



# **OYAP Trust Safeguarding Policy**

Reviewed July 2015

Board approved



## **OYAP Trust Safeguarding Policy Statement**

OYAP Trust develops creative projects for young people. We have worked since 1998 to bring the arts to the most vulnerable and hardest to reach young people. We are committed to working in partnership with artists, creative practitioners, communities and local services. Together we deliver opportunities for young people aged 11 to 25 to learn, grow, achieve and have fun through artistic expression.

OYAP Trust 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 practice which protects them.

### **We recognise that:**

- the welfare of the child/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 their 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 OYAP Trust's services, including the children of adult members or users.
- To provide staff and volunteers with guidance on 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, including senior managers and the board of trustees, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of OYAP Trust

### **We 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 volunteers
- recruiting staff and volunteers safely, ensuring all necessary checks are made
- sharing information about child protection and good practice with children, parents, staff and volunteers
- sharing information about concerns with agencies who need to know, and involving parents and children appropriately
- providing effective management for staff and volunteers through supervision, support and training.

The named person for all matters concerning Child Protection is Helen Le Brocq, Director OYAP Trust. The Trustee champion for Child Protection is Graeme Surtees

We are also committed to reviewing our policy and good practice annually.



## **Role and responsibilities of OYAP Trust's named person for Child Protection**

### **Purpose of the role**

- To take the lead role in ensuring that appropriate arrangements are in place at OYAP Trust for keeping children and young people safe.
- To promote the safety and welfare of children and young people who come into contact with OYAP Trust.

### **Duties and responsibilities**

- Make sure that all issues concerning the safety and welfare of children and young people who attend projects are properly dealt with through policies, procedures and administrative systems.
- Make sure that the workers, children/young people, parents/carers, Trustees and volunteers are made aware of the procedures and what they should do if they have concerns about a child.
- Receive and record information from anyone who has concerns about a child.
- Take the lead on dealing with information that may constitute a child protection concern. This includes assessing and clarifying the information, and taking decisions where necessary in consultation with colleagues, the Trustee for Child Protection and statutory child protection agencies.
- Consult with, pass on information to and receive information from statutory child protection agencies, such as the local authority children's social care department and the police. This includes making formal referrals to these agencies when necessary.
- Report regularly to the Board of Trustees and Trustee responsible for Child Protection.
- Be familiar with and work within local inter-agency child protection procedures developed by the Oxfordshire Safeguarding Children Board.
- Be familiar with issues relating to child protection and abuse, and keep up-to-date with new developments in this area.
- Attend training specialist safeguarding training and refresher training every 2 years in line with OSCB guidelines and share knowledge from that training with workers and Board of Trustees.



## **OYAP Trust Code of Conduct for Adults Working with Children and Young People**

This document outlines the conduct expected of staff and volunteers from OYAP Trust, and staff from other organisations who engage with children and young people through OYAP Trust and its activities.

### **Purpose**

Following this code will help to protect children from abuse and inappropriate behaviour from adults. It will also help staff and volunteers to maintain the standard of behaviour expected of them and will reduce the possibility of unfounded allegations of abuse being made against them.

### **Upholding this code of behaviour**

- All members of staff and volunteers are expected to report any breaches of this code to Helen Le Brocq under the whistle-blowing procedure or, if necessary, under child protection procedures.
- Staff and volunteers who breach this code of behaviour may be subject to OYAP Trust's disciplinary procedures.
- Any breach of the code involving a volunteer or member of staff from another agency may result in them being asked to leave the project
- Serious breaches may also result in a referral being made to a statutory agency such as the police, the local authority children's social care department and/or the Independent Safeguarding Authority.

### **The role of staff and volunteers**

When working with children and young people for OYAP Trust all staff and volunteers are acting in a position of trust. It is important that staff and volunteers are aware that they may be seen as role models by children and young people and must act in an appropriate manner at all times.

