

SAFEGUARDING POLICIES

SAFEGUARDING CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS

CHILD AND ADULT PROTECTION PROCEDURES

* Junior Conservatoire * Young Actors Studio * Outreach * Summer Schools/Short Courses *

Community Programmes

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CHILD AND ADULT PROTECTION PROCEDURES

INTRODUCTION

The Royal Welsh College of Music and Drama has developed a comprehensive Safeguarding Strategy integrated across all our activities. Our Safeguarding Vulnerable Groups Policy Statement (*available on our website*) sets out the measures we have implemented. All our staff members have an essential part to play in ensuring this strategy is robust and sustainable. **It is, therefore, a requirement that all staff and Directors familiarise themselves with the policy and its component parts.**

The broad aim of the safeguarding strategy is to;

- provide a safe and supportive learning environment for children, young people and adult students where they can develop their potential to the full
- create a strong safeguarding culture within our organisation, so that parents/carers can be assured of the care their children receive, and
- ensure that our staff feel adequately informed and supported to take a confident, pro-active part in sustaining the safeguarding culture within the organisation.

This document specifically sets out our responsibilities in those situations where there are concerns about the safety and welfare of a child, young person or adult student.

The document recognises and incorporates the principles set out in the UN Convention on the Rights of the Child and relates to any child or young person under the age of 18 years. It accords with guidance from the Welsh Government and the 'All Wales Child Protection Procedures' produced by the Wales Local Safeguarding Children Boards (LSCBs). It also takes account of relevant legislation and other guidance relating to safeguarding and protecting children.

The document also relates to adults who might be particularly at risk of abuse, neglect or exploitation and similarly accords with Welsh Government guidance and the 'Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse' (2013 version) commissioned by the four Adult Protection Fora in Wales.

The requirement to abide by the department's safeguarding measures is part of staff's contractual obligations. Becoming aware of, or recognising that a child, young person or vulnerable adult may be suffering abuse or neglect, or having a concern about the behaviour of an individual towards others more vulnerable can cause anxiety. This anxiety can sometimes inhibit us from taking appropriate protective action or we can be left wondering what we could or should do. This document sets out clear procedures that *must be followed* in any situation where you are concerned about the safety or welfare of a student or other individual.

1 DEFINITIONS

1.1 Child - Under the UN Convention on the Rights of the Child, a 'child' is deemed to be any person under the age of 18 years. Although recognising the preference of many youngsters to be referred to as 'young people' any person under the age of 18 falls within the remit of these procedures and of the wider child protection system.

1.2 Adult – People are not intrinsically vulnerable but some situations can make people vulnerable. A vulnerable adult is a person over 18 years of age who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care for himself or herself, or unable to protect himself or herself against significant harm or serious exploitation. This definition may include a person who:

- has learning disabilities
- has mental health problems, including dementia
- is an older person with support/care needs
- is physically frail or has a chronic illness
- has a physical or sensory disability
- misuses drugs or alcohol
- has an autistic spectrum disorder

2 REMIT

2.1 Where the children of students, staff members or visitors are present on the College campus, they remain the responsibility of their parent/carer, or those acting 'in loco parentis' (eg teachers), unless they are enrolled as College students, or are otherwise involved in a Pre College-managed activity. However, *whatever the status of the child or young person, any concerns about his or her safety or welfare should be reported in accordance with these procedures.*

2.2 Disabled children and young people across the range of impairments are at significantly greater risk of all forms of abuse than non-disabled children. This vulnerability can stem from:

- Assumptions made about disabled children resulting in indicators of possible abuse being mistakenly attributed to the child's impairment
- Beliefs that disabled children are not abused or beliefs that minimise the impact of abuse. These can lead to the denial of, or failure to report abuse.
- General lack of communication and consultation with disabled children over their experiences, views, wishes and feelings and the lack of choice and control they have over many aspects of their lives.
- Communication difficulties or lack of access to an appropriate vocabulary which may make it difficult to tell others what is happening
- Some disabled children may have learned from their care or wider experience to be compliant and not to 'complain'.

For these reasons we need to be especially aware of the needs of disabled children and *all concerns about the safety or welfare of disabled children or children with 'special needs' should be reported in accordance with these procedures.*

2.3 Our presumption is that adults have mental capacity to make informed choices about their own safety and how they live their lives and we will take account of an adult's ability to make such informed choices. However that does not preclude us from seeking guidance or making a referral to statutory agencies where necessary and all concerns about the welfare or safety of an adult who may be at risk *should in the first instance be reported to the Designated Person.*

2.4 Children and vulnerable adults from minority ethnic communities, other marginalised communities or who are black British or dual heritage can be left vulnerable to abuse due to

- Language and cultural barriers
- The child or adult being reluctant to report abuse through fear of disloyalty or of not being listened to or believed
- The child's or adult's prior experience of discrimination
- Workers and others mistakenly dismissing concerns as valid cultural practices
- Workers and others being anxious about being labelled racist by raising concerns

All concerns about the safety or welfare of any child, young person or vulnerable adult should be reported in accordance with these procedures.

2.5 All children, young people and vulnerable adults should be treated without distinction in respect of age, gender, nationality or ethnic status, family status, religion, ability or disability, appearance, sexuality or developing sexuality. All children, young people and adults should be treated with dignity and respect.

3 MEMBERS OF THE PUBLIC

Although these procedures are mandatory for members of staff, this is a public document and therefore any parent, carer or other member of the public who becomes concerned about a child's or young person's safety or welfare or that of a vulnerable adult, is exhorted to pass on their concerns following these procedures.

4 THE LEAD SAFEGUARDING OFFICER for the RWCMD has overall responsibility for all safeguarding activity within the College. The Lead Safeguarding Officer will be consulted in situations that cannot be adequately resolved at the Designated Person level, or where concerns relate to the Designated Person. The Lead Safeguarding Officer is Vice Principal (Resources) Scott Allin.

5 THE DESIGNATED PERSON for Safeguarding is the first point of contact for any concerns about the safety or welfare of a child or vulnerable adult. The role of the Designated Person is set out in detail below (*see paragraph 12*). The Designated People are:

- **Brian Weir** – Head of Student Experience and Services and Deputy Safeguarding Officer for the RWCMD, for concerns connected with Senior College Students. **Tel: 029 2039 1321**
- **Patricia Keir** – Head of the Pre-College and Deputy Safeguarding Officer for the RWCMD, for concerns connected with the Junior Conservatoire, Summer Schools/Short Courses, Outreach activity and Community Programmes. **Tel: 029 2039 1366**
- **Michael Waters** – Course Leader, Young Actors Studio (YAS) for concerns connected with the YAS. **Tel: 029 2039 2013**

If the Designated Person for your activity is not available, you should contact the other one, or the lead Safeguarding officer. See paragraph 9.3 below for further details on reporting concerns.

6 CONFIDENTIALITY

All children, young people and adults are entitled to have their privacy and that of their families protected. But where there are concerns about the safety or welfare of a child or young person, or an adult who might be at risk, or where a criminal act might have occurred or could be prevented, there is nothing in any legislation that prohibits the sharing of personal and sensitive information. In

fact all relevant guidance highlights the responsibility to pass on concerns so that any safeguarding action can be taken. However, such information will be shared on a 'need to know' basis and will comprise only the information necessary to effect such action.

