



Safeguarding Children Policy

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Safeguarding Children Policy

1.0 **General Statement**

1.1 Children in Wales is in contact with children and young people through its staff, associates, partners and dissemination activities. Because of our work we recognise our responsibility to safeguard the welfare of children and young people and protect them from abuse and harm. We therefore have in place a Safeguarding Children policy. This policy demonstrates our duty of care to all the children with whom we work and our responsibility to safeguard them from harm. Children in Wales believes that all children have a right to such protection and the needs of disabled children and others who may be particularly vulnerable must be taken into account. Children in Wales will ensure the safety and protection of all children by strictly following this Safeguarding Children policy

1.2 The Children in Wales Safeguarding Children policy is based on legislative requirements and national guidance. The key legislation within which all agencies must operate is the **Children Act 1989** and the **Children Act 2004** which provide a comprehensive framework for the care and protection of children. It also refers to the United Nations Convention on the Rights of the Child.

2.0 **Principles**

The aims of the Children in Wales Safeguarding Children policy are to:

- 2.1 create a culture in which children are valued and their right to be safe is paramount
- 2.2 ensure that staff, trustees, associates and partners understand their role in safeguarding and protect children
- 2.3 help staff to create a safe and positive working environment
- 2.4 give guidance to staff and to trustees, associates and partners in the context of their work for and on behalf of Children in Wales on what action must be taken when abuse is suspected or disclosed
- 2.5 enable all staff, Associates and partners to make informed and confident responses to specific child protection issues

3.0 **Scope of Policy**

3.1 This policy applies to all staff as well as to trustees, associates and partners in the context of their work for and on behalf of Children in Wales.

3.2 A child is defined as a person up to the age of 18 years – Children Act 1989 and UNCRC

3.3 Children in Wales' Designed Child Protection Officer is Catriona Williams.

4.0 **Related Policies**

4.1 Other policies which should be read in relation to this include:

- Accredited Training Policy Series
- Children in Wales Whistle-blowing Policy
- Children in Wales Protection of Vulnerable Adults Policy
- Children in Wales Induction, Training & Development Policy
- Children in Wales Recruitment Policy
- Children in Wales Vetting & Barring Policy

5.0 **Guidance**

5.1 The Children in Wales Safeguarding Children policy is underpinned by the following principles:

5.1.1 the welfare of the child is paramount

5.1.2 all children whatever their age, culture, language, gender, disability, ethnicity, religious beliefs, sexual identity have the right to be protected from harm and abuse

5.1.3 all suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately

5.1.4 all staff, associates and stakeholders/partners working with Children in Wales have a responsibility to report concerns in accordance with this policy and the procedures within it

5.2 The policy:

5.2.1 outlines measures to ensure that the needs of all children to be protected from abuse are addressed

5.2.2 provides guidance on reporting procedures and response mechanisms in different circumstances

5.2.3 establishes the principle of confidentiality and information sharing thereby encouraging concerns to be raised

5.2.4 clarifies roles and responsibilities

5.2.5 establishes systems for recording information and dealing with any complaints

5.2.6 outlines the recruitment, vetting and operational processes that are in place to minimise the risk of children being abused by those in positions of trust

5.2.7 provides guidance to staff, trustees, associates and partners in respect of expected and acceptable standards of behaviour to promote good practice

5.2.8 outlines the support arrangements available to children and those responsible for safeguarding them

5.3 Responsibilities of staff, trustees, associates and managers

5.3.1 all staff, trustees and associates must be aware of the requirements within this policy so that when incidents of abuse are raised or

- suspected they have the necessary knowledge, information and managerial support to enable them to respond issues appropriately
- 5.3.2 staff must work to a high standard of professional conduct and act with integrity at all times, in order to minimise the risk of abuse from within Children in Wales.
 - 5.3.3 staff must create a work environment where the risk of abuse is minimised and children and young people feel comfortable and safe.
 - 5.3.4 managers must ensure that the staff they line-manage are aware and understand this policy and that the appropriate mechanisms are in place
 - 5.3.5 before any new work/project with children and young people begins, the designated manager must ensure that staff and associates involved in the project are adequately trained, police checked and are familiar with and agree to work within the framework provided by this document.
- 5.4 Working with partner organisations
- 5.4.1 Appropriate agreements with any partner organisations on child protection procedures and lines of reporting must also be confirmed. It is likely that Children in Wales staff will sometimes work to the partner's procedures and it will be important to check that they reflect the key issues raised in this document.
- 5.5 Working with children and young people
- 5.5.1 Children in Wales often works directly with children and young people and it is important that they are made aware of our responsibilities in child protection in accordance with their age and understanding. They should be helped to understand how the child protection process works and should be involved in any child protection referral that is made and concerns them, unless to do so would seriously jeopardise their safety. The child or young person should be told why a referral is being made, what the process will be, and appropriate support should be given throughout the process All children should feel safe enough to share their concerns with staff and they should have access to Children in Wales complaints procedure.
- 5.6 Children and young people as co-workers
- 5.6.1 It is also important to recognise that children and young people can sometimes also be abusers. When we work directly with young people as trainers or project workers, it is important that the young people are aware of these procedures and work to them.
- 5.7 Responding when concerns are raised about possible abuse
- 5.7.1 Concerns of abuse or possible abuse may come to staff in a number of ways. The child or young person themselves may make a disclosure; someone else such as a parent or volunteer may voice concerns or staff may see or suspect abuse.
 - 5.7.2 In all cases the line manager and Children in Wales designated child protection officer should be informed so that the appropriate action

can be taken and the matter referred by the member of staff with concerns to the Social Services or Police for investigation with the support of management. This referral should always be confirmed in writing within 2 working days.

