

# SAFEGUARDING Policy

South West Alternative Provision

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## INTRODUCTION

This document sets out SWAP's Safeguarding Policy. In the context of this document, 'child' refers to any young person under the age of 18.

The policy also covers 'vulnerable adults', who are defined as a person aged 18 years or over who may be unable to take care of themselves, protect themselves from harm, or prevent themselves from being exploited. An adult may be vulnerable because they:

- Have a physical disability
- Have learning difficulties
- Have mental health problems
- Are old, frail, or ill
- Are sometimes unable to take care of themselves or protect themselves without help

If you have any questions about this document, please talk to SWAP's Designated Safeguarding Person.

## SWAP'S SAFEGUARDING AND CHILD PROTECTION POLICY STATEMENT

SWAP believes that it is always unacceptable for a child or young person to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all children and young people by a commitment to practice which protects them.

SWAP recognises that:

- The welfare of the child/young person is paramount
- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare

The purpose of the policy is as follows:

- To provide protection for the children and young people who receive services from SWAP
- To provide partners with guidance on procedures that SWAP will adopt in the event that they suspect a child or young person may be experiencing, or be at risk of, harm

This policy applies to all staff, including self-employed, paid staff, volunteers, sessional workers, agency staff, students, contractors or anyone working on behalf of SWAP.

SWAP will seek to safeguard children and young people by:

- Valuing them, listening to and respecting them
- Adopting child protection guidelines through procedures and a code of conduct for staff and volunteers
- Recruiting staff safely, ensuring all necessary checks are made
- Sharing information about child protection and good practice with children, parents and staff
- Sharing information about concerns with agencies who need to know, and involving parents and children appropriately
- Providing effective management for staff through supervision, support and training.

SWAP are also committed to reviewing our policy and good practice before each academic term. This policy is based on national Child Protection policies and guidelines. From time to time we will make amendments to this policy based on recommendations arising from national guidelines.

## **DEFINITIONS OF CHILD ABUSE**

### Child Abuse

The term used when an adult harms a child or a young person under the age of 18. Child abuse can take four forms, as detailed below by the NSPCC.

### Physical abuse

Physical abuse may involve smacking, hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. It may also be caused when the person with responsibility feigns the symptoms of or deliberately causes ill health to a child in their care. It may be the result of a deliberate act, but can also be caused by the failure to act.

### Emotional abuse

Emotional abuse is the persistent emotional ill-treatment of a child so as to cause severe adverse effects on the child's emotional development. It may involve making a child feel or believe that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It can also cause children to feel frightened or in danger, or be exploited or corrupted. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may also occur alone.

### Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, regardless of whether the child is aware of or consents to what is happening. This includes physical contact, such as rape or oral sex, non-penetrative acts such as fondling, and incest. Boys and girls can be sexually abused by males and females, and by other children or young people. It also covers non-contact activities such as involving children in watching or taking part in the production of pornographic material, prostitution, or encouraging children to act in inappropriate ways.

### Neglect

Neglect is the persistent failure to meet a child's basic physical and psychological needs which is likely to result in the serious impairment of the child's health or development. It may involve failing to provide adequate food, shelter or clothing, failing to protect a child from any kind of danger including cold or starvation, failing to ensure a child receives appropriate medical care or treatment, or extreme failure to carry out important aspects of care that results in a significant impairment of a child's health and development.

## **INDICATORS OF ABUSE**

Indicators of abuse may be physical (e.g. cigarette burns) or behavioural (e.g. a child becomes withdrawn). When observing children, it is almost never possible to be positive that abuse is occurring. Some indicators of abuse may include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on part of the body not normally prone to such injuries.
- An injury for which the explanation seems inconsistent.
- The child describes what appears to be an abusive act involving him/her.
- Someone else – a child or adult, expresses concern about the welfare of another child.
- Unexplained changes in behaviour over time e.g., becoming very quiet, withdrawn or displaying sudden outbursts of temper.
- Inappropriate sexual awareness.
- Engages in sexually explicit behaviour in games.

- Is distrustful of adults, particularly those with whom a close relationship will normally be expected.
- Has difficulty in making friends.
- Displays variation in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty or unkempt.