7 ABUSE OF TRUST

Staff will not, under any circumstances, form a relationship with a student that may have romantic or sexual connotations – even if the relationship is mutually consensual and irrespective of the age of consent. To do so, is an abuse of trust and will be subject to disciplinary procedures. You could also be liable to criminal prosecution.

8 WHAT MIGHT MAKE YOU WORRIED ABOUT A CHILD OR AN ADULT?

8.1 Generally children and adults are safe and well cared for, both by their families and the organisations that provide activities or care for them. However, children and adults can be abused or neglected by someone inflicting harm, or failing to act to prevent harm. Children and adults may be abused in a family, in an organisational or community setting, by those known to them or, more rarely, by a stranger. Children and adults from all walks of life, cultures and religions may suffer abuse or neglect.

8.2 Abuse of children or young people may be;

- **physical** - eg, being hit or deliberately burnt;
- **sexual** - eg, being used for someone else's sexual gratification, whether or not the child or young person is aware of what is happening;
- **neglect** - eg, not being adequately cared for, not getting necessary medical or dental treatment, or
- **emotional** - eg, being scapegoated or continuously criticised. Emotional abuse is a factor in all categories of child abuse but can occur alone.

(see Appendix One for full definitions plus signs and indicators).

8.3 Children themselves report that they find **bullying** by other children or young people extremely hurtful. The effects of bullying, like abuse, can last into adulthood and affect someone's emotional well-being. Complaints or allegations of bullying should always be taken seriously and appropriate action taken. The **Anti-bullying Code** and **Students' Charter** support such action *(available on our website)*

8.4 Sexual Exploitation is the coercion or manipulation of children, young people or adults who may be at risk, into taking part in sexual activities. It involves an exchange of some form of payment, which can include;

- Money, mobile phones and other items
- Drugs, alcohol
- A place to stay, 'protection', affection.

The vulnerability of the young person and the grooming process employed renders them powerless to recognise the exploitative nature of relationships and therefore unable to give informed consent.

8.5 Abuse of Vulnerable Adults may be;

- **physical** – eg, being hit or misuse of medication or restraint
- **financial** – across a range of inappropriate or criminal behaviour

- **sexual** – sexual acts to which the adult has not or could not consent, or has been pressurised into consenting
 - **psychological/emotional** – eg, verbal abuse and threats, deprivation of contact or isolation
 - **neglect or acts of omission** – eg, withholding the necessities of life or ignoring such needs
 - **discriminatory abuse** – eg, verbal or physical abuse based on or directed towards individual's ethnicity, disability etc.
 - **institutional abuse** - routines, systems and regimes of an institution resulting in poor or inadequate standards of care
 - **abuse of trust** - actions or omissions of someone who is in a position of power or authority and who uses their position to the detriment of the health and well-being of a person at risk
- See appendix 1 for full definitions plus signs and indicators*

8.6 You may become worried about a child or adult because:

- A child, young person or adult may tell you something that makes you worried about their safety or the safety of another child or adult
- Someone else may report that a child or adult has told them, or they are very worried that a child may be being harmed
- A child or adult may show physical injury for which there appears to be no satisfactory explanation
- A child's or adult's behaviour may make you concerned that they may be being harmed
- Something in the behaviour of another adult, or a young person, or the way they relate to a child or adult, makes you feel uncomfortable and anxious
- Something about the child's/young person's use of social media might make you concerned.
- You may observe a child or adult abusing or bullying another.

Remember disabled children and those with special needs are particularly vulnerable and it is important to be alert to the safety and welfare of disabled children and young people.

IF YOU ARE WORRIED ABOUT A CHILD OR AN ADULT WHO MAY BE AT RISK YOU NEED TO SHARE YOUR CONCERNS AT THE EARLIEST OPPORTUNITY – (*see 'How to Respond to Concerns' below*).

8.7 You are not expected to be an expert, and in fact, it is not your responsibility to decide if a child or adult is being harmed. Social services and the police have the duty to investigate possible child abuse. Adult Social Care, the police and regulatory bodies have the authority and expertise to investigate possible adult abuse.

8.8 However, if you are worried then it *is* your responsibility to pass on any concerns you might have, following these procedures. The information you have may not seem significant to you, but it may be crucial when put together with information held elsewhere. If you think your concerns are not being taken seriously then it is your responsibility to take that forward (*see paragraph 9.5 below*)

9 HOW TO RESPOND TO CONCERNS ABOUT A CHILD OR VULNERABLE ADULT

9.1 There are many reasons why professionals and other adults do not respond to concerns that a child, young person or adult may be being harmed. For many of us, our natural inclination is to seek an alternative explanation for any concerns we may have. However, unless we can entertain the possibility and are aware of and alert to signs of possible abuse we may leave a child, children or adults at risk, vulnerable and unprotected. *See appendix 1*

9.2 The safety and welfare of children, young people and vulnerable adults must be our paramount consideration. Protective action and support to families from the statutory authorities allows many, many children to live safe, fulfilled lives and can also support vulnerable adults to make informed decisions about their own circumstances.

9.3 REPORTING CONCERNS

ALL CONCERNS ABOUT THE SAFETY OR WELFARE OF A CHILD, YOUNG PERSON OR ADULT MUST BE REPORTED TO THE DESIGNATED PERSON FOR SAFEGUARDING AT THE EARLIEST OPPORTUNITY (*see paragraph 3 above for contact details*)

If the designated person for your activity is not easily available:

- share the information with the other one or the lead Safeguarding Officer

If neither is available;

- for children and young people - seek advice and support from Cardiff Children's Access Point : 029 2053 6490 or the NSPCC 24hr Helpline 0808 800 5000 (in Welsh or English)
- for adults – seek advice and support from the Cardiff Protection of Vulnerable Adults (POVA) team 02920 536436 or the Emergency Duty Team 029 2078 8570 out of office hours
- In cases of urgency – eg the child or adult feels unsafe to go home – contact the police on 101 or Cardiff Children's Access Point : 029 2053 6490 or the POVA team 02920 536436 or the Emergency Duty Team: 029 2078 8570 out of office hours.
- In an emergency – ie the child or adult is at *immediate* risk of harm or needs *emergency* hospital treatment, phone 999 in the usual manner.
- A concise record should be kept of all unilateral action taken, making sure that names and contact details of all professionals consulted and/or involved are included along with decisions made.
- In all cases the Designated Person should be informed retrospectively of all action taken. This should be done as soon as possible and the written record passed over.

9.4 A written record of your concerns, together with decisions made and action taken or to be taken, should be made, dated and signed by both you and the Designated Person. The Designated Person will decide on what further action needs to be taken and will keep you informed of decisions and action within the bounds of professional confidentiality.

9.5 If you think your concerns are not being taken seriously or insufficient action is being taken by the Designated Person and you cannot resolve this internally then you should contact the outside agencies listed above and make a direct referral. (*See also paragraph 10.6 below*)

9.6 Staff support The Designated Person will offer support to staff reporting concerns about a child, young person, vulnerable adult or other member of staff. As a member of staff, you are also entitled to support from the College's Occupational Health service (01443 482086) and the Staff Counselling Service (029 2039 1320). You may also seek additional help and guidance from your trade union. These sources of support are available equally to a member of staff who faces allegations of inappropriate behaviour, abuse and/or neglect. (*Further guidance on allegations against staff members see paragraph 12.6 below*)

10 PARTICULAR SITUATIONS

10.1 If a child, young person or vulnerable adult tells you of abuse

It is usually extremely difficult for a child, young person or adult to tell of abuse and it is important to consider carefully how to respond. It is *not* possible to promise complete confidentiality as the information will have to be shared so necessary action can be taken to stop the abuse and protect the child or to assist the adult in making an informed decision about their circumstances.

