



## SAFEGUARDING POLICY

### 1. INTRODUCTION

#### ARTCAMP UK

ARTCAMP UK is a Children's holiday camp that specialises in a creative educational immersive experience for children to explore creativity in its many forms. From painting to drama and circus skills to DJ workshops. ARTCAMP UK believes that play should be fun and also educational and creative. We offer a safe and secure environment where children from the ages of 7-15 learn new skills, have fun and immerse themselves in the arts and play. I believe that this is extraordinary important that creativity is embraced and taught to children and young people.

Safeguarding is of the upmost of importance, and I aim to offer the most secure and safe environment possible for the Children and young people in all the activities that we offer.

## 2. A NAMED PERSON(S) FOR SAFEGUARDING

Name of Safeguarding Lead: Jon Wiltshire

Name of Deputy Safeguarding lead: Rachel Walker

Telephone number: 07944558232

Mobile Number: 07903856166

Emergency Contact No: 07944558232

Telephone number of Children's Social Work Service (including out of hours number):

During Office hours (Monday to Friday, 8am to 6pm) - **0113 376 0336**

Social Care- Emergency Duty team (**out of hours**) - **0113 376 0469**

and provide them with as much information as possible. You can also email on [childrensedt@leeds.gov.uk](mailto:childrensedt@leeds.gov.uk)

## 3. RECOGNISING THE SIGNS AND SYMPTOMS OF ABUSE

**PHYSICAL ABUSE:** May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent/carer fabricates the symptoms of, or deliberately induces illness in a child.

**EMOTIONAL ABUSE:** Is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or "making fun" of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, (including cyber-bullying) causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**SEXUAL ABUSE:** Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**NEGLECT:** Is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Possible signs of abuse include:

- Unexplained or suspicious injuries such as bruising cuts or burns, particularly if situated on a part of the body not normally prone to such injuries or the explanation of the cause of the injury is does not seem right.
- The child discloses abuse, or describes what appears to be an abusive act.
- Someone else (child or adult) expresses concern about the welfare of another child.
- Unexplained change in behaviour such as withdrawal or sudden outbursts of temper.
- Inappropriate sexual awareness or sexually explicit behaviour.
- Distrust of adults, particularly those with whom a close relationship would normally be expected.
- Difficulty in making friends.
- Eating disorders, depression, self harm or suicide attempts.

## 4. BECOMING AWARE OF A SAFEGUARDING ISSUE

### The difference between an allegation and a concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed by employers using the appropriate organisational procedures.

