

Guildford Town Centre Chaplaincy Safeguarding children and vulnerable adults

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The Charity also undertakes to follow the principles found within the 'Abuse Of Trust' guidance issued by the Home Office and it is therefore unacceptable for those in a position of trust to engage in any behaviour which might allow a sexual relationship to develop for as long as the relationship of trust continues.

The interests of the child, young person or vulnerable adult are paramount at all times and if it is necessary to depart from general guidelines in particular circumstances, this should only be done with the knowledge of the member of staff or volunteer's manager or in an emergency reported in writing after the event.

Responding to allegations of abuse

Under no circumstances should a worker carry out their own investigation into the allegation or suspicion of abuse. The person in receipt of allegations or suspicions of abuse will do the following:

- Concerns must be reported as soon as possible to Becky Edmonds (hereafter the 'Co-ordinator'), tel no: 07717 876853 who is nominated by the Charity to act on their behalf in dealing with the allegation or suspicion of neglect or abuse, including referring the matter on to the statutory authorities.
- The Co-ordinator may also be required by conditions of the organisation's insurance policy immediately to inform the Insurance Company.
- In the absence of the Co-ordinator, or if the suspicions in any way involve the Co-ordinator then the report should be made to Julian Lomas (hereafter the 'Deputy Co-ordinator'), tel no: 07802 957938. If the suspicions implicate both the Co-ordinator and the Deputy Co-ordinator, then the report should be made in the first instance to the 'childprotectionuk.net' PO Box 133, Swanley, Kent, BR8 7UQ. Telephone 0845 120 4550 or alternatively contact Social Services. The local Social Services office telephone number between 9.00am and 5.00pm is 01483 517777. The out of hours emergency number is 01483 517898. The Police Child Protection Team telephone number is 0845 125 2222.
- Suspicions must not be discussed with anyone other than those nominated above. A written record of the concerns should be made in accordance with the organisation's procedures and kept in a secure place.
- Whilst allegations or suspicions of abuse will normally be reported to the Co-ordinator, the absence of the Co-ordinator or Deputy Co-ordinator should not delay referral to the Social Services Department.
- The Charity will support the Co-ordinator/Deputy Co-ordinator in their role, and accept that any information they may have in their possession will be shared in a strictly limited way on a need to know basis.
- It is, of course, the right of any individual as a citizen to make a direct referral to the child protection agencies or seek advice from 'childprotectionuk.net', although the Charity hopes that members of the organisation will use this procedure. If, however, the individual with the concern feels that the Co-

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ordinator/Deputy Co-ordinator has not responded appropriately, or where they have a disagreement with the Co-ordinator(s) as to the appropriateness of a referral they are free to contact an outside agency direct. We hope by making this statement that the Charity demonstrates the commitment of the organisation to effective child protection.

The role of the co-ordinator/deputy co-ordinator is to collate and clarify the precise details of the allegation or suspicion and pass this information on to the Social Services Department. It is Social Services task to investigate the matter under Section 47 of the Children Act 1989.

Allegations of physical injury, neglect or emotional abuse

If a child or vulnerable adult has a physical injury, a symptom of neglect or where there are concerns about emotional abuse, the Co-ordinator/Deputy Co-ordinator will:

- Contact Social Services (or 'childprotectionuk.net') for advice in cases of deliberate injury, if concerned about a child or vulnerable adult's safety or if a child or vulnerable adult is afraid to return home.
- NOT tell the parents or carers unless advised to do so having contacted Social Services.
- Seek medical help if needed urgently, informing the doctor of any suspicions.
- For lesser concerns, (e.g. poor parenting), encourage parent/carer to seek help, but not if this places the child at risk of injury.
- Where the parent/carer is unwilling to seek help, offer to accompany them. In cases of real concern, if they still fail to act, contact Social Services direct for advice.
- Seek and follow advice given by CCPAS (who will confirm their advice in writing) if unsure whether or not to refer a case to Social Services.

Allegations of sexual abuse

In the event of allegations or suspicions of sexual abuse, the Co-ordinator/ Deputy Co-ordinator will:

- Contact the Social Services Department Duty Social Worker for children and families or Police Child Protection Team direct. They will NOT speak to the parent/carer or anyone else.
- Seek and follow the advice given by 'childprotectionuk.net' if, for any reason they are unsure whether or not to contact Social Services/Police. 'Childprotectionuk.net' will confirm its advice in writing for future reference.

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Allegations of abuse against a person who works with children

If an accusation is made against a worker (whether a volunteer or paid member of staff) whilst following the procedure outlined above the co-ordinator in accordance with Local Safeguarding Children Board procedures will need to liaise with children's social services in regards to the suspension of the worker and making a referral to an Allegations Management Adviser (AMA).

