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**North Wiltshire District Council
Child Protection Policy**

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North Wiltshire District Council Child Protection Policy

1: Introduction

North Wiltshire District Council provides a range of services and activities for children and young people. The District Council is not an investigative or intervention agency for child protection – this duty lies with Wiltshire County Council. However, because some staff members are in regular contact with children and young people they may be in a position to observe outward signs of abuse. They may also find themselves in a position where a child or young person discloses that they are being abused. Council staff have a responsibility to observe, monitor and refer suspected cases of abuse to Wiltshire County Council Children and Education Department.

This Child Protection Policy is designed to safeguard children and young people from potential abuse as well as to protect staff and volunteers who work for the District Council.

North Wiltshire District Council takes seriously its responsibility to promote the welfare and safeguard all the children and young people entrusted to their care. We undertake to provide a safe environment and any suspicion of abuse is responded to appropriately and in confidence. We work to the principles embodied in the Children's Act 2004 and the Every Child Matters agenda.

A child is considered as a person under 18 years of age. Extensions of this exist for children who are disabled and for those in local authority care settings. However, within this document those aged 12 –18 will be referred to as young people

2: Principles

The guidance given in the Council's Child Protection Policy is based on the following principles:

- All children, whatever their age, culture, disability, gender, racial origin, religious belief or sexual identity have the right to protection from abuse
- The welfare of children and young people taking part in our activities and using our services is of paramount importance (Children's Act 2004)
- Whilst it is not solely the District Council's responsibility to determine whether or not abuse has taken place (this is undertaken by liaising with external Child Protection Professionals) it is everyone's responsibility to report concerns
- All staff working with children and young people should be familiar with local Child Protection arrangements and understand their responsibilities to safeguard and protect children and young people

Staff should discuss promptly, with their line manager, any incident that gives rise to concern or refer to HR for further advice.

3: Policy Statement

For all activities and services provided by North Wiltshire District Council for children and young people, we will

- Accept moral and legal responsibility to implement procedures to provide a duty of care for children and young people, safeguard their wellbeing and protect them from abuse.
- Respect and promote the rights, wishes and feelings of children and young people.
- Recruit, train and supervise our employees to adopt best practice to safeguard and protect children and young people from abuse, and themselves from false allegations.
- Require clubs, societies and groups hiring Council facilities, sub-contractors and external coaches/instructors to either sign up to the Council's Child Protection Policy or adopt their own. These must meet with the Council's approval.
- Require organisations that receive grant aid from the Council to sign up to the Council's Child Protection Policy or adopt their own. These must meet with the Council's approval and be in line with Grant conditions set out in the funding criteria.

4: Legislation and guidance

The Children Act 2004 outlines the statutory and legislative requirements to promote change in the way children's services are addressed.

The Act places a new duty on local authorities and key statutory agencies in England and Wales, to make arrangements to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children. They must also ensure that any other body providing services on their behalf follows the same approach.

The Act requires all children's services authorities in England and Wales (in this area Wiltshire County Council) to establish a statutory local Safeguarding Children Board, and to replace the non-statutory area child protection committees that currently exist. The purpose of the Board is to co-ordinate and ensure the effectiveness of local arrangements and services, to safeguard children.

The core Board partners prescribed by the Act are:

- Children's services authorities
- NHS bodies
- the Police
- local probation boards
- the Connexions service
- local prisons
- young offender institutions
- the Children and Family Court Advisory and Support Service (CAFCASS)
- district councils
- Youth Offending Teams

The Board's work will be under-pinned by the requirements of individual agencies, in safeguarding and promoting the welfare of children. The director of children's services will work closely with partners on the Safeguarding Children's Board, to ensure all members are delivering their statutory duties.

Every Child Matters: Change for Children is a new approach to the well being of children and young people from birth to age 19.

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

This means that the organisations involved with providing services to children and young people will be teaming up in new ways, sharing information and working together, to protect children and young people from harm and help them achieve what they want in life. Children and young people will have far more say about issues that affect them as individuals and collectively. Over the next few years, every local authority will be working with its partners, through children's trusts, to find out what

works best for children and young people in its area and act on it. They will need to involve children and young people in this process, and when inspectors assess how local areas are doing, they will listen especially to the views of children and young people themselves. Improving information-sharing practice is a cornerstone of this strategy. It is important that anyone working with children and young people understand when, why and how they should share information.