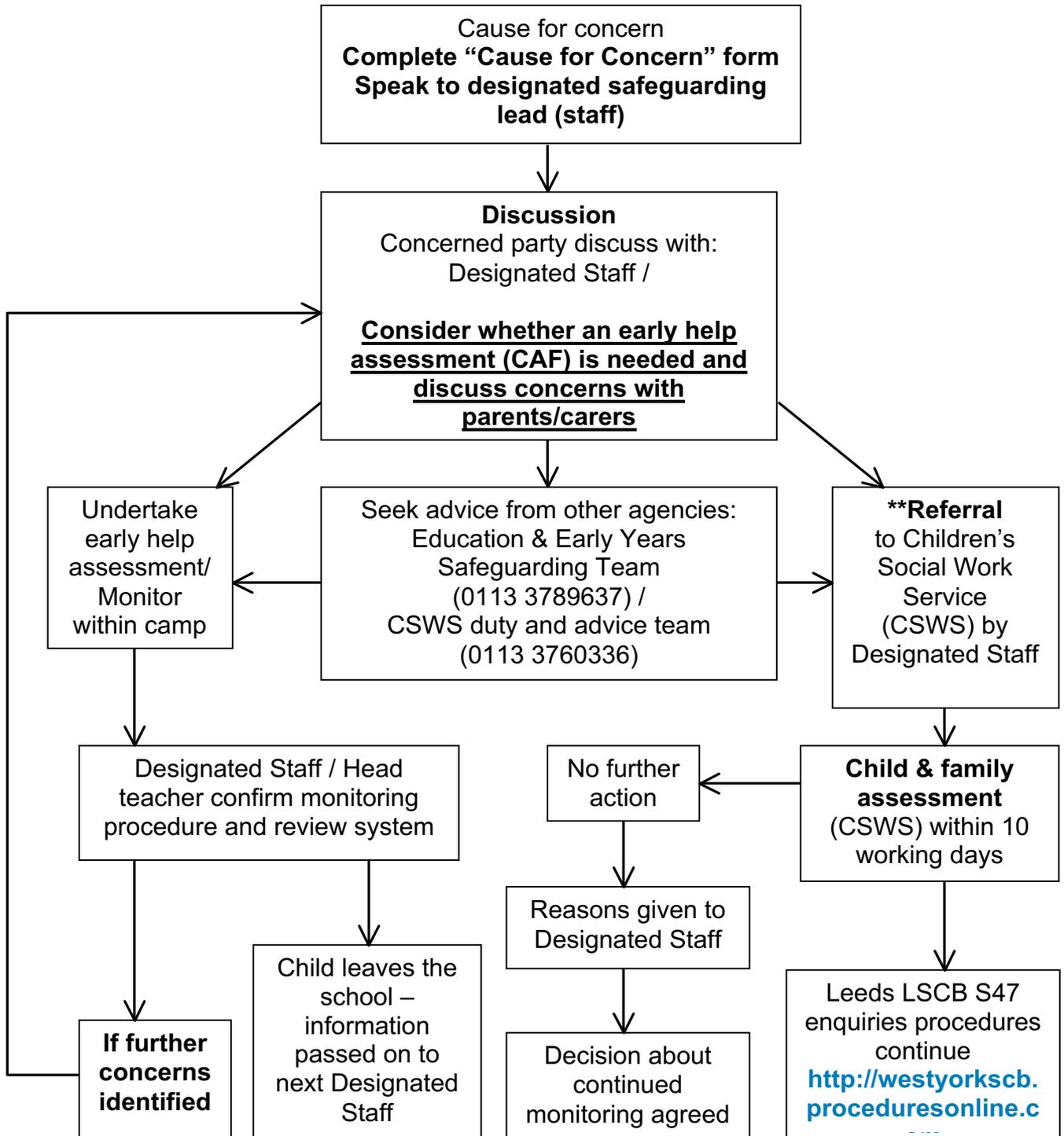
If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a
- challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the LADO and the employer's safeguarding lead. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the employer. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome. *a child or young person's appearance, behaviour, play, drawing or statements cause suspicion of abuse and/or neglect;*

Please see below ...



- *a child or young person reports an incident(s) of alleged abuse which occurred some time ago;*

If a child, young person or vulnerable adult says or indicates that he or she is being abused, or information is obtained which gives concern that they are being abused, the person receiving this information should:

- Seek advice from the Principal Safeguarding Leads without delay this must always be a same day discussion.
- Ensure the immediate safety of the child, young person or vulnerable adult
- If the child, young person or vulnerable adult needs immediate medical treatment, telephone Security and ask them to call for an ambulance, informing the call centre that that this is a safeguarding issue
- Not promise to keep secrets and remind the child, young person or vulnerable adult of the limits to confidentiality
- React in a calm and considered way so as not to frighten or deter the child, young person or vulnerable adult
- If appropriate, reassure the child, young person or vulnerable adult he/she is not to blame for what has happened and that he/she was right to share this information
- Take what the child, young person or vulnerable adult says seriously, recognising the difficulties inherent in interpreting what is said by a child, young person or vulnerable adult who has speech disability and/or differences in communication or language
- Keep any questions to the minimum required to clarify the concern and ensure a clear and accurate understanding of what has been said. Only use open questions.
- Do not ask leading questions or make suggestions about what may have happened
- Listen without interrupting if the child, young person or vulnerable adult is recounting significant events
- Reassure the child, young person or vulnerable adult and tell them what you will do next Ideally, where the child, young person or vulnerable adult has made a disclosure, a verbatim record of their account of what occurred in their own words should be recorded and should include details of the nature of the allegation or concern, a description of any injury (you must not remove clothing to inspect any injuries or take photographs), times, dates, places and any other details. Do not worry if you feel you have missed something – refer to the Principal Safeguarding Leads who will pick up further questions/actions.