5.7.3 In all cases a written, dated record must be kept by staff regarding the nature of the concern, to whom it was reported and consequent agreed actions and timescales naming the person responsible for them. This should be maintained securely and updated as necessary. The quality of recording is an important part of protecting children and young people and keeping them safe.

5.7.4 In each of the scenarios described, no one should ever delay emergency action to protect a child because of the unavailability of a certain person. If you believe a child or young person is in immediate danger call the Police.

5.8 If a child or young person discloses abuse

5.8.1 It is important to discuss the issues in a calm, caring and supportive manner. The child needs to know that you are listening and taking seriously the information that is being divulged and that you will respond positively to ensure their protection. The child is never to blame in situations of abuse and should be reassured they have done nothing wrong, either in relation to the abuse itself or in reporting it. It is not appropriate to enquire into the details of the abuse at this stage or to ask direct questions. When a child speaks about what appears to be an abusive situation, the following principles should apply, and should be followed in all cases

- The child should be listened to but not interrogated nor asked to repeat their account
- Care should be taken not to make assumptions about what the child is saying or to make interpretations
- The child should not be interrupted when recalling significant events
- The discussion and details such as timing, setting, who was present should be noted carefully and what was said should be recorded in the child's own words
- All actions subsequently taken should be recorded
- The child should never be promised complete confidentiality
- The child should be given information and an explanation about what will, or is likely to happen next.

5.8.2 This information should then be referred to your line manager and designated child protection officer.

5.9 If you are concerned about the safety of a child or young person by observing their behaviour or physical injuries

5.9.1 In some cases the identification of child abuse can be straightforward as a result of the nature of the injuries, statements from witnesses and actions of perpetrators. In these circumstances you should

contact your manager and the Children in Wales designated child protection officer immediately and discuss appropriate action. If they are not available, contact the Chief Executive

- 5.10 If there is an allegation or concern regarding the abuse of a child by another child
- 5.10.1 These need to be responded to with particular sensitivity, although they must nevertheless be dealt with through the child protection process. Many young abusers have been abused themselves, and so any subsequent process - including any police investigation where this applies - must consider the needs and circumstances of the 'abuser' and the 'abused', as well as taking account the protection needs of both.
- 5.11 If there are allegations against staff from external agencies
- 5.11.1 Concerns about abusive practice of staff from external agencies should be discussed with your line-manager and the Children in Wales designated child protection officer. In all such cases the All Wales Child Protection Procedures will be followed and complaints and allegations reported to the local authority Children's Social Services where a decision will be made on the most appropriate way to deal with the matter.
- 5.11.2 Depending on the outcome of any police and social services investigation it may be necessary to review any contract that Children in Wales has with the external agency concerned..
- 5.12 If there is an allegation of abuse against Children in Wales staff/associates
- 5.12.1 If the behaviour of a colleague or any other adult towards children or young people causes you concern
- Do not dismiss your concerns
 - Do not confront the person about whom you have concerns
 - Notify and discuss your concerns with your line manager and Children in Wales designated child protection officer. If you feel uncomfortable doing this, or you are not satisfied with the response that you get, contact the Chief Executive
 - You should never delay in passing on your concerns to somebody who is in position to take them forward and ensure that a proper investigation takes place. You will always be taken seriously
 - Do not worry that you may be mistaken. It is better to have discussed it with somebody with the experience and responsibility to make an assessment who will be able to take the case forward in the appropriate manner, liaising with internal and external personnel as required.
- 5.12.2 Any allegation made by a party about suspected abuse against Children in Wales staff and associates, freelance or external staff with whom Children in Wales works must be referred to the local authority

Children's Social Services or the police as a request for investigation under child protection procedures.

5.12.3 Further information in respect of the way in which allegations of abuse against Children in Wales staff will be handled can be found in Appendix 1

5.13 Historical abuse

5.13.1 Any allegations of historical abuse of children in any former care setting brought to the attention of staff should be channelled through the Chief Executive and appropriate referrals made.

6.0 Appendix

6.1 Appendix 1 provides detailed *guidance on procedure, and further information*

Appendix 1: Safeguarding Children Detailed Guidance

Contents

Introduction	Page 9
Legal Background <i>Relevant legislation and guidance</i>	9
Policy Aims and Principles	11
Recognising Child Abuse <i>Significant definitions and possible indicators</i>	11
Responsibilities of Children in Wales Staff, Trustees and Associates <i>Responsibilities/expectations of staff, managers, and working with partners, children and young people</i>	14
Creating a Safe Environment <i>Whistle blowing, recruitment, support, supervision, lone working, staff conduct</i>	14
Responding when Concerns are Raised about Possible Abuse <i>When a child discloses, when there are concerns re child's safety, abuse of child by another child, allegations about staff from external agencies or from Children In Wales</i>	16
Confidentiality and Recording <i>Duty to share information in child protection, importance of maintaining detailed and accurate records</i>	20
Reporting Abuse – the Process of Referral and Investigation <i>Guidance on making a referral and the process</i>	21
<u>Appendix A</u> – Legislative Framework	23
<u>Appendix B</u> – Handling Allegations against Children in Wales Staff	24
<u>Appendix C</u> – What Happens When a Referral is made to Social Services	30

Introduction

Children in Wales is in contact with children and young people through our staff, associates, partners and dissemination activities. Because of our work we recognise our responsibility to safeguard the welfare of children and young people and protect them from abuse and harm. We therefore have in place a Safeguarding Children policy. This policy demonstrates our duty of care to all the children with whom we work and our responsibility to safeguard them from harm. Children in Wales believes that all children have a right to such protection and the needs of disabled children and others who may be particularly vulnerable must be taken into account. Children in Wales will ensure the safety and protection of all children by strictly following this Safeguarding Children policy which was formally adopted by its Board of Trustees.

