

SAFEGUARDING CHILDREN AND YOUNG PEOPLE

(O.LE.02)

POLICY STATEMENT

Safeguarding children and child protection guidance and legislation applies to all children up to the age of 18. Refer to policy O.LE.01 Safeguarding Adults at Risk for anyone over the age of 18.

The aim of this policy is to ensure that throughout the work of the Oaklea Group, we will safeguard and promote the welfare of all children and young people. We aim to do this by ensuring that we comply with statutory and local guidance for safeguarding and by ensuring safeguarding the rights of children is integral to all we do. Both Oaklea Group safeguarding policies (Safeguarding Adults at Risk O.LE.01) and (Safeguarding Children O.LE.02) are reviewed annually to maintain and prioritise the welfare of our customers.

All employees/volunteers of the Oaklea Group, including the Senior Leadership Team, Trustees and Board Members are involved in monitoring that our safeguarding policies and procedures are adhered to in conjunction with the latest legislation. As a Group we have a nominated Board Members/Trustees on each Board dedicated to safeguarding.

This policy addresses the responsibilities of all employees including Trustees/Board Members. All employees/volunteers of the Group are supportive and committed to implement this policy and the practices it sets out.

It is the responsibility of each Manager to brief all employees in their teams on their responsibilities under the policy.

Safeguarding is about protecting people; it is the guards that we put in place to keep people safe; particularly those who are at risk such as children and/or adults at risk, so that people can live a life free from abuse, harm and neglect.

The scope of this policy includes reference to the 'Prevent Agenda'; Prevent is part of the UK's Counter Terrorism Strategy and works to stop individuals from getting involved or supporting terrorism or extremist activity. Radicalisation is a psychological process where vulnerable and/or susceptible individuals are groomed to engage in criminal, terrorist activity.

This policy will be implemented through practices that respect the basic human rights of children to privacy, dignity, independence, choice, spiritual beliefs and customs, and fulfilment in living their chosen lifestyles. It is to be remembered and understood that some children communicate their emotions through tactile and other non-verbal forms of communication.

We believe that all children have the right to the highest standard of support and care free from any type of abuse or neglect. We recognise that the person responsible for abuse or neglect may be anyone. However, they are most often very well known to the individual concerned.

Anyone may abuse or neglect and this could include: -

- advocates;
- employees;
- volunteers;
- relatives;
- friends;
- other customers;
- professionals.

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All allegations of abuse/harm/neglect will be reported and, if substantiated, will be acted upon immediately in line with this policy. All employees have a professional duty to report any suspicions or allegations of abuse/harm/neglect.

Decisions by employees regarding whether or not to report concerns of abuse/harm/neglect are not a matter of individual conscience but are considered a professional duty. The Group will not penalise any employee if they report something that they genuinely believe or suspect to be abuse/harm/neglect but later it proves not to be so.

This policy provides guidance for safeguarding children. Employees must refer to the Safeguarding Children Procedures and any relevant Multi-Agency Policies and Procedures for their area, these are available from the Local Safeguarding Children Boards. Employees must ensure that they are familiar with these multi-agency policies (copies of which are available on the server). All other Oaklea Group policies and procedures relating to this policy can be found under the "Related Policies" section at the end of this policy.

This policy gives information on how and to whom matters relating to abuse/harm/neglect must be reported. Employees must ensure that they are familiar with these local policies (see links below).

For the purposes of this document, an employee is defined as an individual who carries out duties on behalf of Oaklea Group whether paid or unpaid.

The Group operates recruitment and selection practices in line with safer recruitment standards which are designed to satisfy all relevant legislative requirements and are intended to prevent the employing of people who may pose a risk to Oaklea Group customers. Further information on our recruitment and selection process can be found in section 6 below and within policies C.HR.15 Recruitment and Selection & C.HR.04 Disclosure and Barring Service.

Both Oaklea Group safeguarding policies (Safeguarding Children O.LE.02) and (Safeguarding Adults at Risk O.LE.01) are reviewed annually to maintain and prioritise the welfare of our customers. The last review date and the next review date of this policy can be located on the right side of the footer at the bottom of the page.

