help or for the abuse to stop. However, sometimes young people do not realise that their experiences are either abusive or unacceptable as this may be a common occurrence for them or something that other adults may have ignored. Therefore they might not be prepared for your reaction or be aware that you will need to act upon what they have just told you.

Occasionally children and young people portray their abuse through their schoolwork or hobbies, e.g. story writing, poetry, artwork, and they may choose to show these portrayals to their Service Six staff. Again this should not be ignored nor should it be assumed that the Child or Young Person is talking about someone else even if the story or poem is written in the third person.

Confidentiality

Some children and young people will choose to tell you directly about their abuse. They might initially ask you if they can tell you something in confidence, or whether you can keep a secret. Under no circumstances can a Service Six staff promise young people confidentiality in a matter relating to child protection. The Child or Young Person will need to understand in what circumstances confidentiality cannot be maintained. For example: "This conversation is confidential except when you tell me you or another Child or Young Person is or is likely to be harmed". As Service Six staff you have a duty to pass on information relating to child protection to your line manager and potentially Social Services and this should be made explicit to the Child or Young Person.

In general it is good practice to discuss such referrals with parents/carers prior to a referral being made. However, this should only be done where such discussion and agreement seeking will not place the Child or Young Person at further risk of further harm.

Reacting to a Child or Young Person

It is important to consider how you might react to a Child or Young Person telling and/or showing you about their experiences relating to abuse. As Service Six staff you might be the first adult the Child or Young Person has trusted and it will probably have taken a great deal of courage for the Child or Young Person to tell. You may have been chosen as someone the Child or Young Person has considered to be sensitive and caring. It is important that the Child or Young Person is not expected to repeat or elaborate on what they have said to further members of staff such as a year tutor, designated teacher or colleague. One telling can be distressing for the Child or Young Person and if they are made to repeat the account this may lead them to feel that they are not believed or being taken seriously.

Communicate with the Child or Young Person in a way that is appropriate for their age, understanding and preference. This is especially important for disabled young people and for young people whose preferred language is not English.

Listen carefully. Reassure the Child or Young Person that they have done the right thing in talking to you.

Accept what the Child or Young Person is saying. Never assume that an accusation against someone you know or trust is untrue.

Remain calm. Don't demonstrate your own emotions, e.g. shock, repulsion. This may prevent the Child or Young Person from talking any further or in their retracting their account.

Take seriously what the Child or Young Person is telling and/or showing you.

Under no circumstances should you encourage young people to remove any clothing to show you an injury they might have.

Don't promise confidentiality. You have a duty to refer any allegation of abuse to your line manager.

Do not ask leading questions, e.g. "What did he do next?" Such questions could invalidate any subsequent investigation. Instead ask open questions, e.g. "Anything else you would like to tell me?", "Yes?", "And?".

Do not criticise or make judgments about the alleged abuser. The Child or Young Person may still care about him/her.

Stop the conversation sensitively when you have enough information in order to contact your line manager.

Never carry out an investigation by interviewing other people. Social workers and police officers are trained to do this and you may jeopardize any future investigation. Follow your procedures in relation to child protection referrals.

Record Keeping

Accurate and up-to-date records are essential in all child protection matters. Careful notes should be made of factual information such as dates, times, details relating to the allegation. Accurately record what the Child or Young Person has told or shown you. Be objective; include statements and phrases used by the Child or Young Person, and any observations made, e.g. size, colour and location of any evident bruise. Avoid interpretations or assumptions – you might be wrong. It might be inappropriate and insensitive to take notes whilst the Child or Young Person is telling you about their experiences. However, it is imperative that you make a record of the conversation as soon as possible. Where Service Six staff are not working in a school context they need to ensure that they have obtained from the Child or Young Person all necessary personal details such as: full name, date of birth, address, parents/carers details and contact telephone numbers.

Supporting Children and Young People

It is imperative that the Child or Young Person is treated with dignity and told what is happening, and why, at each stage and that they are prepared for what happens next. Ensure that the Child or Young Person is supported through the process of the investigation and afterwards. This might be you or another professional that the Child or Young Person chooses or is more appropriately placed to provide support, e.g. a school teacher.