The policy applies to all staff as well as to trustees, associates and partners in the context of their work for and on behalf of Children in Wales all of whom should be familiar with and understand the policy and its implications. The implementation of the policy is mandatory for all concerned.

A child is defined as a person up to the age of 18 years – Children Act 1989 and UNCRC

Children in Wales will actively promote its Safeguarding Children Policy by

- providing a copy to all staff, trustees and associates
- publicising and making it available to all stakeholder and partner organisations and ensuring that it provides the minimum standards for Children in Wales' work with and through partners
- publicising and promoting it as necessary with children and their carers with due consideration to language, accessibility and different ways of communication
- providing induction, on going training and development opportunities for staff (linked to supervision, appraisal and staff development policies) and associates as necessary
- ensuring that awareness raising initiatives are also aimed at children
- monitoring its consistent application and effectiveness
- formally reviewing it with the Board of Trustees on a three yearly basis or whenever there is a significant change in the organisation or relevant legislation

The designated Child Protection Officer for Children in Wales is the Chief Executive

Legal Background

The Children in Wales Safeguarding Children policy is based on legislative requirements and national guidance. The key legislation within which all agencies must operate is the **Children Act 1989** and the **Children Act 2004** which provide a comprehensive framework for the care and protection of children.

Additional guidance is available within “**Safeguarding Children: Working Together under the Children Act 2004**” issued by Welsh Assembly Government under Children Act 2004 S.28. This Guidance sets out how all agencies and professionals should work together to safeguard and promote children’s welfare and protect them from harm. It is addressed to all statutory agencies and others whose work brings them into context with children and families. As such it is relevant to those working in the statutory, voluntary and independent sectors

The policy is also based on the **United Nations Convention on the Rights of the Child** (UNCRC) – ratified by the UK government in 1991 and takes account of the European Convention of Human Rights. The Welsh Assembly Government has developed seven core aims in its Rights to Action policy from the UNCRC. These aim for all children and young people to have

- A Flying Start
- Have a comprehensive range of learning and education opportunities
- Enjoy the best possible health and are free from abuse, victimisation and exploitation
- Have access to play, leisure, sporting and cultural activities
- Are listened to and treated with respect and have their race and cultural identity recognised
- Have a safe home and a community which supports physical and emotional wellbeing
- Are not disadvantaged by poverty

Children in Wales has based its work on the principles of the UN Convention on the Rights of the Child.

In all local authorities in Wales, services to safeguard children are led by multi agency **Local Safeguarding Children Boards** (LSCB) which replaced the Area Child Protection Committees in 2006. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each area will cooperate to safeguard and promote the welfare of all children in that local authority area. The LSCB is also responsible for leading and coordinating the arrangements to protect children who are suffering or at risk of suffering abuse or neglect.

The **All Wales Child Protection Procedures** provide detailed procedural guidance on how these concerns should be dealt with by local authority social workers, police and other relevant professionals and are used by every local authority in Wales. They are relevant to all those whose work involves contact with children and their families across departments and agencies in the statutory, voluntary and independent sector and staff in Children in Wales should be familiar with them.

The Board of Children in Wales has formally adopted Safeguarding Children: Working Together under Children Act 2004 and the All Wales Child Protection procedures

Further information on relevant legislation is provided in Appendix A

Aims

The aims of the Children in Wales Safeguarding Children policy are to

- create a culture in which children are valued and their right to be safe is paramount
- ensure that staff, trustees, associates and partners understand their role in safeguarding and protect children
- help staff to create a safe and positive working environment
- give guidance to staff and to trustees, associates and partners in the context of their work for and on behalf of Children in Wales on what action must be taken when abuse is suspected or disclosed
- enable all staff, Associates and partners to make informed and confident responses to specific child protection issues

Policy Principles

The Children in Wales Safeguarding Children policy is underpinned by the following principles

- 6 the welfare of the child is paramount
- 7 all children whatever their age, culture, language, gender, disability, ethnicity, religious beliefs, sexual identity have the right to be protected from harm and abuse
- 8 all suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- 9 all staff, associates and stakeholders/partners working with Children in Wales have a responsibility to report concerns in accordance with this policy and the procedures within it

The policy

- 10 outlines measures to ensure that the needs of all children to be protected from abuse are addressed
- 11 provides guidance on reporting procedures and response mechanisms in different circumstances
- 12 establishes the principle of confidentiality and information sharing thereby encouraging concerns to be raised
- 13 clarifies roles and responsibilities
- 14 establishes systems for recording information and dealing with any complaints
- 15 outlines the recruitment, vetting and operational processes that are in place to minimise the risk of children being abused by those in positions of trust
- 16 provides guidance to staff, trustees, associates and partners in respect of expected and acceptable standards of behaviour to promote good practice
- 17 outlines the support arrangements available to children and those responsible for safeguarding them

