

Practice Guidance

Safe Employment and Care Practices

1. Introduction

- 1.1 This guidance is intended to supplement the Inter Agency Procedures for investigating allegations of abuse and to ensure that constituent agencies of the LSCB and others have appropriate and effective policies and guidance for preventing abuse and for responding effectively to allegations of abuse and other complaints. The document should be read in conjunction with **Chapter 13 - Allegations Against a Person who works with, or is in contact with, children in a work or care setting, including volunteers.**

2. Background

- 2.1 History and recent research has demonstrated that abuse of children can take place in any agency, setting or environment. It is also the case that working with young people and managing their behaviour can be extremely difficult and that steps to intervene can be open to different interpretations. This, in turn, can lead to unease and unwillingness to act appropriately, such that the needs of children can be neglected or their safety put at risk. Staff who work with children in any setting and their managers need to be aware of the issues involved and to have available clear guidance on conduct and how to act in given situations.
- 2.2 In 2005 Sir Michael Bichard produced a report into the circumstances leading to the death of two children in Cambridgeshire. This studied the failings in information sharing and pre-employment checks as well as other issues. In December 2005 the ACPCs agreed a set of Principles and Standards concerning these issues. These were endorsed by the Laming Chief Officers group. These principles and standards are attached as an appendix.

3. Guidance

- 3.1 The following guidance should be in place in any agency which provides services to or has regular contact with, children. The following list is not necessarily exhaustive. Guidance is given on the issues that should be covered on each topic. Each agency (or section of each agency) will need to develop its own specific guidance relevant to its circumstances and the services it provides.
- 3.2 Policies, guidance or practice notes should be in place on:
- staff recruitment
 - guidance to staff on personal conduct
 - complaints procedure
 - whistle blowing policy
 - staff care policy
 - agency procedure for responding to allegations of abuse (to be consistent with and supplement inter agency procedure).

3.3 Those agencies directly involved in providing care or education should also have:

- policies and practice guidance on managing behaviour and on restraint

3.4 The extent of detail in guidance will be determined by the agency responsibilities.

4. The guidance should contain the following key elements;

Staff Recruitment

4.1 All agencies should have effective arrangements in place to ensure that those working with children are able to work positively and present no risks. The arrangements should include:

- awareness of duties under the Protection of Children Act and other legislation and regulations that disqualify people from working with children
- arrangements for pre-employment checks through the Criminal Records Bureau
- effective selection processes designed to ensure that applicants have the necessary experience, skills and qualities, and to exclude anyone unsuited to work with children
- arrangements for taking up references. Where this is for posts working with children, the reference request should include specific questions about whether there have been any concerns about the applicant's conduct or practice and whether or not these have led to formal disciplinary action
- arrangements for probationary periods and supervision of practice and performance

Guidance to Staff on Personal Conduct

4.2 Staff should have clear guidance on their roles and tasks and what is expected of them, particularly in circumstances requiring close contact with children. In addition there should be guidance on the following:

- physical contact: ensuring confidence in appropriate contact such as comforting a distressed child, intervention to prevent fighting, self harm or criminal acts, appropriate personal care tasks and the avoidance of avoiding inappropriate contact
- personal contact or information about worker's personal circumstances
- disclosure of personal address or telephone number or inviting children to home address
- inappropriate observation of baths, showering, changing etc
- development of personal or sexual relationship
- inappropriate sexualised or provocative language or behaviour
- demeaning or taunting language or behaviour which may provoke a response
- risk assessments regarding personal safety
- being alone with young people
- procedure for searching young people and their property

- recognition of the additional vulnerability of disabled children

4.3 **Complaints Procedure**

- enabling children to make their concerns known
- what constitutes a complaint
- listening to children
- support and advocacy
- detailed procedures
- timescales
- outcomes and improvements to practices/procedures

4.4 **Whistle blowing**

- principles, including agency support and protection for whistleblowers
- clear principles and procedures for reporting concerns
- simple procedures for addressing concerns
- personal responsibility for safeguarding children
- named senior officer to receive concerns about abuse or poor practice
- external or independent element
- outcome and improvement to practices/procedures

Staff Care Policy

4.5 This should include:

- arrangements for contact and support to staff who are subject to allegations or suspended
- clear advice to staff on the process of investigation, including how different strands of the investigation relate to each other and that failure or withdrawal of a prosecution does not rule out a child protection or disciplinary investigation