### **When working with children and young people, it is important to:**

- Operate within OYAP Trust's principles and guidance and any specific procedures
- Follow the OYAP Trust's child protection policy and procedures at all times
- Listen to and respect children and young people at all times
- Avoid favouritism
- Treat children and young people fairly and without prejudice or discrimination
- Value and take children's contributions seriously, actively involving children and young people in planning activities wherever possible
- Ensure any contact with children and young people is appropriate and in relation to the work of the project
- Always ensure language is appropriate and not offensive or discriminatory
- Dress appropriately and modestly
- Follow the ICT safety policy and report any breaches
- Always ensure equipment is used safely and for its intended purpose
- Provide examples of good conduct you wish children and young people to follow
- Challenge unacceptable behaviour and report all allegations/suspicions of abuse
- Ensure that whenever possible, there is more than one adult present during activities with children and young people or if this isn't possible, that you are within sight or hearing of other adults
- Be close to where others are working. If a child specifically asks for or needs some private time with you, ensure other staff knows where you and the child are



- Respect a young person's right to personal privacy
- Encourage young people and adults to feel comfortable enough to point out attitudes or behaviour they do not like
- Recognise that special caution is required when you are discussing sensitive issues with children or young people.

**You must not:**

- Patronise or treat children and young people as if they are silly
- Allow allegations to go unreported
- Develop inappropriate relationships such as contact with children and young people that is not a part of the work of OYAP Trust or agreed with the manager or leader
- Conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person. Any such behaviour between an adult member of staff or volunteer and a child or young person using the services of OYAP Trust represents a serious breach of trust on the part of the staff member or volunteer and is not acceptable under any circumstances. Should a criminal offence be committed this will be reported to the Police immediately.
- Let children and young people have your personal contact details (mobile number or address)
- Make sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to or in front of children and young people
- Act in a way that can be perceived as threatening or intrusive
- Make inappropriate promises to children and young people, particularly in relation to confidentiality
- Jump to conclusions about others without checking facts
- Either exaggerate or trivialise child abuse issues
- Rely on your reputation or that of the organisation to protect you
- Take unnecessary risks when common sense, policy or practice suggests a more prudent approach
- Adopt an attitude of complacency with regard to your own conduct.



## **OYAP Trust behaviour code for children and young people**

### **Purpose**

To ensure children and young people are treated fairly by all adults working with them at OYAP Trust and know what is expected of them.

### **Basic principles**

This code of behaviour for children and young people is intended to:

- identify acceptable behaviour for children and young people
- promote self-respect and self-control
- raise children's and young people's self esteem and self confidence
- encourage individual responsibility for behaviour and outline the consequences of poor behaviour
- encourage children and young people to recognise and respect the rights of others
- encourage cooperation at all times in all situations
- promote the values of honesty, fairness and respect
- anticipate and resolve any conflict that may arise
- ensure that children and young people are aware of the point that sanctions will be put into place.

### **Dos and don'ts**

Children and young people are expected to:

- cooperate with each other
- be friendly
- listen to each other
- be helpful
- follow this code of behaviour and other rules
- have good manners
- join in
- respect each other's differences
- treat staff and volunteers with respect
- report anything that worries or concerns them to Helen Le Brocq or the project worker.

### **Children and young people shouldn't:**

- pick on or make fun of each other
- bully each other
- stare at others
- yell or shout at others
- be abusive
- use equipment to be abusive (e.g. mobile phones to send nasty messages, photos without permission, nasty emails).

You may print these dos and don'ts off and ensure they are visible at all times.



### **Breach of this code of conduct**

This code of conduct is only useful if it forms part of a process for guiding children and young people to receive appropriate support.

It is the responsibility of Helen Le Brocq and OYAP staff to ensure that all children and young people attending OYAP Trust projects are informed of this code of conduct and confirm with them that they have seen, understood and agreed to follow it. Children and young people must also be made aware of the consequences if they breach the code.

### **Following the traffic light system**

1. If a child or young person breaches the code of conduct, the most appropriate sanction for a minor or first time breach will be to remind him or her about the code of conduct and ask him or her to comply with it. Children and young people will be given the opportunity to reflect, enabling them to plan a positive response, with support from either staff or mentors.

2. If, having followed the above step the child or young person continues to exhibit inappropriate behaviour, she or he should be referred to the appropriate member of staff who will give her or him a formal, green light warning. Supportive interventions may need to be identified at this stage. The action should also be recorded in the discipline book and parents/carers informed.

3. Any further persistent inappropriate behaviour will result in a more serious sanction being imposed (eg restriction/suspension from the project facilities). This is the yellow light warning.

Again, supportive interventions may need to be identified at this stage. This action should also be recorded in the discipline book and parents/carers informed.

4. If these interventions are still not effective in helping the child/young person to change his or her behaviour, a red light warning may be needed, with further sanctions. It may be that at this point, OYAP Trust will discuss with the child or young person and his or her family a possible referral for further support from other services.

