

**Activate Management Ltd**  
**Safeguarding Policy for Children**

**Review Document:**

<b>Policy Introduced</b>	<b>January 2006</b>	<b>Notes</b>
<b>Reviewed annually</b>	<b>2006 – 2022 (D Taylor)</b>	
<b>Updated</b>	<b>April 2021 (D Taylor)</b>	<b>Adopted and endorsed by senior management including directors of Activate Management</b>
<b>Updated</b>	<b>January 10<sup>th</sup> 2022 (D Taylor)</b>	<b>Staff changes</b>
<b>Updated</b>	<b>February 27<sup>th</sup> – March 3<sup>rd</sup> 2022 (D Taylor)</b>	<b>Full review and changes to incorporate trans gender guidance, changes to appendices and document links</b>
<b>Updated</b>	<b>14<sup>th</sup> December 2022 &amp; 8<sup>th</sup> January 2023</b>	<b>To reflect changes to KCSIE 2022 and several minor text changes</b>
<b>Updated</b>	<b>15<sup>th</sup> January 2024 D Taylor</b>	<b>To reflect updates to Working Together to Safeguard Children 2018 (updated Dec 2023) To reflect changes to KCSIE 2023 Minor text changes Updated links to resources e.g. NSPCC Safeguarding Standards link Change to DSL for Activate Projects</b>

## **Appendices**

- Appendix 1 – Definitions
- Appendix 2 – Safeguarding staff support
- Appendix 3 – Safeguarding procedures including flow chart
- Appendix 4 – Disclosures and how to report effectively
- Appendix 5 – Maintaining safe working practice – poster
- Appendix 6 – Information sharing
- Appendix 7 – Allegations against members of staff
- Appendix 8 – Safeguarding background
- Appendix 9 – Trans and Transgender inclusion
- Appendix 10 – Harmful sexual behaviour help
- Appendix 11 – DBS referral background
- Appendix 12 – Coercive Control background and information
- **Appendix 13 – Local information – LADO contact details, local allegation processes etc. (Added separately as required)**

## **Terminology & Definitions**

**Children - For the purpose of this document and for Activates safeguarding policies and procedures, children are defined as:**

“Any person under the age of 18 years”

Activate has a separate Safeguarding Policy for Adults which is provided to staff within their training and through the Activate staff portal.

Additional detailed definitions of child and adult at risk can be found in **Appendix 1**

## **Abuse and Neglect**

Abuse and neglect are forms of maltreatment to an individual. These terms refer to a violation of an individual's human and civil rights by any other person(s) and include serious physical and sexual assaults as well as cases where the standard of care does not adequately support the individual's health or development.

Abuse to children or adults at risk may consist of a single act or repeated acts and may be an act of neglect, or omission or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not consented or cannot consent. Children and adults at risk may be abused or neglected through the infliction of harm, or through the failure to act to prevent harm. Abuse can occur in any relationship or in an institution or community setting and may result in significant harm to or exploitation of the individual

Abuse can also take place using electronic communication as well as solely online. Abuse can occur within all social groups regardless of religion, culture, social class or financial position. Children and Adults may be abused by those known to them or, more rarely, by a stranger. Adults,

children, peers, paid or voluntary workers, health or social care workers may abuse them. Often people do not realise they are abusing and sometimes the stress of caring can cause a carer to act out of character.

### **Imminent / immediate risk**

**It is important that all staff understand their role and responsibilities with respect to safeguarding. It is essential to ensure that:**

**If there is an immediate risk of harm, then call 999**

## **Key contact details**

### **Designated Safeguarding Lead (National)**

Oliver Uffindall (National) [oliver@we-activate.co.uk](mailto:oliver@we-activate.co.uk) 0121 227 4385

- Responsible for the overall safeguarding policy and dissemination of this information to senior project leaders to ensure they can identify and deliver training.
- Responsible for supporting senior project staff in the management of safeguarding incidents across programmes and supporting in the liaison between project leads and external bodies when appropriate

### **Trained Designated Safeguarding Officers (National & Regional as identified)**

- Oliver Uffindall (Director – National) [oliver@we-activate.co.uk](mailto:oliver@we-activate.co.uk) 0121 227 4385
  - Tom Swainston (Director - National) [tom@we-activate.co.uk](mailto:tom@we-activate.co.uk) 0121 227 4385
  - Sammi Woodward (General Manager) – [sammi@we-activate.co.uk](mailto:sammi@we-activate.co.uk) 0121 227 4385
- Responsible for regional delivery of safeguarding policies & procedures, staff training & supervision, & implementation of the required policies & procedures.
  - Regional support mechanism for the reporting and management of safeguarding issues raised, including liaison with local partnerships as required.
  - Responsible for overseeing the reporting of safeguarding incidents across programmes and liaising with external bodies as required.

### **External Contacts**

In the event of none of the above being available a list of suitable and related external contacts can be found within programme packs during the programme seasons.

Activate will always seek to engage with local agencies in order to ensure that Activate projects are listed and published in the local arrangements for safeguarding.

Activate provides staff with local details as required, these include contact details for the LADO, as well as information related to the local allegations management process, and out of hours numbers for relevant support services. These will be added as a separate appendix to the policy or within management packs

Current external contact – Dom Taylor [proactive@we-activate.co.uk](mailto:proactive@we-activate.co.uk) – Responsible for safeguarding policy reviews and provision of advice and guidance where necessary to senior staff.

### **Legislation and relevant guidance:**

Activate is committed to ensuring that policies and procedures remain up to date and are reflective of current legislation and guidance, currently including:

The Children Act 1989 & 2004 (as amended)	Female Genital Mutilation Act 2013
Children and Social Work Act 2017	Sexual Offences Act 2003
Safeguarding Vulnerable Groups Act 2006	Modern Slavery Act 2015
Protection of Freedoms Act 2012	Equality Act 2010
Working together to safeguard children 2018 (Updated December 2023)	Data Protection Act 2018
Keeping children safe in education 2018, updated and amended in September 2023	UN Convention on the rights of the child 1989
Childcare act 2006 (as amended in 2018)	What to do if you're worried a child is being abused: Advice for practitioners (2015)
Prevent Duty	

### **Policy Statement**

Activate Management Ltd provides sport and activity to children aged between 4.5 – 17 years old in a variety of settings and venues across the UK. This is delivered primarily in day camps or residential activities but also extends to delivery of the NCS programme.

Activate acknowledges the duty of care to safeguard and promote the welfare of children and adults at risk and is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice and Ofsted and any other regulatory body requirements. Activate is committed to working with all relevant partners and statutory bodies to ensure that safeguarding policies and procedures are met, and legislation complied with.

This document can be viewed alongside other Activate policies and procedures which contribute to the overall strategy to ensure the safeguarding of children and adults remains paramount. The additional documents include:

- Safeguarding Policy – Adults
- Activate Digital Safeguarding Policy
- Equality & Diversity
- Anti-Bullying Procedure
- Whistle Blowing Policy
- Safer Recruitment Document
- Anti-trafficking and slavery policy
- Working with children and young people code
- Prevent Policy
- Mobile & Social Media Guidance/E-Safety Policy

- Staff Code of Conduct – Appendix
- Complaints Policy

This policy recognises that the welfare and interests of participants are paramount in all circumstances. It aims to ensure that regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio economic background, all participants

- Have a positive and enjoyable experience at all Activate activities in a safe and child centered environment
- Are protected from abuse whilst participating in programmed sessions or outside of the activity whilst the child is in our care. There are four primary categories of abuse (Physical, sexual, emotional, and neglect); in addition to these we also take account of “Bullying” as a form of abuse. Definitions of these can be found within the “Safeguarding Procedures” section of the Parents Guide.

Activate acknowledges that some children, including disabled children and young people or those from ethnic minority communities, can be particularly vulnerable to abuse and we accept the responsibility to take reasonable and appropriate steps to ensure their welfare.

As part of our safeguarding policy Activate will:

- Promote and prioritise the safety and wellbeing of all participants
- Ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to participants
- Ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern. Activate will respond to incidents or reports of abuse quickly, and always within 24 hours.
- Ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored
- Prevent the employment/deployment of unsuitable individuals
- Ensure robust safeguarding arrangements and procedures are in operation.

The policy and procedures will be widely promoted and are mandatory for **everyone** involved in Activate. Failure to comply with the policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organisation.

This policy forms part of Activates’ safeguarding procedures, there are additional specific procedures in place for use in instances of bullying and for ‘Child on Child’ abuse as referenced in the Governments Safeguarding Children in Education document.

\*Note the term peer on peer abuse has in many instances been replaced by the term child on child abuse to reflect that this type of abuse could be between children of different ages, not just by those of similar ages which is often considered with the term peer.

Activate is aware of relevant legislation and guidance and is committed to ensuring that we remain up to date with a compliant to all relevant legislation. As part of this process Activate refers to the 'Safeguarding and Child Protection Standards for the Voluntary and Community Sector' This includes making sure that staff are aware of and standards are met including:

- Standard 1 – Recruitment, induction and supervision
- Standard 2 – Protecting children and young people
- Standard 3 – Preventing and responding to bullying
- Standard 4 – Running safe activities and events
- Standard 5 – Recording and storing information
- Standard 6 – Sharing information and working with other agencies

Detailed information is available from the NSPCC:

<https://learning.nspcc.org.uk/media/1079/safeguarding-standards-and-guidance.pdf>

### **Activate Staff and their role in reducing incidents**

Activate recognises the need to ensure that staff are provided with the necessary skills to deliver high quality programmes. Activate is also committed to ensuring that can embed the following principles into their work.

- A culture of listening to vulnerable groups to be embedded.
- Safe working practice for working with potentially vulnerable groups which help to protect children and staff and volunteers and reduce the risk of allegations being made. See the 'Safe Working Practice' poster provided to staff, at the end of this document.

