

Section 2 - Agency Roles & Responsibilities in Child Protection

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2.1 INTRODUCTION

Shared Responsibilities

This section should be read in conjunction with Sections 3-5 of these procedures, individual agency child protection procedures and national and regional guidance.

2.1.1 All professionals and members of the community within County Durham have a duty to consider the safety and wellbeing of children.

2.1.2 Those agencies and professionals whose primary responsibility is to provide services to adults should always consider the safety and welfare of any children in the household or any children (including unborn) who are in contact with those adults.

2.1.3 The Local Authority has a general duty under the **Children Acts 1989**¹ and **2004**² to safeguard and promote the welfare of children who are in need and, so far as it is consistent with that duty, to promote the upbringing of such children by their families.

2.1.4 The Local Authority is also obliged to ensure that children in its area are protected from significant harm and any child at risk of significant harm is invariably a child in need.

Eligibility Criteria

2.1.5 All referrals to Safeguarding & Specialist Services (S&SS) are referrals of Children In Need. All new referrals are taken by Social Care Direct (SCD), screened and, if deemed of moderate or serious concern, passed to the appropriate Team Manager. Broadly speaking, Children in Need referrals are deemed moderate and Children In Need of Protection as serious.

Children in Need

2.1.6 Safeguarding & Specialist Services undertake assessments of children, under their **Children in Need Procedures**³, where a child's health or development is being impaired or there is a high risk of impairment without services (**s17**⁴, Children Act 1989).

Children in Need of Protection

2.1.7 The **Children Act 1989**⁵ states the Local Authority has a duty to investigate when they "have reasonable cause to suspect a child who lives, or is found, in their area is suffering, or is likely to suffer significant harm". (**s47**⁶, Children Act 1989)

2.1.8 These referrals are assessed under these procedures, taking into account the child's age and vulnerability, the information available and the expressed view of the child (dependent on age and understanding).

¹ http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm

² http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1

³ Link to CIN Procedures via the LSCB website

⁴ http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_4.htm#mdiv17

⁵ http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm

⁶ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

2.1.9 Referrals should be made to **Social Care Direct 0845 850 50 10** if there are any signs that a child under the age of 18 years, is experiencing or may already have experienced abuse or neglect or is suffering, or likely to suffer 'significant harm' in the future. Referrals will be passed onto the relevant service within Safeguarding & Specialist Services. This may be the Initial Assessment Team, which is a countywide team and/or the Child In Need teams based in the localities.

Statutory Duties

2.1.10 Durham County Council, District Councils, NHS Bodies (Strategic Health Authority, PCTs, NHS Foundation Trust), the Police (including British Transport Police), Probation, Prison Services, Hassockfield Secure Training Centre, Youth Offending Service and Connexions all have a duty under **Section 11**⁷ of the Children Act 2004 to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

2.1.11 Durham County Council has a duty to carry out their function under the Education Act with a view to safeguarding and promoting the welfare of children under **Section 175**⁸ of the Education Act 2002. In addition maintained (state) schools and Further Education (FE) institutions, including 6th Form Colleges also have a duty under **s175**⁹ to exercise their functions with a view to safeguarding and promoting the welfare of their pupils (and students under the age of 18 in the case of FE institutions). The same duty applies to Independent Schools by regulations made under **s157**¹⁰ of the 2002 Act. In addition under **s87**¹¹ of the Children Act 1989 independent schools that provide accommodation for pupils have a duty to safeguard and promote the welfare of those children.

2.1.12 The Child and Family Court Welfare Advisory and Support Service (CAFCASS) also has a duty under **s12**¹²(1) of the **Criminal Justice and Court Services Act 2000**¹³ to safeguard and promote the welfare of children involved in family proceedings.

2.1.13 It is the responsibility of providers of services to children and young people and their families to ensure that appropriate single-agency procedures and training are available to all staff.

2.1.14 The primary duty of all staff, whatever their nominated role, is to protect children from significant harm.

2.1.15 Achieving good outcomes for children requires all those with responsibility for assessment and the provision of services to work together according to an agreed plan of action.

⁷ http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_3#pt2-pb1-l1g11

⁸ http://www.opsi.gov.uk/acts/acts2002/ukpga_20020032_en_15#pt11-pb1-l1g175

⁹ http://www.opsi.gov.uk/acts/acts2002/ukpga_20020032_en_15#pt11-pb1-l1g175

¹⁰ http://www.opsi.gov.uk/acts/acts2002/ukpga_20020032_en_15#pt11-pb1-l1g175

¹¹ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_15#pt12-pb1-l1g87

¹² http://www.opsi.gov.uk/acts/acts2000/ukpga_20000043_en_2#pt1-ch2-l1g12

¹³ http://www.opsi.gov.uk/acts/acts2000/ukpga_20000043_en_1

2.1.16 Effective collaborative working requires professionals and agencies to be clear about:

- their roles and responsibilities for safeguarding and promoting the welfare of children;
- the purpose of their activity, what decisions are required at each stage of the process and what are the intended outcomes for the child and their family members;
- the legislative basis for the work;
- the protocols and procedures to be followed, including the way in which information will be shared across professional boundaries and within agencies and recorded;
- which agency, team or professional has lead responsibility, and the precise roles of everyone else who is involved, including the way in which the children and other family members will be involved;
- any timescales set down in regulations or guidance which govern the completion of assessments, making of plans and timing of reviews.

2.1.17 All specified agencies and professionals must:

- comply with these procedures.
- ensure that any additional internal procedures or inter-agency protocols are consistent with these procedures.
- ensure safe staff, carer and volunteer recruitment practices.
- maintain accurate records of decision-making and actions.
- ensure sensitivity to needs arising from race, culture, religion or linguistic background.
- work in partnership with families.
- respect confidentiality of information about individuals.
- share information between agencies to the extent that is required to assess and meet the needs of the child.
- provide and monitor uptake and effectiveness of regular mandatory child protection training for staff, carers and volunteers.

2.1.18 If a professional has any concerns about a child/children who is suffering, or at risk of suffering, significant harm, s/he should refer to the relevant section of these procedures.

2.1.19 Further guidance on information sharing, confidentiality and consent is outlined in “**HM Government information sharing guidance**¹⁴” DCSF, 2008.

¹⁴ <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00340/>

Common Features of all Agencies

2.1.20 To fulfil their commitment to safeguard and promote the welfare of children all organisations need to have in place:

- strategic policies which clearly state the priorities for safeguarding and promoting the welfare of children;
- a clear commitment by senior management to the importance of safeguarding and promoting the welfare of children;
- a clear line of accountability within the organisation;
- recruitment procedures that take into account the need to safeguard and promote the welfare of children;
- procedures for dealing with allegations of abuse against members of staff and volunteers;
- arrangements to ensure all staff undertake appropriate training to enable them to carry out their responsibilities effectively;
- policies and procedures in place for safeguarding and promoting the welfare of children;
- arrangements to work effectively with other agencies, including the sharing of information;
- a culture of listening to and seeking the views of children;
- “whistle blowing” procedures.

Members of the Community

2.1.21 It is important that all members of the community understand that safeguarding children is a concern for everyone and that effectiveness of professional agencies will depend on the awareness and support of the public.

2.1.22 If any member of the public is concerned that a child may be at risk of abuse or neglect they should either telephone:

- Social Care Direct 0845 850 50 10 and ask to speak to the duty officer.
- Police.
- NSPCC National Child Protection Helpline.
- NSPCC Asian Child Protection Helpline, which provides advice in Punjabi, Hindi, Urdu, Gujarati, Bengali and Sylheti.

2.2 THE AGENCIES

Children & Young People's Services

Safeguarding & Specialist Services

2.2.1 The agency with lead responsibility for child protection is Durham County Council through the Children & Young People's Services (Safeguarding & Specialist Services).

2.2.2 Safeguarding & Specialist Services have the following responsibilities:

- Assess, plan and provide support to children in need, including those suffering or likely to suffer significant harm.
- Make enquiries under **s47**¹⁵ of the Children Act 1989 wherever there is reason to suspect that a child in its area is at risk of significant harm.
- Convene and Chair Child Protection Conferences.
- Maintain the Child Protection List.
- Provide a Keyworker for every child subject to a Child Protection Plan.
- Ensure that the agencies who are party to the Child Protection Plan co-ordinate their activities to protect the child.
- Undertake a Core Assessment in relation to each child subject to a Child Protection Plan, ensuring that other agencies contribute as necessary to the assessment and that assessments take account of key issues, e.g. domestic abuse.
- Convene regular reviews of the child's progress through both Core Groups and Review Child Protection Conferences.
- Instigate legal proceedings where required.