Categories of Abuse

Abuse may be a single act or repeated over a period of time. It may be: -

- Physical
- Verbal
- Cyber
- Illness Induced Syndrome
- Emotional/Psychological Abuse
- Sexual Abuse
- Neglect

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

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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. +

+ *Department for Education, 2017*

Where there are concerns regarding sexual exploitation, a referral to Local Authority Safeguarding team is required.

Where an allegation relates to **historical abuse** that happened when the adult at risk was a child, it should also be dealt with under Safeguarding Children Procedures in the same way as a contemporary concern.

For further information on the Types of Abuse see Appendix 1.

Abuse may occur in any relationship and may result in significant harm to, or serious exploitation of, the person concerned.

Significant Harm and Serious Exploitation are defined as: -

Any ill treatment that leads to the impairment of or avoidable deterioration in the child's physical or mental health, or the impairment of or avoidable deterioration in physical, intellectual, emotional, social or behavioural development.

Other factors for consideration when working with children and young people

Physical Contact

There are occasions when it is entirely appropriate and proper for employees to have physical contact with children and young people, but it is crucial that they only do so in ways appropriate to their professional role and where consent is given.

A 'non-touch' approach is impractical for most employees and may in some circumstances be inappropriate. When physical contact is made with children and young people this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.

This means that adults should: -

- Be aware that even well intended physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described.
- Never touch a child in a way which may be considered indecent.
- Always be prepared to explain actions and accept that all physical contact can be open to scrutiny.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Employees should therefore, use their professional judgement at all times. (see Policy O.PC.11 Professional Boundaries).

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Social Contact (befriending a child or young person outside your job role)

If a young person seeks to establish social contact, or if this occurs coincidentally, employees must exercise professional judgement in making a response and be aware that such social contact could be misconstrued.

- Employees must not give their personal details such as home/personal mobile number or e-mail address to children and young people.

Children and Young People in Distress

There may be occasions when a distressed child or young person needs comfort and reassurance. This may include age appropriate physical contact. Employees should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.

Where an employee has a particular concern about the need to provide this type of care and reassurance they should seek further advice from a senior manager, before, during or without delay after the concern has arisen.

This means that adults should: -

- Consider the way in which they offer comfort to a distressed child or young person.
- Always tell a colleague when and how they offered comfort to a distressed child or young person.
- Record situations which may give rise to concern.

Care, Control and Physical Intervention

Employees may legitimately intervene to prevent a child from committing a criminal offence, injuring themselves or others, causing serious damage to property. Employees should have regard for the health and safety of themselves and others.

This is a complex area and employees must have regard to DCSF guidance.

- DCSF Guidance LEA/0242/2002 The Use of Restrictive Physical Interventions for Staff working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Spectrum Disorders.
<https://dera.ioe.ac.uk/15434/1/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>

PROCEDURE

The exact procedure you must follow will depend on the situation and whether alleged abuse/neglect was observed, disclosed or suspected.

All staff must be familiar with what to do in each of these situations. If you have any questions or concerns about this policy and procedure, speak to your line manager or a member of the Safeguarding Team (see Appendix 2).

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What to do if you have concerns about the welfare of a child/young person (see Appendix 1)

Responding to a child/young person who tells you about abuse

This is called **Disclosed abuse/neglect**. This occurs where an individual tells somebody that either they have been abused/neglected or have seen someone else being abused/neglected.

Observed abuse/neglect of a child is abuse/neglect which an employee witnesses at first hand.

Suspected abuse/neglect is where an employee has reason to believe that abuse/neglect may have occurred however there is no disclosure of abuse/neglect made by any other parties.

Concerns about the wellbeing and safety of a child/young person must always be taken seriously and treated as paramount; this includes situations where the alert remains anonymous.

A concern may be:

- a direct disclosure by the child/young person themselves and/or
- raised by employees / volunteers, others using the service, a family member/carer, a member of the public and /or
- an observation of the behaviour of the child/young person, of the behaviour of another person(s) towards a child/young person or of one child/young person towards another.

In all cases when an employee becomes aware of a concern, however trivial the concern may seem, they have a duty of care to that child/young person and must take the necessary steps to ensure the immediate safety of the child. What you should do is explained below.

When a child/young person makes a disclosure, it is important to reassure the individual that the information will be taken seriously.

Employees should not redirect the child/young person to another employee as this may discourage the individual from discussing their allegations further with the risk that abuse/harm/neglect may potentially continue.

