

CYNGOR TREF PENMAENMAWR
PENMAENMAWR TOWN COUNCIL

Telephone/Ffôn : 01492 623221
e-mail/e-bost: clerk@penmaenmawr.org



Town Clerk
3 Central Buildings
Penmaenmawr
Conwy
LL34 6AD

PENMAENMAWR TOWN COUNCIL
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CHILDREN AND VULNERABLE ADULTS PROTECTION POLICY

Policy Statement

Penmaenmawr Town Council, along with all other organisations, is required to take reasonable measures for the protection of children and vulnerable adults when they are subject to Council regulations, jurisdiction and events run by the Council. This policy outlines the steps that must be taken when staff or volunteers (who work on behalf of the Council) come into regular contact with children or vulnerable adults in order to minimise any potential risk.

Scope

All those who come into contact with children and families in their everyday work, including people who do not have a specific role in relation to child protection, have a duty to safeguard and promote the welfare of children.

This policy relates to all staff employed by the Town Council or volunteers engaged by the Council who regularly come into contact with children and vulnerable adults in the course of their work. This policy also relates to others, including Members, carrying out duties on behalf of the Council and to those agencies and contractors working on the Council's behalf. Where the policy standard refers to children, where appropriate, these standards should also apply to activities and events involving vulnerable adults. In respect of this policy a child is a person age under 18 and a person may be considered as a vulnerable adult if he/she has:

- A substantial learning or physical disability, or
- A physical or mental illness, including an addiction to drugs or alcohol, or
- A substantial reduction in physical or mental capacity due to advanced age

This policy statement will be brought to the attention of all Penmaenmawr Town Council employees and volunteers and will be reviewed from time to time.

Context

Every Child Matters: Change for Children emphasises that everyone who works with children - social workers, teachers, health visitors, school nurses, housing officers - should be collaborating to improve the way we support children and families.

Every Child Matters: Change for Children is a new approach to the well-being of children and young people from birth to age 19. The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy (physically healthy, mentally and emotionally healthy, sexually healthy, healthy lifestyles, choose not to take illegal drugs).
- Stay safe (safe from maltreatment, neglect, violence and sexual exploitation, safe from accidental injury and death, safe from bullying and discrimination, safe from crime and antisocial behaviour in and out of school, have security, stability and are cared for).
- Enjoy and achieve (ready for school, attend and enjoy school, achieve stretching national educational standards at primary school, achieve personal and social development and enjoy recreation, achieve stretching national educational standards at secondary school).
- Make a positive contribution (engage in decision making and support the community and environment, engage in law-abiding and positive behaviour in and out of school, develop positive relationships and choose not to bully and discriminate, develop self-confidence and successfully deal with significant life changes and challenges and develop enterprising behaviour).
- Achieve economic well-being (engage in further education, employment and/or training on leaving school, be ready for employment, live in decent homes and, sustainable communities, have access to transport and material goods and live in households free from low income).

Legislation

The main Acts relating to this policy are:

Children and Young Persons Act 1933 – Prevention of cruelty or exposure to moral and physical damage of any child or young persons.

Sexual Offences Act 1956 (Section 6) it is an offence for a man to have a sexual relationship with a girl under the age of sixteen.

Health and Safety at Work Act 1974, Duty of care - The duty of care is a general legal duty on all individuals and organisations to avoid carelessly causing injury to persons.

Protection of Children Act 1978 – offence to take or publish indecent photographs of a child under 16

The Protection of Children Act 1999 – The Act lays down certain requirements for any organisation that employs staff or engages volunteers who hold a child care position as defined by the Act. The majority of the Council’s activities involving children fall outside of the Act. However the Government expects organisations whose activities fall outside of the Act to provide a comparable level of safety to children under their supervision to that afforded within the regulated child care sector. The Council will adhere to the child protection principles contained within the Act.

Criminal and Court Justice Act 2000 – persons having committed certain offences are disqualified from working with children.

Sexual Offences Act 2003 creates an offence of sexual activity with a child, abuses of positions of trust and sexual activity, sexual activity with a person with mental disorders and the taking of indecent photographs of children 16 or 17.

The Children Act 2004 - Section 11 of the Children Act 2004 places a duty on a range of public sector bodies to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children.

Policy Standards

1. Generally

1.1 This policy has been drawn up in accordance with the Home Office’s Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations.