2.2.3 The primary duty of all staff, whatever their nominated role, is to protect children from significant harm.

Co Durham Family Pathfinder Teams

2.2.4 The Family Pathfinder Teams are multi-disciplinary, with practitioners from a range of backgrounds from both adult's and children's services. Workers will have skills in providing high level, intensive support to families and will work with between 10-15 families at any one time.

2.2.5 All team members will work in line with the 'Think Family' approach to provide support to the whole family – supporting parents to parent their children more effectively and improving outcomes for children.

¹⁵ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

2.2.6 The team aim to support families ‘at risk’. This term is used to describe families who face multiple, complex problems such as domestic abuse, parental mental health or parental substance misuse issues often leading to issues of neglect for the children. The teams will work with and support families where the issues that parents face are affecting the outcomes for their children in this way.

2.2.7 The Family Pathfinder is not currently available Countywide. Teams will cover three localities within County Durham – Easington, Derwentside and Sedgefield. The teams will have a central base in the locality but will be mostly delivering to families in their homes and local communities.

2.2.8 All requests for services will come directly to the Team Manager of the Family Pathfinder Teams. Social Care Direct will not take referrals for these new teams and families will not be able to refer themselves directly.

2.2.9 A critical trigger for the involvement of the Family Pathfinder Teams is that the issues a parent is facing are impacting on the child (ren) and their development, so there must be an assessment of the needs of the child including a causal link to issues the parent is facing and their parenting capacity. In accordance with Children’s Trust arrangements this assessment would usually be a CAF.

2.2.10 If the practitioner is not trained to complete a CAF there is a process in place to ensure the child(ren) can be assessed by someone who is trained. Practitioners should contact the Information Sharing and Assessment (ISA) programme team in County Hall on 0191 383 3640 to find out whether a CAF already exists and the name of the Lead Professional. The practitioner can then contact the Lead Professional to share their concerns and discuss whether to request services from the Pathfinder. If a CAF does not already exist the ISA programme team will be able to refer the practitioner to a local contact to arrange for a CAF to be carried out.

2.2.11 Therefore before requesting services from the Pathfinder Teams, it is expected that practitioners would have carried out an assessment of the child(ren)’s needs – this may be in addition to or as a result of an assessment of the parent’s needs.

Emergency Duty Team (EDT) and other specialist support services

2.2.12 Staff working in EDT (sometimes referred to as “out of hours” service) and other specialist support services must distinguish carefully, often on the basis of inadequate and/or unreliable information:

- what immediate action may be required to ensure the immediate and longer term safety of a child; *and*
- what further responses may be best left to daytime staff.

2.2.13 EDT staff and staff in other specialist support services should ensure that all relevant information obtained and actions taken out of office hours are transmitted without delay to the relevant sections within Safeguarding & Specialist Services and other agencies as appropriate.

Disabled Children and Their Families Team

2.2.14 The Disabled Children and Their Families Team work with children and young people who are disabled, that is a child/young person under the age of 18 with:

- a significant and long term physical or sensory impairment.
- a severe learning disability.
- a life threatening or life-limiting medical condition.
- a severe communication disorder.

Responsibility for s47¹⁶ enquiries

2.2.15 All Initial Assessments for disabled children are undertaken by the Disabled Children and Their Families Team.

2.2.16 If there are safeguarding issues in regard to a disabled child the Team Manager will make a decision whether to undertake a s47¹⁷, which will be undertaken by the Disabled Children and Their Families Team Social Worker. The Disabled Children and Their Families Team Manager will Chair the Strategy Meeting and the social worker will be responsible for the case throughout the child protection process.

2.2.17 If the safeguarding issues are in regard to a family where there are disabled child/children and non-disabled child/ren then discussions will take place between Team Manager - Children In Need and Team Manager - Disabled Children and Their Families Team and a clear recorded decision made regarding who will conduct the Strategy Meeting and be responsible for investigation. Co-working will take place with the Disabled Children and Their Families Team taking case responsibility for the disabled child/children and working closely with the Children in Need Team.

Secure Children's Homes

2.2.18 Local Authority Secure Children's Homes provide care and accommodation for young people placed under a secure welfare order for the protection of themselves or others, and for those placed under criminal justice legislation by the Youth Justice Board¹⁸. Secure Children's Homes, like all children's homes, are registered and inspected and must comply with the Children's Homes Regulations 2001¹⁹ and meet the Children's Homes National Minimum Standards²⁰, both of which cover a range of issues including child protection.

Services for Looked After Children and Care Leavers

2.2.19 Where a member of staff encounters a situation where abuse is observed or suspected s/he must inform the Team Manager or equivalent Line Manager. In his/her absence, inform the covering manager and consult regarding to appropriate action to be taken. Consultation may take place with Social Care Direct.

¹⁶ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

¹⁷ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

¹⁸ <http://www.yjb.gov.uk/en-gb/>

¹⁹ <http://www.opsi.gov.uk/si/si2001/20013967.htm>

²⁰ http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4010076

2.2.20 There may be ongoing involvement of the referring worker in supporting the child and family and in informing the assessment.

Extended Services

Youth Services

2.2.21 Youth and Community Workers have close contact with children and young people and should be aware of signs of abuse and neglect and how to act upon concerns about a child's welfare. Local Authority Youth Services should be given written instructions consistent with "*What to do if you are worried a child may be being abused*"²¹ and Durham Local Safeguarding children Board (LSCB) procedures on when Youth and Community Workers should consult colleagues, line manager, and other statutory authorities about concerns they may have about a child or young person.

2.2.22 Where Durham County Council funds local voluntary youth organisations or other providers through grants or contract arrangements, they will ensure that arrangements to safeguard children and young people are in place, this should form part of the agreement for the grant or contract. The organisations may seek advice on how to do so from their national bodies or the Durham Local Safeguarding Children Board.

County Durham Youth Offending Service (CDYOS)

2.2.23 The context for the Youth Offending Service's policy with respect to child protection is provided by the Mission Statement for the Service:

"County Durham Youth Offending Service prevents offending by helping young people achieve their full potential as active members of their communities."

2.2.24 In order to achieve this the Youth Offending Service:

- works with under 19's and victims of youth crime;
- targets young people at risk of social exclusion and crime;
- targets young people who have admitted/been convicted of an offence.

2.2.25 The primary purpose of the Youth Offending Service is the prevention of youth offending. This requirement is defined by statute, the **1998 Crime and Disorder Act**²². This Act was also the statutory vehicle for the establishment of multi-agency Youth Offending Teams across England and Wales.

2.2.26 When any young person is allocated on an individual basis to a YOS Officer an Asset assessment of his/her needs will be undertaken. This provides a generic assessment of risk and need. This is one example of where YOS staff will need to be vigilant in their work with young people, families, carers and communities and take immediate appropriate action should they have concerns over the safety of children and young people. Once these concerns are raised YOS staff must work in partnership with any investigation or any of the

²¹ <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00182/>

²² http://www.opsi.gov.uk/acts/acts1998/ukpga_19980037_en_1

other processes, including attendance at Strategy Meetings and Child Protection Conferences.

2.2.27 Where YOS is working with a young person who has harmed other young people, YOS staff must undertake the relevant assessments, work in partnership with investigations into allegations concerning that young person and any subsequent child protection procedures, as well as work within **Multi-Agency Public Protection Arrangements (MAPPA) procedures**²³.

Early Years Provision/Childminders/Children's Centres/Sure Start

2.2.28 Day care and early years provision includes a range of services in both statutory and independent sectors including:

- Sure Start
- family centres
- early years' centres
- nurseries including those in the workplace
- childminders
- playgroups
- out of school care
- after school care
- sessional schemes
- holiday and out of school schemes

2.2.29 The extensive contact of these services with children makes them well placed to support families under stress to help prevent difficulties getting worse and to help the families promote the health and development of children. It also enables them to observe, at an early stage, when abuse or neglect may be occurring.