Recognising child abuse

1. It is important that any person who has contact with children and families should always be alert to the possible indicators of abuse. Anyone who has knowledge, concerns or suspicions that a child is being harmed, or is at risk of significant harm, has a responsibility to pass such concerns to those agencies who have the statutory powers to investigate and intervene. These agencies are the Social Services Department, Police or NSPCC, and all provide a 24 hour service
2. A child in need of protection is a child who is suffering or is at risk of suffering significant harm. Child abuse may be the result of direct acts towards a child, or of the failure of those who have responsibility for a child to provide reasonable care, or it may be both.
3. Children may be abused in a family or in an institution or community setting, by someone known to them or more rarely by a stranger. A child may also be the victim of abuse where the abuser is another child.
4. It should be remembered that the first indication that a child is being abused is not necessarily the presence of a severe injury. Suspicions of any form of abuse may be aroused by overheard remarks made by a child, family members or friends, or by noticeable changes in a child's behaviour or reactions.
5. The following definitions are taken from the Children Act 1989

Significant harm - Section 47(1)(b) Children Act 1989 - where a local authority have reasonable cause to suspect that a child who lives, or is found in their area, is suffering, or is likely to suffer significant harm, the authority shall make, or cause to be made, such enquiries as they consider to be necessary to enable them to decide whether they should take action to safeguard or promote the child's welfare.

Harm – harm means ill treatment or the impairment of health or development including physical harm, sexual abuse and forms of ill treatment which are not physical

Health and development – S 17 Children Act 1989 - a child's health is defined as including their physical and mental health, and development is defined as including their physical, intellectual, emotional, social and behavioural development

6. The following definitions of abuse are taken from All Wales Child Protection Procedures and Safeguarding Children: Working Together Under the Children Act 2004.

Neglect

The persistent or severe neglect of a child or the failure to protect a child from exposure to any kind of danger including cold, starvation or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development including non organic

failure to thrive. It may also include neglect of, unresponsiveness to, a child's basic emotional needs.

Physical Injury

Physical abuse may involve hitting, shaking, throwing, poisoning, suffocation, drowning, scalding or otherwise causing physical harm to a child. It can also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after.

Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative and non penetrative acts. They may include non contact activities such as involving children in looking at, or in the production of pornographic materials or in watching sexual activities or encouraging children to behave in sexually inappropriate ways.

Emotional Abuse

The persistent emotional ill-treatment of a child such as to cause severe and persistent aversive effects on the child's emotional and behavioural development.

Organised or multiple abuse

This involves abuse involving one or more abuser and a number of related or non-related abused children and young people. The abusers concerned may be acting together to abuse children, or in isolation, or may be using an institutional framework or position of authority to recruit children for abuse

7. The following are **general indicators of possible child abuse** – however it should not be assumed that because the indicators exist that a child or young person is being abused
- A history or other evidence of frequent, repeated injuries
 - Repeated attendance at clinic or hospital or frequent hospital admissions
 - A delay in seeking medical advice and treatment that is obviously necessary
 - Conflicting accounts and explanations of how an injury has occurred given by the child and carers
 - An unawareness or denial of an injury or incident by the carer
 - Very low self esteem
 - Fearful and withdrawn behaviour
 - An adult who has very noticeable unrealistic expectations of a child
 - Failure to thrive and meet developmental milestones
 - An awareness that domestic violence or animal abuse occurs within the family

Responsibilities of Children in Wales Staff

1. *Responsibilities of staff, trustees, associates and managers*

- 18 all staff, trustees and associates must be aware of the requirements within this policy so that when incidents of abuse are raised or suspected they have the necessary knowledge, information and managerial support to enable them to respond issues appropriately
- 19 staff must work to a high standard of professional conduct and act with integrity at all times, in order to minimise the risk of abuse from within Children in Wales.
- 20 staff must create a work environment where the risk of abuse is minimised and children and young people feel comfortable and safe.
- 21 managers must ensure that the staff they line-manage are aware and understand this policy and that the appropriate mechanisms are in place
- 22 before any new work/project with children and young people begins, the designated manager must ensure that staff and associates involved in the project are adequately trained, police checked and are familiar with and agree to work within the framework provided by this document.

2. *Working with partner organisations*

Appropriate agreements with any partner organisations on child protection procedures and lines of reporting must also be confirmed. It is likely that Children in Wales staff will sometimes work to the partner's procedures and it will be important to check that they reflect the key issues raised in this document.

3. *Working with children and young people*

Children in Wales often works directly with children and young people and it is important that they are made aware of our responsibilities in child protection in accordance with their age and understanding. They should be helped to understand how the child protection process works and should be involved in any child protection referral that is made and concerns them, unless to do so would seriously jeopardise their safety. The child or young person should be told why a referral is being made, what the process will be, and appropriate support should be given throughout the process All children should feel safe enough to share their concerns with staff and they should have access to Children in Wales complaints procedure.

4. *Children and young people as co-workers*

It is also important to recognise that children and young people can sometimes also be abusers. When we work directly with young people as trainers or project workers, it is important that the young people are aware of these procedures and work to them.

Creating a safe environment

1. An important part of child protection is about prevention and a key aspect of prevention in an organisation is the creation of a safe environment for

children and young people. This means that appropriate procedures need to be in place to recruit, support and train staff and that there should be in place clear guidance and expectations of the way in which staff should conduct themselves and how they can access advice and support on these issues when they need it.

2 Whistle blowing

Staff must feel able to raise concerns with their managers. If a line manager fails to respond to staff regarding child protection, the staff member must feel free to contact the next manager up the line without prejudice to the Chief Executive or the Chair of the Board of Trustees. (see Children in Wales Whistleblowing Policy)

3. Recruitment of staff

Children in Wales will take all practical measures in its recruitment and selection procedures (see Children in Wales Recruitment Policy) to ensure that people unsuitable for working with children are not recruited to positions where they will have contact with children during the course of their work.