5. If a young person breaks the law and causes themselves or others to be placed in danger, this will be an instant removal from the project and reporting to the police authorities.

### **Use of child protection procedures**

If staff at OYAP Trust become concerned that a child's behaviour suggests either that he/she may be

at risk of significant harm or that he/she may present a risk of significant harm to other children, OYAP's child protection procedures will be followed and a referral may be made to the local authority children's social care department.

### **The role of parents and carers**

OYAP Trust welcomes and encourages parental involvement. Parents and carers are regarded as valuable partners in promoting positive behaviour and will be involved as appropriate. In the event of their child becoming the subject of behaviour sanctions, parents and carers will be informed and involved. In the event of child protection procedures being necessary, discussions with the child and his or her family will take place at the earliest opportunity, except in situations where this would possibly endanger a child's safety or interface with a police investigation.



## **Dealing with allegations made against an employee/volunteer**

This procedure outlines what you should do if a child protection allegation is made against an adult working for OYAP Trust or involved in an OYAP Trust project.

The procedure should provide a clear direction to staff and trustees who are called upon to deal with such allegations and to manage investigations that may result from them.

### **The aims of this procedure are:**

- To ensure that children who attend OYAP Trust projects, and any other children who may come to our attention, are protected and supported following an allegation that they may have been abused by an adult from within OYAP Trust
- To ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other children by an abusive individual is managed effectively.
- To facilitate an appropriate level of investigation into allegations, whether they are said to have taken place recently, at any time the person in question has been employed by/volunteered with OYAP Trust, or prior to the person's involvement with to ensure that OYAP Trust continues to fulfil its responsibilities towards members of staff, volunteers or trustees who may be subject to such investigations.
- To ensure that individuals are able to continue in their role if they have been at the centre of allegations that are unfounded or deemed to be malicious in origin.

This procedure applies to:

- All staff, project workers volunteers and Trustees

### **Different types of abuse**

**Physical abuse** is violence causing injury or occurring regularly during childhood. It happens when:

- a child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut
- someone tries to drown or suffocate a child
- someone gives a child poison, alcohol or inappropriate drugs
- someone fabricates the symptoms of, or deliberately induces, illness in a child.

In some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

**Sexual abuse** occurs when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires.

It may include:

- forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening
- encouraging children to behave in sexually inappropriate ways
- showing children pornographic material or involving them in the production of such material
- involving children in watching other people's sexual activity or in inappropriate discussions about sexual matters.

**Emotional abuse** is persistent or severe emotional ill-treatment of a child that is likely to cause serious harm to his/her development.

It may include:



- persistently denying the child love and affection
- regularly making the child feel frightened by shouts, threats or any other means
- hurting another person or a pet in order to distress a child
- being so over-protective towards the child that he/she is unable to develop or lead a normal life
- exploiting or corrupting a child, eg by involving him/her in illegal behaviour
- conveying to the child the message that he/she is worthless, unlovable, inadequate, or that his or her only value is to meet the needs of another person. This may or may not include racist, homophobic or other forms of abuse.

**Neglect** involves persistently failing to meet a child's physical, psychological or emotional needs. It may include:

- failing to ensure that a child's basic needs for food, shelter, clothing, health care, hygiene and education are met
- failing to provide appropriate supervision to keep a child out of danger. This could include a lack of supervision in particular activities or leaving a child alone in the house.

### **How you might find out about a possible case of abuse**

Ways that allegations might be made against an adult working for or involved with OYAP Trust include:

- a child or parent/carer making a direct allegation against a member of staff or trustee
- a child or parent/carer expressing discomfort with the behaviour of a member of staff or trustee that falls short of a specific allegation
- another member of staff or volunteer directly observing behaviour that is a cause for concern
- being informed by the police or another statutory authority that a member of staff, volunteer or trustee is the subject of an investigation
- information emerging from the renewal of a DBS check that suggests that a member of staff, volunteer or trustee may have committed an offence or been involved in an activity that could compromise the safety of the children they work with at OYAP Trust
- a staff member or trustee telling the organisation that they have been the subject of allegations, have actually harmed a child, or committed an offence against (or related to) a child.