2.2.30 Anyone who provides/manages/delivers any kind of Early Years Service should know how to recognise potential indicators and should know how to respond if abuse or neglect is suspected or alleged.

2.2.31 All Early Years Services should have in place a written set of guidance and procedures, agreed by the LSCB and accessible to all staff, volunteers and individual contractors. These should make clear their responsibilities about how to act in respect of the safety and welfare of any child and should tell them what sources of advice are available to them and when to contact Safeguarding & Specialist Services.

2.2.32 Staff and volunteers should be given the necessary training to equip them to carry out these responsibilities. The service should be open with service users about their responsibilities under the child protection procedures. This should include advising parents how they can access advice and report concerns if they suspect that a child is being abused or neglected in that setting or elsewhere.

²³ <http://www.probation.homeoffice.gov.uk/files/pdf/MAPPA%20Guidance.pdf>

Connexions

2.2.33 Connexions is tasked with provision of services to a wide age range of young people (13 to 19, and for the more vulnerable, up to 25 years of age).

2.2.34 Consequently, protection related protocols currently being developed for agreement with Local Authorities will be informed by '*Working Together to Safeguard Children*'²⁴ 2006 and '*No Secrets*'²⁵ (guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse).

2.2.35 Connexions is responsible for:

- identifying, assessing the needs and keeping in touch with young people in their geographical area.
- identifying young people who may be at risk of significant harm.
- minimising risk that organisations (they signpost young people to) might pose to the moral development, and physical and psychological wellbeing of young people.
- ensuring that the recruitment of all staff complies with current vetting regulations.
- ensuring that staff are aware of the risks to the welfare of young people and know how they can safeguard and promote the welfare of those young people.

Children and Young People's Service – Achievement Services

2.2.36 The Government have recently introduced legislation to strengthen and make more explicit the child protection related responsibilities of education staff.

2.2.37 Achievement Services must nominate a lead officer with responsibility for co-ordinating policy and action on child protection across schools and non-school services maintained by the authority, and for providing advice to them. ('*Safeguarding Children and Safer Recruitment in Education*'²⁶ DfES 2007).

2.2.38 Achievement Services should ensure that guidance on child protection is sent to all Head Teachers in maintained and non-maintained schools in the County.

2.2.39 Achievement Services should keep up to date lists of designated staff and support and encourage appropriate training.

2.2.40 If a pupil is placed in a school outside of the County, the Local Authority should ensure it has adequate child protection policies and guidance.

²⁴ <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00060/>

²⁵ http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486

²⁶ <http://publications.teachernet.gov.uk/eOrderingDownload/Final%206836-SafeGuard.Chd%20bkmk.pdf>

Schools & Colleges

2.2.41 Through their daily contact with children, teachers and other staff in maintained, foundation, voluntary aided and independent schools, sixth form and further education colleges are well placed to observe signs of abuse, changes in behaviour or a failure to develop.

2.2.42 Schools should contribute to child protection through the:

- provision of a safe environment for children;
- use of the curriculum to understand what is and what is not acceptable behaviour, how to speak up regarding their concerns and how to become (as an adult) safe and effective parents;
- recognition of significant harm and possible offences against children and referral to Safeguarding & Specialist Services and the Police.

2.2.43 All schools must have policies and procedures which reflect the roles of staff and parents regarding:

- child protection;
- the use of force to control or restrain pupils;
- identification and response to bullying;
- identification and response to racism.

Designated Members of Staff

2.2.44 All schools and colleges must have a designated member of staff with responsibility for child protection, usually the Head Teacher or another senior member of staff and it may be useful to nominate a deputy designated member of staff to cover absences.

2.2.45 Both the designated member of staff and his/her deputy (where applicable) should be provided with relevant ongoing training.

2.2.46 The designated member of staff is responsible for:

- arranging training for colleagues;
- producing internal child protection procedures for staff which should conform to and supplement these procedures and be freely available to all staff including any volunteers;
- keeping all staff updated with current procedures, ensuring that new and temporary staff are familiar with protection responsibilities (staff in this situation, includes secretarial staff, midday supervisors, caretakers, school helpers, etc.);
- provision of advice and support to staff;

- referring any concerns as soon as they arise to Safeguarding & Specialist Services;
- monitoring attendance and development of children whose names are currently on the Child Protection List and informing Safeguarding & Specialist Services of proposed or actual change of school;
- ensuring that all relevant information about a child is disseminated to appropriate staff within the school;
- ensuring complete records are sent to receiving schools, whether a child changes as a natural progression or for any other reason;
- maintaining accurate and secure child protection records.

Children with Special Needs

2.2.47 When a child has special educational needs, or is disabled, schools will have important information about the child's level of understanding and the most effective means of communicating with the child. They may well be invaluable in assisting communication during an investigation. They will also be well placed to give a view on the impact of treatment or intervention on the child's care or behaviour.

Children who Disappear

2.2.48 Where a child may have disappeared, or there is cause for concern due to the sudden and unexpected move of a child, information must be shared, without delay, with the Designated Professional who will co-ordinate further enquiries with appropriate agencies/individuals. A referral will be made to Safeguarding & Specialist Services if concerns remain.

School Governors & Governing Bodies

2.2.49 Governing bodies and proprietors of non-maintained establishments must ensure that appropriate child protection procedures are in place, seeking advice as necessary from the Children & Young People's Services.

2.2.50 It may be useful for governing bodies to nominate one of its members and ensure that opportunities are provided for his/her training.

2.2.51 The Chair of Governors has a specific contribution to make when allegations are made against a Head Teacher.

Access and Inclusion Services

Education Welfare Officers (EWOs)

2.2.52 In their direct welfare work with families, EWOs who recognise child protection issues must refer them to Safeguarding & Specialist Services.

2.2.53 EWOs should assist the Designated Teacher in monitoring children whose names appear on the Child Protection List.

2.2.54 EWOs are able to provide advice and support to other education staff on child protection matters.

Learning Support, Educational Psychology and other Support Services

2.2.55 The Learning Support Service works with schools in relation to a range of potentially vulnerable pupils to ensure they have access to appropriate education. Learning Support Service includes the Pupil Referral Unit, Behaviour Support Service, Home and Hospital Support Service, Sensory Support Service, Ethnic, Minority and Traveller Achievement Service and Learning Difficulties and Disabilities Inclusion Service. The Autism Spectrum Disorders Support and Development Service is delivered jointly by Learning Support Service and Educational Psychology Service. If a teacher and/or Learning Support Assistant has a concern about a child who is/or likely to be at risk of significant harm they should consult with the designated professional in the child's school and if this is not possible the designated professional in their own service and make a referral to Safeguarding & Specialist Services if this is required.

2.2.56 Educational Psychologists work with pupils who exhibit learning and behavioural difficulties of varying kinds. Most of these children will have no additional needs outside of the school context, but some may be failing to make the necessary progress at school due to problems that affect them socially and emotionally, including neglect and abuse. Educational Psychologists are trained to identify indicators of abuse and have an important role in informing co-professionals of problems that need to be addressed on an inter-agency basis.

2.2.57 If an Educational Psychologist has a concern about a child who is, or is likely to be at risk of significant harm, s/he should consult with the designated professional in their organisation and make a referral to Safeguarding & Specialist Services if this is judged to be required.

Independent Schools & Non-Durham Education Maintained Schools

2.2.58 The role of an Independent and Non-Durham Education Maintained School in relation to child protection is the same as that of any other school. The same pastoral responsibilities apply and schools should adopt the principles and pursue the objectives contained within this guidance. It is particularly important that independent and non-Durham education maintained schools establish a route of communication with the local Children in Need Teams, Durham LSCB and Achievement Services so that children requiring support receive prompt attention and that any allegation of abuse can be properly investigated.

2.2.59 Where medical and nursing care is provided, the School should ensure their medical and nursing staff have appropriate training and access to advice on child protection and safeguarding and promoting the welfare of children.

2.2.60 Children & Young People's Service and Durham LSCB offer the same level of support and advice to Independent Schools in matters of child protection as they do to maintained schools.

Prevention of Bullying in Schools

2.2.61 All schools and colleges must have an effective policy in place to combat bullying incidents. Parents and pupils must be consulted regarding the complication of such policies.

