



SAFEGUARDING POLICY

Policy Statement

This policy has been fully reviewed to be inclusive of the new vetting and barring scheme guidelines. Following the introduction of new government legislation that has aborted the progress of the Vetting and Barring scheme, this policy will remain in operation in its current format until further notice of legislation change or upon review.

Safeguarding is a relatively new term which is broader than 'child protection' as it also includes prevention. Safeguarding has been defined as:

- All agencies working with children, young people and their families taking all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
- Where there are concerns about children and young people's welfare, all agencies taking appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies.
(www.safeguardingchildren.org.uk), [Working together to Safeguard Children](#)
(follow link)

QUAD is in contact with a large number of children, young people and vulnerable adults through our staff, projects, partners, associates and exhibition activities. Because of our work it is important that QUAD recognises the importance of protecting children, young people and vulnerable adults from abuse and puts appropriate structures in place.

We seek to promote a positive ethos of collaborative work between artists, art form deliverers (arts workers) and children, young people and vulnerable adults.

QUAD believes that:

- The welfare of children, young people and vulnerable adults is paramount.
- All children, young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have a right to protection from abuse.
- All suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately.

QUAD will take every reasonable step to ensure children; young people and vulnerable adults are protected where:

- Our own staff are directly involved, either through arts delivery or through our exhibitions programme.
- Our core staff are fully aware of this policy and their responsibility to the public as part of it.
- Our staff recruits and commission artists and artists working with the community.
- We are directly involving staff from partner organisations and community groups.

All staff (paid and voluntary) should be clear on how to respond appropriately to disclosure (see page 5).

If a complaint or criminal act occurs between an artist or a member of our staff and a third party, as a result of QUADs direct or indirect involvement, QUAD will treat the situation with utmost urgency.

These child protection procedures aim to:

- Provide guidance on creating a safe working environment and appropriate reporting structures.
- Raise awareness of the need to protect children and young people and reduce risks to them.
- Ensure that when abuse is suspected or disclosed, it is clear what action must be taken.

Definitions

Vulnerable adult

Vulnerable adults are people who are, or may be, in the need of community care services because of mental disability or other disability, age or illness, and who are, or who may be, unable to take care of themselves or unable to protect themselves against harm or exploitation.

Child

A child is legally defined as up to the age of 18.

QUAD recognises children as such however, for the purposes of film and programme content, a child is identified as aged under 12.

Young person

A 'young person' is in the upper age ranges of the official definition of a child. The term has no legal status – but we acknowledge that people aged 12 and over, may not think themselves as 'children'.

Projects

Programmed activity in QUAD which is likely to be attended by children, young people or vulnerable adults. In many cases they may be accompanied by teachers, carers or care workers.

Core programme

Daily activity in QUAD, which is opened to the public and may be attended by children, young people or adults, who we anticipate to be supervised by parents or guardians. (See Safeguarding for the public, page 4)

Vetting and Barring Scheme

The vetting and barring scheme was being established to reduce the risk of harm to children and vulnerable adults and will apply to England, Wales and Northern Ireland. The definitions of regulated and controlled activity came into operation first. It was to become an offence to work with children whilst being barred and to knowingly employ someone to work with children who is barred.

Registration details for the vetting and barring scheme were postponed based on the introduction of the Coalition Government in 2010.

Safeguarding Sub Group

The following people will operate as members of the Safeguarding sub group. The group will meet twice yearly to ensure that all details in this policy are correct and current and review where this is found to be necessary.

Katrina Farrell	Head of Visitor Services
Sandra Greatorex	Education Curator
Hannah Hervé-Petts	Office Manager
Rebecca Caffrey	Visitor Services Manager (Designated Officer)
Penny Taylor	Representing Finance and General Purposes Sub Group

Consultation

Where necessary consultation is available through the local safeguarding board.

Nina Martin	Head of Service and Local Authority Designated Officer
Mark Sobey	Local Safeguarding Board Manager
Carol Woods	Policy & Development Officer

The designated Officers will have responsibility for ensuring that:

- Knowledge and understanding of the most up-to-date best practices for safeguarding are disseminated to all staff
- QUAD has an established relationship with external organisations
- Instigating necessary review and adjustment of policy and procedures

Signed	Chair	Date
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Signed	Director	Date
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Code of working practice

General

QUAD aims to ensure good working practice in:

Ensuring that all staff in QUAD are aware of the Safeguarding policies and procedures and their responsibility as part of them.

planning projects involving children, young people and vulnerable adults by:

- Undertaking at the outset of the project planning, a risk assessment, and monitoring risk through the project
- Identifying at the outset, the people with designated protection responsibility
- Engaging in effective recruitment, including appropriate vetting of staff and volunteers the **physical environment** where there is contact with children, young people and vulnerable adults by:
- Always ensuring that someone from the school/educational establishment, youth organisation or care setting is present and therefore meeting their responsibility for ensuring the safety of those in the setting and where possible this is a named person
- Ensuring that there is adequate staff/participant ratio. There should be a minimum of 1:8 legally responsible adults: children/young people. Where there are personal care issues, severe disability/behaviour problems advice will be taken from those responsible for the care of those children/young people.
- Monitoring risks throughout the project
- Ensuring that the space is suitable, meets Health and Safety regulations and large enough.
- Ensuring that there is first aid provision
- Ensuring that evacuation procedures are covered and there is a designated person responsible for their implementation.