### **What to do if an allegation is made or information is received**

There are potentially two issues that need to be dealt with as a matter of urgency:

1. Is a child in immediate danger or does she/he need emergency medical attention?
  - If a child is in immediate danger and is with you, remain with him/her and call the police.
  - If the child is elsewhere, contact the police and explain the situation to them.
  - If the child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.
  - If the first aider is not available, use any first aid knowledge that you may have yourself to help the child.
  - Contact your supervisor/manager or named person for child protection to let them know what is happening.
  - The named person for child protection should also inform the child's family if the child is in need of emergency medical attention, and arrange to meet them at the

hospital or medical centre. The parents/carers should be informed that an incident has occurred, that the child has been injured and that immediate steps have been taken to get help.

2. Is the person at the centre of the allegation working with children now?
  - If this is the case, the concern needs to be discussed immediately with the manager of the group/organisation and the named person for child protection. One of these (either the manager or named person) should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children.
  - It should then be explained to the person, in private, that there has been a complaint made against him/her, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. It may be best, under the circumstances, for the person to return home on the understanding that the manager or named person will telephone him/her later in the day.
  - The information provided to him/her at this stage will need to be very limited. This is because discussions need to take place first with other agencies who may need to be involved, such as the local authority children's social care department, the police or the local authority designated officer (LADO).
  - If the person is a member of a trades union or a professional organisation, he/she should be advised to make contact with that body. Arrangements should also be made for the member of staff or volunteer to receive ongoing support in line with the responsibilities the organisation has towards his or her welfare.

### **Conducting an investigation**

Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations.

There are up to three possible lines of enquiry when an allegation is made:

- a police investigation of a possible criminal offence
- enquiries and an assessment by the local authority children's social care department about whether a child is in need of protection
- investigation by an employer and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual to children and young people in the workplace until the outcome of the other investigations and enquiries is known.

### **Reporting an allegation or concern**

- If the allegation is made by a child or family member to a member of staff, or if a member of staff observes concerning behaviour by a colleague at first hand, this should be reported immediately to the staff member's supervisor/manager and the named person for child protection; OYAP Trust's lead on handling the allegation.
- If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their manager.
- If the person who is the subject of the concern is a named person for child protection, the matter should be reported to the Trustee responsible for Child Protection.

### **When to involve the local authority designated officer**



The named person should report the allegation to the local authority designated officer (LADO) within one working day if the alleged behaviour suggests that the person in question:

- may have behaved in a way that has harmed or may have harmed a child
- has possibly committed a criminal offence against or related to a child
- has behaved towards a child in a way that suggests that he/she may be unsuitable to work with children.

This should also happen if the individual has volunteered the information him/herself.

- The LADO may be told of the allegation from another source. If this is the case, then the first information received by OYAP Trust may be when the LADO makes contact in order to explain the situation. Whoever initiates the contact, there will be discussion between the LADO and OYAP Trust's named person to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded.
- If there is any reason to suspect that a child has suffered, or be likely to suffer, significant harm and there are no obvious indications that the allegation is false, the LADO, in cooperation with OYAP Trust, will make an immediate referral to the local authority children's social care department to ask for a strategy discussion. The LADO and named person will take part in the strategy discussion.
- The named person and any other representative from OYAP Trust should cooperate fully with this and any subsequent discussion with the children's social care department. It should be asked from the outset that the children's social care department shares any information obtained during the course of their enquiries with OYAP Trust if it has any relevance to the person's employment.

### **Dealing with a criminal offence**

- If there is reason to suspect that a criminal offence may have been committed (whether or not the threshold of 'significant harm' is reached), the LADO will contact the police and involve them in a similar strategy discussion, which will include the named person for child protection.
- The named person and any other representative from OYAP Trust should cooperate fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person's employment.
- Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

### **Talking to parents about the allegation or concern**

- If the child's parents/carers do not already know about the allegation, the named person and the LADO need to discuss how they should be informed and by whom.

### **Talking to the person who is the subject of the allegation**

- The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the LADO. However, if a strategy discussion with children's social care or the police is needed, this might have to take place before the person concerned can be spoken to in full. The police and children's social care department may have views on what information can be disclosed to the person.
- Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.

- The named person will need to keep in close communication with the LADO and the other agencies involved in order to manage the disclosure of information appropriately.

