

EA Child Protection and Safeguarding

Policy and Procedures



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1 Policy Statement

- 1.1** This policy has been prepared to provide a governance framework for the Education Authority (EA) in relation to its child protection and safeguarding responsibilities.
- 1.2** The Child Protection and Safeguarding Committee has been established to discharge the duties and responsibilities of the Authority in relation to compliance with the requirements set out in the Safeguarding Board Act (Northern Ireland) 2011 and the requirements set out in Department of Education legislation and guidance. This includes the approval of policies and procedures relating to child protection and safeguarding.
- 1.3** The Safeguarding Board for Northern Ireland (SBNI) Child Protection Regional Core Child Protection Policies and Procedures (December 2017) provide guidance for staff employed in all agencies. The DE Safeguarding and Child Protection in Schools – A Guide for Schools (April 2017) provides detailed guidance for schools and is also of relevance to other settings including early years and youth settings.
- 1.4** The EA Child Protection and Safeguarding Policy and Procedures provides specific guidance for *all* staff employed directly by the EA to enable them to fulfil their child protection and safeguarding responsibilities. This includes staff:
- employed directly by the EA in all EA offices or other work settings
 - employed directly by the EA who work in schools
 - employed directly by the EA in any other education settings such as Youth Centres, Outdoor Learning Centres, Education Other than at School (EOTAS) Centres, Learning Support Centres, and Exceptional Teaching Arrangement settings.
- 1.3** Those employees whose work is in or takes them into a school setting or voluntary youth work setting, *must* make themselves familiar with the child protection policies pertinent to those settings, to ensure they follow the procedures relating to the reporting of child protection and safeguarding concerns in that setting.

2 Safeguarding Principles

- 2.1** All children and young people have a fundamental right to be safeguarded from harm. Their welfare must be promoted and they must be given every opportunity to develop to their full potential. The primary responsibility for safeguarding children and young people rests with their parents or carers, however, those who work with children, young people or families, in whatever capacity, have a particular responsibility to promote their welfare and ensure they are safe.
- 2.2** All employees of the EA have a responsibility to ensure that the children and young people with whom they work or have contact are safeguarded. The following principles should underpin all child protection/safeguarding practice within EA and are reflective of the UN Convention on the Rights of the Child (UNCRC) and the principles enshrined in The Children (Northern Ireland) Order 1995. These principles are set out fully in the interagency guidance document “Co-operating to Safeguard Children & Young People in Northern Ireland” (DOH 2017).

- The child or young person's welfare is paramount
- The voice of the child or young person should be heard
- Parents are supported to exercise parental responsibility and families helped to stay together
- Partnership
- Prevention
- Responses should be proportionate to the circumstances
- Protection
- Evidence-based and informed decision making

3 Definitions

3.1 Child

The term 'child' has the same meaning as in the Children (Northern Ireland) Order 1995 ie. a person under the age of 18.

There are persons aged 18 years or over who are registered pupils in schools or who are in receipt of other EA services. Where safeguarding concerns arise in respect of these person's referral pathways and processes for adults will apply. The EA Child Protection Support Service (CPSS) will also provide advice in relation to dealing with such concerns.

3.2 Parental Responsibility

In Northern Ireland a mother automatically has parental responsibility. A father has parental responsibility if he's married to the mother at the time of the child's birth. If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage. An unmarried father has parental responsibility if he's named, or becomes named, on the child's birth certificate (from 15 April 2002). He may also acquire parental responsibility by signing a legal agreement with the mother or by obtaining a Parental Responsibility Order from a Court.

Other adults who live with a child, like step-parents, partners or grandparents, can acquire the right to share parental responsibility by asking a Court for a Residence Order. This gives them responsibility and authority for the child for as long as they stay living together.

Where a child is Looked After by a Health & Social Care Trust, the Trust shares parental responsibility for that child for as long as the child is Looked After. The original parents only ever lose their share of parental responsibility when their child is adopted. They always hold parental responsibility however many other people share it with them.

The law also says that adults who live with and provide care for a child but do not have parental responsibility e.g. step-parents, other relatives or foster parents, should make sensible everyday decisions in the child's best welfare.