2 GUIDELINES

2.1 Plan the work so as to minimise situations where the abuse of children may occur.

The number of people intentionally seeking to harm children is quite small, but sadly child abuse does exist. This risk can be minimised by planning the activity carefully and making sure all staff and volunteers are aware of the procedures. Examples include ensuring that:

- i) At least two or more adults are present when dealing with children. (Dependant upon the nature of the activity and the age range of the participants involved consideration should be given to the gender mix of the responsible adults). Where this is not possible, for example coaching sport activities, staff and volunteers should avoid circumstances where they find themselves alone with an individual child. Good practice would usually require that events of this nature are planned well in advance and are not arranged on an ad hoc basis. All staff should be aware of the arrangements in place and consideration should be given to any difficult situations that may arise.
- ii) Under no circumstances should a member of staff or volunteer offer a child a lift in their car or meet them outside of the approved activity. **See section 3 relationships with children**

- iii) Where possible activities should be held during the day at venues that are easily accessible.
- iv) Consideration should also be given to scenarios that might occur outside of the normal remit and plans should be in place to respond to these types of situations e.g. a child having an epileptic fit.

2.2 Identify an independent person children can talk to.

Children should have the right to make representations to an independent person if they have concerns over a member of staff or volunteer's behaviour. Children should be made aware at the beginning of the event what the procedures are if they have any issues that they need to discuss. The Clerk is responsible for investigating all complaints involving a member of staff or volunteer and for most events and activities.

If any member of staff or volunteer has concerns about the behaviour of any other member of staff or volunteer, or has concern that a child may be at risk from harm, he/she should also report their concerns immediately to the Clerk.

2.3 Managing staff and volunteers

Good management is essential to protecting children from harm. Managers should ensure that those staff or volunteers under their line management have good supervision. This should prevent and/or detect abuse or harm to children. This might be achieved by meeting each member of staff or volunteer on a regular basis to review work. Questions might be asked about their working and personal relationships with the children with whom they come into contact with. Appendix 1 provides guidelines on detection of child abuse. It is not possible to list all of the potential signs of an abusing relationship. If however a child appears to be receiving exceptional treatment or is being treated harshly the manager should explore the circumstances further. If he or she is not convinced that the child's welfare is secure then he/she should seek further advice from the Clerk. However unreasonable expectations should not be placed on events staff who may not be fully trained in this area.

Managers may, where they are concerned and are not directly involved in the event, want to observe members of staff or volunteers whilst they are working with children. Where appropriate staff would be advised that this was to be undertaken and the appropriate Regulation of Investigatory Powers Act (RIPA) procedures would be enacted where necessary. If managers have any concerns they should make a record of them and pass them to the Clerk immediately.

2.4. Employ good recruitment and selection practices

Employing good recruitment and selection practices is essential in minimising the risk to children. The following procedures should be followed when recruiting staff or volunteers working with children.

- i) Disclosure must be sought from the Criminal Records Bureau (CRB) for all new and existing staff and volunteers working with children. Your CRB disclosure will need to be renewed every 3 years (enhanced) or 5 years (standard) or such other time intervals as decided by management. New members of staff or volunteers must not commence any activities involving children or vulnerable adults until the disclosure records providing clearance have been received from the CRB **unless accompanied at all times by a colleague who has received CRB clearance.**
- ii) At interview, where it is known that staff or volunteers will regularly be coming into contact with children, then managers should ask applicants about their experience of working with children. Should anything in an applicant's response cause concern then these areas of uncertainty should be explored further through follow up questions
- iii) Before the appointment of any applicant, whether paid or voluntary, references should be sought covering this area of work. In respect of any potential staff member, two references will be sought by Personnel in accordance with the Council's Reference Policy. In respect of volunteers, managers must obtain at least one reference from a reputable person who can comment on the applicant's character and relationship with others. When writing to the referee, managers should state explicitly that the applicant is being considered for a position which involves working with children and seek his or her views on their suitability for such work.

2.6 How to respond to suspicions or allegations of child abuse.

Managers are required to issue to all new and existing staff and volunteers this policy and explain to them the steps they must take if a child discloses details of abuse or they suspect a child is being abused. Appendix 1 provides guidance on child abuse and appendix 2 identifies what information to record if an incident occurs.

2.7 Provide appropriate training for staff and volunteers in the prevention of child abuse.

It is the responsibility of the Clerk to decide what additional training if any is needed for individual members of staff and volunteers who regularly work with children. The type of training to be provided will depend on the nature of the contact with children. However, as a minimum this policy must be explained in detail to all staff who regularly work with children by their line.