### **Taking disciplinary action**

- If the initial allegation does not involve a possible criminal offence, the named person and manager of the person at the centre of the allegation should still consider whether formal disciplinary action is needed.
- If the local authority children's social care department has undertaken any enquiries to determine whether a child or children are in need of protection, the named person should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

The following timings should be kept to wherever possible, depending on the nature of the investigation:

- If formal disciplinary action is not needed, other appropriate action should be taken within three working days.
- If disciplinary action is required, and can be progressed without further investigation, this should take place within 15 days.
- If OYAP Trust decides that further investigation is needed in order to make a decision about formal disciplinary action, the named person for child protection should discuss with the LADO the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to the named person within 10 working days.
- Having received the report of the disciplinary investigation, the named person should decide within two working days whether a disciplinary hearing is needed. If a hearing is needed, it should be held within 15 working days.
- The named person should continue to liaise with the LADO during the course of any investigation or disciplinary proceedings, and should continue to use the LADO as a source of advice and support.
- If a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person's future work arrangements until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the named person should either liaise with the police directly or via the LADO to check on the progress of the investigation and criminal process.
- The police are also required to inform the employer straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge him/her with an offence or to administer a caution. In any eventuality, once the outcome is known, the named person should contact the LADO to discuss the issue of disciplinary proceedings.
- If the allegation is substantiated and if, once the case is concluded, OYAP Trust dismisses the person or ceases to use their services, or the person ceases to provide his/her services, the named person should consult with the LADO about referral of the incident to the Independent Safeguarding Authority (ISA). This should take place within a month.

### **Managing risk and supporting the person at the centre of the allegation**

- The first priority of OYAP Trust must always be the safety and welfare of children and young people. However, as an employee or volunteer, the person who is the

subject of the allegation has a right to be treated in a fair, sensitive and non-judgemental manner and to have his or her privacy respected as far as this ensures the safety of the child and other children.

- Information about the allegation must only be shared on a need to know basis with those directly responsible for supervising and managing the staff member or volunteer. Any other information (for example, explanations to other staff members as to why the person is not at work or working to different arrangements) should be agreed and negotiated with the individual concerned.
- If the person is a member of a trades union or a professional organisation, he/she should be advised to make contact with that body as soon as possible after being informed that he/she is the subject of an allegation. Arrangements should also be made for him/her to receive ongoing support and information about the progress of the investigation.
- The possible risk of harm to children and young people presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that OYAP Trust may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant investigation by the police, or if it is so serious that it could lead to dismissal. However, a decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person.
- The situation should be discussed fully between the named person, the individual's manager/supervisor and the LADO, who will seek the views of the police and the children's social care department on the question of possible suspension. The conclusions of the discussion should also be carefully documented. Grounds for suspension should be clearly set out if this is the conclusion. If suspension is not the conclusion, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children, and/or increased levels of supervision whilst at work.
- If it is decided, once the case has been concluded, that a person who has been suspended or who has taken sick leave due to the stress induced by the allegation, is able to return to work, the named person and the manager/supervisor of the person who has been the subject of the allegations should consider how best to support the individual in this process.
- A plan to facilitate a return should be drawn up in consultation with the individual him/herself, and should take into account the need to manage any remaining child protection risks and also to support the person concerned after what will have been and will remain a very difficult experience.
- If the decision is that the person cannot return to work and has to be dismissed or chooses to resign, the named person and the LADO should discuss the need for the matter to be referred to the Independent Safeguarding Authority (ISA) and/or to any professional body to which the person may belong. OYAP Trust does not enter into compromise agreements with individuals who resign following the conclusion of investigations into allegations made against them, and will always comply with its statutory obligations to share information about the individual in the interests of protecting children and young people.
- If the allegation is found to be without substance or fabricated OYAP Trust will consider referring the child in question to the children's social care department for them to assess whether he/she is in need of services or whether he/she may have been abused by someone else. If it is felt that there has been malicious intent behind



the allegation, OYAP Trust will discuss with the police whether there are grounds to pursue any action against the person responsible.

### **Keeping a record of the investigation**

- All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these.
- These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside.
- The notes should be kept confidentially on the file of the person who is the subject of the allegation. Discussion should take place with the LADO to determine whether any aspects of the notes may not be shared with the person concerned. If there are no reasons not to do so, a copy of the records should be given to the individual.
- The notes should be held on file for a 10-year period, whether or not the person remains with OYAP Trust for this period.

### **Useful contact details**

Named person for child protection and deputy: Helen Le Brocq 07970073667 and Zayie Dawn Wilson, Programme Manager, 07840281979

Local police: Thames Valley Police (non emergency) 08458505505

Local authority children's social care department:

Children and Families Assessment Teams:

Abingdon Assessment Team ..... 01865 897983

Banbury Assessment Team ..... 01865 816670

Oxford City Assessment Team ..... 01865 323048

Out of hours team 0800 833408 (After 5pm Mon-Thurs and 4pm on Friday)

NSPCC Helpline: 0808 800 5000 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

ChildLine: 0800 1111 (textphone 0800 400 222) or [www.childline.org.uk](http://www.childline.org.uk)

This procedure is consistent with the government guidelines set out in Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children, DCSF, March 2010, and with the Children's Workforce Development Council's publication, Recruiting Safely: Safer recruitment guidance helping to keep children and young people safe, CWDC, 2009.