The following guidance should be observed:

- If the child or vulnerable adult has speech or language difficulties ensure they have access to their preferred communication aid or to an interpreter or intermediary completely independent of the concerns
- Stay calm and listen/attend carefully to what the child or adult is communicating
- Allow the child or adult to continue at his or her own pace and do not interrupt
- Keep questions to a minimum – only ask questions to help you understand what you are being told. Do not ask about explicit details and do not ask questions that imply a particular answer.
- Do not promise to keep the information confidential. Explain that any information that indicates a child may be being harmed needs to be passed on so that something can be done about it. It is not alright that children are hurt by adults, who should be looking after them, or by other children. Explain to an adult that their information needs to be passed to others who can support them and help them decide what they want done.
- Reassure the child or adult that they have done the right thing in telling you.
- Tell the child or adult what you will do next and who you have to share the information with.
- Check any immediate or short-term safety needs (eg, Does the child/young person/adult feel safe to return home? Might others also be at risk?)
- As soon as you can, record in writing what has been said, using the child's, young person's or adult's own words and including any significant names and dates. This can be done in the presence of the individual so you can check you understand correctly. Sign and date the account.
- Share your information as soon as you can with the Designated Person (see above).

10.2 Indirect Concerns You may not have any direct communication from a child, young person or vulnerable adult but may be concerned about physical marks or injuries or the individual's physical presentation. Similarly the child's or adult's behaviour may give rise to concerns, or things you overhear them say, or allude to (*see appendix 1 for signs and indicators*). If you become concerned, you must share those concerns with the Designated Person (*see above*) who will consider your information, seek advice if necessary and decide what action needs to be taken.

10.3 Domestic Abuse can occur in any family, or couple relationship, including same-sex, elder, teenage or vulnerable adult couples. Exposure to domestic abuse can have many long term negative effects for children or young people and is recognised as a significant factor in emotional abuse. Domestic abuse can result in death to a partner. Where you become aware that a child, young person or vulnerable adult is exposed to, or involved in, a domestically abusive relationship, you must share your concerns with the Designated Person.

10.4 Internet and Social Media can present risks as well as opportunities. Children, young people and adults may be bullied or abused via social media and other electronic sites. They may also use this medium to abuse or bully others. Risks include:

- Grooming and on-line sexual abuse
- Grooming to meet
- Grooming as part of an established face-to-face relationship
- Involvement in producing sexual or child abuse images
- Exposure to pornography and/or violent content
- Cyber-bullying - receiving unwanted and unpleasant texts, images or other content, or sending them
- Inadvertent criminal behaviour eg, sexting

If you become concerned about a child's, young person's or adult's use of electronic communication you should share your concerns as soon as possible with the Designated Person.

10.5 Working in schools

Schools have a statutory responsibility for the safety and welfare of their pupils or students. If you become concerned about a child or young person or about the behaviour of an adult (including teachers and members of staff) towards a child or children, you should:

- report your concerns to the school's Pastoral Care/Safeguarding Officer
- make a written record of your concerns and who you reported to
- include details of any decisions and action taken or to be taken
- sign and date the record and ask for a signature from the individual you reported to
- at the earliest opportunity inform your Designated Person for Safeguarding of the action you have taken
- ensure the Designated Person has a copy of your written record

10.6 Behaviour of Others

If you become concerned about the behaviour of an adult, including staff members or tutors, towards a child or children, a young person or vulnerable adult;

- it is *very important* that you do not dismiss the concerns
- do not confront the person about whom you have concerns
- do not think you need to wait to get more 'evidence'
- do not allow yourself to be intimidated by the individual's status, job title or authority over others
- share your concerns as soon as you can with the Designated Person (as above)
- if your concerns relate to a Designated Person share them with the other Designated Person, or if unhappy about this, with the Lead Safeguarding Officer (*see paragraph 5 above*)
- If you feel unhappy about sharing information about a member of staff or colleague within the College then you should contact;
 - the police on 101 or
 - Cardiff Children's Access Point : 029 2053 6490 or
 - NSPCC 24hr Helpline 0808 800 5000 for children or,
 - for adults, the Protection of Vulnerable Adults (POVA) team : 02920 536436

It is important to have shared these concerns even if later they may be seen to be unfounded. Those who seek to abuse children or vulnerable adults can be clever in disguising their intent and concerning behaviour needs to be noted and assessed.

10.7 As a last resort. If you have reported serious concerns about the behaviour of a member of staff or a volunteer, where that behaviour may constitute a criminal offence, or may have harmed or be likely to harm a child or children, and you remain unconvinced that this is being, or has been, properly dealt with either within the College or by the external agencies, then you can contact the office of the Children's Commissioner for Wales (telephone 01792 765600 or 01492 523333). For adults you can contact the Adult Protection Co-ordinators for Cardiff (telephone 02920 536436).

10.8 'WHISTLEBLOWING' STATEMENT

- Any member of staff or any student concerned about the behaviour of other tutors, managers, volunteers, students or others which may be harmful to those in their care, should share their concerns with the Designated Person without prejudice to their own position
- You will receive appropriate support in accordance with the Public Interest Disclosure Act 1988 and the College's Public Interest Disclosure (Whistleblowing) Procedure (*available on the intranet*)
- the department will support and protect those staff and students who, in good faith and without malicious intent, report suspicions of abuse or concerns about colleagues and their actions.

Staff who wish to access free confidential advice about whistleblowing can contact Public Concern at Work on 020 7404 6609 or visit their website at: www.pcaw.org.uk

10.9 Advice to consult. You should also consult with the Designated Person in the following circumstances:

- if a child or vulnerable adult is accidentally hurt
- if you are concerned that a young person or vulnerable adult is becoming attracted to you or a colleague
- if you are concerned that a colleague is becoming attracted to someone in his/her care
- if a child or vulnerable adult misunderstands or misinterprets something you have done or said

CONFIDENTIALITY REMINDER Any concerns or reports about possible harm to a child or adult must be treated in the strictest confidence and respect for the privacy of the child and family or individual involved and should only be discussed with those who 'need to know' in order to decide on any safeguarding action.

