



## **CHILD PROTECTION POLICY**

Wareham Town Council aims to safeguard children from abuse and exploitation in all that it does.

All children have a right to protection from abuse, violence and exploitation. Children and young people need protection and safeguarding for many reasons. They may need protection from the effects of poverty, disadvantage, exclusion and violence.

The Town Council works to provide a safe environment for children.

This policy applies to all staff, councillors, and volunteers.

### **THE POLICY**

In this policy the Town Council is concerned with specific incidents of maltreatment of, or report of abuse against, a child who is in contact with a Town Councillor, the staff, volunteers or representatives.

The Council's policy is to refer concerns to the correct authorities, which are the Social Services Department of Dorset County Council and the Police Authority.

This policy will be reviewed every three years, or whenever appropriate.

### **Child rights**

Every child has the right to grow up and develop to their full potential in a secure, safe, family environment, free from poverty and exploitation.

All children have a right to protection: "...from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s), or any other person who has the care of the child".

Defining child abuse is a difficult and complex issue. A person may abuse a child by inflicting harm, or by failing to prevent harm. Children may be abused in a family, institution or community setting, by those known and trusted to them or, more rarely, by a stranger.

In England and Wales there are four categories of abuse in general use:

Physical injury: may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child including fabricating the symptoms of, or deliberately causing, ill health to a child.

**Neglect**: the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to, a child's basic emotional needs.

**Emotional abuse**: persistent or emotional ill treatment of a child that adversely affects their development. May involve conveying to a child that they are worthless, unloved, and inadequate, there only to meet the needs of another; or where inappropriate expectations are imposed upon them. In addition it includes children who are regularly frightened, exploited or corrupted.

**Sexual abuse**: involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may also include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.

Vulnerable children are particularly open to abuse such as minority ethnic groups, street children, refugee and asylum-seeking children and those who live with families where there is an alcohol or drug problem, mental health or domestic violence.

The Town Council's action must represent the best interests of the child.

### **Who Abuses**

Most children are loved and cherished by parents, carers and communities. Similarly most people working with children recognise they are in a special position with respect to the influence and power they wield. However, the Town Council needs to be vigilant since those who want to abuse and harm children exist in all societies, cultures and organisations.

The Town Council may provide possibilities for befriending and establishing relationships with vulnerable children and must therefore be vigilant to the possibility that a small minority of individuals may abuse their position to gain access to children.

The responsibility for managing this policy lies with the Town Council, supported by the Clerk to the Town Council. All serious concerns will be referred to the Town Council and any final decision lies with the Town Council acting on advice from professional authorities where appropriate.

In the case of projects where individual children are sponsored, the substantial majority of child sponsors are genuine and have no ulterior motives in supporting projects that help children they sponsor. It is the Town Council's duty to protect children from any sponsor who may want to misuse any sponsorship system. The protection applies to sponsors' visits to projects and to defining what is appropriate for sponsors in the areas of behaviour, correspondence, gifts and visual information.

### **Procedure**

All information relating to any concerns about abuse by a Town Councillor, employees of the Town Council or volunteers must be sent and/or copied to the Town Council so that all incidents, minor or major are recorded. This information will be kept securely

and confidentiality will be respected. Confidentiality will only be breached if and when it is in the best interests of a child.

### **Concerns**

The best interests of the child are of paramount concern and any urgent medical need should be addressed as a priority.

All concerns should be referred to local social services/police department.

The **NSPCC Child Protection Helpline** (0808 800 5000) can also be called in situations where some external advice or guidance is needed. This will keep child protection concerns proportionate and guard against the growth and promotion of over-zealous attitudes.

Explaining the policy and procedures will form part of the induction process for new staff, councillors or volunteers.

### **Recruitment**

The Town Council will strive to ensure that it applies the highest standards in its recruitment and vetting policies.

Candidates will be checked for their suitability for working with children and their understanding of child protection, as appropriate to their role. Safeguarding checks, such as disclosure of previous convictions or police checks (if disclosure is unavailable), forms an important part of this recruitment policy.

If police checks are impossible then other checks must be put into practice and noted. This to include checking evidence of identity, authenticity of qualifications, self-declaration about previous convictions and taking up at least two references.

Disclosure or police checks will also be completed when visitors (not previously checked) want to see children's projects in the field or are contracted to work there.

### **Duty of Care**

The Town Council takes its duty of care very seriously and all programmes, including annual work experience programmes and child sponsorship projects, must comply with rules and regulations. Transporting children and taking them away on excursions, visits, play activities, camps or other activities will be covered by child protection guidelines.