QUAD aims to ensure good working practice by artists working with the community by advising on:

physical contact:

- Maintaining a safe and appropriate distance from participants
- Only touching participants when it is absolutely necessary in relation to the particular arts activity
- Seeking agreement of participants prior to any physical contact
- Making sure disabled participants are informed of and comfortable with any necessary physical contact

interpersonal dealings:

- Treating all children/young people/vulnerable adults equally, and with respect and dignity
- Always putting the welfare of each participant first, before achieving goals
- Building balanced relationships based on mutual trust which empowers children/young people/vulnerable adults to share in the decision-making process
- Giving positive and constructive feedback
- Making the arts fun, enjoyable and promoting equality
- Being an excellent role model for dealings with other people

- Recognising that children or young people with disabilities may be even more vulnerable to abuse than other children or young people

. QUAD staff are expected at all times to:

- Not spend undue time alone with children, young people or vulnerable adults
- Avoid physical contact other than in emergencies, and this contact must be fully explained and be with consent only
- Not make suggestive comments, even in jest
- Not accompany children, young people or vulnerable adults to the toilet
- Ensure that contact with children, young people and vulnerable adults is on a professional basis only, staff are not permitted to issue personal contact details including social networking sites.

All QUAD staff are expected to ensure that both themselves and the individuals they are working with are protected under this policy, the conduct rules are in place for this purpose and breach of these rules will result in disciplinary action.

Parental Consent

Parental consent must be sought for children, young people and vulnerable adults for the following –

- Participation in any activity, workshop or project
- Use of photography or film
- Use of IT or the internet at QUAD

Public Use of the Building

QUAD is a publicly accessible building, open, as a standard, between 10am and 11pm. It is anticipated that during this time QUAD will host children, young people and vulnerable adults amongst its visitors. The following procedures are in place at all times:

QUAD recognises that children aged 12 or over can independently use our building.

Children aged under 12 should be accompanied in the building, at all times, by an adult or guardian over 18 or an appropriate guardian aged 15 or over. Where a guardian aged 15 or over is in attendance, they may be in supervision of a maximum of 2 children aged under 12.

Children must be admitted to cinema screenings in accordance with the legal BBFC guidelines:

- o U certificate – suitable for a universal audience
- o PG certificate – general viewing but some scenes may be unsuitable for young children under 8 years old
- o 12A – No one aged under 12 may see a 12A film unless accompanied by an adult over 18
- o 15 – suitable only for age 15 and over
- o 18 – suitable only for age 18 and over
- o Exempt – QUAD will use discretion as to the subject matter and content using BBFC guidelines

Children aged under 12 may be admitted to U, PG screenings only if accompanied by an adult/guardian.

Management reserves the right to request identification at all times.

Management reserves the right to refuse entry to any children aged 12 or over if their behaviour is questionable.

Children aged under 12 are not permitted to use the BFI Mediatheque unless accompanied by an adult/guardian. Where staff believe children aged under 12 are in the building without appropriate supervision, immediate referral should be made to the Duty Manager who will address the situation and make the decision about further action.

Where it is understood that children in the public domain may be at risk the following procedures should be followed:

Children aged under 12, who staff believe may be at risk, should be reported in the first instance, to the police.

Children believed to be under 10, who are not appropriately supervised in public, should be reported immediately

QUAD would prefer that all children are accompanied by adults/guardians. Children who are not supervised are not the responsibility of QUAD staff.

It is the parent's responsibility if they are choosing to allow children aged 12 and over to visit QUAD alone. Parents should understand that in the event of a building evacuation, their children will be directed out of the building and will not be supervised by staff.

See Appendix 6 for additional guidance

BFI Mediatheque @ QUAD

All material on the BFI Mediatheque has been vetted and approved as part of the British Film Archive. Children aged under 12 are not permitted to use the BFI Mediatheque without parental or guardian supervision and log on details are subject to age registration.

Place of safety

At all times where children, young people or vulnerable adults appear to be using QUAD as a place of safety, referral should be made immediately to the Duty Manager, who will make the decision to contact the police if they believe this is necessary. All details should be completed on an incident form in the emergency file. Records are retained indefinitely.

Recruitment

In recruitment procedures for staff, project coordinators, freelance workers and volunteers QUAD will ensure that:

- 2 references are asked for and are taken up
- Enhanced disclosure is obtained through the Criminal Records Bureau for all staff who will have the potential to have direct or indirect contact with children, young people and vulnerable adults through their work with QUAD.
- If enhanced disclosure cannot be obtained before a new employee starts then that employee will be supervised at all times until disclosure comes through.

