

APPENDIX H

GOOD PRACTICE IN CHILD PROTECTION – A FRAMEWORK FOR VOLUNTARY AND INDEPENDENT ORGANISATIONS

This appendix contains guidance on child protection issues for voluntary and independent organisations. Anyone may take copies for the use of organisations seeking such guidance. Constituent agencies of Birmingham Safeguarding Children Board may also wish to make it a condition of use of their premises or other resources that voluntary and independent organisations have child protection procedures which conform to this guidance.

This guidance should be read in the context of the Statement of Principles in Section 1 of the Child Protection Procedures of Birmingham Safeguarding Children Board.

1. INTRODUCTION

- 1.1 In this framework the word “agency” is used to mean any voluntary or independent organisation which works with children, and the phrase “staff and volunteers” is used to mean anyone who is carrying out any activity on behalf of an agency, including paid staff, volunteers, parents who assist with the agency’s activities, sessional workers etc.
- 1.2 This framework sets out guidance for agencies which arrange activities for children. It addresses two aspects of child protection:
 - Ensuring, as far as is possible, that all staff and volunteers representing the agency are fit to be in contact with children; and
 - Ensuring that all staff and volunteers know what to do when they are concerned about child protection.
- 1.3 Voluntary organisations come in many forms and sizes from large national organisations with full-time professionally qualified staff to small community and neighbourhood groups consisting exclusively of volunteers. Independent organisations also vary widely in size and structure. Whatever the agency, it is essential that it provides a safe and secure environment for the children and young people whom it serves.
- 1.4 Any agency using this framework in drawing up their own child protection procedures will need to adapt the administrative and management arrangements to fit their own circumstances, including any regulations which apply to them and the requirements of any regulatory body to which they subscribe.

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1.5 Birmingham Safeguarding Children Board suggests that you address the following issues in your agency's child protection procedures:

- **The Designated Officer for Child Protection;**
- **Selection and Deployment of Staff and Volunteers;**
- **Behaviour of Staff and Volunteers;**
- **Staff Development;**
- **Admission Procedures; and**
- **Responding to a Child Protection Issue**

1.6 Birmingham Safeguarding Children Board also suggests that you draw up a code of practice for your agency – you will find a model code of practice in Chapter 9 of this framework.

2. THE DESIGNATED OFFICER FOR CHILD PROTECTION

2.1 You may find it useful to identify a specific named member of staff who will be available for consultation if a child protection issue should arise. This designated officer might also be responsible for updating the agency's child protection procedures and the code of conduct (see Chapter 4) and code of practice (see Chapter 9) and for ensuring that appropriate training is available (see Chapter 5).

2.2 If you have a formal contract to provide a service on behalf of a statutory agency, it may be a requirement of the contract that you notify the statutory agency of the name of the designated officer for child protection.

3. SELECTION AND DEPLOYMENT OF STAFF AND VOLUNTEERS

Roles

3.1 You should give all paid staff and volunteers clear roles. The abuse of children is most easily concealed where there is confusion about roles, responsibilities and accountability. Most paid staff receive a job description from their employers, but volunteers should also receive a written outline of what is expected from them. All job descriptions should spell out clearly the staff member's responsibilities for the protection of children.

3.2 Job descriptions should contain a written description of the work the person is expected to do and the policy guidelines they must follow. This might include, amongst other things:

- A description of the work they will undertake with children, with reference to any relevant guidelines produced by the agency for safeguarding the welfare of those children;
- A clear statement that they will abide by the agency's policies and procedures;

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- A statement of their duty to protect children in contact with the agency from abuse, and reference to the action to be taken if abuse is suspected;
 - The person to whom they will be accountable for their work - their line manager or supervisor; and
 - The person(s) whose work they will supervise (if any).
- 3.3 Where an agency chooses to work non-hierarchically, such as in workers' co-operatives, neighbourhood groups or carers' groups, there is still a need for clear roles and accountability.
- 3.4 The job descriptions of paid staff must observe employment law, but the outline of volunteers' work need not be complicated. A short list of tasks and responsibilities and the information in paragraph 3.2 above will be enough.
- 3.5 You should review job descriptions regularly and whenever the tasks change significantly. The staff member, the person to whom they are accountable, and the agency should each have a copy.