Common Assessment Framework (CAF) is a key part of delivering frontline services that are integrated and focused around the needs of children and young people. The CAF is a standardised approach to conducting an assessment of a child's additional needs and deciding how those needs should be met. The CAF will promote more effective, earlier identification of additional needs, particularly in universal services. It is intended to provide a simple process for a holistic assessment of a child's needs and strengths, taking account of the role of parents, carers and environmental factors on their development. Practitioners will then be better placed to agree, with the child and family, about what support is appropriate. The CAF will also help to improve integrated working by promoting co-ordinated service provision.

All local authority areas are expected to implement the CAF between April 2006 and the end of 2008 and anyone who regularly works with children and young people will need to be aware of this framework and know who to contact if they have any concerns. Information relating to CAF can be accessed via www.wiltshirepathways.org or the CAF team can be contacted via Wiltshire County Council.

The Police Act 1997 makes it a criminal offence for an employer not to check an employee working with children and young people and/or to knowingly give a job to someone who is inappropriate to work with children.

The Criminal Records Bureau Disclosures Service was established in 2002 to enable employers, contractors and community voluntary groups to make thorough recruitment checks, particularly for positions that involve regular contact with young people. Please refer to NWDC specific guidance attached in Appendix A.

5: Policy Objectives

- To ensure that all staff and volunteers (legally responsible adults) working with children are carefully selected, understand and accept responsibility for the safety of children and young people in their care.
- To raise awareness of child protection issues amongst community and voluntary groups, clubs and organisations that offer recreational activities in North Wiltshire.
- To ensure that the child's welfare is of paramount importance, regardless of age, gender, ability or race, when planning, organising, advising on and delivering children and young people's activities.
- To respond swiftly and appropriately to all suspicions or allegations of abuse, and to ensure confidential information is restricted to the appropriate external agencies.
- To raise awareness of child protection issues amongst relevant staff, partner organisations and volunteers through the provision of training.
- To monitor and review the effectiveness of this policy on a regular basis.
- To ensure that the principles of this policy are adopted by all our partner organisations, contractors, and community voluntary groups in receipt of council grant-aid, through signing up to this policy or the adoption their own policy, which meets the same level of determination with regard to child safety.

6: Recruitment and Training

The Council will take all reasonable steps to ensure that unsuitable people, within the Council's employment or undertaking work on behalf of the Council, are prevented from working with children and young people.

Recruitment

Council employees who work unsupervised with Children or vulnerable adults will need to undergo a Criminal Records Bureau Disclosure Check. Some of the posts this may include within NWDC are:

- Verification Officers
- Environmental Health Officers
- Housing Officers
- Sports Development Officer
- Community Partnership Posts

For more detailed information please refer to the Human Resources Department guidance on CRB checks, attached in Appendix A.

Induction and training

All staff who have regular contact with children and young people should attend the Child Protection Training Course and be familiar with the Child Protection Policy and the local procedures. Training needs and opportunities relating to child protection issues will be identified and addressed during staff appraisals, and in light of any changes in legislation or guidance. Training may include internal course and workshops or externally run courses and workshops by Child Protection Agencies. Staff in regular contact with children and young people should also be aware of the Common Assessment Framework guidelines, once they come into practice.

Breach of this policy and its guidance may lead to disciplinary action.

7: Creating a Safe Environment

- Staff and volunteers working with children should be appropriately trained and qualified to ensure the safe provision of services, coaching and use of equipment.
- Staff and volunteers working with children should carefully plan activity sessions with care and safety of children as their primary concern including the use of appropriate activities that are not unnecessarily rough or demanding.
- Wherever possible, staff and volunteers should avoid being alone with a child, including offering lifts or taking children to their own home.
- Staff and volunteers should only train children in a non-intrusive manner and should encourage children to be responsible for getting themselves ready, such as getting themselves changed before and after activities.

Roles and Responsibilities

This list is not comprehensive and staff and volunteers may be asked to undertake other duties deemed necessary to fulfil their role.