The person receiving the disclosure or information should NOT:

- Panic or allow any shock or distaste to show
- Make promises of confidentiality but explain that they will need to pass on this information to those who need to know
- Show disbelief or fail to take the allegations seriously
- Ask questions other than to clarify that they have enough information to act
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Approach the alleged abuser
- Make promises or agree to keep secrets
- Fail to take responsibility for reporting the concern

*a written report is made regarding the serious misconduct of a worker towards a child or young person.*

The Nominated Safeguarding Senior Officer will have the responsibility for ensuring the following records are kept:

- The nature of the allegation/concern.
  - Who was spoken to as part of the process and what statements/notes were taken and when.
  - Any records that were seen and reviewed.
  - What actions were considered and justification for specific decisions, including suspension and any actions taken under the ARTCAMPS Disciplinary Procedure.
  - What alternatives to actions were explored.
  - Minutes and actions of all meetings that take place.
  - The above information will be held until the employee reaches the age of 79 or 6 years after death, whichever is the longer
- All records should be saved in a secure area and not on personal drives as they may need to be accessed, the folder should be restricted to certain personnel on the shared drive.

For these particular records;

- Name the files appropriately.
- Apply a retention period.
- Save in an agreed area and apply security measures to the records as they contain personal information
- Remember that emails can form part of records or can be seen as individual records, so if they are also a critical part of the investigation, they should also be securely stored in the file accordingly.

## 5. WHAT TO DO IF YOU ARE CONCERNED ABOUT A CHILD

### Stage 1

- Initially talk to a child/young person about what you are observing. It is okay to ask questions, *for example: "I've noticed that you don't appear yourself today, is everything okay?"* But never use leading questions
- Listen carefully to what the young person has to say and take it seriously. Act at all times towards the child as if you believe what they are saying.
- It is not the responsibility of groups to investigate incidences of suspected child abuse but to gather information and refer only.
- Always explain to children and young people that any information they have given will have to be shared with others, if this indicates they and or other children are at risk of harm;
- Notify the organisation's Named Person for safeguarding (above)
- Record what was said as soon as possible after any disclosure; the person who receives the allegation or has the concern, should complete a pro-forma and ensure it is signed and dated. The contents of the pro-forma should include:
  - Date and time of notification
  - Young person's name
  - What was said
  - Actions to be taken (both internal and external actions - based on the issues raised in the allegation. Eg; Notify Manager/ Duty and Advice/ LADO)
  - Respect confidentiality and file documents securely;

### Stage 2

- The Named person(s) should take immediate action if there is a suspicion that a child has been abused or likely to be abused. In this situation the Named Person should contact the police and/or the Duty and Advice Team. If a referral is made direct to the Duty and Advice team this should be followed up in writing within 24 hrs.

NB Parents / carers will need to be informed about any referral to Children & Young people's Social Care unless to do so would place the child at an increased risk of harm.

## 6. SAFE RECRUITMENT

All staff employed at ARTCAMP UK will have a current DBS and also be on the update service. Prior to employment references and DBS's will be checked.

## 7. MANAGEMENT AND SUPERVISION OF STAFF/VOLUNTEERS

Supervision There are different types of supervision, for example, informal and formal. This framework specifically addresses formal supervision. Informal supervision is often on-going in most effective teams, as staff members seek advice and help in situations that they manage in their day to day work. This is good practice but should not replace a formal supervision session. Significant issues discussed through informal supervision should be clearly recorded at the time and revisited at a formal session. Supervision is a partnership between the supervisee, the supervisor and the setting. In schools, supervision should always be carried out by the named senior designated officer for child protection.