Looking After Yourself

As a member of staff you may feel a number of things as a result of listening to a Child or Young Person telling you about their abusive experience/s. You may feel upset, emotionally drained, and guilty. Whilst details can be kept confidential it is important for Service Six staff to be able to talk with someone and to express their feelings. Ensure that you gain the support that you require through the structures available through your line manager and agency.

Appendix 2;

MASH Referral Form is available online using the address below:

<https://northamptonshire.firmstep.com/default.aspx/RenderForm/?F.Name=a4NtwT46Fcm>

The Fraser Guidelines and the Sexual Offences Act 2003

The Fraser Guidelines

It is accepted that young people have a right of self-determination including the legal capacity to consent to medical procedures or treatment¹.

For young people under the age of 16, there is likely to be a debate about whether the Child or Young Person is **competent** to make their own decisions and seek out services, and also concerns about how involved their parent(s) are in the issues or decisions young people are facing. Professionals working with young people are required to balance the right to confidentiality and privacy with that of young people's safety. The Fraser Guidelines offer a framework for this.

The Guidelines arise from the case in the early 80's when Victoria Gillick attempted to legally prevent doctors in England and Wales from giving young people under the age of 16 treatment or contraceptive services without parental permission. Lord Fraser ruled that young people under 16, who are fully able to understand what is proposed, and its implications, are competent to consent to medical treatment regardless of age. This is now the legal position in England and Wales. The case produced the concept of "Gillick competence"² - that the consent of a child under 16 would be regarded as valid if it met Lord Fraser's criteria.

Lord Fraser offered a set of principles, which must apply when practitioners are working with under 16's without parental knowledge or permission. The Guidelines relate to young people's capacity to consent to treatment. The Fraser Guidelines state that **all** the following requirements should be fulfilled **before** providing a service to under 16's to which parents have not given consent. It is considered good practice for workers to follow the Fraser Guidelines when discussing personal or sexual matters with a Child or Young Person under 16.

1. The Child or Young Person understands the advice that is being given and understands the implications, benefits and risks of the treatment/advice being given.
2. The Child or Young Person cannot be convinced to inform or involve parents/carers and will not allow the worker to inform them on their behalf. The value of parental support needs to be explored and any reasons the Child or Young Person gives for not wishing to inform parents.
3. It is likely that the Child or Young Person will begin or continue their behaviour with serious consequences without treatment/advice/contraception.
4. The Child or Young Person's physical and/or mental health is likely to suffer unless they receive treatment/advice/contraception.
5. It is in the Child or Young Person's best interests to receive treatment/advice/contraception without parental consent.

These Fraser Guidelines require that an assessment of the Child or Young Person's competency is carried out on a case-by-case basis, and it is not acceptable to have a 'blanket' ruling (e.g. that young people over a certain age will be competent). Generally, the younger the child, the less likely they are to be competent and the assessment of competency will need to be of a higher standard.

Following this assessment, the Child or Young Person can be deemed either as competent to consent, or not competent, and this will determine whether the work can go ahead without parental involvement. If following the assessment there remains a query about competency, discussion must take place with others (this may include seeking a legal opinion), or obtain consent from elsewhere. If a Child or Young Person is not judged mature enough to consent to treatment, the consultation itself can still remain confidential.

Where a professional cannot provide a necessary service, the guidelines state that professionals can provide information, make an appointment or accompany a Child or Young Person to an agency that does provide what the Child or Young Person needs. Helping a Child or Young Person to find an adult to support them can be done without parental knowledge. It is worth noting however that some individual agency policies, for example in schools, might not permit this.

¹ Although the judgement in the Gillick case related to decisions about contraceptive treatment, the Fraser Guidelines are deemed to apply to other healthcare treatments, for the under 16's, including counselling and seeking advice from professionals on a range of matters.

² This terminology is no longer used having been replaced by the term 'Fraser Guidelines' to refer to the capacity to consent for young people.