## Dealing with allegations made against another child

This procedure explains what to do if child protection allegations are made against another child involved with OYAP Trust.

### The aims of this procedure are:

- To ensure that children who attend our projects, and any other children who may come to the attention of OYAP Trust are protected and supported following an allegation that they may have been abused by another child or young person involved with OYAP Trust.
- To ensure that there is a fair, consistent and robust response to any allegations of this nature so that the risk posed to other children by the child/young person in question is managed effectively.
- To facilitate an appropriate level of investigation into allegations, whether they relate to recent alleged activity, said to have taken place during the time that the child/young person in question has been involved with OYAP Trust or whether they relate to abuse which allegedly took place prior to the child's/young person's involvement with OYAP Trust.
- To ensure that OYAP Trust continues to fulfil its responsibilities towards children and young people who may be subject to such investigations and are in need of support.
- To ensure that there is an appropriate response in situations where allegations are unfounded or deemed to be malicious in origin.

The purpose of the procedure is to provide a clear direction to staff that are called upon to deal with such allegations and to manage investigations and care plans which may result from them.

This procedure applies to all staff, project workers, volunteers and trustees

### Different types of abuse

Types of abuse that one child might inflict upon another are most likely to be either physical abuse or sexual abuse.

**Physical abuse** is violence causing injury or occurring regularly during childhood.

It happens when:

- a child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut
- someone tried to drown or suffocate a child
- someone gives a child poison, alcohol or inappropriate drugs
- someone fabricates the symptoms of, or deliberately induces, illness in a child

In some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

**Sexual abuse** occurs when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires.

It may include:

- forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening
- encouraging children to behave in sexually inappropriate ways

- showing children pornographic material or involving them in the production of such material
- involving children in watching other people's sexual activity or in inappropriate discussions about sexual matters.

**Emotional abuse** is persistent or severe emotional ill-treatment of a child that is likely to cause serious harm to his/her development.

It may include:

- persistently denying the child love and affection
- regularly making the child feel frightened by shouts, threats or any other means
- hurting another person or a pet in order to distress a child
- being so over-protective towards the child that he/she is unable to develop or lead a normal life
- exploiting or corrupting a child e.g. by involving him/her in illegal behaviour
- conveying to the child the message that he/she is worthless, unlovable, inadequate, or only valuable insofar as they meet the needs of another person. This may or may not include racist, homophobic or other forms of abuse.

**Neglect** involves persistently failing to meet a child's physical, psychological or emotional needs.

It may include:

- failing to ensure that a child's basic needs for food, shelter, clothing, health care, hygiene and education are met
- failing to provide appropriate supervision to keep a child out of danger. This could include lack of supervision of particular activities or leaving a child alone in the house.

Ways that allegations might be made against another child/young person involved with OYAP Trust

- A child or parent/carer might make a direct allegation against another child or young person.
- A child or parent/carer might express discomfort with the behaviour of another child or young person that falls short of a specific allegation.
- Another child, member of staff or volunteer may directly observe behaviour from one child/young person towards another that gives cause for concern.
- The group/organisation may be informed by a parent or by the police or another statutory authority that a child or young person is the subject of an investigation.
- A child or young person may volunteer information to the organisation that he/she has harmed another child or is at risk of doing so, or has committed an offence against or related to a child.

### **Child protection or bullying?**

When faced with a situation of one child or young person behaving inappropriately towards another, a decision needs to be made about whether the problem behaviour constitutes bullying or a child protection concern. This is a decision that needs to be reached by the named person for child protection, in consultation with the staff member responsible for the child, the staff member's manager/supervisor and, if necessary, the local authority children's social care department.

If the conclusion is that the behaviour is an example of bullying, and if both children attend the project, it needs to be dealt with under the anti-bullying policy and procedure.





If it is behaviour that could be described as child abuse and has led to the victim possibly suffering significant harm, then it must be dealt with under child protection procedures. This should include all incidents of sexual assault and all but the most minor incidents of physical assault.

