

# Safeguarding Policy

August 2016



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## Policy Review

<b>Issue</b>	<b>Updates (pages)</b>	<b>Date</b>	<b>Reviewer</b>
Anti-bullying & Harassment Policy link	8	22/02/2016	Karen Birch
Full policy review		14/07/2016	Karen Birch
External policy review	4 & 5	24/08/2016	Karen Birch

## Purpose

The purpose of The Mighty Creatives (TMC) Safeguarding Policy is to protect children from abuse and harm. The policy aims to promote good practice, raise awareness and to allow all trustees, staff, volunteers, contractors and partners to make informed and confident responses to specific protection and safeguarding issues. It gives important information about how to recognise signs of abuse and clear procedures for action in the case of suspected abuse. The policy also provides clear lines of communication and support for members of staff encountering these issues. The policy is available at [www.themightycreatives.com](http://www.themightycreatives.com).

## What you need to do

We expect everyone who represents TMC (trustees, staff, volunteers, contractors and partners) to have read, understood and adhere to this policy, our **Professional Conduct** and related procedures.

1. Make sure you have read this policy - the policy is available on SharePoint and at [www.themightycreatives.com](http://www.themightycreatives.com).
2. Make sure, as a new member of staff, you receive the policy Briefing and Introduction to Child Protection online training during your induction.
3. Make sure you are aware of the signs of possible abuse.
4. Make sure you know what to do if a child discloses abuse to you.
5. Make sure you know who to contact if you suspect abuse and who your Designated Safeguarding Lead (DSL) are.
6. Make sure you carry out a risk assessment for all activity with children and young people using the templates and training provided.
7. Make sure you have effective risk management and reporting systems in place for all activity with children and young people, aligned with contractor's risk management procedures.
8. Make sure you always follow-through on our values commitment to keep children and young people safe from harm.

## TMC Safeguarding Policy Statement

TMC is committed to safeguarding all children and vulnerable adults that come into contact with our work. We believe that the welfare of children and vulnerable adults is paramount:

- All children and vulnerable adults have an equal right to protection from abuse and to be kept safe from harm, regardless of their age, race, religion, nationality, ability, gender, language, or sexual orientation/identity.
- All suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately.
- All activities involving children and vulnerable adults should be managed in an exemplary manner, with consideration given to risk assessments and risk management as a routine aspect of our work.

- Trustees, staff, volunteers, contractors and partners should be clear about their responsibilities and know how to respond appropriately, supported by good practice in recruitment and procurement.
- TMC is committed to sound selection and recruitment procedures and good practice for all individuals working with the organisation whether in a paid or voluntary capacity.
- TMC will ensure that individuals will receive support through education and training, to be aware of and understand best practice and how to manage any welfare issues which may come to light.
- TMC recognises the needs of minority ethnic groups, disabled children and other hard to reach children. We recognise that they may face barriers in terms of communication and access that we need to overcome in order to ensure their safety. We will use specialist policies accordingly, e.g. SEN sector.
- TMC recognises that it is not the responsibility of trustees, staff, volunteers or contractors to determine if abuse has taken place, but it is their responsibility to act upon and report any concerns.
- TMC is committed to embedding and promoting safeguarding throughout the organisation at every level of operation.

**We will endeavour to safeguard children and vulnerable adults by:**

- Valuing them, listening to and respecting them.
- Adopting this policy and adhering to our associated policies and procedures, summarised in the Policy Matrix.
- Ensuring all necessary checks are made in the recruitment of all TMC workers, including trustees, staff, volunteers and contractors.
- Ensuring the appropriate permissions and risk assessments are completed and that that effective risk management procedures are in place and signed off by DSL.
- Sharing information about our safeguarding and child protection procedures with children, parents, partner organisations, schools, TMC staff, trustees and contractors so that roles and responsibilities are clear.
- Reporting disclosures and other concerns to agencies with responsibility for children and young people, involving children, partner organisations, school staff and parents appropriately.
- Providing effective management of staff and volunteers through supervision, support and training.
- Maintaining up to date knowledge on best practice, current and forthcoming legislation and procedures.
- Embedding and promoting child protection and safeguarding throughout the organisation and partnerships.
- Providing information, guidance and training for all TMC workers within the safeguarding context.

**Policy review**

We are committed to reviewing this policy and procedures annually or when changes in legislation require, updating our action plan as appropriate.