Appointment, support, supervision and training of staff and volunteers

The Charity will ensure all workers will be appointed, trained, supported and supervised in accordance with the principles set out in government guidelines 'Safe from Harm' (HMSO 1993), the Criminal Records Bureau Codes of Practice, 'childprotectionuk.net' guidance and organisational practice guidelines attached.

Review

This policy will be reviewed annually on the anniversary of its adoption.

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CRB code of practice

This Code of Practice is published under section 122 of the Police Act 1997 ('the Act') in connection with the use of information provided to registered persons ('Disclosure information') under Part V of that Act.

Disclosure information is information:

- contained in criminal record certificates under section 113 of the Act (which are referred to in this Code as 'Standard Disclosures')
- contained in enhanced criminal record certificates under section 115 of the Act (referred to in this Code as 'Enhanced Disclosures')
- provided by the police under section 115(8) of the Act.

Except where indicated otherwise, the Code of Practice applies to all recipients of Disclosure information - that is to say

- registered persons
- those countersigning Disclosure applications on behalf of registered persons
- others receiving such information.

Where reference is made to 'employers', this should be read as including any person at whose request a registered person has countersigned an application, including:

- voluntary organisations and others engaging, or using the services of, volunteers
- regulatory and licensing bodies

Further information in relation to the Code, and other matters relating to registered persons and others having an involvement with Disclosure information, is contained in an Explanatory Guide. (See the CRB website at www.disclosure.gov.uk)

Purpose of the Code

The Code of Practice is intended to ensure, and provide assurance to those applying for Standard and Enhanced Disclosures, that the information released will be used fairly. The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept only for as long as is necessary.

Obligations of the Code

The obligations under the Code are as follows:

1. Fair use of Disclosure information

Recipients of Disclosure information shall:

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- observe guidance issued or supported by the Criminal Records Bureau ('the Bureau') on the use of Disclosure information and, in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, registered persons shall:

- have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested.
- ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy and, if necessary, provide a model for that body or individual to use.

In order that persons who are, or who may be, the subject of Disclosure information are made aware of the use of such information, and be reassured, employers shall:

- ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
- include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
- discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment.
- make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request
- in order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

2. Handling of Disclosure information

Recipients of Disclosure information:

- must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised Disclosure is an offence;
- must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
- must securely store Disclosures and the information that they contain;
- should retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In

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general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in very exceptional circumstances which justify retention for a longer period.

Registered persons shall

- have a written security policy covering the correct handling and safe-keeping of Disclosure information
- ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy, and, if necessary, provide a model for that body or individual to adopt.

3. Assurance

Registered persons shall:

- co-operate with requests from the Bureau to undertake assurance checks as to the proper use and safekeeping of Disclosure information.
- report to the Bureau any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

4. Umbrella Bodies

An Umbrella Body:

- is one which has registered with the Bureau on the basis that it will countersign applications on behalf of others who are not registered.
- must satisfy themselves that those on whose behalf they intend to countersign applications are likely to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974.
- Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure information observe the Code of Practice.

5. Failure to comply with the Code of Practice

The Bureau is empowered to refuse to issue a Disclosure if it believes that a registered person or someone on whose behalf a registered person has acted has failed to comply with the Code of Practice.

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Practice guidelines

A. Definitions of abuse

The following definitions of abuse are recommended as criteria throughout England and Wales by the Department of Health, Department for Education and Skills and the Home Office in their joint document, Working Together to Safeguard Children (1999). (Definitions in relation to legislation in Wales, Scotland & Northern Ireland are included on the disc in this pack).

Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by a stranger.

Physical 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 or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This is commonly described using terms such as 'factitious illness by proxy' or 'Munchausen Syndrome by proxy'.

Emotional abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and continuous adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

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 (e.g. rape or buggery) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Neglect

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. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

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Significant harm

This relates to the degree of harm that triggers statutory action to protect a child. It is based on the individual child's health or development compared to that which could reasonably be expected of a similar child. e.g. severity of ill treatment, degree and extent of physical harm, duration and frequency of abuse and neglect, premeditation. Department of Health guidance suggests that 'significant' means 'considerable, noteworthy or important.'

Munchausen's Syndrome by Proxy

The Oxford Textbook of Psychiatry defines Munchausen's Syndrome by proxy as: "A form of child abuse in which the parents or carers give false accounts of symptoms in their children and may fake signs of illness (to draw attention to themselves). They seek repeated medical investigations and needless treatment for their children." The government issued guidance for professionals working in situations where Munchausen's is suspected in 'Safeguarding Children in whom Illness is Fabricated or Induced' (2002).