11 THE ROLE OF THE DESIGNATED PERSON

11.1 The Designated People for Safeguarding are there to help and support you as well as ensuring that any necessary correct action is taken to safeguard a child, young person or vulnerable adult who may be at risk. The importance of their role is that:

- It gives confidence to those who may have worries, that their concerns can be shared
- It provides a clear and consistent route for action
- It maintains the confidentiality of the child, family and/or individual
- It allows thoughtful consideration on further action
- It is protective and supportive of those who raise concerns
- It ensures a professional response and offers security to the College
- It safeguards children, young people and adults who may be at risk

11.2 The Designated Person for Safeguarding is the first point of contact for any concerns about the safety or welfare of a child, young person or vulnerable adult. The Designated People are:

- **Brian Weir** – Head of Student Experience and Services and Deputy Safeguarding Officer for the RWCMD, for concerns connected with Senior College Students. **Tel: 029 2039 1321**
- **Patricia Keir** – Head of the Pre-College and Deputy Safeguarding Officer for the RWCMD, for concerns connected with the Junior Conservatoire, Summer Schools/Short Courses, Outreach activity and Community Programmes. **Tel: 029 2039 1366**
- **Michael Waters** – Course Leader, Young Actors Studio (YAS) for concerns connected with the YAS. **Tel: 029 2039 2013**

11.3 Their role is to:

- receive information from staff, volunteers, other professionals, children, parents/carers or members of the public who may be worried about a child, young person or vulnerable adult, or who may be worried about the behaviour of someone else towards a child, young person or vulnerable adult including bullying behaviour
- make an initial record of that information
- assess the information promptly and carefully, clarifying or obtaining more information about the matter as appropriate
- consult if necessary with the statutory authorities or the NSPCC Helpline to test out any doubts or uncertainties about the concerns, as soon as possible
- where indicated, make a formal referral to social services or the police without delay, and follow this up in writing within 24 hours
- liaise with social services or the police, if necessary, following a referral
- ensure that all written records relating to concerns about a child or adult are completed, signed and dated, and kept securely until no longer needed
- keep the Lead Officer for Safeguarding (*see paragraph 5 above*) informed of all action relating to allegations or information concerning unprofessional, or inappropriate behaviour by a member of staff or volunteer that may pose a risk of harm to a child, young person or adult
- advise and support staff or volunteers in relation to child and adult protection concerns.

11.4 The designated people will also:

- be familiar with the statutory child protection system and the safeguarding adults system, and keep up to date with contact details and telephone numbers
- be aware of the All Wales Child Protection Procedures and Protocols and the role of the Local Safeguarding Children Boards
- be aware of the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults and the role of the Area Adult Protection Committees
- identify training needs relating to child and adult safeguarding and protection within the College, and obtain suitable training courses
- collate management information relating to safeguarding activity within the College and report on this to The Board of Directors
- together with the Lead Safeguarding Officer, ensure that the safeguarding policy and these procedures are reviewed at least every three years or earlier in response to internal or external requirements

12 PROCEDURES FOR DESIGNATED PEOPLE - RECEIVING AND REPORTING INFORMATION

12.1 Your role as a designated person for safeguarding is summarised above. The following sets out the detailed procedures you should follow if someone reports concerns about;

- a child or young person,
- a vulnerable adult who may be at risk
- the behaviour of an adult, child or young person towards a child, young person or vulnerable adult, or
- allegations or concerns about a member of staff or other professional that might indicate harm, or potential harm to a child, young person or vulnerable adult

12.2 When you receive concerns or information about a child, young person or vulnerable adult or about inappropriate behaviour by an adult or other,

You should: *(but see below re members of staff or others in a professional role)*

- listen carefully to ensure you understand what is being said
- ask questions to clarify your understanding but remember it is not your role to investigate
- check that you have all the necessary factual information to allow you to identify the child and family or the adult when making a referral. This should include:
 - names, addresses, contact details of parents/carers
 - name of those with Parental Responsibility for the child (if known)
 - name, age/date of birth, address of child, young person or adult
 - name, address, contact details and present whereabouts (if known) of any alleged abuser
- reassure the person reporting the concern that they have done the right thing
- ensure a written record of the concerns, and your conversation is made, including anything the child or adult may have said, using the child's or adult's own words as reported to you
- check the written account with the person reporting to you to ensure that it is accurate and that nothing significant is left out
- sign and date the written account and ask the person reporting to you to sign the record also
- assess the information you have received and check whether there is previous information available to you that has a bearing on the situation, eg recorded observations or concerns about a child's behaviour or presentation
- if someone has been alleged to be the abuser, consider what contact the child or adult or other children may be having with this person and assess if any immediate safeguarding action needs to be taken

12.3 If the concern is about a child or young person

- decide whether you should inform a child's parent/s or carer about the concern or that you are going to make a referral to social services. This should **not** be done if the concern is about
 - sexual abuse by family member or person closely known to the family
 - fabricated or induced illness, or
 - if you believe that to do so would further endanger the child or young person
- If you feel unsure about the significance of the information, and/or whether you should talk to the child's parent or carer, clarify this by either contacting the NSPCC's 24hr Helpline (0808 800 5000) or Cardiff Children's Access Point (029 2053 6490) to discuss the information

- decide on further action and record the reason for your decision. Remember taking no further action is a decision and may need to be taken following consultation as above. Any decision to 'monitor' the situation should state clearly what is to be monitored and for how long. 'Monitoring' should also be regularly recorded as well as the final outcome of the monitoring.
- maintain the privacy and confidentiality of the child and family by only sharing the information with those who 'need to know'.
- where indicated, make a formal referral following the guidelines below.
- generally referrals should be made to Children's Services in the local authority where the child is resident (*see appendix 2*)

YOU SHOULD NOT

- Dismiss concerns reported to you without carefully considering them, and taking advice if need be
- Go and talk to the child/young person yourself
- Confront any alleged abuser
- Delay in taking appropriate action.

12.4 If the concern is about an adult who may be at risk;

Vulnerable adults have the right to be fully involved throughout the adult protection process and to make decisions about their safety and welfare, unless it has been assessed that they do not have the mental capacity to make any particular decision. It is not your role to determine if an adult has capacity or not (*see appendix 3*). Similarly it is not your role to decide if abuse or exploitation has taken place. Therefore you should carefully explain to the adult that;

- concerns have been raised with you about their safety or welfare
- you take these concerns seriously
- re-assure them that they are not to blame.
- Ask for their consent for the information to be shared with other agencies on a 'need to know' basis
- say you will tell the appropriate person so that those with experience can support and help them
- explain to the adult that they will have feedback on what steps are taken
- if consent is not given, explain carefully that you have a duty to pass the information on to other professionals who know what to do
- reassure them that they have the right to be fully involved in all decisions
- check for any immediate or short-term safety requirements.
- Decide on further action and record the reason for your decision. Remember taking no further action is a decision and may need to be taken following consultation as above. Any decision to 'monitor' the situation should state clearly what is to be monitored and for how long. 'Monitoring' should also be regularly recorded as well as the final outcome of the monitoring.
- Maintain the privacy and confidentiality of the adult by only sharing the information with those who 'need to know'.
- Where indicated, make a formal referral following the guidelines below.

YOU SHOULD NOT

- Dismiss concerns reported to you without carefully considering them and taking advice if need be
- Confront any alleged abuser
- Delay in taking appropriate action.

12.5 CONCERNS ABOUT STAFF OR VOLUNTEERS

If the concern involves a member of staff or volunteer, it is NOT THE ROLE OF THE COLLEGE to decide internally, whether this is a disciplinary issue or a child or adult protection matter. These considerations should take place with the involvement of social services and the police.

The statutory agencies will advise on:

- When or if suspension of a member of staff is warranted from their perspective
- What can be divulged to the member of staff regarding the allegation or concern
- Any reason why a child's or young person's parent/carer should not be immediately informed, or those with caring responsibilities for a vulnerable adult
- Whether a Strategy Meeting is to be convened.

You should

- decide if any *emergency* protective action needs to be taken to safeguard anyone at risk of *immediate* harm. Phone 999 in the normal way if necessary
- Telephone Cardiff Children's Access Point (029 2053 6490) for concerns relating to a child
- Telephone Cardiff POVA team (02920 536436) for concerns relating to a vulnerable adult.
- Alert the College's HR department regarding possible suspension or disciplinary action
- Alert the College's Lead Officer for Safeguarding.

