

The Arthur Ellis Mental Health Foundation

Children and Young People Child Protection & Safeguarding Policy

Introduction

The Arthur Ellis Mental Health Foundation (AEMHF) believes that it is always unacceptable for a child or young person to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all children and young people, by a commitment to practices which protect them.

AEMHF recognises that:

- The welfare of the child and young person is paramount,
- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation, or identity, have the right to equal protection from all types of harm or abuse,
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

The purpose of the policy:

- To provide protection for the children and young people who receive AEMHF services, including the children of adult members or users,
- To provide staff with guidance on safeguarding procedures they should adopt in the event that they suspect a child or young person may be experiencing, or be at risk of, harm.

This policy applies to all staff regardless of their position in AEMHF.

It is our policy that no-one shall work with children and young people within AEMHF who:

- has been convicted of or has received a formal police caution concerning an offence against children as listed in the First Schedule of the Children and Young People's Act 1933; or
- has been convicted of or has received a formal police caution concerning sexual offences against children and young people

- is registered on either of the two new DBS barred lists for children & vulnerable adults, (previously known as the Protection of Children Act list, protection of Vulnerable Adults Act list and List 99).

AEMHF will seek to safeguard children and young people by:

- Valuing them, listening to and respecting them,
- Adopting child protection guidelines through procedures and a code of conduct for staff and undertake regular safeguarding & child protection courses and training as identified by the MK Together Safeguarding Partnership,
- Recruiting staff safely, ensuring all necessary checks are made obtaining verification of individuals identity and details of the individuals enhanced Disclosure and Barring check, to ensure that persons who have been convicted or have received a formal police caution concerning sexual offences against children or young people shall not undertake work with children and young people under the auspices of AEMHF,
- Those responsible for the appointment of such workers must take all reasonable steps, including:
 - Working in reference with AEMHF recruitment policy and MK Together Safeguarding Partnership - safer recruitment guidance,
 - Sharing information about child protection and good practice with children, parents, carers, staff and relevant agencies,
 - Sharing information about concerns with agencies who needs to know, and involving parents and children appropriately,
 - Providing effective management for staff through supervision, support and training.

Legislation and statutory guidance in relation to working with Children and Young people

Information contained in this policy is based on the Department for Education's statutory guidance for 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children'. AEMHF complies with this guidance and the procedures set out by MK Together Safeguarding Partnership.

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

- Section 175 of the Education Act which places a duty on schools and local authorities to safeguard and promote the welfare of pupils,
- The Children Act 1986 (and amendment 2004) which provides a framework for the care and protection of children,
- Section 5B(11) of the Female Genital Mutilation at 2003, as inserted by section 74 of the Serious Crime Act 2015, we each place in the statutory duty on staff to report to the police when they discover that female genital mutilation (FGM) in appears to have been carried out on a girl under the age of 18,
- Statutory guidance on FGM, which sets out responsibilities with regards to safeguarding and supporting girls affected by FGM,
- The Rehabilitation of Offenders Act 1974, we outline when people with criminal convictions can work with children,
- Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, which defines what 'regulated activity' is in relation to children,
- Statutory violence on the Prevent duty, which explains duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism,
- The Childcare (disqualification) Regulations 2009 (and 2018 amendment) and Childcare Act of 2006, which set out who is disqualified from working with children.

Also, this policy is underpinned by the following framework:

- The Children Act 1989 (England & Wales) and s.31 (9 and 10) as amended by the Adoption & Children Act 2002,
- United Convention of the Rights of the Child 1991,
- Sexual Offences Act 2003,
- Criminal Justice and Court Services Act 2000,
- Protection of Children Act 1999 and The Police Act 1997,
- Protection of Freedoms Act 2012,
- Relevant government guidance on safeguarding children,
- Working Together to Safeguard Children 2013,
- Working together 2015,

Definitions

Safeguarding and promoting the welfare of children and young people means;

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

Child protection is part of this definition and refers to activities undertaken to prevent children and young people suffering or being likely to **suffer significant harm** as described in our Child Protection Policy.

Abuse is a form of maltreatment of a child or young person and may involve inflicting harm and failing to act to prevent harm.

Neglect is a form of abuse and is the persistent failure to meet a child's or young person's basic physical and/or psychological needs, likely to result in serious impairment of their health or development.

Children and young people refer to everyone under the age of 18.

Offsite activities refer to any of Arthur Ellis' business being conducted in venues like a public place like a cafe, the client's home, school, GP surgery etc.

Roles and Responsibilities

Safeguarding and child protection is **everybody's responsibility**. All staff regardless of their position in AEMHF have a duty to promote the welfare and safety of children. They may receive disclosures of abuse and observe children who are at risk. The policy applies to all staff, and it is consistent with the procedures of MK Together Safeguarding Partnership. The policy and procedures also apply to offsite activities.

All staff at AEMHF regardless of position in the organisation, will read the Department of Education's statutory safeguarding guidance, Keeping Children Safe in Education and this will be reviewed as updates occurs.