Spiritual abuse

Linked with emotional abuse, spiritual abuse could be defined as an abuse of power, often done in the name of God or religion, which involves manipulating or coercing someone into thinking, saying or doing things without respecting an their right to choose for themselves. Some indicators of spiritual abuse might be a leader who is intimidating and imposes his/her will on other people, perhaps threatening dire consequences or the wrath of God if disobeyed. He or she may say that God has revealed certain things to them and so they know what is right. Those under their leadership are fearful to challenge or disagree, believing they will lose the leader's (or more seriously God's) acceptance and approval. See also Chapter 2, Section 6.

The issue of the exploitation of vulnerable young people and adults by people in positions of power within the church is covered in some detail in the report "Time for Action", produced by Churches Together in Britain and Ireland (CTBI).

Domestic Violence

The Home Office definition of domestic violence is "Any violence between current or former partners in an intimate relationship, wherever and whenever the violence occurs. The violence may include physical, sexual, emotional or financial abuse." (Home Office Research Studies. Domestic Violence: Findings from a new British Crime Survey self-completion questionnaire.1999)

In 2004 the Government's definition of domestic violence was extended to include acts perpetrated by extended family members as well as intimate partners. Consequently, acts such as forced marriage and other so-called 'honour crimes', which can include abduction and homicide, can now come under the definition of domestic violence. Many of these acts are committed against children. (Section 6.18 Working Together to Safeguard Children (2006))

Organised abuse

Complex (organised or multiple) abuse may be defined as abuse involving one or more abusers and a number of children. The abusers concerned may be acting in concert to

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abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children for abuse.

Complex abuse occurs both as part of a network of abuse across a family or community, and within institutions such as residential homes or schools. Section 6.7 Working Together to Safeguard Children (2006)

Child prostitution

Children involved in prostitution and other forms of commercial sexual exploitation should be treated primarily as the victims of abuse, and their needs require careful assessment..

(Section 6.2 Working Together to Safeguard Children' (2006), see also 'Safeguarding Children Involved in Prostitution (2000)

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B. Recognising possible signs of abuse

The following signs may or may not be indicators that abuse has taken place, but the possibility should be considered.

Physical signs of abuse

- Any injuries not consistent with the explanation given for them
- Injuries that occur to the body in places which are not normally exposed to falls, rough games, etc
- Injuries that have not received medical attention
- Neglect - under-nourishment, failure to grow, constant hunger, stealing or gorging food, untreated illnesses, inadequate care, etc
- Reluctance to change for, or participate in, games or swimming
- Repeated urinary infections or unexplained tummy pains
- Bruises, bites, burns, fractures etc which do not have an accidental explanation*
- Cuts/scratches/substance abuse*

Indicators of possible sexual abuse

- Any allegations made by a child concerning sexual abuse
- Child with excessive preoccupation with sexual matters and detailed knowledge of adult sexual behaviour, or who regularly engages in age-inappropriate sexual play
- Sexual activity through words, play or drawing
- Child who is sexually provocative or seductive with adults
- Inappropriate bed-sharing arrangements at home
- Severe sleep disturbances with fears, phobias, vivid dreams or nightmares, sometimes with overt or veiled sexual connotations
- Eating disorders - anorexia, bulimia*

Emotional signs of abuse

- Changes or regression in mood or behaviour, particularly where a child withdraws or becomes clinging. Also depression/aggression, extreme anxiety.
- Nervousness, frozen watchfulness
- Obsessions or phobias
- Sudden under-achievement or lack of concentration
- Inappropriate relationships with peers and/or adults
- Attention-seeking behaviour
- Persistent tiredness
- Running away/stealing/lying

Race culture and religion

Crucial to any assessment is a knowledge and sensitivity to racial, cultural and religious aspects. Remember also that differences exist not only between ethnic groups but also within the same ethnic group and between different neighbourhoods and social classes. While different practices must be taken into account, it is also important to remember that all children have basic human rights. Differences in child-rearing do not justify child abuse.

* These signs might also indicate the possibility that a child or young person is self-harming, mostly by cutting, burning, self-poisoning.