In other agencies or services these duties will often lay with the line manager, the designated leader/officer for child protection or another appropriately skilled supervisor.

The Key Functions of Supervision are the 3 Ps

1. Performance Management Ensures: • Performance and practice, including safeguarding, is competent, accountable and soundly based in research and practice knowledge • Safeguarding children practices are consistent with the Leeds city council Safeguarding Children Board procedures • Practitioners fully understand their roles, and responsibilities and the scope of their professional discretion and authority 2. Professional Development • Professional development needs, including safeguarding practice are considered and supported

3. Personal Support • A reflective space for the supervisee to discuss their work and explore the personal impact of their role and responsibilities Good supervision involves a balance between all three elements, not always within one session, but certainly over the entire supervision process.

The Supervisor is responsible for:-

- Sharing the accountability for making the supervisory relationship work
- Preserving confidentiality, subject to service user and staff safety
- Creating an effective sensitive and supportive supervision space
- Providing a suitable time and location
- Agreeing the timescales within which supervision takes place
- Eliminating interruptions
- Maintaining accurate and clear records with actions clearly identified
- The agreement and review of the supervision contract
- Ensuring that the Organisation's professional standards are met
- Handing over any supervisory responsibilities in a managed way
  - Respecting diversity, proactively providing opportunities for staff to raise any issues about their experience in this regard
- Caseload oversight and maintenance, including safeguarding

## 8. ALLEGATIONS AGAINST STAFF

### 1.

These procedures should be followed by all organisations providing services for children and staff or volunteers who work with or care for children.

Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process. The LSCB will put in place arrangements for monitoring and evaluating their effectiveness.

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, 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 or children in a way that indicates

they may pose a risk of harm to children; or

- For staff for whom the Keeping Children Safe in Education Statutory Guidance for Schools and Colleges, September 2016 applies - behaved towards a child or children in a way that indicate she or she would pose a risk of harm if they work regularly or closely with children.

Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of Significant Harm, consideration will need to be given as to whether they may indicate unsuitability to work with children. Any such behaviour should be considered within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect. These include concerns relating to inappropriate relationships between members of staff and children or young people e.g.:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (Section 16 to 19, Sexual Offences Act 2003);
- 'Grooming' (Section 15 Sexual Offences Act 2003) i.e. meeting a child under 16 with intent to commit a relevant offence;
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/ e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs/pseudo-photographs of children.

See also DfE statutory guidance 'Keeping Children Safe in Education for Schools and Colleges'

All references in this document to 'members of staff' should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity.

## **2. The management of allegations**

### **The management of allegations against staff or volunteers who work with children**

Despite all efforts to recruit safely there will be occasions when allegations of abuse against children are raised. Local Safeguarding Children Boards (LSCBs) should therefore have arrangements in place for monitoring and evaluating their effectiveness.

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity, 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 or children in a way that indicates they may pose a risk of harm to children

These behaviours should be considered within the context of the

four categories of abuse (i.e physical, sexual and emotional, and neglect). These include concerns relating to inappropriate relationships between members of staff and children and young people, for example

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see sections 16-19 Sexual Offences Act 2003)
- 'Grooming', i.e. meeting a child under 16 with the intent to commit a relevant offence (see section 15 Sexual Offences Act 2003)
- Other 'grooming; behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/email messages or images, gifts, socialising etc
- Possession of indecent images/pseudo-images of children

All reference in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff and volunteers, including foster carers and approved adopters. This chapter also applies to any person who manages or facilitates access to an establishment where children are present.

### **Allegations against adults who work with vulnerable adults (people in positions of trust)**

It is a requirement of the Care Act 2014 Statutory Guidance that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegations against anyone who works, in either a paid or an unpaid capacity, with adults with care and support needs.

