



## **SAFEGUARDING CHILDREN, YOUNG PEOPLE AND ADULTS AT RISK POLICY**

The Diversity Trust CIC (henceforward 'The Trust') believes that a child, young person or adult at risk should never experience abuse or neglect of any kind. We have a duty to protect the children, young people and adults at risk who we come into contact with, or we have knowledge of, from actual and potential abuse.

We have a responsibility to promote the welfare of all children, young people and adults at risk to keep them safe from harm. We are committed to practice in a way that protects everyone.

### **'It is every child's right to live in a caring and safe environment'**

This policy, and procedures, should be read in conjunction with local authority procedures available at <https://swcpp.trixonline.co.uk>

The Trust aims to provide a service to the community that cares for and considers the diverse needs of individuals, groups, and a variety of people. We may work with professionals, practitioners, children, young people, and adults, offering support, advice and guidance.

The Trust, its staff, leaders, contractors, volunteers, and students are always alert to the possibility that a child, young person or adult at risk may have been, or may be at risk of being abused. We are committed to ensuring that the occurrence of abuse is prevented, and where it does occur, to ensure that it does not continue.

In order to raise this alert and consider the welfare of the child, young person or adult at risk protecting them from harm, neglect and abuse there might be occasions where a breach of confidentiality may need to take place as failure to act would be a breach of the law.

### **'The welfare of the child is paramount.'**

This policy applies to all staff, including leaders, managers, senior managers, sub-contractors, visitors, volunteers, sessional workers, agency staff, students or anyone working on behalf of or with The Trust. The purpose of this policy is to:

- Protect children, young people and adults at risk who either directly or indirectly receive services from The Trust. This includes the children and young people with adults who use our services.

- Provide staff and volunteers with the overarching principles that guide our approach to child protection and safeguarding adults at risk

## **Legal Framework**

This policy has been drawn up on the basis of law and guidance that seeks to protect children, and young people, namely:

- Children Act 1989
- United Convention of the Rights of the Child 1991
- Data Protection Act 1998
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Children and Families Act 2014
- Relevant government guidance on safeguarding children
- Working Together to Safeguard Children 2010
- Working Together to Safeguard Children 2013
- Special educational needs and disability (SEND) code of practice: 0-25 years – statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities; HM Government 2014
- Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers; HM Government 2015
- Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children; HM Government 2015

## **Safeguarding and Promoting the Welfare of Children**

Safeguarding and promoting the welfare of children is defined for the purpose of this policy as:

- Protecting children from maltreatment
- Preventing impairment of children's health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

Working Together to Safeguard Children

## **Safeguarding is everyone's responsibility**

*“Everyone who works with children – including teachers, GPs, nurses, midwives, health visitors, early years professionals, youth workers, police, Accident and Emergency staff, paediatricians, voluntary and community workers and social workers – has a responsibility for keeping them safe.*

*No single professional can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.*

*In order that organisations and practitioners collaborate effectively, it is vital that every individual working with children and families is aware of the role that they have to play and the role of other professionals. In addition, effective safeguarding requires clear local arrangements for collaboration between professionals and agencies.*

*Any professionals with concerns about a child's welfare should make a referral to local authority children's social care. Professionals should follow up their concerns if they are not satisfied with the local authority children's social care response."*

## Working Together to Safeguard Children

### **Safeguarding Children and Young People**

We recognise that:

- The welfare of the child is paramount, as enshrined in the Children Act 1989.
- All children, regardless of their 'protected characteristic': age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex and sexual orientation have a right to equal protection from all types of abuse or harm.
- Some children and young people are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with children and family professionals as well as children, young people, their parents and carers is essential in promoting young people's welfare.

We will seek to keep children and young people safe by:

- Valuing them, listening to, and respecting them.
- Adopting child protection practices through procedures and a Code of Conduct, for all staff and volunteers.
- Developing and implementing an effective e-Safety policy and related procedures.
- Providing effective management for staff and volunteers through supervision, support, and training.
- Recruiting staff and volunteers safely, ensuring all necessary Disclosure and Barring Service (DBS) checks are made.