3. Relationships with children

3.1 All staff who work with children are in a position of trust and should demonstrate exemplary behaviour to protect children and themselves from false allegations. Staff must not develop personal relationships with any child they come into contact with through their work and the following practices are forbidden:

- Any physical chastisement
- Engaging in rough or physical games (except in clearly identified physical games)

- Spending excessive amounts of time alone with children away from others#
- Purposely meeting children outside of the working environment who they have met whilst working or become aware as a result of their work.
- Speaking to particular children in a derogatory or deliberately undermining way
- Giving children lifts in their car or council vehicle, unaccompanied by another staff member. Officers will require authorisation in advance by their line manager if accompanying a child in their car or council vehicle. In the event of an emergency where a child is accompanied by a lone officer, officers are required to notify their line manager of the event as soon as possible afterwards.
- Sexual contact or interaction of any kind whatsoever with a child, including verbally suggestive comments or engaging in any form of inappropriate touching or any type of sexual relationship.
- Email and text contact must be appropriate to the work involved. Particular care should be given when responding to contact initiated by a child or young person.

3.2 There may be occasions when a member of staff knows a child personally e.g. a friend of the family. If this is the case then staff should report the relationship to their line manager and avoid treating the child differently from other children.

It may also be necessary for some staff to do things of a personal nature for children, especially young or disabled children. These tasks should only be carried out with the full understanding and consent of the parent.

4. Responding to suspicions or allegations

4.1 It is not the responsibility of staff or volunteers to decide whether or not child abuse has taken place. However it is the responsibility of all to report immediately any concerns they may have.

4.2 If a member of staff or a volunteer suspects a child is being abused then they must make a record of the incident, in accordance with the guidelines detailed in appendix 1 and 2, and report all suspected incidents of abuse or harm immediately to their line manager who will take such steps as necessary to ensure the safety of the child is protected. If an event or activity takes place outside of normal working hours then the officer in charge of the event must report his or her concerns to their line manager the next working day. There may be circumstances where immediate contact with the emergency services may be appropriate, for example if the child or young person has runaway, is in need of medical assistance or refuses to return home.

4.5 The Council will support all staff who report in good faith incidents where a child may be harmed. However vexatious or malicious allegations will be dealt with under the Council's Disciplinary Procedure

5. Action that may be taken against alleged offenders

5.1 Where the complaint is against a member of staff or a volunteer, depending on the nature of the allegation, the following confidential investigations may take place:

- An internal investigation in accordance with the Council's Disciplinary Procedure. This may result in the officer being suspended from duty whilst investigations take place.
- A child protection investigation by social services

- A criminal investigation by the Police.
- 5.2 If the allegation is clearly about poor practice then the line manager will consider what action to take, i.e. further training, disciplinary action etc.
- 5.3 If the allegation is serious then the Clerk will refer the matter to the police or social Services
- 5.4 Where the complaint is about a member of the public then the Clerk will refer the matter to either the police or social services.
- 5.5 The Council will make every effort to ensure confidentiality is maintained for all concerned. Information must be handled and disseminated on a need to know basis only. All information must be stored in a secure place in line with data protection requirements.

6. Responsibility of line managers

Line managers are responsible for ensuring that all activities and events are carried out safely and that a risk assessment is completed before the event.

Any line manager whose staff are involved in working with children must ensure:

- that they receive appropriate training
- have received a copy of this policy and had it explained to them
- that staff and volunteers sign the policy stating that they fully understand it
- report immediately any concerns to the Clerk as stated above

7. Responsibility of staff

It is the responsibility of staff to report immediately to their line manager any suspected cases of child abuse. It is particularly important for staff who are not directly involved in working with children, but due to the nature of their work come into frequent contact with the public, to remain vigilant and report any suspected child abuse.

APPENDIX 1

FACTSHEET

This fact sheet is not part of the STC Protection of Children & Vulnerable Adults Policy but should be used as guidance and to explain commonly used terms within the policy

What is child abuse?

Child abuse can take many forms but it refers to the damage done to a child's physical and/or mental health and development. There are four main forms of child abuse: These descriptions are brief and are not exhaustive.

PHYSICAL ABUSE

Where adults physically hurt or injure children by hitting, shaking, squeezing, burning or biting, attempted suffocation and drowning, and giving children inappropriate drugs or poisons.