3.3 Harm and Significant Harm

The Children (Northern Ireland) Order 1995 defines '**harm**' as ill-treatment or the impairment of health or development. The Order states that 'ill-treatment' includes sexual abuse, forms of ill-treatment which are physical and forms of ill-treatment which are not physical; 'health' means physical and/or mental health; and 'development' means physical, intellectual, emotional, social or behavioural development.

There is no absolute definition of '**significant harm**', as this will be assessed on a case by case basis. Article 50(3) of the Children (Northern Ireland) Order 1995 states that "where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child".

3.4 Child Protection

Child **protection** refers specifically to the activity that is undertaken to protect individual children or young people who are suffering, or are likely to suffer significant harm.

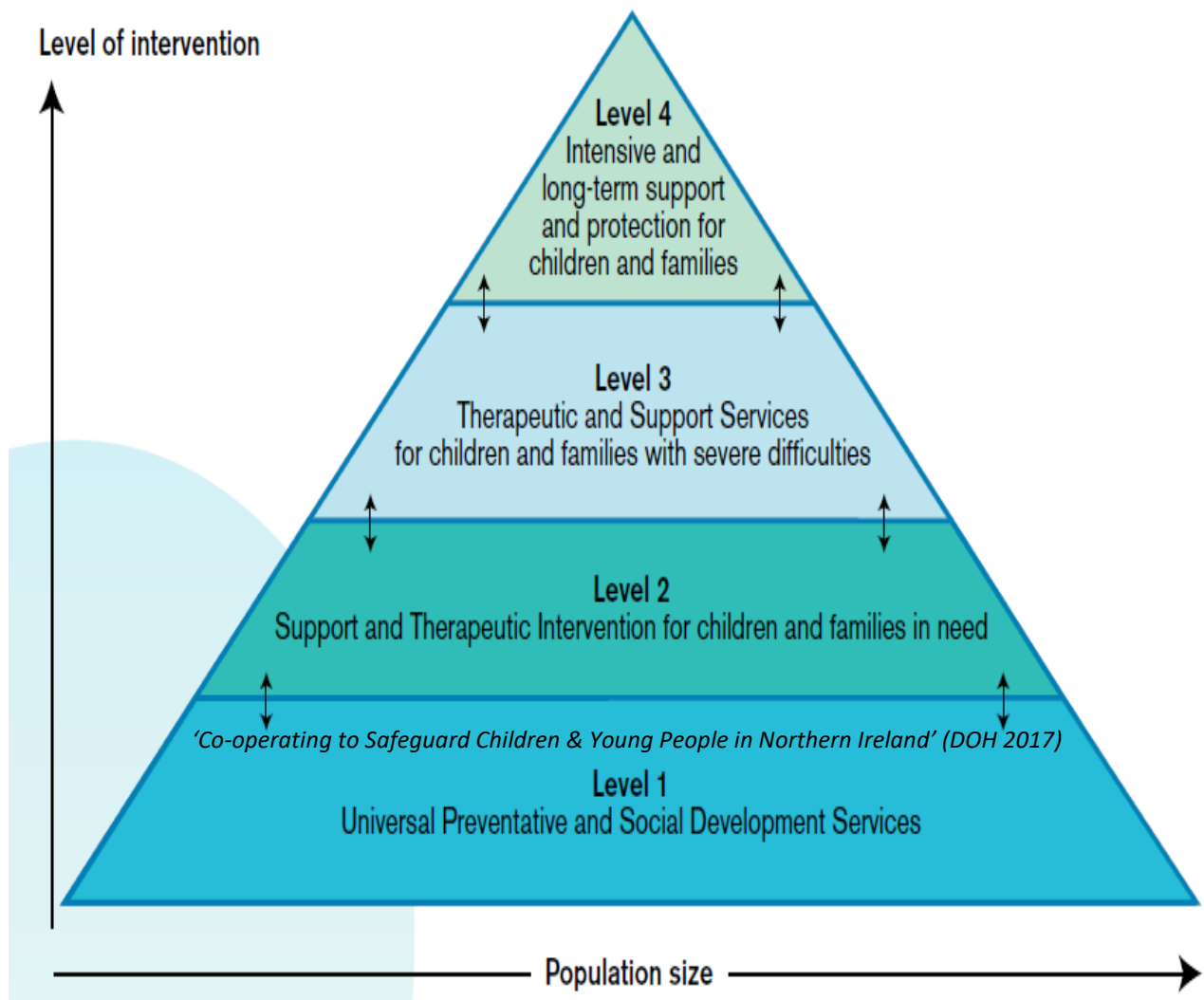
A child in need of protection is a child who is at risk of, or likely to suffer, significant harm which can be attributed to a person or persons or organisation, either by an act of commission or omission.

