



## **BEDFORDSHIRE OPEN DOOR**

### **CHILD AND ADULTS AT RISK PROTECTION AND SAFEGUARDING POLICY**

#### **BEDFORDSHIRE OPEN DOOR SAFEGUARDING POLICY STATEMENT**

Bedfordshire Open Door believes no one should ever have to experience abuse of any kind. Our responsibility to promote the welfare and safety of our clients is underpinned by current safeguarding legislation and our commitment to safe and ethical practice as defined by the ethics and standards of the BACP Ethical Framework for the Counselling Professions (2018).

We recognise that:

- the welfare of the child is paramount, as enshrined in the Children Act 1989 and 2004
- all children and adults at risk regardless of their age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all forms of abuse
- working in partnership with young people, their parents, adults at risk, carers and other agencies is essential in promoting the welfare of those we need to protect. Some people are additionally vulnerable due to the impact of previous experiences, their level of dependency or their communication needs

#### **The purpose of the policy is:**

- To protect children and adults who receive our counselling services. This includes the children of adults who use our services, including the unborn child.
- To provide staff and volunteers with the overarching principles that guide our approach to safeguarding.

#### **We will aim to keep our clients safe by:**

- valuing them, listening to them and respecting them as individuals
- appointing a designated safeguarding lead
- adopting child and adult safeguarding practices through procedures and a code of conduct for staff and volunteers
- Implementing our safeguarding procedures to share concerns and relevant information with those who need to know and involving children, adults, parents/ carers and agencies appropriately

- Using our procedures to appropriately manage any allegations made against staff and volunteers
- Ensuring that we have effective complaints and whistle blowing procedures in place
- Ensuring that we provide a safe physical environment for our service users, staff and volunteers in accordance with health and safety regulatory guidance
- Developing and implementing an effective e-safety policy and related procedures
- Providing effective management for all staff and volunteers through supervision, support and training
- Recruiting staff and volunteers using safer recruitment best practice, ensuring all necessary checks are completed
- Recording and storing information professionally and securely in line with general data protection regulation (GDPR)
- Sharing information about child/adult protection and good practice with service users, staff and volunteers
- Informing all stakeholders of Bedford Open Door's policies and safeguarding expectations

**The following definition applies:**

*The policy applies to anyone with whom we are in contact in the course of our work, who is a child or adult at risk. Where the policy or procedure refers to a child we mean anyone who has 'not yet reached the age of 18 years', as defined by the Children Act 1989 and 2004. This includes young people who are aged 16 and 17 who are living independently. Where the policy refers to an 'adult at risk', we mean anyone who is 18 years or older and who is vulnerable according to the definition in the Bedford Borough Council Safeguarding Adults Policy and Procedure 'adults aged 18 and over who are or may be eligible for community care services, who because of age, disability or illness may not be able to effectively protect themselves from abuse or neglect or seek support' and as defined by the Care Act 2014 as 'someone over the age of 18 who has a need for care and support' and 'someone over the age of 18 who is experiencing or is at risk of neglect and abuse'.*

## **BEDFORDSHIRE OPEN DOOR SAFEGUARDING POLICY**

- This policy applies to all children and adults who use our services and premises, all staff, including senior managers and the board of trustees, paid staff, volunteers/ sessional workers, students or anyone working on behalf of Bedfordshire Open Door and/or are in any other way brought to our attention through any of our services.
- This policy overrides all other policies where cases of suspected abuse, allegations and disclosures are made.
- All staff and volunteers must act appropriately and in accordance with child protection legislation, Working Together 2018 statutory guidance and Bedfordshire Open Door safeguarding procedures
- All staff and volunteers must act appropriately and in accordance with the local safeguarding policies and procedures regarding adults at risk
- Appropriate checks must be carried out on new staff and volunteers
- All staff and volunteers must be provided appropriate training to carry out their responsibilities effectively
- Bedfordshire Open Door personnel must never keep concerns about a child or vulnerable adults' safety to themselves. The investigation of abuse and the protection of children and vulnerable young adults is the responsibility of statutory authorities specialising in this area. All our personnel must recognise and comply with Bedford Open Door safeguarding procedures as set out in this document
- When delivering services in off-site locations; for example, schools, children's centres and community-based settings, we will require a copy of the child protection and safeguarding policy of the host organisation
- When delivering services in schools, we recognise that any concerns must be reported to the Head Teacher or delegated representative

### **Legal Framework**

This policy has been drawn up based on law and guidance that seeks to protect children and vulnerable young adults, namely:

- Children Act 1989 and 2004
- United Nations Convention on the Right of the Child 1991
- Working Together to Safeguard Children 2018
- Data Protection Act 2018
- Sexual Offences Act 2003
- Mental Capacity Act 2005
- The Equality Act 2010
- The Terrorism Act 2000
- The Care Act 2014

## **Safeguarding**

The Guiding Principle of safeguarding is that it is everyone's responsibility. Children and adults at risk have a right to be safe and should be protected from all forms of abuse and neglect. Children and families are best supported and protected when there is a coordinated response from all relevant agencies, as early as possible before issues escalate and become more damaging. Whilst it is parents and carers who have primary care for their children, local authorities, working with partner organisations and agencies have specific duties to safeguard and promote the welfare of all children in their area (GOV.UK., 2018).