### **Scope**

The following types of abuse are covered by this policy and within training provided to staff:

- Domestic Abuse / Coercive Control
- Sexual Abuse
- Neglect
- Online Abuse
- Physical Abuse
- Emotional Abuse
- Child Sexual Exploitation
- Female Genital Mutilation (FGM)
- Bullying and Cyber Bullying
- Child Trafficking

- Grooming
- Harmful Sexual Behaviour
- Financial or Material Abuse
- Modern Slavery
- Discriminatory Abuse
- Radicalisation / Extremism ('Prevent')
- Peer on Peer / Child on Child Abuse (Contextualised Safeguarding)

### **Training**

- All staff will be trained on safeguarding, including responsibilities surrounding 'Prevent', 'Cyber Safety', and 'Modern Slavery'
- Staff will be trained on how to monitor and how to report safeguarding issues including a clear chain of command and reporting process Identified in the appendix as Safeguarding Procedures. Activate focuses on '**Recognise, Respond, Report, Record**' as a process.
- Training will be reviewed regularly (at least annually and/or when legislation or guidance changes)
- Staff training is recorded on the Activate Staff training portal as well as within individuals training records.
- Staff training will reflect the requirements of our various partner organisations – these include but are not limited to, Ofsted, The NCS Trust, Pharos, The NSPCC, Government bodies.

### **Monitoring**

The policy will be reviewed annually, or in the following circumstances:

- Changes in legislation and/or government guidance
- As required by the Local Safeguarding Children Partnership or organisation, UK Sport and/or Home Country Sports Councils and Ofsted
- As a result of any other significant change or event.

This policy is our general statement on child safeguarding and welfare. This policy should be viewed along with the additional policies and procedures related to Activate and our activities as identified above.

### **Designated Persons**

Activate has clearly identified Designated Persons responsible for safeguarding.

The Designated Persons within Activate have a combined responsibility for safeguarding and will be led by the Designated Safeguarding lead, all Safeguarding staff will:



- Take responsibility for promoting positive safeguarding procedures and the implementation of good practice within his/her area of responsibility.
- Receive information from and ensure appropriate advice is given to all Staff, temporary staff, agency staff and volunteers.
- Record information on the Proactive Reporting system; assess incoming information promptly and take appropriate action.
- Ensure staff are familiar with procedures for referrals, and where and when to make appropriate use of these.
- Be aware of and have the contact details of the local safeguarding children's partnerships or organisations and all other relevant agencies and make sure all Staff know where this information is held and their responsibilities if they are required to contact these people.
- Support other organisations and agencies in an Early Help assessment. These should be kept under constant review and a referral made to Children's Social Care if the child or young person's situation doesn't improve
- Ensure that the local safeguarding children's team keep the Designated Person informed of safeguarding matters as appropriate including the opportunities for training provided by the Local Safeguarding Partnership Board in their area.
- Ensure the safeguarding leads for external partners for example, delivery partners are known, and their details are readily available to all relevant Staff.
- Make sure all Staff within their geographical area of responsibility are aware of their role and how to contact them or their deputy (where applicable) in their absence.
- Ensure that participants and parents/carers have access to safeguarding information and processes.
- Assess the safeguarding development needs of all staff and ensure that steps are taken to spread good practice, and that all staff are fully familiar with this policy and procedures and any updates to this policy are clearly communicated to all - including third party providers.
- When an alert is raised, consider whether parents/carers need to be contacted and if any doubt speak to the Safeguarding Lead, or head of programme (Camps or NCS)
- Monitor the number of safeguarding concerns; keeping confidential records for up to 7 seven years of incidents and feed back to their programmes and their Operations Director on the quality of their safeguarding work as required and annually.
- Have additional Advanced safeguarding training that will be refreshed every 2 years

### **Reporting**

- Activate includes safeguarding and all aspects associated within this document/policy as requiring to be reported.
- Safeguarding issues must be reported to the regional safeguarding lead and all safeguarding concerns will be investigated fully and recorded. Reports should be made as soon as a disclosure or incident is apparent, and this should always be done within 1 hour of the initial raising of the issue.
- Safeguarding issues or suspicions will also be reported to external bodies as required within safeguarding legislation, best practice, and statutory requirements. This will be completed by Safeguarding trained staff within 24 hours of a report being made.

- Staffs are trained on their responsibilities including what and when to report, and methods of reporting.

During project weeks Activate will operate a 24 hour Safeguarding and Incident phone line. This will be provided to all staff and will be the first line of reporting in the event of a safeguarding concern or incident.

This phone line will only be manned by staff who have completed advanced safeguarding training. The line will be manned on a rota basis with clear communication to staff on responsibilities.

Activate has assigned the following person as our designated safeguarding lead:

Oliver Uffindall (Director) – [oliver@we-activate.co.uk](mailto:oliver@we-activate.co.uk) 0121 227 4385

### **Definitions and Coverage**

Definitions of the types of abuse, together with signs and symptoms are included in the attached appendices (Appendix 8)

Staff are made aware of the need to report allegations of abuse including those that may not have occurred whilst in the care of Activate (Historical allegations of abuse)

### **Safeguarding Procedures Background**

Activate acknowledges the importance of protecting children from abuse. All complaints, allegations or suspicions are taken seriously. We will not promise confidentiality, however, we have strict guidelines on sharing information, which we adhere to (see appendix 6).

The specific details on how complaints, allegations, or suspicions are reported is detailed in the appendix 3.

### **Whistle Blowing**

Activate has a separate Whistle Blowing procedure on which staff have been trained and in which are contained separate whistle blowing procedures.

Staff are made aware of their statutory requirements for safeguarding and the requirement to report all safeguarding concerns. As a result this policy and procedures take precedent over all other procedures in the event of a safeguarding concern or disclosure.

### **DBS Referrals**

Activate recognises its responsibilities surrounding the legal requirement and best practice advice to make referrals to the DBS if the recognised conditions are met.

Activate uses the government provided information on how to make referrals as well as using the online referral form as and when required. This information can be found at <https://www.gov.uk/guidance/barring-referrals>

All safeguarding staff at Activate are aware of these responsibilities and the process which must be followed. The process used and further details are contained as an appendix at the end of this policy.

Referrals will only be made in line with the guidance provided by the UK Government including the specific advice of whether to make a referral when an allegation is made, or when someone is temporarily suspended. Referrals will be made by one central contact at Activate (Normally the head of recruitment, under supervision and with guidance from the Operations Director).

Further details can be found in appendix 11

### **Safeguarding Responsibilities for Staff**

All Activate Staff are directly responsible for ensuring that all participants are safe from abuse, danger or harm - or the risk of this occurring.

### **Recognise, Respond, Report, Record (See appendix 2 for more detail)**

All people working with participants – whether engaged directly by Activate or in Partnership, must, therefore:

- Immediately report any concerns to their line manager or, in their absence, the 'Designated Safeguarding Officer', if abuse against participants may have taken place in the workplace or may be taking place outside the workplace or is likely to take place in either location.
- All Staff should know who their Designated Safeguarding Officer (DSO) is and how to contact them. Staff may also use the 24 hour on call safeguarding line operated during peak programme times
- Be vigilant for any signs of significant harm and avoidable danger potentially coming to participants from any source.
- Participants who have an additional need which covers Special Educational Need and Disability (SEND) could be more susceptible to abuse or harm due to their level of understanding or awareness to what may be taking place, and their possible inability to express or disclose. Staff will need to be more vigilant to potential signs of harm.

Watch out for evidence of the following being presented by any participant:

- Any unlawful victimisation due to 'protected characteristics' see the Equality & Diversity policy for details of protected characteristics.
- Exploitation including financial abuse, sexual exploitation, forced marriage, radicalisation, Modern Slavery.
- Being subjected to emotional abuse.
- Being the victim of crime or the fear or tangible threat of crime.
- Being prone to accidents, where this leads to suspicion that these may not genuinely be accidents.
- Being in a potentially unsafe physical environment, rough sleeping or in the case of a young person, being missing from care or home.
- Being subject to sexual and/or physical abuse, including domestic violence.
- Any reference to historical abuse (that is to be treated the same as if the Incident alert refers to current abuse taking place).

- Bullying.
- Cyber-bullying or any other form of on-line abuse
- Referencing Female Genital Mutilation (FGM). Under the Serious Crime Act 2015, FGM is a now a criminal offence in the UK for anyone involved in carrying this out. FGM is a form of abuse and needs to be reported as a safeguarding concern if disclosed. This will be reported via the local contacts and where necessary to the police.
- Self-harm.
- Self-neglect.
- Neglect, by person (s) formally responsible for the care of the individual.
- Reporting that they are being bullied, exploited, harassed or harmed by other children, otherwise known as Child on Child abuse. This could take the form of inappropriate touching, initiation violence, grooming, sexual violence / harassment, physical abuse, or sexting. It can take place as part of domestic abuse, child sexual exploitation, harmful sexual behaviour or serious youth crime or violence
- Poor or irregular attendance, or persistent lateness
- Regularly arriving and then going 'missing' from the programme, or leaving without permission / agreement to do so
- Domestic abuse where control and coercion are prevalent, and can take the form of physical, psychological/emotional, financial or sexual abuse. The Serious Crime Act 2015 now makes it a criminal offence for controlling or coercive behaviour to be committed within an intimate or family relationship. Appendix 12 gives more detail about Coercive control.

### **External partners, and providers of activities to participants**

All external partners, providers, and guest speakers on programmes will be assessed to ensure that they are suitable for delivery on Activate programmes.

Activate will make our safeguarding policy and procedures available to all contractors and will make staff aware of our ongoing safeguarding responsibilities even when contractors are running activities. We also request any contractor safeguarding policies and procedures where relevant.

Activate has the following in place which support our procedures and ensure that all subcontractors or hire venues are assessed and receive and understand the information required to maintain the safety of our staff and participants.

- External Providers Policy
- Contractor hire letter and checks
- Venue hire letter
- Transport providers checklist

All visitors to Activate activities will be supervised by Activate staff as we maintain our duty of care to participants and recognise that this duty cannot be passed over to any third party.

