

# Safeguarding children: operational procedures

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The SLDC Safeguarding Children Policy (May 2016) outlines the standards and commitment of the council towards safeguarding children and young people (0 – 18 years old) across all of its activities. These standards apply to “paid and unpaid adults who work in the name of the council including officers, apprentices, elected Members and sub contracted personnel”.

These operational procedures are in place to support all employees in adhering to the policy. They are comprised of:

- A. A core set of operational protocols that apply to everyone working on behalf of the council
- B. Additional appendices containing specific safeguarding requirements for specific areas of council work

The procedures complement the SLDC “Safeguarding Children Policy”.

## 1 Recruitment, Induction and Ongoing Training and Support for Employees

### 1.1. Safe recruitment and selection

Please refer to SLDC’s specific Safe Recruitment and Selection Policy for guidance (Annex 6.1).

These specific guidelines refer to the safe recruitment and selection of volunteers, placement students as well as new employees and as such need to be adhered to by **any** employees responsible for recruiting, inducting and managing someone into the organisation.

Sub-contract and agency arrangements will also need to cover safe recruitment principles and this is covered in more depth in Annex 6.5.

### 1.2. Guest workers and delivery partners for SLDC led activity

SLDC uses partners and guest workers (from other agencies/or who are self-employed) to help us deliver work with young people. We sometimes pay for these services and sometimes do not.

Poor practice in this area could lead to us allowing unsafe adult’s access to young people that we are responsible for.

Guest workers should be split into the following categories:

- 1 **Infrequent visitor:** this is someone who comes in for a visit (to do a talk for example) – no longer than 1 session and no more frequently than twice a year.

They are not responsible for leading any aspect of the session but may make a contribution to the content.

- They must be fully supervised and accompanied by a SLDC employee at all times
- they are NOT required to have had any DBS checks

- 2 **Guest worker/partner:** this is someone we may use for multiple sessions or who comes for a single session at a time but more frequently than twice a year. Likely examples here might include artists/musicians or specialist workers. We might expect them to lead the work (or co-share responsibility) and we would need to be clear as to whether we would view their role as 'regulated' or 'supervised'. This is important as it determines what level of vetting and barring checks we expect to see. Further information: <https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Guest worker engagement will be countersigned by a manager to show that we have:

- Determined whether their role is regulated or supervised
- Acquired a role appropriate DBS check (if applicable)

**For 'regulated roles' if they cannot provide a suitable DBS before the event they should not be contracted with or engaged in the work**

- Sourced a minimum of 2 references – one from a recent 'employer' or 'contractor' (this is also about assessing their quality as well as their conduct/reputation)
- Briefed them on key SLDC procedures (namely Health and Safety and Safeguarding retaining evidence of a signed declaration form to say they will work within our policies and procedures)
- Considered other issues such as their insurance, depending on the nature of the work they are providing for us

- 3 **When SLDC employees and members are viewed as guests** – if we visit schools, projects, youth clubs as part of our work engaging young people and local communities (or a consultation exercise perhaps) then we should be prepared to provide information regarding our own DBS history and sound internal recruitment processes.

We will always wear identification.

When working in communities – employees should consider other safe working practices outlined later in these procedures such as lone working, conduct etc.

### 1.3. Induction, training and ongoing support

SLDC is committed to ensuring all employees meet the minimum safeguarding training requirements. The support process for employees will cover:

- A mandatory corporate induction which covers safeguarding responsibilities and organisational policies and procedures within the first six months of employment. Key documents to be given at this induction include the Safeguarding Children Policy and Operational Procedures plus “HM GOV What to do if you are worried a child is being abused 2015”
- Triennial (every 3 years) core training (1 hour/ e-learning) on SLDC’s policies and procedures
- For identified roles - substantial interagency training (1 day) covering duty of care, code of conduct legal obligations, signs and symptoms of abuse, handling disclosures and good safeguarding practise which will be refreshed every 2 years
- The opportunity to discuss and share concerns at confidential team meetings and supervision

## Recognising that different roles have different safeguarding expectations

SLDC employees come into contact with children and their families in very different ways. As such, it is difficult to have a 'one size fits all' policy. Below details our expectations for several roles within the organisation. Any individual who cannot see their own role here must create a specific 'memorandum of understanding' with their line manager about the expectations for their unique role.

Role	Context	Expectations
Street Scene Parks and Gardens Parking Enforcement Lake Warden Planning Town Hall Cleaners Elections: canvassers and Poll station	Working in communities and home settings. May observe concerning behavior.	<ul style="list-style-type: none"> <li>• Safeguarding Ops Procedures 1 to 5 applies</li> <li>• Specific arrangements: Annexes 6.1, 6.5, 6.6, 6.9</li> <li>• Biennial training: 1 hr briefing</li> <li>• Embed in associated training</li> </ul>
Benefits/housing advisors Customer Services	Meeting and speaking to adult customers in person/over phone. Becoming aware of issues that may have a harmful impact on children in the family or vulnerable young housing customers.	<ul style="list-style-type: none"> <li>• Safeguarding Ops Procedures 1 to 5 applies</li> <li>• Biennial training: 1 hr briefing</li> </ul> Optional CPD should be considered: <ul style="list-style-type: none"> <li>• Early help</li> <li>• Domestic abuse</li> </ul>
Hostel employees and Homelessness Team	Working with vulnerable families: some employees sleeping on site.	<ul style="list-style-type: none"> <li>• Safeguarding Ops Procedures 1 to 5 applies</li> <li>• Specific arrangements: Annexes 6.1, 6.2, 6.6, 6.7</li> <li>• Biennial training: recognizing abuse (level 1)</li> <li>• Biennial training LSCB Thresholds, referrals and multi agency working (level 2)</li> <li>• Lead workers/managers to also complete LSCB multi agency workshop (level 3)</li> </ul> Optional CPD should be considered: <ul style="list-style-type: none"> <li>• Early help</li> <li>• Domestic abuse/MARAC</li> <li>• Drug/alcohol misuse</li> </ul>