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C. Responding to children

General points

- Above everything else listen, listen, listen
- Show acceptance of what the child says (however unlikely the story may sound)
- Keep calm
- Look at the child directly
- Be honest
- Tell the child you will need to let someone else know - don't promise confidentiality
- Even when a child has broken a rule, they are not to blame for the abuse
- Be aware that the child may have been threatened or bribed not to tell
- Never push for information. If the child decides not to tell you after all, then accept that and let them know that you are always ready to listen.
- As soon as possible write down what has been shared*

Helpful responses

- You have done the right thing in telling
- That must have been really hard
- I am glad you have told me
- It's not your fault
- I will help you

Don't say

- Why didn't you tell anyone before?
- I can't believe it!
- Are you sure this is true?
- Why? How? When? Who? Where?
- Never make false promises
- Never make statements such as "I am shocked, don't tell anyone else"

Concluding

Again reassure the child that they were right to tell you and show acceptance. Let the child know what you are going to do next and that you will let them know what happens (you might have to consider referring to Social Services or the Police to prevent a child or young person returning home if you consider them to be seriously at risk of further abuse).

Contact the person in your organisation responsible for co-ordinating child protection concerns or contact an agency such as childprotectionuk.net for advice. Alternatively go directly to Social Services/Police/NSPCC. Consider your own feelings and seek pastoral support if needed.

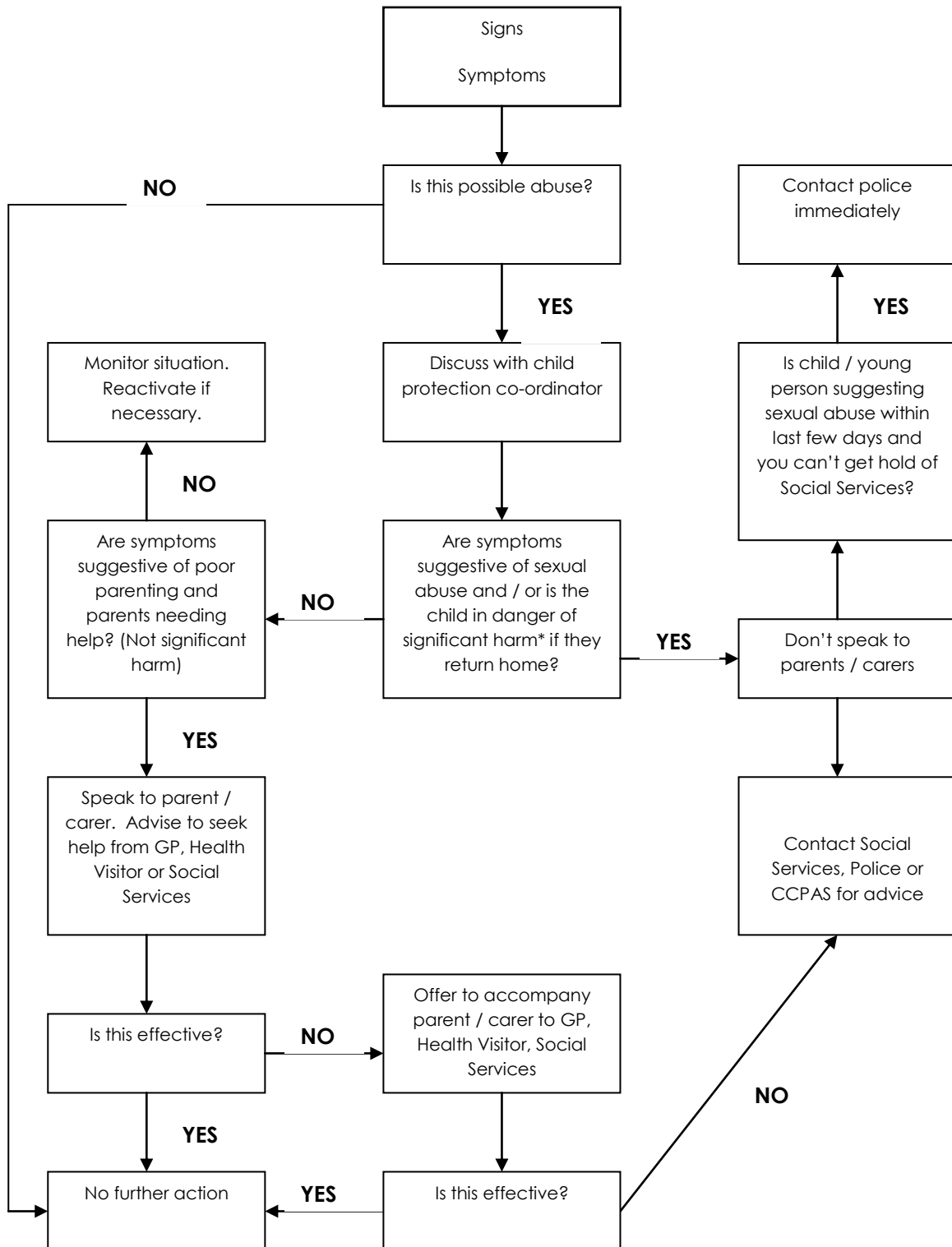
Making notes

Make notes as soon as possible, preferably within one hour of the child talking to you. Write down exactly what the child said and when s/he said it, what you said in reply and what was happening immediately beforehand (e.g. a description of the activity). Record dates and times of these events and when you made the record. Keep all hand-written notes, even if subsequently typed. Such records should be kept for an indefinite period in a secure place.