### **The Children Act 2004**

Provides the legal underpinning to 'Every Child Matters': Change for Children' (2004). This element of the Children Act 2004 is informed by the result of the Victoria Climbié inquiry (2003) and ensures that any agency aware of the maltreatment of a child, or the misconduct of a child's legal guardian, should make their findings known to the other agencies that might have a hand in the protection of a child who would normally go unmonitored.

### **The United Nations Right of the Child (UNCRC) 1991**

States 'Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status'. Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" (UNCRC, 1991).

Four key articles in the Convention known as the "General Principles" help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:

1. Non-discrimination (article 2)
2. Best interest of the child (article 3)
3. Right to life survival and development (article 6)
4. Right to be heard (article 12)

### **The Data Protection Act 2018**

1. General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.

3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared.
5. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk.
6. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
7. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
8. Necessary, proportionate, relevant, adequate, accurate, timely and secure:  
ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.
9. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

### **Working Together to Safeguard Children 2018**

Working Together to Safeguard Children (2018) seeks to emphasise that effective safeguarding is achieved by putting children at the centre of the system, and by every individual and agency playing their full part (HM Government 2018). Particular reference is made to Chapter 2: Organisational responsibilities, that states Section 11 of the Children Act 2004 which '*Places duties on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children*' (HM Government 2018).

Working Together 2018 sets out requirements for collaborative working arrangements for safeguarding and promoting the welfare of children, young people and families, and states: '*Voluntary, charity, social enterprise (VCSE) and private sector organisations and agencies play an important role in safeguarding children through the services they deliver*'. Like other organisations and agencies who work with children, they should have appropriate arrangements in place to safeguard and protect children from harm. All practitioners working in these organisations and agencies who are working with children and their families are subject to the same safeguarding responsibilities, whether paid or a volunteer.

Charity trustees are responsible for ensuring that those benefiting from, or working with, their charity, are not harmed in any way through contact with it 'the Charity Commission for England and Wales provides guidance on charity compliance which should be followed' (Working Together, 2018:71).

### **Sexual Offences Act 2003**

Includes the up to date changes known to be in force on or before 10th September 2019 provides a series of important new measures specifically designed to give better protection to children and families and to put the needs of the victims first. Including;

Acknowledging that children are at risk from people in positions of trust, and within families, it provides new legislation against abuse by people who work with children and updates the laws on sexual abuse within families. It also sets out updated laws on the sexual exploitation of children through prostitution and pornography. People who lack the capacity to choose to consent or who cannot communicate their choice would come under this category. This includes acts against those who are vulnerable to inducements, threats or deception because of a mental disorder under the Mental Capacity Act 2005.

### **The Mental Capacity Act 2005**

Is based on the general principle that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, and anything done for or on behalf of people without capacity must be in their best interests and should be the least restrictive intervention.

### **The Equality Act 2010**

brings together over 116 separate pieces of legislation into one single Act and provides a legal framework to protect the rights of individuals and advance equality of opportunity for all (Equality and Human Rights Commission 2019)

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

### **The Terrorism Act 2000**

The Terrorism Act 2000 is in place to safeguard national and local safety with the Counter Terrorism and Security Act 2015 placing a duty on certain bodies, listed in Schedule 3 to the Act, to have 'due regard to the need to prevent people from being drawn into terrorism'.

## **The Care Act 2014**

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect and sets out statutory responsibility for the integration of care and support between health and local authorities.

The Care Act requires that each Local Authority must -

Arrange where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry

Cooperate with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect

Make enquiries, or ensure other do so, if it is believed and adult is experiencing, or is at risk of, abuse or neglect

## Definitions of Abuse and Neglect

Abuse is a violation of a person's rights or dignity by someone else. Abuse and neglect very often go hand in hand as one is rarely absent in the presence of the other. Abuse and neglect are forms of maltreatment of a child by inflicting harm, or by failing to act to prevent harm. Abuse means a child's rights and needs are not being met as defined in The Children's Act 2004 and the United Nations Convention on the Rights of the Child (1989). Children may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger. Abuse may occur through the actions of an adult or adults, or another child or children.

**Physical** - Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces or causes ill health to a child whom they are looking after and is called Induced Fabrication Illness by a Carer (formerly known as Munchausen's by proxy).