We will work with child protection and safeguarding specialists when reviewing the policy.

## Dealing with situations where a child is in need

**TMC will take every reasonable step to ensure that children and vulnerable adults are protected where:**

- Our own staff are directly involved in a project or partnership, including young people involved in the governance of our organisation, those in direct communication with us through our services, products and project activities, and those taking part in work placements;
- We contract an individual or organisation to work with a school or young people's setting;
- We work in partnership with another organisation.

### REMEMBER

**It is important that everyone in TMC is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional child protection agencies following a referral by a TMC Designated Safeguarding Lead (DSL) to them of concern about a child.**

### Suspicious

TMC staff and volunteers should be aware of the signs and symptoms of abuse and should make sure they can recognise these in the children they come into contact with. Any suspicion of abuse must be reported in the first instance to a TMC DSL (see page 8) and a TMC reporting form completed, Reporting Disclosure Form.

- If anyone sees or suspects abuse of a child or young person, they should make the person with lead responsibility for child protection aware of the problem (the DSL in schools).
- If they suspect that the person with legal responsibility is actually the source of the problem, they should make their concerns known to another DSL and the Chair of Governors (in schools).
- The individual should make a note for their **own** records of what they have witnessed as well as their response, and must always make their line manager (or project manager) aware of the situation, in case there is a follow-up.

### Handling a Disclosure

It is possible that a child or young person who is suffering, or has suffered abuse, will disclose to a TMC representative or member of staff. It is vital that the adult receives the full information. This is something that everyone should be prepared for and must handle carefully. The following action should be taken:

- Remain calm and in control ("I can help") but don't delay acting;
- The child should be reassured ("You've done the right thing sharing");

- Listen carefully to what is said. Allow the person to tell the story at their own pace and ask questions only for clarification. Don't ask questions that suggest a particular answer;
- Don't promise to 'keep it a secret'. The first opportunity should be taken to say that this information will have to be shared with others. It should be made clear that only people who need to know will be told and they should be able to help ("We might need to ask someone for help in dealing with the matter");
- The child should be told what is going to happen next;
- Notify a TMC DSL. It is that person's responsibility to liaise with relevant authorities, usually social services. If in a school, you should also notify the DSL;
- In confidence, you should notify your line manager immediately that you have been disclosed to – not the details of the disclosure, so that you can be offered support;
- As soon as possible a note should be made of what was said, using the child's own words. Do not do this when with the child. Note the date, time, any names that were involved or mentioned and who the information was given to. Sign and date the record.

Remember not all disclosures are obvious. Some children will be too frightened to directly disclose abuse but will make hints and even jokes to try and make an appropriate adult aware of the issue.

Flow chart setting out process to be followed by staff when they have concerns about a child. Chart is used in staff inductions alongside a detailed briefing of handling a disclosure.

## Where allegations of abuse are made against a member of staff

### Rights and confidentiality

If a complaint or allegation is made against a member of TMC staff, they should be made aware of their rights under both employment law and internal disciplinary procedures. This is the responsibility of the Chief Executive or Directors. Both the alleged abuser and the person who is thought to have been abused have the right to confidentiality under the Data Protection Act 1998. In criminal law the Crown or other prosecuting authority has to prove guilt and the defendant is presumed innocent until proven guilty.

Complaints against a representative will always and without exception be investigated. Where there is a complaint against a member of staff there may be three types of investigation:

- A disciplinary or misconduct investigation
- A child protection investigation
- A criminal investigation

### Internal enquiries and suspension

In the event of an accusation of abuse being made against any TMC representative, the individual accused will be suspended following immediate advice by the police and pending further investigations. The temporary suspension of a TMC representative in no way implies guilt or innocence. It is a measure intended to protect and reassure both staff and children.

The TMC Operations and Finance Committee (composed of trustees) is responsible for assessing all cases based upon available information. The TMC representative against whom an accusation has been made will be required to attend an interview with the Operations and Finance Committee - or a working group thereof including the DSL as appropriate - as early as possible. TMC representatives are entitled to be accompanied to this interview. Minutes will be taken of the interview. The task of the Operations and Finance Committee is to decide whether or not the representative should be allowed to continue to work with children on behalf of TMC and to agree and oversee an appropriate course of actions and decisions in-keeping with the organisation's legal obligations. At all times the welfare of children should be of paramount importance.