3.5 Safeguarding

Within this policy, the term **safeguarding** is intended to be used in its widest sense, encompassing the full range of promotion, prevention and protection activity. Effective safeguarding activity will:

- **Promote** the welfare for the child and young person;
- **Prevent** harm occurring through early identification of risk and appropriate, timely intervention; and
- **Protect** children and young people from harm when this is required.

The **Hardiker** diagram in **figure 1** below illustrates the breadth of safeguarding activity in the wider framework of supports offered to children and young people in Northern Ireland.



4 Types of Abuse

4.1 Harm can be suffered by a child or young person by acts of abuse perpetrated upon them by others. Abuse can happen in any family, but children may be more at risk if their parents have problems with drugs, alcohol and mental health, or if they live in a home where domestic abuse happens. Abuse can also occur outside of the family environment. Babies and children with disabilities can also be more vulnerable to suffering abuse.

Although the harm from the abuse might take a long time to be recognisable in the child or young person, professionals may be in a position to observe its indicators earlier, for example, in the way that a parent interacts with their child. Effective and ongoing information sharing is key between professionals.

Harm from abuse is not always straightforward to identify and a child or young person may experience more than one type of harm or significant harm.

4.2 Harm can be caused by:

- Physical abuse;
- Sexual abuse;
- Emotional abuse;
- Neglect; and
- Exploitation.

Physical Abuse is deliberately physically hurting a child. It might take a variety of different forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.

Sexual Abuse occurs when others use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.¹

Emotional Abuse is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child's emotional development.

Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

Neglect is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in the serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse.

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment,

¹ DE Circular 2016/05 "Children Who Display Harmful Sexualised Behaviour" provides guidance for schools and other education settings about harmful sexualised behaviour displayed by children and young people.

transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

- 4.3** The abuse of children and young people can manifest in a number of ways and can involve a combination of the forms of abuse defined above. The ways in which abuse manifests can also change over time and all those working to safeguard children must have an awareness and understanding of the nature and prevalence of different manifestations of abuse. The key consideration must always be how the individual child and or young person is impacted by the harmful actions of others.
- 4.4** The above definitions are included in “Co-operating to Safeguard Children & Young People in Northern Ireland” (DOH 2017). Further information in relation to indicators of abuse as well as other specific forms of abuse are available on the SBNI Regional Core Child Protection Policy and Procedures web-page at: http://www.proceduresonline.com/sbni/p_respond_abuse_neg.html

5 Responding to Concerns of Abuse

- 5.1** EA staff should be aware of their responsibility to respond promptly to any concerns of abuse if a disclosure is made by a child, parent or other person *or* if they have suspicions about any child or adult. **He/she should not investigate** - this is a matter for Social Services and/or the Police - but should report these concerns immediately as indicated in the following paragraphs.
- 5.2** Where an EA employee is based in, or visiting, a school, EOTAS centre or EA learning support setting and has a concern about a child or adult, this concern should be reported to the Designated Teacher (DT) or in his/her absence the Deputy Designated Teacher (DDT) who will follow the school or settings child protection policy. In the case of an EOTAS or learning support setting this EA child protection and safeguarding policy and procedure will apply. The Designated Teacher or Deputy Designated Teacher may seek advice and guidance from the EA Child Protection Support Service (CPSS). An EA employee visiting a school or other education setting should also report any concerns about a child or adult to their line manager including any action taken.
- 5.3** Where an EA employee is based in an EA Youth Centre/Project and has a concern about a child or adult the concern should be reported to the Designated Youth Worker (DYW) or Deputy Designated Youth Worker (DDYW) in the setting who may seek advice and guidance from CPSS. The DYW or DDYW will also inform their direct line manager and the Senior Youth Officer in accordance with the Youth Service child protection reporting procedure.
- 5.4** Where an EA employee visits a family home and a concern about a child or adult arises they should immediately share the concern with their line manager. The line manager may seek advice and guidance from CPSS.
- 5.5** Where such a concern arises out of normal office hours then the employee should consult with the Regional Emergency Social Work Service (RESWS) at **(028) 9504 9999 and inform their line manager as soon as possible on the next working day.**

