

- Charity Commission (<https://www.gov.uk/government/organisations/charity-commission>)

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Policy paper

# Safeguarding children and young people

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## Contents

1. Introduction
2. Safeguarding
3. The commission's role
4. The child protection policy
5. Child protection procedures and systems
6. Charities working directly with children abroad
7. Guidance and legislation
8. Sources of further information and support

## 1. Introduction

Certain types of charity are set up to assist or care for those who are particularly vulnerable. By vulnerable the Charity Commission means children or young people under 18 years of age or adults who are in receipt of a regulated activity (endnote). Charity trustees are responsible for ensuring that those benefiting from, or working with, their charity, are not harmed in any way through contact with it. They have a legal duty to act prudently and this means that they must take all reasonable steps within their power to ensure that this does not happen. It is particularly important where beneficiaries are vulnerable persons or children in the community. Trustees are expected to find out what the relevant law is, how it applies to their organisation, and to comply with it where appropriate. They should also adopt best practice as far as possible - advice on this is available from a number of knowledgeable sources, some of which are listed below. Children and young people under 18 years of age are an especially vulnerable group and therefore the commission is concerned to stress the importance of charities having proper safeguards in place for their protection.

All organisations, including charities, are expected to comply with the government inter-agency statutory guidance Working together to safeguard children (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>), 'unless exceptional circumstances arise'.

## 2. Safeguarding

Safeguarding is a term which is broader than 'child protection' and relates to the action the commission takes to promote the welfare of children and protect them from harm. Safeguarding is everyone's responsibility. Safeguarding is defined in Working together to safeguard children 2013 as:

- protecting children from maltreatment
- preventing impairment of children's health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care and
- taking action to enable all children to have the best outcomes

Trustees of charities which work with vulnerable groups, including children, must always act in their best interests and ensure they take all reasonable steps to prevent harm to them. Having safeguards in place within an organisation not only protects and promotes the welfare of children but also it enhances the confidence of trustees, staff, volunteers, parents/carers and the general public.

The necessity to safeguard children applies both to charities working in the UK and other countries where children may face different or additional risks of abuse or exploitation. These safeguards should include a child protection policy and procedures for dealing with issues of concern or abuse. For the purposes of child protection legislation the term 'child' refers to anyone up to the age of 18 years.

### 3. The commission's role

Although the commission does not administer child protection legislation, it aims to ensure that charities working with, or providing services to, vulnerable beneficiaries protect them as best they can and minimise the risk of abuse. You can find more information about the commission's role and approach to dealing with safeguarding issues in relation to charities in the guidance Strategy for dealing with safeguarding vulnerable groups including children issues in charities (<https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities>).

The commission's guidance Finding new trustees (CC30) (<https://www.gov.uk/government/publications/finding-new-trustees-cc30>) describes the various checks and safeguards that will be appropriate for charities working with children (or other vulnerable beneficiaries) when recruiting trustees.

The Protection of Freedoms Act 2012 established the DBS (Disclosure and Barring Service) which processes criminal records checks and manages the Barred Children's and Barred Adults' Lists of unsuitable people who should not work in regulated activities with these groups. The DBS decides who is unsuitable to work or volunteer with vulnerable groups and it is illegal for a barred person to apply for such work (paid or voluntary), or for a charity to employ a barred person in such work. It is also a legal requirement for employers to refer someone to the DBS if they:

- dismissed them because they harmed a child or adult
- dismissed them because they might have harmed a child or adult otherwise
- were planning to dismiss them for either of these reasons, but the person resigned first

### 4. The child protection policy

This is a statement of intent that demonstrates a commitment to safeguard children involved with a charity from harm. The essential inclusions for a child protection policy are outlined below:

- the welfare of the child is paramount
- no child or group of children must be treated any less favourably than others in being able to access services which meet their particular needs
- all children without exception have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality or beliefs
- the policy is reviewed, approved and endorsed by the board of trustees annually or when legislation changes
- who the policy applies to (ie all trustees, staff and volunteers)
- children and parents are informed of the policy and procedures as appropriate
- all concerns, and allegations of abuse will be taken seriously by trustees, staff and volunteers and responded to appropriately - this may require a referral to children's social care services, the independent Local Authority Designated Officer (LADO) for allegations against staff, trustees and other volunteers, and in emergencies, the police
- a commitment to safe recruitment, selection and vetting
- reference to principles, legislation and guidance that underpin the policy
- arrangements for policy and procedures review
- reference to all associated policies and procedures which promote children's safety and welfare eg with regards to: health and safety, anti-bullying, protection of children online, and photography