The Sexual Offences Act 2003

The Sexual Offences Act 2003 received Royal Assent on Thursday 20 November and became law in May 2004. In terms of this policy the following two areas considered in the Act are particularly noteworthy:

1. The Act and the Giving of Sexual Health Advice and Treatment

The following key questions relating to the giving of sexual health advice and treatment have been provided by the Teenage Pregnancy Unit to local and regional Teenage Pregnancy Co-coordinators however the Teenage Pregnancy Unit and Coordinators no longer exists. Specifically, it focuses on the continued right of young people under 16 to access confidential contraceptive advice. This position is strengthened by the Act, and the information provides help in giving advice without facilitating an illegal act.

Key questions concerning the legislation

Does the Sexual Offences Act 2003 allow health professionals and others working with young people to provide confidential sexual health advice and treatment?

Yes. The government is committed to ensure the Act will not prevent the provision of confidential advice and treatment to young people under 16 **and those under 13**. In light of

concerns that were raised about the implications of the Act for those who provide sexual health care and advice to young people, an exception has been introduced, **in statute**, to make it clear that a person does not commit an offence if he acts for the purpose of:

- (a) protecting the child from sexually transmitted infection; or
- (b) protecting the physical safety of the child; or
- (c) preventing the child from becoming pregnant; or
- (d) promoting the child's emotional well-being by the giving of advice

as long as he does not act for the purpose of causing or encouraging the activity constituting an offence or the child's participation in it. Nor does it apply if the person is acting for the purpose of obtaining sexual gratification.

The exception covers not only health professionals, but also anyone who acts to protect a child, for example teachers, Service Six Personal Advisers, teenage magazine advice columnists, parents, other relatives and friends. This is a significant step forward from the current position of the Gillick which is case law which only related to health professionals.

Those providing contraceptive treatment to under 16s without parental consent will continue to assess competence on a case by case basis and work within the Fraser Guidelines.

Can young people under 16 continue to seek contraceptive or sexual health advice in confidence?

Yes. The Act does not change the fact that young people under 16, **including those under 13**, have the same right to confidentiality as adults.

Confidentiality can only be breached in exceptional circumstances where the health, safety or welfare of the Child or Young Person or others would otherwise be at grave risk. The decision whether to breach confidentiality depends on the degree of current or likely harm, not solely on the age of the patient.

Does the Sexual Offences Act 2003 make it illegal for teenagers to engage in normal sexual activity?

The purpose behind the offences in the Act is to enable the prosecution of abusive and exploitative sexual activity. To achieve this the Act includes a number of offences that criminalise sexual activity between under 18s and under 16s. However, this will not lead to the prosecution of mutually agreed sexual activity within normal adolescent behaviour, where there is no evidence of exploitation.

Guidance issued by the Director of Public Prosecutions to custody officers under the provisions in the Criminal Justice Bill will provide that the decision whether children under 18 should be charged with sex offences will be reserved for Crown Prosecutors, rather than the police. A charge will only be brought if it is in the public interest to do so. Revised Crown Prosecution Service guidance will make this clear.

2. The Act and the Abuse of a Position of Trust

The offence of abuse of a position of trust was originally set out in the Sexual Offences (Amendment) Act 2000, and identified a series of occupations to which the abuse of position of trust laws apply.

The Act itself determined that as a result of their knowledge, position and/or the authority invested in their role, all adults working directly with children and young people (i.e. those under 18 years of age) are in positions of trust in relation to the young people in their care. Broadly speaking, 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 all those in positions of trust to understand the power this can give them over those they care for, and the responsibility they must exercise as a consequence of this relationship.

Thus adults should always maintain appropriate professional boundaries, they should avoid behaviour which might be misinterpreted by others and they should report and record any incident with this potential (in the case of Service Six, this should be done in line with the requirements of the company Safeguarding policy).

Consequently, if a member of staff were to abuse the position of trust the Act's provisions mean that, subject to a number of limited definitions, they may be committing a criminal offence. For example it is a criminal offence for a person aged 18 or over in a specified position of trust with a child under 18, to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

Beyond that which is stated above, in terms of Service Six, staff will be required to inform their line manager if they are in a relationship with a Child or Young Person aged 16 or 17. The line manager will then be required to discuss this with the named Senior Manager to determine whether this is deemed an acceptable relationship or not. This discussion will need to consider whether the member of staff concerned is in a position of trust over the Child or Young Person. If this is deemed to be the case then the Managing Allegations process will need to be instigated by the named Senior Manager. Moreover, at interview stage, prospective employees will be required to inform the Chair of the interview panel if they too are in such a relationship. Failure to do so may result in disciplinary action being taken.