- Sharing information about child protection and good practice with children, parents, staff and volunteers.
- Sharing concerns with agencies who need to know, and involving parents and children appropriately.
- We are committed to reviewing our policy and procedures regularly.

### **CHILD ABUSE, INTERNET AND E-SAFETY POLICY**

Use of the internet for child abuse is expanding, making possession of indecent images of children easier. The possession, making, distribution and showing of indecent images of children under the age of sixteen are criminal offences. If members of the Trust's staff, managers, sub-contractors, or volunteers come across incidents of, or suspicions of these offences in the course of their work, referrals should be made to the Police and Social Services.

Please see the Child Protection Procedures, below, on dealing with an incident or suspicion of child abuse.

## **CHILD PROTECTION PROCEDURES**

### **HISTORICAL ABUSE**

There may be occasions when someone will disclose abuse, which occurred in the past, for example during their childhood. This information needs to be treated in exactly the same way as a disclosure or suspicion of current child abuse. The reason for this is that the abuser may still represent a risk to children.

All workers, associates and volunteers should be alert to any signs that a colleague, whether they are an employee, volunteer or contractor of The Trust or an employee of any other organisation, is behaving inappropriately in relation to a child or young person. Any such suspicion should be discussed with the designated person/s as soon as possible.

### **DUTIES AND POWERS**

The Local Authority Social Services departments have a duty to investigate all cases of suspected child abuse. The other two agencies which have power to investigate child abuse are the Police and the National Society for the Prevention of Cruelty to Children (NSPCC).

All those working for, or with, The Trust have a responsibility to take reasonable and practical steps to protect children from abuse, should be fully aware of this policy and be able to report any observations, accounts or other evidence of abuse to the Designated Safeguarding Lead (DSL) following the child protection procedures. When this is not possible and the child is in immediate danger, staff or volunteers should take any appropriate action, which will usually mean contacting Social Services or the Police and consulting with the Designated Safeguarding Lead or senior staff if possible. They should report any such steps taken to the designated member/s of staff as soon as possible.

### **DESIGNATED PERSON/S**

The Designated Safeguarding Lead (DSL) is responsible for liaising with the local Social Services departments and other agencies in respect of individual cases of suspected or identified child abuse. They will act as the contact point within the Trust. They will also be responsible for co-ordinating action on child abuse within the workplace.

The name and number of the Designated Safeguarding Lead will be easily accessible and displayed. Appropriate training has been given to Designated Safeguarding Lead on child protection following Government guidance and the Working Together to Safeguard Children (2010) framework. Refresher training is provided every two years.

## **PROCEDURES FOR DEALING WITH AN INCIDENT OR SUSPICION OF CHILD ABUSE**

### **If you have reason to suspect that a child has been abused:**

1. Make notes about what was observed, seen, heard or disclosed, including who was present, any relevant factors, and any thoughts, feelings or previous knowledge which gave rise to these suspicions.
2. You must discuss the matter with the Safeguarding Lead. Consideration should also be given to discussing your concerns with the children, young people and their parents or carers.
3. The Safeguarding Lead will contact Social Services referral and assessment team (e.g. in South Gloucestershire: 'First Point', in Bristol: 'First Response') and if there was a crime committed, the Police. The police should be contacted if there is considered to be immediate danger, particularly of assault or violence.
4. It is important that all referrals to the social care referral and assessment team (In South Gloucestershire: 'First Point', in Bristol: 'First Response') initially by telephone are followed up in writing within twenty-four hours of that referral, confirming what was said.

### **Where a child is under immediate threat or danger**

Where a child is under imminent threat of suffering harm you should respond to secure the safety of the child, first and foremost referring to the police, and to medical services if the child needs immediate medical assistance. You must tell the medical staff if you believe the child has been abused. You must then report any such steps taken to the Safeguarding Lead, as soon as possible.