## **Appendix 1 – Definitions**

### **Definition of ‘Adult at Risk’ (Vulnerable Adult), ‘Child’ and Young Person within the Scope of this Policy.**

#### **Adult at Risk**

The Department of Health defines an adult at risk as a person of 18 years or older who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

In more detail, it is a person who is also (any one or more of the below):

- In residential accommodation
- In sheltered accommodation
- Receiving domiciliary care
- By virtue of an order of a court, under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act
- Receiving welfare services of a prescribed description (normally those provided by Mental Health and Social Care organisations and/or their agents/providers)
- Receiving any service or participates in any activity provided specifically for adult at risks
- Requiring assistance in the conduct of their own affairs
- Receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions. (Age-related needs include any needs associated with frailty, illness, disability or mental capacity.)

#### **Child**

The Statutory Guidance for Safeguarding Children defines a child as:

“Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change his/her status or entitlements to services or protection.”

The Children Act 1989 defines a Child in Need as:

“A child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting welfare”.

## **Young Person**

Most legislation, regulation and guidance refer to 'child' or 'children'. The term 'young person' is used in this policy and procedure out of respect for young people in their teenage years who they and others would not deem to be a 'child'. However, for safeguarding purposes where the term 'child' is used, it is applicable to all young people who are under 18. Once 18, adult legislation becomes applicable unless the young person - attaining that age - has been in the care of the local authority where there are some instances when children's legislation does still apply until the age of 25.

This policy, therefore, includes all 16 and 17 year olds who may be in receipt of working age benefits and any other person on any programme who is not yet 18 who could be participants in many of our programmes. Furthermore, the Home Office definition of domestic abuse now also incorporate 16-17 year olds as victims.

## **Looked after children and previously looked after children**

"A previously looked after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked after children safe. When dealing with looked after children and previously looked after children, it is important that all agencies work together and prompt action is taken on concerns to safeguard these children, who are a particularly vulnerable group."

## **Appendix 2 – Safeguarding Staff Support**

Provided to staff during training and available via staff portal at all times as a reminder:

### **1 – Recognise**

Know the signs and indicators that tell you something is not quite right. What you are **told**, what you **see** and sometimes what you **do not see**.

### **2 – Respond**

**DO:** Listen, Stay calm, Believe, Do not judge, Reassure, Check for immediate danger, Gain consent, Explain the next steps.

**DON'T:** JUDGE, Dismiss, Make promises, Jump to conclusions, Accuse.

### **3 – Report**

Your first port of call **is your on duty designated person!** Who is that? Find out! They can give advice, give a different perspective, and identify the next steps. **The safeguarding number will be displayed on your staff lanyard** and is available 24/7 during programmes

### **4 – Record**

Regardless of whether you believe it to be just a concern or a full incident, complete an incident report on the **Proactive Reporting** system – flag it as amber or red if you are unsure of what to do

**A concern** is something that has, could, might or maybe happen. You have reason to think that an individual may need help, you are worried, or you wish to flag something

**An incident** is currently or has happened where intervention from your designated safeguarding officer or professional services is needed now.

### **5 - Realise The Risk**

Who is at risk are you? are they? If anyone is at **immediate risk of harm**, then call **999**. Do you need to keep yourself safe? Do you need to de-escalate a situation? Does the Participant need to be risk assessed? What measures do you need to put in place?

### **Low level concerns**

The reporting of low level concerns is essential and could provide Activate with essential support in identifying more serious safeguarding concerns. Low level concerns should be logged using the Proactive reporting system and flagged as 'Red' to ensure that safeguarding staff are aware and can review such reports.

### **What is a low-level concern?**

A low-level concern is any concern that an adult has acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- doesn't meet the threshold of harm or is not considered serious enough for Activate to refer to the local authority.

Low-level concerns are part of a spectrum of behaviour. This includes:

- inadvertent or thoughtless behaviour
- behaviour that might be considered inappropriate depending on the circumstances
- behaviour which is intended to enable abuse.

Examples of such behaviour could include:

- being over friendly with children
- having favourites
- adults taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate sexualised, intimidating or offensive language.

#### Reminder for dealing with suicidal thoughts

- People think about suicide for many different reasons. **Don't try and understand.**
- **Gain consent.** Explain that you have to report the discussion to other safeguarding staff within Activate, you cannot continue to discuss this with them if they object to it being recorded. Instead you may have to direct them to support services such as Mind / CAMHS. Remember you may not be qualified to offer them mental health advice and therefore please do not try to exceed the boundaries of your training. If they are comfortable for you to record your discussions, then:
- If you are worried that someone may be thinking about suicide, talk to them. **Ask them direct questions about how they are feeling. Ask them if they have a plan?**
- IS THERE AN IMMEDIATE RISK TO A PERSON? -IF YES CALL 999
- **Listen**, Don't judge, **Write it all down.**
- Tell them that you need to record this on our internal reporting system so may be seen by other safeguarding staff within Activate.
- If someone tries to end their life, **this is not your fault.**

Helping someone with suicidal thoughts is likely to have a big impact on you. Support is available to you from Activate.

#### Concerns regarding internal staff (E.g. Safeguarding staff)

If you have concerns about your setting, regional, or national DSL or deputies, you should in the first instance report these to the level above that to which you have the concern.

E.g. If you have a concern about the setting DSL then report this to your regional DSL, and if you have a concern about the regional DSL report this to your national DSL.

You should also make yourself aware of the Activate Whistle Blowing policy which details further how complaints about members of staff will be dealt with.

In very rare instances, if you are unable to report your concern to a higher level DSL either due to there not being one, or in instances where you feel that this reporting process may not be appropriate then you should seek support and guidance from an outside organisation who will advise. You must ensure that you can justify why you feel that the internal process is not suitable if requested to provide details.

This could be local safeguarding teams, or national organisations such as the NSPCC. Local safeguarding contacts are included as an appendix (Appendix 13) for you to view.



## **Appendix 3 – Safeguarding Procedures**

Staff may be aware of safeguarding issues through:

- Observations of the child – changes in behaviour/mood/demeanour or physical signs that are a cause for concern.
- A child confiding in an adult with something that raises a cause for concern.
- Another parent/carer reporting concerns they may have.
- Another agency contacting the setting, such as housing, to discuss the person.

The following procedure is to be followed if any staff member or person working on behalf of Activate has any concern that abuse or neglect has, is or is likely to occur irrespective of where this abuse and/or neglect may be taking place.

There is a simple to follow Safeguarding Flowchart to help, shown at the bottom of this section.

This could mean taking action if, for example, a child or young person discloses in a leadership programme that they are being bullied by other family members or if the child raises concerns about the actions of a member of staff or the behaviour/s of another participant on the programme.

### **Recording the Allegation**

A full record should be made within 2 hours of the nature of the allegation and any other relevant information using the Proactive Reporting system and any additional sheets required recording:

- The date and time
- The place where the alleged abuse happened
- Names of all present
- The name of the complainant, and, where different, the name of the child who has allegedly been abused
- The nature of the alleged abuse
- A description of any injuries observed
- A drawing of the body indicating where the area of concern is
- The account which has been given of the allegation
- The Site Manager will inform the parent/carer that a referral is taking place unless it is considered that this could put the child at more risk.

If a concern is raised by a participant, Staff must:

- Tell the participant that you will need to discuss this with your immediate line manager.
- Tell the participant that we have a Duty of Care to ensure their wellbeing and safety and may not be able to guarantee absolutely confidentiality and we may need to report any areas of concern we identify to the appropriate authorities where it's felt that the disclosure has, or may, put the participant at risk of significant harm.

- Ask whether they need a private room to discuss this further, ask them to detail the facts to you and take notes of exactly what was said. Do not ask leading questions, though please do encourage them to detail the facts.
- Do not display emotional reactions, whatever is being said - just get them to tell you the facts.
- If the disclosure highlights an immediate concern, then type up your notes on the **Proactive Reporting system and mark as Red**. Send the report on Proactive but also speak to your line manager as soon as is practically possible to discuss. If your immediate line manager is not available, you must contact the Designated Safeguarding staff on duty if he/she is also not available. In exceptional circumstances – where the young person may be in immediate danger – you may need to report this to the police, and Children’s Social Care, but every attempt must be made to contact your line manager or the safeguarding staff on duty.
- If the disclosure doesn’t present an immediate safeguarding concern, then the disclosure still needs to be reported on the **Proactive Reporting** system
- Contact your line manager immediately following the interview and, in his/her absence contact the Safeguarding team.
- Do not discuss what the participant has told you with anyone other than your line management or unless someone else has a ‘need to know’ e.g. a co-worker who may have witnessed an incident.
- Where your line manager is not the ‘Designated Safeguarding Person’, he/she will discuss the situation with the appropriate safeguarding lead for your programme.
- The safeguarding team will be responsible for ensuring that any further appropriate action either on the part of Activate or in consultation with other bodies or organisations is carried out.
- In some circumstances, if the disclosure is of a major concern involving sexual or serious physical abuse and the line manager is not available, contact could be made directly to Children’s Social Care and/or the police – particularly if the child/young person seems to be in immediate danger. If this is the case then you must ring 999 and inform the police immediately.