The procedure in Surrey can be found here - [Position of Trust Protocol](#)

### **3. Roles and Responsibilities**

Each LSCB member organisation should identify a Named Senior Officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in Accordance with these procedures;
- Resolving any inter-agency issues;
- Liaising with the SSCB on the subject.

Leeds Children's Services has, Local Authority Designated Officer(s) (LADO(s))

The Local Authority Designated Officers in Leeds can be contacted Monday to Friday on 0113 37 89687, operating a duty system for notifications. They can also be contacted by email via [LADO@leeds.gcsx.gov.uk](mailto:LADO@leeds.gcsx.gov.uk).

The LADO will:

- Receive reports about allegations and be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the Police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc.

Surrey SSCB partner agencies and all employers of adults who work with children should appoint:

- A senior manager to whom allegations or concerns should be reported;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

The Detective Superintendent Public Protection, Leeds Police will:

- Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with SSCB on the issue;
- Ensure compliance.

Each Leeds Police Public Protection Investigation Unit has a Detective Inspector (or designated deputy) to:

- Liaise with the LADO;
- Take part in strategy meetings/discussions;
- Review the progress of cases in which there is a Police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution.

Detailed guidance can be found for schools and all education establishments in **Keeping Children Safe in Education: Statutory Guidance for School and Colleges (September 2016)**

Additional statutory guidance has been issued '**Disqualification under the Childcare Act 2006**' (February 2015) which replaced the supplementary advice that was issued by the Department for Education on 10<sup>th</sup> October 2014

#### **4. General Considerations Relating to Allegations and Concerns of Abuse**

##### **Persons to be Notified**

- The employer must inform the LADO within one working day when an allegation or a concern of suitability is raised and prior to any further investigation taking place
- There will be consideration as to whether or not to inform the parent/ or carer/s of the child/ren as this may impede the disciplinary or investigation processes
- In some circumstances the parent/carer may need to be told straight away for example if the child is injured and requires medical treatment
- The parent(s)/carer(s) and the child, if sufficiently mature, should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.
- Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral the DBS and/or regulatory body)

The member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in a subsequent strategy meeting/discussion

Local authority's children's social care should inform Ofsted of all allegations made against a foster carer, prospective adopted, or member of staff in a residential child care facility

## 5. Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

Agencies should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances e.g. an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraph 164). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be advised to seek legal advice. The restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of -

1. The person who is the subject of the allegation, and
2. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, independent schools and all types of maintained schools.

The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

The employer, together with Children's Services and/or the Police where they are involved, should consider the impact on the child

concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact his/her Trade's Union or Professional Association. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

## **6. Support**

The setting, together with children's social care and/or the police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are met.

As soon as possible after an allegation has been received the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee assistance arrangements.

## **7. Suspension**

Suspension is a neutral act and it should not be automatic or considered as a default option. It should be considered in any case where:

- There is cause to suspect a child has suffered, or is likely to suffer Significant Harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

The employer should consider alternatives to suspension where possible. Refraining by agreement from work for a very brief period, or being redeployed to other duties so as not to come into contact with one or more children, may be acceptable.

If suspension is deemed appropriate, the reasons and justification should be recorded and the individual notified of the reasons.

Only the employer has the power to suspend an accused employee and they cannot be required to do so by the local authority or the Police.

If a suspended person is to return to work, the employer should

consider what help and support might be appropriate e.g. a phased return to work and/or provision of a mentor, and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## **8. Resignations and "Compromise Agreements"**

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

"Compromise agreements" must not be used i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

## **9. Organised and Historical Abuse**

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with Complex (Organised or Multiple) Abuse Procedure which, if applicable, will take priority.

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.

## **10. Whistle-Blowing**

All organisations should have in place a whistle-blowing procedure for example as set out in the Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care (2014), which is a comprehensive good guidance document for employers and employees.