In all cases where the accusation of abuse is found to be true, the Operations and Finance Committee will normally terminate the employment, contract or agreement with the individual. Lesser measures may be taken at the discretion of the Operations and Finance Committee and in-keeping with TMC's terms and conditions of employment and or contract.

Please note that TMC's Whistleblowing Policy applies to child protection matters.

## **Disclosure and Barring Service checks**

### **When we DBS check**

Some activity delivered by TMC staff may fall under 'regulated' activity. In this case staff carrying out these roles will require an Enhanced DBS with a check of the barred list. For TMC this is most likely to apply to direct delivery with children and young people such as residential activity but may also apply to other project work. If staff are not carrying out regular, unsupervised work with children and young people, they will not need a DBS check.

There may be a lower level of check required in some areas of our work where all regulated activity criteria is met **apart** from the number of times the activity is carried out in a month. Here we will carry out a Standard DBS check.

Decisions about when we DBS check will be made on a case by case basis and regularly reviewed.

### **Contracted organisations and individuals**

All contractors, e.g. freelancers, consultants, and organisations receiving investment, must sign up to following statement:

If the activity involves work with children, young people or vulnerable adults ("vulnerable people" aged 18 and under), you must take all reasonable steps to ensure their safety. You must have an appropriate written policy and set of procedures in place at all times to safeguard vulnerable people. This will include procedures to check backgrounds and disclosures of trustees, employees, volunteers, or contractors who will have significant direct contact with vulnerable people with the Disclosure and Barring Service. You must make a copy of your policy and procedures available to us upon our written request.

### **What we do if a positive DBS disclosure**

TMC will make direct contact with the individual, or with the organisation's project manager, if applicable. The purpose of this conversation is to assess any risks attached to the individual involved working with children and young people. The conversation will also reinforce our processes and the next steps that will be taken.

It may be necessary for TMC and or the individual and or organisation to seek advice from Nacro. They will be able to advise whether the conviction is seen as 'spent', offer advice on how much information to disclose at what stage and give clear guidance as to what your responsibilities are and issues relating to confidentiality.

With lead responsibility for child protection and as a DSL, the Programme Director will be informed of the situation, but at this stage does not necessarily need to know who the individual concerned is.

### **Work in Schools**

If relating to work in a school, TMC will inform the **DSL only** of the contents of this disclosure. A discussion must be had with the individual concerned to make them aware of this and to discuss how they would like to handle the situation. It may be that this might take more than one meeting as the individual may wish to be consulted as to how much detail is revealed and at what point. If the individual is not then allowed to work in the school, following guidelines in the Rehabilitation of Offenders Act, the designated officer must meet with the individual concerned so they have a chance to state their case prior to a final decision being taken.

It is the DSL's decision as to whether the individual can work in their school. Based on TMC knowledge of the offence and individual, we can choose to recommend to the school whether or not we feel the conviction is relevant, and will do our utmost to ensure that we do this in an anti-discriminatory manner. Details of the disclosure will be handled with discretion and through appropriate decision-making channels.

If the individual chooses to withdraw from the project, all paperwork relating to that person and their disclosure must be returned to them or destroyed.

### **TMC Designated Safeguarding Leads and key contacts**

Everyone has a part to play in children's welfare and keeping them safe from abuse or neglect. If you have concerns that a child may be being neglected or abused - don't keep it to yourself, no-one will criticise you for reporting any concerns. Speak to one of the TMC DSL's in the first instance (see below) or if you are in another setting e.g. a school or arts organisation speak to the person who has lead responsibility for child protection there.

TMC has appointed three DSL's – one a trustee and two permanent members of the staff team. One of these officers will be available when work with young people is taking place.

Development Manager: **Hazel Townsend** 07725 660525

Programme Director: **Karen Birch** 07909 680385 (lead responsibility for the Safeguarding Policy)

Interim Co-Chair, Board of Trustees: **Barbara Raisbeck**

For queries about DBS checks and process please contact Executive Assistant: **Jackie Sloan**. A central register is held.

### **Key contacts**

The link below provides contact details for all Designated Safeguarding Leads in the East Midlands. Contact will usually be made by a TMC DSL. [DSL Contacts](#).