### **If a young person discloses abuse to you:**

1. Make sure the child understands your role and that you must pass on safeguarding concerns.
2. Stay calm and try not to show shock.
3. Listen carefully and be sympathetic.
4. Take care not to ask questions which are not relevant to your role and responsibility with the child, and which would also prejudice any action the police or others may wish to take about any offence someone may have committed. It is the role of Social Services and the Police to investigate. It is also important to be careful you do not ask leading questions.
5. Tell the child that they did the right thing to tell you, make sure that they are aware that you are treating the information seriously, and that it was not their fault.
6. Inform them that you will be telling someone else and that steps will be taken to support and protect them.
7. Make notes and write down what was said by the person disclosing information as soon as possible. Describe the circumstances in which the disclosure came about, note the setting and anyone else who was present at the time. Sign and date your report. If you are with the young person who is disclosing the abuse, ask if it is alright for you to take notes then and there. You could also ask them to sign your notes. Then report the matter to the Safeguarding Lead who will follow the procedures.
8. Where possible make sure the child understands what is going to happen next in

terms of the safeguarding process. If this will cause further risk to the child this should not happen.



## **EVIDENCE OF ABUSE**

Examples of possible evidence of abuse may also include physical and behavioural signs and signals, comments made by the child, parent, carer or other persons, or noticing a pattern from records.

It is important that The Trust keeps records in such a way that any suspicion of abuse is noted.

## **DISCUSSING CONCERNS WITH CHILDREN AND THEIR PARENTS OR CARERS**

The decision on whether to consult with children, young people and parents or carers prior to referral should be made following discussion with the Safeguarding Lead. As this is a sensitive area, the Lead may need to consult with Social Services on whether it is in the best interests of the child to approach the child, young person or parents / carers directly.

Where The Trust seeks to discuss and clarify any concerns with the child / parents or carers before a referral is made and seeks their agreement for such a referral, we will take care not to ask questions which are not relevant to our role and responsibility for the child or young person.

We will also follow the Department of Education advice contained in "Working Together to Safeguard Children".

Social Services should be contacted before contact with parents or carers where:

- A child or young person has made an allegation of abuse by one or both parents or carers.
- There is evidence of possible violence from one or both parents or carers.
- The allegation concerns a professional or volunteer working with the child.

If the staff member has discussed concerns with the child / parents or carers, they should further consult with the Safeguarding Lead as to whether further action is necessary. Where no action is necessary, accurate records of this should be kept.

## **CONFIDENTIALITY**

Always respect a child or young persons' right to confidentiality. Those involved in incidents or suspicions of child abuse will be expected to act in confidence throughout, any unauthorised breach of confidentiality will be a disciplinary matter.

It is also important to ensure a child or young person understands what confidentiality is and how it affects them.

Where an incident or suspicion of child abuse occurs, the Safeguarding Lead will open a child abuse file which shall be kept in a locked cabinet. Only the Safeguarding Lead shall have access to the information contained in that file.

Please see The Diversity Trust Confidentiality Policy for more information.

## **REQUESTS FOR INFORMATION**

Under Section 47 of the Children Act 1989, Social Services or the Police may request information following the Local Authorities 'Information Sharing Protocol'.

If you are contacted in connection with Child Protection issues directly by someone from outside the workplace, please ensure that the Safeguarding Lead is aware that you have been contacted and seek their guidance before you give information or take action.

Take details of the caller and arrange to phone them back. You may need to check the caller's identity.

You may be contacted to give information about possible child abuse to:

- Prepare a report about child abuse
- Attend a Child Protection Case Conference
- Give evidence at court about child abuse.

If problems arise because of, or during, or after, a child abuse referral or investigation, this should be discussed with the Safeguarding Lead, who will consider talking to the Social Services Senior Managers, using the escalation policies, or calling professionals meetings. Such discussions will improve joint working practices.

## **RECRUITMENT AND EMPLOYMENT**

### **RECRUITMENT OF STAFF AND VOLUNTEERS**

Any application and / or interview process should obtain a full relevant history of applicants. At least two references are sought for new staff and volunteers, and proof of identity has to be sought.

The Trust undertakes a Disclosure and Barring Service (DBS) check of staff and volunteers. Where necessary in regards to 'Regulated Activity' an enhanced Disclosure and Barring check will reveal information about any prohibition from working with children, young people and adults at risk.

Staff and volunteers without a current DBS check will be adequately supervised and will not have access to client records until the DBS check is carried out and is current.

The Trust has a duty to ensure that any children, young people or adults at risk in their care are properly supervised and protected from accidental harm. All workers and volunteers must follow Health and Safety Procedures at all times. (See the Health and Safety Policy).