## Safeguarding Flow chart



**Safeguarding concern raised by  
participant or others**

### **Immediate Risk / Danger**

Immediate danger – Call 999  
Call Line Manager or Safeguarding Number

### **NO Immediate Risk**

Call line manager for advice and if advised  
Call Safeguarding number

**Safeguarding Lead + Other Staff  
(Activate delivery and regional)  
Gather information and evidence**

**Complete Proactive Report  
Share with Regional DSO**

### **Immediate Concern**

Regional DSO will share with National  
DSO/DSL

### **NO Immediate Concern**

**DSO / DSL Refer to:**

**Local Authority Childrens'  
Social Care Team** (In line with local  
requirements/methods)

**And/or**

**Police, CAMHS**

**Line Managers to support staff to:**

**Signpost to Early Help Services**

**GP**

**Papyrus UK / Samaritans**

**Housing Services**

**Young Minds**

**If a member of staff is involved,  
contact regional manager or  
safeguarding number directly for  
guidance**

**Refer to internal support**

**Onsite welfare officer**

**Health Professional**

**Monitor the participant closely**

## **Appendix 4 – Disclosures and how to report effectively**

A disclosure is when you are told something that indicates that the person is currently or has previously been subject to a form of abuse. If a participant discloses to you something that is of a safeguarding concern, all staff have a duty of care to ensure that they **immediately report the concern to their line manager**, and then follow one of two pathways:-

(a) If the disclosure relates to a serious, or potentially serious incident, i.e., threatening suicide or risk of immediate physical harm to themselves or others then contact the Activate safeguarding team immediately either using the number on your staff lanyard, or by referring to the contacts on the above policy. If there is an immediate risk of danger or harm, then contact 999 immediately.

(b) If the disclosure relates to a safeguarding concern which is not an immediate concern, nor requires immediate intervention, i.e., low mood / withdrawn, untidy or unkempt, this too needs to be discussed with your line manager, however details of this will need to be recorded by the member of staff or line manager on the Proactive Reporting System.

Anything disclosed to you will need to be recorded verbatim, or in the words of the person telling you, so that it is a true and accurate account of what they have said. The participant must be told that you have a **duty of care** to report all safeguarding concerns that are reported to you in line with the business' safeguarding policy and procedures, and **you should never promise confidentiality**. You must always try to obtain consent from the participant to share the information that has been disclosed.

If the participant is under 18 years of age then consent should be obtained from their parent / carer, unless doing so would put the child or young person at more risk, i.e., the allegation is about the parent/carer. In these situations advice needs to be sought immediately from children's social care.

Sensitive and confidential information should only be divulged on a need-to-know basis, and the decision to share any information related to it will be made by the Designated Person.

Completed copies of any notes made **should not** be saved on your desktop, or mobile device or shared with other members of staff. One copy of the completed notes if taken on paper should be kept by the Safeguarding team in a secure locked draw / cabinet.

If you are unclear about any of these processes, please speak to your line manager, your Designated Safeguarding person or the business' Safeguarding Lead.

**Appendix 5 - Maintaining Safe Working Practice - Poster**



# Maintaining Safe Working Practice

Keeping staff and participants safe



Complete all Activate training required for your role before you begin.  
**KNOW YOUR ROLE**



Read, understand, and follow Activate policies and procedures at all times



Report any concerns or disclosures as soon as they occur. Using Activate procedures



Carry the contact details of your key people at all times - line manager, safeguarding number



Be Aware - Monitor, and support your groups at all times. Keep them and yourself safe



Be open and honest at all times, never promise confidentiality



Do not offer lifts to young people outside the agreements of your position



Do not accept personal or 'friends' requests on social networking sites



Be aware of photography rules, do not take images or share images if not permitted by Activate



Do not engage in personal email, text, messaging, or phone conversations with your participants

## **Appendix 6 – Information Sharing**

### **Information Sharing, Record Keeping and Confidentiality**

Investigating, assessing and responding to risks facing young people are multi-disciplinary, joint agency activities. They depend on the selective sharing of information, which is normally confidential. Information sharing should still comply with the common law duty of confidentiality, the Data Protection Act and Human Rights Act.

Sharing information is an intrinsic part of any practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on an individual's life. It can ensure that an individual receives the right services at the right time and prevent a 'need' from becoming more acute and difficult to meet. At the other end of the spectrum, it could be the difference between life and death. Poor or non-existent information sharing is a factor repeatedly flagged up as an issue in Safeguarding Partners reviews or Child Death reviews (previously Serious Case Reviews) carried out following the death of, or serious injury to, a child. Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children who are at risk of abuse or neglect.

Conversely, there is common law duty to keep information confidential either when the person supplying it says the information is confidential, or where it is clear from the circumstances that it should be treated as confidential. However, a professional who reasonably believes that people will be put at risk of danger if confidential information is not disclosed "is entitled to take such steps as are reasonable in all the circumstances to communicate the grounds of (their) concern to the responsible authorities".

The Government has provided guidance through "Seven Golden Rules" on when it is important to share information with other agencies, despite it being confidential. These are included below. Any decision on sharing information with other agencies can only be made by a Designated Safeguarding Person, Safeguarding Lead, or the Head of programme but only after every attempt is made to seek consent before this information is shared.

It will be the responsibility of the Designated Person to retain information collected about a safeguarding issue. The safeguarding information will be completed for every case and retained by Activate for a period of seven (7) years unless other circumstances prevail.

Information must be made available in the case of any police investigation, a court request or at the request of the Local Child Safeguarding Partnership in the event of a Safeguarding Partners review or a Child Death review. Otherwise, access is only available to the Designated Officer or HR on a need-to-know basis.

## **The seven golden rules to information sharing include:**

1. The 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 staff especially line managers or safeguarding team if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. 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.
6. 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.
7. 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.

## **Appendix 7 – Allegations against a member of staff - Disciplinary Action in relation to safeguarding**

### **Disciplinary Procedure Following an Allegation against a Member of Staff or Volunteer with Activate**

Given the serious nature of any allegation of misconduct concerning safeguarding children and young people and the statutory nature of much of the guidance, the following procedure is to be followed if an allegation has been made against a member of staff or volunteer directly accountable to Activate. This supplements the Activate general Disciplinary Procedure and is specific and relevant to Safeguarding issues only.

This procedure is triggered if the allegation or concern is that the member of staff has:

- behaved in a way that **has** harmed a child/young person or **may** have harmed a child/young person.
- possibly committed a criminal offence against or related to a child/young person; or
- behaved towards a child/young person or young persons in a way that indicates they may pose a risk of harm to them.

In such cases, the matter must be referred to the Designated Safeguarding Person on duty and Human Resources. This should be completed within 2 hours of the concern being raised. They should in turn alert the relevant Designated Officers within the Local Authority Safeguarding Children's Team/Partnership (formerly referred to as the LADO) who will advise, and support Activate in the management of the allegation.

On being notified of any such matter the site manager or lead safeguarding officer on duty must:

- Notify the head of safeguarding
- Take such steps, as he/she considers necessary to ensure the safety of the child in question and any other child who might be at risk remains safe.
- Report the matter to the local Children's Services Department in accordance with the procedure set out above.
- Ensure that a report of the matter as set out above is completed by the person who reported the original concern.

**In the case of allegations against staff members in relation to work with the National Citizenship Service (NCS), Pharos would also be informed in line with the NCS reporting procedures.**

An investigation will immediately be launched of which, depending on the nature of the allegation, there could be three types:

- Criminal (led by the police).
- Child protection (led by Children Services and/or the Police).
- Performance/capability, Disciplinary/ Misconduct (led by Activate).

If a criminal or child protection investigation is instigated, it would be expected that the staff member would be suspended although serious consideration must be given that the situation warrants such



action. Temporary removal of the staff member being accused from contact with children and young people until the investigation is complete is also an option at any time an accusation is made.

If a Police and/or Children's Services investigation takes place, the Activate Disciplinary procedure may await the outcome of the investigation which may inform the Activate disciplinary process. Even in the absence of a criminal prosecution, the Activate process may still be activated and may result in sanctions being imposed upon the individual - including dismissal.

If Activate ceases a member of staffs contract of employment or terminates the relationship with a volunteer for reasons of harm, risk of harm or because a consideration has made that they are unsuitable, then a referral will be made to the Disclosure and Barring Service. This should also be done if an individual has received a caution or conviction for a relevant offence, or if they have been removed from working in regulated activity.

If a member of staff is suspended as a result of such allegations, it is essential that no other staff members are in contact with that staff member and staff need to be instructed accordingly. Activate will continue to exercise its duty of care to the staff member who is the subject of the allegation throughout the investigatory process by providing the necessary support and advice by allowing them to liaise with a named contact person.

## **Appendix 8 – Safeguarding Background**

### **Forms of abuse:**

The following information identifies the different forms of abuse defined by the NSPCC in 2015 and for which Activate staff will be trained in recognizing and reacting to any suspicions. This list has been extended to incorporate additional types of abuse identified within adult safeguarding, and the “Keeping Children Safe in Education” document 2018.

### **Child Abuse**

Child abuse is any action by another person – adult or child – that causes significant harm to a child. It can be physical, sexual or emotional, but can just as often be about a lack of love, care and attention. We know that neglect, whatever form it takes, can be just as damaging to a child as physical abuse.

An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. It often happens over a period of time, rather than being a one-off event. Increasingly it can happen online.

### **Domestic Abuse**

Domestic abuse is any type of controlling, bullying, threatening or violent behaviour between people in a relationship. But it isn't just physical violence – domestic abuse includes any emotional, physical, sexual, financial or psychological abuse.

It can happen in any relationship, and even after the relationship has ended. Both men and women can be abused or abusers.

Witnessing domestic abuse is child abuse, and teenagers can suffer domestic abuse in their relationships. Domestic abuse can seriously harm children and young people.

It's often difficult to tell if domestic abuse is happening, because it usually takes place in the family home and abusers can act very differently when other people are around.

Children who witness domestic abuse may:

- Become aggressive
- Display anti-social behaviour
- Suffer from depression or anxiety
- Not do as well at school - due to difficulties at home or disruption of moving to and from refuges.

### **Sexual Abuse**

A child is sexually abused when they are forced or persuaded to take part in sexual activities. This doesn't have to be physical contact, and it can happen online. Sometimes the child won't understand that what's happening to them is abuse. They may not even understand that it's wrong. There are two different types of child sexual abuse. These are called contact abuse and non-contact abuse.

**Contact abuse** is where an abuser makes physical contact with a child, including penetration.

**Non-contact abuse** covers other acts where the abuser doesn't touch the child, such as grooming, exploitation, persuading children to perform sexual acts over the Internet and flashing.