**Emotional/Psychological** - Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to the child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Witnessing the harm of another person, such as in the case of domestic violence, is a form of emotional abuse. Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone.

**Sexual Abuse and Exploitation** - Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including sexual exploitation, whether the child is aware of what is happening or not, and whether it is for money or reward or not. The activities may involve physical contact, including penetrative contact or non-penetrative acts. They may include involving children in seeing, receiving or sending sexually suggestive emails or text-messages, or inappropriate behaviour in Internet chat rooms, involving children looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

**Neglect** includes ignoring medical or physical care needs, failing to provide access to appropriate health care, social care or education services, misusing medication, inadequate nutrition or heating.

**Adults at Risk emotional and psychological abuse** includes – blaming, controlling, intimidating, coercing, verbally abusing, harassing, isolating, withholding funds, withdrawing a person from support networks and services.

**Adults at Risk physical abuse** includes – hitting, pushing, kicking, rape and sexual assault or sexual acts to which the adult has not consented, could not consent or was pressured into consenting.

## **Other forms of abuse to consider**

- Bullying in various forms including on-line bullying and prejudice-based bullying.
- Parents or carers who misuse substances, including 'legal highs' or alcohol. Not all parents or carers who use substances mistreat or neglect their charges. However, the people they care for are often at risk from chaotic home lives, absence of boundaries, violence or neglect.
- Domestic violence – either being subject to domestic violence or witnessing it. The highest risk category for those experiencing domestic violence are for those who do not recognise the level of risk to their safety 'victims of domestic abuse often tend to underestimate their risk of harm from perpetrators of domestic violence' (Reducing the Risk of Domestic Abuse, 2019).
- Female genital mutilation (FGM) - the illegal cultural practice of removing the external genitalia of girls or young women whether in this country or taking a young person abroad for the purpose of carrying out FGM.
- Forced Marriage - a marriage in which one or both parties are married without their consent: This is not the same as arranged marriage.
- Trafficking against their will of a person, for the sexual gratification of others or forced labour.
- Radicalisation – grooming a person to support terrorism and extremist ideologies associated with terrorist groups, and extremist behaviour.
- Racial, disability, homophobic or transgender abuse

## **Policy Implementation**

Bedfordshire Open Door takes its responsibility in safeguarding seriously and will:

- Provide appropriate training and development opportunities to all staff and volunteers
- Ensure all staff and volunteers understand their responsibilities in relation to safeguarding children and vulnerable young adults

- Ensure Bedfordshire Open Door staff and volunteers recognise the limits to confidentiality in safeguarding and act accordingly
- Establish links with Safeguarding and Child Protection Services and have their contact details available
- Make appropriate safeguarding referrals to Child Protection and vulnerable young adult services
- Ensure professional and appropriate relationships are maintained between staff and volunteers in their interaction with Bedfordshire Open Door service users
- Ensure that children and vulnerable adults who engage with Bedfordshire Open Door services are respected, not judged, and any intervention made on behalf of the client will be in line with our code of professional practice in accordance with the BACP Code of Ethics
- Ensure all staff and volunteers have appropriate access to a supervisor or manager to discuss matters of concern in a timely way
- Ensure that a written factual, objective record is made of disclosures and/or allegations made by the young person is logged in the Bedfordshire Open Door Child Protection Record File (CPRF) together with an accurate account of agreed action as discussed with Safeguarding Lead/Supervisor is included in the report.
- Ensure Bedfordshire Open Door outreach services are supported by safeguarding policy and procedure relevant to the host environment
- Be transparent with our service users and stakeholders around the limits to confidentiality before commencing counselling with reference to the 7 Rules for Information Sharing as documented in 'Information Sharing; advice for practitioners providing safeguarding services to children, young people, parents and carers' (GOV.UK 2018:04)

**This policy should be read alongside our policies and procedures on:**

- Bullying and Harassment at Work
- Code of Conduct
- Complaints
- Confidentiality and Data Protection
- Disclosure and Barring Services (DBS)
- Health and Safety
- Managing the Safety of Counsellors and Staff
- Requests for Counselling Notes
- Role of the Designated Safeguarding Lead

- Training and Development
- Unplanned Termination of Client/Counselling Contract and Handover/Re-allocation
- Whistleblowing
- Working with Self Harming and Suicidal Clients

## **PROCEDURES**

Bedfordshire Open Door's Child Protection practice will be explained at the outset of work with all clients when the practitioner delivers the confidentiality and disclosure statement. This makes it clear to clients that if they, or a child they make us aware of, is at risk of suffering, or likely to suffer, significant harm, the child's safety will take priority over all other considerations.

If Bedfordshire Open Door is told that a child or adult at risk is being abused, this will always constitute a clear cause for concern. An adult aged 18 or over, or a child under 18 who has the capacity to understand and make their own decisions, may give consent for Bedford Open Door to inform the Police or Children's Social Care and this must be sought.

