

# NICS CHILD PROTECTION POLICY AND GUIDANCE

## 1. INTRODUCTION

The Northern Ireland Civil Service (NICS) delivers a range of services to children in a variety of settings, most notably through:

- the Careers and Guidance Services;
- the College of Agriculture, Food and Rural Enterprise,;
- the Environment and Heritage Service;
- the Forest Service;
- the DVTA, driver examiners;
- Social Security Agency;
- Child Support Agency;
- Developing Child Care Policy;
- Professional members of staff involved in a wide range of child related activities; and
- the Office of the Commissioner for Children and Young People and the Office of the Commissioner for Victims and Survivors.

This list is not exhaustive and there may be other functions and activities carried out by Departments, which require staff to have regular contact with children.

During the course of their work, NICS staff may also come into contact with children and young persons, for example in arranging work placements or dealing with and managing colleagues who are under the age of 18.

NICS staff may also have responsibility for administering grants or funding for children's services in governance arrangements for NDPBs/Executive Agencies and in circumstances that they have contact with external bodies on matters related to children.

This NICS Child Protection policy has been designed for all staff and not just those in positions that involve direct contact with children or in regulated positions (as defined below) to provide a foundation to assist them in the protection of children. More specific guidance may also need to be developed by individual Departments to meet their specific needs, particular functions or circumstances.

## 2. DEFINITIONS

A **child or young person** is defined as any person under the age of 18.

A regulated position is defined in the Protection of Children and Vulnerable Adults (NI) Order 2003 as:

A position whose normal duties include:

- work on day care premises;
- caring, training, advising, counselling, supervising or being in sole charge of children;
- unsupervised contact with children in arrangements made by a responsible person;
- caring for children under the age of 16 in the course of the children's employment;
- supervising or training in certain circumstances of children under 16 in the course of the children's employment;
- the supervision or management of an individual in a regulated position

Note: with the enactment of the Safeguarding Vulnerable Groups (NI) Order 2007 (SVG) the definition of regulated activity will be extended significantly when the legislation is progressively phased in 2008 and new vetting and barring arrangements are introduced by the Independent Safeguarding Authority in 2009.

### **3. BACKGROUND**

The welfare of the child is paramount. There is a moral obligation on anyone who comes into contact with children to provide them with the highest possible standard of care. Those who have responsibility for children may also be legally responsible for a failure to provide adequate care for them under the following legislation and policy:

- The Children (NI) Order (1995);
- The Protection of Children and Vulnerable Adults (NI) Order (2003) (POCVA);
- The Children and Young Persons (Northern Ireland) Act 1967
- The Criminal Law Act (Northern Ireland) (1967).
- Sexual Offences (NI) Order 2007
- Co-operation to Safeguard Children (DHSSPS 2003)
- Area Child Protection Committees' Regional Policies and Procedures

This policy and guidance has been developed to enable you to understand your responsibilities, the implications of your actions and what is expected of you under the legislation where suspected, potential or actual abuse is identified.

### **4. POLICY STATEMENT**

The NICS is committed to practice which protects children from harm. All NICS staff must recognise and accept their responsibilities to develop awareness of the issues which cause children harm and how to deal with instances or allegations of abuse/harm as and when these may arise.

The NICS will endeavour to safeguard children by:

- Development of a department specific child protection policy which includes a code of behaviour for staff;
- Following carefully and clearly defined and robust procedures for recruitment and selection of staff ;
- Providing effective management for staff through supervision, support and training;
- Ensuring that all staff who will work in regulated positions either as a result of direct recruitment or transfer in the course of their work will be subject to the appropriate checks in accordance with existing legislation (POCVA)<sup>1</sup>;
- Appointing Designated Child Protection Officers; and
- Sharing information about concerns with the appropriate child protection agencies and involving parents as necessary.

This policy and guidance will be subject to review at regular intervals.

## **5. RECRUITMENT AND SELECTION**

The NICS will take all reasonable steps to ensure that unsuitable people are prevented from working with children. The NICS Recruitment Policy and Procedures require that all individuals appointed to posts which involve contact with children are subject to pre-appointment checks under POCVA. POCVA checks should also be carried out for existing staff transferring to an area of work that will involve contact with children.

## **6. EFFECTIVE MANAGEMENT OF STAFF**

The NICS Child Protection Policy and relevant legislation should be brought to the attention of all new staff, who will be working with children as part of the induction process.

All staff who work with children should be trained on a regular basis to provide them with a basic awareness and understanding of issues relevant to the protection of children.

## **7. REPORTING CONCERNS AND DISCLOSURES**

A concern relates to the possibility of a child suffering harm (for information about ways that you may be aware of actual or likely occurrence of abuse see Annex A). A disclosure is when a child tells a staff member that they have been or are being harmed or abused.