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D. Flow chart for action



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E. Preparation

When a child or vulnerable adult wants to talk about abuse, it is important for the worker to listen carefully to what the child says without prompting or using leading questions. They should make a careful written record of what has been observed as follows:

- Make notes as soon as possible (preferably within one hour of the child talking) including a description of any injury, its size, and a drawing of its location and shape on their body.
- Write down exactly what the child has said and when s/he said it, what was said in reply and what was happening immediately beforehand (e.g. a description of the activity).
- Write down dates and times of these events and when the record was made.
- Write down any action taken and keep all hand-written notes even if subsequently typed up.
- These notes should be passed on to the child protection co-ordinator to assist them should the matter need to be referred to Social Services. Any referral to Social Services should be confirmed by the referrer in writing within 48 hours (see 'Approaching Social Services' below)
- All documents should be signed, dated and kept for an indefinite period in a secure place.
- Make sure consideration is given to any advice/procedures that have already been adopted by the organisation. Be careful to follow the conditions of the organisation's insurance company policy to ensure there is appropriate cover against any claims.
- Childprotectionuk.net can also offer independent advice, which will be followed by written confirmation of the advice given.

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F. Responding to concerns for a child/vulnerable adult or an allegation of abuse

Where possible, concerns should be passed to the Co-ordinator (or deputy) but difficulty in contacting these individual(s) should not delay action being taken. If there is a concern that a child may have been abused, the Co-ordinator should take the following action:

(i) Where a child has a physical injury or symptom of neglect:

- Contact Social Services direct (this may be the Duty Children & Families Team, Children's Services or Out of Hours/Emergency duty team) if there are concerns that a child may have been deliberately hurt, is at risk of 'significant harm' or is afraid to return home. Do not tell the parents in such circumstances. It may also be helpful to have the contact number for the police child protection team.
- If a child or vulnerable adult needs urgent medical attention an ambulance should be called or they should be taken to hospital, informing the parents/carers afterwards of the action that was taken. The hospital staff should be informed of any safeguarding concerns. They have a responsibility to pass these concerns on to the statutory authorities.
- If the concerns centre around poor parenting it may be appropriate to speak to the parent/carer, offer practical domestic help and suggest, for example, a chat with the health visitor, doctor or the Social Services Department.
- If a parent/carer is unwilling or frightened to seek help, then offer to accompany them. If they still fail to acknowledge the need for action it is possible to informally discuss the situation with Social Services without divulging their personal details (such as names and addresses) unless, of course, Social Services consider the situation to be serious enough to do so. In these circumstances it is important to realise there may be a bigger picture. Information may have come to light that might be a vital missing piece in the jigsaw. Childprotectionuk.net is available to give advice in these situations.
- It is important to take older children's wishes into account when deciding whether to talk to parents/carers unless other children are potentially at risk.

(ii) Where there are allegations or concerns of sexual abuse:

- Contact Social Services (Out-of hours, the Emergency Duty Team). DO NOT try to investigate the matter. The important thing is to relay the information to Social Services and/or the Police so they can carry out any investigation and take appropriate action under Section 47 of the Children Act 1989.
- In the case of very severe sexual assault (such as rape), which may have occurred over the last few days, and where it has not been possible to get an immediate response from Social Services, contact the police in order to facilitate a medical examination by a designated police surgeon. This could provide evidence, which may be used in a criminal prosecution. (Older young people are able to decline such an examination if they are considered to be of sufficient age and understanding). Do not touch or tamper with any evidence, such as stained clothing. This includes not changing clothes or bathing.
- DO NOT tell the parents/ carers, they could be involved. It is also important no one else who might be involved is inadvertently alerted to the situation because this may

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lead to the child being silenced. Allegations of sexual abuse are usually denied and often difficult to prove. (See Section 9 of this chapter). Remember, the child/vulnerable adult's welfare must be the first consideration at all times.

- Keep information on a 'need to know' basis so that any alleged perpetrator is not 'tipped off'. The child or vulnerable adult also has a right for their privacy to be respected as much as is possible.

Should the Co-ordinator not feel it necessary to refer the matter to Social Services but the children's worker (or anyone else) has serious concerns for their safety, then the worker should contact the relevant authorities direct. The safety of the child or vulnerable adult over-rides all other considerations and it is important to remember that sexual abuse of children is a serious crime. Childprotectionuk.net can advise in cases of difficulty.