This checklist can be used to help inform the decision:

#### **Bullying**

- The difference of power between the bully and the person being bullied is relatively small.
- The bullying behaviour may be from a number of children/young people acting in a group rather than from one child acting alone.
- It may also, but not necessarily, be directed towards a group of other children rather than an individual child.
- The behaviour involves teasing or making fun of someone, excluding a child from games and conversations, pressurising other children not to be friends with someone, spreading hurtful rumours or circulating inappropriate photographs/images/drawings, cyberbullying, shouting at or verbally abusing someone, stealing someone's possessions, making threats, or harassment on the basis of race, gender, sexuality or disability.
- The behaviour has not previously been a concern and the bully or bullies may have been responding to group pressure.
- The behaviour is perceived as bullying by the victim.
- Please note: physical or sexual assault, or forcing someone to do something embarrassing, harmful or dangerous is also included in the list of bullying behaviours in this toolbox, but are the most likely to constitute a child protection concern if the victim suffers significant harm as a result of the behaviour.

#### **Child protection concerns**

- The difference of power between the child who is abusing and the person being abused is significant e.g. there is an age difference of more than two years, there is a significant difference in terms of size or level
- of ability, the abuser holds a position of power (such as being a helper, volunteer or informal leader) or the victim is significantly more vulnerable than the other child or young person.
- The behaviour involves sexual assault or physical assault (other than the most minor physical assault).
- The child who is the victim of the behaviour may have suffered significant harm.
- The behaviour may not necessarily be perceived by the victim as abusive, particularly if it is sexual in nature.
- The behaviour is not a one-off incident and is part of a pattern of concerning behaviour on the part of the child or young person who is abusing.
- The behaviour, if sexual, is not part of normal experimentation that takes place between children and young people.

#### **Sexual abuse or normal experimentation?**

All children and young people develop an interest in their own sexuality from a young age, and seek to learn about sex from their peers. It is important not to label normal, healthy behaviour as deviant or abusive. It is equally important not to allow sexually abusive behaviour perpetrated by one child or young person towards another to go unchecked, as

this is harmful both for the victim and the perpetrator. There are ways of assessing whether sexual behaviour between children and young people is abusive or not.

Indicators of abusive behaviour include:

- there is a significant difference in age, dominance or understanding between the children/young people
- the behaviour was accompanied by the use of threats or bribes
- the behaviour was carried out in secret.

For the purposes of this procedure however, it is enough to say that if there is any question that the behaviour could be abusive, the matter should be discussed immediately with the named person for child protection at OYAP Trust (Helen Le Brocq)

### **What to do if you have child protection concerns**

- Is the child who has been allegedly abused, or the child who has allegedly perpetrated the abuse, in immediate danger or does either of them need emergency medical attention?
- If either child is in immediate danger and is with you, remain with him/her and call the police if you are unable to remove the danger yourself.
- If the child is elsewhere, contact the police and explain the situation to them.
- If a child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.
- If the first aider is not available, use any first aid knowledge that you may have yourself to help the child.
- Contact your supervisor/manager or named person for child protection to let them know what is happening.
- The named person for child protection will make a decision about when and who should inform the families of both the child who has been abused and the child who has allegedly perpetrated the abuse, as well as the local authority children's social care department.
- If the child who is the alleged victim is not known to OYAP Trust, it is not our role to inform the child's family. Even if the child who is the alleged victim is known, the police and/or the health services, should be part of the decision making process if they have been contacted.
- The paramount consideration should always be the welfare of the children and young people involved. Issues that will need to be taken into account are:
  - the children's wishes and feelings
  - the parents' right to know (unless this would place the child who has allegedly perpetrated the abuse in danger, or would interfere with a criminal investigation)
  - the impact of telling or not telling the parents
  - the current assessment of the risk to the child who has been abused and the source of that risk
  - the current assessment of any risk to the child who has allegedly perpetrated the abuse and the source of that risk
  - any risk management plans that currently exist for either child.
- If, having discussed the situation fully and taken advice if necessary, the manager/supervisor and the named person concludes that the alleged behaviour does not constitute a child protection issue, then consideration should be given to whether the anti-bullying policy and procedure should be used (if both children are known to the organisation) and whether either or both children should be referred for other services.