Instead, if someone makes a disclosure to you, you must:

- Listen to the individual, taking care not to ask leading questions.
- Provide information and support in a way that most meets their particular age and needs.
- Do not be judgmental or jump to conclusions.
- Explain that you have a duty to report the matter and that their concerns may be shared with others who could have a part to play in protecting them.
- Immediately after, record in detail the content including any witnesses to the incident. (Any identified witnesses must **not** be questioned nor enquiries made of anyone about the disclosed incident).
- Give them information about what steps will be taken also including any emergency action to address their immediate safety or well-being.
- Complete an Accident/Incident form (OS-104) and, where necessary, report the disclosure and allegation externally.

If a child/young person or any other person makes a disclosure or an allegation to you asking that you keep it confidential, you should inform them that you will respect their right to confidentiality as far as you are able to, but that **you are not able to keep the matter secret** and that **you must** share the allegation

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with the appropriate person or body. The possibility of threat or coercion may need to be discussed.

If it is thought a crime could have been committed, the Police should be contacted immediately. It is important that you do not contact the alleged perpetrator or anyone that might be in touch with them.

Third party disclosures of abuse/neglect against children may be made anonymously. However, anonymity does not extend to employees of the Group as they have a professional duty of care. Anonymous allegations by members of the public must still be reported, however, employees should try to encourage the person reporting to supply their name.

It is not your responsibility to investigate any alleged abuse but to refer and report the matter both internally and externally. Ensure you give clear and concise information at all times.

If you believe a child/young person is in immediate danger call the Police and/or the Local Authority Safeguarding Team. (See telephone contact details on page 7).

Links to Local Authority/ Multi-Agency Safeguarding Policies and Procedures

All allegations against people who work with children (including foster carers and volunteers) must be reported, both internally and externally, without delay.

- Within Northumberland please [click here](#) for the multi-agency safeguarding procedures.
- Within Cumbria please click the link [click here](#)
- Within Durham please [click here](#) or the multi-agency safeguarding procedures.
- Within North Yorkshire County Council Safeguarding please [click here](#) or the multi-agency safeguarding procedures.

What must be reported

Any allegation that someone who works with children has: -

- behaved in a way that has harmed or may have harmed a child;
- possibly committed a criminal offence related to a child;
- behaved in a way that indicates that he/she is unsuitable to work with children.

The Local Authority / Police (if in immediate danger) / other agencies are responsible for investigating any concern raised. We are only responsible for reporting any concern without delay.

Responsibilities of the person raising the Safeguarding concern:

Immediate Action – evaluating the risk:

- Make an immediate evaluation of the risk and take all necessary steps to make sure that no children/young people or others are in immediate danger.
- Where appropriate, dial 999 for an ambulance if there is a need for emergency medical treatment.
- Contact the Police if a crime has been or may have been committed.
- Where appropriate, do not disturb or move articles that could be used in evidence, and secure the scene.
- Contact the appropriate adult safeguarding team (See OLE01) if an adult with vulnerabilities is also at risk.

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- If possible, make sure that other people are also not at risk.

Please note:

- The Police are always responsible for the gathering and preservation of evidence where a crime may have been committed.
- Other organisations, including Oaklea, and individuals can have a role in the preservation of evidence to ensure that important information or forensics are not lost. This may include taking photographs.
- If in doubt about what to do, contact the Police for advice.

Immediate Action – reporting the safeguarding concern:

The employee to whom the disclosure has been made must:

- report the disclosure to the Local Authority Safeguarding Team **within 24 hours**. See contact details in the table below. This report should be made via telephone, written reports are not accepted.
- report the matter immediately to their line Manager (or in the event this is outside of normal working hours report to EAT) and/or the Safeguarding Team.
- start to complete an incident report form (OS/104) detailing what they have observed, why they think it is abuse/harm/neglect, note any other witnesses, the date, time and location and include the details of whom they have spoken with at the Local Authority and any reference numbers the Local Authority has provided.
- Any bruises, marks and/or unexplained injuries observed should be clearly documented on a body map (OS/133)
- An employee must not report any allegations to an alleged perpetrator as this will compromise any subsequent investigations and may lead to disciplinary action