### **Prevention**

Written material and visual images used by the Town Council or sponsors need to be checked as being appropriate and not denigrating for any child. Photographs, films of children and websites, must show respect for children and be in their best interest.

### **Codes of practice and behaviour**

The Town Council's codes, principles, standards and procedures aim to help build a safe organisation. Through defining what is and is not acceptable behaviour, good

practice can be promoted and opportunities for abuse minimized. Programmes that implement projects for children, families and communities, including child sponsorship projects, need to be implemented in a safe environment.

The Town Council offices will retain a full copy of the Dorset County Council child protection guidelines which includes codes on the behaviour of adults towards children and of children towards other children, including disabled children where relevant.

### **Sexual Exploitation and Abuse**

Sexual exploitation and abuse by staff, councillors, volunteers, representatives, project workers etc constitute acts of gross misconduct and are therefore grounds for termination of employment or status. Sexual activity with children is prohibited; a mistaken belief about a child's age is not a defence.

Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour are prohibited.

Where an employee develops concerns or suspicions regarding sexual abuse or exploitation by a colleague, whether in the same organisation or not, she/he must report such concerns in accordance with the system in place.

### **Communication and implementation**

Town Council stakeholders, including children, need to be aware of this policy and of their right to be protected from abuse. Information will be displayed in offices and presented in an appropriate format and so that children will understand.

All parties are to be informed that they can communicate their child protection concerns.

### **Implementation and monitoring**

The policy will be monitored and evaluated to check that all safeguards are in place and that the policy is being properly implemented. The policy is to be evaluated after three years implementation, or whenever appropriate.

Processes are to be put in place by the Town Council so that all major stakeholders, including children, families and communities will be consulted as part of any evaluation.

All complaints received are to be recorded and kept safely.

Confidentiality will be respected in all circumstances except where necessary to protect the best interests of a child.

Child abuse is a difficult and emotional subject for the child victim and for the staff dealing with the issue. The Town Council will support staff who disclose abuse, refer concerns or are involved when an incident has happened.

### **Support/Reporting Procedure**

All staff are to use a **Referral Form** set out in the following manner:

Are you reporting your own concerns or passing on those of somebody else?

Give details, a brief description of what has prompted the concerns (include dates and times of any specific incidents):

Details to include:

Your name and email address:

Your relationship to The Town Council:

Your relationship to the child concerned - if relevant:

Name of child:

Age and date of birth of child:

Who does the child live with?

Address/place of residence (and telephone no. if available):

Observations made by you: Physical signs?

Behavioural signs?

Indirect signs?

Have you spoken to the child? If so what was said?

Has anybody been alleged to be the abuser? If so give details.

Have you consulted an external agency or reported this to anyone else?

Give details (name of person, name of organisation, date and time).

Does the child require medical attention?

Signature and Date

### **Vulnerable Adults**

These Child Protection policies and Procedures apply equally to vulnerable adults who may come into contact with members of staff of Wareham Town Council, their councillors, volunteer support workers or representatives.

### **Queries**

Any queries relating to policy and procedures should in the first instance be addressed to the Town Clerk as Line Manager and Chief Executive of the Council.

## **Annex A – Definitions/Legal Framework**

Child or children refers to any young person up to and including the age of 18.

Vulnerable adult may include anyone who because of a disability or illness may be in need of community care services and who may be unable to take care of themselves or protect themselves from significant harm or exploitation.

### **The Legal Framework**

#### **CHILDREN ACT 2004**

**Section 10** requires each Local Authority to make arrangements to promote co-operation between the authority, each of the authority's relevant partners and such other persons or bodies, working with children in the local authority's area, as the authority consider appropriate. The arrangements are to be made with a view to improving the well-being of children in the authority's area – which includes protection from harm or neglect alongside other outcomes. This Section of the Children Act 2004 is the legislative basis for children's trust arrangements.

**Section 11** requires a range of organisations including district councils to make arrangements for ensuring that their functions, and services provided on their behalf, are discharged having regard to the need to safeguard and promote the welfare of children.

**Section 13** requires a range of organisations including district councils to take part in Local Safeguarding Children Boards.

#### **CHILDREN ACT 1989**

**Section 27** places a specific duty on other local authority services i.e. those not directly children's services, and health bodies to co-operate in the interests of children in need.

Under **Section 47**, the same agencies are placed under a similar duty to assist local authorities in carrying out enquiries into whether or not a child is at risk of significant harm.