This is not an exhaustive list and further guidance is available here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419595/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf)

## **RELEVANT LEGISLATION**

There is no single piece of legislation that covers child protection, but rather a number of laws that are constantly being amended and updated. The legislation that should be regarded is listed below:

- The Children Act 1989 – the current child protection system is based upon this Act which reformed a number of laws affecting children and set out in detail what Local Authorities and the Courts should do to protect children.
- Human Rights Act 1998 – incorporates the European Convention on Human Rights into UK Law. Whilst children are not specifically mentioned they are ‘persons’ in the eyes of the law and as such are afforded the same rights as adults.
- Children Act 2004 – This followed the enquiry after the Victoria Climbié death and places a statutory duty on key people and bodies to make arrangements to safeguard and promote the welfare of children. The Act required statutory Local Safeguarding Children’s Boards to be established. There were five outcomes for children which are: to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

The following legislation protects children from adults who pose a risk:

- Sex Offenders Act 1997 – requires convicted sex offenders to notify Police where they live or move to.
- Protection of Children Act 1999 – Made it mandatory for Employers to make checks with the Criminal Records Bureau (CRB) when employing someone to work with children.
- Sexual Offences Act 2003 – updated legislation relating to offences against children such as grooming and trafficking and also strengthened monitoring of sex offenders.
- Domestic Violence, Crime and Victims Act 2004 – closed a legal loophole by creating a new offence of causing or allowing the death of a child.
- Safeguarding Vulnerable Groups Act 2006 – This followed the Bichard Enquiry into the Soham murders and recommended a new centralized vetting and barring scheme for those working with children, now known as the Independent Safeguarding Authority. (ISA)

This policy is based upon the following Government guidelines. It should be read alongside this statutory guidance.

Working Together to Safeguard Children, March 2015

Keeping Children Safe in Education. Information for all schools and college staff, July 2015

## **RESPONSIBILITIES**

[Responsibilities of all Staff \(contracted and casual\)](#)

This Policy and Procedures apply to all staff (self-employed, full time, temporary or casual), volunteers and contractors working on behalf of SWAP whose work involves contact with children and young people under the age of 18.

## The role of Designated Person

SWAP recognises that everyone has a role to play in ensuring that children and vulnerable adults are safe.

SWAP has a designated person who has specific responsibility for implementing our policies and procedures.

Each SWAP site has a Designated Safeguarding Lead which should be the first point of contact. In their absence the next point of contact is a SWAP Director who is also a Designated Safeguarding Lead.

The designated person has responsibility for:

- Maintaining an up-to-date policy and procedures
- Ensuring that relevant staff and/or volunteers are aware of and follow the procedures, including implementing safe recruitment procedures.
- Maintaining contact details for local Children's Services and Police.

If there is a concern, the designated person will:

- Be the first point of contact for any concerns or allegations, from children or adults, ensuring that confidentiality is maintained in all cases.
- Decide on the appropriate action to be taken, in line with the organisation's procedure.
- Keeping the relevant authorities informed as necessary.

## Staff training and professional development

SWAP will ensure that all its staff understands their roles and responsibilities in respect of safeguarding and are provided with appropriate learning opportunities to recognise, identify, and respond to signs of abuse, neglect and other safeguarding concerns relating to children and young people. All staff will receive safeguarding training as part of an induction programme and annual updates to this training.

SWAP will make this policy and list of procedures available to all staff working for the organisation and ensure that all staff have signed to say that they understand the policy and their responsibility to work to it.

Failure to comply with the policy and procedures will be addressed without delay and may ultimately result in dismissal/exclusion from the organisation.

## **PARTNERSHIP WORKING AND THE SHARING OF INFORMATION**

Our organisation supports information sharing and will work with schools, police and social services. SWAP will work closely with referring agencies to share information to protect and safeguard children.

## **PROCEDURE FOR REPORTING A CHILD SAFEGUARDING CONCERN**

It is not the responsibility of SWAP to decide whether a child has been abused, but it is the responsibility of all our staff to:

- Be aware of and alert to indicators of abuse.
- Report all concerns and suspicions appropriately, in accordance with the correct procedures.

The following procedure should be followed by all staff members that have a child protection concern.

If in doubt, ask the Designated Safeguarding Lead.

### Staff member has concerns

If a member of staff, director, contractor, volunteer has a concern about the wellbeing of a child (or unborn baby), then that person should.



### Consult with designated person

Share your concerns with the designated person to help clarify the nature of their concerns.