This will include

- Requirement for application forms to be completed
- Unexplained gaps in employment history clarified
- Provision of Safeguarding Children Policy to all applicants, with successful candidates agreeing in writing that they have seen, understand and accept it
- Qualifications being substantiated
- Making the relevant **enhanced** checks with the Disclosure & Barring Service
- Taking up of at least two confidential references (Including current employer) before new members of staff begin work
- Clarification of job requirements and responsibilities through provision of job descriptions
- Provision of induction training on child protection at a level appropriate to their responsibilities

4. Support and Supervision of Staff

Children in Wales will ensure that staff are properly supervised and supported by

- Regular supervision and staff appraisal process
- Access to internal and external training including updating training in child protection where appropriate to their level of responsibilities.

5. Lone Working

Staff may be on their own with children and young people. It is important for staff in this situation to follow good practice guidelines outlined below to safeguard the children and young people, and to protect themselves against possible allegations. Where lone working is unavoidable, staff

should agree working protocols with colleagues and line managers to maximise safe practice. This should be kept under regular review through staff supervision and other appropriate means.

6. Staff Conduct

Staff have a responsibility, and in some cases a legal duty, to ensure the safety of the children with whom they work. Children can be at risk of harm or abuse from a range of sources. It is the responsibility of staff particularly when engaged in activities with children and young people to minimise the risk of harm by the promotion of good practice and by identifying and planning the management of potential risks.

Staff should at all times

- Be aware of situations which may present risks
- Plan and organise the work and the workplace so as to minimise risks
- Ensure that a culture of openness exists to enable any issues or concerns to be raised and discussed
- Ensure that a sense of accountability exists between staff so that poor practice or potentially abusive behaviour does not go unchallenged
- Promote an environment where children and young people are encouraged to raise any concerns
- Empower children and discuss their rights with them, what is acceptable and unacceptable, and what they can do if there is a problem

Staff should never

- Physically abuse children and young people
- Develop physical/sexual relationships with children and young people
- Develop relationships with children which could in any way be deemed exploitative or abusive
- Engage in actions that may be abusive or may place a child at risk of abuse
- Condone, or participate in, behaviour with children and young people which is illegal, unsafe or abusive
- Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse

Responding when concerns are raised about possible abuse

1. Concerns of abuse or possible abuse may come to staff in a number of ways. The child or young person themselves may make a disclosure; someone else such as a parent or volunteer may voice concerns or staff may see or suspect abuse.
2. In all cases the line manager and Children in Wales designated child protection officer should be informed so that the appropriate action can

be taken and the matter referred by the member of staff with concerns to the Social Services or Police for investigation with the support of management. This referral should always be confirmed in writing within 2 working days.

In all cases a written, dated record must be kept by staff regarding the nature of the concern, to whom it was reported and consequent agreed actions and timescales naming the person responsible for them. This should be maintained securely and updated as necessary. The quality of recording is an important part of protecting children and young people and keeping them safe.

In each of the scenarios described below, no one should ever delay emergency action to protect a child because of the unavailability of a certain person. If you believe a child or young person is in immediate danger call the Police.

3. *If a child or young person discloses abuse*

It is important to discuss the issues in a calm, caring and supportive manner. The child needs to know that you are listening and taking seriously the information that is being divulged and that you will respond positively to ensure their protection. The child is never to blame in situations of abuse and should be reassured they have done nothing wrong, either in relation to the abuse itself or in reporting it. It is not appropriate to enquire into the details of the abuse at this stage or to ask direct questions. When a child speaks about what appears to be an abusive situation, the following principles should apply, and should be followed in all cases

- The child should be listened to but not interrogated nor asked to repeat their account
- Care should be taken not to make assumptions about what the child is saying or to make interpretations
- The child should not be interrupted when recalling significant events
- The discussion and details such as timing, setting, who was present should be noted carefully and what was said should be recorded in the child's own words
- All actions subsequently taken should be recorded
- The child should never be promised complete confidentiality
- The child should be given information and an explanation about what will, or is likely to happen next.

This information should then be referred to your line manager and designated child protection officer.

4. *If you are concerned about the safety of a child or young person by observing their behaviour or physical injuries*

In some cases the identification of child abuse can be straightforward as a result of the nature of the injuries, statements from witnesses and

actions of perpetrators. In these circumstances you should contact your manager and the Children in Wales designated child protection officer immediately and discuss appropriate action. **If they are not available, contact the Chief Executive**

5. *If there is an allegation or concern regarding the abuse of a child by another child*

These need to be responded to with particular sensitivity, although they must nevertheless be dealt with through the child protection process. Many young abusers have been abused themselves, and so any subsequent process - including any police investigation where this applies - must consider the needs and circumstances of the 'abuser' and the 'abused', as well as taking account the protection needs of both.

6. *If there are allegations against staff from external agencies*

Concerns about abusive practice of staff from external agencies should be discussed with your line-manager and the Children in Wales designated child protection officer. In all such cases the All Wales Child Protection Procedures will be followed and complaints and allegations reported to the local authority Children's Social Services where a decision will be made on the most appropriate way to deal with the matter. (Ref AWP page 158)

Depending on the outcome of any police and social services investigation it may be necessary to review any contract that Children in Wales has with the external agency concerned..