<b>Role</b>	<b>Context</b>	<b>Expectations</b>
Any line manager with responsibility for job description development and managing employees who may come into contact	Design roles to ensure applicants/employees have requisite experience/qualifications and DBS checks/training to work with children/families ongoing management of workers	<ul style="list-style-type: none"> <li>All Safeguarding Ops Procedures 1 to 5 applies</li> <li>employee guidance applies</li> <li>specific arrangements: Annex 6.1</li> <li>Biennial training: 1 hr briefing</li> <li>Annual check of policy and procedures (self-managed)</li> </ul> Optional CPD should be considered: <ul style="list-style-type: none"> <li>Safe recruitment training</li> <li>Supporting young employees</li> </ul>
Any officer likely to consult with young people on council property/schools/colleagues-democratic services/scrutiny	Working briefly with young people – largely supervised by peers/ others (eg teachers).	<ul style="list-style-type: none"> <li>Safeguarding Ops Procedures 1 to 5 applies</li> <li>Biennial training: 1 hr briefing</li> </ul>
Policy and Partnership Team: longer term projects/relationships with young people	Longer term support of certain groups eg youth councils or more developed relationships (eg White Noise Festival). Possibly lone working or community working out of office hours.	<ul style="list-style-type: none"> <li>Safeguarding Ops Procedures 1 to 5 applies</li> <li>Specific arrangements: Annexes 6.1, 6.5, 6.6, 6.8</li> <li>Biennial training: recognizing abuse (level 1)</li> <li>Biennial training LSCB Thresholds, referrals and multi-agency working (level 2)</li> </ul>
Members	Meeting young people in arranged/supported groups. Ad hoc meetings in constituency, potential lone working. Working in communities and home settings, may become aware of concerning behaviour.	<ul style="list-style-type: none"> <li>Safeguarding Ops Procedures 1 to 5 applies</li> <li>Specific arrangements: Annex 6.4</li> <li>Biennial training: 1 hr briefing</li> </ul>
Public Protection Team	Working in communities and home settings. May observe concerning behavior.	<ul style="list-style-type: none"> <li>All employee guidance applies</li> <li>Specific arrangements: Annex 6.1, 6.3, 6.5, 6.8 depending on role</li> <li>Biennial training: 1 hr briefing OR depending on role:</li> <li>Biennial training: recognizing abuse (level 1)</li> <li>Biennial training LSCB Tresholds, referrals and multi-agency working (level 2)</li> </ul>
Private Hire Drivers and Hackney Carriage Drivers	Lone working: vulnerable clients. May observe concerning behaviour	<ul style="list-style-type: none"> <li>1 hr optional briefing to become part of licensing process as of 2018, to be reviewed once the briefing sessions have been held,</li> </ul>

<b>Role</b>	<b>Context</b>	<b>Expectations</b>
Caretakers/Cleaners: Town Hall	Lone working: vulnerable clients. May observe concerning behaviour	<ul style="list-style-type: none"> <li>• All employee guidance applies</li> <li>• biennial training: briefing note monitored by manager via existing supervisory arrangements.</li> </ul>
Sub contracted services		<ul style="list-style-type: none"> <li>• Contractors are required to comply with SLDC Safeguarding Policy through the Terms and Conditions of contract.</li> <li>• Employees invited to participate in SLDC training as additional CPD</li> </ul>
<p>Designated Safeguarding Lead (DSL)/Deputies</p> <p>These are the DSL Lead, Policy safeguarding support officer and operational managers responsible for safeguarding referrals/record keeping and policy development</p>	<p>Do not come into contact with children or families but are a key contact of support for employees and make the decision to take further/liaise with other orgs or LSCB.</p> <p>Maintains policy accuracy and currency.</p>	<ul style="list-style-type: none"> <li>• All employee guidance applies</li> <li>• Receives LSCB bulletins and briefings</li> <li>• Biennial training 0 recognising abuse (level 1)</li> <li>• Biennial training LSCB Thresholds, referrals and multi-agency working (level 2)</li> </ul> <p>Optional CPD should be considered:</p> <ul style="list-style-type: none"> <li>• LSCB support re S11 audit</li> <li>• SCR briefings and other events offered by LSCB</li> </ul>

## 2 General safe working practice procedures

Much of SLDC's wider policy and procedural guidance in some way relates to keeping young people, vulnerable adults or employees safe from harm. Additional to the policy statements and procedures outlined below, there are also specific policies to be found referring to:

- Bullying and harassment
- Acceptable Use
- Media Relations Policy
- Social Media Protocol
- Whistle blowing Policy
- Code of Conduct for SLDC Employees
- Code of Conduct for Members and Co-opted Members of the Authority
- Discipline
- Grievance
- Data Protection

### 2.1. Code of conduct

SLDC's commitment to safeguarding children is enforced by employees working within an identified code of conduct. This includes:

- Upholding the standards outlined in all of SLDC's policies and procedures
- Protecting children, young people and vulnerable adults from coming to any harm
- Reporting any suspicion of abuse and adhering to the Whistle Blowing Policy
- Maintaining professional boundaries and avoiding behaviour that may be misinterpreted
- Maintaining excellent standards of behaviour and personal conduct in and out of the workplace which does not compromise their role in the work setting
- Using professional judgement surrounding physical contact, consider the situation and the individual's needs at the time. Be aware of any cultural or religious views regarding contact and be prepared for all physical contact to be open to scrutiny

## Examples of poor conduct

SLDC has clearly defined procedures for reporting and managing issues surrounding poor and inappropriate conduct – i.e. Code of Conduct for SLDC Employees and the Code of Conduct for members and Co-opted Members of the Authority. Whilst both codes clearly set out expectations for employees to support high standards of conduct, the examples below provide some guidance on conduct that may lead to investigation or scrutiny:

**Definitions of unacceptable behaviour** (this is not an exhaustive list and employees should exercise professional judgement regarding their conduct at all times)

- Being alone with children and young people in a professional capacity, unless this is a necessary part of the job or role description
- Giving impromptu lifts in own vehicles outside normal working duties unless consent has been given by parents/guardians and Line Manager
- Inviting children or young people home
- Abuse of power and trust – any sexual relationships with young people (consenting or not) – inside and out of work. The 2003 Sexual Offences Act ensures it is a criminal offence for anyone in a position of trust aged 18 or over to engage in sexual activity with a young person under the age of 18. It is a criminal offence for any adult to display any sexual behaviour toward a child. This includes non-penetrative acts such as causing a child to watch pornography and ‘grooming’
- Establishing social contact and friendship outside of the work setting. This includes nonprofessional communication via texts and emails
- Any form of conduct which may be mistaken for being sexually suggestive or provocative
- The use of sarcasm or inappropriate humour which demeans or makes fun of a child, young person or vulnerable adult
- Swearing or the use of inappropriate language
- Accessing, storing or making indecent images
- Permitting abusive peer activities (for example racism, bullying or homophobia)
- Online contact with young people or their families that employees know professionally
- Posting private messages or images on social network sites that (although unrelated to work) may bring the reputation or integrity of the organisation into disrepute
- Not attending mandatory safeguarding training

## 2.2. Supervision ratios and lone working

Children should be adequately supervised in line with SLDC's Health and Safety guidance.

The needs of individual vulnerable young people should be considered during the risk assessment process for every session, venue and activity.

**As a general rule, at any SLDC led events, there should be a supervision ratio of 2 employees/ members to 15 young people.** This should reduce if children are younger, there are specific needs or behavioural issues or the activity is risk assessed as requiring a higher ratio. Any deviation from this can be authorised by a line manager.

All SLDC employees should aim to avoid planned, isolated 1:1 situations with young people where possible – however there are some exceptions and the safeguarding protocols are outlined in the specific annex.

Unplanned events can occur (such as administering first aid) and the following good practice should be considered:

- Never transport a child home by yourself – seek consent from a parent and use a colleague to accompany you
- Avoid closed doors/being out of sight from others
- Can they bring a friend or another child with them?
- Do not send a child/young person you feel may be vulnerable (e.g. under influence of drugs or alcohol) home by themselves
- Be accountable and transparent in your actions – let your line manager know of the situation at the earliest occurrence

## 2.3. Home visits

Some SLDC work does not require any employees to make a home visit as part of their role. If there was a need for a private conversation with a young people and/or their family about a sensitive or confidential issue then the meeting should take place at a public place (ideally a SLDC office). It may be out of hours and as such, the Lone Working policy should then be employed.