- If the view is that the behaviour does indeed amount to a child protection issue, the named person should refer both children to the local authority children's social care department and confirm the referral in writing within 24 hours.
- Pending the outcome of the referral to the children's social care department and the possible investigation or assessment that may follow from this, any risk that may be posed to other children by the child who has allegedly harmed another child will need to be carefully managed. This should be done on an inter-agency basis in accordance with procedures developed by the local safeguarding children board for children who display harmful behaviour towards others.
- The named person should enquire of the children's social care department whether these procedures are being used and, if so, should ask to be involved in or at least kept informed of inter-agency decisions made in accordance with these procedures.
- If the procedures are not being used but OYAP Trust remains concerned that the child/young person could pose a risk to other children, then the named person and the manager should consider whether the child/young person can continue to be involved with OYAP Trust and, if so, on what basis.
- This is a situation that needs to be kept under regular review as the investigation and assessment conducted by the statutory agencies is carried out and reaches a conclusion. It may also need to be reviewed regularly following the conclusion of the assessment process, as the child or young person may be receiving support that should, with time, reduce the level of risk he/she presents.
- If the allegation is found to be without substance or fabricated, OYAP Trust will consider referring the child who was said to have been harmed to the children's social care department for them to assess whether he/she is in need of services (for example, the child may have been abused by someone else).
- If it is felt that there has been malicious intent behind the allegation, OYAP Trust will discuss with the police whether there are grounds to pursue any action against the person responsible.

### **What should I say to a child who says that he/she or another child is being abused by another child/young person?**

- Reassure the child that he/she has done the right thing by telling someone about it.
- Tell him/her that you now have to do what you can to keep him/her (or the child who is the subject of the allegation) safe.
- Let the child know what you are going to do next and who else needs to know about it.
- Let the child tell his/her whole story. Don't try to investigate or quiz the child, but make sure that you are clear as to what he/she is saying.
- If possible, explain to the child's parent/carer what has happened. Do this first without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily.
- Check out what the child would like to happen as a result of what he/she has said, but don't make or infer promises you can't keep.
- Give the child the ChildLine phone number (0800 1111).
- Make sure that the parent/carer has support too.

### **What should I say to a child/young person who says that he/she has abused another child?**

- Reassure the child that he/she has done the right thing by telling someone about it.



- Tell him/her that you now have to do what you can to keep him/her and the child who has been abused safe.
- Let the child know what you are going to do next and who else needs to know about it.
- Let the child tell his/her whole story. Don't try to investigate or quiz the child, but make sure that you are clear as to what he/she is saying.
- If there is no risk to the child from the child's parent/carer, then explain to the parent/carer what has happened. Do this firstly without the child there, and then summarise it again in front of the child so that it is an open subject between parent/carer and child. This may enable them to talk about it together more easily
- Check out what the child expects to happen as a result of what he/she has said. Offer reassurance where appropriate but don't make or infer promises you can't keep.
- Reassure the child that, with help, the problem can be sorted out and that what has happened does not make him/her an abuser for life.
- Give the child the ChildLine phone number.
- Remember that the child who has behaved in this way is a child in need of support.
- Make sure that the parent/carer has support too.

### **Recording the concerns**

Use the OYAP Trust reporting form to record the concern and how it is dealt with. It can be used to forward information to the statutory child protection authorities if a referral to them is needed.



## Child Protection Incident Report Form

Your name:	Your position:
Your address:	Your phone number/s:
Child's name:	Child's address:
Date of birth:	
Parents/carers names and address:	
Date and time of any incident:	
Your observations:	
Exactly what the child said and what you said:	
Action taken so far:	
Alleged / suspected abusers':	
Name:	
Address:	
Manager / Supervisor discussed with:	

Further steps agreed with Manager / Supervisor (in line with OYAP Trust Child Protection Policy):

External agencies contacted (date & time)

<p><b>Police</b></p> <p>yes/no</p>	<p>If yes – which: Name and contact number: Details of advice received:</p>
<p><b>Social services</b></p> <p>yes/ no</p>	<p>If yes – which: Name and contact number: Details of advice received:</p>
<p><b>School</b></p> <p>yes/no</p>	<p>Name and contact number: Details of advice received:</p>
<p><b>Local authority</b></p> <p>yes/no</p>	<p>If yes – which: Name and contact number: Details of advice received:</p>
<p><b>Other</b></p> <p>(e.g. NSPCC)</p>	<p>Which: Name and contact number: Details of advice received:</p>

Signature:

Print name:

Date:

**NB: This form should be filled out in accordance with OYAP Trust’s Child Protection Policy (attached), and OYAP’s Child Protection procedures must be followed.**