2.2.62 There may be incidents of bullying which need to be considered within the child protection procedures where a pupil has suffered significant harm and action is required to promote and safeguard their welfare.

Use of Physical Intervention in Educational Establishments

2.2.63 All schools and colleges must have a policy and procedure in place regarding the use of physical intervention. The use of physical intervention must always be a last resort. All other strategies must be used to avoid physical intervention being implemented.

2.2.64 Any use of physical intervention must be recorded in line with the school's policy.

2.2.65 The parent (person with Parental Responsibility) must be informed at the earliest opportunity.

Racism

2.2.66 All schools and colleges must have a system in place to deal with and try to prevent incidents of racism.

2.2.67 There may be occasions when the impact of racist incidents is so severe that it constitutes significant harm for the victim. In those instances consideration must be given as to whether it is appropriate to make a referral under the child protection procedures.

Further Education Institutions and Governing Bodies

2.2.68 The above responsibilities (with appropriate modification) must be in place in respect of all students studying in further education below the age of 18 years.

2.2.69 Further Education institutions may enter into agreement to purchase services such as advice support and training but have no obligation to do so. The college/institution must, however, ensure that these services are in place.

Adult and Community Services

2.2.70 Those who work with adults in Adult and Community Services must consider the implications of service users' behaviour for the safety and wellbeing of any dependent children and/or children with whom those adults are in contact.

2.2.71 Practitioners should also refer to the document [Durham County Council Protocol for Working Together in the Delivery of Services to Adults and Children²⁷](#), which aims to provide a framework to facilitate collaborative working practices between and across services.

2.2.72 In particular, child protection issues may arise amongst parents, carers, or pregnant women who are in receipt of the following:

- Community Mental Health Services.
- Substance Misuse Services.
- Learning Disability services.
- Support services for victims of domestic abuse.

2.2.73 Children & Young People's Service must establish and maintain systems so that:

- managers within Adult and Community Services can monitor those cases which involve dependent children;
- there is regular, formal and recorded consideration of such cases between managers in both Adults' and Children's Services;
- where both Adult and Community Services and Safeguarding & Specialist Services are providing services to a family, staff communicate with each other and agree interventions.

2.2.74 Adult and Community Services staff who receive referrals about adults who are also parents should consider if there is a need to alert Safeguarding & Specialist Services to a child who may be 'in need' or 'at risk of significant harm'.

2.2.75 Once action is taken under child protection procedures (and regardless of whether the work is undertaken jointly or separately) Safeguarding & Specialist Services become responsible for its co-ordination.

²⁷ Link to document within the LSCB website

Library Services

2.2.76 Library staff have a great deal of informal contact with children and parents using their services, which provides opportunities for recognising those who are experiencing difficulties.

2.2.77 If young children are left unattended within the library for lengthy periods of time, staff should approach parents and inform Safeguarding & Specialist Services if concerns are not allayed.

2.2.78 Through the facility for homework helpers and holiday groups, some library staff have direct unsupervised contact with children and all must be familiar and comply with child protection procedures.

2.2.79 Because libraries provide opportunities for anonymous access to the internet, staff must be aware and take reasonable precautions to prevent access to pornography and chatrooms in which children may be drawn into risky relationships.

Other Durham County Council Services

Housing Services

2.2.80 Housing authorities/associations (including Registered Social Landlords (RSL)) and others with a front line role such as Environmental Health Officers, have an obligation to:

- share information relevant to safeguarding children with Safeguarding & Specialist Services and contribute to assessments under s17²⁸ and s47²⁹ of the 1989 Children Act including verbal or written information, attendance at Child Protection Conferences and other inter-agency planning meetings in the interests of the child.
- promote a child's health, development and safety by helping to locate suitable housing.
- be alert to concerns about children's welfare and safety and making referrals to Safeguarding & Specialist Services when concerns arise.
- be alert to safeguarding children when dealing with reports of anti-social behaviour by young people, which might reflect parental neglect or abuse.
- respond to the housing needs of a parent and children who have experienced domestic abuse.
- assist in the management of dangerous offenders by the provision of suitable accommodation and participating in the inter-agency risk management protocol.
- ensure that wherever possible homeless families are provided with temporary accommodation within their home area.
- share with relevant agencies the address of a family which is transferred outside of the Local Authority area.

²⁸ http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_4.htm#mdiv17

²⁹ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

- ensure that all homeless families with child/ren subject to s47³⁰ enquiries and/or subject to a Child Protection Plan are offered temporary accommodation within their home area, unless alternative arrangements are consistent with the Protection Plan.
- provide references to OfSTED about potential childminders.

Environmental Health Officers

2.2.81 Environmental Health Officers inspecting conditions in private rented housing may become aware of conditions that impact adversely on children. Under Part 1 of the **Housing Act 2004**³¹ authorities will take account of the impact of health and safety hazards in housing on vulnerable occupants including children when deciding the action to be taken by landlords to improve conditions.

Registered Social Landlords

2.2.82 The Housing Corporation supports the principle of Registered Social Landlords working in partnership with a range of organisations to promote social inclusion, and its Regulatory Code states that Housing Associations must work with Local Authorities to enable the latter to fulfil their duties to the vulnerable and those covered by the Government's Supporting People Policy.

Leisure Services

2.2.83 Children are intensive users of the Leisure Services, including parks, swimming pools, leisure centres and theatres. Leisure Services also organise courses for young children, e.g. cycling proficiency.

2.2.84 In addition to their shared responsibility to provide staff with child protection training, Leisure Services must ensure that managers take responsibility for briefing casual and temporary members of staff of the need to be aware of child protection issues.

2.2.85 Working practices should be adopted which minimise unobserved contact with children.

2.2.86 Leisure Services must also ensure that any organisations contracting to use leisure premises have adequate child protection procedures and codes of practice (such as those issued by national governing bodies of sport, the Health & Safety Executive or the Local Authority).

2.2.87 It may be useful to identify a member of staff who can take a lead role for child protection.

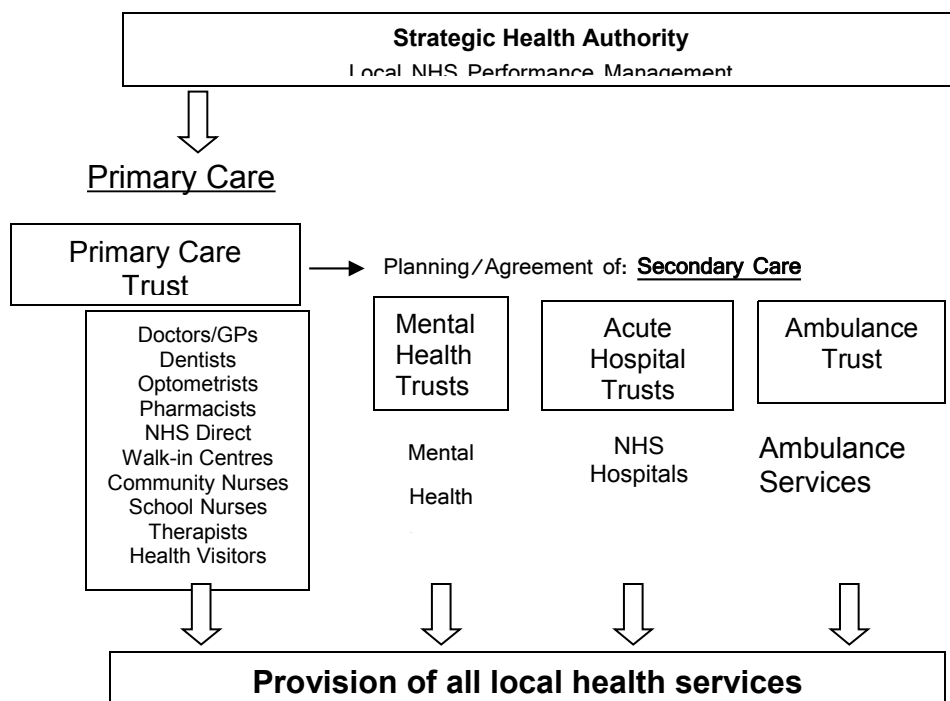
³⁰ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_7#pt5-l1g47

³¹ http://www.opsi.gov.uk/acts/acts2004/ukpga_20040034_en_1

Health Services

Health Service

2.2.88 The 'Health Service' is complex, being made up of many different sectors:



2.2.89 Health agencies in County Durham consist of:

- North East Strategic Health Authority
- **County Durham Primary Care Trust (Commissioner of Services)³²**
- **Darlington Primary Care Trust (Provider Services)³³**
- **County Durham & Darlington NHS Foundation Trust³⁴**
- **North Tees and Hartlepool NHS Foundation Trust³⁵**
- **Tees, Esk & Wear Valley NHS Foundation Trust³⁶**
- General Practitioners, Dental Practitioners, Optometrists and Pharmacists
- **NHS Direct³⁷**
- **North East Ambulance Service NHS Trust³⁸**
- Independent Health Providers

2.2.90 All health professionals in the NHS, private sector and other agencies play an essential role in ensuring children and families receive the care, support and services they need in order to promote children's health and development. Due to the universal nature of health provision, health professionals are often the first to be aware that families are experiencing difficulties in looking after their children.