7. *If there is an allegation of abuse against Children in Wales staff/associates*

If the behaviour of a colleague or any other adult towards children or young people causes you concern

- Do not dismiss your concerns
- Do not confront the person about whom you have concerns
- Notify and discuss your concerns with your line manager and Children in Wales designated child protection officer. If you feel uncomfortable doing this, or you are not satisfied with the response that you get, contact the Chief Executive
- You should never delay in passing on your concerns to somebody who is in position to take them forward and ensure that a proper investigation takes place. You will always be taken seriously
- Do not worry that you may be mistaken. It is better to have discussed it with somebody with the experience and responsibility to make an assessment who will be able to take the case forward in the appropriate manner, liaising with internal and external personnel as required.

Any allegation made by a party about suspected abuse against Children in Wales staff and associates, freelance or external staff with whom Children in Wales works must be referred to the local authority Children's

Social Services or the police as a request for investigation under child protection procedures.

Further information in respect of the way in which allegations of abuse against Children in Wales staff will be handled can be found in Appendix B.

8. *Historical abuse*

Any allegations of historical abuse of children in any former care setting brought to the attention of staff should be channelled through the Chief Executive and appropriate referrals made.

Confidentiality

1. In all cases where a child has been abused, or is at risk of abuse, there is a duty to share all relevant information amongst relevant professionals and agencies. In all such situations, the protection of the child must take precedence over all other considerations. The success of multi-disciplinary co-operation is rooted in the exchange and sharing of relevant information. Professional rules of confidentiality should be interpreted in relation to the need to protect the child.
2. Both parents and children should be made aware that information that has relevance to child protection is shared. It is important not to promise a child complete confidentiality in the hope of encouraging that child to make a disclosure of abuse. Such a pledge cannot be kept, as there is a professional responsibility to decide what information must be passed on in order to protect children.
3. It should be noted that although in general, concerns should be discussed with a family and agreement sought to the making of a referral to the local authority Children's Social Services – this should **only** be done where such discussions and agreement seeking will not place the child at increased risk of harm or compromise a future investigation. Reasons for withholding information from a family should always be clear and recorded
4. If a member of the public passes on reported suspicions that a child is being abused, they may ask for an assurance that their identity will not be revealed. It should be explained that this cannot be guaranteed as for example the need to take action to protect a child may indirectly lead a parent or carer to suspect who, in fact, has alerted the authorities. In addition, there may be exceptional occasions when a Court directs a referrer's name to be revealed. A referrer should always be assured that alerting the professionals to a family in crisis is of prime importance when it is necessary to protect a child

Record keeping

1. All concerns and any discussions about a child's welfare should be recorded in writing whether or not further action is taken. It is important that anxieties are recorded accurately and in detail: it should be clear to somebody reading about the worries where and why they have arisen. All discussions should end with clear and explicit recorded agreement about who will be taking what action by when, or that no further action is needed
2. Records should be as detailed and precise as possible, giving an exact account of what was said, especially where it is a child who is disclosing abuse or making an allegation. They should report the details as

disclosed or alleged, including who was present and what happened, the sequence of events, and so on. All subsequent action should also be documented.

3. The record should clearly state whether the information recorded is hearsay, third party information, professional's opinion or fact.
4. Records must be kept securely in a locked place to which access is restricted. Managers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information - verbally, through the mail, electronically, etc - should be done in such a way that confidentiality is maintained.

Reporting Abuse – the process of referral and investigation

1. It should be noted that when reporting abuse the All Wales Child Protection Procedures must be followed
2. When any member of staff, or a trustee or associate in the context of their work for and on behalf of Children in Wales, has a concern that a child might be in need of protection, it should be immediately discussed with the line manager and the Children in Wales designated child protection officer. This will clarify the issues, and ensure that those at the right level of seniority are involved and informed. In all cases the All Wales Procedures must be followed when making a referral and a written record maintained by Children in Wales personnel of all actions undertaken in relation to this
3. It is essential that emergency action (if this is believed to be necessary) to protect a child should never be delayed because of the unavailability of a certain individual. Any emergency action should be reported as soon as possible to the line manager and Children in Wales designated child protection officer.
4. A referral is a request for a professional assessment and should be made by telephone to the Children's Social Services Department where the child is resident. Telephone referrals must be confirmed in writing within two working days. Alternatively the relevant Department might request use of the appropriate **Multi Agency Referral Form** which will be emailed or faxed to you for immediate return. If you need to refer your concerns outside office hours, contact the Emergency Duty Team for the relevant local authority.
5. The names and addresses of the appropriate personnel within each Local Authority area are listed in the local All Wales Child Protection Procedures, but can also be found through the social services department's main telephone number.

6. The local authority Children's Social Services will make enquiries into all child protection referrals, will check the Child Protection Register (a register of children for whom there are currently unresolved child protection issues and for whom there is an interagency child protection plan) and will consult with other agencies, e.g. Police, Health, Education, Probation or other agencies as appropriate. Not all referrals result in the implementation of child protection procedures.
7. If enquiries establish that a child protection investigation is necessary then a strategy discussion will take place and will always involve the Police Family Support Unit (FSU) which has responsibility for child protection, and other agencies as appropriate. They will follow the joint protocol agreed between the Police and the respective Social Service Departments in regard to child protection investigations.
8. You may be required to participate in discussions or meetings with the Children's Social Services Department and/or the Police in order to assist with child protection enquiries, and/or write a report for the child protection conference.