- All staff and volunteers are required to complete a 'Disclosure of Background' form under the terms of the Children Act 1989.
- Staff and volunteers planning sessions should comply with the standards set by their appropriate professional body, e.g. Sport National Governing Body, National Arts Council.
- Staff and volunteers must give due regard to issues of safety at all times.
- All accidents involving staff and volunteers or participants should be recorded in the organisation's accident book immediately or as soon as practicably possible.
- Staff and volunteers are responsible for familiarising themselves with building/facility safety issues, such as, fire procedures, location of emergency exits, location of emergency telephones and first aid equipment.

- Staff and volunteers are responsible for reporting suspected cases of child abuse to the appropriate people.
- Staff, or the volunteer in charge, will be expected to keep an attendance register for all organised sessions.
- Staff, or the volunteer in charge, should have access to any parent consent/emergency consent forms for all children taking part in the organised sessions and this information should be treated as confidential and is governed by the provisions of the Data Protection Act 1998.
- Staff, or the volunteer in charge, should ensure that their work session start and end on time.
- Staff and volunteers are expected to promote, demonstrate and incorporate the values of fair play, trust and ethics throughout the session and course of their activities.
- Management Boards should ensure that their staff, volunteers and contractors are adequately insured, to protect against claims of negligence, through their organisation or their own personal insurance if acting as a self employed agent.
- If you are worried a child is being abused or neglected please refer to Appendix B for guidance from the Wiltshire Local Safeguarding Children Board.

IT IS NOT THE RESPONSIBILITY OF STAFF OR VOLUNTEERS TO TRY AND DEAL WITH SUSPECTED ABUSE.

What should you do if a child tells you that they are being abused?

Always:

- Stay calm – ensure the child is safe and feels safe.
- Accept what you have been told.
- Reassure the child and stress that they are not to blame.
- Tell the child that you will offer support but you will have to pass the information on.
- Make a note as soon as possible after the event detailing what you and the child discussed.

Never:

- Rush into details that may be inappropriate.
- Make promises you cannot keep.
- Take sole responsibility – consult someone else so that you can protect the child and gain support for yourself.

8: General Guidance.

This guidance is vital, as it will protect staff and volunteers from allegations of abuse.

It does not make sense to:

- Spend excessive amounts of time alone with children away from others.
- Take children alone in a car or on a journey, however short.
- Take children to your home.
- Where occasions arise where it is unavoidable that these things do happen, they should be done with the full knowledge and consent of someone in charge of the organisation and/or the children's parents.

You should never:

- Engage in rough physical activities including horseplay – apart from structured activities.
- Engage in sexually proactive activities.
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language unchallenged.
- Make sexually suggestive comments about or to a child even in fun.
- Let an allegation a child makes go unchallenged or unrecorded.
- Do things of a personal nature for children that they can do themselves. If you do have to do things of a personal nature for children (take to toilet, support, give lifts) particularly if they are very young or children with disabilities then you should obtain the full consent of their parents. In an emergency situation, which requires this type of help, parents should be fully informed as soon, as is practicable.

Photography:

Appropriate rules need to be set in line with the service being provided, for example there is no photography allowed at the Council's Leisure Centres swimming pools. Formal permission should be obtained for the use of any images, whether of a child, young person or adult as these are classed as personal information and, as such, are governed by the provisions of the Data Protection Act 1998.

Named Person:

Children and parents should have a 'named person' to whom they may report any worries or concerns. The contact names and telephone numbers for 'named people' should be visibly displayed, for instance on posters.

Staffing (or Volunteer) ratios:

In youth work practices the ratio of legally responsible adults to children tends to be 1.8 regardless of age, other guidance suggests 1.10 for older children. It is recommended that there is a minimum of two staff with legal responsibility present at all times for children under eight years old.

9: Sources of Further Information:

The Department of Health web-site www.doh.gov.uk contains a practical guide to the law relating to child protection, including the

- Protection of Children Act 1999.
- The booklet 'Safe from Harm': Code of Practice for safeguarding the welfare of Children in Voluntary Organisations in England and Wales is also available from the Home Office web-site www.homeoffice.gov.uk
- For England and Wales, the Criminal Records Bureau is providing a regulated 'one stop' service of records checks from information provided by Police, Department of Health and Department of Education and Skills. Further details can be found on their web-site www.disclosure.gov.uk
- All local authorities have an Area Child Protection Committee, (ACPC). This is the key inter-agency forum for child protection, comprising representatives from all the relevant statutory organisations and representing the voluntary sector.
- NSPCC. A registered charity established to prevent cruelty to children. Help line for concerns about a child's welfare. **0808 800 5000**, web-site www.nspcc.org.uk
- Keeping Arts Safe, protection of children, young people and vulnerable adults involved in arts activities - Arts Council England.
- Protecting Children - a guide for sports people published by Coachwise, telephone **0113 201 5555** or www.1st4sport.com
- What To Do If You're Worried A Child Is Being Abused (Department of Health 2003) www.doh.gov.uk/safeguardingchildren/index.htm
- Wiltshire & Swindon Multi-Agency Child Protection Procedures & Guidance
September 2003