³² <http://www.countydurham.nhs.uk/>

³³ <http://www.countydurham.nhs.uk/>

³⁴ <http://www.cddft.nhs.uk/>

³⁵ <http://www.nth.nhs.uk/>

³⁶ <http://www.tewv.nhs.uk/>

³⁷ <http://www.nhsdirect.nhs.uk/>

³⁸ <http://www.neambulance.nhs.uk/>

2.2.91 The **Children Act 2004**³⁹ places a duty on Strategic Health Authorities, Designated Special Hospitals, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.

2.2.92 All health agencies have a duty under s27⁴⁰ of the Children Act 1989 to comply with a request for help from the Local Authority in relation to safeguarding a child, provided that the request is compatible with the health agency's own statutory or other duties and does not unduly prejudice the carrying out of its work.

2.2.93 **All staff** working in health settings must follow the procedures in the County Durham & Darlington NHS Safeguarding Children Procedures and related Guidance for all Health Care Staff, including “ **Responding to Domestic Abuse: A Handbook for Health Professionals**⁴¹”, DoH 2005 if they have concerns about a child.

Strategic Health Authority

2.2.94 The Strategic Health Authority has a monitoring and performance management role in relation to Primary Care Trust and other NHS Trusts. This means that they are responsible for making sure that local NHS organisations are of a high quality and are performing well.

NHS Foundation Trust

2.2.95 County Durham & Darlington NHS Foundation Trust is responsible for the management of secondary health care in the county. It comprises three hospitals, two of which serve the population within Durham LSCB boundaries. The population in the south of Easington can access secondary health care from North Tees and Hartlepool NHS Foundation Trust. In the north of Easington secondary health care can be accessed from City Hospitals Sunderland NHS Foundation Trust.

2.2.96 The hospitals receive referrals from General Practitioners and other health colleagues within the Primary Care Trust and have inpatient facilities to cater for the needs of the population. The staff employed by the Trusts work in collaboration with other agencies to safeguard the protection of vulnerable children and their families. Child protection training is available to all staff and they are expected to adhere to the established procedures within the Trusts to protect children.

2.2.97 Staff in Accident & Emergency and Children's Wards need to be aware of the signs and symptoms of abuse and neglect and know how to respond when they have such suspicions. Staff on maternity wards need to be fully aware of the LSCB procedures to safeguard unborn/newborn babies and the importance of clearly understanding discharge planning when a newborn baby is subject to a Child Protection Plan.

2.2.98 Consultant Paediatricians employed by the Trusts, play a pivotal role in the assessment of children, as part of the multi-agency, investigative, child protection process, as do paediatric nursing staff.

³⁹ http://www.opsi.gov.uk/acts/acts2004/ukpga_20040031_en_1

⁴⁰ http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_5#pt3-pb6-l1g27

⁴¹ http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4126161

2.2.99 All Consultant Paediatricians are involved in the assessment of physical abuse, emotional abuse and neglect. Assessment of children for sexual abuse is undertaken by a small, specialised group of Consultant Paediatricians and Forensic Physicians who have received additional training and have more experience in this field.

2.2.100 A comprehensive assessment of the child/young person would comprise:

- an account of the allegation and other relevant background information, including brief developmental assessment;
- physical examination including growth measurements;
- genital and anal examination, where appropriate;
- investigations and photography/photo-documentation, where appropriate.

2.2.101 After the assessment, a written report is provided, which contributes to the wider investigation and planning for the child/young person. Referrals to other health professionals and follow up arrangements for review are made, where appropriate.

2.2.102 The Named and Designated Paediatricians are part of the consultant team in the Trusts. They liaise closely with the Designated and Named Nurses for Safeguarding Children on strategic and operational issues with regard to safeguarding children. There is also a Named Nurse and a Named GP for Darlington PCT.

Primary Care Trusts

2.2.103 County Durham Primary Care Trust (PCT) is at the centre of the NHS and are responsible for commissioning health services in their local area. Darlington Primary Care Trust (PCT) is responsible for providing services.

2.2.104 The PCT takes the overall strategic lead for health services in local inter-agency working regarding child protection matters. The Primary Care Trust works in co-operation with other agencies in planning services for vulnerable children and their families and in ensuring that local health agencies and professionals contribute fully and effectively to local inter-agency working to safeguard children and promote their welfare.

2.2.105 If a health problem cannot be resolved through primary care, treatment will be needed from secondary care services. The Primary Care Trust is responsible for planning and commissioning secondary care services from other health agencies (such as Foundation Trusts and Mental Health Trusts). As such, it is accountable for its own child protection processes as well as those undertaken by agencies with which it has commissioning arrangements.

2.2.106 In addition the GP should be informed at the earliest opportunity when a referral about child abuse has been made by another member of the primary care team. GPs have a crucial role in the identification of abuse or neglect. GPs need to be aware of the signs and symptoms of abuse and neglect and know how to respond when they have such suspicions.

2.2.107 The Primary Care Trust should have a clear means of identifying in records those children who are the subject of a Child Protection Plan. This will enable them to be recognised by the

other practitioners within the practice. There should be effective communication between GPs, health visitors, school nurses, practice nurses and midwives in respect of all children about whom there are concerns.

Mental Health Services

- 2.2.108 Mental health services are provided by Tees, Esk & Wear Valley NHS Foundation Trust and Northumberland, Tyne & Wear NHS Trust. These services include Adult Mental Health, Child & Adolescent Mental Health Services (CAMHS), Learning Disability Services and Alcohol and Substance Misuse Services.
- 2.2.109 All mental health professionals have a duty to seek to discover whether any patient/client has responsibility for a child and to consider the impact his/her condition may have on that child and whether this requires a referral to Safeguarding & Specialist Services.
- 2.2.110 All mental health staff and GPs must be aware of the possibility of child abuse in parent/carers with personality disorder, mental illness, problems with aggression or violent behaviour and substance misuse or through misuse of drugs or alcohol.
- 2.2.111 The needs and protection of the child (including the unborn child) of these patients are a priority in the assessment of parents and should be undertaken in partnership with PCT staff and Safeguarding & Specialist Services.
- 2.2.112 Adult psychiatrists and psychologists treat both victims of past abuse and perpetrators.
- 2.2.113 Care programme meetings about users of mental health services must include consideration of any needs or risk factors with respect to any children concerned including arrangements for contact and discharge. Safeguarding & Specialist Services must be included in these meetings.
- 2.2.114 Guidance on children visiting psychiatric patients (HSC1999/222; LAC(99)32) include those detained under the Mental Health Act 1983 must be adhered to and any visit should be demonstrably in the best interests of the child.

Alcohol and Drug Services

- 2.2.115 A range of services are provided by health and voluntary organisations to respond to the needs of both adults and children who misuse substances. These services are linked to other agencies at local level through the Co Durham Drug & Alcohol Action Team (DAAT). It is important that arrangements are in place to ensure referrals are made to safeguard and promote the welfare of children.

North East Ambulance Service NHS Trust

2.2.116 North East Ambulance Service NHS Trust recognises that Ambulance crew will often be the first professional to arrive at an incident/accident and that their actions and recording of information may be crucial to subsequent enquiries. The Trust has in place child protection procedures that provides guidance for crews when they suspect that a child may have been abused or neglected. These procedures detail that in addition to providing any necessary paramedical attention, Ambulance crews should:

- carefully record the child's overall physical condition, clothing and the environment in which they were found;
- compare the injury/observed condition with any explanation provided by parent/carer;
- provide a confidential patient report to senior staff at the A&E Department;
- pass on any concerns to the Control Supervisor in Ambulance Control to be forwarded to Safeguarding & Specialist Services/Police.