- 5.6 Where a referral to Social Services must be made this should be by telephone in the first instance and within 24 hours it must be followed by the completion of a UNOCINI (Understanding the Needs of Children in Northern Ireland) referral form. This form can be downloaded from the SBNI web page at: http://www.proceduresonline.com/sbni/p_unocini.html
- 5.7 In all situations employees must make a written record of their concerns and any actions taken. This record should be passed to the designated person for child protection and/or line manager in accordance with the service reporting procedure. The designated person and/or line manager should also record all actions taken by them in relation to the concern. A recording template (note of concern) is included in appendix 3.
- 5.8 Child protection records such as notes of concern and UNOCINI referral forms should be stored securely and confidentially in accordance with EA data protection and GDPR guidance. Only designated persons and line managers should have access to such documentation. The EA disposal of records schedule should be followed in relation to the disposal of pupil/member records including any child protection records.
- 5.9 A flowchart summarising the procedure for responding to concerns of a child abuse nature is included at appendix 1.
6. Guidelines for staff should a child disclose concerns of a child abuse nature.

Golden Rules

DO

- Take the child seriously
- Tell the child they have done the right thing by telling you
- Clarify if necessary
- Make an accurate record as soon as possible
- Inform the designated person /line manager without delay

DON'T

- Promise confidentiality
- Investigate
- Ask leading questions
- Repeatedly question/ask the child to repeat the disclosure over and over

7. Managing Allegations of Abuse against EA Employees

- 7.1 EA treats any allegation of abuse of a child/young person by an employee as a serious matter and where such an allegation is made the timely resolution of that allegation should be a priority for all concerned. Any unnecessary delays should be avoided.

- 7.2** The possible risk of harm to children posed by the member of staff named in an allegation needs to be effectively evaluated and managed, including the child involved in the allegation, and any other children in that member of staff's home, work or community life.
- 7.3** Allegations of abuse against employees may be received by EA services from a variety of sources and in a number of ways including:
- from children/young people, their parents/relative/guardian, a member of staff, a member of the public, a witness, social services, the police, other organisations, the media, a school, or an anonymous source.
 - In person, by correspondence, by phone or by electronic means.
- 7.4** Allegations can also be historical, for example: where the person making the allegation has left the educational establishment or where the member of staff may have worked in another educational establishment.
- 7.5** It is extremely important that when an allegation of abuse against an EA employee is received that the employees line manager is informed and seeks advice from CPSS and HR staff. In all such cases line managers should ensure that the relevant service Director and Director of Children & Young Peoples Services are informed.
- 7.6** A line manager who receives an allegation of abuse against a member of their staff should progress the matter in accordance with the agreed employment procedures, in particular paying attention to the Department of Education Circular 2015/13 - Dealing with Allegations of Abuse against a Member of Staff. The full document can be found here. <https://www.deni.gov.uk/publications/circular-201513-dealing-allegations-abuse-against-member-staff>.
- 7.7** EA staff may also refer to the EA Raising Concerns at Work Policy (Whistleblowing policy (May 2016)).
- 7.8** Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Allegations should not be shared with other staff and/or children.
- 7.9** A flowchart summarising the procedure for dealing with allegations of abuse against an EA employee is included in appendix 2.

8. Training and Support

- 8.1** EA Board and corporate leadership team members have a commitment to and recognise the importance of safeguarding and promoting children's welfare through appropriate child protection awareness training for all EA staff and volunteers who work with or have contact with children and families.

- 8.2** Child protection and safeguarding training for EA staff will be developed by CPSS and delivered in accordance with the EA Child Protection and Safeguarding Learning & Development Strategy 2019-2022. This will include the provision of induction training on professional roles and responsibilities, the agency's roles and responsibilities, as well as the roles and responsibilities of other agencies who safeguard and promote the welfare of children and young people.
- 8.3** Advice and support to EA staff in relation to safeguarding and child protection matters will be provided by CPSS via its daily helpline.