CRIMINAL RECORDS BUREAU

HR Guidelines for dealing with CRB Forms

North Wiltshire District Council is committed to the fair treatment of its employees, prospective employees and users of its services, regardless of a criminal record and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

What is the CRB?

The Criminal Records Bureau (CRB), an executive agency of the Home Office, provides access to criminal records and other information to organisations in England and Wales through a service called Disclosure. Its purpose is to help organisations make more informed decisions when recruiting people into positions of trust. Through the Disclosure service, organisations can provide greater protection for the vulnerable members of our society.

Under Section 1 of the Protection of Children Act 1999, applicants are required to declare all criminal convictions, including convictions that would be considered spent under the Rehabilitation of Offenders Act 1974 and to be cleared through the CRB system if required.

What does it do?

The CRB Disclosure Service exists to provide greater access for employers to criminal record information to help them assess the suitability of any individual for employment with children or vulnerable adults or for certain other occupations. The CRB's purpose is to provide accurate criminal record information on applicants for relevant work in England and Wales in the most effective and efficient way.

The vision of the CRB is, "To deliver an accurate, reliable, rapid and cost effective disclosure of criminal justice information in accordance with legislation to support those who manage people in positions of trust."

Levels of Disclosure

There are two kinds of checks currently available - Standard and Enhanced.

Standard

Primarily for posts that involve working with children or vulnerable adults. May also be issued for people working in or entering certain professions e.g. legal and accountancy.

Enhanced

For posts involving a far greater degree of contact with children or vulnerable adults. This work will involve regularly caring for, supervising, training or being in sole charge of such people e.g. Youth Involvement Development Officer.

As of 1 April 2006 the Standard disclosure costs £31.00 and the Enhanced disclosure costs £36.00. Both provide information on an individual's current and spent convictions. A registered person must countersign applications for either form of disclosure. For recruitment purposes this is carried out by a Human Resources Adviser.

Who needs to be checked?

Employees who work unsupervised with children or vulnerable adults will need to be CRB checked.

This may include:

- Investigation Officers
- Verification Officers
- Environmental Health Officers
- Housing Officers
- Community Partnership Posts
- Sports Development Officer

With all checks prompt action is required by employees. Applicants must be informed and deadlines for completion set following verbal notification of an offer of employment. It will be clearly stated in the advertisement if the post will be subject to a CRB Disclosure.

What information is available through the Disclosure Service?

Access to a range of information including:

- Information held on the Police National Computer such as convictions, cautions, reprimands and warnings.
- Information held by local Police forces relating to non-conviction information.
- Information from the Governments Protection of Children Act List
- Information from the Governments Protection of Vulnerable Adults List
- Information held by the Department for Education and Skills under Section 142 of the Education act 2002.

For how long will Disclosure be valid?

Each Disclosure will show the date on which it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the disclosure at any time after it is issued. North Wiltshire District Council will request Disclosures of all relevant posts on a three yearly basis (with the employees permission) unless exceptional circumstances prevail which might lessen the timescale.

If a new employee already has a disclosure

Whether we require new employees who already have a Disclosure to be checked will depend on when the last check was completed.

If the check was completed up to 3 months ago:

Another check does not have to be done but:

- The HR Adviser must see the certificate to show that they are cleared.
- A copy of the certificate to be kept as per the CRB Policy on the Secure storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.

If the check was completed longer ago than 12 months:

A CRB check must be carried out.

If the check was completed between 3 - 12 months ago:

The HR Adviser will have to decide whether or not to check them again, and will have to consider the following questions -

- The nature of their current/previous post
- Are their references good? Note if they provide adequate evidence of a person's past employment history.

General Check Points include: -

- 1) Length of time that has elapsed since Disclosure issued.
- 2) Level of Disclosure.
- 3) Nature of position for which Disclosure issued.
- 4) Nature of position for which applying.