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<sup>1</sup> From 2009 POCVA requirements will be superseded by the arrangements in the Safeguarding Vulnerable Groups (NI) Order 2007. The new Independent Safeguarding Authority will take over DE and DHSSPS barring responsibilities and Disqualification Lists from April 2008.

All concerns and disclosures must be recorded and reported to the Designated Child Protection Officer. Any concern or allegation made about the behaviour of a member of staff must be referred to the Designated Officer. Sample pro-formas for recording concerns, disclosures and allegations are provided at Annex B. In the absence of the Designated Child Protection Officer these should be reported to the Head of Branch.

Under no circumstances should a member of staff attempt to deal with allegations of abuse or carry out an investigation into such allegations. It is not for the member of staff who raises the concern about abuse or to whom a disclosure is made to decide whether or not abuse has occurred. This is a decision for the professional agencies to make on referral of a concern.

Designated Child Protection Officers are appointed in Departments which deliver services involving contact with children. The role and responsibilities of the Designated Child Protection Officer are set out at Annex C.

When a concern, disclosure or allegation is made, a written record must be kept which gives a factual account of the alleged abuse in the individual's own words. Details of any obvious marks or injuries should also be recorded. Under no circumstances should staff touch the individual, remove any of the individual's clothing or ask to see more than the individual is willing to show of the injury. The record should also give details of any dates and times of specific alleged incidents.

Information recorded about any concern, disclosure or allegation is confidential and the rights of both the victim and the alleged perpetrator should be protected. However, this should not over-ride the legal principle that the welfare of the child is paramount as is their right to be protected from harm. Information of a confidential nature should be communicated only on a "need to know" basis.

## **8. CODE OF BEHAVIOUR**

Protecting children is about being alert to the possibility of abuse and preventing situations where this might occur. The NICS aims to create a safe environment by creating a culture of vigilance where there is a clear understanding of the risk to children and young people. Staff must always be aware of their position of trust and their responsibilities under the Child Protection legislation and guidance and that their behaviour towards young people must always be beyond reproach. NICS staff should place the highest priority on the safety of children and must therefore treat them with care and respect.

**In particular, when working with children staff should:**

- Take all reasonable steps to protect such individuals from harm or abuse;

- Take appropriate action should an incident occur;
- Take appropriate action if you become aware of anyone physically, emotionally or sexually abusing a child or young person;
- Report any incident or suspicion of abuse to the Designated Child Protection Officer and your immediate supervisor;
- Be accessible for the child or young person to talk to; and
- Be friendly and approachable.

**If a disclosure is made to you, you should:**

- Acknowledge the person's experiences as real;
- Advise the child that you must pass on the information to Social Services/ PSNI;
- Never give promises about being able to keep information confidential;
- Listen carefully and sensitively, stay calm and ensure a clear understanding of what the person is saying;
- Take any disclosure seriously;
- Reassure the person that s/he has a right to tell and has a right not to be harmed;
- Record factually what you have been told; and
- Alert a senior colleague or the Designated Child Protection Officer as soon as possible.

**Likely situations which should be avoided:**

- Spending excessive amounts of time alone with children away from others;
- Travelling alone with children in a car or other vehicle. Where this is unavoidable, it should be with the full knowledge and consent of the parents (or guardians) where practicable;
- Meetings with individual children should be avoided or take place within sight of others. If privacy is needed, the door should remain open and other staff or volunteers should be aware of the meeting;

- Making unnecessary physical contact, which could be misinterpreted;
- Being overly familiar..

Some of these situations may be unavoidable. If so, they should only happen with the full knowledge and consent of senior management and the child's parents or parent.

**Staff must never:**

- Engage in rough physical games, including horseplay, other than structured sports activities;
- Engage in sexually provocative games or behaviour;
- Allow or engage in any inappropriate touching of any form;
- Allow children to use inappropriate language unchallenged;
- Make sexually suggestive comments about or to a child;
- Show a child anything that might be construed as abusive images;
- Trivialise or exaggerate child abuse issues;
- Do things of a personal nature for children that they can do themselves;
- Carry out physical punishment, slap or hit a child;
- Cause distress by shouting at a child or calling her/him derogatory names;
- Hold a child in a way that causes pain or shaking them;
- In cases where physical abuse is suspected remove any of the child's clothing;
- Make judgements about disclosures made to them, or probe for more information than has already been disclosed;
- Where a disclosure has been made, direct or use leading questions, or speculate or accuse anyone;
- Take children to your home; or
- Drink or purchase alcohol or take drugs with children while they are in your professional care.