However, there are a number of roles that are required to visit the home and the areas of overlap in terms of child protection and safeguarding include:

- **Finding a child home alone** – this is an issue to check with your manager but most likely should be reported to the police depending on the child's age/ability/level of distress

- **Being alone in a room with a child** – as mentioned above, try to avoid planned 1:1 situations by travelling with a colleague or asking parents/siblings to stay in the room and for any unplanned situations, remember the guidance above
- **Deeming the home environment unsuitable in some way** – if you are concerned for the welfare of the family and are considering contacting environmental health colleagues then you may also want to share this as a potential safeguarding concern if you know there are children in the household

## 2.4. E safety

The term E-safety in this instance includes the use of mobile phones, digital cameras, blue tooth technology, film, web cams, blogs, instant messaging, emailing and social network sites.

Employees should not allow themselves to enter into online contact with children they work with, parents or their families. Friend requests from parents or children and young people under the age of 18 (past or present) in this context should be politely declined by explaining that it is against SLDC policy, which is designed to protect employees from abuse and misunderstandings.

Employees should not create web pages, groups or contact lists concerning professional activities carried out on behalf of SLDC unless they have express written permission from a senior manager to do so.

There must be absolutely no private online contact between employees and any children and young people with whom they have a work-related relationship. This includes the storing of images of children under the age of 18.

Online contact made as part of professional duties should always be carried out using technologies provided by SLDC. These technologies should have the capability of logging and storing records securely.

Employees are strongly advised to be careful about what they say online in contact with other young people such as relatives or family friends. This caution should apply to images or video material. Employees should never use or give out their personal contact details, including their mobile telephone number and details of any blogs or personal websites.

Any communication between employees and children, young people and vulnerable adults should remain within professional boundaries. Any individual (one to one) communication should be made on work phones and email accounts only and messages should be saved as standard practice. Line managers should be cc'd into all emails.

Personal subject matter should be avoided.

Employees should not take photographs or film without consent from young people or vulnerable adults and their parents/guardians or carers and never on personal mobile

phones. Young people and vulnerable adults should be aware they are being photographed or filmed and the reasons why.

All employees are advised to make themselves familiar with the parent/carer pages on the CEOP “Think You Know” site at [www.thinkyouknow.co.uk](http://www.thinkyouknow.co.uk) and keep themselves up to date with the risks of emerging technologies.

**Inappropriate texts, photos or emails received from colleagues or young people should not be deleted and must be kept as evidence. It should be reported to a colleague or manager immediately; if this is not possible a professional note or record should be made and shown to a colleague at the earliest opportunity. The most appropriate manager should log all such incidents and take action as necessary.**

## 2.5. Managing behaviour, use of force and physical contact

### Managing behaviour

SLDC employees must promote good behaviour in the projects and services that they run in order to provide a safe environment for all young people and to prevent bullying and abusive peer behaviour. Good practice will see employees use relevant activities such as creating ‘ground rules’ or a ‘group contract’ alongside the young people in a genuinely empowering manner.

However, there are a number of safety ‘non- negotiables’ that employees will also need to ensure make up part of the rules from the outset of a project. These will be relevant to the age/needs of the young people and will be site specific.

SLDC expects to see employees manage negative and poor behaviour through discussion, support and other forms of consequential learning (such as temporary and permanent exclusion).

It is our policy is not to use physical force against young people if at all possible, except as a last resort in order to discharge a duty of care.

### Use of ‘reasonable’ force

We recognise that in certain circumstances - such as to prevent young people from hurting themselves or others - the use of reasonable force on the part of employees may be justified as an act of care and control. For any form of physical intervention to be justified, there must be a risk of injury or damage likely in the predictable future, and immediate action deemed necessary.

Force is usually used either to control or restrain. This can range from guiding a young person to safety by the arm through to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury;

- ‘Reasonable in the circumstances’ means using no more force than is needed

- Control means either passive physical contact, such as standing between young people or blocking a person's path, or active physical contact such as leading a young person by the arm out of a room
- Restraint means to hold back physically or to bring a young person under control. It is typically used in more extreme circumstances, for example when two young people are fighting and refuse to separate without physical intervention

The decision on whether or not to physically intervene is down to the professional judgement of the employee/ member concerned and should always depend on the individual circumstances.

Employees should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the young person.

Employees must ensure that they do not use any form of physical force that may be construed as "assault" to control anyone. The only exception to this is in the use of physical contact to prevent an immediate danger of significant physical injury to, or the damage to the property of, any person.

Instances of employees using force will always be investigated and recorded. Employees who use force in a way that conforms to this policy will have the organisation's support. Employees who use force in a way not conforming to this policy may be subject to disciplinary action and in some cases the matter will be referred to the Police, with criminal proceedings a possibility.

There will be occasions where damage to property may be deemed preferable to the application of physical force as a preventative measure. However, employees should give consideration to the nature of the property in question and whether its damage may place any person at risk of injury or lead to criminal proceedings.

## 3 Managing concerns, allegations and individual cases

### 3.1. Recognising abuse

At induction – SLDC employees are given the HM Government Guidance Document “What to do if you are worried a child is being abused” (March 2015). It highlights:

*No matter where you work, you are likely to encounter children during the course of your normal working activities. You are in a unique position to be able to observe signs of abuse or neglect, or changes in behaviour which may indicate a child may be being abused or neglected.*

*You should make sure that you are **alert** to the signs of abuse and neglect, that you **question the behaviour** of children and parents/carers and don't necessarily take what you are told at face value. You should make sure you know where to turn to if you need to **ask for help**, and that you **refer** to children's social care or to the police, if you suspect that a child is at risk of harm or is immediate danger*

By participating in compulsory biennial training and optional cpd including e-learning, SLDC employees will ensure that they keep up to date with the different types of harm that can affect children and young people – ensuring they can recognise indicators of abuse and know what to do with their concerns.

In addition to the four main categories of abuse that are indicated in the guidance document above (physical abuse, sexual abuse and exploitation, emotional abuse and neglect) – SLDC employees must also be aware that:

1 **Children who run away from home** can be an indicator of abuse or harm.

Over 1000 children per year are reported missing in Cumbria. Research shows the main causes to be family conflict (including domestic violence and forced marriage) and personal problems such as substance misuse, bullying and relationship issues.

**If they become aware that a young person has run away from home or if they return, SLDC employees must:**

- **Notify the police**
- **Notify any other relevant agencies that they know might be involved with the young person**

It is essential that an appropriate agency provides a return interview (CLSB safeguarding hub can advise here) so that the causes that led to running away can be examined, these are often abusive. Early intervention is essential to prevent initial or repeat running away and associated risks.

- 2 Prolonged and/or regular exposure to **domestic violence** can have a serious impact on a child/young person's development and emotional well-being, despite the best efforts of the victim parent to protect their child.

Domestic violence has an impact in a number of ways. It can pose a threat to an unborn child, because assaults on pregnant women frequently involve punches or kicks directed at the abdomen, risking injury to both mother and foetus. Older children may also suffer blows during episodes of violence. Children may be greatly distressed by witnessing the physical and emotional suffering of a parent. Both the physical assaults and psychological abuse suffered by adult victims who experience domestic violence can have a negative impact on their ability to look after their children. The negative impact of domestic violence is exacerbated when: the violence is combined with drink or drug misuse; children witness the violence; children are drawn into the violence or are pressurised into concealing the assaults. Children's exposure to parental conflict, even where violence is not present, can lead to serious anxiety and distress among children, particularly when it is routed through children.

