

Safeguarding Policy

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1. Background and Rationale

Genesis is a registered charity and provides specialist support, information, advice, guidance and advocacy to young women aged 24 and under, who are groomed and sexually exploited or at risk of becoming sexually exploited. Genesis advocates for sexually exploited young people to be treated primarily as victims of abuse. (Safeguarding Children Involved in Prostitution, 1998)

Sexual Exploitation can be defined as follows: "children, both male and female, engaging in sexual activities for money, profit, or any other consideration due to coercion or influence by any adult, syndicate or group" (Barnardos, 2004)

Genesis' Safeguarding Policy has been devised to be used in conjunction with existing service policies on confidentiality. The basis of both policies is the principles and guidance of the Children's Act 1989. Genesis maintains the welfare of the child as paramount importance and strives to work in partnership with parents and other agencies to achieve this.

For the purpose of this policy, the term 'young person' will generally be held to be a person under the age of 18. This policy aims to protect all young people who are in contact with the project and includes children of women accessing the service.

Genesis strives to comply with Children's Act 1989, Every Child Matters 2004, DFES guidance June 2008, Working Together to Safeguard Children 2006, West Yorkshire Safeguarding Procedures 2009 and Leeds Safeguarding Children's Board in its policy and practice.

2. Agency Responsibilities

The agency has the following responsibilities under this policy:

- To ensure that the welfare of the child is paramount and that all suspicions and allegations of abuse are taken seriously and responded to swiftly and appropriately.
- Workers will consider child protection as part of their induction.
- All trustees, staff and volunteers will be checked for suitability to work with children and vulnerable clients through the Criminal Records Bureau and reference checks will be made with previous employers.
- There will be at least 2 designated persons within the agency who can advise on, and support staff with, child protection concerns.
- All staff will receive child protection training through the Leeds Safeguarding Children Board and they will be expected to undertake regular refresher/updated courses.
- Designated persons who support staff should be trained to level 2 and 3 in child protection.
- Genesis will train volunteers on Child Protection.
- The project will keep up to date with developments and changes in policy in this area. Any relevant amendments will be included in the policy.
- The project will provide in-house training around specific child protection issues pertinent to its work. Designated persons will support and advise project staff in any child protection issues.
- The Director will seek legal advice where necessary.

3. Confidentiality

Confidentiality is of the utmost importance when working with young people who are sexually exploited. It facilitates the building of good working relationships with young people and is necessary to attract young people to attend and engage with services. "Children are entitled to the same duty of confidentiality as adults, provided that, in the case of those under 16 years of age, they have the ability to understand the choices and their consequences relating to any treatment." (Working together to Safeguard Children 1999 7.33)

Genesis offers a confidential service to young people under 18 across Leeds. However, it is recognised that there may be circumstances where confidentiality may have to be breached in order to safeguard the welfare of the individual e.g. where there are child protection concerns or in order to comply with Prevention of Terrorism Act 1989.

Confidentiality, and its limits will be explained to any young person or client encountered by Genesis workers in individual or group settings in terminology they can understand. (Data Protection Act 1998)

The Children's Act 1989 states that a local authority must investigate where there is a reasonable cause to suspect that a young person is suffering or is

likely to suffer 'significant harm' and that enquiries should be made to safeguard and promote the interests of the young person.

Providing there is no reasonable cause to suspect that a young person is suffering or likely to suffer significant harm, Genesis workers may maintain confidentiality. The worker is therefore not obliged to inform parents, schools, social services, the police etc. where it can be shown that the young person has shown a satisfactory level of understanding.

However, wherever possible, sharing information will be encouraged and work will be undertaken with the young person to promote this.

4. Assessment & Competency

When assessing what action to take regarding young people, advice and information, package of care, referral to other agencies etc. the worker must be able to identify:

- That the young person is able to understand the information and advice given.
- The immediacy of the risk and the implications of a referral.
- That unless the young person receives an appropriate intervention from Genesis, their physical, mental or emotional state may deteriorate.
- To whom the information should be disclosed.
- That it is in the best interests of the young person to supply an appropriate intervention without parental consent or knowledge, if the worker cannot persuade the young person to involve parents or carers.
- That the worker and their line manager can show that the young person is fully aware of the risks that they may be taking.
- When assessing a young person, competency must be able to be shown. This can be undertaken by assessing the young person's understanding of the consequences of their activities, how they perceive and undertake their risk taking activities, and their level of responsibility for their actions.
- Assessment of the young person's cultural, social, emotional and physical situation.
- Special consideration should be taken in working with young people with learning difficulties when ascertaining levels of competency.