Children who are sexually abused may:

- Stay away from certain people
- They might avoid being alone with people, such as family members or friends
- They could seem frightened of a person or reluctant to socialise with them.
- Show sexual behaviour that's inappropriate for their age
- A child might become sexually active at a young age
- They might be promiscuous
- They could use sexual language or know information that you wouldn't expect them to
- Have physical symptoms
  - Anal or vaginal soreness
  - An unusual discharge
  - Sexually transmitted infection (STI)
  - Pregnancy.

## **Neglect**

Neglect is the on-going failure to meet a child's basic needs. A child may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care.

A child may be put in danger or not protected from physical or emotional harm. They may not get the love, care and attention they need from their parents.

A child who's neglected will often suffer from other abuse as well. Neglect is dangerous and can cause serious, long-term damage - even death. Neglect can have serious and long-lasting effects. It can be anything from leaving a child home alone to the very worst cases where a child dies from malnutrition or being denied the care they need. In some cases it can cause permanent disabilities.

Neglect can be really difficult to identify, making it hard for professionals to take early action to protect a child.

Having one of the signs or symptoms below doesn't necessarily mean that a child is being neglected. But if you notice multiple, or persistent, signs then it could indicate there's a serious problem.

Children who are neglected may have:

Poor appearance and hygiene, health and development problems, housing and family issues,

## **Online Abuse**

Online abuse is any type of abuse that happens on the web, whether through social networks, playing online games or using mobile phones. Children and young people may experience cyber bullying, grooming, sexual abuse, sexual exploitation or emotional abuse. Activate recognises the importance of online abuse and as such has a separate Digital Safeguarding Policy.

Children can be at risk of online abuse from people they know, as well as from strangers. Online abuse may be part of abuse that is taking place in the real world (for example bullying or grooming). Or it may be that the abuse only happens online (for example persuading children to take part in sexual activity online).

Children can feel like there is no escape from online abuse – abusers can contact them at any time of the day or night, the abuse can come into safe places like their bedrooms, and images and videos can be stored and shared with other people.

A child may be experiencing abuse online if they:

- Spend lots, much more or much less time online, texting, gaming or using social media
- Are withdrawn, upset or outraged after using the internet or texting
- Are secretive about who they're talking to and what they're doing online or on their mobile phone
- Have lots of new phone numbers, texts or e-mail addresses on their mobile phone, laptop or tablet.

## **Physical Abuse**

Physical abuse is deliberately hurting a child causing injuries such as bruises, broken bones, burns or cuts.

It isn't accidental - children who are physically abused suffer violence such as being hit, kicked, poisoned, burned, and slapped or having objects thrown at them. Shaking or hitting babies can cause non-accidental head injuries (NAHI). Sometimes parents or carers will make up or cause the symptoms of illness in their child, perhaps giving them medicine they don't need and making the child unwell – this is known as fabricated or induced illness (FII).

There is no excuse for physically abusing a child. It causes serious, and often long-lasting, harm – and in severe cases, death.

Bumps and bruises don't necessarily mean a child is being physically abused – all children have accidents, trips and falls.

There's isn't one sign or symptom to look out for that will say a child is definitely being physically abused. But if a child often has injuries, there seems to be a pattern, or the explanation doesn't match the injury then this should be investigated.

Physical abuse may include signs of – bruising, burns or scalds, bite marks, fracture or broken bones, other injuries and health problems.

## **Emotional Abuse**

Emotional abuse is the on-going emotional maltreatment or emotional neglect of a child. It's sometimes called psychological abuse and can seriously damage a child's emotional health and development.

Emotional abuse can involve deliberately trying to scare or humiliate a child or isolating or ignoring them.

Children who are emotionally abused are usually suffering another type of abuse or neglect at the same time – but this isn't always the case.

There often aren't any obvious physical symptoms of emotional abuse or neglect but you may spot signs in a child's actions or emotions.

Changes in emotions are a normal part of growing up, so it can be really difficult to tell if a child is being emotionally abused.

Children may:

- Use language, act in a way or know about things that you wouldn't expect them to know for their age
- Struggle to control strong emotions or have extreme outbursts
- Seem isolated from their parents
- Lack social skills or have few, if any, friends

## **Sexual Exploitation**

Child sexual exploitation (CSE) is a type of sexual abuse in which children are sexually exploited for money, power or status.

Children or young people may be tricked into believing they're in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be groomed online. Some children and young people are trafficked into or within the UK for the purpose of sexual exploitation. Sexual exploitation can also happen to young people in gangs.

Sexual exploitation can be very difficult to identify. Warning signs can easily be mistaken for 'normal' teenage behaviour.

Young people who are being sexually exploited may:

- Go missing from home, care or education.
- Be involved in abusive relationships, intimidated and fearful of certain people or situations
- Hang out with groups of older people, or antisocial groups, or with other vulnerable peers
- Associate with other young people involved in sexual exploitation
- Get involved in gangs, gang fights, gang membership
- Have older boyfriends or girlfriends
- Spend time at places of concern, such as hotels or known brothels
- Not know where they are, because they have been moved around the country
- Be involved in petty crime such as shoplifting
- Have unexplained physical injuries
- Have a changed physical appearance, for example lost weight.
- They may also show signs of sexual abuse or grooming.

## **Female Genital Mutilation (FGM)**

Female genital mutilation is the partial or total removal of external female genitalia for non-medical reasons. It's also known as female circumcision, cutting or Sunna.

Religious, social or cultural reasons are sometimes given for FGM. However, FGM is child abuse. It's dangerous and a criminal offence.

There are no medical reasons to carry out FGM. It doesn't enhance fertility and it doesn't make childbirth safer. It is used to control female sexuality and can cause severe and long-lasting damage to physical and emotional health.

A girl at immediate risk of FGM may not know what's going to happen. But she might talk about or you may become aware of:

- A long holiday abroad or going 'home' to visit family
- Relative or cutter visiting from abroad
- A special occasion or ceremony to 'become a woman' or get ready for marriage
- A female relative being cut – a sister, cousin, or an older female relative such as a mother or aunt.

A girl or woman who's had female genital mutilation (FGM) may:

- Have difficulty walking, standing or sitting
- Spend longer in the bathroom or toilet
- Appear withdrawn, anxious or depressed
- Have unusual behaviour after an absence from school or college
- Be particularly reluctant to undergo normal medical examinations
- Ask for help but may not be explicit about the problem due to embarrassment or fear.

FGM can be extremely painful and dangerous. It can cause:

- Severe pain
- Shock
- Bleeding
- Infection such as tetanus, HIV and hepatitis B and C
- Organ damage
- Blood loss and infections that can cause death in some cases.

## **Bullying and Cyber-bullying**

Bullying is behaviour that hurts someone else – such as name calling, hitting, pushing, spreading rumours, threatening or undermining someone.

It can happen anywhere – at school, at home or online. It's usually repeated over a long period of time and can hurt a child both physically and emotionally.

Bullying that happens online, using social networks and mobile phones, is often called cyber bullying. A child can feel like there's no escape because it can happen wherever they are, at any time of day or night. Activate has a specific Digital Safeguarding Policy

It can be hard for adults, including parents, to know whether or not a child is being bullied. A child might not tell anyone because they're scared the bullying will get worse. They might think that they deserve to be bullied, or that it's their fault.

You can't always see the signs of bullying. And no one sign indicates for certain that a child's being bullied. But you should look out for:

- Belongings getting "lost" or damaged
- Physical injuries such as unexplained bruises
- Being afraid to go to school, being mysteriously 'ill' each morning, or skipping school
- Not doing as well at school
- Asking for, or stealing, money (to give to a bully)
- Being nervous, losing confidence, or becoming distressed and withdrawn
- Problems with eating or sleeping
- Bullying others.

## **Child Trafficking**

Child trafficking is child abuse. Children are recruited, moved or transported and then exploited, forced to work or sold. They are often subject to multiple forms of exploitation.

Children are trafficked for:

- Child sexual exploitation
- Benefit fraud
- Forced marriage
- Domestic servitude such as cleaning, childcare, cooking
- Forced labour in factories or agriculture
- Criminal activity such as pickpocketing, begging, transporting drugs, working on cannabis farms, selling pirated DVDs, bag theft.

Many children are trafficked into the UK from abroad, but children can also be trafficked from one part of the UK to another.

Signs that a child has been trafficked may not be obvious, but you might notice unusual behaviour or events. These include a child who:

- Spends a lot of time doing household chores
- Rarely leaves their house, has no freedom of movement and no time for playing
- Is orphaned or living apart from their family, often in unregulated private foster care
- Lives in substandard accommodation
- Isn't sure which country, city or town they're in
- Is unable or reluctant to give details of accommodation or personal details
- Might not be registered with a school or a GP practice
- Has no documents or has falsified documents

- Has no access to their parents or guardians
- Is seen in inappropriate places such as brothels or factories • Possesses unaccounted for money or goods
- Is permanently deprived of a large part of their earnings, required to earn a minimum amount of money every day or pay off an exorbitant debt
- Has injuries from workplace accidents
- Gives a prepared story, which is very similar to stories given by other children.

## **Grooming**

Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse or exploitation.

Children and young people can be groomed online or in the real world, by a stranger or by someone they know - for example a family member, friend or professional.

Groomers may be male or female. They could be any age.

Many children and young people don't understand that they have been groomed, or that what has happened is abuse.

The signs of grooming aren't always obvious, and groomers will often go to great lengths not to be identified.

If a child is being groomed, they may:

- Be very secretive, including about what they are doing online • Have older boyfriends or girlfriends
- Go to unusual places to meet friends
- Have new things such as clothes or mobile phones that they can't or won't explain
- Have access to drugs and alcohol.

In older children, signs of grooming can easily be mistaken for 'normal' teenage behaviour, but you may notice unexplained changes in behaviour or personality, or inappropriate sexual behaviour for their age.