Employees should be vigilant around this area and to treat family information (that might suggest domestic violence) comes to light as a potential safeguarding issue. This will also apply to young people aged 16-17 and their intimate relationships.

### **3 Sexually Active Young People**

**Under 13s:** Under the Sexual Offences Act 2003, children under the age of 13 are considered of insufficient age to give consent to sexual activity.

SLDC must notify the police as soon as possible when a criminal offence has been committed or is suspected of having been committed against a child unless there are exceptional reasons not to do so.

**Aged 13-16:** The 2003 Sexual Offences Act reinforces that, whilst mutually agreed, non-exploitative sexual activity between teenagers does take place and that often no harm comes from it, the age of consent should still remain at 16. This acknowledges that this group of young people is still vulnerable, even when they do not view themselves as such. Although the age of consent remains at 16, the law is not intended to prosecute mutually agreed teenage sexual activity between two young people of a similar age, unless it involves abuse or exploitation.

**Aged 16-18:** Although sexual activity in itself is no longer an offence over the age of 16, **young people under the age of 18 are still offered the protection of Safeguarding Procedures** under the Children Act. Consideration still **needs to be given to issues of sexual exploitation through prostitution and abuse of power in circumstances outlined above.** This also applies to safeguarding the needs of vulnerable adults over the age of 18 in SLDC's care. **Young people over the age of 16 and under the age of 18 are not deemed able to give consent if the sexual activity is with an adult in a position of trust or a family member as defined by the Sexual Offences Act 2003.**

## Prevent

- 4 SLDC employees also have a statutory duty under the 2015 HM Government Prevent Guidance to recognise, identify and report **violent extremist behaviour or radicalisation**.

**Radicalisation** is a process by which an individual or group comes to adopt increasingly extreme political, social or religious ideals and aspirations that (1) reject or undermines the status quo and/or (2) reject or undermine contemporary ideas and expressions of freedom of choice.

Children and young people can suffer harm when exposed to extremist ideology. This harm can range from a child adopting or complying with extreme views which limit their social interaction and full engagement with their education, to children being groomed for involvement in violent attacks.

Children can be exposed to harmful, extremist ideology in the immediate or extended family, or relatives/family friends who live outside the family home but have influence over the child's life. Older children or young people might self-radicalise over the internet or through the influence of their peer network – in this instance their parents might not know about this or feel powerless to stop their child's radicalisation.

If you have concerns about an individual potentially being radicalised you can email Cumbria police at [prevent@cumbria.police.uk](mailto:prevent@cumbria.police.uk) or ring 101. Further information is also available on the Cumbria local safeguarding children's board pages:

[http://cumbrialscb.proceduresonline.com/chapters/p\\_support\\_ch\\_radical.html](http://cumbrialscb.proceduresonline.com/chapters/p_support_ch_radical.html)

## 3.2. Raising concerns and receiving allegations

### Concerns

If employees have concerns about someone that have come about via third party information, an overheard conversation or there may be a suspicion that abuse has taken place through the observation of physical or emotional signs/indicators then they have a duty to take some sort of action. This may be:

- To speak to the individual concerned (if appropriate)
- To raise the issue (and record confidentially it has been raised) with colleagues
- To raise the issue with their line manager immediately or as part of supervision
- To contact the Cumbria Safeguarding Hub on 0333 240 1727 for advice and support
- If/when the concern feels serious or founded then the employee/ member should use the **Internal Safeguarding Information and Referral Form** to notify the Designated Safeguarding Lead (DSL) who will lead from that point forward in terms of decision making

Employees action will depend on the severity of what they think they might know and the potential harm that might come to the child/young person or vulnerable adult.

**Lessons learnt tell us that we might have a vital piece of information that provides a fuller picture of harm when shared with other agencies. It is better to share concerns and have them prove unfounded.**

## Allegations

Children may choose to tell SLDC employees what they are experiencing or have experienced historically. As soon as an issue is brought to the attention of employees they should act immediately.

As soon as possible after an allegation has been made the employee/ member should write down what was said as close to the person's own words as possible. Any handmade notes should be signed and dated.

An assessment should be made by the employee – **is the person in immediate harm or not?**

**If the answer is yes** then they should aim to contact an Operational Manager/ Safeguarding Policy officer or DSL for immediate guidance which may involve contacting social services or the police. If no senior SLDC employees are available then they must contact the appropriate services, even if this is out of hours.

**Out of Hours - If a employees cannot contact senior support and feels the child is in immediate danger then they should contact The Safeguarding Hub on 0333 240 1727 and/or the police immediately and ensure they inform the relevant SLDC manager first thing the next working day.**

**If the answer is no** and that immediate action is not necessary then a phone call to the Operational Manager/ Safeguarding Policy officer/ DSL should take place the following morning within office hours.

Either way, as soon as possible after an allegation and verbal report to a senior manager, employees should complete and send the SLDC Internal Safeguarding Information and Referral Form to formally notify the DSL who will lead from that point forward by contacting the Safeguarding Hub or initiating an Early Help Assessment.

**The following should be remembered:**

- Listen to what the person is saying. Try to understand what is being said without putting your own interpretation on the conversation
- Do not ask leading questions or interrogate the speaker as this could be damage any future investigation
- If you are asked to promise secrecy, you should explain you cannot do this, you may have to pass on your concerns to others in order to keep them or someone else safe but you can maintain confidentiality

- Ensure any feelings of personal shock or distaste at the situation are not conveyed through your body language
- Record any information in the words of the person making the allegation

### 3.3. Handling individual cases

From this point forward, all action regarding the handling of individual safeguarding cases will be lead and performed by the DSL or a nominated deputy (Operational Manager or Principal Partnerships and Communities Officer).

After being contacted by an employee who has raised concerns or had an allegation made to them, the DSL will use the Multi Agency Threshold Guidance to assess the degree of severity and level of need of the young person.

They might also consult with the parent, guardian or carer plus the child except where it might:

- Increase the risk to the child, young person or vulnerable adult (e.g. by the response it may prompt or by leading to an unreasonable delay)
- Lead to the risk of loss of evidential material (if there is evidence that a crime may have been committed)
- Place an employee from any agency at risk due to the potential reaction of the person

The DSL must make a decision on the referral route (if there is one) and record all written and verbal concerns from front line employees plus all decisions made by them following the procedure on the Internal Safeguarding Information and Referral Form.

In some circumstances the child, young person or vulnerable adult may request that parents, guardians or carers are not made aware of the contact with social services. This should be respected and it should be explained at point of contact.