## **9. Bullying and Harassment**

Bullying and harassment are very common forms of abuse, both physical and emotional. These can take many forms but the main types are:

- Physical (e.g. hitting, kicking);
- Verbal (e.g. sectarian/racist remarks, name calling);
- Indirect (e.g. spreading rumours, excluding)

These types of abuse can cause considerable distress to children and cause them significant harm, including self-harm.

No member of staff should ever bully or harass a child placed in their care, or any child with whom they come into contact. Staff involved in the care of children should ensure a supportive, caring and safe environment for children in which they need have no fear of being bullied or harassed.

Any member of staff who becomes aware that a child is being bullied or harassed should act promptly, sensitively and discreetly to protect the child from harm and should report the incidence as soon as possible to a Child Protection Officer.

## **10. Physical Contact**

Physical contact of a comforting and reassuring nature is a valid way of expressing concern and care for a child. For instance, in certain circumstances it may be appropriate to hold a child's hand, put an arm around their shoulder or carry them. While staff should not feel inhibited about comforting a child in this way they should ensure that such contact is neither inappropriate nor unwanted.

Unless there is a good reason, First Aid should not be administered without the permission of the child's parent, teacher or accompanying adult. This should be done through securing parental consent in writing to *act in loco parentis*, if the need arises to give permission for the administration of emergency first aid.

## **11. Special Needs**

Children who have different needs may be vulnerable to abuse. For instance children in the care of staff may be from different communities, religions or backgrounds or may have disabilities. All children should feel comfortable while in contact with NICS staff.

The importance of being aware of children's particular needs and capabilities and getting to know each child as an individual is that it enables you to be more responsive to a child's reactions in situations where they may be suffering abuse but unable to tell anyone.

It is particularly important for young persons with special needs who are on work placements with or are employees of a Department that appropriate arrangements are made. In these circumstances a proper risk assessment should be carried out and staff will be managed in accordance with the NICS Equal Opportunities policies.

## **12. Disciplinary Action**

Any allegations of abuse or misconduct will be investigated and may lead to disciplinary action under the NICS Discipline Policy. Behaviour which is found to be in breach of the Code of Conduct or abuse of a child by a member of staff will be treated as gross misconduct and may result in dismissal and a referral made to the POCVA barring list. The NICS will not hesitate to inform relevant statutory bodies in cases where staff are suspected of abuse or misconduct to children.

## **13. KEEPING RECORDS**

Accurate records of any incidents, complaints, concerns and disclosures should be kept. These records should include dates, times and signatures and may be referred to later as evidence in legal proceedings.

## **14. SUPERVISION OF YOUNG PERSONS IN THE WORKPLACE**

Young persons employed in the workplace will likely need closer supervision than adults to protect them from accidental harm. The following guidelines should be followed when allocating work to young persons:

- A Risk Assessment should be conducted (see below);
- Young persons should not be assigned any task unless the risks have been fully assessed and minimised;
- Young persons should not be left unattended for unreasonably long periods of time;
- Young persons will be safer if supervised and accompanied by two or more adults;
- Managers and colleagues should be aware at all times where young colleagues / work placement students are;
- Any activity requiring the use of potentially hazardous equipment should be supervised closely;
- Unsafe behaviour by young persons must not be allowed; and
- Young persons will be new to the work environment and may not feel confident about speaking to managers about problems or concerns. The support of colleagues from the first day will be invaluable.

## **15. Risk Assessments**

Risk Assessments should be carried out with the assistance of Departmental Health and Safety advisers. The risk assessment must take into account that young persons are likely to be inexperienced and unfamiliar with existing or



potential health and safety risks. Preventative and protective measures should be put in place to reduce or remove risks to the lowest level practicable and any information provided by parents or work placement organisers relating to the young person should be taken into account. The Department/Agency is required to provide the key findings of the risk assessment to the parents (or those with parental responsibility for children under the minimum school leaving age) and the preventative and protective measures introduced.

Risk Assessments for young persons should consider:

- How the workplace is fitted and laid out;
- The type of work equipment to be used;
- How the work is organised;
- The need to provide Health and Safety training;
- The nature of any physical, biological or chemical agents they may be exposed to;
- Training for the use of Display Screen equipment.

A young person must not be allowed to do any work where a significant risk remains. Young persons must be protected from the risk of accidents or ill health which they are unlikely to recognise through inexperience, not paying attention to safety or lack of concentration, training or supervision.

Young persons must not be allowed to do work which:

- Cannot be adapted to meet any physical or psychological capacity they may have;
- Exposes them to substances which are toxic or carcinogenic or mutagenic;
- Involves harmful exposure to radiation;
- Involves extreme heat, cold, noise or vibration.

## **16. RESIDENTIALS AND DAY TRIPS**

Where staff are involved in organising and participating in residential and day trips for children and young persons they should be aware that these will encompass different activities than normally encountered. Departments should draw up specific guidelines for specific events but the following general rules should be followed.