Contact Numbers	
Westmorland and Furness Council	0300 373 3300
Cumberland Council	0300 373 3730
Durham County Council	03000 26 79 79
Northumberland County Council	0345 600 6400
North Yorkshire	01609 780780
NHS Lancashire ICB	0300 373 3600
In an emergency if a person is at risk of serious harm or needs immediate medical attention	999
Oaklea Emergency Advice Team	07734 971362
Designated Safeguarding Team	See Appendix 2

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The Line Manager must:

- if the concern is linked to our Regulated Activities, refer the incident to the Registered Manager (Designated Safeguarding Lead) in order that a CQC notification can be made **within 24 hours**.
- complete the Local Safeguarding Log (OS/062) with initial information available
- complete the Team Manager Action Form (OS/106) following receipt of the incident form from the employee
- share if appropriate with other Designated Safeguarding Leads to ensure a point of contact is maintained with the Local Authority.

If allegations or suspicions are directed against an employee of the Group HR will be involved as soon as the incident form has been received and the disciplinary (CHR05) and, where relevant, other policies (see list below) will be followed.

Where an employee receives a report of alleged abuse/neglect against a child by the CEO, an immediate report should be made to the Chairman of the Board of Trustees who will co-ordinate subsequent investigations, seeking guidance from HR.

What happens following a safeguarding concern being reported

- Following a Safeguarding concern being raised the Local Authority Safeguarding Team will decide whether the Safeguarding Children Procedures are to be applied to address the concern.
- An internal enquiry will be initiated by a member of the Safeguarding Team and delegated to an appropriately trained and experienced employee, who will use OS/122 (Internal Safeguarding Form) to document all elements of the enquiry. This form brings together a significant amount of detail about the incident, supporting reporting, recording and actions following the incident and must be kept up to date by all involved in managing the incident and supporting the individual concerned.
- The decision to proceed with an internal enquiry will take account of the views of the Local Authority Safeguarding Team and any Police involvement.
- The Internal Safeguarding Form (OS/122) will be saved to the Safeguarding folder of the server.
- The Registered Manager and the person delegated to manage our internal enquiry (if different) are expected to attend any safeguarding meeting called by the Local Authority and work with other agencies where appropriate to ensure an approach that meets the needs of the individual holistically
- The Registered Manager may, if appropriate, link an individual involved in a safeguarding matter with a buddy (customer or employee) to gain support and practical help. This arrangement should not in any way contravene or undermine the safeguarding process
- It is recognised that at times there may be professional differences between Oaklea Registered Managers, Designated Safeguarding Leads, Local Authority practitioners and/or the Police. Employees are expected to discuss with the Local Authority / Police if they believe a decision is incorrect and should provide clear evidence-based reasons for their disagreement and follow the appropriate escalation procedure in place.

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- Should the concern include any allegations involving an employee, agency worker, independent contractor or volunteer they will always be taken seriously and treated in accordance with Local Authority Safeguarding policy and procedures and Person in Position of Trust (PiPoT) guidance see Appendix 3. This includes implementation of the Group's disciplinary procedures (C.HR.05) and possible suspension without prejudice. All allegations should be followed up regardless of whether the person involved resigns her/his post and even if the person refuses to co-operate with the process.
- The Registered Manager will arrange a debrief session for all employees concerned in the incident to ensure their full understanding of the incident, follow on actions, changes in support and any lessons learned to be implemented. Any lessons learned will also be shared with / supported by the Group's Safeguarding Team for wider implementation across the organisation as appropriate.

Parents/Other Relatives/Legal Guardians

The parents or legal guardians of the child have the right to be informed of any suspected, disclosed or observed abuse/neglect except where the parent/legal guardian is a suspect/perpetrator. The informing of parents or legal guardians is made by the Child Protection Officer or a relevant Director in liaison with the relevant Local Authority department and/or Police.

Oaklea Group Safeguarding Team

The Oaklea Group has a team of Designated Safeguarding Leads whose purpose is to maintain and expand development in safeguarding practice, provide guidance and support to all employees. Please refer to Appendix 2 for contact details.

The safeguarding team will meet regularly, in line with the current terms of reference, to review the central log of safeguarding concerns, review trends and consider improvements to practise.

Recruitment and Selection

The Group has a stand-alone policy on Recruitment and Selection (C.HR.15) and Disclosure and Barring Service (C.HR.04) which sets out in detail our policy and processes to ensure safer recruitment.