### 5. Child protection procedures and systems

Procedures and systems provide clear step-by-step guidance on what to do in different circumstances and they clarify roles and responsibilities. Systems for recording information and dealing with complaints are also needed to ensure implementation and compliance. Child protection procedures should be linked with the Local Safeguarding Children Board's procedures or the All Wales Child Protection Procedures, as relevant.

The procedures and systems should include:

- a named person (and deputy) with a clearly defined role and responsibilities in relation to child protection, appropriate to the level at which s/he operates
- a description of what child abuse is, and the procedures for how to respond to it where there are concerns about a child's safety or welfare or concerns about the actions of a trustee, staff member or volunteer; relevant contact details for children's services, police, health, the Local Authority Designated Officer (LADO), Child Exploitation Online Protection Centre (CEOP) for eSafety concerns and NSPCC helplines should be available
- a process for recording incidents, concerns and referrals and storing these securely in compliance with relevant legislation and kept for a time specified by your insurance company

- guidance on confidentiality and information sharing, legislation compliant, and which clearly states that the protection of the child is the most important consideration
- a code of behaviour for trustees, staff and volunteers; the consequences of breaching the code are clear and linked to disciplinary and grievance procedures
- safe recruitment, selection and vetting procedures that include checks into the eligibility and the suitability of all trustees, staff and volunteers who have direct or indirect (eg helpline, email) contact with children; in the case of trustees, because of their position within the charity, the commission takes the view that whenever there is a legal entitlement to obtain a DBS check in respect of such a trustee, a check should be carried out - this goes beyond circumstances where the trustee comes into contact with children (endnote); a complaints procedure which is an open and well publicised way in which adults and children can voice concerns about unacceptable and/or abusive behaviour towards children
- systems to ensure that all staff and volunteers working with children are monitored and supervised and that they have opportunities to learn about child protection in accordance with their roles and responsibilities; safeguarding induction training is now mandatory for all those who work directly with children, young people, their families and/or carers
- requirements for trustees, staff and volunteers to learn about child protection in accordance with and as appropriate to their roles and responsibilities, including the emerging issues of eSafety, domestic violence, forced marriage, female genital mutilation, children who live away from home or go missing, child sexual exploitation, race and racism and extremism

It is important that each charity's safeguarding policy and procedures are tailored to the type of contact that the charity has with children and it also needs to take into account any particular vulnerabilities of the children with whom the charity has contact; for example disabled children who are at increased risk of abuse; babies and toddlers who are vulnerable due to their age and dependence on adults.

## 6. Charities working directly with children abroad

In addition to the above best practice recommendations, and where it is not possible to request a DBS check, most countries' police forces will supply a 'Certificate of Good Conduct' to the applicant. The London Diplomatic list (<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>) contains the addresses and contact details of all Embassies and High Commissions in London.

For UK nationals who live abroad, or non UK Nationals who have previously lived in the UK and are not eligible for a DBS check, they can now apply for an International Child Protection Certificate (ICPC) (<http://www.acro.police.uk/icpc/>).

The commission is grateful to Rosie Carter at SafeCIC.UK for her help with updating this guidance.

## 7. Guidance and legislation

### England

Find out more about the current guidance on safeguarding (<https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children>), legislation and resources.

Two documents are particularly helpful:

- What to do if you're worried a child is being abused: advice for practitioners (<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>)
- Working together to safeguard children (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>)

### Wales

For current, legislation and resources see [wales.gov.uk](http://wales.gov.uk) (<http://wales.gov.uk/topics/childrenyoungpeople/?lang=en>).

Find out more about procedures and protocols across Wales from the All Wales Child Protection Procedures Review Group (<http://www.childreninwales.org.uk/our-work/safeguarding/wales-child-protection-procedures-review-group/>). Safeguarding children: Working together under the Children Act 2004 (<http://gov.wales/topics/health/publications/socialcare/circular/nafwc1207/?lang=en>) is particularly helpful.