All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, he/she should report the matter to the LADO.

The Local Authority Designated Officers in Leeds can be contacted Monday to Friday on 0113 37 89687, operating a duty system for notifications. They can also be contacted by email via LADO@leeds.gcsx.gov.uk.

## **11. Timescales**

In evaluating the effectiveness of local procedures, LSCBs are advised that it is reasonable to expect that 80% of cases should be resolved within one month, 90% within three months, and that all but the most exceptional cases should be resolved within twelve months.

## **12. Initial Response to an Allegation or Concern**

An allegation against a member of staff may arise from a number of sources e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent or carer.

### **Initial action by person receiving or identifying an allegation or concern**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information where possible in the child/adult's own words including the time, date and place of incident(s), persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager, or deputy in his/her absence or where the senior manager is the subject of the allegation.

## **13. Initial Action by the Designated Senior Manager**

When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The designated senior manager must refer the allegation to the duty LADO within one working day. Referral should not be delayed in order to gather information. A failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager should consult the Children's Services Emergency Duty Team or the local Police and inform the LADO as soon as possible.

If a Police officer receives an allegation, they should, without delay, report it to the designated Detective Sergeant on the Public Protection Investigation Unit. The Detective Sergeant should then immediately inform the LADO.

Similarly an allegation made to Children's Services should be immediately reported to the LADO.

#### **14. Initial Consideration by the Designated Senior Manager and the Local Authority Designated Person**

There are up to 3 strands in the consideration of an allegation:

- A Police investigation of a possible criminal offence;
- Children's Services enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action.

The LADO and designated senior manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

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, the LADO should refer to Children's Services and ask them to convene an immediate strategy meeting/discussion.

The Police must be consulted about any case in which a criminal offence may have been committed. If the threshold for Significant Harm is not reached, but a police investigation might be needed, the LADO should immediately inform the police and convene an Initial Evaluation (similar to strategy meeting), to include the Police, employer and other agencies involved with the child.

References in this document to 'Strategy meetings/discussions'

should be read to include 'Initial Evaluation meetings' where appropriate.

## **15. Strategy Meeting**

Wherever possible, a strategy meeting/discussion/initial evaluation meeting should take the form of a meeting, but on occasions a telephone discussion may be justified. The following is a list of possible participants (anyone implicated, or potentially implicated in the allegation should not be involved):

- The LADO;
- Children's Services Assessment Team Manager to chair (if a Strategy Meeting);
- Relevant social worker and their manager;
- Detective Inspector or Sergeant;
- Designated senior manager for the employer concerned;
- Human Resources representative;
- Legal adviser where appropriate;
- Senior representative of the employment agency or voluntary organisation if applicable;
- Manager from the Fostering Service Provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;
- Those responsible for regulation and inspection where applicable (e.g. Ofsted, Sports Governing Body etc.);
- Designated Safeguarding Children Health representative, where appropriate;
- Where a child is placed or resident in the area of another authority, representative(s) of relevant agencies in that area;
- Complaints officer if the concern has arisen from a complaint.

The strategy meeting/discussion/initial evaluation meeting should:

- Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree procedures for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children e.g. Section 93 Education and Inspection Act 2006 in respect of teachers and authorised staff (reference may be made to the Surrey Joint Services Policy and guidance on "Touch and the use of restrictive physical intervention when working with children and young people" 2010);
- Consider whether a complex abuse investigation is applicable (see Complex (Organised or Multiple) Abuse Procedure);
- Plan enquiries if needed, allocate tasks and set time-scales;
- Decide what information can be shared, with whom and when.

The strategy meeting/discussion/initial evaluation meeting should also:

- Ensure that arrangements are made to protect the child(ren) involved and any other child(ren) affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree procedures for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management e.g. media interest, resource implications;
- Consider reports for consideration of barring;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future strategy meetings/discussions/evaluation meetings.