Recruitment and selection

- 3.6 In recruitment and selection procedures for staff and volunteers, you should recognise that some applicants may already have shown themselves to be unfit to care for children. Such people may be very plausible in the way that they present themselves.
- 3.7 In the process of recruiting and selecting staff and volunteers, you should:
- Require the applicant to give all previous names used, and details of all addresses in the last 5 years;
 - Require the applicant to provide the names of at least two referees -
 - ◇ If the applicant is currently working with children in a paid capacity, or has previously done so, one of the referees should be the current or most recent employer and the other should also be a person who can comment on their work with children.
 - ◇ If the applicant is seeking to volunteer, or seeking paid work with children, for the first time, both references should be from people who can provide information which is relevant to their character, attitudes, behaviour etc. towards children.
 - ◇ No one should be accepted on to the staff or as a volunteer unless satisfactory references have been received. When previous references relating to similar organisations are not available, the selection criteria and the induction process must take account of this.

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- Ask for evidence of any qualifications which the applicant claims to hold;
- Ask for evidence of identity and address;
- Interview the applicant in person. At the interview you should:
 - ◇ Discuss with the applicant the details of the job/task that they have applied for – what is to be done, where and when;
 - ◇ Identify what relevant experience the applicant has, how long ago this was and what were the circumstances, including the circumstances in which they left any relevant employment;
 - ◇ Seek information about what the applicant has been doing for the last two years;
 - ◇ Seek an explanation of any gaps in the applicant's employment history;
 - ◇ Seek information about the level of contact between the applicant and his/her referees. If the referees are not suitable, it may be appropriate to invite the applicant to nominate different referees;

And

- Consider whether other items should be added to this list, relevant to the specific focus of the agency's work.

Criminal convictions

3.8 Enquiries into an applicant's background should include enquiries into any criminal convictions they may have. This should include a check with the Criminal Records Bureau:

- Applications to the Criminal Records Bureau must be countersigned by a person who is registered with the Bureau. Voluntary and independent organisations which work with children may register themselves or may apply through an umbrella body. An umbrella body registers with the Criminal Records Bureau on the basis that it will countersign applications on behalf of organisations which are not themselves registered. Further information is available on www.crb.homeoffice.gov.uk.
- If the agency is carrying out statutory functions on behalf of the local authority under a formal contract, the local authority can arrange for criminal record checks.
- Where an agency accepts students on placement, it is important to confirm with the training establishment that an appropriate criminal records check has taken place.

The Independent Safeguarding Authority

3.9 At the time of writing the Government is reviewing the working of the Independent Safeguarding Authority, but the regulations introduced in October 2009 remain in force. The effects of these regulations include –

- A person who is barred from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer, with those groups.
- An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.
- If your organisation works with children or vulnerable adults and you dismiss a member of staff or a volunteer because they have harmed a child or vulnerable adult, or you would have done so if they had not left, you must tell the Independent Safeguarding Authority.

4 BEHAVIOUR OF STAFF AND VOLUNTEERS

4.1 We suggest that you draw up a code of conduct setting out the standards expected of your staff and volunteers, for example:

- Staff and volunteers must treat children with respect,
- Staff and volunteers must not make racist or sexist remarks;
- Staff and volunteers must avoid showing favouritism.

4.2 A code of conduct should also acknowledge the responsibility of staff and volunteers to prevent the abuse of younger or weaker children by older or stronger children through bullying, cruel or humiliating initiation rituals etc.

4.3 You should regularly review and revise your code of conduct. We suggest that it would be good practice to review it annually. This task could be carried out by the designated officer for child protection.

5. STAFF DEVELOPMENT

5.1 All staff and volunteers should serve a probationary period in which the person's performance is closely monitored.

5.2 All staff and volunteers should receive regular supervision through observation and discussion of their work. This is a very valuable way of encouraging good staff and deterring potential abusers.

