Luxulyan Primary

GUIDANCE FOR SAFE WORKING PRACTICE FOR ADULTS WHO WORK WITH CHILDREN AND YOUNG PEOPLE

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This guidance is based upon an original IRSC[1] document 'Guidance for Safe Working Practice for the Protection of Children and Adults in Education Settings'[2] commissioned by DfES[3]

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[1] Investigation Referral and Support Co-ordinators network
[2] September 2006. This document is still in use and has relevance for those working in education settings
[3] Department for Education and Skills. now known as Department for Children, Schools and Families (DCSF)

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SECTION 1: OVERVIEW

1.1 Background

All adults who come into contact with children and young people in their work have a duty of care[4] to safeguard and promote their welfare.

The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme[5], places a duty on organisations to safeguard[6] 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 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. Allegations may be malicious or misplaced. They may 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, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and young people and ensure that the adults working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of adults in this area of work. It was suggested that there was a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns. It was written by a team of individuals from various backgrounds who are knowledgeable about allegation procedures and the circumstances in which allegations might arise and provides practical guidance for anyone who works with, or on behalf of children and young people regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part**,** achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their 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.

It is also recognised that not all adults who work with children and young people work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by all adults adult whose work brings them into contact with children and young people.

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[4] The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care

[5] www.everychildmatters.gov.uk

[6] Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances… Working Together to Safeguard Children: 2006 HM Government

The guidance contained in this document has due regard to current legislation and statutory guidance.

1.2. What to do if you are worried a child is being abused[7]

Everyone working with children and young people should be familiar with local procedures and protocols for safeguarding the welfare of children and young people. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in their organisation and/or report any concerns to the local social care office. Anyone who has concerns or is in doubt should refer to the document **'What To Do If You're Worried a Child Is Being Abused'** and follow that guidance.

SECTION 2: USING THE GUIDANCE

2.1 Status of Document

This guidance document was commissioned by the Department for Children, Schools and Families. (DCSF). It is intended to supplement but not replace or take priority over advice or codes of conduct produced by employers or national bodies.

This is a generic document that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices.

2.2 Purpose of Guidance

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against adults who work with children and young people;
- reduce the incidence of positions of trust being abused or misused.

Employers should be familiar with, and know how to access, their Local Safeguarding Children's Board's policy and procedures for managing allegations against staff.

2.3 Underpinning Principles

- The welfare of the child is paramount.[8]
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children are responsible for their own actions and behaviour and

[7] What to do If You are Worried a Child is Being Abused HM Government 2006
[8] Children Act 1989

should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

2.4. Definitions

Children and Young People: Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday. This guidance, however also has value for those working with vulnerable adults.

Adults: References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

Manager: The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

Employer: The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

Safeguarding: Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully[9].

Duty of Care: The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally to owe them a duty of care.

2.5 How to Use the Document

This document is relevant to both individuals and organisations working with or on behalf of children and young people. Where an individual works independently and does not work as part of an organisation references made to the 'senior manager' should be taken to refer to parents or those with parenting responsibilities.

Each section provides general guidance about a particular aspect of work undertaken with children and young people with, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended. Some organisations may need to adapt or add to the guidance to meet their specific practices or contexts, The document has however, been written for a generic audience and most, if not all of the content, is applicable to all adults who work with children and young people. The diagram in Appendix 1 illustrates how the guidance could be used as a basis for developing specific agency

[9] Working Together to Safeguard Children 2006. HM Government (WT 2006)

guidance. Appendix 2 provides a visual framework for understanding how the document fits with safer recruitment and selection and procedures and those which relate to disciplinary proceedings.

It is recommended that organisations and settings who provide services for children and young people use this guidance to develop and promote safer working practice by ensuring that all employees and volunteers are made aware of its contents and have access to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with children and young people. Providing employees and volunteers with clear guidance on appointment and revisiting this through induction, supervision, performance management, training programmes etc, will also help to ensure a safer children's workforce. Employers and managers will be better placed to deal with unsuitable or inappropriate behaviour if their expectations have been made clear and reinforced throughout a person's employment and there is evidence that this has been done.

Individuals should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.

Section 3: Guidance for Safe Working Practice

1. Context

All 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. This guidance has been produced to help adults working in all settings to establish safe and responsive environments which safeguard young people and reduce the risk of adults being unjustly accused of improper or unprofessional conduct.

This means that these guidelines:

- apply to **all** adults working in all settings whatever their position, role, or responsibilities
- may provide guidance where an individual's suitability to work with children and young people has been called into question.