The DSL will decide on a route/action which might result in:

- A. No action required – after checking, there are no longer any valid concerns
- B. No action required – after checking there seem to be valid concerns but a social worker/TAC/TAF is already in place. Our information is shared with them
- C. An Early Help Assessment being initiated with consent and engagement from the child and their family – SLDC may not lead on this but initiate it by contacting the Safeguarding Hub to access support and to find a more appropriate service to take this forward
- D. The child is identified as being 'in need of support' (s17) – Safeguarding Hub contacted and other agencies to lead on a multi-agency response (that SLDC may or may not be part of)

- E. The child is identified as being 'in need of protection' (s47) – Safeguarding Hub /Police contacted and compulsory statutory intervention is initiated

**The Safeguarding Hub should acknowledge the referral within 48 hours of receipt of the written or on line referral and provide some feedback. If the DSL/Deputy has not had confirmation – they have a duty to follow this up with the LSCB.**

## Disagreement

If there is professional dispute with the Safeguarding Hub, Social Services or another partner agency – for example the DSL disagrees with the outcome or information is not being shared effectively between multi-agency partners; then SLDC employees must employ the CLSCB Escalation Policy – which can be found on their website.

## 3.4. Whistleblowing

SLDC has a Whistle Blowing Policy that protects employees from reprisal and victimisation when they make a disclosure in the public interest about a concern, a danger or illegality that affects others.

When it comes to safeguarding, employees have a responsibility to highlight issues that put young people at risk. This includes passing on third party comments/concerns involving colleagues and managers.

## 3.5. Allegations against employees

### Allegation procedure

**Employees must report any allegations made against other employees directly to the DSL/ Operational manager that suggest that employees have:**

- **Behaved in a way that has harmed or may harm a child, young person or vulnerable adult**
- **Possibly committed a criminal offence related to a child, young person or vulnerable adult**
- **Behaved in a way that indicates that he/she is unsuitable to work with children, young people or vulnerable adults**

Employees must report within 24 hours with as much detail surrounding the incident and context that is possible and relevant.

The DSL will take responsibility from this point forward and follow the guidance offered organisations on the LSCB website:

[http://cumbrialscb.proceduresonline.com/chapters/p\\_alleg\\_against\\_staff.html](http://cumbrialscb.proceduresonline.com/chapters/p_alleg_against_staff.html)

Out of hours - The making of a referral to the Police or Social Services should not be delayed if the DSL or any other senior member of SLDC cannot be

contacted and there is evidence that a crime has been committed which may require urgent police investigation. Any action must be reported to the relevant SLDC employees first thing the next working day.

### 3.6. SLDC safeguarding communications flow chart (see separate diagram)

## 4 Partnership working and confidentiality

### 4.1. Multi-agency partnership working

It is essential that at the outset of any piece of partnership work, all organisations discuss and record an agreement which defines the lead agency in terms of the project or who will take responsibility for certain tasks such as reporting and investigating safeguarding issues.

It is also essential to discuss each organisation's relevant policies and procedures so that any areas of potential conflict regarding ethos or practice can be identified and resolved before the work takes place.

If no agreement is in place; SLDC employees must ensure that the workers present at the time agree (in writing) specific roles and responsibilities in terms of reporting and following up the incident.

### 4.2. Early help

SLDC's Safeguarding Children Policy highlights the commitment to participating in prevention work – and as such, as part of CLSCB's multi-agency approach towards safeguarding, It may be that SLDC employees are nominated by a young person or their parent to take part in an assessment, become the named Lead Professional or it may come out of the assessment carried out by other professionals that a worker should be invited to be part of the 'Team Around the Child/Family' (TAC/TAF) or a MARAC (for cases involving domestic abuse).

The following should be adhered to by SLDC employees regarding any involvement with Early Help:

- At present, SLDC employees will not instigate Early Help Assessments (with the exception of Hostel employees who must have received appropriate LSCB training). Hostel employees should discuss cases with their line manager and would be encouraged to become part of the Team Around the Family.
- Anyone invited to a TAC/TAF or MARAC should notify their Line Manager. A decision will be made based on the individual relationship with the child/family/situation, competency for the role plus time and resource requirements.

There is more information on Early Help on the CLSCB website.

### 4.3. Confidentiality and consent

Children and young people under the age of 16 years are entitled to the same level of confidence as adults if it appears they have the ability to understand choices and their consequences.

**However there are certain situations where it is not in the best interest of a child, young person or vulnerable adult to maintain confidentiality.**

SLDC expects that any matter relating to a young person under the age of 16 is brought to the attention of an employee indicating there is a safeguarding issue **must** be shared with the DSL (regardless of consent) who will take the matter forward.

**Wherever possible, SLDC employees should aim to seek consent before disclosing confidential information.**

### 4.4. Confidentiality when sharing information

If an employee shares information with appropriate personnel (DSL, Social Services/Police) in good faith they are exempt from civil action as long as they maintain high levels of confidentiality.

Where there are concerns about a child/young person, this information should be a proportionate response to the need to protect the individual and only be shared on a "need to know" basis and should not be widely shared with other colleagues, managers or external partners for example.

If the person's identity does not need to be disclosed then the information should be used anonymously. If in doubt check with a senior manager before sharing any information.

The strategic information sharing agreement between organisations providing health, social care, education, support and intervention for youth offenders and home fire assessment services across Cumbria can be found at:

<http://www.cumbrialscb.com/professionals/informationsharing.asp>

### 4.5. Confidentiality when recording and storing information

SLDC's Data Protection Policy gives clear guidance on the recording and storing of sensitive information. General records kept by SLDC employees and projects include:

- Name, address, doctor, phone number and details of parent/guardians/carers and/or emergency contact numbers.
- Medical details form with parental/guardian consent if under 18
- Attendance records of youth work sessions.
- Young people and or parent/guardian can see these details if requested. It is important to store any safeguarding information in a separate

secure place away from general records, in a place accessible only to nominated personnel

Specific **Safeguarding Information Sharing and Referral** forms should be shared with relevant colleagues in hard copy only. They may include incredibly sensitive information plus personal information and contact details. As such:

- They should not be sent over unsecured email
- If sent by post they should be clearly labelled private and confidential (originals to be kept at original office)
- They should be stored appropriately in a password protected sharepoint folder accessible by the DSL.

## 5 Relevant contact information

### SLDC employees

SLDC Safeguarding Lead:

Office hours: Debbie Storr (Director of Policy and Resources) 01539 793 106.

Deputy: Simon Blyth (Principal Partnerships and Communities Officer) 01539 793 262.

### External agencies

Cumbria Safeguarding Hub: 033 240 1727

Cumbria Local Safeguarding Children Board: [www.cumbrialscb.com](http://www.cumbrialscb.com)

NSPCC 0808 800 5000: offers advice and support for adults who are working with children and young people who have a query or concern

## 6 Annexes

### 6.1. Safe recruitment specific procedures

The Council will take reasonable steps to ensure that unsuitable people are prevented from working with children and young people by implementing consistent and appropriate personnel procedures.

SLDC will:

- Request DBS checks in line with the DBS policy
- Obtain 2 references from previous employers and all appointments will be made subject to satisfactory references
- Train employees, their line managers and supervisors, in the detection of child abuse and in good working practice

Please refer to SLDC's recruitment policy and DBS policy for further details. For any specific queries please contact a member from the Council's HR team or the Council's Safeguarding lead

## 6.2. Homelessness team and hostel employees: specific procedures

A reminder of expectations:

Role	Context	Expectations
Hostel employees and Homelessness Team Including agency employees	Working with vulnerable families: some employees sleeping on site.	<ul style="list-style-type: none"> <li>• Safeguarding Ops Procedures 1 to 5 applies</li> <li>• Specific arrangements: Annexes 6.1, 6.2, 6.6, 6.7</li> <li>• Bi-annual training LSCB Thresholds, referrals and multi-agency working (level 2)</li> <li>• Lead workers/managers to also complete LSCB multi agency workshop (level 3)</li> </ul> <p>Optional CPD should be considered:</p> <ul style="list-style-type: none"> <li>• Early help</li> <li>• Domestic abuse/MARAC</li> <li>• Drug/alcohol misuse</li> </ul>

This team works with individuals and families that are already identified as vulnerable. There are expectations that employees in this team are up to date with their mandatory training and have also considered optional CPD. This team need to recognise that their responsibility for safeguarding children and young people covers both young homeless people/hostel guests as well as the children of adult service users. In addition to the Hostel Manual, the following guidance is to support employees regarding safeguarding children matters.