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5.3 Basic child protection training should be provided – all staff and volunteers should:

- Be aware that abuse can be found in any community;
- Be aware that abuse does not always occur in the child's home - it may take place at school, in the homes of friends, in places of entertainment and in public places;
- Know about the four basic types of child abuse - physical abuse, neglect, sexual abuse and emotional abuse;
- Know about safe child care practice – how to avoid situations that may cause misunderstandings and misrepresentations; and
- Know how to respond if, while representing the agency, they find evidence that a child may have been abused.

And agencies should provide regular refresher and update training for staff and volunteers to ensure that they remain aware of these issues.

5.4 Advice about child protection training is available from local authority departments and national voluntary organisations. You may also find it useful to refer to the booklet "What to do if you're worried a child is being abused" (See Paragraph 7.3 below).

6. ADMISSION PROCEDURES

6.1 We recommend that:

- You keep a register of names, addresses and contact telephone numbers of next of kin for emergencies;
- You give parents (and older children where appropriate) a copy of a written statement which sets out what the agency will do if a child becomes ill or injured and states that if the agency receives information which suggests that a child has been abused, it will be passed on to children's social care in the Directorate of Children, Young People and Families;
- You seek a signed agreement from the parents of each child to your obtaining any necessary medical treatment in an emergency (but all staff and volunteers must be aware that in an emergency they must seek medical help whether or not they have a signed consent); and
- If you intend to photograph or film the children, you seek a signed agreement from the parents of each child.

7. CHILD PROTECTION PROCEDURES

- 7.1 We strongly recommend that each agency has a written procedure stating clearly how it expects staff and volunteers to respond to child protection issues. If you have a formal contract to provide a service on behalf of a statutory agency, it may be a requirement of the contract that you have a child protection procedure, and that you provide a copy to the statutory agency.
- 7.2 The notes below suggest some issues which should be covered in your procedures. They should stress that child protection is not just about responding to specific allegations or incidents, it is also about the suitability of persons to work with children. The agency should respond to any concern that a staff member or volunteer may not be a suitable person.
- 7.3 In drawing up your child protection procedures you may find it useful to refer to the booklet "What to do if you're worried a child is being abused" [2006]. This is available from www.education.gov.uk/publications

8. RESPONDING TO A CHILD PROTECTION ISSUE

- 8.1 A child protection issue may come to the notice of a staff member or volunteer in several ways –
- A child may make a direct allegation; or
 - A child may make a comment which seems to suggest abuse; or
 - A child may have bruises or marks; or
 - A child's behaviour may suggest the possibility of abuse; or
 - Something about an adult's behaviour may suggest that they are not a suitable person to care for children.

Staff and volunteers should know how to respond to each of these situations.

- 8.2 All child protection concerns must be reported to children's social care in the Directorate of Children, Young People and Families, or to the police, on the same day. If there is a designated officer to advise staff and volunteers on these issues, they should be available at all times when advice and assistance is likely to be needed.

The contact numbers for children's social care are:

Heart of Birmingham Tel: 0121 303 2334

South Birmingham Tel: 0121 303 1888

North & East Birmingham Tel: 0121 303 6541

And the citywide contact number outside office hours is:

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The Emergency Duty Team Tel: 0121 675 4806