### **IN AN EMERGENCY**

**Police:** If you believe that a child is at immediate risk and in need of protection then you should call the Police - 999 - immediately.

## **TMC Code of Behaviour**

All TMC staff and volunteers must understand and follow the practices outlined in the Professional Conduct (see page 2), Safeguarding Policy Statement (see pages 2-3). All staff, volunteers, contractors and freelance staff must also sign up to our [Anti-bullying and Harassment Policy](#).

## **Ongoing support and training for staff, volunteers, trustees**

All new trustees, staff and volunteers will be introduced to TMC's Safeguarding Policy and procedures as part of the induction process (detailed briefing within 3 months for trustees and within 2 weeks for staff and volunteers) and will undertake child protection training within their first 6 months for trustees and 2 months for staff and volunteers, followed by annual refresher training. In addition, TMC will deliver internal child protection briefings for all staff on policy and procedures at least twice per year.

All trustees will be offered child protection training for trustees annually, and will be invited to staff training.

## **Collection, storage and use of personal information**

Informed consent must be given by young people for TMC to collect, store and use their personal details. Only necessary data should be collected when:

1. meeting young people for first time at event or via a website enquiry – initial contact
2. young people are taking part in activity – active engagement

Personal information about young people must be kept digitally in a central password protected folder on SharePoint. Personal information should not be held in hard copy, on individual laptops, communications devices or computer networks such as SharePoint. The exception to this is whilst a young person is taking part in a project and contact details (name, email, phone number) can be held if necessary on individual contacts, deleted at the end of the project.

Data is reviewed, deleted or renewed every two years. Data will only be held once a young person is contacted and consent given again to continue holding information whilst ensuring that it remains accurate and up to date.

### **Permissions and consents**

Written permission from a parent or person with legal parental responsibility must be given for a child or young person to do the following:

- use ICT and internet equipment if under 16
- be photographed or filmed if under 12, recommended if under 16
- take part in activity and projects if under 18

### **Use of photographs and video**

- Parents or guardians of children and young people will be asked to give their permission for photographs to be taken
- Parents or guardians of children and young people must give prior written permission for the use of any photographs or video
- Children's names will not usually accompany photographs. Where they are used we will have the permission of either their parent or school. Then only first names will be used by TMC.

The following templates must be used:

- TMC Participation and Consent Form, under 18
- TMC Young Person Image Permissions Form
- TMC Group Image Permission Form
- TMC Consent Form, 18 and over

### **Online safety**

Because of the increased dangers faced by children online, online safety has been reflected in this policy and in staff training. Based on the systems we have in place, and the commissioning of new systems, we will ensure that appropriate filtering and monitoring systems are in place.

Because we recognise that no filter can block all undesirable material we take a whole organisation approach that is best practice with regards to online safety. This policy is linked to a new Digital Policy (to be released September 2016) covering all aspects of company information technology and internet activity.

With regards to online safety and child protection, this policy covers social media, TMC website and microsites. We will use guidance provided by the UK Safer Internet Centre and will do what is

appropriate in terms of TMC services, products and marketing to ensure that filtering and monitoring measures taken are proportionate to the risk.

We will actively make decisions about what to teach children and young people on online safety based on the activity taking place.

### **Social media**

- The Commercial Director is responsible for the Digital Policy and Action Plan. The corporate and project use of social media tools are included in this policy in addition to use of IT equipment
- TMC staff are never allowed to accept as a “friend” children they are or have worked with through TMC
- If social media is planned for use in project or activity, a meeting needs to happen with the Commercial Director and Child Protection Officer prior to initiating
- TMC contact details will always be included social media sites so that any issues or concerns can be reported directly to TMC
- If you have any concerns regarding content generated by users on social media sites linked to TMC, this should be reported to the Data Protection Officer
- Online concerns can also be reported immediately to the Child Exploitation and Online Protection Centre (CEOP) at the same time as the TMC Data Protection Officer.

### **TMC website**

- Children are advised that they should protect their own privacy online, the TMC website includes the TMC Privacy Statement
- The Commercial Director and Data Protection Officer is responsible for the team that administers the TMC website in adherence to this policy.

**ENDS.**

#### **THE MIGHTY CREATIVES**

w. [themightycreatives.com](http://themightycreatives.com)

tw. @MightyCreatives

fb. [fb/TheMightyCreatives](https://www.facebook.com/TheMightyCreatives)

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