NEGLECT

This can be where adults fail to meet the basic needs of children such as food and warm clothing; failing or refusing to give children love, affection or attention; or consistently leaving children alone and unsupervised.

SEXUAL ABUSE

Boys and girls are sexually abused when adults use them to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex or fondling, but could also be in the form of showing children inappropriate material, such as pornographic material, or taking pictures for inappropriate purposes.

EMOTIONAL ABUSE

This can occur in a number of ways where there is a persistent lack of love or affection, constant overprotection which prevents a child from socializing, continual shouting, bullying, threats and taunting, and where neglect, physical or sexual abuse is occurring.

Effects of abuse

Abuse in all its forms can affect a child at any age. The effects can be so damaging that if undetected or untreated, they may follow an individual into adulthood. For example an adult who has been abused as a child may find it difficult to maintain a stable trusting relationship, sometimes become involved with drugs and prostitution and may even attempt suicide or abuse a child in the future.

There have been a number of studies that suggest children with disabilities are at increased risk of abuse through various factors such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse has occurred. Staff working with these children should be particularly vigilant.

Recognition of abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. It is acknowledged that staff, whether in a paid or voluntary capacity, are not expert at such recognition. It is important to remember that it is not our responsibility to decide whether or not child abuse is taking place, but to report where we have concerns or where an allegation has been made.

Indications that a child is being abused may include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not usually prone to such injuries.
- An injury for which the explanation seems inconsistent.
- The child describes what appears to be an abusive act involving him/her and an adult
- Someone else - a child or adult, expresses concerns about the welfare of a child.
- Unexplained changes in behaviour over time e.g. becoming quiet and withdrawn, or displaying sudden outbursts of temper.

- Inappropriate sexual awareness.
- Engages in sexually explicit behaviour in games.
- Is distrustful of adults especially those with whom a close relationship would normally be expected.
- Has difficulty in making friends.
- Is prevented from socialising with other children.
- Displays variations in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty or unkempt.

This list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place.

What information to record if you have concerns?

The Child Protection Incident form in appendix 2 details all the information that should be recorded by staff if they witness or are made aware of a suspected child abuse issue. Managers should ensure that as part of the risk assessment for each event staff and volunteers understand the policy and how to complete the form.

How to respond to suspicions or allegations of child abuse

Children who are abused will only tell people they trust and feel safe with. If a child tells you that they are being abused you must take seriously what they say. The following guidelines will help you deal with the situation, but you do need to remember all situations are different.

Create a safe environment by

- ❖ Staying calm
- ❖ Reassure the child that you are listening.
- ❖ Listen to what they say and show you are taking it seriously
- ❖ Where possible remain in the view of others.
- ❖ Do not make promises. Explain that you will have to tell other people so that they can solve the problem.

Ensure you are clear about what the child has said, keep questions to a minimum and avoid closed questions i.e. questions that simply require a “yes” or a “no” or similar.

Use open questions and avoid suggesting to the child what may have happened as the law is strict and cases can be dismissed if it appears the child has been led.

Record exactly what the child has said in legible and accurate format on the Child Protection Incident Form as soon as possible after you have been told.

It is not your responsibility to decide if a child is being abused. However, it is your responsibility to report any concerns you have in accordance with the policy and as quickly as possible.

Consider if immediate protection or welfare needs apply (runaway, medical assistance, refusal to return home) and make contact with the emergency services as necessary.

APPENDIX 2

Child Protection – Incident Form

Staff or volunteers should use this form if they have witnessed a child being abused, a child has disclosed that they are being abused or they suspect a child is being abused. Please refer to the Child Protection Policy before completing this form.

Please use the back of this form to provide additional information.

Name of person reporting the incident and contact details (including phone number)

Name of Child

Date of Birth of Child

Address of the Child

Date and time of allegation or suspicion

Short description of the allegation or suspicion

Observation of the child's emotional state (or physical state if appropriate)

Record of what the child/witness has said

Any other comments

Name of Officer/ Volunteer

Signature Date

This form should be completed as soon as practicably possible after the complaint has been raised and passed immediately to your line manager.

PROTECTION OF CHILDREN AND VULNERABLE ADULTS POLICY

I undertake to comply fully with the Protection of Children and Vulnerable Adults policy and I recognise that the Council may monitor my working with children in accordance with the (RIPA) regulations. I confirm that I have read and understood the contents of the policy.

Signed _____ **Name** _____ **Date** _____