More information

Further information on the Sexual Offences Act 2003 can be found by accessing the Home Office website:

www.homeoffice.gov.uk/justice/sentencing/sexualoffencesbill/mainprovisions.html

Appendix 5;

AGENCY INFORMATION (Useful Contact Details):

Service Six:

Chief Executive: Claudia Slabon

Tel: 01933 277520

Mobile: 07740 938190

claudiaslabon@servicesix.co.uk

Designated Safeguarding Team:

Operations Manager: Emma Campion

Tel: 01933 277520

Mobile: 07813 366249

emmacampion@servciesix.co.uk

TARGET Project Manager: Hayley Brown

Tel: 01933 277520

Mobile: 07923 904334

hayleybrown@servicesix.co.uk

[Youth Starz Project Manager: Katie Marsh](#)

[Tel: 01933 277520](tel:01933277520)

[Mobile: 07850 916600](tel:07850916600)

katiemarsh@servicesix.co.uk

Lead Therapist: Catherine Sharp

Mobile: 07985 348175

catherinesharp@servicesix.co.uk

Northamptonshire Children's & Adults Social Care and Safeguarding Service:

Contact the Initial Contact Team based at John Dryden House, Tel 0300 1261000:

- Children Option 1
- Adults Option 2

Referral Secure Email Address: mash@northamptonshire.gcsx.gov.uk

adultcarenc@northamptonshire.gcsx.gov.uk

Northamptonshire Childrens & Adults Social Care and Safeguarding Service:

Out of Hours Emergency Duty Team: Tel - 01604 626938

Designated Officer Local Authority (DOLA – Formerly LADO):

Safeguarding and Quality Assurance Service, Main Office 01604 363380 (Mon to Fri, 9am – 5pm)

Andy Smith

Tel: 01604 367862

Jackie Shaw

Tel: 01604 362633

Service Six - © 2017 Company Number: 6740611 Charity Number: 1132490
26 Rock Street, Wellingborough, NN8 4LW

Referral Form is available to download: <http://www.northamptonshirescb.org.uk/about-northamptonshire-safeguarding-children-board/who-is-who/designated-officer/>

NORTHAMPTONSHIRE COUNTY COUNCIL:

Northamptonshire Review and Conference Service (NRCS): Century House, First Floor, The Lakes, Northampton, NN4 7SJ.

Tel- 01604 654040, Fax – 01604 654000

NORTHAMPTONSHIRE SAFEGUARDING CHILDREN BOARD (NSCB):

Contact the NSCB staff officer on Tel - 01604 654040, Fax 01604 654000

MILTON KEYNES COUNCIL

Milton Keynes Council Children’s Social Care and Safeguarding Service & Adult Social Care Hub

Contact the Initial Contact Team based at Civic Offices:

- Children 01908 253169 or 01908 253170
- Adults 01908 253772

Out of Hours Emergency Duty Team: Tel – 01908 605650

Milton Keynes Local Authority Designated Officer (LADO):

Interim LADO Jo Clifford

Tel: 01908 254300

Multi Agency Safeguarding Hub 01908 253169/3170 (should LADO not be available)

Referral Form is available to download:

Milton Keynes SAFEGUARDING CHILDREN BOARD (MKSCB):

Contact the MKSCB staff officer on Tel – 01908 254373, Email: mkscb@milton-keynes.gov.uk

NSPCC

Childline: 0800 1111

Help & Advice for Adults: 0808 8005000

THE CHILDREN’S LEGAL CENTRE – ADVICE & INFORMATION SERVICE:

A free & confidential legal advice & information service open to children, young people & anyone with concerns about them.