A final strategy meeting/discussion/evaluation meeting 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 strategy meeting/discussion/evaluation meeting should take into account the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient evidence to prove the allegation
2. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive:
3. **False;** there is sufficient evidence to disprove the allegation
4. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence
5. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. There was no evidence that a child/children had been harmed but there were concerns regarding performance/conduct and these should be addressed by the employer.

## 16. Allegations Against Staff in their Personal Lives

If an allegation or concern arises about a member of staff, outside of his/her work with children, and this may present a risk to child(ren) for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The LADO will ensure:

- If the risk is high and the person is assessed to pose an immediate risk to children, the LADO will make a decision to disclose the information to the employer. The individual concerned will be informed what information will be disclosed and the reasons for this

In all other situations there will be consideration given as to what information should be disclosed to the employer. The LADO will contact the individual to inform them of the information they wish to disclose to their employer and seek to agree with the individual that they inform their employer in the first instance.

Should the individual disagree, a further discussion should be held between the LADO and the individual with a view to reaching agreement. If it is not possible to reach agreement, the LADO will seek legal advice about whether or not to disclose without the individual's consent.

Having made the disclosure, a strategy meeting/discussion may be convened to assist the employer who will be expected to undertake a risk assessment to consider the implications of the information for the individual/employee.

If the member of staff lives in a different authority area to that which covers his/her workplace, liaison should take place between the relevant LADOs in both.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family, or other household member), may present a risk to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting/discussion/initial evaluation should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised

## **17. Disciplinary Process**

### **Disciplinary or Suitability Process and Investigations**

The LADO and the designated senior 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 Children's Services enquiry is not necessary; or

- The employer or LADO is informed by the Police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the Police and/or Children's Services;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer 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 consider making a report for consideration of barring or other action. See below Section 21 Outcomes.

If formal disciplinary action is not required, the employer should initiate appropriate action 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 needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with Children's Services and Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

The investigating officer should aim to provide a report within ten working days.

On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within fifteen working days.

## **18. Sharing Information for Disciplinary Purposes**

Wherever possible the Police and Children's Services should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

If the Police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the Police should inform the employer and the LADO straight away so that appropriate action can be taken.

## **19. Record Keeping**

Employers should keep a clear and comprehensive summary of the case record on the individual's confidential personnel file and give a copy to the individual. 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 retirement age or for 10 years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.

Details of allegations that are found to be malicious should be removed from personnel records. For education services see the DfE statutory guidance Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges September 2016

## **20. Monitoring Progress**

The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy/evaluation discussions or direct liaison with the police, Children's Services, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the SSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education as required.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about

continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the strategy meeting/discussion/evaluation meeting. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

## **21. Outcomes**

### **Unsubstantiated and false allegations**

Where it is concluded that there is insufficient evidence to substantiate an allegation, the designated senior manager or employer should consider what further action, if any, should be taken, based on the views expressed at the strategy/evaluation meeting.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should consider referring the matter to Children Services to determine whether the child is in need of services, or protection.

If it is established that an allegation was malicious, the Police should be asked to consider what action might be appropriate.

### **Substantiated allegations and referral to the DBS**

The Disclosure and Barring Service (DBS) was established under the Protection Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in Protection of Freedoms Act 2012

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child, or if a person otherwise poses a risk of harm to a child.

If an allegation is substantiated and the person is dismissed or the employer ceases to use the Person's services or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS) and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching

If a referral is to be made it should be submitted in accordance with DBS guidance

## **22. Legal duty to refer and power to refer**

See the DBS referral guidance and tools

The following groups have a **power to refer** information to the DBS

The power to refer may be used when a local authority or regulatory body is acting in a role other than as a regulated

activity provider, for example when undertaking a safeguarding role.

- Local authorities
- A Health and Social care (HSC) trust
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council. HCPC in England, Wales and Northern Ireland
- Supervisory authorities e.g. Care Quality Commission, Ofsted in England, Wales and Northern Ireland

When an organisation is considering exercising the power to refer it should make sure that the referral is compliant with the Data Protection Act 1998 and human rights legislation. The organisation should seek legal advice if necessary.