All concerns or allegations about a member of staff will be dealt with in strict confidentiality.

12.6 If the concern or allegation is about a member of staff or volunteer from a group attending the College, or you have received information of a referral made within a school (see paragraph 10.5 above) you should liaise with the organisation's Designated Person for Safeguarding to identify appropriate action including timescales. A feedback mechanism should be agreed to inform you of the outcome of such action. If you remain concerned that the concern/allegation/referral has not been taken seriously or sufficient action has not been taken, then you should make your own referral to the statutory authorities in the normal way.

12.7 MAKING A REFERRAL

You should

- State clearly that you are reporting a child or adult protection matter
- Write down the name and status of the person you speak to (eg, Paul Jones, Duty social worker)
- Give a concise account of the information you have received, including how and when it was reported to you
- Ensure that you provide the necessary factual information to identify the child and family, or vulnerable adult, and any alleged abuser
- Inform of any language/communication or other difficulties the child or vulnerable adult may have, and give a brief description of the child/vulnerable adult, if you can, to assist the person making contact with the individual

- Make a written record of any decisions made or action to be taken, either by you or by social services, including what you should or should not say to the child's parent or the carer of a child or vulnerable adult
- Ask for the name of the team manager and ensure you have the correct address for the office
- Within 2 working days, follow up your telephone call with a letter or other written record to the team manager confirming the referral you have made; who it concerned, what the concerns were and who the referral was made to. Keep a copy of the letter/referral form.
- Keep a written record of your referral including any decisions made or action taken or to be taken. Sign and date this record.
- Ensure all recording relating to the concerns is stored in a secure place
- Inform the person who first reported the concerns, of the action you have taken. Offer any support that may be needed.
- Within two weeks, and if necessary, follow up with social services or the senior manager to ascertain what action has been taken in response to your referral. Make a written record of this and store securely with the other information.

12.8 Children's Services are obliged by the All Wales Child Protection Procedures 2008 to acknowledge your referral and decide on what action they might take within 24 hours. They are also obliged to inform you of the outcome of the referral within 10 working days. If this does not happen, you should contact social services yourself, to ascertain the outcome of the referral. A signed and dated record should be kept of the outcome of the call. (*See also 'What to do if you think your concerns are not being taken seriously' above*).

12.9 REFERRAL TO THE DISCLOSURE AND BARRING SERVICE (DBS)

The Safeguarding Vulnerable Groups Act (SVGA) 2006 places a duty on employers of people working with children or vulnerable adults to make a referral to the DBS when an employer has **dismissed** or **removed** a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned etc.) because the person has:

- Been cautioned or convicted for a relevant offence; or
- Engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or
- Satisfied the Harm Test in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists].

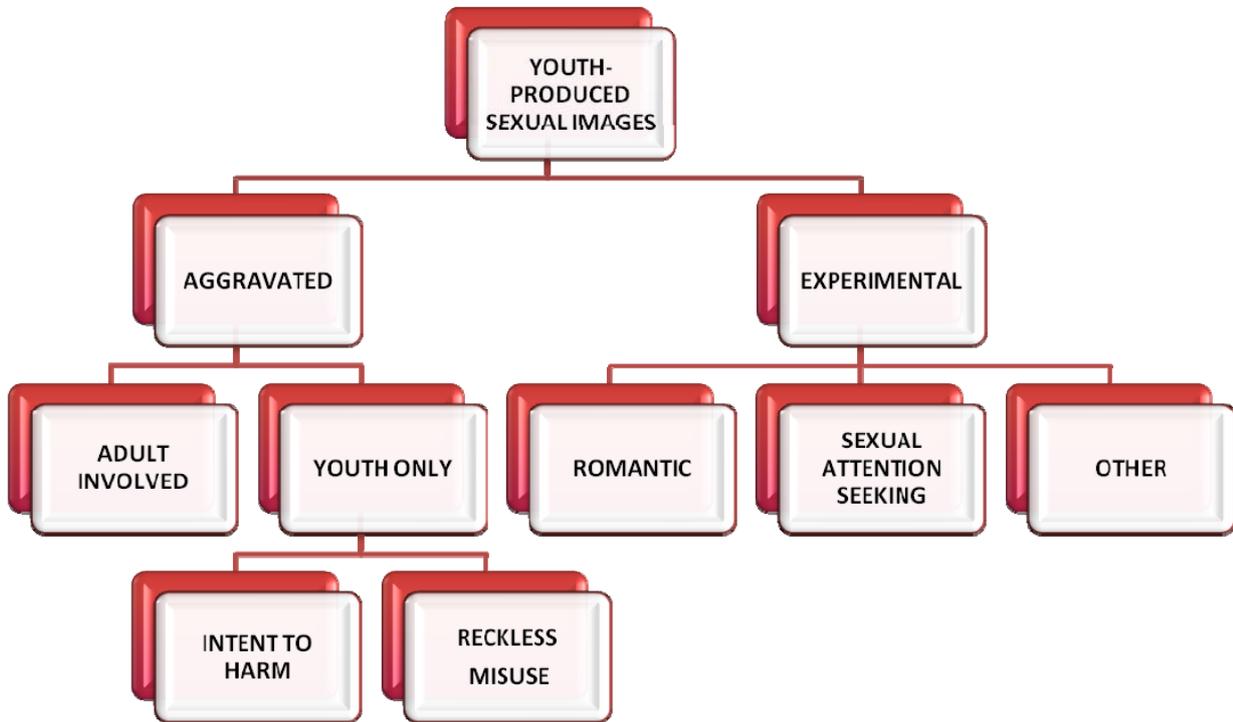
The DBS will make an assessment to determine if the individual's name should be added to the Barred List ie, be barred from working with children, young people or vulnerable adults.