Child Law Advice Line: Telephone – 0808 8020008 or email clc@essex.ac.uk

Education Advice Line: 0845 3454345

Appendix 6;

Northamptonshire - DOLA Referral Form

Designated Officer (formerly LADO) referral form for Professionals

Please complete the form below if you want to raise a concern about an adult working with children and young people

Please complete the referral form and email to the MASH (Multi Agency Safeguarding Hub) at MASH@northamptonshire.gcsx.gov.uk

Information about you:	
Name	
Role / Designation	
Agency	
Address	
Contact Number	
Email Address	
Date of Referral	

Information about the adult against whom the allegation is made:	
Name	
Date of birth	
Gender	
Ethnicity	
Disability	
Home address	
Are there any children resident at the home address?	
Employer/organisation using the adults services (If different than referrer)	
Role/ Job title of adult	
Date of last DBS check?	

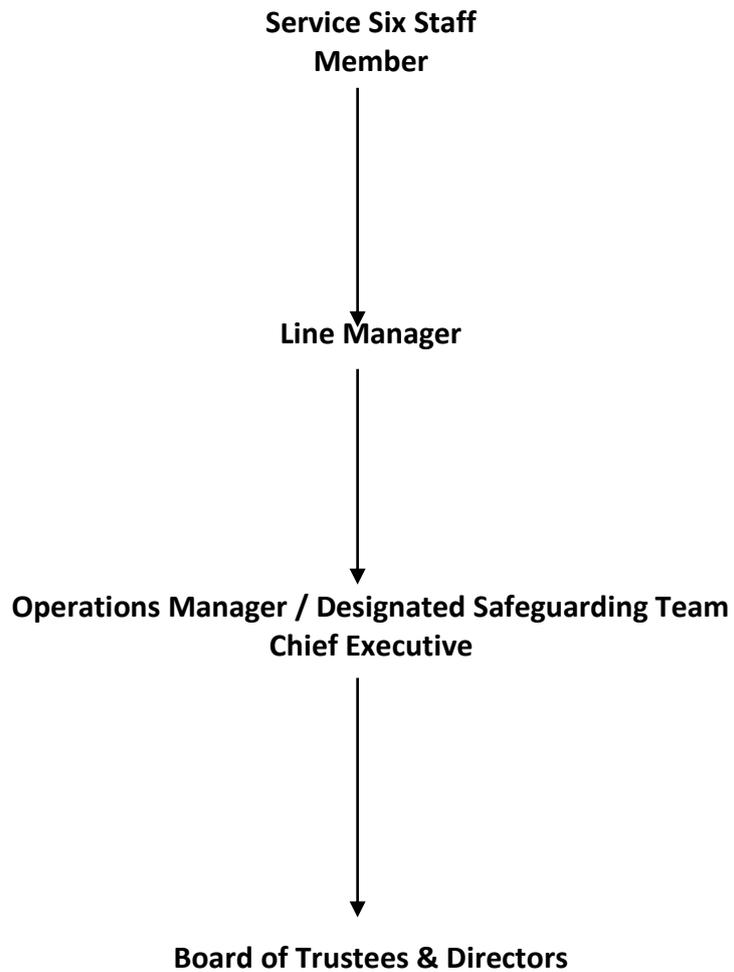
Description of allegation and source of	
---	--

information Context Witnesses	
Date of alleged incident	
Date concern raised	
Any action undertaken prior to notification? (suspension/witness statements taken/police notification. Etc)	
Information about any child identified	
Name	
DOB	
Gender	
Ethnicity	
Disability	
Address	
Is the child known to Children's Social Care?	
If known, details of professionals involved.	
Parents/carers details	
Are they aware?	
Is more than one child/young person involved?	
How many?	
List names and DOBs	
Outcome of Initial consideration	
Does the allegation meet the threshold for	

D.O procedure?	
Recommended advice and actions to senior manager?	
Signature [D.O co-ordinator]	
Date	

Please email to the completed referral form to the MASH (Multi Agency Safeguarding Hub) at MASH@northamptonshire.gcsx.gov.uk

Appendix 7;
Line Management Responsibility Flow Chart in the Event of a Safeguarding Concern.



Appendix 8;

Record of Concern

The Record of Concern form is available on the 2x shared drive on the path below:

\\SOLO\Public\Public\ADMIN\01 Admin, blank forms etc\Record of concern