- All staff, project coordinators, freelance workers and volunteers have a commitment to and understanding of working to safeguarding policy and procedures.
- Following July 2010 all recruitment will be subject to ISA registration checks (All QUAD staff will be expected to register as volunteers with the ISA)

Deviation from the code of conduct, as outlined in this policy, will be addressed and dealt with in accordance with QUADs disciplinary procedures.

Induction

Our induction procedure will include awareness of our safeguarding policy and procedures. A copy of the policy will be contained within the Staff Handbook, a copy of which can be found in the Main Office.

Training

As designated safeguarding officers, two members of staff will have NSPCC Training for Safeguarding Officers.

Free training would be available through the Local Safeguarding Children Board

Training will be given on a biyearly basis to all core staff.

All core staff, freelance workers, project coordinators, invigilators and volunteers will be made aware of any changes to our policy or issues arising at national level.

Freelance workers, project coordinators, invigilators and volunteers will be given the opportunity to engage in any training available within QUAD.

Partners

QUAD often work with other partners. Whenever this is the case:

- Safeguarding policy and procedures should be agreed upon before work has begun.
- Clear procedures and key staff will need to be identified and agreed upon.
- It is likely that QUAD staff will work to the partner's policy and procedures and it will be important to check that they reflect the key issues raised in this document.

Contracting freelance workers

Every effort will be made by project coordinators and core staff when negotiating arts activities with a third party (i.e. school, community group, etc, for children, young people and vulnerable adults to ensure that an artist working with the community is not left in sole charge and that there is an appropriate ratio, (see page 2), of agreed staff from the group/organisation present at the event. They will also be responsible for ensuring that the artist working with the community is aware of the lead contact for that third party.

Project coordinators and core staff will ensure that all freelance workers, contracted to deliver arts activities working with children, young people and vulnerable adults, have appropriate knowledge, understanding, experience and level of skill.

Project coordinators and core staff will ensure that the artists working with the community or volunteer is aware of our code of working practice.

When contracting freelance workers, project coordinators and core staff will ensure that the workers are familiar with QUAD child protection policy and procedures, have suitable references and have a current enhanced disclosure. By 'current' we mean for those with

whom we have an existing working relationship of at least 2 years = disclosure dated no more than 3 years and for those who we do not = disclosure dated no more than 1 year.

Art form delivery

In the event that due to unforeseen circumstances an artist working with the community is left in sole charge or that there is an inappropriate staffing level, they will report this at the earliest opportunity to the designated person within the group/organisation and also report it to the project coordinator at QUAD. In the event that it is deemed, by the artist working with the community that is unsafe to continue with the workshop, the activity will be suspended. The artist will immediately notify the group contact and project coordinator and will remain with the group until arrangements can be made to safely continue or cancel the session.

Where QUAD staff or artists are working off site, they will be expected work to the policy and procedures operating in that venue. This information should be submitted to QUAD as soon as possible.

Volunteers

All volunteers who will have direct contact with children, young people and vulnerable adults must obtain an enhanced disclosure. Following July 2010, they must be ISA registered.

Volunteers will be supervised at all times with children, young people or vulnerable adults. At all times, where volunteers are working in QUAD, they will do so under the guidance of staff that have a standard or enhanced disclosure.

Work experience (other than for artists working in the community)

Work experience and short-term placements will not be involved in working with children, young people and vulnerable adults. In the event that they are in the same area where workshops are happening with children, young people and vulnerable adults they will be supervised at all times.

Invigilators

All invigilators must obtain a standard disclosure and 2 references and will be given training on child protection issues. Where Invigilators may be expected to perform a more inclusive role sufficient risk assessment should be carried out as part of the event planning process.

Documentation

When taking photographs for documentation it will be made clear that the photographs may be used for publicity purposes and permission obtained from parents/guardians. Where permission for photographs to be used publicly has not been obtained or is not clear, photographs will only be used and stored where there are no recognisable features.

The Programme Manager will ensure that:

- photographs are stored and managed according to current good practice and data protection legislation.

Line Managers will ensure:

- careful monitoring and use of web based materials and activities

The Deputy Director will ensure:

- confidentiality in order to protect the rights of employees, freelancers and volunteers, including safe handling, storage and disposal of any information provided on artists or arts facilitators (or others involved in arts projects) as part of the recruitment process (Data Protection Act 1998)

Responding to possible abuse and to disclosure

In the event that a member of staff, contract or freelance worker sees something or has suspicions about something that concerns them they have a responsibility to report their concerns.

Suspicious in other Venues

In the event of suspicion of abuse of a child, young person or vulnerable the identified person responsible for that individual (e.g. the teacher, youth or care worker) will be notified and made aware of the problem. The project co-ordinator will also be notified.

In the event of suspicion that the person with legal responsibility i.e. the teacher, youth or careworker is actually the source of the problem, another member of staff employed at the site will be notified and made aware of the problem. The project co-ordinator will also be notified.

The project co-ordinator will make a note for QUAD records of what was suspected or witnessed as well as the response, and will make their line manager aware of the situation, in case there is a follow-up.