In all cases

- 8.3 Your procedure should state clearly that your staff and volunteers should not try to investigate whether or not a child has been abused: this responsibility lies with children's social care and the police. All child protection concerns must be passed on to children's social care without delay, and the procedure should state clearly who is responsible for making this contact.
- 8.4 The staff member or volunteer should tell the person in charge (and/or the designated officer) about their concerns. This part of the procedure should make allowance for the possibility that the child may make an allegation about a volunteer or a member of staff, including a senior member of staff. All staff and volunteers should be aware of what to do if suspicion falls on the person to whom they would normally report their concerns. They may need to report to another senior member of staff or, if this would cause delay, make direct contact with children's social care.
- 8.5 The procedure must make it clear that if the person in charge does not feel that there is any cause for concern but a staff member or volunteer disagrees, the concerns must be passed on to children's social care. Child protection is the individual responsibility of each person working with children. When any person is concerned about a child protection issue, the concern must be reported.
- 8.6 The staff member or volunteer should write down what the child said or the details of any significant marks or behaviour which were observed, noting any names, dates and times. A note should also be made of any witnesses - did anyone else hear what the child said, see the marks or notice the behaviour? This should be done as soon as possible, while the details are still fresh. The notes must record exactly what the child said, not what the staff member or volunteer thinks was meant. Of course they may want to record this as well, but they must start with what the child said.
- 8.7 The procedure should stress the need to keep the focus of any action on the welfare of the child as a possible victim of abuse.

If a child makes a direct allegation

- 8.8 Staff and volunteers must not promise to keep allegations secret. When an abusive or exploitative relationship exists, the agency cannot agree to keep this secret.

- 8.9 The staff member or volunteer should let the child speak but should not question them. The basic rule is to ask only questions which are necessary to clarify whether the child is alleging that abuse has taken place. If, at any time, it becomes clear that there has been a misunderstanding and that the child is not alleging that abuse has taken place, you should re-assess the situation as it may not be appropriate to follow this procedure.
- 8.10 If the child is clearly alleging abuse, children's social care and/or the Police will interview them and any further questions must be left for them. This does not mean that you should tell the child to say nothing more until the authorities arrive. Allow the child to speak for as long as they want to.
- 8.11 If a child makes a serious allegation about an adult or about an older child, further enquiries should be made. You should always take the child seriously, but this does not necessarily mean accepting everything that the child says as a fact.
- 8.12 If the child makes a clear allegation about a specific person, do not try to question that person yourself.
- If a child's comments seem to suggest abuse**
- 8.13 If the child seems to be suggesting abuse, but it is not clear, the staff member or volunteer should:
- Quickly try to create a situation in which the child can talk freely;
 - Let the child speak, and ask questions only if they are necessary to clarify whether or not the child is trying to say that they have been abused;
 - Listen carefully, remembering that a young child may not have the vocabulary to explain clearly what it is that distresses them; and
 - If it is clear that the child is alleging abuse, avoid asking any further questions.
- 8.14 Staff and volunteers must not promise to keep anything as a secret until they know what it is. When an abusive or exploitative relationship exists, the agency cannot agree to keep this secret.
- 8.15 If a child makes a serious allegation about an adult or about an older child, further enquiries should be made. You should always take the child seriously, but this does not necessarily mean accepting everything that the child says as a fact.
- 8.16 If, as a result of what the child has said, you are suspicious about a particular person, do not try to question them about this yourself.

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If a bruise or mark, or the child's behaviour, causes suspicions

- 8.17 There are a number of things which may raise questions in your mind; you may see that a child has bruises or other marks, or may notice something unusual in the child's behaviour. Often these observations could have several different explanations and you may be unsure whether you should be concerned or not. Staff and volunteers are not expected to be experts in identifying child abuse, but they should document and report any concerns they have about a child.
- 8.18 If a staff member or a volunteer is concerned, they should try to be clear in their own mind exactly what it is that is disturbing them.
- 8.19 It may be appropriate to ask the child or the parent about a mark or about unusual behaviour. Suspicion may be aroused more by an evasive or unconvincing answer than by the mark or behaviour itself.
- 8.20 If a staff member or a volunteer is concerned, they should note the names of anyone else who saw the mark, behaviour etc. that caused the concern.
- 8.21 If you are suspicious about a particular person, do not try to question them yourself.

Co-operating with child protection enquiries

- 8.22 Child protection enquiries are carried out by children's social care and the Police, usually acting together. The staff and volunteers of voluntary and independent agencies are expected to co-operate with enquiries, as far as is reasonable within the role of the agency and of the staff member or volunteer. Your procedures should state the agency's view about how far this is. You may wish to point out that children's social care and the police may not be clear about the agency's role and purpose and that staff and volunteers can and should question any request that seems inappropriate.