If the allegation is against a worker/volunteer who has responsibility for implementing the safeguarding policy, the referral should be made direct to Social Services or appropriate professional advice sought, e.g. from childprotectionuk.net. The organisation may expect people at a higher level to be informed - e.g. Director, management committee and the organisation's insurance company may need to be contacted. However this should not delay prompt action in alerting the relevant authorities.

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G. Handling of disclosure information

Storage and access

Disclosure information must never be kept on an applicant's personal file. It must be stored separately in a secure, lockable, non-portable cabinet, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record should be kept of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information must only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, Disclosure information should not be kept for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, consultation should be made with the registered/ umbrella body and/or the CRB/SCRO. Advice can then be given to the Data Protection and Human Rights of the individual. The above conditions regarding safe storage and strictly controlled access would still apply in these circumstances.

Disposal

Once the retention period has lapsed, Disclosure information must be suitably destroyed by secure means, i.e. shredding, pulping or burning. Whilst awaiting destruction, Disclosure information must not be kept in any insecure receptacle (eg waste bin or confidential waste sack). No copies of the Disclosure information may be kept, in any form. However, a record can be kept of the date of the issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

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H. Equal Opportunities

This Charity is committed to social justice and resolutely opposed to discrimination in society. We are committed to providing services on a fair and equitable basis, regardless of race, ethnicity, religion, life-style, sex, sexuality, physical or mental disability, offending background or any other factor. No person requiring services from this organisation will be treated less favourably than any other person on any grounds.

In employment we actively seek to recruit with the right mix of talent, skills and potential, promoting equality for all, and welcome applications from a wide range of candidates. We select all candidates for interview based on their skills, qualifications, experience and commitment to the values and purposes of the organisation.

As an organisation using the Criminal Records Bureau (CRB) Disclosure Service to assess applicants' suitability for positions of trust, the organisation undertakes to comply fully with the CRB Code of Practice and to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of disclosure on the basis of conviction or other information revealed.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered a position.

Where a Disclosure is to form part of a recruitment process, we encourage all applicants called for interview to provide details of any criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover to the recruiter within the organisation and we guarantee that this information will only be seen by those who need to see it as part of a recruitment process.

Unless the nature of the position allows questioning about your entire criminal record, we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. We ensure that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance of circumstances of offences. We will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is relevant to the position sought could lead to withdrawal of an offer of employment or voluntary work.

We make every subject of a CRB Disclosure aware of the existence of the Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a disclosure with the person seeking a position before withdrawing a conditional offer of employment. Having a criminal record will not necessarily bar you from working with us. It will depend on the nature of the position and the circumstances and background of your offences.

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I Data Protection, filming and photographs

Summary of Data Protection principles

The Data Protection Act 1998 is designed to provide privacy protection for individuals about whom personal, identifying data is kept. It lays down 'best practice' principles for those who keep the data and it applies to paper records as well as computerised information. The Act covers the whole of the UK, and all organisations must comply with the rules on processing data.

- 'Processing' includes obtaining, recording, holding or storing information and carrying out any action on the data, including adaptation, alteration, use, disclosure, transfer, erasure, and destruction.
- Personal data shall be processed fairly and lawfully.
- Personal data shall be held only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subject under the Data Protection Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of the data.
- Personal data shall not be transferred to a country or a territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Complying with Data Protection principles

(i) No personal data should be obtained or held unless the individual has given consent. In the case of sensitive data, (defined as race, political opinion, religious belief, trade union membership, physical or mental health, sexuality, criminal offences) specific consent must be obtained i.e. the individual must be informed that this type of data is being held, told the reason for it and give permission for its use. NB: photographs count as sensitive data since they may reveal information about the subject's race. Permission should always be obtained to keep a copy or use a photograph of an individual. (see the use of video / camcorders and taking photographs of children in Section 4)

(ii) Do not use data obtained for one purpose for a different purpose. For example the organisation's members' list may not be used for commercial mail shots.

(iii) Do not collect information about individuals which is not necessary for the purpose intended. Do not ask questions or seek data without ensuring that the information is relevant. If data is given or obtained which is excessive for the purpose it should be immediately deleted or destroyed.