THE FINAL DECISION LIES WITH NORTH WILTSHIRE DISTRICT COUNCIL AND WILL BE MADE BY THE HUMAN RESOURCES TEAM LEADER OR HIS / HER NOMINATED REPRESENTATIVE.

The procedure for processing CRB forms

Where a Disclosure is to form part of the recruitment process, HR will give the new employee a CRB form to complete. The new employee will have to make an appointment with the HR Adviser to approve the completion of the form and accompanying documentation for example Birth certificate, passport etc

North Wiltshire District Council accepts that employment might commence before receipt of the disclosure. However, HR should ensure that the CRB form is completed as soon as possible after appointment. In the meantime the employee should not be given sole access to vulnerable groups. In addition the employee will be made aware that their employment is conditional on a satisfactory CRB check. The Human Resources Adviser who is also the countersignatory will determine what constitutes a satisfactory CRB check.

A new employee will fill in all relevant sections and bring in the form to the Countersignatory (HR Adviser) who completes the form and checks supporting documentary evidence and sends it off to the CRB.

The HR Adviser is to notify the Licensing Officer when the form is sent out, the employees name and business area for reasons of tracking the form through the process.

When the form comes back

If it is clear:

HR Adviser to notify new employee that clearance has been given and the Disclosure is stored securely as per the policy for a 6-month period after which it will be destroyed. A note will be placed on the employee's file just to confirm that the CRB check has been carried out and clearance given (dated and logged)

If it is not clear: -

Having a criminal record will not necessarily bar someone from working with North Wiltshire District Council. This will depend on the nature of the position and the circumstances and background of the offences.

If a CRB form is returned with a conviction highlighted, it will be necessary for the HR Adviser to make a decision.

They can either overlook the conviction and process the form in the normal way or take action due to the conviction. Each case will be different and will need to be assessed on its individual merits. The form must be kept securely at all times and the information only seen by those authorised to see it.

The disclosure should be checked alongside the information already supplied by the applicant. Any discrepancies should be discussed with the applicant, along with any convictions held on the Disclosure. Consideration should also be given to whether the conviction is relevant to the job, the seriousness of any offence, the length of time elapsed since the offence and whether the applicant's circumstances have changed.

Several factors will need to be considered in order to make an informed decision including (but not exclusively):

- Was the conviction declared on the person's application form?
- What is the date of the offence?
- Is this a new or existing employee?
- What is the nature of the offence? Is the offence associated with the nature of the job that they are/will be doing? This is particularly relevant if the offence involved children and the job involves working with children.
- What was the sanction? This will help ascertain the seriousness of the conviction.
- To what degree does the person work unsupervised with children and vulnerable adults?

If the offence was relatively minor, happened several years ago and the person admitted to it on their application form, then the decision may be reached to process it as normal.

If the offence was serious and the applicant has not yet commenced employment, the conditional offer of employment may be withdrawn. If the conviction was declared

on the application form and viewed as serious then the Human Resources Adviser would refer to the Human Resources Team Leader regarding the outcome of the application.

If the person is already working at North Wiltshire District Council and the form comes back highlighted, the HR Adviser will need to speak to the direct line manager to find out their working history. If it is decided they are no threat to children or vulnerable adults, it may be decided that the form can be processed as normal.

If the offence is deemed serious enough for action to be taken and the person is already working for North Wiltshire District Council, advice will be sought from the HR Team Leader. In this situation, the employment may have to be terminated.

Any matter revealed in a Disclosure will be discussed with the person before any decision is taken. **Offers of employment will always be made subject to CRB clearance.**

Additional Information

Refusal to apply for a Disclosure

There are some posts for which a Disclosure is required by law. There are professions, offices, employments work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. If a new employee/current employee refuses to apply for a Disclosure, North Wiltshire District Council would be within its rights not to take the job offer any further.

Declaration of convictions/cautions for criminal offences

If a person is applying for a job connected with people from the following list, they **MUST** always declare any convictions and /or cautions for criminal offences, even where they are 'spent'.