All staff will be aware of:

- AEMHF systems which support safeguarding, including the staff disciplinary policy, the safeguarding policy, the role of the designated safeguarding lead (DSL), and the whistleblowing policy,
- The process by which referrals can be made to that local authority children's social care, the statutory assessment, and the role they may be expected to play,
- What to do if they identify a safeguarding issue, what to do if a child or young person tells them they are being abused or neglected, including specific issues such as FGM and how to maintain an appropriate level of confidentiality while liaison with relevant professionals,
- The signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child exploitation (CSE), FGM, peer on peer abuse, online safety and radicalisation.

Responding to an allegation

Any suspicion, allegation or incident of abuse must be reported to our Designated Safeguarding Leads by a member of staff as appropriate. Our DSLs are;

Rita Mistry DSL Lead

Jon Manning DSL Lead

Jessica Dell DSL Deputy

They can be contacted on DSL@arthurellismhs.com

The DSL takes lead responsibility for child protection and safeguarding. They are available during working and extended (where required) hours to discuss any safeguarding concerns.

In the absence of the DSL, contact Milton Keynes Safeguarding Hub (MASH) or in emergency and extreme cases the police.

The Safeguarding Designated Lead

The DSL will be given time, funding, resources, training, and support:

- to provide advice and support to other staff on welfare of children and young people and child protection matters,
- ensure all staff regardless of their position in the organisation are informed of this policy as part of their induction,

The Arthur Ellis Mental Health Foundation

Enquiries: justask@arthurellismhs.com

Emergencies: dsl@arthurellismhs.com

- where appropriate communicate this policy to AEMHF clients and it to be made available on the website,
- ensure all staff regardless of their position in the organisation undertake appropriate safeguarding and child protection training and it to be updated on a regular basis,
- where appropriate act as a case manager in the event of an allegation of abuse made against a member of staff,
- ensure the relevant staffing ratios are met where appropriate - for example, two members of staff are available should the need arise for a client to be driven home,
- take part in strategy discussion and multiagency meeting and or support other staff to do so,
- contribute to the assessment of AEMHF clients,
- as appropriate refer suspected cases to the relevant body (local authority children's social care, adult social care, Channel programme, disclosure and Barring Service and or police), and support staff who make such referrals directly.

Jon Manning, CEO and also Lead DSL will review and approve this policy annually, hold other DSLs to account for the implementation of this policy, will monitor the effectiveness of this policy and will act as a case manager in the event of an allegation of abuse made against the DSL.

What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons.

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or could not consent. Abuse can occur in any relationship, and it may result in significant harm to, or exploitation of, the person subjected to it.

The 'Working Together' report suggests the following as the main types of abuse:

Physical abuse - is the physical mistreatment of a child or young person which may or may not result in physical injury. It can be the use of force that results in an unwanted change in a person's physical state, including hitting, slapping, pushing, kicking, misuse of medication, restraint, and/or inappropriate sanctions. 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, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

Emotional abuse - Emotional Abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.

Neglect and acts of omission - 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 as a result of maternal substance abuse.

Bullying - Bullying is not always easy to define, it can take many forms and is usually repeated over a period. The three typical types are physical (e.g., hitting, kicking, theft), verbal (e.g., racism or homophobic remarks, threats, name calling) and emotional (e.g., isolating an individual from activities).

Child on Child Abuse - Children can abuse other children. This generally referred to as peer on peer/child on child abuse and can take many forms. It can happen both inside and outside of school/college and online. It is most likely to include but may not be limited to: bullying including cyberbullying, prejudice-base and discriminatory bullying); abuse in intimate personal relationships between peers; physical abuse; sexual violence, such as rape, assault by penetration and sexual assault; sexual harassment; non-consensual sharing nudes and semi-nude images and/or videos; causing someone to engage in sexual activity without consent; up skirting; and initiation/hazing type violence ad rituals.

Procedure in the event of a disclosure

It is important that children and young people are protected from abuse. All complaints, allegations or suspicions must be taken seriously. This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that a child has been abused. Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of the individual. A full record shall be made as soon as possible of the nature of the allegation and any other relevant information.

This should include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation.

What to do if a child or young person discloses harm to you

Receive

- listen to the child
- if you are shocked by what they are saying, try not to show it
- take what they say seriously
- accept what the child or young person says
- DO NOT ask for (other) information

Reassure

- Stay calm and reassure the child or young person that they have done the right thing in talking to you
- Be honest with the child or young person so do not make promises you can't keep
- Do not promise confidentiality – you have a duty to refer the child or young person who is at risk
- Acknowledge how hard it must have been for the child to tell you what happened

React

- react to the child or young person only as far as is necessary for you to establish whether you need to refer this matter, but do not interrogate them for details
- do not ask leading questions
- explain what you must do next and to whom you must talk
- explain and if possible, seek agreement that you will have to discuss the situation with someone else and will do so on a 'need to know' basis

Record

- Make some brief notes at the time and write them up more fully as soon as possible – use the AEMHF SAFEGUARDING AND WELFARE CONCERN REPORT (available in our protected system),
- Take care to record timing, setting and personnel as well as what was said
- Be objective in your recording – include statements and observable things rather than your interpretations or assumptions.
- Store this safely and securely on our internal system against the individual's file

Respond

- Discuss the matter with the DSL- Child Protection representative immediately.