In all cases a Designated Officer at QUAD should always be notified in order to ensure that follow up investigation takes place.

Suspicious in QUAD

Where QUAD staff have suspicion of other staff members, report should be made immediately to a Designated Officer.

Following initial report, the designated officer will make the key decision whether to make a formal referral to the authorities. A referral form will be completed (See Appendix 6) and the Designated Officer will have responsibility for contacting the local authorities.

Referrals

Referral for allegations against staff must be made to Sue Richards – Head of Service, Children and Young Peoples Department

Other local authorities include:

Children's Social Care

The Derby Safeguarding Children Board

The Police – for concerns about a member of staff or in an emergency

The NSPCC – For advice

See Appendix 4 for contact Details

Where a confirmation of referral is required, this must be done in writing within 48 hours.

Confirmation of receipt of referral will be received within 24 hours with guidance of action to be taken.

Where referral has been made, report will be made to the Director, Keith Jeffrey and Chairman of the Board, Gordon Mitchell. All details of the referral will remain confidential in the first instance until further action is required.

Disciplinary Procedures

Deviation from the code of conduct, as outlined in this policy, will be addressed and dealt with in accordance with QUADs disciplinary procedures.

Disciplinary procedures undertaken in respect of this policy or any aspect of Safeguarding will be dealt with as a priority and with consultation from the Local safeguarding designated officer. (See Appendix 5)

Following allegations against individuals, all standard disciplinary procedures as set out in the disciplinary and grievance policy will be undertaken following consultation with the Derby Safeguarding Children Board.

Accidents and injuries

In the event of suspicion of a child, young person or vulnerable adult being injured – whilst on QUAD premises through invitation or while involved in a QUAD project—a record of the injury and incident will be logged in the Emergency file. This is located at reception.

This record must be witnessed and counter-signed by the person with the responsibility for the individual. This accident report will be kept indefinitely.

If a child, young person or vulnerable adult arrives at a QUAD venue or project with an obvious physical injury, a record will be made of this in a report for the emergency file. This record should be counter-signed by the person with responsibility for the individual, if available.

In the absence of an adult or Guardian, and where the individual is a public visitor, staff must make a risk assessment, taking into consideration the status of the individual (age, stability etc), the injury in question and companions with the individual. Where necessary, staff should err on the side of caution and call for paramedic assistance if the individual may be in danger of further injury or has sustained a head injury. An accident report must be completed and filed in the emergency file. This record can be used if a formal allegation is made later. It will also be a record that the individual did not sustain the injury whilst at our venue or on the project.

If someone makes a disclosure

In the event that a child, young person or vulnerable adult confides in a member of staff, contract or freelance worker that they are or have suffered abuse the following action will be taken (please also refer to page? guidance on dealing with disclosure):

- The member of staff, contract or freelance worker will take the information seriously and give time to the person.
- They will not promise to keep the information a secret but will take the opportunity to make it clear how important it is that the information is shared with others who need to know and who can help.
- They will not make suggestions or ask leading questions.
- They will reassure the person that they have done the right thing.
- They will inform the person of what they will do next.

- They will speak immediately to the designated person responsible for that individuals care in that setting unless the allegations are connected with that person. In this event they will speak with another appropriate member of staff. It is that person's responsibility to liase with relevant authorities.
- As soon as possible after disclosing conversation, an incident report will be completed. Note should be made of what was said, using the child's/young person's/vulnerable adults own words. The date, time, any names that were involved or mentioned will be noted plus whom the information was given to. The report will be signed and dated.
- The project coordinator will be made aware of the situation in confidence in order to ensure provision of support for all involved.
- The project coordinator will inform the Designated Officer of the occurrence; details of the allegation will be kept confidential unless further action is required.

Additional guidance notes are available in Appendix 3.

Children's Social Care will liase with the relevant departments on a 'need-to-know' basis and will, if appropriate, inform the police. It is the responsibility of the authorities to determine whether abuse has occurred.

Rights and confidentiality

In the event that a complaint or allegation is made against a member of QUAD's staff, contract or freelance worker he or she should be made aware of his her rights under both employment law and internal disciplinary procedures. This is the responsibility of the Deputy Director. Both alleged abuser and the person who is thought to have been abused would have the right to confidentiality under the Data Protection Act 1998. Overall and final responsibility for Safeguarding and child protection policy at QUAD rests with the Board of Directors. The Board of Directors identifies and designates staff members with the responsibilities for implementing the company's Child Protection Policy. The Chairman of the Board is the recognised contact on the Board.