9. Safe Recruitment Practice

- 9.1** Safe recruitment and selection processes in the EA should demonstrate compliance with relevant Department of Education circulars and a full list of these can be found at <https://www.deni.gov.uk/department-education-circulars>
- 9.2** As a registered body employing staff who engage in regulated activity that brings them into contact with children and young people, pre-employees of the EA will be subject to Access NI enhanced disclosure checks. <http://www.nidirect.gov.uk/accessni-criminal-record-checks>.

EA safe recruitment practice will also entail the following:

- checking relevant professional registers;
- requiring candidates to prove their identify;
- verifying the authenticity of qualifications;
- taking up employment and personal references;
- seeking a full employment history;
- making appointments subject to a probationary period.

- 9.3** Volunteers may also be used by schools and other EA services and they too will be recruited in accordance with DE guidance. This will involve risk assessments being undertaken and where indicated they will be subject to Access NI enhanced disclosure checks.

10. Staff Code of Conduct

- 10.1** All EA staff and volunteers should conduct themselves in a manner that is compliant with the agreed code of conduct for public officials (the Nolan principles) <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> alongside any specific code of conduct that applies to a professional role. Staff who engage with members of the public should do so sympathetically, efficiently, promptly and without bias or any maladministration.
- 10.2** In addition, the public, other statutory agencies, employers and parents have legitimate expectations about the nature of professional involvement in the lives of children and young people. When individuals accept a role that involves working with children and young people, they should understand and acknowledge the responsibilities and trust inherent in that role.

10.3 This means that employees should:

- understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached;
- always act, and be seen to act, in the child's best interests;
- avoid any conduct which would lead any reasonable person to question their motivation and intentions;
- take responsibility for their own actions and behaviour.

10.4 Abuse of Trust

All EA employees whose role involves contact with children under 18 years or vulnerable adults are considered by EA to be in a "relationship of trust". Any EA employee who is in a relationship of trust who engages in sexual activity with a young person or vulnerable adult may be subject to the general provisions of the Sexual Offences (NI) Order 2008 and/or face disciplinary action.

The Sexual Offences (NI) Order 2008 makes it a specific offence for anyone in a "position of trust" to engage in a sexual relationship with young people under the age of 18. Those EA employees who are in positions of trust as defined by the Order include those employed in schools, EOTAS and Learning Support Centres. An Education Welfare Officer who supervises a child/young person who is the subject of an education supervision order is also deemed to be in a position of trust in respect of that child/young person.

11. Tendering and Sub-Contracts

11.1 EA services, when considering tendering its work to other partner agencies, must demonstrate there are processes in place to ensure that its contractors comply with the duties placed on the Authority to safeguard and promote the welfare of children.

11.2 EA should, when reviewing with its contractors their compliance with safeguarding responsibilities, have measures in place to ensure that the contractor is fulfilling this requirement.

12. The Child Protection Support Service (CPSS)

12.1 The primary role of CPSS in relation to EA services is to provide:

- Advice, guidance and support in relation to child protection/safeguarding concerns about individual children.
- Advice to managers in relation to the application of child protection /safeguarding policies and procedures.
- Advice to managers and human resources staff in relation to any safeguarding concerns in respect of EA staff and employees of contracted services.

- Initial and refresher child protection and safeguarding training to those EA staff with designated child protection responsibilities and where appropriate to staff in other services in accordance with the EA child protection and safeguarding learning and development strategy.
- Follow up to ETI inspections where safeguarding children is identified as an area for improvement.

The CPSS contact number is: 028 9598 5590

13. Policy Review

This policy will be reviewed annually, or earlier, as appropriate.

Appendix 1

CONFIDENTIAL

NOTE OF CONCERN

CHILD PROTECTION RECORD - REPORT TO DESIGNATED PERSON/LINE MANAGER

| | |
|---|----------------|
| Name of Pupil/Member: | Date of birth: |
| Service Involved: | |
| Date, time of incident / disclosure: | |
| Circumstances of incident / disclosure: | |
| Nature and description of concern: | |
| Parties involved, including any witnesses to an incident and what was said or done and by whom: | |
| Action taken at the time: | |
| Details of any advice sought, from whom and when: | |

Any further action taken:

Date and time of report to Line Manager:

Written report passed to Line Manager:

Yes:

No:

If 'No' state reason:

Name of staff member making the report: _____

Signature of Staff Member: _____

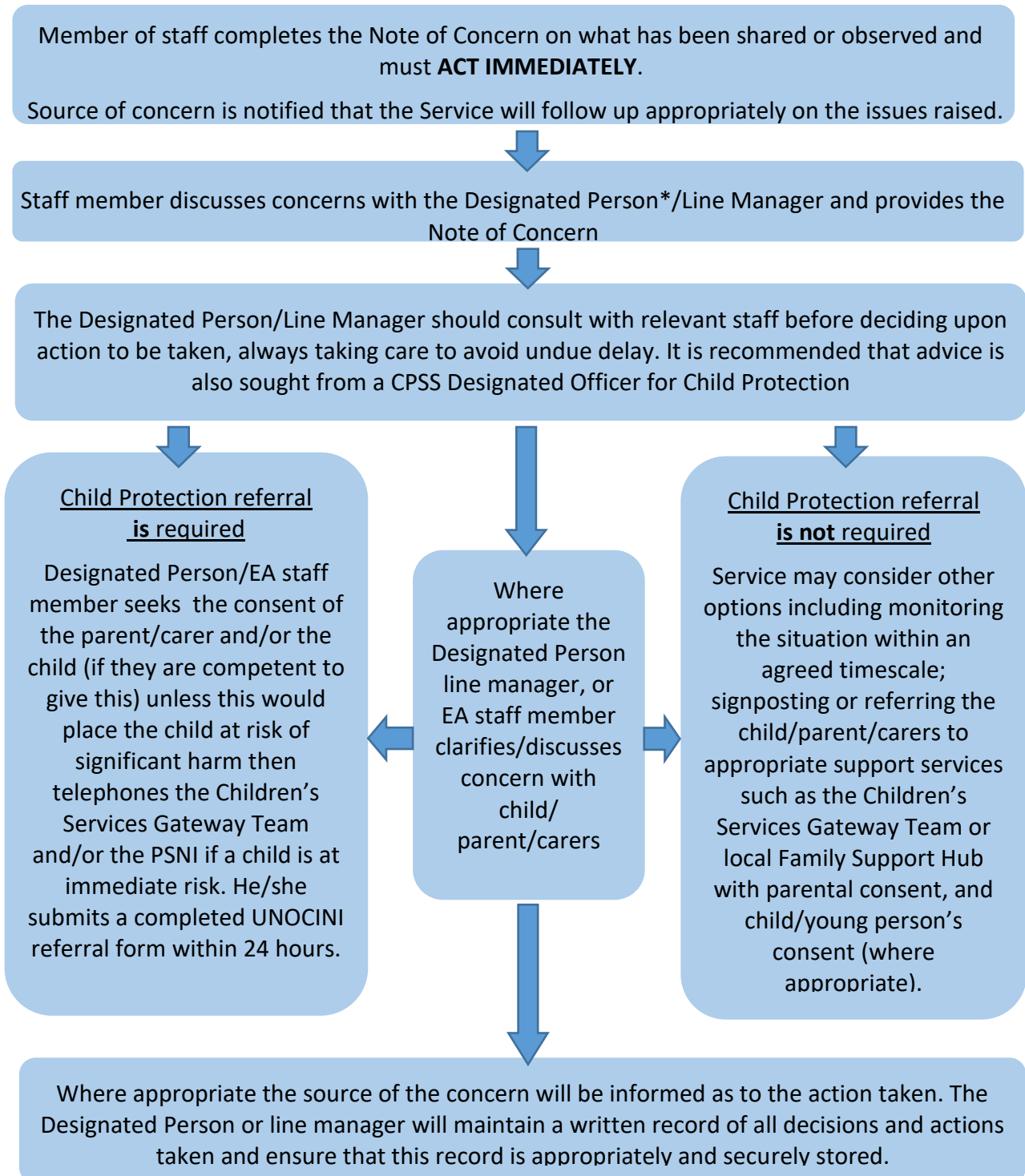
Date: _____

Signature of Line Manager: _____ Date: _____

Appendix 2

Procedure where an EA Employee has concerns or has been given information about possible abuse by someone other than an EA employee.