Responding appropriately to an allegation of abuse

In the event of an incident or disclosure:

DO

- make sure the individual is safe,
- assess whether emergency services are required and if needed call them,
- listen,
- offer support and reassurance,
- ascertain and establish the basic facts,
- make careful notes and obtain agreement on them,
- ensure notation of dates, time and persons present are correct and agreed,
- take all necessary precautions to preserve forensic evidence,
- follow correct procedure,
- explain areas of confidentiality; immediately speak to your manager for support and guidance,
- explain the procedure to the individual making the allegation,
- remember the need for ongoing support.

DON'T

- confront the alleged abuser,
- be judgmental or voice your own opinion,
- be dismissive of the concern,
- investigate or interview beyond that which is necessary to establish the basic facts,
- disturb or destroy possible forensic evidence,
- consult with persons not directly involved with the situation,
- ask leading questions,
- assume Information,
- make promises,
- ignore the allegation,
- elaborate in your notes,
- panic

It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies, following a referral from the Designated Safeguarding Lead.

Responding to an allegation

Any suspicion, allegation or incident of abuse must be reported to our Designated Safeguarding Leads by a member of staff as appropriate. Our DSLs are;

Rita Mistry DSL Lead

Jon Manning DSL Lead

Jessica Dell DSL Deputy

They can be contacted on DSL@arthurellismhs.com

The DSL takes lead responsibility for child protection and safeguarding. They are available during working and extended (where required) hours to discuss any safeguarding concerns.

In the absence of the DSL, contact MK Together Safeguarding Partnership or in emergency and extreme cases police.

The nominated safeguarding lead shall telephone and report the matter to the **Milton Keynes Multi Agency Safeguarding Hub** who can be contacted on **01908 253169 or 01908 253170** during working hours **Monday - Friday 9-5pm** (excluding bank holidays) or out of hours **01908 265545**.

A written record of the date and time of the report shall be made, and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority adult social services department within 24 hours.

Confidentiality and Information Sharing

Child protection and safeguarding children and young people raises issues of confidentiality which should be clearly understood by all. Staff have a professional responsibility to share relevant information about the protection of children with other professionals, particularly investigative agencies, and social services.

Clear boundaries of confidentiality will be communicated to all.

All personal information regarding a child and young people will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.

If a child or young person confides in a member of staff and requests that the information is kept secret; it is important that the member of staff tells the child or young person sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies. Within that context, the child or young person should, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent should be obtained from the child or young person before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the child is the priority.

Where a disclosure has been made, staff should let the child know the position regarding their role and what action, they will have to take as a result.

Staff should assure the child that they will keep them informed of any action to be taken and why. The child's involvement in the process of sharing information should be fully considered and their wishes and feelings considered.

The role of the LADO (Local Authority Designated Officer)

The role of the LADO is set out in Working Together to Safeguard Children (2015) and is governed by the Authorities duties under section 11 of the Children Act 2004 and MKSCB Inter-Agency Policy and Procedures (Ch 2.8). This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self-employed.

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed a child,
- Possibly committed a criminal offence against or related to a child,
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children. There may be up to three strands in the consideration of an allegation:
 - a police investigation of a possible criminal offence,
 - enquiries and assessment by children's social care about whether a child needs protection or in need of services.
 - consideration by an employer of disciplinary action in respect of the individual. The LADO is responsible for.
- Providing advice, information and guidance to employers and voluntary organisations around allegations and concerns regarding paid and unpaid workers,
- Managing and overseeing individual cases from all partner agencies,
- Ensuring the child's voice is heard and that they are safeguarded,
- Ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made,
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible,
- Recommending a referral and chairing the strategy meeting in cases where the allegation requires investigation by police and/or social care.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist you in deciding whether you need to make a referral and/or take any immediate management action to protect a child.

In Milton Keynes, the LADO is Jo Clifford. If you wish to discuss any concerns and are unsure if the above criteria have been met, please complete and return a LADO Notification form to lado@Milton-keynes.gov.uk or lado@milton-keynes.gcsx.gov.uk prior to contacting her on 01908 254300. If the above criteria have been met then you should make a referral to the Multi Agency Safeguarding Hub (MASH) by completing the Multi-Agency Referral Form (MARF).

*If the LADO is not available, you should refer to Multi Agency Safeguarding Hub on 01908 253169/3170.

This is the current copy of this policy as reviewed and approved by

Name: Jon Manning, Chairman of The Arthur Ellis Mental Health Foundation

Signature:



Date: 21/11/2022