Complaints

The Group has a clear well publicised procedure that is capable of dealing with complaints from all customers, families and employees. Please refer to Compliments and Complaints (O.PC.13).

Consideration should always be given to whether a complaint meets the criteria for a child/young person safeguarding referral or managing allegations procedures.

Whistleblowing

The Group recognises the importance of building a culture that allows all employees to feel comfortable about sharing information, maintaining anonymity, regarding concerns they have about a colleague's behaviour. This will also include behaviour that is not linked to safeguarding but that has pushed the boundaries beyond acceptable limits. See Whistleblowing policy (C.HR.26).

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Training and Development

All employees working for the Group receive Safeguarding training at a minimum of Level 2. As a general principle, relevant employees will receive the following: -

Role:	Level	Frequency:
Designated Safeguarding Leads (including Senior Leadership Team and Registered Managers)	Level 3	On induction and every 2 years thereafter
Trustees and R2W Non-Exec Directors	Level 2	On induction and every 2 years thereafter
Team Managers	Level 2	On induction and every 1 years thereafter
Right2Work employees	Level 2	On induction and every 1 years thereafter
Care Team Employees	Level 2 – raising a concern	On induction and every 1 years thereafter
Central Employees	Level 2 – raising a concern	On induction and every 1 years thereafter

Designated Safeguarding Leads will also attend annual safeguarding update training provided by the National Care Forum (NCF).

Communication and updates on best practise will be shared to all employees through our newsletters, team meetings and ad hoc workshops as required.

Confidentiality

All written records of alleged reported or suspected abuse/harm/neglect, and verbal communication on such issues, are strictly confidential. These must not be disclosed to any person except on a 'need to know basis'. See Confidentiality and Data Protection (O.LE.03).

Prevent

The Prevent Duty is seen as part of Oaklea Group's wider safeguarding obligations. Designated Safeguarding Leads and other senior leaders should familiarise themselves with the revised Prevent Duty Guidance for England and Wales, to assist with managing the risk of radicalisation in a learning setting, www.gov.uk.

The Prevent Programme is designed to safeguard people in a similar way to safeguarding processes to protect people from gang activity, drug abuse and physical and sexual abuse.

The Counter Terrorism and Security Act 2015 Prevent Statutory Duty includes a provision called the Prevent Duty which places a general requirement on specified authorities to "have due regard to the need to prevent people from being drawn into terrorism."

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Sub-contractors have to comply with the Prevent Duty, but it is the responsibility of the contracting authority to ensure that they do so. As Right2Work is a sub-contractor of further education colleges this means that compliance with these duties is required and Risk Assessments from the main contractor are obtained and followed.

Employees receive in-house training will receive information and instruction in order to understand the risk and build the capabilities to deal with and implement the Prevent Duty effectively.

Right2Work teams will work with learners on the duty and how to stay safe, especially on-line which is a key way in which terrorists radicalise vulnerable people.

Right2Work completes an annual review of its Prevent Risk Assessment (OS-221) to assess risk and decide on actions. The Designated Lead for Prevent and Safeguarding rests with the CEO. There is also a Safeguarding Lead on Oaklea Trust and Right2Work Boards.

Governance

To ensure good safeguarding governance, Oaklea Group adheres to the guidance of the Charity Commission for England and Wales, in relation to its Safeguarding procedures and practices.

Individual incidents that pose a risk to the organisation are reported to Board via the designated Board Safeguarding Lead.

RELATED POLICIES

- Disclosure and Barring Service (DBS) (C.HR.04)
 - Disciplinary (C.HR.05)
 - Whistleblowing (C.HR.26)
 - Recruitment and Selection (C.HR.15)
 - Emergency Advice Team (O.EM.04)
 - Safeguarding Adults at Risk (O.LE.01)
 - Confidentiality and Data Protection (O.LE.03)
 - Mental Capacity (O.LE.06)
 - Challenging Behaviour and Restrictive Physical Interventions (O.PC.08)
 - Compliments and Complaints (O.PC.13)
 - Prevent Action Plan R2W (OS-221)
 - Safeguarding Adults Threshold Tool
- <https://www.cumbria.gov.uk/eLibrary/Content/Internet/537/6683/17937/44112152158.pdf>