### Early help: TAC/TAF/MARAC

Also refer to section 4.2 in the policy. The Homelessness Team are most likely to be the only SLDC employees participating in TACs/TAFs and MARACs.

Employees cannot participate if they have not had the requisite training and require manager permission to access the LSCB courses.

If an SLDC employee member participates in a TAC/TAF or MARAC, they must keep the minutes of meetings on file and be accountable for their actions as they represent the council. They must also be aware that these documents may be scrutinised in the event of the situation being 'stepped up' or as part of a 'serious case review'.

## Safeguarding children on the hostel premises

Safeguarding and child protection protocols apply to all children staying in the hostel – whether they are 16/17 prior to being housed elsewhere (e.g. The Foyer) or if they are a child of a resident (including an unborn child).

Hostel employees should:

- Ensure parents take responsibility for their children in communal areas including kitchens and bathrooms
- Ensure parents adequately supervise their children and do not leave them unattended for extended periods
- Be vigilant to the welfare of resident's children
- Avoid planned 1:1 situations with children and report any unplanned 1:1 situations to their line manager as a measure of transparency

Hostel employees must:

- Report any welfare or child protection concerns immediately to the Safeguarding Lead
- Be vigilant to the conduct of visitors to the Hostel – ensuring they remain in the meeting room on the lower floor
- Ensure hostel conduct rules are upheld
- Be particularly vigilant to the increased risk of sexual exploitation that many homeless young people can find themselves vulnerable to

## Boundaries

Hostel employees are expected to maintain professional boundaries. Examples include:

- Never discussing residents in the presence of other hostel residents or applicants
- Similarly employees must never discuss personal information of their colleagues to third parties.
- Not being involved in the handling of any residents' personal money or have any involvement in the residents' financial matters even if they are requested to do so by the resident or other party. This involvement could result in accusations being made against the Hostel employees which could be difficult to disprove.
- The Hostel employees should as a matter of course make themselves aware of the general feelings of residents. S/he should be available for the residents to talk to about any concerns they have about the Hostel and should take care to be impartial at all times. The Hostel employees should not take sides on behalf of or against any

resident, but should act in the interests of the smooth running of the Hostel, and the enforcement of the Hostel rules.

## Working with sexually active young people and sexual exploitation

Most young people under the age of 18 will have an interest in sex and sexual relationships.

Child sexual exploitation is when someone grooms and controls a child for sexual purpose or when a child receives something for sexual activity. The scale can be individual or commercial. There are also particular links to children missing from home, street grooming and online exploitation.

Areas to look for when considering the needs of the young people:

- Power imbalances are very important and can occur through differences in size, age and development and where gender, sexuality, race and levels of sexual knowledge are used to exert such power (of these, age may be a key indicator, e.g. a 15 year old girl and a 25 year old man)
- There may also be an imbalance of power if the young person's sexual partner is in a position of trust in relation to them, for example a teacher, youth worker or carer
- Sex being used for favours, i.e. exchanging sex for clothes, CDs, trainers, alcohol, drugs, cigarettes and so on. Young people may also have large amounts of money or other valuables which cannot be accounted for
- A young person going missing for periods of time or regularly coming home late
- If the young person has a learning disability, disorder or other communication difficulty they may not be able to communicate easily to someone that they are, or have been abused, or subjected to abusive behaviour. The Sexual Offences Act recognises the rights of people with a mental disability to a full life, including a sexual life. However, there is a duty to protect them from abuse and exploitation
- Whether the person is competent to understand and consent to the sexual activity they are involved in
- Whether overt aggression, coercion or bribery was involved including misuse of substances/alcohol as a disinhibitor
- Whether the young person's own behaviour, for example through misuse of substances, including alcohol, places them in a position where they are unable to make an informed choice about the activity
- Any attempts to secure secrecy by the sexual partner beyond what would be considered usual in a teenage relationship
- Whether methods used to secure compliance and/or secrecy by the sexual partner are consistent with behaviours considered to be 'grooming'

**Any causes for concern that a young person is being sexually exploited should be treated as a standard safeguarding concern: see Section 3 of this document.**

## The Fraser guidelines

SLDC employees must follow the Fraser Guidelines when discussing personal or sexual matters with a young person under 16. These guidelines give guidance on providing advice and treatment to young people less than 16 years of age.

They hold that sexual health services can be offered without parental consent providing that:

- The young person understands the advice that is being given.
- The young person cannot be persuaded to inform or seek support from their parent/guardians, and will not allow the worker to inform the parent/guardian that contraceptive advice is being given.
- The young person is likely to begin or continue to have sexual intercourse without contraception or protection by a barrier method.
- The young person's physical or mental health is likely to suffer unless they receive contraceptive advice or treatment.
- It is in the young person's best interest to receive contraceptive/safe sex advice and treatment without parental consent.

## Dealing with aggressive behaviour in children

The following are guidelines for Hostel employees in the event of needing to manage aggressive behaviour of children or young people and will provide guidance for physical intervention as a last resort as part of discharging your duty of care.

### Use of 'reasonable' force

We recognise that in certain circumstances - such as to prevent young people from hurting themselves or others - the use of reasonable force on the part of employees may be justified as an act of care and control. For any form of physical intervention to be justified, there must be a risk of injury or damage likely in the predictable future, and immediate action deemed necessary.

Force is usually used either to control or restrain. This can range from guiding a young person to safety by the arm through to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury;

- 'Reasonable in the circumstances' means using no more force than is needed
- Control means either passive physical contact, such as standing between young people or blocking a person's path, or active physical contact such as leading a young person by the arm out of a room

- Restraint means to hold back physically or to bring a young person under control. It is typically used in more extreme circumstances, for example when two young people are fighting and refuse to separate without physical intervention

All employees have a legal power to “use such force as is reasonable in the circumstances for the purposes of:

- self-defence; or
- defence of another; or
- defence of property; or
- prevention of crime; or
- lawful arrest.”

[http://www.cps.gov.uk/legal/s\\_to\\_u/self\\_defence/](http://www.cps.gov.uk/legal/s_to_u/self_defence/)

Any incidents where employees have used physical intervention should be followed up with a discussion with the young person and their parents/carer and also documented on an Incident Form.

Reasonable force can be used to prevent young people from hurting themselves or others, from damaging property, or from causing disorder;

The decision on whether or not to physically intervene is down to the professional judgement of the employee concerned and should always depend on the individual circumstances.

Employees should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the young person.

Employees must ensure that they do not use any form of physical force that may be construed as “assault” to control anyone. The only exception to this is in the use of physical contact to prevent an immediate danger of significant physical injury to, or the damage to the property of, any person.