- A Risk Assessment should be carried out for all activities.
- Supervision ratios should be met at all times. A staffing ratio of adults to participants of 1:8 is suggested as an acceptable provision, with two as a minimum requirement. If there are participants of both genders on the trip, the responsible adults should be at least one of each gender. Increased ratios may be required with young children.

- Sleeping arrangements should be agreed that provide adequate supervision. Adults should not share a room with a child or invite children into their room. Where the presence of an adult is required, there should be more than one child in the room with the adult.
- Parents/Guardians should be consulted in advance and asked to give their consent.
- All accidents and incidents should be dealt with appropriately and recorded.
- Where there are male and females involved arrangements should be made to ensure there are male and female staff present.
- Staff should adhere to the Code of Conduct in the Child Protection policy.

### **ACKNOWLEDGEMENTS**

This policy draws on the Volunteer Development Agency documents “*Our Duty to Care*” and “*Getting it Right: Standards of Good Practice for Child Protection*” and Child Protection Policy and Guidance statements issued by a number of other organisations including the Careers and Guidance Service, the College of Agriculture, Food and Rural Enterprise, Lisburn City Council and the Northern Ireland Commissioner for Children and Young People, *The Protection of Children and Vulnerable Adults Order (NI) 2003, Co-operating to Safeguard Children 2003*.

## **ANNEX A**

### **Roles and Responsibilities of the Designated Child Protection Officer**

The Designated Child Protection Officer is responsible for acting as a source of advice on child protection matters, for coordinating action within the organisation and for liaising with The Department of Health and Social Services and Public Safety and other Agencies, such as the police and social services, about suspected or actual cases of abuse.

The role of the Designated Child Protection Officer is to:

- Promote awareness of the child protection policy within their business area;
- Advise staff in their business area on best practice in regard to the child protection policy;
- Advise on and co-ordinate training on child protection matters;
- Act as the point of contact with the relevant statutory authorities;
- Agree incident reporting procedures;
- Keep records of incidents and reports, together with other relevant information;
- Report incidents to the statutory authorities and ensure that appropriate information is available at the time of referral;
- Ensure that individual case records are maintained of any action taken;
- Keep senior management informed of any action taken.

The Designated Officer is not responsible for investigating or validating child protection concerns and has no counselling role.

## **ANNEX B**

### **AWARENESS OF ABUSE**

There are different types of abuse that a child or may suffer.

**Physical abuse:** Physical abuse is deliberate physical injury or the wilful or neglectful failure to prevent physical injury or suffering.

**Emotional abuse:** Emotional abuse is persistent emotional ill treatment such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to the child that he or she is worthless, unloved or inadequate. It may involve causing the child or to feel frightened or in danger, or the exploitation or corruption of children.

**Sexual abuse:** Sexual abuse involves forcing or enticing a child to take part in sexual activities. The activities may involve any physical contact or non-contact activities such as involving children in looking at pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.

**Neglect:** Neglect is the persistent failure to meet a child's or physical and/or psychological needs, likely to result in significant harm. It may involve failure to provide adequate food, shelter and clothing, failure to protect a child from physical harm or danger or failure to ensure access to appropriate medical care.

**There are various ways in which you may become aware of the actual or likely occurrence of harm or abuse:**

- A child may tell you.
- Someone else may tell you.
- A child or may show signs of physical injury for which there appears to be no satisfactory explanation.
- A child's behaviour may indicate to you that he or she is being harmed or abused.
- Something in the way that another person relates to a child alerts you.
- A child showing distrust of others.
- Increasingly unkempt appearance or loss of weight for no apparent reason.
- Withdrawal from a social group or inability to make friends.

There are various types of inappropriate behaviour that may alert you to the possibility of abuse.

- Inappropriate petting or fondling.
- Inappropriate physical contact.
- Sexually explicit behaviour.
- Suspicious behaviour in changing areas, cubicles or toilet areas.
- Causing distress to children.
- Use of inappropriate language in the presence of children.

## **ANNEX C**

### **CHECKLIST FOR RECORDING CONCERNS**

**The following is a checklist of details to record where allegations have been made or there is a suspicion of abuse.**

- Name of the child
- Age
- Any special factors
- Name of parents, where appropriate
- Home address
- Home telephone number
- Nature of allegation or suspicion
- Is the person making the report expressing their own concerns or passing on those of another person?
- What has prompted the concerns? Include dates and times of any specific incidents.
- Record any physical signs, behavioural signs or indirect signs.
- Has the child been spoken to? If so what was said?
- In the case of children have the parents been contacted? If so what was said?
- Has anybody been alleged to be the abuser? If so record the details.
- Has anybody else been consulted? If so record the details.