This includes working with: -

Children

Young and older people

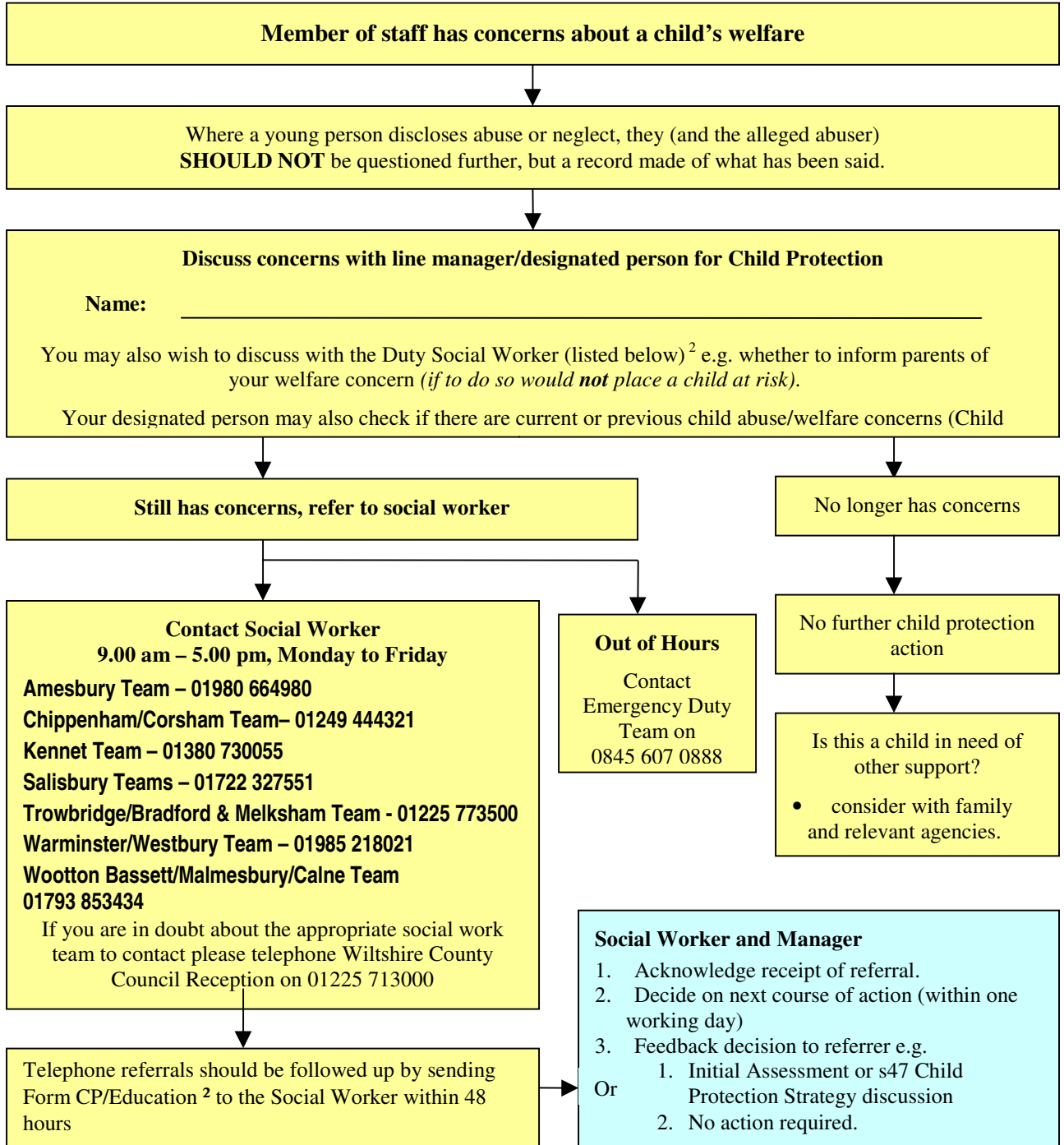
Those who are dependent on alcohol or drugs

Those with mental or physical disabilities, illness, injury or deformity

Those who are blind, deaf or without speech.

CHILD PROTECTION MATTERS

**“WHAT TO DO
If you are worried a child is being abused or neglected”¹**



This document is intended for use as a guide. Please refer to the SW multi-agency Child Protection Procedures listed below

References:

1. 'What To Do If You're Worried A Child Is Being Abused' DoH DfES 2006
2. Wiltshire Local Safeguarding Children's Board Guidance and Procedures
These can be viewed by visiting www.swcpp.org.uk