### Completion of written record

The designated person will complete a written record of the nature and circumstances surrounding the concern including any previous concerns held.



### Contact Multi Agency Safeguarding Hub (MASH)

In those cases where you have a concern but are unsure about how to proceed contact MASH through online form (<https://devoncountycouncil.outsystemsenterprise.com/MASH/homepage>).



### Escalate your concern

If you feel that the child is at immediate risk, you can call the MASH team on 0345 155 1071 or contact the police on 999.

## THINGS TO REMEMBER WHEN RESPONDING TO SUSPICIONS OF CHILD ABUSE

### Don't stereotype children or their families

Although there are risk factors for certain types of abuse, abuse can happen to any child in any family regardless of ethnic origin, religion, social group or disability.

### Remain calm

It is important to remain calm especially in front of the child/children involved. It can be difficult for children to talk about abuse they may be suffering. If you remain calm and listen to the child, they will be more likely to open up to you.

### Always follow the correct procedures

This will help protect yourself and the child and ensure that concerns are dealt with appropriately.

### Be honest and open

When appropriate explain to the child/children involved as soon as you realise there may be a child protection issue and that you may have to share the information they are telling you with other people. Make sure you explain to them who you may need to tell and why.

### When appropriate involve parents

It is often beneficial to talk to the child's parents or carers about child protection concerns. It can quickly clear up misunderstandings and helps maintain good relationships between staff and families. However, parents should not be told if doing so may further endanger the child/children. The decision whether or not to talk to the parents or carers should be taken in conjunction with your designated officer.

### Seek help if you need to

Child abuse needs to be tackled through a multi-agency approach. You should not try to deal with the problem on your own.

Keep a clear written record: You may not remember the facts as clearly after the event so make a record as soon as reasonably possible using form CS1. Make sure this record is as factual as possible. Do not exaggerate events or underplay them, simply record the facts.

Confidentiality: Child protection issues can be emotionally distressing so there will be a temptation to discuss them with colleagues, however this should be avoided as it can distort the magnitude of the situation as well as breach the family's confidentiality.

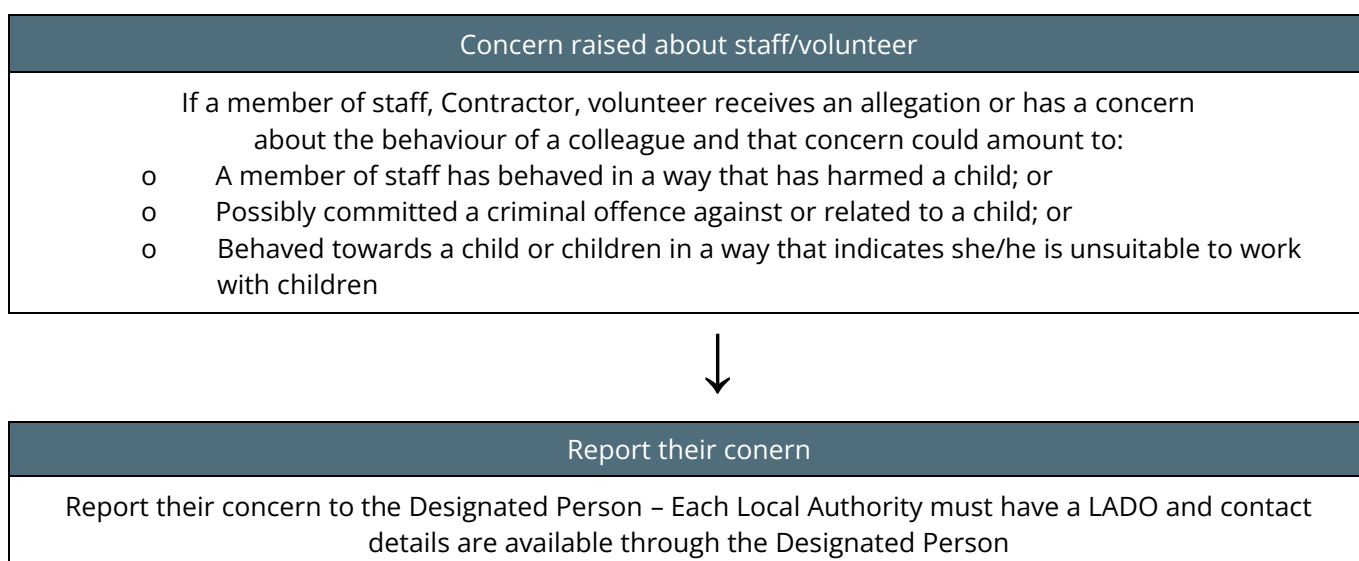
In an instance whereby enquiries arise from members of the public (including parents) and any branch of the media it is vital that all staff be briefed that they are not at liberty to make any comments regarding the case, but that they have been told to relay all enquiries to the Directors of SWAP who will respond accordingly.