Whenever a local authority refers a person to the DBS, they must consider whether they are doing so under the duty to refer or their power to refer.

If the person being referred to the DBS is a teacher in England they should also be referred to the National College for Teaching or Leadership. This is part of the Department for Education, responsible for the regulation teachers in respect of serious misconduct.

### **23. Learning Lessons**

At the conclusion of a case in which an allegation is substantiated the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. This should include issues arising from any decision to suspend a member of staff.

### **24. Procedures in Specific Organisations**

It is recognised that many organisations will have their own procedures in place, some of which may need to take into account particular regulations and guidance e.g. schools and registered child care providers. Where organisations do have specific procedures, they should be compatible with these procedures and additionally provide the contact details for:

- The designated senior manager to whom all allegations should be reported;
- The person to whom all allegations should be reported in the absence of the designated senior manager or where that person is the subject of the allegation;

## 9. RECORDING AND MANAGING CONFIDENTIAL INFORMATION

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- A cause for concern sheet will be attached to this document and will be freely and publicly available. . The person who receives the allegation or has the concern should complete and sign this form.

Seven golden rules for information sharing (Information Sharing: Guidance for practitioners and managers (2008))

- Remember that the Data Protection Act is not a barrier to sharing information. It provides a framework to ensure that personal information about living persons is shared appropriately.
- Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so. • Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
- Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest, for example, protection of a vulnerable child or adult. You will need to base your judgement on the facts of the case.
- Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
- Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose. If you decide not to share, then record why

All written records will be stored in a locked safe who only the lead and second safe guarding officer's will have a copy of.

All other records will be kept on Lead safe guard officer Jon Wiltshire computer where there is no public or private access from

staff or children/parents.

### **Statement of intent**

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. We meet the requirements of the Human Rights Act 1998 with regard to protecting the individual's rights to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder. We meet the requirements of the Data Protection Act 1998 with regard to the information we gather from or about families how we gather it, store it and use it. Our procedures enable us to meet these requirements. We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children

### **Personal records**

- These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
- If a child attends another setting, staff will aim to share relevant information about their development and learning.

Confidential records are stored in a lockable safe.

Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality. Information Sharing Information sharing is vital to safeguarding and promoting the welfare of children and young people.

- There are times when we are required to share information about a child or their family. These are when:
  - there are concerns a child is or may be suffering significant harm
  - there are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents and the family)
- We explain to families about our duty to share information where there are concerns about the safety of a child.

Where we have concerns as above, we would normally gain consent from families to share. This does not have to be in writing, but we record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer to a social care agency.

- We do not seek consent from parents to share

information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example where we have cause to believe a parent may try to cover up abuse, or threaten a child. • Where we take a decision to share information without consent that is recorded in the child's file and the reason clearly stated. • Where evidence to support our concerns are not clear we may seek advice from our local social care agency or the NSPCC. • We only share relevant information that is accurate, factual, non judgemental and up to date. Other records • Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

Children benefit most where there is a trusting and mutually supportive partnerships between parents and staff. Regular sharing of information is encouraged. To understand and meet the children's needs it is important that everyone is kept up to date with events that may affect the child's behaviour and development. Staff will treat any information of a sensitive nature in confidence and will share this on a need-to know basis only. Personal or confidential matters can be discussed with staff at a mutually convenient time in private if this is preferable.

## **10. DISTRIBUTING/ REVIEWING POLICIES AND PROCEDURES**

Notice board

Website

Staff emailed a copy

## 11. RESPONSIBILITIES OF MANAGEMENT COMMITTEES

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All staff will be given a copy of the Safeguarding policy and will also be publicly on display on a notice board and on the website.

Staff members will also be invited to leedsscp safeguarding training.

All staff will be DBS checked