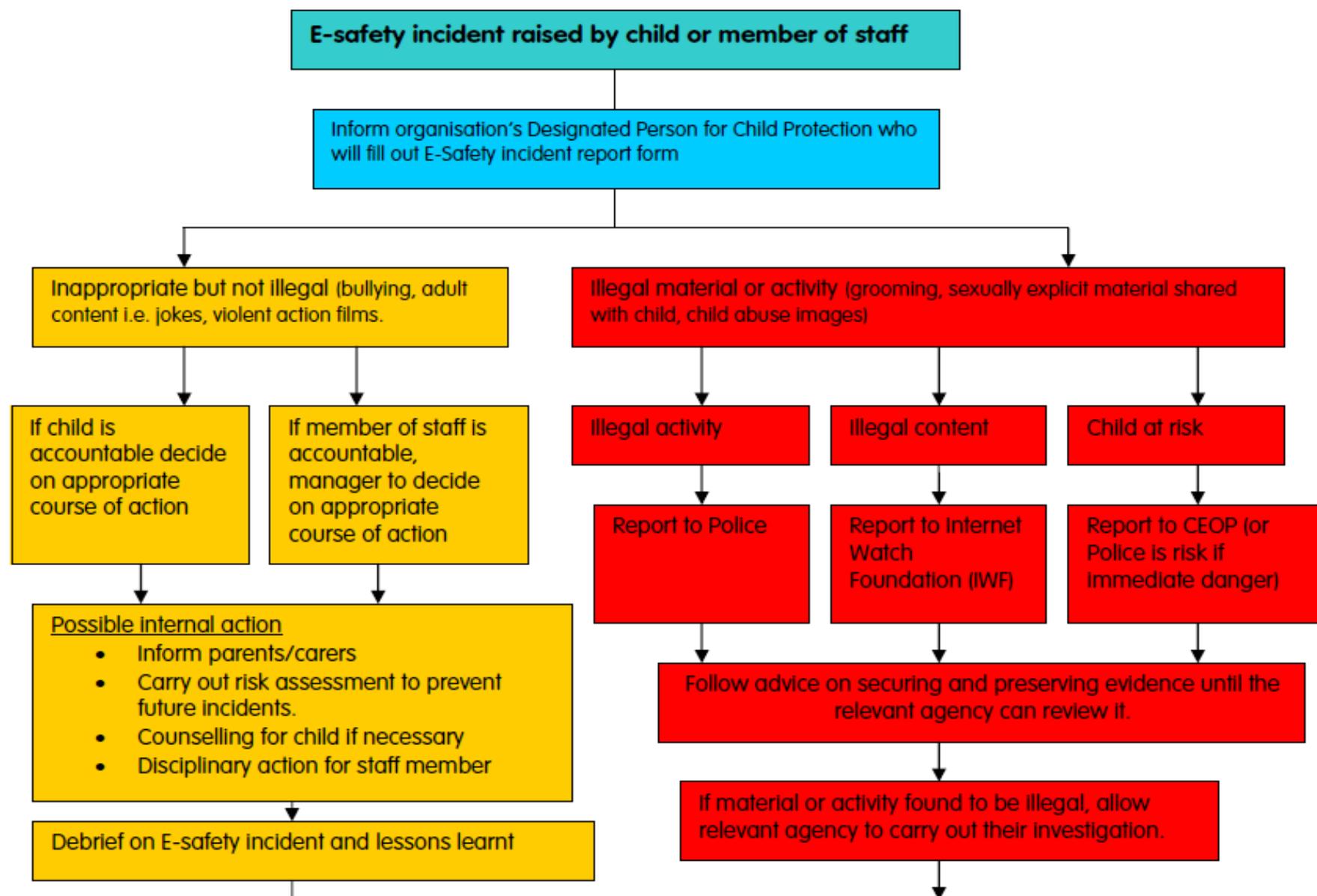
A referral to the DBS must be accompanied by supporting evidence. If an investigation is still outstanding or on-going when the individual leaves employment or is dismissed, this investigation should still be completed to enable comprehensive supporting evidence to be submitted. If additional information becomes available subsequent to the referral, that also should also be forwarded to the DBS. All referrals to the DBS should be made on their referral form.

DBS Helpline: 01325 953 795

Website: www.gov.uk/dbs

13. GUIDANCE ON RESPONDING TO E-SAFETY - FLOW CHARTS





APPENDIX ONE – DEFINITIONS OF ABUSE OR HARMFUL BEHAVIOUR

Abuse is a violation of an individual's human and civil rights by another person or persons. Abuse may consist of a single act or repeated acts. It may occur when an adult at risk is persuaded to enter into a financial or sexual transaction to which s/he has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person or child subjected to it. Abuse is about the misuse of power and control that one person has over another. Where there is dependency, there is a possibility of abuse or neglect unless adequate safeguards are put in place

CHILDREN OR YOUNG PEOPLE

For the purposes of this document, a child is any young person under the age of 18 years. The following represent the main categories of abuse used by the statutory authorities when considering the safety of a child. *(See below for categories for vulnerable adults)*

Physical Abuse

This may involve a child being hit, shaken, thrown, poisoned, deliberately burned or scalded, drowned, suffocated or other ways of causing physical harm to a child. It may also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after.

Sexual Abuse occurs when someone forces or entices a child to do sexual things, even if the child does not know what is going on. The activities may involve physical contact, including penetrative or non penetrative acts. It may include non-contact activities, such as involving children in looking at, or in the production of pornographic material, or making the child watch sexual activities, or encouraging children to behave in a sexual way.

Neglect occurs when a parent or carer persistently fails to meet the child's physical or psychological needs including failure to provide adequate food, shelter and clothing, failure to protect the child from physical harm or danger or failure to access appropriate medical care or treatment for the child. It can also include neglect of, or unresponsiveness to a child's basic emotional needs. Neglect may also occur during pregnancy as a result of maternal substance misuse.

Emotional Abuse

This is when a parent or carer criticises a child so that they feel worthless, or unloved, inadequate or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being placed on the child. This might also happen when a parent allows their child to be often frightened or feel in danger, eg witnessing domestic violence or being bullied, or if the parent doesn't protect the child from people who are going to exploit or corrupt the child.

Other Harmful Behaviour

Bullying is not defined as a separate category by the authorities but the following definition is useful:

Bullying is deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves.

It can be

- Physical ~ hitting, kicking, theft
- Verbal ~ racist or homophobic remarks, threats, name calling
- Emotional ~ isolating an individual from the activities and social acceptance of their peer group.

- The inappropriate use of mobile phones and other social media to emotionally harm another.

Sexual Exploitation is the coercion or manipulation of children and young people into taking part in sexual activities. It involves an exchange of some form of payment, which can include;

- money, mobile phones and other items
- drugs, alcohol
- a place to stay, 'protection', affection

The vulnerability of the young person and the grooming process employed renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent. It includes:

- Abuse through prostitution
- Abuse through using children to produce child sexual abuse images and material
- Abuse through grooming whether via direct contact or the use of technologies such as mobile phone or the internet
- Abuse through trafficking for sexual purposes.

Sexually Harmful Behaviour

Harmful sexual behaviour involves one or more children or young people engaging in sexual discussions or acts that are inappropriate for their age or stage of development. These can range from using sexually explicit words and phrases to full penetrative sex with other children or adults. Two thirds of contact sexual abuse of children is committed by peers. When this situation is identified or concerns are raised *a referral must be made to social services* so that the needs of both the victim and the child allegedly exhibiting sexually harmful behaviour can be assessed.

Domestic Abuse can occur in any family or couple relationship, including same-sex, elder, teenage or vulnerable adult couples. Domestic abuse includes physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty. Exposure to domestic abuse can have many long term negative effects for children or young people and is recognised as a significant factor in emotional abuse. Domestic abuse often begins or escalates during pregnancy and the unborn child can be targeted directly.

VULNERABLE ADULTS

People are not intrinsically vulnerable but some situations can make people vulnerable. A vulnerable adult is a person over 18 years of age who is or may be in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation. This definition may include a person who:

- has learning disabilities;
- has mental health problems, including dementia;
- is an older person with support/care needs;
- is physically frail or has a chronic illness;
- has a physical or sensory disability;
- misuses drugs or alcohol;
- has an autistic spectrum disorder.

Physical Abuse

Physical abuse is the unnecessary infliction of any physical pain, suffering or injury by a person who has responsibility, charge, care, or custody of, or who stands in a position of, or expectation of, trust to a vulnerable person. Physical abuse may also be perpetrated by one vulnerable adult upon another.

Sexual Abuse

Adult sexual abuse refers to the direct or indirect involvement of a vulnerable adult in sexual activity to which they are unwilling or unable to give informed consent, or which they do not fully comprehend, or which violates the social taboos of family roles, eg, incest. Sexual abuse may also be perpetrated by one vulnerable adult upon another. Any sexual activity that is not freely consenting is criminal. Where there is an abuse of trust, sexual activity may appear to be with consent, but is unacceptable because of the differences in power and influence between the people involved.