Personal details of any child protection issue must not be discussed, unless it is absolutely necessary, and then prior permission should have been sought from the family of the child involved and any other parties e.g. member of staff/volunteer.

## **WHAT TO DO IF AN ACCUSATION OR CONCERN IS MADE ABOUT A MEMBER OF STAFF**

### Contracted Staff

Any member of staff who has child protection concern about another member of staff (whether paid, volunteer or contractor) should report it. They should report the name of the member of staff and the nature of the concern directly to the Designated Person. The designated person will discuss the allegations with the Directors and an immediate decision will be taken as to whether to suspend or re-deploy the member of staff in question



### Complete a written record

The Designated Person will complete a written record of the nature and circumstances surrounding the concern.



### The designated person

Advice to be sought from Local Authority Designated Officer (LADO, before an investigation takes place) This is because it might meet the criminal threshold and the investigation could interfere with a police or Social Services investigation.

The LADO will offer advice on any immediate action required and will assist with employment and safeguarding issues.



### Allegations Management Process

If, after the initial discussion with the LADO and its agreed the allegation meets the initial criteria, a multi-agency meeting will be called and CBH will be invited. This may result in criminal investigation, and/or social care investigation and/or disciplinary action.  
If it is agreed the allegation does not meet the initial criteria the LADO will record this and send a report for CBH records. Any further action taken will follow disciplinary procedure.



### Further action

If further meetings are required, the LADO will arrange these.

## Investigation

The subsequent investigation will take one or more of the following forms:

- Child Protection – carried out by the Children and Young People's Directorate of the Local Authority in question.
- Criminal – carried out by the police.
- Disciplinary– carried out following our disciplinary procedure.

We will not necessarily wait the outcome of any criminal or child protection investigation before deciding whether or not to initiate disciplinary action.

Disciplinary action may be taken on its own or in addition to criminal or child protection proceedings when we may have formed an honest and genuine belief that the staff member was guilty of misconduct for a disciplinary investigation to be commenced. Advice will be sought from the Police where a criminal investigation is in progress.

If the allegation or concern is against the Designated Person, then the person with the concern should contact the SWAP Directors and the Local Authority Designated Officer (LADO).



## GOOD PRACTICE GUIDELINES FOR STAFF

Make sure in your working interactions with children

- You are aware of and sensitive to what children and young people may want to tell you.
- You listen to what they say, not hear what you think they will say.
- You design and deliver training programmes and activities that are within the ability of each individual child.

You should never

- Engage in rough, physical or sexually provocative games.
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language unchallenged, or use such language yourself when with children.
- Make sexually suggestive comments to a child
- Fail to respond to an allegation made by a child; always act

### Staff to child ratios

Staff should make every effort never to be in a one-to-one situation with a child. Ideally two members of staff should be in sight of one another. When this is not possible at least one other adult or child should be present.

In some circumstances one-to-one work may be necessary or desirable. In the event that you are in a one-to-one situation with a child make sure you can be as easily seen by other people as possible i.e., leave the office door open. Any planned one-to-one work should be reported in advance to the designated officer.

### First aid

If a child needs first aid it should be given by a qualified member of staff only. When possible, the staff member should be the same gender as the child who is hurt. This is especially true if the injury is in an intimate place, or the child is older. If the parent is on site, they should also be present, if not another adult should be present or within sight.

### Taking children to the toilet

In general children should be allowed to use the toilet area on their own. This may not be possible in the following circumstances:

- Children are breaching agreed rules
- A child is disabled
- A child is very young
- A child has an accident in the area.

If staff have to unexpectedly go into the toilet area, at least two staff of the appropriate gender should enter. If this is not possible staff should enter the toilet area and stand in a position where they can be seen from the door. If staff know in advance, they need to accompany the child to the toilet due to a disability or age, then they should seek written parental consent.