If suspicion falls on a member of the agency's staff or a volunteer

- 8.23 The procedure should state clearly that if an allegation is made about a member of staff or a volunteer, this will be referred to children's social care, who will make enquiries.
- 8.24 If an allegation is made about a member of staff or a volunteer, or for any other reason suspicion falls on a member of staff or a volunteer, the agency should follow the advice of children's social care until the enquiries are complete. It will often be necessary to suspend the staff member or volunteer from involvement in any contact with children on behalf of the agency. The agency must make it clear that this action is intended to safeguard the welfare of children and does not assume that the person is guilty. It is also important to recognise the person's need for support at this time and to help them to identify suitable sources of support.

- 8.25 The procedure should point out that when suspicion falls on a staff member or volunteer, there are three possible outcomes:
- It may be proved to the agency's satisfaction that the person has abused one or more children,
 - It may be proved to the agency's satisfaction that the person is not guilty of abuse, or
 - The enquiries may be inconclusive, leaving suspicion, but no proof about the person's behaviour.

The last of these possibilities always raises sensitive issues and it is important that the agency has a policy about how to deal with it.

Unsuitable staff

- 8.26 Questions about the suitability of a staff member or a volunteer to work with children should not be limited to situations in which there is positive evidence of abuse. Other pointers include failure to respond appropriately to the needs of children, neglecting some children in favour of others and failure to respect the wishes of parents. The agency should be clear about the standards of care that it expects from its staff and volunteers and about the result of failure to meet these standards.
- 8.27 If a staff member or a volunteer appears to be unsuitable to care for children on behalf of your agency, you should consider whether there are implications for the welfare and safety of other children. If so you should discuss your concerns with children's social care.

9. MODEL CODE OF PRACTICE

1. It is the policy of (*this organisation*) to provide a safe and secure environment in which children can thrive and develop and where all aspects of their welfare will be protected.
2. (*This organisation*) will minimise the situations in which the abuse of children might occur.
3. Any child using the services of (*this organisation*), and anyone acting on behalf of such a child, may complain to the management about any aspect of the service they receive. There will be a simple and well publicised process for this and complainants will have a right of appeal to an independent person/agency if they are dissatisfied with the way a complaint is handled.
4. Any child using the services of (*this organisation*) may disclose to a staff member or volunteer any abuse they may be suffering elsewhere in their lives and staff and volunteers will be vigilant for the signs of abuse.

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5. Any indications that a child may be suffering from abuse will immediately trigger (*this organisation's*) child protection procedures. These procedures are consistent with the good practice guidelines of Birmingham Safeguarding Children Board.
6. In recruiting staff and volunteers, (*this organisation*) will follow a systematic selection process designed to assess the applicant's suitability for the post and to work with children.
7. Checks will be made to ensure that all the information provided by any potential member of staff or volunteer of (*this organisation*) is accurate and, within the limits of procedures available, staff and volunteers will be checked for any offences they may have committed against children.
8. No member of staff will be appointed to any position in (*this organisation*) without two suitable references being provided. All referees must be persons who can comment on relevant and recent aspects of the applicant's work with children.
9. All staff appointments to (*this organisation*) will be subject to a probationary period during which they will closely supervised.
10. All paid staff and volunteers of (*this organisation*) will have clear roles detailed for them.
11. The supervision of staff and volunteers will be used as a means of ensuring that the children using the services of (*this organisation*) receive adequate and appropriate protection.
12. Where staff occupy high risk posts or are working in high risk settings or situations, (*this organisation*) will be extra vigilant in its supervisory role.
13. Induction programmes for all new staff and volunteers will include basic information on recognising and responding to child protection issues. Staff at all levels of the organisation will be encouraged to undertake further training on child protection issues, and in appropriate circumstances this training will be compulsory.
14. (*This organisation*) will ensure that issues of child protection receive continuous attention and will regularly review the way that the organisation operates to support this principle.