Signed _____ Chair _____ Date _____

Signed _____ Director _____ Date _____

Policy developed by:	Katrina Farrell – Head of Visitor Services
Last amended:	21 st January 2014 (Rebecca Caffrey, Visitor Services Manager)
Date adopted:	11 September 2006
Date last reviewed:	February 2012 – Hannah Hervé-Petts

References:	The Vetting and Barring Scheme Guidance October 2009 Museums, Libraries and Archives Council Safeguarding Guidance Derby and Derbyshire Safeguarding Children Procedures Vetting and Barring Scheme Remodelling Review Feb 2011
Consultation/approval:	Sue Richards – Head of Service, Children and Young Peoples Department.
Lead Officer:	Katrina Farrell
Training Needs:	QUAD Board, staff, invigilators, volunteers

Appendix 1

Abuse and neglect

What is abuse

The government guidance, *Working Together to Safeguard Children*, categorises abuse as:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

In all forms of abuse there are elements of emotional abuse and that it is possible to be subjected to abuse in more ways than one way at a time. These four categorisations and the definitions below do not minimise other forms of maltreatment.

The NSPCC notes that there are other sources of stress for children and families such as domestic violence, the mental illness of a parent or carer, or drug or alcohol misuse. All these may have a negative impact on the child's health and developments may be noticed by an organisation caring for a child. If it is felt that a child's well-being is being damaged by any of these areas, the same procedures as for abuse should be followed.

Vulnerable adults may also be subject to other types of abuse as well as to the four types of abuse listed above. They may be manipulated financially or discriminated against because of a disability or other factor that makes them vulnerable. Further information is in the Department of Health and Home Office guidance on protecting vulnerable adults *No Secrets*.

Physical abuse

Physical abuse includes hitting, shaking, throwing, poisoning or misuse of medications, burning or scalding, drowning, suffocating or otherwise causing physical harm. Physical harm may also be caused when a parent or carer misrepresents the child's symptoms or deliberately causes ill health to a child whom they are looking after.

Emotional abuse

Emotional abuse is the persistent emotional ill-treatment of a person such as to cause severe and persistent adverse effects on that person's emotional development. It may involve making the individual feel or believe that they are worthless or unloved, inadequate. It may also involve causing the person to feel often frightened or in danger. It may involve exploitation or corruption.

Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child or young person is aware of, or consents to, what is happening. The activities may involve physical contact, including penetrative acts on non-penetrative acts. Sexual abuse also includes non-contact activities such as involving

children or young people in looking at, or in the production of pornographic material or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

Sexual abuse of vulnerable adults can be rape and sexual assault or sexual acts to which the person does not consent or cannot consent or is pressured into consenting.

Sexual abuse can be same-sex or opposite sex, or be by other children, young people or vulnerable adults. People from all walks of life might be sexual abusers.

Neglect

Neglect is the persistent failure to meet a child's, young person's or vulnerable adults basic physical and/or psychological needs, likely to result in the severe impairment of the person's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child, young person or vulnerable adult from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment.

It may also include neglect of a child's, young person's or vulnerable adult's basic emotional needs.

Appendix 2

Glossary of terms

Convictions, spent

A person convicted of all but the most serious criminal offences and who receives a sentence of no more than two and a half years in prison, benefits from the Rehabilitation of Offenders Act (ROA) 1974 if they are not convicted again during a specified 'rehabilitation' period. Generally, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has ended and no further offending has taken place, a conviction is 'spent'. With a 'spent' conviction, the person does not have to usually reveal or admit the conviction, including when applying for a job. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a spent conviction.

There are some exceptions: when recruiting for a position of trust, an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not, particularly to protect children and other vulnerable groups. (Rehabilitation of Offenders Act 1974). Convictions of acts involving children, young people and vulnerable adults are never spent.

Convictions, unspent

A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

Countersignatory

Person within a registered body whose roles include: countersigning applications and receiving the Disclosures; and in control of the use of, access to and security of Disclosures.

Criminal Records Bureau

An agency of the Home Office, which, through its Disclosures service, helps organisations recruit more safely.

Disclosure (official)

A disclosure is a document containing information held by the police and government departments. It can be used by employees and voluntary organisations to make safer recruitment decisions about people working with children, young people or vulnerable adults.

The Disclosure service

Provides a regulated 'one-stop' service for England and Wales, offering access to records held by the police, together with those held by the Department of Health (DH) and the Department for Education and Skills (DfES). It enables organisations to make more thorough recruitment checks, particularly for positions that involve regular contact with children and vulnerable adults.

Disclosure – of alleged abuse

In the context of child protection the term describes an event in which a child, young person or vulnerable adult confides information about abuse or neglect.

Independent Safeguarding Authority (ISA)

The Independent Safeguarding Authority will be a non-departmental Public Body. The overriding aim of the Independent Safeguarding Authority will be to prevent those who are deemed unsuitable to work with children, young people or vulnerable adults from gaining access to them through their work. It will do this by taking all discretionary decisions that are currently taken by the Secretary of State. The Independent Safeguarding Authority will employ expert staff to help with the discretionary decisions, and will delegate administrative functions to the Criminal Records Bureau. The New scheme replaced List 99 and the POCA POVA lists and Disqualification Orders.

In loco parentis

Refers to the person legally responsible for a child in the absence of the child's parent(s) or regular carer. For instance, in a school setting this is the child's teacher.

An overarching principle for all work with children, young people and/or vulnerable adults is that artists and arts professional must never assume role of in loco parentis for children, young people or carers of vulnerable adults.