2. 'Unsuitability' [10]

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children and young people. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children and young people.

This means that adults should:

- have a clear understanding about the nature and content of this document
- discuss any uncertainties or confusion with their line manager
- understand what behaviours may call into question their suitability to continue to work with children and young people

3. Duty of Care

All adults who work with, and on behalf of

This means that adults should:

[10] WT 2006 Chapter 6, page 153. See also AMA document on 'Unsuitability' available Dec 07 from Allegation Management Advisers in Government Offices.

children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, these adults have a duty to keep children and young people safe and to protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as neglect[11].

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 behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.

Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers also have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974[12]. This requires them to provide a safe working environment for adults and provide guidance about safe working practices. Employers also have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets 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[13] to take care of

- 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

This means that employers should:

- ensure that appropriate safeguarding and child protection polices 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 polices and procedures
- foster a culture of openness and support
- 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 competences necessary to fulfil the duty of care

[11] WT 2006 page Chapter 1 page 38
[12] Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)
[13] Health and Safety at Work Act 1974 Part I, Section.7

themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adult's duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

4. Confidentiality

Adults may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child or young person concerned.

If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or nominated child protection person. Any actions should be in line with locally agreed information sharing protocols.

The storing and processing of personal information about children and young people is governed by the Data Protection Act 1998. Employers should provide clear advice to adults about their responsibilities under this legislation.

Whilst adults need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child young person under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

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

5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not inappropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in

This means that where no specific guidance exists adults should:

- discuss the circumstances that informed their action, or their proposed action, with a senior

the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements, in these circumstances, should always be recorded and shared with a senior manager or if the adult does not work for an organisation, with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.[14]

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

manager, or with the parent/carer if not working for an organisation
- report any actions which could be mis-interpreted to their senior manager
- always discuss any misunderstanding, accidents or threats with a senior manager
- always record discussions and reasons why actions were taken.
- record any areas of disagreement about course of action taken and if necessary referred to a higher authority

This means that adults should not:

- use their position to gain access to information for their own or others' advantage
- use their position to intimidate, bully, humiliate, threaten, coerce or undermine children or young people
- use their status and standing to form or promote relationships which are of a sexual nature, or which may become so

[14] Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust Home Office

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust[15] with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

7. Propriety and Behaviour

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Adults in contact with children and young people should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children and young people in the workplace.

This means that adults should not:

- behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.
- make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such

This means that adults should:

- be aware that behaviour in their personal lives may impact upon their work with children and young people
- follow any codes of conduct deemed appropriate by their organisation
- understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with children and young people

8. Dress and Appearance

A person's dress and appearance are matters

This means that adults should wear

[15] Sexual Offences Act 2003.Sect 16-19 re-enacts and amends offence of abuse of position of trust

of personal choice and self-expression. However adults should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Adults who work with children and young people should ensure they take care to ensure they are dressed appropriately for the tasks and the work they undertake.

Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

clothing which:

- is appropriate to their role
- is not likely to be viewed as offensive, revealing, or sexually provocative
- does not distract, cause embarrassment or give rise to misunderstanding
- is absent of any political or otherwise contentious slogans
- is not considered to be discriminatory and is culturally sensitive

9. Personal Living Space

No child or young person should be in or invited into, the home[16] of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/ carers and senior managers or the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers.

It is not appropriate for any other organisations to expect or request that private living space be used for work with children and young people.

Under no circumstances should children or young people assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

This means that adults should:

- be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations
- challenge any request for their accommodation to be used as an additional resource for the organisation
- be mindful of the need to maintain professional boundaries
- refrain from asking children and young people to undertake personal jobs or errands

10. Gifts, Rewards and Favouritism

The giving of gifts or rewards to children or young people should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, recorded and discussed with senior manager and the parent or carer.

It is acknowledged that there are specific occasions when adults may wish to give a child or young person a personal gift. This is only

This means that adults should:

- be aware of their organisation's policy on the giving and receiving of gifts
- ensure that gifts received or given in situations which may be misconstrued are declared
- generally, only give gifts to an individual young person as part of an agreed reward system
- where giving gifts other than as above, ensure that these are of insignificant value
- ensure that all selection processes

[16] This includes any home or domestic settings used or frequented by the adult

acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom[17] a young person.