2.2.117 The procedures advise that should a parent/carer refuse to allow the Ambulance crew to convey the child to hospital they should contact the Control Supervisor in Ambulance Control. The procedure also alerts Trust staff to the recognition and significance of domestic violence.

Designated Professionals

2.2.118 There is one Designated Nurse and one Designated Doctor responsible for County Durham.

2.2.119 These Designated Professionals provide a strategic and professional lead on all aspects of the Health Service contribution to safeguarding children.

2.2.120 The Designated Professionals are members of Durham LSCB.

2.2.121 Designated Professionals provide advice, expertise and support to the Named Professionals in each Trust.

Named Professionals

2.2.122 Each Trust in County Durham has identified a Named Doctor (or Named GP in the case of the Primary Care Trust) and a Named Nurse Safeguarding Children. There is also a Named Nurse Safeguarding Children for County Durham & Darlington NHS Foundation Trust and a Named Nurse Safeguarding Children for Tees, Esk and Wear Valleys NHS Foundation Trust.

- 2.2.123 Named Nurses Safeguarding Children and GPs are allocated proportionate to the local resident population. Therefore, although there is now one PCT, there are five Named Nurses Safeguarding Children and five Named GPs, one for each locality within County Durham. County Durham and Darlington NHS Foundation Trust has identified two Named Midwives, one for University Hospital of North Durham and one for Bishop Auckland General Hospital. The Named Nurse Safeguarding Children function for the Easington area of North Tees and Hartlepool NHS Foundation Trust is provided by the Named Nurse Safeguarding Children in Easington.
- 2.2.124 These Named Professionals provide a lead in operational child protection issues within their Trusts. They have a key role in promoting good professional practice within their Trust and provide advice and expertise for professionals.

Criminal Justice Organisations

Police Vulnerability Units

2.2.125 The Units work in the fields of adult, child and public protection and domestic violence. They provide a service that includes:

- protecting life and prevent/detect crime.
- investigating (often serious) crimes against children.
- instigating criminal proceedings, (in conjunction with the Crown Prosecution Service) provided there is sufficient evidence and that it is in the public interest to do so.
- sharing information within, and where necessary outside of the Police service to protect children.
- making decisions and undertake risk assessments.
- undertaking emergency protection of abused or neglected children and the use of powers of entry and removal where necessary.
- sharing information about sex offenders for Multi-Agency Public Protection Arrangements (MAPPA).

2.2.126 The Vulnerability Units Terms of Reference include investigating possible offences which occur involving:

- a child under the age of 18 who has been or is alleged to have been the victim of sexual or physical abuse by a relative, carer or other professional, including someone who is known to the child but is not a family member (i.e. neighbour, babysitter or family friend);
- the welfare or neglect of a child is of such concern that it is likely to constitute an offence under Section 1 of the Child & Young Persons Act 1933;
- a person who is a risk to children has moved into a household where there are children;
- any circumstances where a Strategy Meeting and/or Discussion should be held in accordance with the supervisor or senior officer suggests that there are underlying concerns that the child is or continues to be at risk of significant harm;
- a child under the age of 18 who has been or is alleged to have been the victim of sexual abuse perpetrated by another child where the circumstances of the abuse amount to a criminal offence or in any case where the alleged abuse gives rise to concern regarding the child's behaviour;

- a girl under the age of 16 has had sexual intercourse with a male. (Vulnerability Unit staff will **not** routinely investigate cases involving consensual sexual intercourse where the girl is aged over 13 but under 16 unless the circumstances are exceptional).

2.2.127 Investigations falling within the above Terms of Reference will be conducted by the Vulnerability Unit covering the area where the child lives.

2.2.128 Officers will deal with investigations outside the Vulnerability Unit's Terms of Reference, (to the same standard,) from the police station, which covers the area in which the offence occurred.

Co Durham National Probation Service

2.2.129 The key aims of the National Probation Service are:

- Protecting the public.
- Reducing re-offending.
- Proper punishment of offenders in the community.
- Ensuring offenders' awareness of the affects of crime on victims and the public.
- Rehabilitation of offenders.

2.2.130 Probation staff work predominantly with offenders aged 18 years and over.

2.2.131 The service also provides information and consultation to the victims (including child victims) of serious sexual and violent offenders.

2.2.132 Probation staff may become involved with cases relevant to child protection:

- In the course of preparing reports to the criminal courts.
- As a result of their responsibility for the supervision of offenders (including those convicted of offences against children).
- Where an offender had been subjected to abuse as a child.
- Where a 16 or 17 year old offender is or has been the subject of abuse.
- Where a court requests a bail hostel placement for a single carer.
- When a single carer is remanded or sentenced to custody.

2.2.133 All offenders referred to the Probation Service are assessed in terms of their risk level and needs by use of a standard assessment tool (OASys). Those assessed as high or very high risk are dealt with by means of Multi-Agency Public Protection Arrangements (MAPPA).

2.2.134 The Probation Service Victim Liaison Officer should consult Safeguarding & Specialist Services in cases where the victim is a child.

2.2.135 Probation staff have both statutory and non-statutory contact with sex offenders following release from prison and work with a range of offenders with less serious convictions against children.

- 2.2.136 When working with any member of a family where child abuse is known, or thought to have occurred and where the child remains in the care of, or has contact with the abuser, the Probation Officer must liaise closely with Safeguarding & Specialist Services and any other relevant agencies. (The exception is where a child has been removed and has no planned contact).
- 2.2.137 Accurate and up to date records should be kept of all communications and information about the abuse or suspected abuse.

The Secure Estate for Children and Young People

- 2.2.138 The Youth Justice Board has statutory responsibility for the commissioning and purchasing of all secure accommodation for children and for setting standards for the delivery of those services. The Secure Estate comprises Prison Service accommodation for juveniles (Young Offender Institutions), Secure Training Centres and Secure Children's Homes provided by Local Authorities.

The Prison Service

- 2.2.139 The Prison Service should work closely with other agencies to identify any prisoner who may represent a risk to the public on release. Governors are required to notify Safeguarding & Specialist Services and Probation Service of any plans to release prisoners convicted of offences against children and young people so that action can be taken by agencies in the community to minimise any risk.
- 2.2.140 Prisons will normally promote family contact for prisoners during their sentence, but they also have a duty towards children who may visit prisoners or receive contact from prisoners. Governors can disallow any visit to an inmate by someone under 18 years of age if such a visit would not be in the best interests of that young person. Governors can stop a prisoner corresponding to a young person if a parent requests it. Prisons are also required to implement a range of measures to minimise the risk that certain prisoners, particularly those charged with or convicted of sexual offences against children, may pose to children.
- 2.2.141 Prison Governors should seek the advice of Safeguarding & Specialist Services on these matters when necessary.
- 2.2.142 The Prison Service has a duty to protect and promote the welfare of children; these obligations are contained in **Prison Service Order 4950**⁴² that requires Prisons to undertake a set of tasks in consultation with the LSCB.
- 2.2.143 Governors must appoint a "Child Protection Co-ordinator" and should also establish a Child Protection Committee the minimum core membership of which must include:

- a Governor grade representative;
- a representative from the LSCB;
- the establishment's Child Protection Co-ordinator;
- representatives of Health Care, Through Care and the Chaplaincy;

⁴² pso.hmprisonservice.gov.uk/PSO_4950_regimes_for_juveniles.doc

- a representative of the Youth Offending Service;
- a representative of the Personnel Officer/Case Worker.

2.2.144 The key objectives of the Committee will be to:

- develop a child protection protocol in consultation with the LSCB;
- identify a named Safeguarding & Specialist Services officer to provide informal advice and to accept formal referrals;
- select and train the establishment's Child Protection Co-ordinator;
- agree criteria for assessment of circumstances which may lead to a formal referral;
- agree a procedure for dealing with instances of significant harm which may have occurred before a young person came into the establishment.

