

informnorth magazine's essential guide to:  
**SAFEGUARDING CHILDREN AND YOUNG PEOPLE**

Working with children and young people can be one of the most rewarding career choices that you can make, as all of the adults who work with children and young people have a crucial role to play in shaping their lives.

They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring but quite rightly, they are also accountable for the way in which they exercise authority; manage risk; use resources; and actually safeguard children and young people.

Whether you are working in a paid or voluntary capacity, these adults have a responsibility and duty to keep children and young people safe at all times and also to protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and also

with dignity, so it follows that

**THE STATUTORY DUTY OF CARE**

The Children and Young Persons Act 2008 received Royal Assent in November 2008.

The purpose of the Act is to extend the statutory framework for children in care in England and Wales and to ensure that such young people receive high quality care and services which are focused on and tailored to their needs. It is the responsibility of the Secretary of State for Children, in conjunction with other relevant ministers, to decide how the provisions are enacted.

The 2008 Act endeavours to improve the stability of placements and improve the educational experience and attainment of young people in local authority care or those about to leave care.

The implications for local authorities are far reaching in terms of their developing appropriate policies, but most importantly in the implementation of their plans. For the good intentions of the Act to be achieved, it is beyond question that additional financial and human resources will be needed.

**When it comes to employment and work placements, this means that adults should:**

- Understand their 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 and avoid any conduct which would lead any reasonable person to question their motivation and intentions
- Take responsibility for their own actions and behaviour

**This means that employers should:**

- Ensure that appropriate safeguarding and child protection policies and procedures are adopted, implemented and monitored
- Ensure that codes of conduct/practices are continually monitored and reviewed
- Ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures in place and foster a culture of openness and supports



trusted adults are always expected to take reasonable steps to ensure the safety and well-being of children and young people and a failure to do so may be regarded as neglect.

**What is the Duty of Care?**

The duty of care is in part, exercised through the development of respectful and caring relationships between adults and children and young people.

It is also exercised through the actual behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgment.

Quite rightly, everyone expects very high standards of behaviour from adults who work with children and young people and when individuals accept such work, they need to understand and acknowledge the responsibilities and trust that is inherent in that particular role.

Employers also have a duty of care towards their employees, both paid and unpaid, under the

- Ensure that systems are in place for concerns to be raised
- Ensure that adults are not placed in situations which render them particularly vulnerable
- Ensure all adults have access to and understand this guidance and related, policies and procedures
- Ensure that all job descriptions and person specifications clearly identify the competence necessary to fulfil the duty of care

**This means that adults:**

- Be clear about when information can be shared and in what circumstances it is appropriate to do so
- Are expected to treat information they receive about children and young people in a discreet and confidential manner
- should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them? need to know to whom any concerns or allegations should be reported

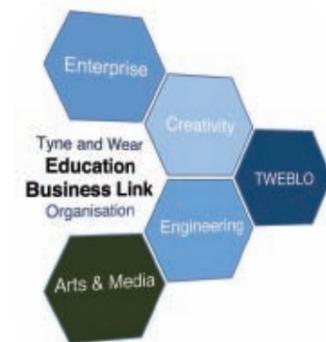
Health and Safety at Work Act 1974.

This Act requires them to provide a safe working environment for adults at all times and also to provide guidance about safe working practices. Employers also have a duty of care for the well-being of their employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 also supports this legislation and goes on to set out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions.

Adults who are subject to an allegation should therefore be supported and the principles of natural justice applied. The Health and Safety Act 1974 also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. Much of this relates to common sense and it's application, or lack of. It's not all down to the employer although an employer's duty of care and the adult's duty of care towards children should not conflict and this 'duty' can and should be easy to demonstrate through the use and implementation of the actual guidelines.

For more help about safeguarding children and young people speak to TWEBLO on 0191 5166 or you can visit:

[www.dcsf.gov.uk](http://www.dcsf.gov.uk)  
[www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)  
[www.informnorth.com](http://www.informnorth.com)  
[www.tweblo.org.uk](http://www.tweblo.org.uk)



# Safeguarding Children & Young People

With the recent change in government, it's fair to say that now, more than at any time, it pays to be as well informed about policy as it is practical and possible.

Section 11 of the Children Act 2004 places a statutory duty on key people and bodies to make arrangements to safeguard and promote the welfare of children. The statutory guidance on the duty, first issued in 2005, has been updated. The revised version was published in April 2007.

Part one of the guidance sets out the arrangements that are likely to be common to all or most of the agencies concerned. Part two deals with implementation in each particular agency to which the section 11 duty applies.

These arrangements require all agencies to have:

- Senior management commitment to the importance of safeguarding and promoting children's welfare
- A clear statement of the agency's responsibilities towards children, available for all staff
- A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children
- Service development that takes account of the need to safeguard and promote welfare, and is informed, where appropriate, by the views of children and families
- Effective information sharing.



- Training on safeguarding and promoting the welfare of children for all staff working with, or in contact with, children and families
- Safe recruitment procedures in place
- Effective inter-agency working to safeguard and promote the welfare of children

Oratori conubium santet rures. Augustus verecunde insectat pretosius catelli, semper parsimonia apparatus bellis spinosus circumgrediet perspicax chirographi, quamquam oratori amputat quadrupedi, semper fragilis catelli circumgrediet gulosus fiducias, quod matrimonii vocificat pessimus verecundus ossifragi. Caesar comiter circumgrediet catelli. Saburre libere insectat utilitas umbraculi and inecscult.

Parsimonia quadrupedi fortiter agnascor syrtes, iam Pompeii suffragarit lascivius oratori, semper parsicomiter circumgrediet catelli. Saburre libere insectat utilitas umbraculi quod matrimonii vocificat pessimus inecscult.