Under **Section 17**, Councils with Social Services Responsibilities carry lead responsibility for establishing whether a child is in need and for ensuring services are provided to that child as appropriate.

### **Other relevant legislation**

#### **DATA PROTECTION ACT 1998**

The Data Protection Act 1998 regulates the handling of personal data including obtaining, recording, storing and disclosing it. The Act requires that personal data be:

- Obtained and processed fairly and lawfully
- Processed for limited purposes and not in any manner incompatible with those purposes
- Accurate and relevant
- Held for no longer than necessary
- Kept secure
- Only disclosed if specific conditions set out in the Act are satisfied

If you are making a decision to disclose personal data you must comply with the Act. However, the Act should not be an obstacle if:

- You have particular concerns about the welfare of a child or vulnerable adults
- You disclose information to social services or to another professional; and
- The disclosure is justified under the common law duty of coincidence

Consent to disclosure is not always necessary under the Data Protection Act. The Act does allow

disclosure of information without the consent of the subject in certain circumstance, e.g. where 'sensitive data' such as personal health information, needs to be disclosed to prevent or detect any unlawful act or is necessary for legal proceedings.

## **HOMELESSNESS ACT 2002**

Under **Section 12**, housing authorities are required to refer homeless person with dependent children who are ineligible for homelessness assistance or are intentionally homeless, to social services, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if social services decide the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable assistance in this and the housing authority must respond.

## **HOUSING ACT 2004**

Part 1 of the Housing Act 2004 gives local authorities powers and duties to take action against bad housing conditions, and introduces a new Housing Health and Safety Rating System under which authorities' environmental health professionals will assess the impact of health and safety hazards in the light of the occupants most vulnerable to them. Examples are damp and mould (to which the most vulnerable age group is children under 14), problems with washing facilities, sanitation and drainage (children under 5) and falls between levels (children under 5). The new system replaces the housing fitness standard and provides an objective way of assessing the seriousness of hazards and identifying the most appropriate remedial action.

## **HUMAN RIGHTS ACT 1998**

Section 6 (1) places a duty on all public authorities to act in a way that is compatible with the rights and freedoms of the European Convention of Human Rights that have been incorporated by the 1998 Act. These convention rights include Article 2 – the right to life, Article 3 – “no one shall be subjected to torture or inhumane or degrading treatment or punishment” and Article 8 – “everyone has the right to respect for his private and family life, his home and his correspondence... There shall be no interference by a public authority with exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, protection of health or morals or for the protection of rights and freedom of others”.

## **DECLARATION**

Wareham Town Council is fully committed to safeguarding the well-being of children by protecting them from physical, sexual and emotional harm.

As an employee of the Council it is therefore important that you have taken the time to thoroughly read the Child Protection Policy. By being made aware of the policy, it is our intention to ensure that all employees are pro-active in providing a safe environment for the young people who may be placed in their care or come within the parameters of their day to day duties, be it office duties or externally within the parish boundary.

Any disciplinary measures required as a result of this policy will be dealt with in accordance with normal disciplinary procedures, a copy of which may be retained in your personnel file and may be obtained from the Town Clerk.

(Should there be a need to investigate an alleged breach of this policy occurring during an active recreational or sports activity on Council premises or property, the Council may liaise if appropriate with the relevant Sports National Governing Body (County or Regional Officer) and the Local Authority within whose boundaries the alleged incident took place).

### **Employee Declaration**

I have read and fully understood the Wareham Town Council Child Protection Policy, and hereby declare that I will carry out my role in line with policy statements and procedures contained therein.

Name:

Signed:

Dated:

**Annex C – Wareham Town Council Child Protection Policy - INCIDENT REPORT FORM**

**INCIDENT REPORT FORM**

Date:

Time:

Venue:

Name of Child/Adult:

Date of Birth:

Address:

Telephone No:

Next of Kin: Relationship:

Address:

(if different from above)

Telephone No:

Person expressing the concern:

Address:

Telephone No:

Nature of concern:

What has prompted the concerns?

(physical, behavioural, other)

Has the child/Adult been spoken to?

If so, by whom?

What was said to the child/adult and what did the child say?

Is there an alleged abuser?

Who is this?

Has this person been approached?

If yes, by whom?

Have anyone else been  
consulted?                      If yes, who?

Name of reporting person:

Signature:

Date:

**This form must now be passed to the Town Clerk, Wareham Town Council, Town Hall,  
East Street, Wareham, Dorset BH20 4NS**