Emotional or psychological abuse is the wilful infliction of mental suffering, by a person in a position of expectation of trust, to a vulnerable person. It can include verbal assault, e.g. shouting, screaming, humiliation, threats, depriving a person of due respect, denial of dignity and affection, bullying.

Financial or material abuse is any theft or misuse of a person's money, property or resources, by a person in a position of, or expectation of, trust to a vulnerable person. It can include gaining money or possession by threat, persuasion, or exploitation; blocking access to assets; extortion; falsifying records.

Neglect is the failure of any person having the responsibility, charge, care or custody of a vulnerable person to provide that degree of care which a reasonable person in a like position would provide. It can involve intentional or unintentional acts. It includes the unintentional failure of a carer to fulfil caring their caring role or responsibilities, because of inadequate knowledge or understanding the need for services.

For fuller definitions including examples – see Section 4 'Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse'

Other Harmful Behaviour

Mate crime

Mate crime a type of hate crime where perpetrators befriend a person with a disability but in fact soon begin to exploit, hurt or harm them. This can include sexual abuse, forced prostitution, financial exploitation, physical abuse, violence and even murder.

Institutional Abuse Abuse can occur in institutions as a result of regimes, routines, practices and behaviours that occur in services that vulnerable adults live in or use and which violate their human rights. This may be part of the culture of a service to which staff are accustomed. Thus such practices may pass by unremarked upon by staff. They may be subtle, small and apparently insignificant, yet together may amount to a service culture that denies, restricts or curtails the dignity, privacy, choice, independence or fulfilment of vulnerable adults.

Abuse can take many forms. It does not have to fit comfortably into any of the above. Abuse can be perpetuated by one adult at risk towards another. This is still abuse and should be dealt with accordingly.

SOME INDICATORS OF POSSIBLE ABUSE

Many indicators will be the same for children, young people or vulnerable adults. *These lists give examples only and are not by any means exhaustive. If you have concerns about anything not in a list you should still report your concerns to the Designated Person in accordance with the procedures above.*

PHYSICAL ABUSE

Bruises that may be indicative of possible physical abuse are:

- Bruising in babies
- Bruising in children or adults who are not independently mobile
- Bruising that is not on the bony parts of the body
- Bruises to the face, back, stomach, arms, buttocks, ears and hands
- Bruises in clusters
- A number of bruises of a regular shape – eg, fingertip bruising
- Bruises that carry an imprint – of an implement or cord or hand
- Bruising where the explanation seems unlikely

Other signs of physical abuse might be

- Cigarette burns
- Adult bite marks
- Cuts, scratches, lacerations
- Broken bones
- Scalds especially if of a regular shape or the explanation seems unlikely
- Flinching when touched or approached
- Fear of parents/carers being asked about a bruise or other mark.

SEXUAL ABUSE

- sexual knowledge beyond the child's or adult's age or developmental stage
- inappropriate sexualised behaviour
- sexualised language or drawings
- stomach pains or pains when using the toilet
- urinary infections
- pain or itching in the genital area
- bruising or bleeding in the genital area
- referring to a secret they can't tell anyone about
- self harming behaviour
- nightmares

Children or vulnerable adults may disclose sexual abuse by directly telling someone about it. They may also disclose less directly, sometimes unintentionally, over a period of time, through a variety of behaviours and actions, including discussions and indirect non-verbal cues. In this respect, disclosure should be seen as a process that occurs over time.

NEGLECT

- being constantly hungry, possibly stealing food from other children
- constantly dirty and/or smelly
- being very underweight or losing weight
- clothes not appropriate for the weather conditions
- being constantly tired or appearing depressed
- not getting appropriate medical or dental attention
- failure to obtain/ facilitate use of necessary prosthetic devices dentures, glasses, hearing aids, or durable surgical equipment
- pressure sores
- talking about being left alone
- frequently being left unsupervised especially if in risky or dangerous situations.

Neglect can also be life threatening. Children who are neglected can suffer long term physical and emotional damage. However, it can be difficult to recognise especially where families or individuals are living in poverty.

EMOTIONAL ABUSE

- a failure to thrive or grow, especially if the child puts on weight when not in the care of his or her parents
- developmental delay in physical or emotional progress
- nervous behaviour, eg, rocking, hair twisting
- signs of depression, suicidal ideation
- being unable to play and/or interact with others
- self harming behaviour, eg severe scratching, cutting etc.
- overly overtly subservient or anxious to please

Emotional abuse can be difficult to detect as a child or adult may appear well cared for yet receive little or no love, affection or positive attention and/or be constantly put down or belittled. A child or adult living in an environment of low warmth and high criticism is likely to suffer emotional abuse.

FINANCIAL OR MATERIAL ABUSE (Vulnerable Adults)

- individual deprived of access to own money, missing personal items especially jewellery or items of value
- unexplained disappearance of financial documents, e.g. building society books, and bank statements, payments or order books.
- signatures on cheques do not resemble the vulnerable adult's signature or signed when this person cannot write
- unusual concern by carer that an excessive amount of money is being expended on the care of the vulnerable adult
- lack of amenities such as TV, appropriate clothing, personal grooming items that the vulnerable adult can well afford.

APPENDIX 2 – FURTHER INFORMATION AND CONTACT DETAILS

Further Information

The following are the main documents that should be accessed for further details relating to safeguarding children and young people or vulnerable adults in Wales.

- ‘Safeguarding Children: Working Together under the Children Act 2004’
<http://wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=en>
- ‘The All Wales Child Protection Procedures 2008’
<http://www.awcpp.org.uk/areasofwork/safeguardingchildren/awcpprg/index.html>
- ‘In Safe Hands : Safeguarding Vulnerable Adults from Abuse 2005’
<http://wales.gov.uk/topics/health/publications/socialcare/reports/ishnov09/?lang=en>
- The Interim Policy and Procedures for Safeguarding Vulnerable Adults from Abuse 2013
http://www.ssiacymru.org.uk/home.php?page_id=2592
- Each Local Authority also has information on their websites

Relevant research, leaflets and guidance notes can be accessed from:

- www.nspcc.org.uk/inform

Independent Safeguarding Authority /DBS referral form and guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209316/dbs-referral-form-guidance.pdf

Contact Details**NSPCC 24HR HELPLINE – 0808 800 5000****CHILDREN'S SERVICES – as at January 2014**

County	Contact	Telephone
Blaenau Gwent		01495 315700
Bridgend		01656 642320
Caerphilly		Freephone 0808 100 1727
Cardiff	Cardiff Children's Access Point	029 2053 6490
Carmarthenshire	Llanelli	01554 742322
	Carmarthen/Dinefwr	01558 825485
Ceredigion	Children & Families Assessment & Support Team	01545 574 000
Conwy	The Duty and Assessment Team	01492 575111 Out of hours: 01492 515777
Denbighshire		01824 712900 0845 053 3116: Evenings and weekends
Flintshire	Duty and Assessment Team	01352 701000
Gwynedd		01758 704455
Isle of Anglesey/Ynys Mon		01248 752722 / 752733
Merthyr	Duty and Assessment team	01685 724506
Monmouthshire		
Neath Port Talbot	Children's & Young People's Services	01639 686803
Newport	Duty & Assessment team	01633 656656
Pembrokeshire	Child Care Assessment team	01437 776322 or 01437 776325
Powys	Children's Services	0845 6027050 or 0845 054 4847 (Out of Hours)
Rhondda Cynon Taf	Duty social work teams	Rhondda: Tel: 01443 431513 Cynon: Tel: 01685 888800 Taff Ely: Tel: 01443 486731
Swansea	Children's Central Advice, Referral and Assessment team	01792 775501
Torfaen	Children's Services	01495 762200
The Vale of Glamorgan	Team Manager Intake and Support	01446 725202
Wrexham	Duty Social Worker	01978 292039