Agency Procedures for Responding to Allegations

4.6 It is vital that these are consistent with the inter-agency procedures.

Agency procedures should include:

- responsibilities of staff and managers in relation to allegations
- sources of advice on areas of concern
- medical assessment and any necessary treatment
- support for the child/young person
- action, if necessary, to safeguard the child and other children
- reporting arrangements
- recording and retention of incidents and any explanations
- arrangements for investigation, including independence from line management
- arrangements for strategy discussions to plan the investigation
- appropriate involvement of and information to parents/carers
- clarity about the inter-relationship between child protection, criminal and disciplinary procedures
- consideration of suspension and disciplinary investigations
- resolution and follow-up
- recording of information so that any patterns can be identified

- consideration of what information will be included in references about allegations/concerns that do not result in formal action

4.7 **Behaviour Management and Restraint**

- clarity about expectations of staff
- permitted and non permitted sanctions
- techniques for managing relationships and behaviour
- training
- guidance on physical restraint
- reporting and recording incidents and retention of records

Threshold Considerations

4.8 It may not always be clear that a complaint or concern should be treated as a child protection issue. It is easy to miss a child protection element where the issues are complex. Where the complaint or concern raised is not clear-cut, a decision needs to be taken about how to deal with the matter.

4.9 A child protection enquiry will always be indicated where there is

- a clear allegation of sexual abuse
- alleged or suspected serious physical injury to the child arising from an incident involving an adult
- alleged or suspected conduct by an adult which includes sadistic or brutal treatment
- an emerging pattern of minor incidents involving an adult which taken together could indicate sexually inappropriate behaviour or “grooming” of a child/children, even where there is no specific complaint or allegations of sexual abuse

4.10 Where any of the above apply, the agency should always refer to Children’s Social Care as per the procedures in **Chapter 13 - Allegations against a person who works with, or is in contact with, children in a work or care setting, including volunteers - [Hyperlink](#)**

4.11 The following issues should be considered:

1. Clarity about the boundaries and links between complaints and child protection concerns.

- a concern may not be presented in child protection terms, but may be received as a ‘complaint’ from a child or family member without the ‘child protection’ label. It is important to ensure that any child protection implications of complaints are considered. There is a danger of ‘downplaying’ concerns if not presented as allegations of abuse
- there may be child protection concerns intertwined with other ‘complaints’ about practice
- neglectful, rejecting, scapegoating or verbally abusive behaviours are likely to be presented as complaints about the quality of care: it is important to bear in mind that there is often an overlap between different kinds of abusive behaviour

- children and families who present frequent complaints may have their concerns dismissed. Such people may still present genuine information about abuse

2. Seeing the incident in the context of any history of concerns. Responding to concerns about staff that do not reach the threshold for formal procedures.

Unless there are effective systems for recording concerns and allegations, it is easy to dismiss an apparently minor incident when it may be part of a pattern.

- has similar behaviour been noted previously?
- if so, what previous guidance was given to the person concerned?
- if this minor matter relates to some kind of physical incident, is there any evidence of sexual overtones to the alleged event?

If a number of incidents over a period viewed together suggest a pattern, consideration should be given to an investigation.

The system for recording concerns should be transparent but confidential. It should include a non-judgemental record of the incident or concern, the guidance given to the member of staff or volunteer, the views of the member of staff or volunteer, and the reasons for any other action taken or the decision that no further action was deemed necessary. See also **Chapter 13 - Allegations against a person who works with, or is in contact with, children in a work or care setting, including volunteers - [Hyperlink](#)**

3. Taking Account of the impact of the incident on the child

- does the child appear uncomfortable/fearful?
- does the impact appear greater than the incident seems to warrant?

4. What is the context in terms of the adult's responsibilities for personal care/control of the child?

- Relating the behaviour/actions to the agency's policies and guidance about care and control.

E E.g. i) If the child was restrained by the person:

F - does it appear that restraint was required in the situation?

G - does it appear that recognised safe restraint techniques were followed?

H

E.g. ii) If the concern is raised in the context of intimate personal care:

- was the care given and any physical contact appropriate and in accordance with the established care plan?

- 4.12 It will be evident from the above that an agency will be better able to make an informed decision about whether the concern reaches the threshold for referral as a child protection matter if there are
- clear safe care policies
 - clear policies about dealing with complaints which differentiate between child protection and inappropriate conduct
 - good quality recording of minor incidents of concern/complaints which allows the employer subsequently to consider patterns when responding to further concerns