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- (iv) If data is kept for a considerable length of time it must be reviewed and if necessary updated. No data should be kept unless it is reasonable to assume it is accurate.
- (v) There should be regular reviews of files containing data to ensure that it is not kept for longer than required for the particular purpose.
- (vi) You should always consider the rights of the individual in respect of their data. These are, briefly, that consent should be obtained if data is to be kept and used for any purpose; that individuals are entitled to know what data is kept about them and that no personal data must be disclosed to anyone outside or inside the organisation who does not strictly need to know, without the individual's consent.
- (vii) Organisations should have systems in place to ensure the security of data on computer systems and these must be adhered to. Personal data must be kept in a secure place, e.g. in filing cabinet which can be locked or in a room which can be locked when unoccupied. Individuals must seek to prevent unauthorised access to any computers that contain personal data.
- (viii) No data can be transferred, even for a legitimate purpose, outside of the EEA (European Economic Area - most of Europe) without the consent of the individual. This is particularly important when putting information on the Web which can be accessed from anywhere in the world.

Information on the Data Protection Act 1998 can be obtained from:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Information Line: 01625 545 745

Switchboard: 01625 545 700

Fax: 01625 524 510

E-mail: data@dataprotection.gov.uk

Website: www.dataprotection.gov.uk

Data protection, human rights and safeguarding

Where disclosing information might place a child or vulnerable adult at risk, then safeguarding considerations take precedence over data protection. In certain circumstances the Data Protection Act allows for disclosure of information without the consent of the subject, including for the prevention or detection of crime, or the apprehension or prosecution of offenders. The need to safeguard children and vulnerable adults from harm should be considered within these parameters and this is emphasised in the government document, 'Working Together to Safeguard Children' (1999). Article 8 of the European Convention of Human Rights also makes provision for the disclosure of information in connection with 'the protection of health or morals, for the protection of the rights and

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freedoms of others and for the prevention of disorder or crime. Disclosure should be appropriate for the purpose and only to the extent necessary to achieve that purpose'.

Children have the right to be protected from harm. Information relating to concerns that a child is at risk of significant harm should therefore not be withheld on the basis that it might be unlawful under these Acts. If in doubt, the information should not be disclosed to anyone, especially the parent/carer, but contact should be made with Social Services or childprotectionuk.net for advice.

Video/Camcorders and taking photographs of children.

Since the introduction of the Data Protection Act in 1998, organisations must be very careful if they use photographs, videos and web cams of clearly identifiable people. There are several issues to be aware of:

- Permission (verbal or written) must be obtained of all the people (children and adults) who will appear in a photograph, video or web cam image before the photograph is taken or footage recorded.
- It must be made clear why that person's image is being used, what you will be using it for, and who might want to look at the pictures.
- If images are being taken at an event attended by large crowds, such as a sports event, this is regarded as a public area and permission from a crowd is not necessary.
- If photographs or recordings of children's/ youth groups are made and individual children can be easily identified, children's / youth leaders must find out whether any parents do not want their children to be in the photograph.
- Children, young people and vulnerable adults under the age of 18 should not be identified by surname or other personal details. These details include e-mail or postal addresses, telephone or fax numbers.
- When using photographs of children, young people and vulnerable adults, it is preferable to use group pictures.
- Obtain written and specific consent from parents or carers before using photographs on a website.

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J Definitions of a vulnerable adult

For the purposes of the CRB Enhanced Disclosure Service, a vulnerable adult is a person aged 18 or over who has:

Condition

- A learning or physical disability,
- A physical or mental illness, chronic or otherwise including an addiction to alcohol or drugs, or
- A reduction in physical or mental capacity.

Disability

- A dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions,
- Severe impairment in the ability to communicate with others, or
- Impairment in a person's ability to protect him or herself from assault, abuse or neglect.

...and because of this receives

- Accommodation and nursing or personal care in a care home,
- Personal care or support to live independently in his or her home,
- Any services provided by an independent hospital, clinic, medical agency or National Health Service body,
- Social care services,
- Any services provided in an establishment catering for a person with learning difficulties.

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K Workers from abroad

The same procedure can be applied to other groups where a full vetting process (e.g. CRB check) is not possible or desirable, for example, young people visiting from abroad, parents or others who are helping on a casual basis (e.g. a holiday play scheme), or refugees where full checks are not possible.

When recruiting workers from abroad, certificates of good conduct can sometimes be obtained from the police local to the workers residence. However, these need to be treated with caution. As with any other criminal conviction certificate, it can only provide 'known' information. Some countries are well behind the UK in recognising abuse/child protection issues. Whilst UK checks will involve intelligence from other agencies, foreign checks are likely to be far more basic and cannot be equated with a check in the U.K.

In this situation it is advisable that these workers do not have unsupervised contact with children but they could work alongside an approved worker.

The CRB are developing services to assist with checks on workers from overseas. In order to find out what is currently available you can contact the CRB Overseas Information Team on 0870 0 100 450. They will be able to help with general advice about countries providing services and information regarding associated procedures. However, you will need to be aware that the quality of information received will vary and the result of a criminal records check may be returned in a different language and neither childprotectionuk.net nor the CRB provide a translation service.