## **Harmful Sexual Behaviour**

Harmful sexual behaviour includes:

- Using sexually explicit words and phrases
- Inappropriate touching
- Using sexual violence or threats
- Full penetrative sex with other children

Children and young people who develop harmful sexual behaviour harm themselves and others. If you're unsure whether behaviour is healthy. A traffic light system is used to describe healthy (green) sexual behaviours, potentially unhealthy (amber) sexual behaviours and unhealthy (red) sexual behaviours.



The tool suggests what kind of attention and response you should give to each type of behaviour. And it suggests what kind of help might be necessary to ensure the child's safety. Parents and professionals can use the tool.

## **Financial Abuse**

Financial abuse can take many forms which includes:

- Theft of money or possessions
- Fraud, scamming
- Preventing a person from accessing their own money, benefits or assets
- Employees taking a loan from a person using the service • Undue pressure, duress, threat or undue influence put on the person in connection with loans, wills, property, inheritance or financial transactions
- Arranging less care than is needed to save money to maximise inheritance
- Denying assistance to manage/monitor financial affairs
- Denying assistance to access benefits
- Misuse of personal allowance in a care home
- Misuse of benefits or direct payments in a family home
- Someone moving into a person's home and living rent free without agreement or under duress
- False representation, using another person's bank account, cards or documents
- Exploitation of a person's money or assets, e.g. unauthorised use of a car
- Misuse of a power of attorney, deputy, appointee ship or other legal authority
- Rogue trading – e.g. unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship
- Indicators of financial abuse include:
- Missing personal possessions
- Unexplained lack of money or inability to maintain lifestyle • Unexplained withdrawal of funds from account.
- Power of attorney or lasting power of attorney (LPA) being obtained after the person has ceased to have mental capacity
- Failure to register an LPA after the person has ceased to have mental capacity to manage their finances, so that it appears that they are continuing to do so
- The person allocated to manage financial affairs is evasive or uncooperative
- The family or others show unusual interest in the assets of the person • Signs of financial hardship in cases where the person's financial affairs are being managed by a court appointed deputy, attorney or LPA • Recent changes in deeds or title to property
- Rent arrears and eviction notices
- A lack of clear financial accounts held by a care home or service • Failure to provide receipts for shopping or other financial transactions carried out on behalf of the person
- Disparity between the person's living conditions and their financial resources, e.g. insufficient food in the house
- Unnecessary property repairs

## **Modern Slavery**

The following are classed as types of modern slavery:

- Human trafficking
- Forced labour
- Domestic servitude
- Sexual exploitation, such as escort work, prostitution and pornography • Debt bondage – being forced to work to pay off debts that realistically they never will be able to
- The following are indicators of modern slavery:
- Signs of physical or emotional abuse
- Appearing to be malnourished, unkempt or withdrawn
- Isolation from the community, seeming under the control or influence of others
- Living in dirty, cramped or overcrowded accommodation and or living and working at the same address
- Lack of personal effects or identification documents
- Always wearing the same clothes
- Avoidance of eye contact, appearing frightened or hesitant to talk to strangers
- Fear of law enforcers

## **Discriminatory Abuse**

Discriminatory abuse is based on any form of abuse and includes the following types:

- Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (known as 'protected characteristics' under the Equality Act 2010)
- Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
- Denying access to communication aids, not allowing access to an interpreter, signer or lip-reader
- Harassment or deliberate exclusion on the grounds of a protected characteristic
- Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic
- Substandard service provision relating to a protected characteristic The following are possible signs of discriminatory abuse:
- The person appears withdrawn and isolated
- Expressions of anger, frustration, fear or anxiety
- The support on offer does not take account of the person's individual needs in terms of a protected characteristic

## **Radicalisation and Extremism**

Radicalisation is a new and emerging risk to young people. Emerging government guidance, particularly the "Prevent Strategy" has been published in 2011 with regular updates (2015). Almost half of all of the people referred to the Government's de-radicalisation scheme, established in the wake of the Prevent Strategy, were under the age of 18. At all times, the welfare of the child is

paramount. BCC Ltd has a moral and legal obligation to ensure that young people are protected from harm. Partners and their third party deliverers need to ensure they have policies and procedures in place to protect children and young people from exposure to highly radical or extremist views either via social media and the internet or from volunteers, officials, coaches or employees. Police forces and other statutory bodies are working more closely together than ever on this highly political and sensitive issue and are quick to act when there are concerns about a child's welfare.

For more information about the Prevent Strategy go to

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf)

### **Special Notes on Child on Child abuse (formerly referred to as Peer on Peer abuse):**

\*Note: The term 'Peer on Peer' abuse has been changed throughout KCSIE 2022 onwards to 'Child on Child' abuse to help reflect that this form of abuse could take place between children of any age. It was observed that the term 'peer on peer' abuse could be interpreted to mean abuse just between children of a similar age and that this isn't always the case.

Children and young people may be harmful to one another in a number of ways, which would be classified as child on child abuse.

Introduction to abuse and harmful behaviour

Abusive behaviour can happen to pupils in schools and settings and it is necessary to consider what abuse is and looks like, how it can be managed and what appropriate support and intervention can be put in place to meet the needs of the individual and what preventative strategies may be put in place to reduce further risk of harm.

Abuse is abuse and should never be tolerated or passed off as 'banter' or 'part of growing up'. Equally, abuse issues can sometimes be gender specific e.g. girls being sexually touched/assaulted and boys being subject to initiation/hazing type violence (KCSIE, 2022 onwards). It is important to consider the forms abuse may take and the subsequent actions required.

### **Types of abuse**

There are many forms of abuse that may occur between children and this list is not exhaustive. Each form of abuse or prejudiced behaviour is described in detail followed by advice and support on actions to be taken.

#### **Physical abuse e.g. (biting, hitting, kicking, hair pulling etc.)**

Physical abuse may include, hitting, kicking, nipping, shaking, biting, hair pulling, or otherwise causing physical harm to another person. There may be many reasons why a child harms another and it is important to understand why a young person has engaged in such behaviour, including accidentally before considering the action or punishment to be undertaken.

**Sexually harmful behaviour/sexual abuse e.g. (inappropriate sexual language, touching, sexual assault etc.)**

Sexually harmful behaviour from young people is not always contrived or with the intent to harm others. There may be many reasons why a young person engages in sexually harmful behaviour and it may be just as distressing to the young person who instigates it as well as the young person it is intended towards. Sexually harmful behaviour may range from inappropriate sexual language, inappropriate role-play, to sexually touching another or sexual assault/abuse.

**Bullying (physical, name calling, homophobic etc.)**

Bullying is unwanted, aggressive behaviour among school-aged children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Both young people who are bullied and who bully others may have serious, lasting problems. In order to be considered bullying, the behaviour must be aggressive and include:

- An Imbalance of Power: Young people who bully use their power— such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- Repetition: Bullying behaviours happen more than once or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally or for a particular reason e.g. size, hair colour, gender, sexual orientation, and excluding someone from a group on purpose.

**Cyber bullying**

Cyber bullying is the use of phones, instant messaging, e-mail, chat rooms or social networking sites such as Facebook and Twitter to harass threaten or intimidate someone for the same reasons as stated above. Activate has a separate digital safeguarding policy which should be adhered to.

It is important to state that cyber bullying can very easily fall into criminal behaviour under the Malicious Communications Act 1988 under section 1 which states that electronic communications which are indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to the victim would be deemed to be criminal. This is also supported by the Communications Act 2003, Section 127 which states that electronic communications which are grossly offensive or indecent, obscene or menacing, or false, used again for the purpose of causing annoyance, inconvenience or needless anxiety to another could also be deemed to be criminal behaviour.

If the behaviour involves the use of taking or distributing indecent images of young people under the age of 18 then this is also a criminal offence under the Sexual Offences Act 2003. Outside of the immediate support young people may require in these instances, the school will have no choice but to involve the police to investigate these situations.

## **Exchange of Nudes / Semi Nudes**

Sexting is when someone sends or receives a sexually explicit text, image or video. This includes sending 'nude pics', 'rude pics' or 'nude selfies'. Pressuring someone into sending a nude picture can happen in any relationship and to anyone, whatever their age, gender or sexual preference.

However, once the image is taken and sent, the sender has lost control of the image and these images could end up anywhere. By having in their possession, or distributing, indecent images of a person under 18 on to someone else, young people are not even aware that they could be breaking the law as stated as these are offences under the Sexual Offences Act 2003.

## **Initiation/Hazing**

Hazing is a form of initiation ceremony, which is used to induct newcomers into an organisation such as a private school, sports team etc. There are a number of different forms, from relatively mild rituals to severe and sometimes violent ceremonies.

The idea behind this practice is that it welcomes newcomers by subjecting them to a series of trials, which promote a bond between them. After the hazing is over, the newcomers also have something in common with older members of the organisation, because they all experienced it as part of a rite of passage. Many rituals involve humiliation, embarrassment, abuse, and harassment.

## **Prejudiced Behaviour**

The term prejudice-related bullying refers to a range of hurtful behaviour, physical or emotional or both, which causes someone to feel powerless, worthless, excluded or marginalised, and which is connected with prejudices around belonging, identity and equality in wider society – in particular, prejudices to do with disabilities and special educational needs, ethnic, cultural and religious backgrounds, gender, home life, (for example in relation to issues of care, parental occupation, poverty and social class) and sexual identity (homosexual, bisexual, transsexual).

## **Teenage relationship abuse**

Teenage relationship abuse is defined as a pattern of actual or threatened acts of physical, sexual, and/or emotional abuse, perpetrated by an adolescent (between the ages of 13 and 18) against a current or former partner. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive teen uses this pattern of violent and coercive behaviour, in a heterosexual or same gender relationship, in order to gain power and maintain control over the partner.

## **Expected action taken from all staff**

Staff should always follow the Activate Safeguarding Flowchart and procedures contained in the "Safeguarding Methods" document.