Adults should exercise care when selecting children and/or young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

which concern children and young people are fair and that wherever practicable these are undertaken and agreed by more than one member of staff

11. Infatuations

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a senior manager or parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

This means that adults should:

- report and record any incidents or indications (verbal, written or physical) that suggest a child or young person may have developed an infatuation with an adult in the workplace
- always acknowledge and maintain professional boundaries

12. Communication with Children and

[17] grooming' – the act of gaining the trust of a child so that sexual abuse can take place.

Young People (including the Use of Technology)

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children and young people including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Internal e-mail systems should only be used in accordance with the organisation's policy.

This means that the organisation should:

- have a communication policy which specifies acceptable and permissible modes of communication

This means that adults should:

- not give their personal contact details to children or young people, including their mobile telephone number and details of any blogs or personal websites
- only use equipment e.g. mobile phones, provided by organisation to communicate with children, making sure that parents have given permission for this form of communication to be used
- only make contact with children for professional reasons and in accordance with any organisation policy
- recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible
- not use internet or web-based communication channels to send personal messages to a child/young person
- ensure that if a social networking site is used, details are not shared with children and young people and privacy settings are set at maximum

13. Social Contact

Adults who work with children and young people should not seek to have social contact them or their families, unless the reason for this contact has been firmly established and agreed with senior managers, or where an adult does not work for an organisation, the parent or carers. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise her/his professional judgement in making a response but should always discuss the situation with their manager

This means that adults should:

- have no secret social contact with children and young people or their parents
- consider the appropriateness of the social contact according to their role and nature of their work
- always approve any planned social contact with children or parents with senior colleagues,
- advise senior management of any

or with the parent of the child or young person. Adults should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work duties, e.g. pastoral work in the community, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the adult's own family or personal networks.

It is recognised that some adults may support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the adult for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

social contact they have with a child or a parent with who whom they work, which may give rise to concern
- report and record any situation, which may place a child at risk or which may compromise the organisation or their own professional standing
- be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with line manager.
- understand that some communications may be called into question and need to be justified.

14. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'[18], defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

This means that adults should not:
- have sexual relationships with children and young people
- have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact
- make sexual remarks to, or about, a child/young person
- discuss their own sexual relationships with or in the presence of children or young people

This means that adults should:
- ensure that their relationships with children and young people clearly take place within the boundaries of a respectful professional relationship
- take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with

[18] Working Together to Safeguard Children .A guide to interagency working to safeguard and promote the welfare of children HM Government 2006

adolescent boys and girls.

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

15. Physical Contact

Many jobs within the children's workforce require physical contact with children as part of their role. There are also occasions when it is entirely appropriate for other adults to have some physical contact with the child or young person with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities.

Not all children and young people feel comfortable about physical contact, and adults should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child or young person before physical contact is made. Where the child is very young, there should be a discussion with the parent or carer about what physical contact is acceptable and/or necessary.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Adults, nevertheless, should use their professional judgement at all times, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

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This means that adults should:

- be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described
- never touch a child in a way which may be considered indecent
- always be prepared to report and explain actions and accept that all physical contact be open to scrutiny
- not indulge in 'horseplay'
- always encourage children, where possible, to undertake self-care tasks independently
- work within Health and Safety regulations
- be aware of cultural or religious views about touching and always be sensitive to issues of gender
- understand that physical contact in some circumstances can be easily misinterpreted

This means that organisations should:

- ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management
- make adults aware of relevant professional or organisational guidance in respect of physical contact with children and meeting medical needs of children and young people where appropriate
- be explicit about what physical

Physical contact which occurs regularly with an individual child or young person is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. sport activities or medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the senior manager outlined in the procedures for handling allegations and an appropriate record made. Parents/carers should also be informed in such circumstances.

Where a child seeks or initiates inappropriate physical contact with an adult, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child and advice and support given to the adult concerned.

It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Adults should be particularly aware of this when it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

16. Other Activities that require Physical Contact

contact is appropriate for adults working in their setting

Adults who work in certain settings, for example sports drama or outdoor activities will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and once agreed, should be undertaken with the permission of the child/young person. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Guidance and protocols around safe and appropriate physical contact are provided by national organisations, for example sports governing bodies or major arts organisations, or the employing organisation and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, children and young people informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

This means that adults should:

- treat children with dignity and respect and avoid contact with intimate parts of the body
- always explain to a child the reason why contact is necessary and what form that contact will take
- seek consent of parents where a child or young person is unable to do so because of a disability.
- consider alternatives, where it is anticipated that a child might misinterpret any such contact,
- be familiar with and follow recommended guidance and protocols
- conduct activities where they can be seen by others
- be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact

This means that organisations should:

- have up to date guidance and protocols on appropriate physical contact in place that promote safe practice and include clear expectations of behaviour and conduct.
- ensure that staff are made aware of this guidance and that safe practice is continually promoted through supervision and training.