NB. What constitutes an offence in the UK, and would be seen as child abuse, may not in the country of origin of the organisation. References therefore need to be viewed with this in mind.

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L Disagreements and complaints about Social Services

When considering the role of Children's Social Services, the child/young person involved and indeed anyone who has a caring role could become unhappy about aspects of the childcare arrangements. This might be action by Children's Social Services to move a child or carry out a child protection investigation. It may be that agreed decisions made at a review meeting are not being implemented or a request for a service has been turned down.

In September 2006 new complaints procedures for children's social care became law. The regulations are designed to better meet the needs for children and young people to get complaints resolved quickly. For instance, they introduce tight timescales for complaints including a 10-day time limit for dealing with complaints informally.

These complaint regulations strengthen the role of advocates, who have to be included in all correspondence about a complaint.

(i) Initial response (Stage one)

In the first instance, any concerns should be discussed with the Social Worker or Team Leader. If the issues raised are not addressed satisfactorily, a request can be made for information about the complaints procedure from the Social Worker involved. Stage one of the process requires the local authority to resolve a complaint within 10 working days. A further 10 working days can be added in more complex complaints, or where there is a need to appoint an advocate.

The Complaints Manager for Children's Social Services could also be contacted for advice. Local authorities are required by Section 26 of the Children Act 1989 to establish complaints procedures, and parents and children should be provided with information about these procedures.

Where the matter is not resolved the complainant has a right to go to stage two.

(ii) Making a formal complaint (Stage two)

An investigating officer must be appointed, who should not be in direct line management of the service or person about whom the complaint is made. An independent person will also be appointed in addition to the investigating officer for children's complaints. If a complaint is made, it is important to plan carefully what will be written. It may be helpful to ask someone to check what has been written before it is sent. The letter should be limited to one or two pages, and any documents attached to support the case. If the person complaining doesn't feel comfortable about putting it in writing, an advocate might assist in this. Alternatively a request could be made for it to be recorded on audio or video tape.

If there is nervousness about making the complaint, it is important to remember if something isn't working for the family, it is probably the same for other families. Procedures and practices won't improve unless it is drawn to somebody's attention.

An invitation will be made to discuss the complaint with this Manager. They will then meet with Social Workers and any others who might be involved, as well as studying the case

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records. The investigation should normally be completed within 25 working days. Where this is not possible, it may be extended up to 65 working days.

The investigating officer will write a report detailing their findings and outlining their recommendations. These reports are sent to a Senior Children's Social Services Manager who will act as an adjudicating officer. They will prepare a response with their decision and actions they will be taking with timescales for implementation.

The complaints manager will monitor this and regularly report to the Director of Children's Social Services.

(iii) Stage three

Stage three of the complaints procedure provides for review panels made up of three independent members, which can include councillors and senior officers of the local authority. Review panels will only consider complaints already at stage two. A referral can also be made to the Local Government Ombudsman.

(iv) Other action you can take

You can also make a complaint to the Local Government Ombudsman. They deal with complaints against local councils in England including social services. They can look into complaints about:

- The way social services have assessed the needs of a child or young person with disabilities;
- Whether the council has provided the help and support it has agreed to give;
- Whether social services have properly investigated reports that a child is at risk of being harmed;
- The way social services have assessed and met the needs of young people who are looked after, or leaving care.

This is not an exhaustive list. Contact the LGO Advice line on 0845 602 1983

Visit www.lgo.org.uk to download the leaflet 'Complaints by children and young people: How can we help'

(v) Other sources of help

Ask the local councillor or MP for help. Councillors and MPs normally hold a surgery on a regular basis. Who they are, and where and when the surgery is held, can be found out from the local library, Town Hall or Citizens Advice Bureau. The local MP could also be contacted at the House of Commons, London, SW1A 1AA. Normally interviews are by appointment and after the meeting the Councillor/MP will make enquiries. With their input Children's Social Services may be prepared to reconsider their decision.

Ask a solicitor for help. Solicitors can write letters and negotiate on behalf of the complainant. If they are on a low income they might qualify for free advice. In certain

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circumstances the Solicitor may be able to represent the child. Advice can also be sought from a solicitor if it is felt that basic human rights are being ignored.

Contact the Churches' Child Protection Advisory Service. Sometimes advice is relatively easy to give because there are certain standards which Children's Social Services are required to meet. At other times, however, it might be difficult if we are not in possession of all the facts. If anyone wishes to contact us, then they can ring our help line number. We will be happy to give our opinion on whether the service received falls short of what can reasonably be expected.