Instances of employees using force will always be investigated. Employees who use force in a way that conforms to this policy will have the organisation’s support. Employees who use force in a way not conforming to this policy may be subject to disciplinary action and in some cases the matter will be referred to the Police, with criminal proceedings a possibility.

There will be occasions where damage to property may be deemed preferable to the application of physical force as a preventative measure. However, employees should give consideration to the nature of the property in question and whether its damage may place any person at risk of injury or lead to criminal proceedings.

## Physical Intervention

Principles for using physical intervention:

- Employees should take steps in advance to avoid the need for physical intervention, e.g.; through dialogue and diversion (see above); and the young person should be warned verbally that physical restraint would be used unless they desist
- Employees should have good grounds for believing that immediate action is necessary to prevent a young person from significantly injuring themselves, or others, or causing serious damage to property
- Every effort should be made to secure the presence of other employees before applying restraint. These employees can act as assistants and witnesses. Whenever possible there should be at least two employees present when a young person is being restrained and the most senior employees available should take charge of the situation.
- If it is necessary to restrain a young person, an employee of the appropriate gender must be present from the earliest possible time
- In a situation where the young person's behaviour is directed at an employee, the employee concerned should not be involved in carrying out the restraint, unless there is no other alternative
- Employees should be careful where they hold young people. For instance, they should be careful not to hold a young person in such a way that it involves contact with genitals or breasts
- Verbalise what you are doing, where you are holding, what behaviour you would like to see, i.e. "I'm going to have to move you away from the wall as you're hurting yourself by punching it...I'm going to grab you by the shoulder/arm, come over and sit with me on the steps..."
- If it becomes necessary to physically restrain a violent young person; to avoid injury and the infliction of pain, the amount of force used must be the minimum necessary to hold the young person safely
- Employees must consider any hazards presented by the immediate environment (e.g. rocks, windows etc.) and endeavour to steer the young person towards a safer area or consider how to protect all those involved, from the hazard
- The length of time a young person is restrained should be the minimum necessary to achieve the immediate objective

Restraint should not happen to:

- Expectant mothers
- Young people known to be epileptic

- Someone heavily under the influence of drugs/alcohol
- Someone showing very violent behaviour much larger than themselves or in possession of a dangerous weapon (where the restrainer is at an increased risk or danger/injury)

**In the situation presented is one of significant violence/danger then employees efforts should be redirected towards protection of themselves and other young people. If circumstances allow, it may be advisable to contact the police.**

## Following an incident

As soon as it is felt safe, restraint should be gradually relaxed to allow the young person to regain self-control. During this process the young person should be told what is happening and what behaviour is expected of them. As the hold is relinquished, employees should look for indications that may suggest the young person will restart the aggressive behaviour.

Depending on the severity of the incident, the young person should be debriefed after the event and where appropriate with the involvement of a parent/carer. Everything should be recorded and discussed with the employees line manager.

The SLDC manager should ensure that any incidents of restraint are reported on an incident report form and dealt with appropriately. It should also be discussed in more depth at both supervision and at a team meeting to enable a constructive review of how the incident was managed, provide support to the employees involved and initiate appropriate follow-up with the young person/partner agency involved.

## 6.3. Licensing: specific procedures

### Hackney carriage and private hire

Taxi drivers are integral in the recognition of child abuse – in particular child sexual exploitation and they are also a vulnerable part of the workforce as they work alone, sometimes at night and often with people under the influence of alcohol etc.

The 2016 hackney Carriage and Private Hire Licencing policy lays out the commitment of SLDC and the expectations of drivers. In brief:

- Enhanced DBS checks are required every 3 years. Any concerns go to Licensing Committee for decision.
- Relevant convictions and cautions are taken into account upon licensing
- They are subject to a code of good conduct which includes the reporting of safeguarding concerns and allegations as well as promoting excellent behaviour and standards – failure to comply may result in explanation at the Licensing Regulatory Sub Committee

In the policy, drivers are signposted to contacting the police or the SLDC Licencing team if they have a safeguarding concern. If any driver shares a concern then it should be dealt with as per the guidance in Section 3 of these Operational Procedures.

SLDC recognise the importance of training drivers, so in addition to the publication of a printed guide, the licensing team are inviting them to participate in some voluntary training prior to embedding it as part of the licensing process in due course.

## Working with sexually active young people and sexual exploitation

Most young people under the age of 18 will have an interest in sex and sexual relationships.

Child sexual exploitation is when someone grooms and controls a child for sexual purpose or when a child receives something for sexual activity. The scale can be individual or commercial. There are also particular links to children missing from home, street grooming and online exploitation.

Areas to look for when considering the needs of the young people you work with:

- Power imbalances are very important and can occur through differences in size, age and development and where gender, sexuality, race and levels of sexual knowledge are used to exert such power (of these, age may be a key indicator, e.g. a 15 year old girl and a 25 year old man)
- There may also be an imbalance of power if the young person's sexual partner is in a position of trust in relation to them, for example a teacher, youth worker or carer
- Sex being used for favours, i.e. exchanging sex for clothes, CDs, trainers, alcohol, drugs, cigarettes and so on. Young people may also have large amounts of money or other valuables which cannot be accounted for
- A young person going missing for periods of time or regularly coming home late
- If the young person has a learning disability, disorder or other communication difficulty they may not be able to communicate easily to someone that they are, or have been abused, or subjected to abusive behaviour. The Sexual Offences Act recognises the rights of people with a mental disability to a full life, including a sexual life. However, there is a duty to protect them from abuse and exploitation
- Whether the person is competent to understand and consent to the sexual activity they are involved in
- Whether overt aggression, coercion or bribery was involved including misuse of substances/alcohol as a disinhibitor
- Whether the young person's own behaviour, for example through misuse of substances, including alcohol, places them in a position where they are unable to make an informed choice about the activity

- Any attempts to secure secrecy by the sexual partner beyond what would be considered usual in a teenage relationship
- Whether methods used to secure compliance and/or secrecy by the sexual partner are consistent with behaviours considered to be 'grooming'

## 6.4. Members: specific procedures

Members differ from employees in the way that conduct is investigated and sanctioned.

The 2013 Code of Conduct for Members and Co-opted Members of the Authority makes clear that,

“You must not bring your office or your Authority into disrepute”

“You must promote high standards of conduct when serving in your office”

Safeguarding children and young people is a key area where members must use their training and consult SLDC policy and procedures in order to apply appropriate conduct and make necessary interventions and share information.

The Operational Procedures apply to the work they do in communities and they are supported in their role by SLDC Principal Organisational Development officer and the Designated Safeguarding Lead.

Members are supported also by a training and awareness raising programme on appointment. Part of their induction comprises of a takeaway guide 'Practical Guide for new councillors' and from 2017 there will be a section in it referring to children's safeguarding. Members are also invited to regular bi-annual safeguarding training.

## 6.5. Sub-contracted services: specific procedures

The SLDC Safeguarding Children Policy 2016 states:

**“Section 11 of the Children Act 2004 sets out the relevant duty:**

**“Any person or body to whom the duty applies must ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. The duty requires the council to ensure that:**

- a) **Its functions are discharged having regard to the need to safeguard and promote the welfare of children and;**
- b) **Services they contract out to others have regard to the need to Safeguard and promote the welfare of children.”**

In practice this means that all procurement needs to take this into account in the sub-contracting of services.