Although the type of abuse may have a varying effect on the victim and initiator of the harm, these simple steps can help clarify the situation and establish the facts before deciding the consequences for those involved in perpetrating harm.

It is important to deal with a situation of peer abuse immediately and sensitively. It is necessary to gather the information as soon as possible to get the true facts around what has occurred as soon after the child(ren) may have forgotten. It is equally important to deal with it sensitively and think about the language used and the impact of that language on both the children and the parents when they become involved. For example, do not use the word perpetrator, this can quickly create a 'blame' culture and leave a child labelled.

In any case of sexual assault/harassment this should be investigated by one of the safeguarding leads identified at the start of the policy. These staff will be responsible for ensuring that the required support is in place for both the victim and accused.

In all cases of child on child abuse it is necessary that all staff are trained in dealing with such incidents, talking to young people and instigating immediate support in a calm and consistent manner. Staff should not be prejudiced, judgmental, dismissive or irresponsible in dealing with such sensitive matters.

## **Appendix 9 – Trans and Transgender inclusion**

Activate are committed to supporting transgender young people to ensure that there are no practical, physical and discriminatory barriers to them accessing the NCS or any other programme. **Gender, Sexual Orientation and Gender Identity** are defined as being a **'protected characteristic'** and the **Equality Act 2010** makes it clear that it's against the law to discriminate someone under any of these categories. Though there is legislation in place to prevent this type of abuse from happening it does still take place and happens when people are motivated by discriminatory and oppressive attitudes and feelings towards others.

Discrimination or abuse could be physical, sexual, and emotional abuse or assault, as well as verbal, sexist, homophobic or transphobic comments or harassment. Negative attitudes towards someone's sexuality have been shown to affect a person's mental health.

**Homophobic bullying** is when people behave or speak in a way which makes someone feel bullied because of their actual or perceived sexuality. People may be a target of this type of bullying because of their appearance, behaviour, physical traits or because they have friends or family who are lesbian, gay, bisexual, transgender, or questioning or possibly just because they are seen as being different.

**Transphobic Bullying** is bullying of any form that has the added dimension of being based on someone's actual or perceived gender identity.

While gender identity and sexual orientation are very different, there is a relationship between transphobia and homophobia, Trans\* people often experience homophobic abuse, and lesbian, gay and bisexual people will often experience discrimination based on their gender presentation.

### **Zero Tolerance Awareness & Safeguarding understanding**

Activate has a zero tolerance to any type of abuse or bullying and Activate commits to making sure that staff, young people and their parent / carers from sign up until the end of programme are aware that we have a zero-tolerance policy on any homophobic or transphobic behaviour during any phase of the programme, and sanctions will apply if it is identified that this has taken place.

A young person who identifies as trans or transgender, doesn't immediately constitute a safeguarding concern. However there may be occasions where transphobic bullying has wider safeguarding implications, or involves criminal behaviour, and in these cases, staff need to follow their safeguarding processes and escalation systems.

It is important to remember that any transphobic behaviour that is dealt with and challenged so that the young person who identifies as trans or transgender, but hasn't disclosed this to others, does not get 'outed' by the member of staff; which could then result in further targeting. 'Outing' is the term used to describe disclosing a LGBTQ person's sexual orientation or gender identity without their consent.

### **Definitions**

Below is a list of definitions of people who identify as transgender or trans person. However it is important to recognise that individuals should be asked to say how they identify or describe themselves:-

- Transgender
- Trans person
- Cross-Dresser
- Intersex

- Neither male nor female
- Androgynous
- A third gender, or who have a gender identity which we do not yet have words to describe

**Transgender Person** - A person whose gender identity is different from the sex they were assigned at birth. Some transgender people will choose to transition socially and some will also take medical steps to physically transition (with the help of hormone therapy and/or surgery) to live in the gender role of their choice.

**Trans Person** - A person with a consistent and overwhelming desire to transition and fulfil their life as the opposite gender. Most transsexual people actively desire and complete reassignment surgery.

It is important that all young people on programme are encouraged to report any transphobic or homophobic abuse that they witness or experience, and staff must ensure that all derogatory comments are challenged and recorded. Trans and transgender young people are more susceptible to bullying, as is any child or young person who does not conform to gender norms and stereotypes. Transphobic bullying therefore may be perpetrated by peers, parents, carers or other people on programme and could be directed at:

- Trans or transgender young people outside of their community
- Young people who do not conform to gender stereotypes
- Young people with trans or transgender parents, relatives and/or friends
- Lesbian, gay and bisexual young people

### **How we can support a young person who is transgender or questioning their gender identity**

- Be led by the young person and be supportive to the parents/carers. Be aware of the possibility that parents/carers may have their own prejudices or may be unaware of how the young person feels.
- Ensure when addressing the young person that you use their preferred gender, name, and pronouns. Deal with any mistakes sensitively, correcting by use of the young person's preferred name.
- If the young person chooses to change their name/gender prior to programme or on programme, ensure records are changed.
- Some young people may be disclosing for the first time and may not have told their parents/carers. Ensure that you understand the status and circumstances of a young person before engaging in any conversation with parents/carers
- Find out whether or not the young person is happy for others to know that they are transgender. Respect the young person's rights and privacy and reassure of complete confidentiality; do not tell others without their consent.
- Don't ask for information about what medical treatment they have had unless you need to ask for a valid reason, i.e. for their health and safety.
- Be vigilant at looking for signs of bullying. Treat this in the same way as any other bullying. It may be that effectively raising young people's understanding of gender identity issues will prevent or eliminate any bullying.
- A degree of discussion, care and preparation is required to enable trans or transgender young people to participate in residential trips. To exclude trans and transgender young people from residential trips would be contravening the Equality Act.
- Once Activate is aware that they will be having a trans or transgender young person on



programme, all reasonable adjustments need to be explored to support the young person's involvement, including exploring alternative sleeping / showering / toilet arrangements. This will be carried out in liaison with regional managers as well as designated safeguarding leads to ensure that the young person can be accommodated effectively. Consideration always needs to be given to the Equality Act, potential risks of direct or indirect discrimination, as well as the emotional wellbeing of the young person and their peers.

### **Working with parents and carers**

Many parents and carers of a young person who identifies as trans or trans gender will be supportive of their child's gender identity; however, this is not always the case. When working with young people and carers, Activate staff should bear in mind that they are representing the interests of the child or young person. As far as possible, care should be taken to ensure the wishes of the individual young person are considered, with a view to supporting them during potential transition. Confidential information must not be shared even with the parents and carers without the young person's permission, unless there are safeguarding reasons for doing so.

## **Appendix 10 - Harmful Sexual Behaviour Help**

### **5 to 9 Years**



#### **Green behaviours**

- holding or playing with own genitals attempting to touch or curiosity about other children's genitals attempting to touch or curiosity about breasts, bottoms or genitals of adults games e.g. mummies and daddies, doctors and nurses enjoying nakedness
- interest in body parts and what they do curiosity about the differences between boys and girls



#### **Amber behaviours**

- Questions about sexual activity which persist or are repeated frequently, despite an answer having been given
- Sexual bullying face to face or through texts or online messaging • Engaging in mutual masturbation
- Persistent sexual images and ideas in talk, play and art • Use of adult slang language to discuss sex



#### **Red behaviours**

- Frequent masturbation in front of others
- Sexual behaviour engaging significantly younger or less able children • Forcing other children to take part in sexual activities
- Simulation of oral or penetrative sex
- Sourcing pornographic material online

### **9 – 13 Years**



#### **Green behaviours**

- Solitary masturbation
- Use of sexual language including swear and slang words • Having girl/boyfriends who are of the same, opposite or any gender • Interest in popular culture, e.g. fashion, music, media, online games, chatting online
- Need for privacy
- Consensual kissing, hugging, holding hands with peer



### **Amber behaviours**

- Uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing
- Verbal, physical or cyber/virtual sexual bullying involving sexual aggression
- LGBT (lesbian, gay, bisexual, transgender) targeted bullying • Exhibitionism, e.g. flashing or mooning
- Giving out contact details online
- Viewing pornographic material
- Worrying about being pregnant or having STIs



### **Red behaviours**

- Exposing genitals or masturbating in public
- Distributing naked or sexually provocative images of self or others • Sexually explicit talk with younger children
- Sexual harassment
- Arranging to meet with an online acquaintance in secret • Genital injury to self or others
- Forcing other children of same age, younger or less able to take part in sexual activities
- Sexual activity e.g. oral sex or intercourse
- Presence of sexually transmitted infection (STI)
- Evidence of pregnancy

## **13 – 17 Years**



### **Green behaviours**

- Solitary masturbation
- Sexually explicit conversations with peers
- Obscenities and jokes within the current cultural norm
- Interest in erotica/pornography
- Use of internet/e-media to chat online
- Having sexual or non-sexual relationships
- Sexual activity including hugging, kissing, holding hands • Consenting oral and/or penetrative sex with others of the same or opposite gender who are of similar age and developmental ability • Choosing not to be sexually active



### **Amber behaviours**

- Accessing exploitative or violent pornography
- Uncharacteristic and risk-related behaviour, e.g. sudden and/or provocative changes in dress, withdrawal from friends, mixing with new or older people, having more or less money than usual, going missing
- Concern about body image
- Taking and sending naked or sexually provocative images of self or others
- Single occurrence of peeping, exposing, mooning or obscene gestures
- Giving out contact details online
- Joining adult- only social networking sites and giving false personal information
- Arranging a face to face meeting with an online contact alone



### **Red behaviours**

- Exposing genitals or masturbating in public
- Preoccupation with sex, which interferes with daily function
- Sexual degradation/humiliation of self or others
- Attempting/forcing others to expose genitals
- Sexually aggressive/exploitative behaviour
- Sexually explicit talk with younger children
- Sexual harassment
- Non-consensual sexual activity
- Use of/acceptance of power and control in sexual relationships
- Genital injury to self or others
- Sexual contact with others where there is a big difference in age or ability
- Sexual activity with someone in authority and in a position of trust
- Sexual activity with family members
- Involvement in sexual exploitation and/or trafficking
- Sexual contact with animals
- Receipt of gifts or money in exchange for sex

## **Appendix 11 – DBS Referral Background**

The following guidance is sourced from: <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

The below extracts do not contain the full guidance, staff are required to read the guidance in the event that the following information leads them to believe that a referral may be required.