### **SUSPECTED ABUSE BY A MEMBER OF THE DIVERSITY TRUST STAFF OR ASSOCIATES**

The Trust will ensure that the Police and Social Services are given all assistance in pursuing any investigation. Suspension and / or disciplinary action may also be implemented. Those subject to allegations of abuse will be offered as much support as is possible without compromising the investigation or its outcome.

Allegations of possible child abuse against a member of staff, volunteer or contractor should be referred to the Safeguarding Lead. Where the allegation concerns this person the Chief Executive or Chair of the Board should be informed directly. If, for some reason, this is not possible the Board of Directors should be informed. Where an allegation is made about either a Director, or a member of the Board of Directors is involved, a designated person should be told and they must do a referral directly to Social Services.

In managing allegations of abuse of children, young people and adults at risk we will operate a procedure that is consistent with the guidance contained in 'Working Together To Support Children' [HM Government 2010 and 2013] and the Local Safeguarding Board [LSCB] child protection procedures available at <https://bristolsafeguarding.org/professional-resources/national-regional-guidance-children>

Further information is available at <https://swcpp.trixonline.co.uk>

### **SUPPORT FOR STAFF AND VOLUNTEERS**

Child protection can be a distressing and stressful part of work. The member of staff or volunteer reporting incidents of suspected or potential abuse may find that the child or other individuals involved are angry or distressed. The Trust will support individuals in such situations. Other support may take the form of assistance provided by work colleagues, or support and counselling provided by an outside agency, if required.

## **TRAINING**

Training is a key factor in the implementation of an effective Child Protection Policy. Staff and volunteers will receive at least basic single agency training to ensure that they are aware of the policy's contents and provisions.

Every member of staff should:

- Know the identity and purpose of the Safeguarding Lead
- Be aware that the welfare of the child is paramount.

## **MONITORING AND REVIEW**

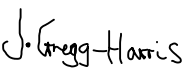
In order to assess the effectiveness of this policy and procedure it will be reviewed annually.

The review will be documented and will examine how reported cases of abuse were dealt with. The review will also aim to identify and address any disincentives to reporting of actual or suspected abuse.

This policy was adopted on: 18.09.2014

This policy was last reviewed on: 06.06.2024

Signed:   
Berkeley Wilde, Chief Executive

Signed:   
Jay Gregg-Harris, DSL

## **SAFEGUARDING ADULTS AT RISK**

Safeguarding adults at risk is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. In these cases, local services must work together to spot those at risk and take steps to protect them. (Care Act, 2014)

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adults wellbeing is promoted including, where appropriate, having regard to their views and wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

The following six key principles underpin all adult safeguarding work:

1. **Empowerment:** people being supported and encouraged to make their own decisions and give informed consent
2. **Prevention:** it is better to take action before harm occurs
3. **Proportionality:** the least intrusive response appropriate to the risk presented
4. **Protection:** support and representation for those in greatest need
5. **Partnership:** local solutions through services working with their communities – communities have a part to play in preventing, detecting and reporting neglect and abuse
6. **Accountability:** accountability and transparency in safeguarding practice.

## **DEFINITION OF ADULTS AT RISK**

An adult who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs)
- Is experiencing, or at risk of, abuse or neglect
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

Care Act, 2014

The definition of an adult covers all people over the age of 18 years of age.

This means that not all adults are vulnerable but some may be vulnerable at times and others will be vulnerable all the time. It is important to talk to the appropriate people. (See Annex 3 - Contact Information for details of who to talk to in your local area).

The Care Act also recognises the key role of Carers in relation to safeguarding. For example, a carer may witness or report abuse or neglect; experience intentional or unintentional harm from the adult they are trying to support, or a carer may (unintentionally or intentionally) harm or neglect the adult they support. It is important to view the situation holistically and look at the safety and well-being of both. The Act makes it clear throughout the need for preventing abuse and neglect wherever possible. Observant professionals

and other staff making early, positive interventions with individuals and families can make a huge difference to their lives, preventing the deterioration of a situation or breakdown of a support network.

**Abuse includes:**

Abuse is something that is done to another person, without their full understanding or consent, which harms them in some way. This may consist of a single act or repeated acts.