A child should where possible be accompanied to the toilet by a member of staff of the same gender. Staff should only go into the actual toilet cubicle when parental consent is given unless not entering the cubicle would endanger the child.

### Transporting children

Any transportation of under 18's should be reported in advance (unless in case of emergency) to the designated officer. Please refer to the Young Person in Transit Guide.

## Appropriate language

Staff should always use appropriate language to children. It is never appropriate to use sexual language towards or about a child or make sexual suggestions even as a joke.

## Uncomfortable situations

Members of staff should not remain in a situation that makes them feel uncomfortable due to child protection concerns. For example, if a parent leaves their children with a member of staff without warning or a particular child seems too attached to a member of staff. If a member of staff feels uncomfortable in a situation because of a child protection concern they should, whenever possible, remove themselves immediately from that situation. When this is not possible for whatever reason they should seek advice at the earliest possibility from the designated officer.

## Incidents

Sometimes people can misconstrue a situation or make a deliberately false allegation. If a member of staff is involved in an incident that they believe could be misconstrued or result in a false allegation they should as soon as reasonably possibly record the incident. For example, they might have to break up a fight between children or enter a toilet without a child's permission. The incident should be reported immediately to the designated officer and the report should be handed to the designated officer as soon as possible.

## Domestic Abuse

Research has estimated as many as 1 in 4 women and 1 in 6 men are victims of domestic violence. It should also be remembered that older children can be responsible for committing domestic abuse against parents or other family members. Domestic abuse can affect children in several ways and often occurs alongside physical abuse.

Domestic violence can result in neglect as the impact on a parent can be to impair their ability to look after a child. It can also result in emotional stress through the child witnessing violence towards another. Children, especially as they become older may become involved in violence between family members; this can result in physical harm to the child. Children who witness domestic abuse often feel isolated, so it is vital that staff allow them the opportunity to talk about their concerns.

## Underage Sexual Activity

While it must be remembered that children can be the perpetrators of sexual abuse, a distinction should be drawn between that and consensual underage sexual activity. The Sexual Offences Act's purpose is not to prosecute under 16's of a similar age who consent to a sexual relationship, as this may deter young people from getting advice on contraception or sexual health.

Staff should report underage sexual activity using the procedure set out above if:

- The child is under 13
- if evidence shows that there is any suggestion of coercion, bullying, a misbalance of power or payment
- one of the people involved in the relationship is in a position of trust
- if one of the people involved is over the age of 16

## Bullying

Bullying is now recognised as increasingly harmful to children. This could take the form of physical intimidation, verbal intimidation (including racist and sexist remarks), or emotional intimidation (for example isolating or excluding someone).

Staff should create an atmosphere where bullying is unacceptable and always challenge bullying when it occurs. Although an element of bullying is often present when child abuse is taking place, it is rare that bullying itself would constitute a child protection concern. However, it should be remembered that in severe cases it might be necessary to report bullying to the police.

## Photography

We will always seek permission before taking photographs of any individual or group. In the case of children, permission must be granted from their parent or carer.

## Child Pornography

If any person is suspected or known to be involved with child pornography in any form, it should be reported immediately to the designated officer, who will then in turn report the matter to the Police. A child welfare concern should also be logged as set out above.

## Training

All staff who have contact with children will receive child safeguarding training as part of their induction to SWAP and then annual updates. Staff who work with children as part of their main everyday duties and the designated officer will require more specialist training. Service managers have a responsibility to identify any additional child protection training that their staff need because of areas of working with children.

## **ACCOUNTABILITY AND MONITORING**

Accountability for ensuring that SWAP fulfils its safeguarding responsibilities falls to the Company Directors.

In terms of child protection, operational responsibility sits with the Designated Person who is suitably trained in child protection and will be responsible for:

- Implementing the actions set out within this Policy.
- Receiving and recording information regarding child protection concerns.
- Consulting with the relevant statutory agencies regarding any child protection concerns raised.
- Making formal referrals to relevant statutory agencies regarding any child protection concerns.

All staff are responsible for ensuring that the activities that they are involved in during the course of their work are carried out in accordance with this policy and procedures relating to it.

**IF IN DOUBT - REPORT EVERYTHING TO THE DESIGNATED OFFICER**