### **What is a referral?**

A referral is information about a person. It tells us of concerns that an individual may have harmed a child or adult at risk or put a child or adult at risk at risk of harm.

When a person has been referred, DBS consider if they need to be added to a barred list(s).

### **Who can make a referral?**

The power to refer happens when an organisation is not acting as a regulated activity provider. This will usually be when the organisation is undertaking their safeguarding role.

The power to refer can be used when an organisation thinks a person has either:

- harmed or poses a risk of harm to a child or adult at risk
- has satisfied the harm test; or
- has received a caution or conviction for a relevant offence and
- the person they're referring is, has or might in future be working in regulated activity and.
- the DBS may consider it appropriate for the person to be added to a barred list

### **Regulated Activities and Activate**

Activate has a duty to make referrals based upon its involvement in the provision of regulated activities. Information about regulated activities can be found at:

[https://assets.publishing.service.gov.uk/media/5b92b7f7e5274a424a8ef20b/Regulated\\_Activity\\_with\\_Children\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/media/5b92b7f7e5274a424a8ef20b/Regulated_Activity_with_Children_in_England.pdf)

### **Who has a legal duty to refer?**

Regulated activity providers (employers or volunteer managers of people working in regulated activity in England, Wales and Northern Ireland) and personnel suppliers have a legal duty to refer to DBS where conditions are met. This applies even when a referral has also been made to a local authority safeguarding team or professional regulator.

### **Legal duty to refer: the two conditions that must be met**

If you are a regulated activity provider or fall within the category of personnel supplier, you must make a referral when both of the following conditions have been met:

## Condition 1

- you withdraw permission for a person to engage in regulated activity with children and/or adult at risks. Or you move the person to another area of work that isn't regulated activity.

This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.

## Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or adult at risk or put them at risk or harm or.
- satisfied the harm test in relation to children and / or adult at risks. e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists. Or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

## Relevant conduct in relation to children

A child is a person under 18 years of age.

Relevant conduct is:

- endangers a child or is likely to endanger a child
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child
- A person's conduct endangers a child if they:
  - harm a child
  - cause a child to be harmed
  - put a child at risk of harm
  - attempt to harm a child
  - incite another to harm a child

Look at a list of [examples of harm to children](#) (PDF, 57.6KB, 2 pages).

## Relevant conduct in relation to adults:

An adult at risk is a person aged 18 years or over who is being provided with or getting a service or assistance which is classed as regulated activity for adults.

Relevant conduct is:

- endangers an adult at risk or is likely to endanger an adult at risk • if repeated against or in relation to an adult at risk would endanger the adult at risk or be likely to endanger the adult at risk • involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving an adult at risk
- A person's conduct endangers an adult at risk if they:
- harm an adult at risk
- cause an adult at risk to be harmed
- put an adult at risk at risk of harm
- attempt to harm an adult at risk
- incite another to harm an adult at risk
- A person satisfies the harm test if they may:
- harm an adult at risk
- cause an adult at risk to be harmed
- put an adult at risk at risk of harm
- attempt to harm an adult at risk
- incite another to harm an adult at risk

Look at a list of [examples of harm to adult at risks](#) (PDF, 56.3KB, 1 page).

## What is harm?

This is not defined in legislation. DBS view harm as its common understanding or the definition you may find in a dictionary.

Harm is considered in its widest context and may include:

- sexual harm
- physical harm
- financial harm
- neglect
- emotional harm
- psychological harm
- verbal harm

This is not a fully comprehensive list; harm can take many different forms.

## What is the harm test?

A person satisfies the harm test if they may harm a child or adult at risk or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or adult at risk.

## **Must I make a referral?**

If you engaged a person to work in regulated activity, you have a legal duty to refer where the relevant conditions are met.

The duty to refer applies even when a report has been made to another body such as a local authority safeguarding team.

The duty to refer applies irrespective of whether another body has made a referral to the DBS in relation to the same person.

This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent and thorough decision about whether to bar a person from working with vulnerable groups.

A person who is under a duty to refer and fails to refer to us without reasonable justification is committing an offence. If convicted they may be subject to a fine up to £5,000.

## **Can I make a referral to the DBS if the legal conditions are not met?**

There could be times when you consider that you should make a referral in the interests of safeguarding children or adult at risks even if you have not removed the person from working in regulated activity.

This could include acting on advice of the police or a safeguarding professional, or in situations where you don't have enough evidence to dismiss or remove a person from working with vulnerable groups.

DBS are required by law to consider any and all information sent to us from any source. This includes information sent to us where the legal referral conditions are not met.

DBS will use legal powers and barring processes to determine whether the person should be barred from working in regulated activity with children and / or adult at risks.

If you want to make a referral to us where the referral conditions are not met, you should do so in consideration of relevant employment and data protection laws.

## **How to make a referral**

We accept referrals made using our [online referral form](#) (further information can be found below regarding how to create an online account and/or make an online referral) or by post (paper).

Activate staff must not complete a referral. If a member of staff believes that a referral is required, they must inform the Head of Recruitment or the Operations Director who are responsible for making all referrals.

Should I make a referral when an allegation is first made, or when I temporarily suspend someone?



When an allegation is made, you should investigate and gather enough evidence to establish if it has foundation.

This will inform your processes for any decision to dismiss or remove the person from working in regulated activity.

You should make a referral even if a significant period of time has passed between the allegation and the gathering of evidence to support a decision to make a referral.

You should complete your investigations and disciplinary processes (even if the person has left your employment).

This is particularly important as DBS rely on referral evidence and any other relevant evidence gathered.

The duty to make a referral may not be triggered by temporary suspension, it depends if you have sufficient information to meet the referral duty criteria. You may suspend a person pending an investigation where there have been allegations of harm or risk of harm.

Following investigation, if you decide to let the person return to a position working in regulated activity with children or adult at risks then there may not be a legal duty to make a referral.

But if you decide to dismiss the person or remove them from working in regulated activity then you would need to make a referral.

## Appendix 12 – Coercive Control

### What is coercive abuse.

Note that coercive behaviour can be observed within teenage relationships and as such we have included it in both the adult and child safeguarding policies.

### Domestic abuse:

"Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality."

- **Controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- **Coercive behaviour** is a continuing act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

### Legislation:

The offence of Coercive Control came into force on 29th December 2015 as part of The Serious Crime Act 2015.

### Definitions:

Coercive control involves the use of abusive behaviours used frequently in daily interactions to gain and maintain power and control over an intimate partner and is not gender specific. Physical and sexual violence are typically used only occasionally to reinforce and add power to the abuse when the emotional tactics are not achieving the desired goals.

To be classed as coercive control the following need to be the case:

- On at least two occasions the victim has feared that violence will be used against them
- They have felt serious alarm or distress and it has had a substantial effect on their usual day to day activities, or serious psychological impact
- It has caused them to change the way in which they live e.g. the way in which they socialise, do household chores or how they care for their children
- There is related deterioration in their physical or mental health
- The perpetrator should know or "ought to have known" that the behaviour would have a serious effect on the victim
- As a result of the Domestic Abuse Act 2021, control and coercion can now apply after a relationship has ended, acknowledging that abusers will often seek to continue this abusive behaviour to control and coerce a victim even after the end of a relationship.

Although physical violence is more overt, behaviours involved in coercive control are even more emotionally harmful. These sometimes-subtle behaviours are more difficult to detect and prove. Coercive control is central to the definition of intimate partner violence. Such control creates an ongoing sense of fear and the victim adapts their behaviour to survive.

## **Behaviours used by perpetrators**

- Intimidation (e.g., threatening looks and gestures)
- Controlling or tracking movements
- Emotional abuse (e.g. excessive criticism and humiliation or controlling appearance and food consumption)
- Isolation (e.g., limiting or creating barriers for contact with family and friends)
- Minimizing or denying the abuse or blaming the victim for the behaviour
- Threatening to take or hurt children or involve them in the abuse (e.g. used to monitor the victim's whereabouts)
- Controlling or preventing sleep
- Controlling social media use
- Using social privilege, such as patriarchy, racism, homophobia, or other forms of oppression
- Coercion and threats
- Economic abuse (e.g., controlling or limiting access to finances/resources)
- Setting rules for the victim to abide by which may be changed arbitrarily
- 'Gaslighting', distorting a person's sense of their own reality such that they question their own perceptions

It is important to remember that behaviours associated with coercion and control are not limited to relationships between intimate partners and may be present in other relationships such as between siblings, parents and their children, or an adult and their carer.

## **Summary and Reporting:**

A summary of learning from Domestic Homicide Reviews (DHRs) 2014 – 18 identified that agencies needed to exercise professional curiosity when dealing with domestic abuse, particularly in cases of coercion and control, that staff need training to recognise it and be aware that perpetrators are adept in exercising control and may seek to control and manipulate professionals it is important for professionals to remain neutral and not endorse abusive behaviour by language or actions.

Activate will train staff to be alert to coercive control, especially on programme where coercive control may exist between young people who are in a relationship with each other prior to programme.

Coercive control can be reported to the police even if the victim does not have any physical evidence. The victim's statement itself is evidence in the case. The police will investigate any reports of coercive control and gather evidence.

Activate staff are expected to follow our safeguarding procedures and any reports to the police will be made by the designated safeguarding officer unless the person is in immediate danger.

## **Additional Appendices:**

- Additional Appendix (13) - Local safeguarding contacts to be attached – to be completed prior to project operations and distributed via managers packs and communications at project level.

## Appendix 13 – Local Provision