Both large-scale procurement (managed by a central co-ordinator) and small scale procurement (under £10,000 managed by an Operational Manager) need to apply the same following protocols:

- 1. Service analysis:** If the service involves personnel who may have contact with children and young people or families then HR needs to be consulted regarding DBS, induction and training requirements for the specific roles. See Annex 6.1 for more guidance.
- 2. Use of agency employees:** SLDC use a formal job description for hiring agency employees with corporate conditions of service including safeguarding.
- 3. Accountability:** The SLDC Operational Manager is accountable for the discharge of S11 duties. Operational Managers are responsible for writing the specification/ statement of requirements for the services to be delivered, including any Safeguarding and DBS requirements. This then forms part of the contract. They also monitor sub-contractor performance and conduct.

## 6.6. Protecting young employees: specific procedures

Young people who do not hold a level 3 educational training are required to stay in education or training at least part-time, until they are 18 years old. They are required to take part in education or training through either:

- Full-time education or training, including school, or college.
- Work-based learning, such as Apprenticeships or part-time education, or training, or volunteering more than 20 hours a week.
- The education or training can be work-based.

**Most likely, SLDC employees would come across young people in the workplace as either work experience (volunteers) or apprentices (employees).**

**If SLDC employs a young person we will pay due attention to:**

### 1. Working time regulations

- Normally younger workers (16 & 17 year olds) are entitled to 12 hours of uninterrupted rest within a 24 hour period in which they work. If a shift last longer than 4.5 hours then they will be entitled to a break of 30 minutes.
- They are entitled to 2 days off per week and these cannot be averaged over a 2 week period, and they should be consecutive days. These workers do not normally work for more than 40 hours per week.
- All workers are entitled to at least the statutory annual leave allowance of 5.6 of their working week.

### 2. Night work limits

Workers under 18 are not usually allowed to work at night, however, exceptions can apply in some circumstances. Younger workers may work during the night if they are employed in a hospital or similar places of work, or in areas such as, advertising, sporting or cultural activities.

**Key points:**

- Young workers are entitled to two days off per week.
- A daily rest break of 12 consecutive hours (the break between finishing work one day and starting work the next).
- A rest break of at least 30 minutes if the working day lasts more than 4.5 hours.
- Young workers normally will not work more than 8 hours a day and 40 hours a week.
- Young workers don't normally work at night. However, there are some exceptions.
- Workers aged 16 to 17 are entitled to be paid at least the National Minimum Wage at the relevant rate.

## SLDC employee support and management of young employees

SLDC managers will:

- Induct a young employee paying more attention to:
  - Helping them understand health and safety risks (health and safety research indicate this is an important area)
  - Their general welfare in the work environment – recognising this may be the first time they are alongside adults as peers
  - Addressing their rights as employees
- Consider if they themselves or another colleague now require a DBS check (this is dependent on role and would only really be necessary if there was an element of extended travel or an overnight stay (for example to a training event or conference))

SLDC colleagues will:

- Recognise the difference between a volunteer work placement and a young employee and will be aware of the difference in duty of care accordingly.

## SLDC employee support and management of work experience placements

Children aged 17 or under on any work experience opportunity should be treated as children (from a safeguarding perspective). Simply this requires:

- An agreement with school/college regarding responsibility and duty of care
- SLDC employees to have requisite DBS checks (dependent on length of placement/nature of role)
- Welfare provision – such as mentoring and supervision

## 6.7. Public buildings: specific procedures

Every facility SLDC manages, operates or sub contracts will be different. Below are some guidelines regarding the safeguarding of children and young people as part of the wider community access to SLDC facilities.

It is up to the Corporate Asset Manager to record a ‘**safeguarding children and young person’ audit** that they should create using the guidelines below as headings for consideration.

Question	Consider
How do young people access the facilities?	<ul style="list-style-type: none"> <li>• Independently without a parent/carer</li> <li>• As a child, attending with a parent</li> </ul>
What ages are most common?	<ul style="list-style-type: none"> <li>• Babies</li> <li>• Toddlers</li> <li>• Primary aged children</li> <li>• Teenagers</li> </ul>
What risks to children do the premises present?	<ul style="list-style-type: none"> <li>• Other users groups using communal areas such as lobby/kitchens/toilets</li> <li>• Where are the main entrance/exit routes?</li> <li>• Building security arrangements?</li> <li>• Employees working in insolation in public areas (eg cleaner?)</li> <li>• Shared toilet facilities between children and adults?</li> <li>• Access to alcohol/adults under the influence of alcohol?</li> </ul>
What safeguarding measures are already in place?	<ul style="list-style-type: none"> <li>• Employees trained in safeguarding</li> <li>• Relevant employees with DBS</li> <li>• Visible posters and information about safe employees/safe areas</li> <li>• Separate toilets</li> <li>• Agreements with other building users about conduct</li> <li>• Ways of segregating groups/users</li> <li>• Letting/hiring arrangements that cover safeguarding children</li> </ul>

There is a difference between an SLDC led event in SLDC premises and an external group hiring SLDC premises for their own activity.

SLDC has greater duty of care when running their own event and need to risk assess the entire activity from supervising children until they are collected, seeking health and consent information and maintaining the duty of care whilst children are on site –even when at the toilet/at a cafe.

SLDC are not obliged to monitor the safeguarding policies of their users, however, the poor practice of another agency could have negative results for SLDC and impact upon reputation. If there is a letting/hiring procedure in place then SLDC could aim to increase the adoption of strong safeguarding measures in the agreement minimising issues by ensuring that:

- Children use a disabled toilet so they do not have to share with adult users/alternatively they go in pairs to a shared toilet block
- Children use a separate toilet in groups if an alcohol related event on in the building
- Users take responsibility for briefing the children on the layout of the building so that they don't get lost or stray from their 'designated area' – perhaps SLDC could produce more signage if this was an issue
- Key employees (such as cleaners/caretakers) who operate in isolation are trained and vetted.

## 6.8. Street Scene: specific procedures

As part of a standard operating procedure, if a member of the Street Scene team comes across a 'sharp' that has not been safely disposed of, they collect it if they have the appropriate equipment, or call for a colleague to come and collect it.

If the information is shared with Enforcement Officers then they are in a good position to consider whether there are children in the home and whether they think the information is worth sharing with the safeguarding hub or with a partner colleague (such as South lakes Housing) who may already be supporting the family as part of an Early Help Team Around the Family.

Therefore, all Street Scene personal should be aware of the procedure for sharing information regarding 'sharps' as appropriate to an Enforcement Officer or partners agency.

### Underage drinking / drug use

If members of the Street Scene team come across young people drinking alcohol or taking drugs they are advised to contact the Police through 101 or 999 as necessary. The police operator would grade the response depending on the circumstances.

If Streetscene team members come across areas where these activities are taking place this should be shared with the Community team or the PCSO for the area.

### Other services:

- Waste and recycling
- Neighbourhood enforcement
- Lake Windermere
- Car parking
- Parks and Open Spaces
- Play areas
- Cemeteries
- Arts and Culture

Refer to procedures in section 3.