Abuse can include one or more of the following definitions:

- **Physical Abuse**, includes hitting, pinching, deliberately giving too much medication or physically restraining someone in an inappropriate way
- **Domestic Violence and Abuse**, including psychological, physical, sexual, financial, emotional abuse; or so called 'honour' based violence
- **Financial Abuse**, which includes taking another person's money or possessions - for example, having money or property stolen, being pressured into giving people money or changing a will, misuse of benefits, not being allowed any access to money.
- **Sexual Abuse**, which includes any sexual act to which the vulnerable adult or child has not consented and may not understand. For example, being touched or kissed when it is not wanted, being made to touch or kiss someone else, being raped, sexually abused or assaulted, being made to listen to sexual comments or forced to look at sexual acts or materials
- **Psychological Abuse**, this can happen where someone is isolated, verbally abused or threatened
- **Neglect**, which includes ignoring or withholding physical or medical care needs. Examples are failing to provide appropriate food, shelter, heating, clothing, medical care, hygiene, personal care, inappropriate use of medication or over-medication
- **Self-Neglect**, neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding
- **Modern Slavery**, encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment
- **Discriminatory Abuse**, including ableist, ageist, biphobic, disablist, homophobic, racist, sexist and transphobic abuse based on a persons' protected characteristic (Equality Act, 2010)
- **Organisational Abuse**, including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

People may make the choice to remain in abusive situations and if they have the mental capacity to make that decision that may be appropriate, however the decision about mental capacity is a complex one and it is important that the correct assessment of

capacity is undertaken within the safeguarding process. (See also the Domestic Violence and Abuse Policy and Mental Health Act 1983, 2007).

## Annex 1: DEFINITIONS

### Children and Young People

For the purposes of this document the words “children” and “young people” are used interchangeably. We use these words to mean a person under 18-years of age.

### Abuse

Abuse is a violation of an individual’s human and civil rights by another person. It may consist of a single or repeated act and may be the result of action or inaction by a carer or any other person. It can happen in any setting. The Children Act (1989) identifies four categories of abuse:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

The Department for Education document ‘Working Together to Safeguard Children’ (2015) offers the following explanation of Abuse:

“A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.”

It also describes the four categories of abuse as:

**Physical Abuse:** A form of abuse which 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 fabricates the symptoms of, or deliberately induces, illness in a child.

**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 assault by penetration (for example, rape or sexual assault) or non-penetrative acts such as masturbation, kissing, rubbing and touching. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including online). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children and young people.

**Emotional Abuse:** 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 a child that they are worthless or unloved, inadequate, or valued only insofar 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 a 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.

**Neglect:** 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 because of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing or shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate caregivers)
- Ensure access to appropriate medical care or treatment
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

**Child Criminal Exploitation (CCE)** - As set out in the Serious Violence Strategy<sup>230</sup>, published by the Home Office, where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

**Child Sexual Exploitation (CSE)** - Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

## Annex 2: Legislation

### Children Act 2004

Section 10 requires each local authority to make arrangements to promote cooperation between the authority, each of the authority's relevant partners (see Table A) and such other persons or bodies working with children in the local authority's area as the authority considers appropriate. The arrangements are to be made with a view to improving the wellbeing of children in the authority's area – which includes protection from harm or neglect alongside other outcomes.

Section 11 places duties on a range of organisations and individuals (see Table A) to ensure their functions, and any services that they contract out to others, are discharged with regard to the need to safeguard and promote the welfare of children.

Section 13 requires each local authority to establish a Local Safeguarding Children Board (LSCB) for their area and specifies the organisations and individuals (other than the local authority) that the Secretary of State may prescribe in regulations that should be represented on LSCBs.

Section 14 sets out the objectives of LSCBs, which are:

- (a) to coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the local authority, *and*
- (b) to ensure the effectiveness of what is done by each such person or body for the purposes of safeguarding and promoting the welfare of children.

The LSCB Regulations 2006 made under sections 13 and 14 set out the functions of LSCBs, which include undertaking reviews of the deaths of all children in their areas and undertaking Serious Case Reviews in certain circumstances.