2.2.145 This notification enables enquiries to be made regarding potential risk posed to children.

Crown Prosecution Service⁴³(CPS)

2.2.146 The Crown Prosecution Service (CPS) is the Government Department responsible for prosecuting people in England and Wales who have been charged by the Police with a criminal offence. Created by the Prosecution of Offences Act 1985⁴⁴, the CPS is an independent body that works closely with the Police.

2.2.147 The CPS is the principal prosecuting authority in England and Wales. They are responsible for advising the Police on cases for possible prosecution, reviewing cases submitted by the Police, preparing cases for court and the presentation of cases at court. The role of the service is to prosecute cases firmly, fairly and effectively when there is sufficient evidence to provide a realistic prospect of conviction and when it is in the public interest to do so.

⁴³ <http://www.cps.gov.uk/>

⁴⁴ http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1985/cukpga_19850023_en_1

Other Services

Durham County Council Corporate & Legal Services

- 2.2.148 Durham County Council employ a team of solicitors who are available to advise Safeguarding & Specialist Services staff on all aspects of legislation relating to children, including child protection and care proceedings.
- 2.2.149 The solicitor will consider whether the grounds exist to issue care proceedings and/or Emergency Protection Orders and must be involved in discussion with relevant staff before the decision is made to commence proceedings. This will involve the solicitor in discussing the proposed Child Protection Plan for the child, as this will have an impact on whether care proceedings are necessary to protect the child.
- 2.2.150 As a representative of the Director of Corporate & Legal Services, who is the County Council's Monitoring Officer, the solicitor is responsible for taking steps to avoid unnecessary complaints being made against the County Council, including applications for judicial law.

Children and Family Courts Advisory and Support Service (CAFCASS)

- 2.2.151 CAFCASS has the responsibility to advise the courts on the needs and interests of children who are the subject of family court proceedings, on issues such as applications for Residence or Contact Orders, adoption and disputes about specific issues such as preventing a child being taken abroad.
- 2.2.152 Staff employed by CAFCASS undertake the roles of children's guardian; reporting officer; children and family reporter; and parental order reporter.
- 2.2.153 The functions of the service in respect of family proceedings in which the welfare of children is or may be in question, are to:
- safeguard and promote the welfare of children;
 - give advice to any court about any application made to it in such proceedings;
 - make provision for the children to be represented in such proceedings;
 - provide information, advice and other support for the children and their families.
- 2.2.154 CAFCASS staff should be informed of any s47 enquiries or domestic abuse incidents, on cases in which they have an involvement, and be kept informed of and, where appropriate, invited to Strategy Discussions and/or Meetings, Child Protection Conferences and child care reviews.
- 2.2.155 CAFCASS staff should also report any concerns without delay to Safeguarding & Specialist Services.
- 2.2.156 Proforma requests from CAFCASS seeking information in private law matters about a child or family known to Safeguarding & Specialist Services should be responded to promptly.

2.2.157 Where necessary, a summary report indicating the extent of Safeguarding & Specialist Services involvement and any ongoing welfare concerns about a child and/or adults should be provided.

Office for Standards in Education ⁴⁵**(OfSTED)**

2.2.158 Registered childminders and day care providers must satisfy explicit criteria in order to meet the national standard with respect to child protection (Standard 13). Ensuring that they do so is the responsibility of OfSTED.

2.2.159 OfSTED requires that:

- all childminders and day care staff have knowledge of child protection, including the signs and symptoms of abuse and what to do if abuse or neglect is suspected;
- those who are entrusted with the day care of children or who childmind have the personal capacity and skills to ensure children are looked after in a nurturing and safe manner.

2.2.160 OfSTED will seek to ensure that day care providers:

- ensure the environment in which children are cared for is safe;
- have child protection training policies and procedures in place, which are consistent with these procedures;
- be able to demonstrate that their procedures have been followed when an allegation is made.

2.2.161 OfSTED must be informed when a child protection referral is made to Safeguarding & Specialist Services about:

- a person who works as a childminder; *or*
- a person who works in day care for children; *or*
- any service regulated by OfSTED's Early Years Directorate.

2.2.162 OfSTED must be invited to any Strategy Meeting where an allegation might have implications for other users of the day care service and/or the registration of the provider.

2.2.163 OfSTED must seek to cancel registration if children are at risk of significant harm by being looked after in childminding or day care settings.

2.2.164 Where warranted OfSTED will bring civil proceedings or criminal proceedings against registered or unregistered day care providers.

Department for Children, Schools & Families ⁴⁶**(DCSF)**

⁴⁵ <http://www.ofsted.gov.uk/>

⁴⁶ <http://www.dcsf.gov.uk/>

- 2.2.165 The DCSF brings together the inspection, regulation and review of all social care services into one organisation. In County Durham, DCSF:
- registers private and voluntary care services, which are required to meet national standards.
 - inspects, assesses and reviews all care services.
 - inspects boarding schools, residential special schools and further education colleges with residential students under 18 years.
 - publishes an inspection report.
 - provides details of the number and quality of private and voluntary care services.
 - deals with complaints about care service providers.
 - takes enforcement action when services do not meet minimum standards.
- 2.2.166 DCSF will require such providers to meet national standards with respect to child protection, relevant to the service they offer.
- 2.2.167 Providers will also be expected to have knowledge of child protection, including signs and symptoms and what to do if abuse or neglect is suspected.
- 2.2.168 DCSF must be informed when a child protection referral is made to Safeguarding & Specialist Services regarding, a person who works in any of the services regulated by the DCSF.
- 2.2.169 DCSF should be invited to any Strategy Meetings convened due to concerns or allegations about staff or carers in regulated settings.

County Durham and Darlington Fire and Rescue Service⁴⁷

- 2.2.170 County Durham Fire and Rescue Service provides a range of youth engagement programmes aimed at providing life skills and fire safety behaviour as well as delivering programmes to address fire dangerous behaviour.
- 2.2.171 County Durham Fire and Rescue Service recognises that the protection and safety of children and young people is everyone's responsibility and ensures through guidance and training that staff are alert to the possibility of having to deal with the children who are the subject of suspected abuse or neglect. There is an agreed policy and good practice guide, which establishes the roles and responsibilities of staff in relation to the protection of children, with whom they come into contact through their work.

⁴⁷ <http://www.ddfra.co.uk/>

- 2.2.172 Staff must follow these procedures if they suspect or believe that a child may be at risk of abuse, is being or has been abused either by:
- a member of staff;
 - a family member;
 - any other person, including another child.
- 2.2.173 The guidance produced by the Service identifies that designated officers within the Community Safety Department should be consulted if concerns are identified.

The Armed Services

- 2.2.174 Responsibility for the welfare of Armed Forces families is vested in the employing services and specifically in the Commanding Officer.
- 2.2.175 The frequency of moves makes it imperative that Armed Forces authorities are fully aware of any child deemed at risk.
- 2.2.176 All three Services provide professional welfare support to augment that provided by the Local Authority. When Service personnel (or civilians working with the Armed Forces) are based overseas, the Service responsibility is widened to include the protection of their children.
- 2.2.177 The Service authorities should co-operate with statutory agencies and support Service families where child abuse or neglect occurs or is suspected.
- 2.2.178 The information they hold on any family can help in the assessment and review of child protection cases.
- 2.2.179 Service authorities may also hold information on ex-Service families, which may help with current enquiries.

Within United Kingdom

- 2.2.180 Service authorities, through their internal instructions, are made aware that the primary responsibility for the protection of children is with the Local Authority and that assistance should be given to enable it to fulfil its statutory obligations.
- 2.2.181 Incidents of child abuse and neglect, indicating serious harm or injury, should be referred to Safeguarding & Specialist Services for enquiries to be undertaken.

Army

- 2.2.182 The provision of secondary welfare support to Army families in the UK is the responsibility of the **Army Families Welfare Service**⁴⁸(AWS).
- 2.2.183 Where a child from an Army family is subject of a child protection enquiry, contact should be made immediately with the local AWS Personal Support.

⁴⁸ <http://www.army.mod.uk/welfare-support/welfare-support.aspx>

Royal Air Force (RAF)

- 2.2.184 The Station's Personnel Department, usually the Officer Commanding Personnel Management Squadron (OCPMS), generally manages welfare support in the RAF.
- 2.2.185 The Department liaises and works closely with the Soldiers, Sailors, Air Force Association – Forces Help (SSAFA-FH) social work assistant, and a professionally qualified social work adviser.
- 2.2.186 In the event of a child protection enquiry Safeguarding & Specialist Services liaison should be with the OCPMS and the SSAFA-FH social work adviser for the area.