## 8. Sources of further information and support

A range of agencies and publications can guide charities in the development and updating of their safeguarding policy and procedures.

The Disclosure and Barring Service (DBS) (<https://www.gov.uk/government/organisations/disclosure-and-barring-service>) exists to help organisations identify people who are unsuitable for certain types of work, especially work involving access to or contact with vulnerable groups, including children, by issuing DBS certificates of any criminal, police or similar records, including checks against both the Barred Children's and Barred Adults' Lists. There are two levels of check available, Standard and Enhanced (Enhanced checks can be made with or without a children's and/or adults' barred list check).

A charge is made for obtaining a disclosure for paid positions, although disclosures for volunteers (<https://www.gov.uk/dbs-check-requests-guidance-for-employers#volunteer-applications>), which will include the majority of trustees, are free but will incur an administration charge from the umbrella body (<https://www.gov.uk/find-dbs-umbrella-body>) they choose to use.

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### Children in Wales - Plant yng Nghymru

This is an umbrella organisation in Wales disseminating information on policy, research and best practice for children in Wales. They aim to promote the interests of and take action to identify and meet the needs of children, young people and their families in Wales. They provide child protection courses for a range of organisations.

Tel: 029 2034 2434 Website: [www.childreninwales.org.uk](http://www.childreninwales.org.uk) (<http://www.childreninwales.org.uk/>)

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Churches Child Protection Advisory Service is an independent Christian based charity working with churches, other faiths and non-faith based organisations in order to help them implement safeguards for children. The organisation runs a helpline service providing advice and support and to assist with the preparation and maintenance of child protection policies. It has produced a range of books, training resources and guidance on writing child protection policy and procedures.

Tel: 0845 120 45 50 Website: [www.ccpas.co.uk](http://www.ccpas.co.uk) (<http://www.ccpas.co.uk/>)

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### Finding new trustees (CC30) (<https://www.gov.uk/government/publications/finding-new-trustees-cc30>)

A commission publication which advises on how to recruit, select, appoint and induct trustees. It has sections on vetting trustees prior to appointment and the Disclosure and Barring Service which answers some of the more common questions.

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Children England provides a wide range of support to voluntary and community sector organisations working with children, young people and families.

Tel: 0207 833 3319 Website: [www.childrenengland.org.uk](http://www.childrenengland.org.uk) (<http://www.childrenengland.org.uk/>)

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National Council for Voluntary Youth Services (NCVYS) is a registered charity and membership organisation. It aims to raise the profile of youth work, share good practice and influence policy development. It has devised safeguarding standards and an accreditation scheme (Sound Systems) to promote and recognise good practice in safeguarding young people. NCVYS has published Keeping it Safe: a young person-centred approach to safety and child protection which is a guide to the standards, the implementation of safeguarding policy and procedures.

Tel: 020 7278 1041 Website: [www.ncvys.org.uk](http://www.ncvys.org.uk) (<http://www.ncvys.org.uk/>)

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NSPCC is a registered charity established to prevent cruelty to children. They provide a range of services for children and their families. They also provide a child protection helpline and [there4me.com](http://there4me.com) which is an online service for children. Childline, a helpline service for children is now also part of the NSPCC. NSPCC Consultancy Services have a number of publications (also available in

Welsh/English) to help organisations develop child protection policy and procedures.

The charity offers a consultancy service which provides advice and guidance to organisations on the implementation of safeguards to prevent abuse; training services are also available.