The above guidelines are in accordance with Fraser guidelines, which identifies that young people under 16 can consent to interventions without parental consent if competence can be identified. It should, however, be noted that assessment of competency should be continual throughout any intervention.

5. Young People under 13

Young people under 13 cannot consent to sexual activity of any kind. If Genesis is aware that a young person under 13 is engaging in sexual activity, this is a child protection concern. Genesis workers should make this clear to clients who

are under the age of 13. Parents of clients under 13 should be aware of interventions taking place and should be consulted during the process. In the absence of a parent, service may be deferred until an appropriate adult can be established as a link.

A designated person must be informed before confidentiality is breached. A worker should never take a decision to breach confidentiality alone. If a designated person is unavailable, the issues must be discussed with the chair or vice chair of the board of trustees.

6. Information Sharing

It is accepted that working with other agencies is effective in meeting the needs of young people. Genesis aims to facilitate joint working, good communication and co-operation between all relevant services both statutory and voluntary. However, it is equally important that this is not at the cost of overwhelming the young person, driving them to disengage from services. We aim to provide a measured and responsive contribution to risk management, whilst maintaining the young person's right to confidentiality at all times.

These guidelines must recognise the complexity of sexual exploitation and how children and young people are groomed, coerced and ingrained often without their knowledge, which calls for careful handling of any disclosure or recognition of abuse.

Where child protection proceedings are taking place, the organisation will share relevant information with Social Services in accordance with Section 47 of the Child Protection Act 1989.

Only relevant information should be shared with other agencies and the purpose and nature of Genesis' involvement should be made clear to those concerned.

Where a worker is requested to attend a child protection conference or strategy meeting of a young person receiving support from Genesis, this will be in the role of advocate to the young person. Contact will be made with the Chair of the conference to ensure clarity around this role. The young person should be aware that the worker will be attending and their views sought prior to the meeting.

7. Child Protection Procedures

Where child protection concerns are identified by a Genesis worker (this may be concerns for a child receiving a service, or where information is passed on by a young person attending Genesis) confidentiality may be broken. All attempts should be made to make the young person aware of any breach in confidentiality, with explanation of why this is necessary and support should be offered throughout the process. Child protection concerns must be dealt with in accordance with procedures outlined below.

a) Definition of Harm

It is important to recognise that whilst a young person may be 'in need', requiring some level of intervention from the local authority, this does not always mean that they are 'at risk' of serious physical or mental harm. Given the nature of the work Genesis is involved in this is likely to occur in our work. However, if a young person is involved with the service this does not automatically mean they are at risk of harm.

When there is no legal obligation for Genesis to share information, ethical consideration must be taken when decisions to maintain confidentiality are to be made. Throughout Genesis' work with any young person, continual assessment will ensure that any child protection concerns are identified and appropriate action taken including involving other agencies and individuals when necessary.

b) What Constitutes a Child Protection Concern

Defining abuse or child protection concern is a difficult and complicated issue. It involves close examination of all the facts and information before a decision can be reached. There may be many ways in which concerns may arise including direct observation (e.g. if conducting a visit to a client home) but is more likely to arise through disclosure during ongoing work with a client.

Concerns may involve abuse, which falls into the following categories:

- Physical abuse – where a child is being physically hurt, including hitting, squeezing, or shaking a child. Deliberately making a child ill by giving them drugs or alcohol is also physical abuse. It may be the result of a deliberate act, but could also be caused through the omission or failure to act to protect.
- Neglect – when an adult persistently fails to meet the physical or emotional needs of the child they are responsible for, likely to result in the serious impairment of the child's health or development. This includes food, clothing, warmth, love and attention.
- Emotional abuse – when a child's basic need for love, security, praise, or recognition is left unmet. This may involve an adult behaving in an inconsistent, hostile, or uncaring way towards a child.
- Sexual abuse – when an adult engages a child in sexual activity to fulfil their own desires which the child may not understand, and to which they are not able to give their informed consent. It may involve physical contact, including rape or oral sex, or non-penetrative acts such as fondling. Boys and girls can be sexually abused by males and/or females, and by other young people. It also includes non-contact activities such as involving children in watching or taking part in the making of pornographic material, or encouraging children to behave in inappropriate ways.
- Forced marriage

Self-harm or suicide risk may also be a child protection concern. This again is a difficult area and assessment must be made of the circumstances and physical

and emotional state of the individual. Designated persons should be informed of clients presenting with these issues and discussion undertaken of the need to involve other services. (e.g. Child and Adolescent Mental Health Services)

In all of the above circumstances, a designated person must be informed immediately before any decision is taken regarding further action.

c) Procedure

It is policy of Genesis that where there are serious concerns for the physical or mental safety of an individual, confidentiality may be breached.