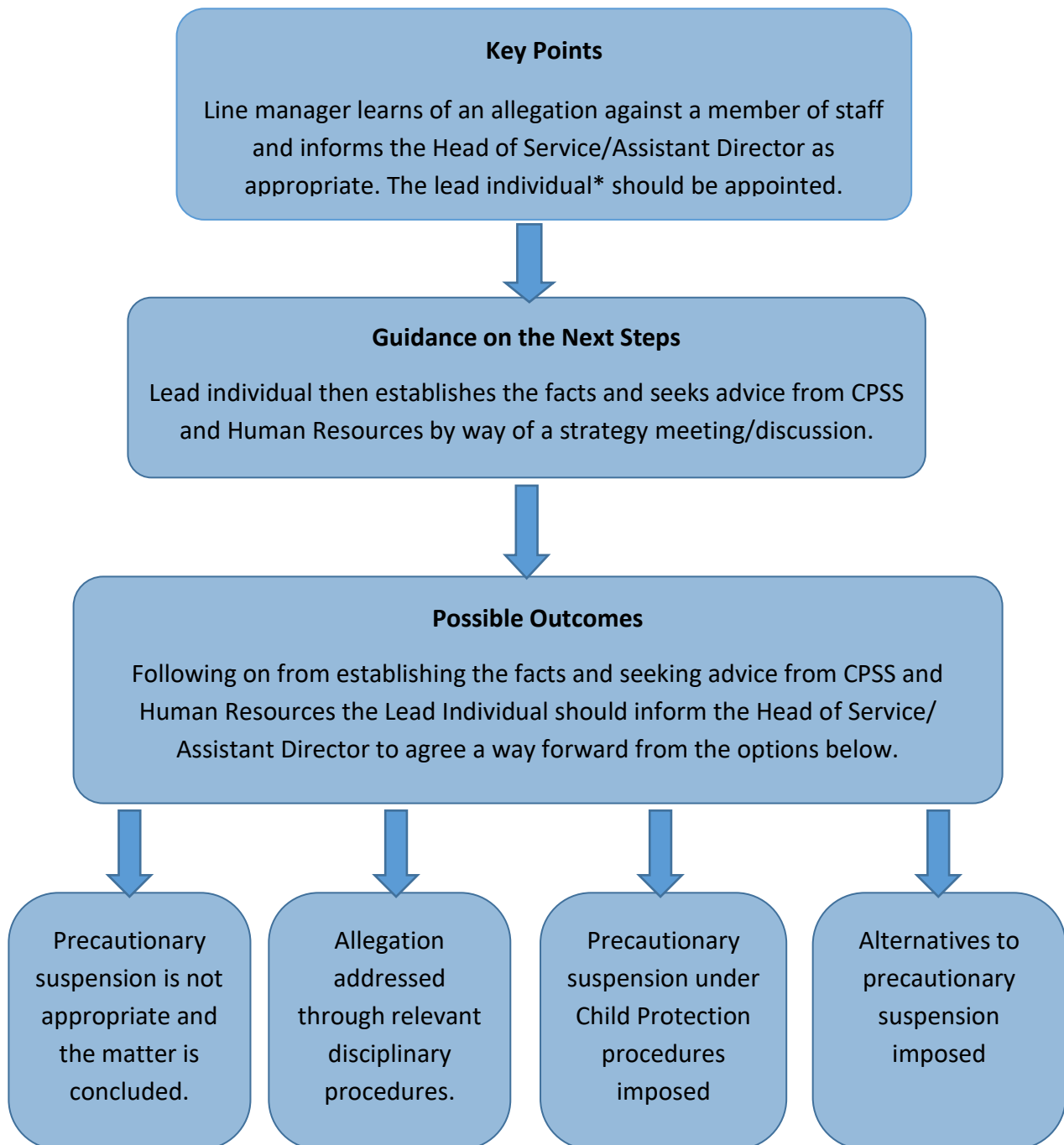
(Where concerns arise whilst an EA employee is in a school setting the schools child protection policy will apply and the Designated Teacher for Child Protection must be informed).



*A designated person as described in this procedure includes a Designated/Deputy Designated Teacher in an EOTAS or Learning Support Centre and a Designated/Deputy Designated Youth Worker in an EA Youth Centre and any other line manager who has been given designated child protection responsibility within an EA service.

Appendix 3

Dealing with an Allegation of Abuse against an EA Employee



*The *Lead Individual* to manage the handling of an allegation should be identified as early as possible and normally this will be the employees immediate line manager or a designated senior officer identified by the Head of Service/Assistant Director.