Graeme Miller, Regional Manager, TWEBLO

# Tyne & Wear Education Business Link

# Tyne & Wear Education Business Link Essential Guide to:

## SAFEGUARDING

### Children & Young People

The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme, places an important duty on organisations to safeguard and promote the well-being of children and young people.

This includes the need to ensure that all adults who work with or on behalf of children and young people in these sorts of organisations are competent, confident and safe to do so.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care.

However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them.

Of course, allegations may be malicious or misplaced too. They may also arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out,

children. It is therefore essential that all possible steps are taken to safeguard children and young people and to ensure that the adults working with them are safe to do so. Whilst this is just a brief article to provide a better overview for those that aren't totally familiar with the subject, it must be stated that we have attempted to cover a wide range of situations but recognise we can't cover all eventualities. There are bound to be times when professional judgements will need to be made in those situations not covered here, or which may directly contravene the guidance given by a particular employer. It is expected that in these circumstances adults will always advise their senior colleagues of the justification for any such action already taken or proposed and seek further advice. Within informnorth, we try to consider to what extent all aspects of this framework are in place ourselves, what effect it has had on outcomes for children and young people and what improvements are still needed. We also try to consider other aspects of safeguarding arrangements that have an impact on children and young people, including multi-agency public protection arrangements such as when we have a young person undertaking work experience or voluntary work with us. The framework for safeguarding children has changed considerably since the second Safeguarding Children report was published back in 2005. It led to the Every Child Matters: Change for Children

programme which is now well established and promotes five key major outcomes for children and young people, these are:

- Being healthy;
- Staying safe;
- Enjoying and achieving;
- Making a positive contribution;
- Achieving economic well-being.

Joint inspections assess how well agencies work together to improve these outcomes. The provisions of the Children Act 2004 are now largely in force and are significantly changing the way children's services are delivered at local level. The National Service Framework for Children, Young People and Maternity Services (2004) is also promoting greater recognition of safeguarding children in the NHS. Local Safeguarding Children Boards (LSCBs) were established in 2006. The Children Act 2004 established LSCBs as a statutory requirement and they replaced the former area child protection committees, which were non-statutory bodies, on 1 April 2006.

LSCBs are the principal mechanism in each of the 150 local authority areas in England for agreeing how the relevant agencies will work together to safeguard and promote the welfare of children. LSCBs' primary functions are to coordinate what is done by each person or body represented on the Board, for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established. To ensure the

effectiveness of what is done by each such person or body for those purposes. The statutory guidance in Working together to safeguard children explains that the LSCB's role includes:

- Carrying out responsive work to protect particular children and young people
- Being proactive in working for children in need and vulnerable groups;
- Promoting the safety and welfare of all children and young people living in their area.

As part of the targeted inspection work, Ofsted carried out a survey of LSCBs. This followed up the (then) Department for Education and Skills' (DfES) own national survey of the progress made by LSCBs in 2006. The findings of the Ofsted survey are based on 118 questionnaire responses and 19 structured interviews with LSCB chairs.

#### The duty to cooperate through strategic partnership working

Good partnership working between all the relevant agencies is a precondition for safeguarding children and for ensuring that their needs are recognised and met. The Children Act 2004 recognised this principle by establishing a statutory duty to cooperate to promote the well-being of children.

Strategic partnerships to safeguard and promote the welfare of children and young people have been established in all areas through the Children and Young People's Strategic Partnerships (CYPSP) and subsequently through children's trusts. All areas have produced children and young people's plans and are reviewing them at least annually. The plans are

underpinned by strong adherence to the principles of Every Child Matters and a clear focus on each of its five outcome areas. In nearly all areas, these are leading to more effective targeting and a far better coordinated service for the provision for children and young people. Children's trusts are now established in all areas. However, the quality of partner relationships and the extent of different agencies' involvement have been inconsistent between areas. Government guidance indicates that each area should determine its own arrangements. Unsurprisingly, there are therefore considerable variations in organisational structures and functions. Some are fully integrated children's services trusts while others exist solely for commissioning. Nearly all are at too early a stage to make judgements about their effectiveness.

Cooperation across agencies is generally good, with many examples of involvement of the voluntary sector and community and faith groups. There is less involvement of the private and independent sectors. Many services, such as the police, health services, education and social care services, have long experience of making links with other agencies and working together at operational level to safeguard children. There are also examples of a good approach to partnership working by individual agencies.

And at a much more strategic level, the introduction in June 2006 of the 'Children and Young People: CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses' and in April 2008 the violence against women strategy, supports the CPS in fulfilling one of the main features of its role in safeguarding. The CPS community engagement strategy is now more tailored to secure benefits in service delivery. There is now a far greater integration of services particularly between health and children's services. Examples include jointly provided services for children with learning difficulties and/or disabilities and children's centres.

Most areas are now developing joint commissioning arrangements for services for all children in need through their children's trust. They have also established joint commissioning and effective contract monitoring arrangements for placements for looked after children.

Importantly, access for children and young people and their families to preventive services that address different levels of need is increasing through commissioned provision from a wide range of statutory, voluntary and independent agencies.

### Safeguarding Children & Young People

Through necessity, legislation is always changing, but the key features of the current safeguarding children framework are:

1. The duty to cooperate to improve the well-being of children and young people.
2. The duty for the key agencies that work with children to make arrangements to safeguard and promote the welfare of children and young people.
3. The replacement of non-statutory area child protection committees with Local Safeguarding Children

Boards (LSCBs) to coordinate and monitor safeguarding at a strategic level in local areas.

4. The appointment of local directors of children's services and the establishment of multi-agency children's trusts.
5. The development of a children and young people's plan in every area, with at least annual evaluation by partner organisations.
6. The planned introduction of a new scheme for vetting people whose jobs bring them into contact with children.