Under section 55 of the Borders, Citizenship and Immigration Act 2009, the Secretary of State (in practice, the UK Border Agency or 'UKBA') has a duty to ensure that functions relating to immigration and customs are discharged with regard to the need to safeguard and promote the welfare of children.

## **Education Act 2002**

Section 175 places a duty on local authorities in relation to their education functions, the governing bodies of maintained schools and the governing bodies of further education institutions (which include sixth-form colleges) to exercise their functions with a view to safeguarding and promoting the welfare of children who are either pupils at a school or who are students under 18 years of age attending further education institutions.

The same duty applies to independent schools (which include Academies/free schools) by virtue of regulations made under section 157 of this Act.

## **Children Act 1989**

The Children Act 1989 places a duty on local authorities to promote and safeguard the welfare of children in need in their area.

Section 17(1) of the Children Act 1989 states that it shall be the general duty of every local authority:

- (a) to safeguard and promote the welfare of children within their area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families.

by providing a range and level of services appropriate to those children's needs.

Section 17(5) enables the local authority to make arrangements with others to provide services on their behalf and states that every local authority:

- (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which it is a function of the authority to provide by virtue of this section, or section 18, 20, 22A to 22C, 23B to 23D, 24A or 24B; and
- (b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.

Section 17(10) states that a child shall be taken to be in need if:

- (a) the child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority under Part III of the Children Act 1989;
- (b) the child's health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- (c) the child is disabled.

Under section 17, local authorities have responsibility for determining what services should be provided to a child in need. This does not necessarily require local authorities themselves to be the provider of such services.

Section 27 of the Children Act 1989 makes provision for cooperation between local authorities, local authority housing services and health bodies. Where it appears to a local authority that any authority or body mentioned in section 27(3) could, by taking any specified action, help in the exercise of any of their functions under Part 3, they may request the help of that other authority or body, specifying the action in question. An authority or body whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions. The authorities are:

- (a) any local authority;
- (b) any local housing authority;
- (c) any Local Health Board, Special Health Authority, Primary Care Trust, (National Health Service Trust or NHS Foundation Trust; and
- (d) any person authorised by the Secretary of State for the purpose of section 27.

Section 47(1) of the Children Act 1989 states that:

Where a local authority:

- (a) are informed that a child who lives, or is found, in their area (i) is the subject of a emergency protection order, or (ii) is in police protection; and
- (b) have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm:

The authority shall make, or cause to be made, such enquires as they consider necessary to enable them to decide whether they should take any action to safeguard and promote the child's welfare.

Section 53 of the Children Act 2004 amends both section 17 and section 47 of the Children Act 1989, to require in each case that before determining what services to provide or what action to take, the local authority shall, so far as is reasonably practicable and consistent with the child's welfare:

- (a) ascertain the child's wishes and feelings regarding the provision of those services or the action to be taken; and
- (b) give due consideration (with regard to the child's age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

## **Emergency protection powers**

The court may make an emergency protection order under section 44 of the Children Act 1989, if it is satisfied that there is reasonable cause to believe that a child is likely to suffer significant harm if the child:

- is not removed to different accommodation provided by the applicant; or,
- does not remain in the place in which the child is then being accommodated.

Where the applicant is the local authority, an emergency protection order may also be made if enquiries (for example, made under section 47) are being frustrated by access to the child being unreasonably refused to a person authorised to seek access, and the applicant has reasonable cause to believe that access is needed as a matter of urgency.

An emergency protection order gives authority to remove a child and place the child under the protection of the applicant.

## **Exclusion requirement**

The court may include an exclusion requirement in an interim care order or emergency protection order (section 38A and 44A of the Children Act 1989). This allows a perpetrator to be removed from the home instead of having to remove the child. The court must be satisfied that:

- there is reasonable cause to believe that if the person is excluded from the home in which the child lives, the child will cease to suffer, or cease to be likely to suffer, significant harm, or that enquiries will cease to be frustrated; and
- another person living in the home is able and willing to give the child the care that it would be reasonable to expect a parent to give, and consents to the exclusion requirement.