A Flow Chart of this process can be found in Appendix C

Appendix A

The legislative framework relevant to working to safeguard and promote the welfare of children

The Children Act 1989

[\[http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_e1.htm\]](http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_e1.htm)

The Education Act 1996

[\[http://www.opsi.gov.uk/acts/acts1996/1996056.htm\]](http://www.opsi.gov.uk/acts/acts1996/1996056.htm)

The Housing Act 1996

[\[http://www.opsi.gov.uk/ACTS/acts1996/1996052.htm\]](http://www.opsi.gov.uk/ACTS/acts1996/1996052.htm)

The Licensing Act 2003

[\[http://www.opsi.gov.uk/ACTS/acts2003/20030017.htm\]](http://www.opsi.gov.uk/ACTS/acts2003/20030017.htm)

The Housing Act 2004

[\[http://www.opsi.gov.uk/ACTS/acts2004/20040034.htm\]](http://www.opsi.gov.uk/ACTS/acts2004/20040034.htm)

The Children Act 2004

[\[http://www.opsi.gov.uk/acts/acts2004/20040031.htm\]](http://www.opsi.gov.uk/acts/acts2004/20040031.htm)

HANDLING ALLEGATIONS OF ABUSE BY STAFF

Please note that any allegation made against Children in Wales staff should be reported to the line manager and the Children in Wales designated child protection officer. All allegations will be dealt with under Section 4 of the All Wales Child Protection Procedures and the matter immediately referred to the local authority Children's Social Services.

1. Introduction

- 1.1. This procedure applies to all members of staff as well as to trustees, associates and partners in the context of their work for and on behalf of Children in Wales (CIW).
- 1.2. It will be used in all cases where it is alleged that the person concerned has
 - behaved in a way that has harmed a child or may have harmed a child
 - possibly committed a criminal offence against or related to a child
 - behaved towards a child in a way that indicates s/he is unsuitable to work with children or an allegation has been made
- 1.3. Such allegations might come to CIW from any source including the child or young person, his/her family, another agency or be referred by a colleague within CIW and they may be made against an individual in either their private life or their working capacity.
- 1.4. Allegations will be dealt with under the All Wales Child Protection Procedures (AWCP) and the matter immediately referred to the local authority Children's Social Services.
- 1.5. Allegations relating to the workplace setting will be dealt with under Section 4 AWCP and relating to an individual in their private life under Section 3 AWCP but with reference to the nature of their employment with children or vulnerable adults.

2. Making the referral

- 2.1. Staff, trustees, associates and partners are reminded that they have a duty to safeguard and promote the welfare of children and to report concerns about the behaviour of other staff members, trustees, associates and partners towards children. The CIW Whistle Blowing policy facilitates and supports such action. (Ref. Staff Hand Book)
- 2.2. Whenever a concern is identified it must be immediately notified to your line manager and the CIW designated child protection officer - the Chief Executive

- 2.3. The designated child protection officer – the CIW Chief Executive, or the line manager in their absence, will report the matter to the responsible senior manager in Children’s Social Services who will consider the referral and subsequent action under the AWCP.
- 2.4. There will be an initial discussion between the responsible senior manager and CIW Chief Executive. If it can be unequivocally demonstrated that the allegation is false and/or unfounded then a decision may be made to take no further action. However this might be discussed with the police before arriving at such a decision. Such a decision will never be based on the employer’s (CIW) opinion about the character and/or personal circumstances of the individual employee or of the person making the allegation.
- 2.5. In the event of no further action the AWCP require that the responsible senior manager in Children’s Services gives consideration to
 - a) Informing the child’s parents about the allegation and outcome (if they have not already been advised by CIW as a result of the child requiring medical attention)
 - b) Informing the individual employee about the allegation and the amount of detail to be provided
- 2.6. The reasons for all decisions will be recorded

3. Strategy meeting

- 3.1. If it is decided that there is cause to suspect a child is suffering or likely to suffer significant harm, and/or a criminal offence has been committed, and/or the individual employee has behaved towards a child in a way which indicates he/she is unsuitable to work with children, then the responsible senior officer will arrange for a strategy discussion with the police to consider if immediate action needs to be taken to protect children and to arrange a strategy meeting
- 3.2. At any point after being informed about the allegation the Chief Executive may decide to suspend the individual employee in order to protect the child, to evaluate the possible risk of harm to children, and to enable the child protection enquiries and/or criminal investigation to be undertaken
- 3.3. Should an employee decide to resign at any time following an allegation CIW will continue to follow the child protection procedures and any disciplinary processes and will not enter into any compromise agreements with the employee.
- 3.4. Any strategy meeting will be convened by Children’s Social Services within two working days of the referral and will be attended by all relevant agencies including CIW as the employing agency. The meeting will consider the preliminary information gathered in the referral and initial assessment and the information provided by the employer about the

circumstances and context of the allegation, consider and evaluate the risk to the employee's own children and agree any action.

- 3.5. The suspension of an individual employee must always be considered where there is cause to suspect that a child is at risk of significant harm, and/or where the allegation warrants a criminal investigation by the police, and/or where the allegation might be grounds for dismissal. Suspension is not an automatic requirement and will be given careful consideration and reviewed at each strategy meeting and the investigation outcome meeting.
- 3.6. The strategy meeting can only recommend suspension, the authority to suspend an individual employee rests with CIW. Should CIW decide not to suspend an individual employee a risk assessment will be undertaken and shared with the strategy meeting and/or will consider the redeployment of the individual employee to a position where he/she has no contact with children.
- 3.7. Suspension is considered a neutral act and will be considered by CIW where
 - an allegation has been made which if proven would lead to a dismissal or prosecution
 - a child could be placed in danger if the member of staff were not removed from duty
 - it is necessary to allow a full child protection section 47 enquiries and/or criminal investigation
- 3.8. The strategy meeting can decide
 - to undertake child protection section 47 enquiries and/or a criminal investigation;
 - that child protection section 47 enquiries are not required and the employer should deal with the allegation in accordance with the organisation's own disciplinary procedures;
 - that no further action should be taken.
- 3.9. If no further action to be taken, the reasons for the decision will be recorded.
- 3.10. In the event of child protection Section 47 enquiries, and/or a criminal investigation, and/or the organisation's disciplinary process identifying a risk of harm to other children it may be necessary to hold further strategy meetings. In addition during a prolonged and complex enquiry it is recommended that the strategy meeting should develop an action plan with timescales in order to avoid unnecessary delay and the local authority Children's Social Services Department will monitor the progress by convening review strategy meetings at agreed intervals.
- 3.11 Any investigation may well have three related but independent strands –