Tel: 0844 892 1026 Website: [www.nspcc.org.uk](http://www.nspcc.org.uk) ([http://www.nspcc.org.uk/help-and-advice/for-organisations-and-professionals/training-consultancy/child-protection-training-consultancy\\_wda101173.html](http://www.nspcc.org.uk/help-and-advice/for-organisations-and-professionals/training-consultancy/child-protection-training-consultancy_wda101173.html))

To report or discuss concerns about a child's welfare:

NSPCC Child Protection Helpline (24 hours): To report or discuss concerns about a child's welfare. Tel: 0808 800 5000 or telephone: 0800 056 0566 or email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

NSPCC Cymru/Wales Child Protection Helpline Tel: 0808 100 2524 (Mon-Fri 10am-6pm)

NSPCC Asian Child Protection Helpline Tel: 0800 096 7719

Childline Tel: 0800 1111

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NSPCC Child Protection in Sport Unit is a joint NSPCC/Sport England initiative. It provides an accreditation scheme for national governing bodies and county sports partnerships; provides advice and training to a range of sport and leisure organisations and has produced a range of child protection resources for training and child protection policy development: including Standards for Safeguarding and Protecting Children in Sport (NSPCC and Sport England, 2), and Safe Sport Away (ASA and NSPCC 2001).

Tel: 0116 234 7278 Website: [www.thecpsu.org.uk](http://www.thecpsu.org.uk) (<https://thecpsu.org.uk/>)

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NSPCC Safe Networks is a joint NSPCC, Children England and the Child Accident Prevention Trust initiative and produces a wide range of resources.

Website: [www.safenetwork.org.uk](http://www.safenetwork.org.uk) (<http://www.safenetwork.org.uk/Pages/default.aspx>)

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Save The Children. A registered charity established to promote the welfare of children worldwide by the relief of their hardship and distress.

Tel: 020 7012 6400 Freephone: 0800 814 8148 Website: [www.savethechildren.org.uk](http://www.savethechildren.org.uk) (<http://www.savethechildren.org.uk/>)

In 2003 Save the Children in partnership with NSPCC, Christian Aid, People in Aid, EveryChild and the Tearfund produced Setting the Standards: A common approach to child protection for international NGOs. A copy of the standards can be downloaded from the publications section of [www.peopleinaid.org](http://www.peopleinaid.org) (<http://www.peopleinaid.org/>) or contact [info@peopleinaid.org](mailto:info@peopleinaid.org)

The Keeping Children Safe Coalition Member Agencies revised and renamed the standards document as Keeping Children Safe: Standards for child protection. These standards form a part of Keeping Children Safe: A toolkit for children protection (Save The Children, 2008). The toolkit is a complete package for people working in child protection across the world. The toolkit comprises the standards, a resource pack on how to implement the standards and flexible training exercises.

See [www.keepingchildrensafe.org.uk](http://www.keepingchildrensafe.org.uk) (<http://www.keepingchildrensafe.org.uk/>)

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SAFE CIC is a not for profit community interest company working with the voluntary and community sectors to assist organisations attain SAFE (Safer Activities for Everyone) standards. SAFE supports and advises with regards to safer recruitment, working practices and policies; and it produces resources, information packs and training. It also acts as an umbrella body for DBS disclosures.

## Child Exploitation Online & Protection Centre (CEOP)

The Child Exploitation and Online Protection (CEOP) Centre is part of the National Crime Agency (NCA) and can apply the full range of policing powers in tackling the sexual abuse of children. Report sexual abuse to CEOP online (<http://ceop.police.uk/safety-centre/>).

Thinkuknow is CEOP's educational initiative for children, young people, families, and adults who work with children to deliver important eSafety messages. Access Thinkuknow resources (<https://www.thinkuknow.co.uk/>) and attend training.

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Get Safe Online is the UK's leading source of unbiased, factual and easy to understand information on online safety:

[www.getsafeonline.org/safeguarding-children](https://www.getsafeonline.org/safeguarding-children) (<https://www.getsafeonline.org/safeguarding-children/>)

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## Endnotes

1. The definition of Regulated Activity for adults defines the activities provided to any adult as those which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time. These activities are: the provision of healthcare, personal care, and/or social work; assistance with general household matters and/or in the conduct of the adult's own affairs; and/or an adult who is conveyed to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability. Please see Department of Health factual note on Regulated activity (adults) available on their website.
2. The position of trustee of a vulnerable groups' or children's charity is not a regulated activity in itself. It is only if trustees have close contact with these vulnerable beneficiaries that they would fall within the scope of regulated activity and be eligible to obtain an enhanced DBS check and barred list check. A trustee of a charity who no longer falls within the definition of regulated activity would be eligible to obtain an enhanced DBS check (but without a barred list check).