List 99

This was a confidential, Department for Children, Schools and Families (DCSF), list of adults either banned from working with children or young people or have had restrictions placed upon their employment. Schools must make sure that no-one who is on List 99 has regular contact with children. This will be replaced by the Independent Safeguarding Authority Scheme in autumn 2008.

Local Safeguarding Children's Boards (LSCBs)

Local Safeguarding Children's Boards are inter-agency bodies that are made up of the main organisations responsible for safeguarding children from abuse and neglect.

Working together to Safeguard Children sets out the guidance for LSCBs including their membership which should include local Authorities, health bodies, the police and others. Organisations should contact their LSCB to ensure the policies and procedures they develop reflect an authority-wide approach.

National Care Standards Commission

Is a new, independent body set up under the Care Standards Act 2000, to regulate social care and private and voluntary health care services throughout England. It registers and inspects facilities including daycare provision.

Ofsted

The Office for Standards in Education (Ofsted) is a non-ministerial government agency department whose main aim is to help improve quality and standards of education and childcare through independent inspection and regulation.

Ofsted assumed responsibility under the Care Standards Act 2000 for the regulation and registration of 'early years' childcare and education. This includes inspecting some 100,000 childminders and 40,000 daycare establishments.

Registered bodies

These terms are part of the Disclosure process.

Closed registered bodies

Closed registered bodies only process checks on the people they employ. For instance, a day care centre or a hospital might be a closed registered body.

Umbrella registered bodies

Sometimes called 'open' registered bodies – Perform similar functions to registered bodies by countersigning applications on behalf of organisations which do not wish to take on responsibility of registration in their own right. They can ask umbrella registered bodies to carry out the service. For instance, the Theatre Marketing Association has become an umbrella registered body.

Sole charge

Means having unsupervised contact with children, young people or vulnerable adults. This might be for only a few minutes (while the teacher, youth leader or care worker leaves a room to take a telephone call) or far more extended periods.

Spent convictions

See Convictions, spent.

Unspent convictions

See Convictions, unspent

Carer

A carer is anyone with parental or other legal responsibility or anyone who undertakes day-to-day care for a child up to the age of 18, a child over the age of 18 who is in a care setting or a vulnerable adult.

Appendix 3

Responding to a Child's Disclosure – General guidelines

One of the most important indicators of maltreatment is a child's disclosure. You must know what to do when the child comes to you with this information. A child may tell you directly that he or she is being abused. However, this is the least common way for a child to let you know that something is happening.

In this section you will learn:

- How children tell you that abuse or neglect is happening to them
- How to respond to children when they tell you they are being abused or neglected

Disclosure is Difficult

Disclosure is difficult for a child because:

- There is a sense of shame associated with the maltreatment
- There is a sense of loyalty to the abuser
- There is a real fear of not being believed
- There is a fear of negative consequences—to the child or to family members

Fear of Consequences

Abusers often tell children that bad things will happen if they tell others about the maltreatment. It is a "secret" that is not to be shared. Whether the abuser directly threatens the child or just implies that there will be consequences, the impact on the child is the same. This fear of what might happen makes the disclosure that much more difficult for the child.

Because of this fear, children are much more likely to share information in an indirect way — hoping that you will figure out what they are trying to tell you.

Indirect Disclosure

Indirect disclosure might sound like this:

- Indirect hints — "My babysitter keeps bothering me."
- Disguised disclosure — "What would happen if a girl was being touched in a bad way and she told someone about it?"
- Disclosure with strings — "I have a problem but if I tell you about it, you have to promise not to tell."

How to Respond

How you respond to the child's disclosure or attempts at disclosure has important consequences. Not responding may leave the child feeling abandoned or unprotected. On the other hand, being overly emotional or intrusive may scare the child and hinder the disclosure.

Here are some ideas about how to respond to disclosure:

- Find a place that is private to talk to the child. Make sure you won't be interrupted. Let a colleague know that you are dealing with a young person or child in confidence and request that they knock and pop in regularly.
- Don't sit behind a desk. Sit near the child to put him or her at ease.
- Don't touch the child without permission. Touch may be associated with the abuse.
- Remain calm. Do not allow personal opinion or reaction to become involved or illustrated.
- Listen to the child. Wait before asking any questions
- Use the child's language. Avoid words he or she might not understand or might find embarrassing.

- Encourage the child to tell you what happened, but don't press for details beyond that which the child is able or willing to provide.
- Honor the child's method of disclosure. If the child is making a disguised disclosure (for instance, claiming that the abuse happened to someone else), encourage the child to tell you about the situation. The child will often reveal that he or she is the actual victim after talking for a while.
- Avoid asking "why" questions. Children often feel they have done something wrong or must defend themselves when asked why.
- Reassure the child, but be sure to do so realistically. Let the child know that he or she is not to blame for what is happening.
- Try to get enough information to determine the child's safety. Immediate action is needed if you think the child is in imminent danger.
- Let the child know what you will do now that you know about the abuse/neglect.
- Reassure the child that you will not share this information with other teachers or children. But, do let the child know that you may need to tell a "helping person." You, as a teacher, are not responsible for proving that abuse or neglect has occurred.