17. Behaviour Management

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

This means that adults should:

- not use force as a form of punishment
- try to defuse situations before they escalate
- inform parents of any behaviour

Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment is not acceptable and whilst there may a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of children and young people.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined by their place of work, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

18. Use of Control and Physical Intervention

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and adults and organisations must have regard to government guidance and legislation and the policies and practice of their specific organisation.

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is

management techniques used
- adhere to the organisation's behaviour management policy
- be mindful of factors which may impact upon a child or young person's behaviour e.g. bullying, abuse and where necessary take appropriate action

This means that organisations should:
- have in place appropriate behaviour management policies
- where appropriate, develop positive handling plans in respect of an individual child or young person.

This means that adults should:
- adhere to the organisation's physical intervention policy
- always seek to defuse situations
- always use minimum force for the shortest period necessary
- record and report as soon as possible after the event any incident where physical intervention has been used.

This means that organisations should:
- have a policy on the use of physical intervention in place that complies with government guidance and legislation and describes the context in which it is appropriate to

used it should be undertaken in such a way that maintains the safety and dignity of all concerned

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children and young people requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where adults are working with children with extreme behaviours associated with learning disability or autistic spectrum disorders, the employer should have a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with parents/carers and where appropriate, the child, should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where it is foreseeable that restrictive physical intervention may be required.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child or young person. The parents/carers should be informed the same day.

19. Children and Young People in Distress

There are some settings, where adults are involved in managing significant or regular occurrences of distress and emotional upset in children, for example in mental health services,

use physical intervention

- ensure that an effective recording system is pace which allows for incidents to be tracked and monitored
- ensure adults are familiar with the above
- ensure that staff are appropriately trained

This means the adult should:

- consider the way in which they offer comfort and reassurance to a distressed child and do it in an age-

residential care provision etc. In these circumstances professional guidance should be followed and adults should be aware of what is and what is not acceptable behaviour when comforting a child or diffusing a situation. This is particularly important when working on a one-to-one basis.

For all other adults working with children there will be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

20. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers and/or parents/carers.

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

appropriate way
- be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances
- follow professional guidance or code of practice where available
- never touch a child in a way which may be considered indecent
- record and report situations which may give rise to concern from either party
- not assume that all children seek physical comfort if they are distressed

This means that adults should:
- adhere to the organisation's intimate care guidelines or code of practice
- make other staff aware of the task being undertaken
- explain to the child what is happening
- consult with senior managers and parents/carers where any variation from agreed procedure/care plan is necessary
- record the justification for any variations to the agreed procedure/care plan and share this information with parents
- ensure that any changes to the agreed care plan are discussed, agreed and recorded.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the organisation must be negotiated and recorded.

21. Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the children and young people with whom they work.

This means that adults should:

- avoid any physical contact when children are in a state of undress
- avoid any visually intrusive behaviour
- where there are changing rooms announce their intention of entering

This means that adults should not:

- change in the same place as children
- shower or bathe with children
- assist with any personal care task which a child or young person can undertake by themselves

22. First Aid and Administration of Medication

It is expected that adults working with children and young people should be aware of basic first aid techniques. It is not however, a contractual requirement and whilst adults may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication.

When administering first aid, wherever possible, adults should ensure that another adult is aware of the action being taken. Parents should always be informed when first aid has been administered.

In circumstances where children need medication regularly a health care plan should have been established to ensure the safety and protection of children and the adults who are working with them. Depending upon the age and understanding of the child, they should where appropriate, be encouraged to self administer medication or treatment including, for example any ointment, use of inhalers.

This means that organisations should:

- ensure staff understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury requires more experienced intervention
- ensure there are trained and named individuals to undertake first aid responsibilities
- ensure training is regularly monitored and updated
- always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication

This means that adults should:

- adhere to the organisation's policy for administering first aid or medication
- comply with the necessary reporting

requirements
- make other adults aware of the task being undertaken
- explain to the child what is happening.
- always act and be seen to act in the child's best interests
- report and record any administration of first aid or medication
- have regard to any health plan which is in place
- always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities

23. One to One Situations

All organisations working with or on behalf of children and young people should consider one to one situations when drawing up their policies.