## **Police protection powers**

Under section 46 of the Children Act 1989, where a police officer has reasonable cause to believe that a child could otherwise be likely to suffer significant harm, the officer may:

- remove the child to suitable accommodation; or,
- take reasonable steps to ensure that the child's removal from any hospital, or other place in which the child is then being accommodated is prevented.

No child may be kept in police protection for more than 72 hours.

## **Police Reform and Social Responsibility Act 2011**

Section 1(8)(h) requires the police and crime commissioner to hold the chief constable to account for the exercise of the latter's duties in relation to safeguarding children under section 10 and 11 of the Children Act 2004.

## **Childcare Act 2006**

Section 40 requires early years providers to comply with the welfare requirements of the Early Years Foundation Stage.

## **Crime and Disorder Act 1998**

Section 38 requires local authorities, within the delivery of youth justice services, to ensure the provision of persons to act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers.

## **Housing Act 1996**

Section 213A of the Housing Act 1996 (inserted by section 12 of the Homelessness Act 2002), housing authorities are required to refer to adult social care services homeless persons with dependent children who are ineligible for homelessness assistance, or are intentionally homeless, or may be threatened with homelessness intentionally, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if social services decide the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable advice and assistance in this, and the housing authority must give reasonable advice and assistance.

## Annex 3: **CONTACT INFORMATION**

### **CONTACTS**

The Diversity Trust Safeguarding Lead Tel: 07720 294 991 or email [info@diversitytrust.org.uk](mailto:info@diversitytrust.org.uk) for more information please visit our website [www.diversitytrust.org.uk](http://www.diversitytrust.org.uk)

**SOCIAL SERVICES EMERGENCY DUTY TEAM TEL: 0145 461 5165**  
(OUT OF HOURS SERVICE – COVERS ALL AREAS)  
Social Services Offices Tel / Fax

#### **BRISTOL**

First Response Bristol team  
on 0117 903 6444.

#### **BATH & NORTH EAST SOMERSET**

Children and families' assessment and intervention team  
Children Services, Bath & North East Somerset Council  
PO Box 25, Riverside, Temple Street, Bristol  
Duty Number Tel: 0122 539 6313  
Tel: 01225 39 6314  
Fax: 01225 395416

#### **NORTH SOMERSET**

North Somerset Council – Children's Social Services  
Town Hall, Weston-Super-Mare, BS23 1UJ  
(covering Backwell, Clevedon, Nailsea, Portishead and other parts of North Somerset).  
Tel: 01275 888272  
Duty Team: 01275 885217  
Fax: 01275 884821  
Out of hours: 01454 615165

#### **SOUTH GLOUCESTERSHIRE**

Department for Children and Young People  
Telephone number: 01454 866000  
First Point  
Postal Address:  
Department for People  
PO Box 1955  
Bristol  
BS37 0DE  
Visiting address:  
Yate Westgate Centre  
21 West Walk  
Yate  
BS37 4AX

Fax number: 01454 864380 email address: [FirstPoint@southglos.gov.uk](mailto:FirstPoint@southglos.gov.uk)

**EDUCATION SERVICE**

Education Welfare Service  
Romney House, Romney Avenue, Bristol. BS7 9TB  
Tel: 0117 352 1438 or 0117 352 1454  
Fax: 0117 352 1096

**NSPCC** Freephone:  
0808 800 5000

**POLICE**

Headquarters Portishead  
Child Protection Team (Bristol area, for professionals only)  
Lockleaze Police Station, Gainsborough Square,  
Bristol BS7 9XA

**IN AN EMERGENCY DIAL 999**

Tel:101  
Tel: 0117 945 4320  
Fax: 0117 945 4327  
EMERGENCY : 999

**YOUTH OFFENDING TEAM –**

Kenham House, Wilder Street, Bristol BS2 8PD  
Tel: 0117 903 6480  
Fax: 0117 903 6481

**CHILD HEALTH**

Community Child Health, Osprey Court, Unit 2, Hawkfield Business  
Park, Whitchurch Lane, Whitchurch. Bristol. BS14 0BB  
Tel: 0117 900 2350  
Fax: 0117 340 8081

**Safe Choices (Barnardo's- for Children running away from home)**

**Bristol BASE (Barnardo's Against Sexual Exploitation)**  
Tel: 0117 934 9726  
Fax: 0117 927 7223