Appendix 4

LOCAL AGENCIES CONTACT DETAILS

Children's Social Care

Reception Services
Ashtree House
218 Osmaston Road
Derby DE23 8JX
Tel 01332 717118
Fax 01332 717170

Careline (Out of Hours)

Tel 01332 711250
Fax 01332 711254

Police (In Emergency)

Central Referral Unit
Butterley Hall
Ripley
Derbyshire
DE5 3RS
Tel 01773 572058 /59 /73
Fax 01773 572074

NSPCC

2 Albert Rd
Ripley
Derbyshire
DE5 3FZ
Tel 01773 744877
Fax 01773 570 896

National Helpline
0808 800 5000

Childline
0800 11 11

Sue Richards Local Authority Designated Officer (LADO) & Child Protection Managers

Tel: 01332 293111
Eastmead
107 Duffield Road
Derby
DE22 1AE
Tel 01332 717818
Fax 01332 717819

Appendix 5

Procedures for Managing Allegations of Abuse Against QUAD staff and Associates

The following framework is set out in this policy to cater for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children, young people or vulnerable adults in his or her present position, or in any capacity. It will be used in any/all cases where in which it is alleged that a person who works with children, has:

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

There are three strands of in the consideration of an allegation:

- Consideration of disciplinary action in respect of the individual
- Enquiries and assessment by children's services about whether a child, young person or vulnerable adult is in need of protection or in need of services
- A police investigation in respect of a possible criminal offence

For the purpose of these procedures, the term 'employer' is used throughout in respect of the working relationship that QUAD has with the individual against whom the allegation has been made. This refers to an individual who works under contract directly with QUAD, works as a freelance artist under project contract with QUAD or who volunteers for QUAD.

For ease of reference at all points throughout this framework, the term 'child' refers at all times to children, young people and vulnerable adults.

Key Support Considerations

Parents or carers of a child should be informed as soon as possible, if they do not already know, of the status of an allegation, and be told of the outcome where there is not a criminal prosecution. Details of the procedures should remain confidential; however, the outcome can be disclosed.

Where a criminal prosecution has taken place, children's services or the police will consider the support required by the child involved

The employer will be responsible for ensuring that the individual against whom an allegation has been made is informed of the progress of an allegation. If the individual is a member of a union or professional association they should be advised to notify the relevant body at the outset of the proceedings.

Confidentiality

Every effort should be made to maintain full confidentiality and guard against publicity while an allegation is being investigated/considered. Any information that is in public domain should not identify and individual until they are charged with a criminal offence. The police should advise if publicity is required e.g. to trace an individual. In deciding what information can be disclosed all consideration should be given to the Data Protection Act 1998 and where relevant the Human Rights Act 1998.

Resignations and 'Compromise Agreements'

Where an individual has submitted a resignation or ceased to deliver services, this will not prevent an allegation from being fully investigated. Every effort will be made to reach a conclusion in all cases of allegations which have bearing on the safety or welfare of a child, including those where an individual involved refuses to co operate with proceedings.

The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if that cannot be done or the person does not co-operate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

Resignation submitted following allegation will not be accepted until after all investigations have been completed. Wherever possible an individual will be given an opportunity to answer any allegation or make representation about it.

'Compromise Agreements' - whereby a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference – must not be used in these cases. In any case, this agreement would not prevent a thorough police investigation, where appropriate.

Record-keeping

A clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached will be kept by the employer in the individuals confidential personnel file and a copy will be given to the individual. Such information will be retained on file, including where people leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Timescales

Cases must be resolved as quickly as possible, inclusive of a full and fair investigation. Every effort will be made to manage cases to avoid any unnecessary delay. Priority must be given by all personnel involved to any ongoing investigation. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, but they provide useful targets to aim for that are achievable in many cases.

Oversight and monitoring

Responsibility for oversight of the policy and procedures for Safeguarding lies with the Deputy Director. Responsibility for training and dissemination will be delegated to the Customer Services and Facilities Manager. In the absence of this role, or where

allegation is made against this person, reports will be made in the first instance to the Duty Manager on Duty with call out made to the designated officer.

Initial considerations

Procedures should be applied with common sense and sound judgement. Some allegations are so serious as to require immediate referral to Local Authority Designated Officer and the police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by children's social care. It is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.

The Local Authority designated officer should be informed of all allegations that come to the employer's attention, so that s/he can consult police and social care colleagues as appropriate. The LA designated officer should also be informed of any allegations that are made directly to the police, which should be communicated via the police force's designated officer or to children's social care.

The LA designated officer will first establish, in discussion with the employer, that the allegation is within the scope of safeguarding procedures and may have some foundation. If the parents/carers of the child concerned are not already aware of the allegation, the designated officer will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the LA officer should consult those colleagues about how best to inform parents. However, in some circumstances an employer may need to advise parents of an incident involving their child straight away – e.g. if the child has been injured while in the organisation's care and requires medical treatment.