However, there may be circumstances where even if the client, whether they are an adult or a child, refuses to give consent for the appropriate authorities to be informed; we may have to do so despite the client's wishes. The Bedfordshire Open Door practitioner should make every effort to explain why this course of action is necessary and make the client aware of what steps are being taken and by whom. We will always seek to gain client consent but realise this may not always be possible or appropriate.

### **Any member of our personnel who:**

- is informed that a child and adult at risk is being abused
  - is informed that someone is abusing a child/ and adult at risk
  - suspects that someone is being abused or is abusing a child
  - is informed that a child/adult at risk is seriously self-harming, or has identified themselves at risk of seriously self-harming or suicide
- a) Must report this to the Clinical Manager in the first instance and their Supervisor immediately.
  - b) If the Clinical Manager or Supervisor is not available, they should report to Bedfordshire Open Door Operations Manager.
  - c) Must ensure that they make a factual record of the statement given as soon as possible on the appropriate record form and file accordingly in the Child Protection Record File (CPRF)

- d) Must take care not to ask questions of the person reporting the abuse that could be construed as leading or coaching. This is because to do so could undermine any future actions that need to be taken.
- e) Must ensure that outcomes of all consultations about the concerns raised are accurately recorded on the CPRF.
- f) Must ensure that ongoing concerns are consulted on and recorded in the same way.

**Managers / Supervisors:**

- g) Must ensure that if, following consultation, it is decided to make a report to the Police, Police Child Protection Unit or Children's Social Care, it is made in the appropriate manner and followed up in writing.

If any Bedfordshire Open Door personnel hears from an adult client that they suffered abuse in the past as a child, their abuser may still be a threat to the safety of other children in the present time. A qualified practitioner must therefore address this with the client, supporting them while they, wherever possible, give information to the appropriate statutory authorities (if applicable). Student Counsellors must inform their supervisor who will support them in this process.

There are some circumstances when Bedfordshire Open Door must report to the police or social care without consulting the client. These include but are not limited to the following:

- if we are told by someone that they or a third party have accessed images of child sexual abuse.
- If we are told by someone that they have sexually or physically abused children either in the past or the present.
- If the client discloses an act of terrorism, planned or otherwise

**Other safeguarding issues to consider are:**

If a child or young person reveals (or there is reason to suspect) any of the following

- They are routinely misusing substances
- They have an eating disorder
- They have a compulsive disorder which presents a serious risk to their health

Bedford Open Door personnel should seek to discuss their concerns with a supervisor at the earliest possible opportunity.

## Review

This policy and procedures relating to child protection and safeguarding children and adults at risk will be reviewed annually or in line with updated legislation (whichever comes first)

Signed.....(Chair of the Board of Trustees)

Date.....

## FURTHER RESOURCES

The Children Act 1989

<https://www.legislation.gov.uk/ukpga/1989/41/contents>

The Children Act 2004

<https://www.legislation.gov.uk/ukpga/2004/31/contents>

United Nations Convention on the Right of the Child 1991

<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

Working Together to Safeguard Children 2018

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Data Protection Act 2018

<https://www.gov.uk/government/collections/data-protection-act-2018>

Sexual Offences Act 2003

<https://www.legislation.gov.uk/ukpga/2003/42/contents>

Mental Capacity Act 2005

<https://www.legislation.gov.uk/ukpga/2005/9/contents>

The Equality Act 2010

<https://www.gov.uk/guidance/equality-act-2010-guidance>

The Terrorism Act 2000

<https://www.legislation.gov.uk/ukpga/2000/11/contents>

Counter Terrorism and Security Act 2015

<http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

The Care Act 2014

<https://www.scie.org.uk/care-act-2014/safeguarding-adults/>

The British Association for Counselling & Psychotherapy

<https://www.bacp.co.uk>

GOV. UK (2018) '*Information Sharing; advice for practitioners providing safeguarding services to children, young people, parents and carers*' Available online [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721581/Information\\_sharing\\_advice\\_practitioners\\_safeguarding\\_services.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf) [accessed 24.10.2019]

## **Useful Contacts**

Bedford Borough Council Safeguarding Children Board

- Office hours: 01234 718700
- Out of hours: 0300 300 8123

<https://www.bedford.gov.uk/social-care-health-and-community/children-young-people/safeguarding-children-board/>

Local Safeguarding Board for Central Bedfordshire

[https://www.centralbedfordshire.gov.uk/info/22/information\\_for\\_professionals/334/safeguarding](https://www.centralbedfordshire.gov.uk/info/22/information_for_professionals/334/safeguarding)

## **NSPCC**

For safeguarding training, resources and consultancy 0116 234 7246

<https://learning.nspcc.org.uk/safeguarding-child-protection/>

Help for adults concerned about a child 0808 800 5000