The primary concern for Genesis is to act in the best interests of the young person. Therefore, if the physical and mental well being of the individual is improving as a result of attending Genesis, there may be no need for external intervention. However, it should be acknowledged that involving other agencies might improve the individual's situation.

If a worker has serious concerns for the physical or mental safety of a young person, established procedures must be followed, individual workers should never deal with a disclosure on their own.

Inform a designated person immediately. In the absence of a designated person this may be the Chair/Vice Chair of the Board of Trustees.

The following courses of action will then be considered:

- Contacting the parent / carer or other agency working with the young person, if appropriate.
- Where uncertainty arises regarding a child protection concern, contact the Child Protection Unit for guidance, initially without identifying details of the young person (action should not be delayed if consultation is not possible).
- Where clear child protection concerns arise, contact the relevant Social Services area.
- Wherever possible, discuss concerns with the young person and involve them in the process. They should be encouraged to take an active part in the disclosure of any information.
- Praise the young person for trusting you and let them know that you believe them.
- If the young person is unwilling or unable to take part in the process, the worker will, in conjunction with a designated person, take any decision to disclose information without the consent of the young person, but will inform them of the decision and any future course of action.
- Only in very exceptional circumstances (e.g. on request of the police or social services) will the young person not be informed of action taken.
- Throughout any course of action, the young person should be supported and encouraged to maintain their involvement with the agency.

Procedure for reporting concerns:

- Note the date and time of the disclosure/observation.
- Give a full and factual account of what you heard/saw.
- Praise the young person for trusting you and let them know that you believe them.
- Never ask leading questions, but do clarify what the young person has said to you – not by summarising, but by using their own words.
- Describe all who were present and all responses to the young person.
- Undertake a body map of any injuries disclosed or observed. Do not complete any kind of medical assessment.
- List all agencies and or appropriate persons you inform and the time you do so.
- Report all action taken to the designated person.

d) Allegations of abuse by a Paid / Unpaid Worker

If a young person makes an allegation against a staff member, everything must be clearly recorded. If questions are asked regarding clarification of what, where and when the incident occurred, it must be clear why it was necessary to ask these questions.

It is not our place to conduct an investigative interview but it is important that staff gathers and records the following information:

- When the alleged incident took place
- Who was present
- What was said to have happened

All allegations should be reported to the Director.

The local authorities designated officer (Local Authority Designated Officer – LADO) should be contacted to oversee the investigation of all allegations and to maintain detailed records of their conduct and the outcomes.

Advice and guidance in respect of individual cases can be accessed by contacting the LADO and the Child Protection Coordinators within the Local Safeguarding Children Board. Social Services must be informed by the Director of any allegation made, and agreement sought on how any investigation will proceed. Arrangements for any medical attention will be made by Social Services undertaking the investigation.

This type of allegation involves three strands of investigation:

- Child protection investigation
- Police investigation
- Disciplinary procedure

Although there may not be enough evidence to support a criminal prosecution, this does not preclude action being taken to protect the child, or preclude pursuing of disciplinary procedures.

Management will need to consider whether a member of staff needs to be suspended. This must be done in consultation with the agencies involved in the investigation.

There should also be consideration as to whether the organisation requires legal advice.

Where an allegation is made against an individual staff member, they should be encouraged to seek trade union or legal advice as a matter of course.

e) Staff Support

It is recognised that confidentiality and child protection issues are important, and may be emotional and stressful. Staff should be supported by their line manager and their colleagues and are encouraged to ask for support and time to reflect upon issues if necessary. Staff have a duty to seek support around difficult issues in order to effectively safeguard the clients they are working with.

f) Designated Persons

The role of the designated person(s) is to:

- Know which outside child protection agency to contact in the event of a child protection concern coming to their notice.
- Provide information and advice on child protection within the organisation.
- Ensure that appropriate information is available at the time of referral and that the referral is dealt with appropriately within Genesis policy.
- Liaise with local social services and other agencies, as appropriate;
- Keep relevant people informed about any action taken and any further action required.
- Ensure that a proper record is kept of any referral and action taken, and that this is kept safely and in confidence and that it depicts clear and relevant agreements about what action is to be taken or has been taken.
- Advise on staff child protection training needs; and
- Liaise with the Local Safeguarding Children Board, Social Services Child Protection Team and all other relevant agencies/person(s) to review the operation of the child protection policy regularly and to ensure that the procedures are working and that it complies with current best practice.

Designated Persons:

Carol Young (Director)

Doug Martin (Trustee)

If you cannot contact either of the above then speak to the Chair / Vice Chair of the board of trustees. In the last instance Social Services Emergency Duty Team should be contacted.

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