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. This also applies to those adults who do not work as part of an agency or organisation but owe a duty of care to the child or young person because of the nature of their work.

Adults should be offered training and guidance for the use of any areas of the workplace which may place themselves or children in vulnerable situations. This would include those situations where adults work directly with children and young people in unsupervised settings and/or isolated areas within community settings or in street-based projects for example.

One to one situations have the potential to make child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children and young people may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken.

This means that adults should:

- ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed.
- avoid meetings with a child or young person in remote, secluded areas,
- always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by
- avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy
- always report any situation where a child becomes distressed or angry to a senior colleague
- carefully consider the needs and circumstances of the child/children when in one to one situations

Every attempt should be made to ensure the safety and security of children and young people and the adults who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

Meetings with children and young people outside agreed working arrangements should not take place without the agreement of senior managers and parents or carers.

24. Home Visits

There are workers for whom home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard children and young people and the adults who work with them.

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Under no circumstances should an adult visit a child in their home outside agreed work arrangements or invite a child to their own home or that of a family member, colleague or friend. If in an emergency, such a one -off arrangement

These means that adults should:

- agree the purpose for any home visit with senior management, unless this is an acknowledged and integral part of their role e.g. social workers
- adhere to agreed risk management strategies
- always make detailed records including times of arrival and departure and work undertaken
- ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate action is taken

This means that employers should:

- ensure that they have home visit and lone-working policies of which all adults are made aware. These should include arrangements for risk assessment and management
- ensure that all visits are justified and recorded
- ensure that adults are not exposed to unacceptable risk
- ensure that adults have access to a mobile telephone and an emergency contact person

is required, the adult must have a prior discussion with a senior manager and the parents or carers and a clear justification for such arrangement is agreed and recorded.

25. Transporting Children and Young People

There will be occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV[19]- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

This means that all organisations:

- should have appropriate policies for transporting children and young people

This means that adults should:

- ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive
- be aware that the safety and welfare of the child is their responsibility until they are safely passed over to a parent/carer
- record details of the journey in accordance with agreed procedures
- ensure that their behaviour is appropriate at all times
- ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven
- ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned

26. Trips and Outings

Adults should take particular care when supervising children and young people on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. .

This means that adults should:

- always have another adult present in out of workplace activities, unless otherwise agreed with a senior manager
- undertake risk assessments in line with their organisation's policy where applicable
- have parental consent to the activity

[19] For further information see www.dvla.gov.uk

Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

- ensure that their behaviour remains professional at all times(see section 7)
- never share beds with a child/children or young people.
- not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and children and young people.

27. Photography and Videos

Working with children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of children and young people. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

This means that adults should:

- be clear about the purpose of the activity and about what will happen to the images when the activity is concluded
- be able to justify images of children in their possession
- avoid making images in one to one situations or which show a single child with no surrounding context
- ensure the child/young person understands why the images are being taken and has agreed to the activity and that they are appropriately dressed.
- only use equipment provided or authorised by the organisation
- report any concerns about any inappropriate or intrusive photographs found
- always ensure they have parental permission to take and/or display photographs

This means that adults should not:

- display or distribute images of children unless they have consent to do so from parents/carers
- use images which may cause distress
- use mobile telephones to take images of children
- take images ‘in secret’, or taking images in situations that may be construed as being secretive.

28. Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.

Adults should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children.

Adults should ensure that children and young people are not exposed to any inappropriate images or web links. Organisations and adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

This means that organisations should

- have clear e-safety policies in place about access to and use of the internet
- make guidance available to both adults and children and young people about appropriate usage.

This means that adults should:

- follow their organisation's guidance on the use of IT equipment
- ensure that children are not exposed to unsuitable material on the internet
- ensure that any films or material shown to children and young people are age appropriate

29. Whistle blowing

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use whistleblowing procedure should be made aware that their employment rights are protected.

Adults should acknowledge their individual responsibilities to bring matters of concern to

This means that organisations should:

- ensure they have appropriate whistle-blowing policies in place
- ensure that they have clear procedures for dealing with allegations against staff which are in line with their Local Safeguarding Children Board's procedures.

This means that adults should:

the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

30. Sharing Concerns and Recording Incidents

Individuals should be aware of their organisation's child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations are advised to contact their professional association.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children and young people so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children and young people.

- report any behaviour by colleagues that raises concern regardless of source

This means that adults:

- should be familiar with their organisation's system for recording concerns
- should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace

This means that organisations:

- should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the workplace