The employer will inform the accused person about the allegation as soon as possible after consulting the LA designated officer. However, where a strategy discussion is needed, or it is clear that police or children's social care may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation. If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be convened as soon as possible. In some cases the strategy discussion may include a representative of the employer (unless there are good reasons not to do that) and should take account of any information the employer can provide about the circumstances or context of the allegation.

In cases where a formal strategy discussion is not considered appropriate – because the threshold of 'significant harm' is not reached – but a police investigation might be needed, the LA designated officer should nevertheless conduct a similar discussion with the police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (Note: the police must be consulted about any case in which a criminal offence may have been committed.)

Like a strategy discussion, that initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. In cases where a police investigation is necessary, the joint evaluation should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

If the complaint or allegation is such that it is clear that investigations by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that this is the case, the LA designated officer should discuss next steps with the employer. In such circumstances, options open to the employer range from taking no further action, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate. In some cases, further investigation is needed to enable a decision about how to proceed. If so, the LA designated officer should discuss with the person's employer how and by whom the investigation will be undertaken. The investigation should normally be Undertaken by the employer. In some circumstances appropriate resources may not be available in the employer's organisation, or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.

Suspension

The possible risk of harm to children posed by an accused person needs to be evaluated and managed effectively – in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life. In some cases this requires the employer to consider suspending the person. Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. People must not be suspended automatically or without careful thought. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. Note: neither the LA, nor the police, nor children's social care can require an employer to suspend a member of staff or a volunteer. The power to suspend is vested in the employer alone.

Where a strategy discussion or initial evaluation discussion concludes that there should be enquiries by social care and/or an investigation by the police, the LA designated officer should canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the employer's consideration of suspension.

Monitoring progress

The LA designated officer should regularly monitor the progress of cases, either via review strategy discussions, or by liaising with the police and/or children's social care colleagues or the employer, as appropriate. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If the strategy discussion or initial evaluation decides that a police investigation is required, the police should set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) to consider whether to charge the individual, continue to investigate, or close the investigation. Wherever possible, that review should take place **no later than four weeks** after the initial action meeting. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the meeting if the investigation continues.

Information sharing

In the initial consideration at a strategy discussion or joint evaluation, the agencies concerned – including the employer – should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.

Wherever possible, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer, and/or regulatory body, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded, to enable the police and CPS to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries that is relevant to a disciplinary case can be passed to the employer or regulatory body without delay.

Action following a criminal investigation or a prosecution

The police or the CPS should inform the employer and LA designated officer straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances, the LA designated officer should discuss with the employer whether any further action is appropriate and, if so, how to proceed.

The information provided by the police and/or children's social care should inform that decision. Action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open depends on the circumstances of the case, and the consideration needs to take into account the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Action on conclusion of a case

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LA designated officer should discuss with the employer whether a referral to ISA is required or advisable, along with the form and content of a referral.

If it is decided on conclusion of the case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still in the workplace.

At the conclusion of a case in which an allegation is substantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

Action in respect of false or unfounded allegations

If an allegation is determined to be unfounded, the employer should refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

Summary of process

Allegation made to employer

The allegation should be reported to the senior manager identified in the employer's procedure immediately, unless that person is the subject of the allegation, in which case it should be reported to the designated alternative.

If the allegation meets any of the criteria set out in the procedures, the employer should report it to the LA designated officer within one working day.

Initial consideration

The LA designated officer will discuss the matter with the employer and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LA designated officer will immediately refer to children's social care and ask for a strategy discussion to be convened straightaway.

In those circumstances, the strategy discussion should include the LA designated officer and a representative of the employer.

If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LA designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed.

That discussion should also involve the employer.

Action following initial consideration

Where the initial evaluation decides that the allegation does not involve a possible criminal offence, it is dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted **within three working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

Where further investigation is required to inform consideration of disciplinary action, the employer should discuss who will undertake that with the LA designated officer. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case, the investigating officer should aim to provide a report to the employer **within 10 working days**.

On receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed **within two working days**, and if a hearing is needed it should be held **within 15 working days**.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LA designated officer should continue to liaise with the employer to monitor progress of the case and provide advice/support when required or requested.

Case subject to police investigation

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the

progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place **no later than four weeks** after the initial evaluation, and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point. (It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage.)

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. In those circumstances the employer and the LA designated officer should proceed as described in paragraphs 37–41.

If the person is convicted of an offence, the police should also inform the employer Straightaway so that appropriate action can be taken.

Appendix 6
Guidance for staff and visitors for Public Use of the Building

		THE CHILD	
		Age 0 - 11	Age 12 or over
THEIR COMPANION	Alone	No entry	Entry allowed
	Age 0 - 11	No entry	Entry allowed for the child age 12 or over but not for their younger companions
	Age 12 - 14	No entry	Entry allowed for all
	Age 15 - 17	Entry for two children aged 0-11 years allowed except to a 12A film where an adult age 18 or over is legally required as the companion	Entry allowed for all
	Age 18 or over	Entry allowed for all	Entry allowed for all