WELSH POVA CO-ORDINATORS AND POVA LEAD OFFICERS – as at 23.07.13

COUNTY	CO-ORDINATER/LEAD OFFICER	TELEPHONE	E-MAIL
Blaenau Gwent	Sarah Jones	01495 325445	Sarah.Jones@blaenau-gwent.gov.uk
Bridgend	Russell Warwick	01656 642477	Russell.Warwick@bridgend.gov.uk
Caerphilly	Andrea Giordano (Chair) Becky Griffiths Wayne Allman	01443 864609 01443 864485 01443 864539	giorda@caerphilly.gov.uk griffr7@caerphilly.gov.uk allmaw@caerphilly.gov.uk
Cardiff	Lynda Gallagher Steve Bartley	02920 536436	povasupportteam@cardiff.gov.uk Stephen.bartley@cardiff.gov.uk
Carmarthenshire	Safeguarding Team	01267 228944 01267 228992 07789 371271	RachWilliams@carmarthenshire.gov.uk
Ceredigion	Amanda Jones	01545 572616 07812 996350	Amanda.Jones@ceredigion.gov.uk
Conwy	Sian Ramessur	01492 575758 07717 543221	Sian.ramessur@conwy.gov.uk
Denbighshire	Nerys Tompsett	01824 706675	Nerys.Tompsett@denbighshire.gov.uk
Flintshire	Christopher Phillips	01352 701459	Christopher_phillips@flintshire.gov.uk
Gwynedd	Nerys Evans	01286 679956	nerysevans@gwynedd.gov.uk

		07771 842730	
Isle of Anglesey Ynys Mon	Linda Forrest-Owen – Adult Protection and Dols Co-ordinator	01248 752715	LFOSS@anglesey.gov.uk
Merthyr Tydfil	Annabel Lloyd	01685 724686	Annabel.Lloyd@merthyr.gov.uk
Monmouthshire	Hilary Smart	01873 735492	hilarysmart@monmouthshire.gov.uk
Neath Port Talbot	Ceri James	01639 763009	c.james2@npt.gov.uk
Newport	Petra Davis Wendy Williams	01633 210204 01633 210402	Petra.Davis@newport.gov.uk WendyR.Williams@newport.gov.uk
North Wales Police	Detective Sgt Graham Opie Strategic Public Protection Detective Superintendent John Hanson, Head of Public Protection	01745 588745	Graham.opie@nthwales.pnn.police.uk John.Hanson@nthwales.pnn.police.uk
Pembrokeshire	Anne Parkes	01437 776651	Anne.Parkes@pembrokeshire.gov.uk
Powys	Andy Kaye Liz Upcott	01874 638870	Andrzej.kaye@powys.gov.uk Elizabeth.upcott@powys.gov.uk
Rhondda Cynon Taff	Chris Davies	01443 425425	Christine.S.Davies@rhondda-cynon-taff.gov.uk
Swansea	Meryl Williams Cathy Adams	01792 636278	Meryl.Williams@swansea.gov.uk Cathy.adams@swansea.gov.uk

Torfaen	Annette Brady	01495 766676	Annette.Brady@torfaen.gov.uk
Vale of Glamorgan	Joanne Betteridge	01446 704812	jbetteridge@valeofglamorgan.gov.uk
Wrexham	Beverley Larkins (Vice Chair)	01978 298420	Beverley.larkins@wrexham.gov.uk

DBS Helpline: 01325 953 795

Website: www.gov.uk/dbs

APPENDIX THREE – CAPACITY, CONSENT, CONFIDENTIALITY AND INFORMATION SHARING

1. MENTAL CAPACITY :

Vulnerable adults may have or may lack mental capacity to make specific decisions. Their vulnerability entitles them to protection from abuse and neglect but if they lack capacity they may be especially vulnerable. The Mental Capacity Act 2005 specifies that:

'... a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain'.

A person is not able to make a decision if he/she is **assessed** as unable to do any one of the following:

- understand the information relevant to the decision; or
- retain that information; or
- use or weigh that information as part of the process of making the decision; or
- communicate their decision (whether by talking, using sign language or any other means).

IT IS NOT THE ROLE OF THE DESIGNATED PERSON OR ANY OTHER MEMBER OF STAFF TO DECIDE IF A VULNERABLE ADULT HAS CAPACITY. All concerns should be reported in accordance with the procedures.

2. CONSENT:

- The age of consent for both heterosexual and homosexual intercourse is 16 years old.
- A child or young person under the age of **18 years** CANNOT consent to sexual activity with a person with whom they have a Relationship of Trust (*Sexual Offences Act 2003*)
- A child under the age of 13 cannot consent to sexual activity (*Sexual Offences Act 2003*)
- In any circumstances, for consent to be valid the ability to refuse consent must be respected.
- To give valid consent an individual should have sufficient information to understand the options
- Any coercion of an individual to consent invalidates the consent.

3. 'GILLICK COMPETENCE' AND THE 'FRASER GUIDELINES'

When deciding whether a child is mature enough to make decisions, people often talk about whether a child is 'Gillick competent' or whether they meet the 'Fraser guidelines'. These refer to a legal case which looked specifically at whether doctors should be able to give contraceptive advice or treatment to under 16-year-olds without parental consent. But since then, they have been more widely used to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions.

Since the Gillick case, legal, health and social work professionals continue to debate the issues of a child's rights to consent or refuse treatment, and how to balance children's rights with the duty of child protection professionals to act in the best interests of the child. For the purposes of this document, where indicated advice concerning Gillick competence should be sought from Children's Services as part of considering or making a referral.

4. CONFIDENTIALITY AND INFORMATION SHARING :

As a general rule all personal information acquired or held in the course of working with children and families is confidential and particular care should be taken with sensitive information. However, sharing information between practitioners is essential particularly when there are concerns about the safety or welfare of a child or vulnerable adult.

There is no problem about sharing personal information about an individual if that person, or for a child, someone with Parental Responsibility has given permission. Good practice would therefore dictate that wherever possible a child's parent/carer should be informed if a referral is to be made about their family to social services. However, this should not be done if you think it would increase the risk to the child or be contrary to the child's welfare. You should also not seek permission if to do so could obstruct a criminal investigation, eg where allegations of sexual abuse have been made.

Information about an individual is not confidential information if it is already in the public domain, eg, what school a child attends, or even if that child attended school that day.

When sharing personal information, you should consider;

- Who needs to know and
- What do they need to know.

In other words, the information given should be necessary to safeguard a child or children and should be shared with those who have the responsibility to decide what action needs to be taken – the 'need to know' basis.

The Data Protection Act 1998 stipulates that 'personal data shall be processed fairly and lawfully'. 'Fairness' is being open with people about how information about them is to be used and the circumstances in which it might be disclosed. It is therefore important that the parents, carers of children or vulnerable adults and our students are made aware of the child protection policy and the action that will be taken if there are concerns about a child or vulnerable adult.