Royal Navy/Royal Marines

- 2.2.187 All child protection matters are handled by the Naval Personal and Family Service (NPFs) - the Royal Navy's own social work department.
- 2.2.188 In the event of a child protection enquiry Safeguarding & Specialist Services liaison should be with the NPFs, who are able to discuss and facilitate service action on behalf of families.

Overseas

- 2.2.189 Local Authorities should ensure that SSAFA is made aware of any Service child subject to a Child Protection Plan whose family is about to move overseas.
- 2.2.190 SSAFA can confirm the existence of appropriate resources in the proposed overseas location to meet identified needs. Full documentation should be provided to SSAFA.
- 2.2.191 SSAFA-FH provides, at the request of the Ministry of Defence (MOD) a qualified social work and health visiting service to families of all Services overseas.
- 2.2.192 Procedures exist in all three Services for the monitoring of the protection of children, and the usual rules of confidentiality are observed.
- 2.2.193 When it appears a child is in need of emergency protection a designated person may make an application for a Protection Order (**ss. 19-22 Armed Forces Act 1991**⁴⁹) to a Commanding Officer. This Order may last up to a maximum of 28 days, subject to review every seven days by a senior officer.
- 2.2.194 If a Child Protection Conference decides, whilst the Order is in force, that it is not in the child's best interests to return to his/her parents, the child will be removed to the care of an appropriate Local Authority in the UK.
- 2.2.195 Assistance will be given to parents to return to the UK so they can be involved with all proceedings and decisions affecting their child.
- 2.2.196 The Protection Order, made in the overseas command, remains in effect for 24 hours following the arrival of the child in the UK. During this period the Local Authority must decide whether to apply to the UK court for an Emergency Protection Order (EPO).

⁴⁹ http://www.opsi.gov.uk/acts/acts1991/ukpga_19910062_en_3#pt3-l1g19

- 2.2.197 When a Service family with a child in need of protection is about to return to the UK, SSAFA or the NPFS is responsible for informing the relevant Local Authority and for ensuring that full documentation is provided to assist in the management of the case.

Movement of Children between the United Kingdom and Overseas

- 2.2.198 Local Authorities should ensure that SSAFA-FH, the British Forces Social Work Service (Overseas), for the NPFS for RN families, is made aware of any service child who is the subject of a Child Protection Plan whose family is about to transfer overseas. In the interests of the child, SSAFA-FH, the British Forces Social Work Service (Overseas) or NPFS can confirm appropriate resources exist in the proposed location to meet identified needs. Full documentation should be provided which will be forwarded to the relevant overseas Command. All referrals should be made to the Director of Social Work, HQ SSAFA-FH or Area Officer, NPFS (East) as appropriate. Comprehensive reciprocal arrangements exist for the referral of child protection cases subject to a Child Protection Plan to appropriate UK authorities on the temporary or permanent relocation of such children to the UK from overseas.

Enquiries about Children of Ex-Service Families

- 2.2.199 Where a Local Authority believes that a child is subject of current child protection processes is from an ex-Service family, NPFS, AWS or SSAFA-FH can be contacted to establish whether there is existing information which might help with enquiries. Such enquiries should be addressed to NPFS, AWS or the Director of Social Work, SSAFA-FH

The NSPCC

- 2.2.200 The (NSPCC) is a National Charity with a duty to protect children from abuse and neglect and has the statutory power to bring care proceedings in its own right. The NSPCC operates a national 24-hour **child protection helpline**⁵⁰, which accepts referrals and passes the information to the relevant Safeguarding & Specialist Services or Police Force.
- 2.2.201 The NSPCC may also be commissioned to undertake specific child protection related work, including s47 enquiries and, 'special investigations'.
- 2.2.202 The NSPCC also provides services direct to children and families and has the same responsibilities in this respect as other voluntary agencies (see below).

⁵⁰ http://www.nspcc.org.uk/helpandadvice/helpandadvicehub_wdh45208.html

The Voluntary and Private Sectors

2.2.203 All voluntary agencies and groups (some of which undertake work commissioned by Local Authorities) should be encouraged and supported by Local Authorities to develop child protection procedures consistent with these procedures.

2.2.204 The agency/group should ensure that all staff and volunteers:

- have been checked for suitability for working with children and understand the extent and limits of the volunteers role;
- are sensitive to the possibility of child abuse and neglect in all environments in which they have responsibility for children;
- have access to training opportunities to promote their knowledge;
- know how to report any concerns they have about possible abuse or neglect;
- are vigilant about their own actions so they cannot be misinterpreted.

2.2.205 The agency/group should:

- have guidelines about the care of children in the absence of parents, which respect the rights of the child and the responsibilities of the adults towards them;
- have guidelines about safe caring practices, e.g. not being alone with children without alerting others to the reason, ensuring all allegations, however minor, are reported to the agency/group manager/leader;
- nominate a senior member of staff to take responsibility for drawing up and maintaining policy for child protection;
- promote and maintain links with local statutory agencies in relation to both general and specific child protection matters.

2.2.206 Where independent agencies have a formal relationship with statutory ones, e.g. subject to registration and inspection or contracted to provide services, the statutory agencies may reasonably be expected to provide clear advice and assistance.

Sports Clubs

- 2.2.207 Many children regularly attend sports clubs and all such organisations should have their own child protection procedures and training for relevant staff and volunteers.
- 2.2.208 The **NSPCC Child Protection in Sport**⁵¹ (CPSU) works in partnership with Sport England and other major sports organisations to develop safeguards for children in sport.
- 2.2.209 In partnership with Ladbrokes, the NSPCC has issued a free leaflet and checklist of questions (*Have Fun Be Safe*) that parents and carers should be asking for, from organisations offering sports activities for children (available from NSPCC and Ladbrokes shops).
- 2.2.210 The Football Association (FA), for example has its own child protection policy and procedures and provides mandatory training for coaches, referees and volunteers involved in local football clubs.
- 2.2.211 The child protection procedures instruct individuals to seek advice or make referral to the NSPCC helpline, Safeguarding & Specialist Services or the Police.
- 2.2.212 Where suspected abuse occurs within a football setting, the FA Head of Education & Child Protection should be informed of the concerns and will provide information for any child protection enquiries and Strategy Discussions and/or Meetings.

Faith Communities

- 2.2.213 Faith communities have an important role to play in child protection, which reflects children's:
- attendance at religious services and ceremonies.
 - participation in study groups/lessons.
 - involvement in crèches.
 - attendance at youth clubs.
 - use, either alone or with parent/s of available counselling, mentoring and confessional services.
 - involvement in groups using faith community premises, e.g. halls.
 - all faith communities should, with support from nominated individuals in Durham Local Safeguarding Children Board, develop and maintain their own child protection procedures, consistent with those in these procedures.

⁵¹ http://www.nspcc.org.uk/inform/cpsu/cpsu_wda57648.html

2.2.214 Faith communities should ensure that all clergy, staff and volunteers who have regular contact with children:

- have been checked for suitability in working with children and understand the extent and limits of the volunteers role;
- are sensitive to the possibility of child abuse and neglect;
- have access to training opportunities to promote their knowledge;
- know how to report any concerns about possible abuse or neglect;
- are vigilant about their own actions so they cannot be misinterpreted.

2.2.215 Faith communities should:

- nominate an individual to take responsibility for drawing up and maintaining policy for child protection.
- have guidelines about the care of children in the absence of parents, which respect the rights of the child and the responsibilities of the adults towards them.
- have guidelines about safe caring practices e.g. not being alone with children without alerting others to the reason, ensuring all allegations, however minor, are reported to the agency/group manager/leader.
- ensure that any organisations who hire premises e.g. playgroups have child protection procedures in place.
- promote and maintain links with the statutory agencies in relation to both general and specific child protection matters.

2.2.216 Whenever there is concern that a child has been abused or neglected the concern should be referred, without delay, to Safeguarding & Specialist Services for the area in which the child lives.

2.2.217 Safeguarding & Specialist Services may also be contacted for consultation.