- Child protection enquiries relating to the safety and welfare of any children who are or may have been involved including the alleged person's own children or children within his/her care
- A police investigation into a possible offence
- Disciplinary procedures where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff

3.12. It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding children, or employee discipline, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached

3.13. The outcome for a number of allegations is likely to be that a criminal prosecution does not take place. In such situations CIW will decide if any further disciplinary action is appropriate. The information provided by the police and/or children's services will inform this decision as well as the different standard of proof required in disciplinary and criminal proceedings. If CIW undertake disciplinary proceedings this procedure can be found in the CIW staff handbook.

3.14 To avoid delay and duplication CIW will seek a recommendation at the strategy meeting that the interviewing police officer and/or social worker seek consent from individuals being interviewed to share the information provided with itself as employer at the conclusion of the enquiries and/or court hearing.

4. Investigation outcome meeting

4.1. When the child protection section 47 enquiries and/or criminal investigation has been concluded an investigation outcome meeting will be convened.

4.2. The responsible senior Children's Social Services Manager with responsibility for child protection will convene an investigation outcome meeting within five working days of the completion of the child protection section 47 enquiries. The meeting will determine whether an allegation continues to be dealt with under these procedures. The meeting will be attended by those involved in the strategy meeting, plus relevant others.

4.3. The investigation outcome meeting will:

- Evaluate the information gathered during the enquiries;
- Decide, on the balance of probability, whether there is substance in the allegation
- Decide whether any further action is needed, in the light of the information gathered;
- Ensure support and services are available for the child or children where indicated;

- Decide whether to recommend that CIW make a referral under the POCA and POVA procedures, and List 99 (and future arrangements brought in by the Welsh Government);
- Offer advice to the police regarding any entry on the Police National Computer taking particular care to ensure that the outcome of the investigation is clearly recorded;
- Agree reporting arrangements to CSSIW, if involved, on the investigation and action taken or to be taken;
- Discuss and make recommendations to CIW, the employer, in relation to employees who may have been temporarily suspended or redeployed for the duration of the investigation;
- Advise on support for staff where concerns are substantiated/ are not substantiated;

4.4. If the allegation is deemed to be not substantiated, the reason for this decision must be fully recorded.

5. Action after any court hearing

- 5.1. The police and CPS will inform CIW and the Children's Social Services department senior manager when a criminal trial has been concluded together with its outcome. The Children's social services department senior manager will arrange for a child protection strategy meeting to be convened. The purpose of the strategy meeting will be to consider the outcome of the court hearing and decide any further recommendations and actions.
- 5.2. In the event of a criminal conviction and the individual employee is dismissed or resigns, the strategy meeting will recommend that CIW notify the relevant regulatory/barring organisation.
- 5.3. In the event of a court decision that does not find the individual employee guilty, disciplinary action including dismissal will not be ruled out - CIW will decide if any further disciplinary action is appropriate. The information provided by the police and/or children's services will inform this decision. The range of options open will depend on the circumstances of the case and consideration will need to be given to the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.
- 5.4. CIW will not reach a compromise agreement with an individual employee who decides to resign. The disciplinary procedure and notification will always be carried out.
- 5.5. If the individual employee is to return to work the strategy meeting will consider how the contact between the individual employee and child should be managed, and any services that the child may need
- 5.6. CIW will at this stage consider how best to facilitate an employee's return to work through a planned phased return with support in the short term.

- 5.7. The strategy meeting will agree the arrangements to keep the child and his/her parents informed of the outcomes.

6. Information to the staff member

- 6.1. CIW will inform the individual employee about the allegation at the earliest opportunity, unless to do so may place a child at risk of further harm and/or prejudice the criminal investigation and will keep the individual employee up to date with the progress of the enquiries. The local authority Children's Social Services department senior manager, the police and CIW will agree the information that can be disclosed to the individual employee.
- 6.2. Individual employees subject to such allegations should note that they will be dealt with under the AWCP and that every effort will be made to preserve confidentiality and avoid media publicity during the enquiries. However any information gathered that is relevant for criminal proceedings or disciplinary procedures will be disclosed for those purposes.
- 6.3. If the individual employee is a member of a trade union or professional association they are advised to contact that organisation.
- 6.4. The individual employee will not be invited to strategy meetings or the investigation outcomes meeting. At the conclusion of the investigation outcomes meeting and within 5 working days, the chair of the meeting will write to the individual employee and inform them about the allegation that was made, the procedures followed, and, the outcome, including decisions that were made, unless to do so would prejudice any further enquiries or the legal process
- 6.5. If at the conclusion of the case an employee who has been suspended is able to return to work, CIW will at this stage consider how best to facilitate his/her return to work through a planned phased return with support in the short term.

Appendix C

What Happens when a Referral is made to Social Services

The model below outlines what will happen when you make a referral to Social Service or the Police. Your role may be to provide information but responsibility of the process will lie with the Local Authority.



