

Arts Council of Wales Child Protection Policy

March 2009

Section 1

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Arts Council of Wales is the national development and funding body for the Arts in Wales, established in 1994 by Royal Charter. Our charter has four key objectives:

- Develop and improve the knowledge, understanding and practice of the Arts;
- Increase the accessibility of the Arts to the public;
- Advise and co operate with other public bodies;
- Work through the medium of Welsh and English.

We recognise the enormous value that can be gained from involving young people in creative activity, and we support a wide range of projects that bring children, young people and vulnerable adults into contact with a wide range of arts activities.

We take our responsibilities seriously:

“Arts Council of Wales aims to safeguard the welfare of children, young people and vulnerable adults participating and engaging with the arts and will ensure that its client/partner organisations commit to good practice which protects children, young people and vulnerable adults from harm. In doing so it will take account of and comply with current legislation and best practice.”

Until recently it has been usual to talk in terms of Child Protection. However, recent guidance from the Welsh Assembly Government focuses on safeguarding young people. This is much broader than Child Protection. It includes an element of prevention so that child abuse does not take place, or the chances of it taking place are reduced.

The Charity Commission has defined “Safeguarding” as:

- all agencies working with children, young people and their families taking all reasonable measures to ensure that the risks of harm to children's welfare are minimised
- where there are concerns about children and young people's welfare all agencies taking appropriate actions to address those concerns working to agreed local policies and procedures in full partnership with other local agencies

Having safeguards in place within an organisation not only protects and promotes the welfare of children, young people and vulnerable adults but it also enhances the confidence of trustees, staff, volunteers, parents, carers and the general public.

This Policy is aimed at two audiences:

- Arts Council of Wales staff who will need to use and understand the policy and
- arts organisations and other bodies who receive funding from Arts Council of Wales

We want to make sure that there is a better general understanding of child protection in the arts community throughout Wales. We will promote the highest possible standards internally, and to any external organisation with whom we work.

Arts Council of Wales' Child Protection Procedures aim to:

- raise awareness of the need to protect children, young people and vulnerable adults involved in the arts in Wales and reduce risks to them
- provide guidance on creating a safe working environment and appropriate reporting structures, in effect creating a culture of protection within all organisations
- ensure that when abuse is suspected or disclosed, appropriate action will be taken

We will take every reasonable step to ensure that children and young people and vulnerable adults are protected where:

- our own staff are directly involved in the delivery of arts related activity
- our staff recruit or broker relationships between an artist or arts facilitator and a third party
- we fund an arts organisation for a programme of work
- we seek to promote a positive ethos of collaborative work between the professional Arts sector and children or young people

The policy will need to be reviewed on an annual basis thereon in.

The Safeguarding Vulnerable Groups Act 2007 provides the legal framework for the introduction of a new Independent Safeguarding Authority (ISA) and Scheme. The new Vetting and Barring Scheme will be launched on 12 October 2009 and will be phased in gradually over a 5 year period and will be additional to Criminal Records Bureau (CRB) checks.

Any organisation working with, or employing people to work with children, young people and

vulnerable adults will need to take account of the new Vetting & Barring Scheme.

If you work or volunteer with children or vulnerable adults and move into a new role, paid or voluntary, after 12 October 2009 you will need to join the Scheme before starting in that role. You will be committing a criminal offence if you start in your new role and you are not ISA – registered. If you are already working in Regulated Activity* and do not move into a new role then you will not need to join the scheme immediately but you will need to join the Scheme by September 2014. People will be asked to join the Scheme gradually from April 2010 until September 2014.

* Regulated Activity is defined as:

- any activity of a specified nature which involves contact with children or vulnerable adults, frequently, intensively and in some cases overnight
- any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively
- fostering and childminding
- any activity that involves people in certain defined positions of responsibility
- activity which involves on a regular basis the day to day management or supervision of people carrying out activity of a specified nature or in a specified place

When the Scheme is launched in October 2009 we will issue further guidelines on its implementation.

Arts Council of Wales can take no responsibility in assisting with these checks and will not be responsible for any revenue-funded organisation who do not respond to the requirements of this legislation.

Further information about the Independent Safeguarding Authority can be found at:
<http://www.isa.gov.org.uk>

Recent developments within child protection

In recent years a number of high profile incidents of child abuse have gone undetected. As lessons have been learnt, public bodies such as Health and Social Services have improved their policies and practices. The Arts, Leisure and Sports sectors need to develop their practice to ensure that they adopt the best of what is happening elsewhere. Organisations who suggest that 'it could never happen here' or 'he/she could never be an abuser' are not taking their safeguarding duties seriously.

The majority of people who are employed or volunteer with children, young people and vulnerable adults do so for the right reasons. But a small minority do not.

By adopting some basic safeguards we can all do more to ensure that we build up and maintain a culture of protection in our organisation.

Legal background

Over the last few years a growing awareness has led to a range of new policies. These include:

- the response to the Victoria Climbié murder and the introduction of the Children's Act 2004
- the establishment of the Child Exploitation and Online Protection Centre (CEOPC) with its focus on protecting children and young people from exposure to the Internet for the purpose of sexual abuse
- the guidance on dealing with professional abuse
- the introduction of the Criminal Records Bureau disclosure service in April 2002

Children, young people and vulnerable adults are an especially vulnerable group in society. They have no voting rights and no formal avenues to exercise power. Adults in positions of responsibility and authority therefore have a duty to ensure that the rights of children, young people and vulnerable adults are represented and protected.

The **United Nations Convention on the Rights of the Child (UNCRC)** is an international treaty that defines the universal rights of children, young people and vulnerable adults and the role of governments in ensuring those rights. In ratifying the Convention in 1991, the UK Government committed itself to its full implementation. As the main providers of facilities and services that affect children and young people, Local Authorities, Assembly Sponsored Public Bodies and voluntary organisations have an important role to play in this. The Welsh Assembly Government has identified it as the basis for making policy as it affects children, young people and vulnerable adults. All publicly funded organisations for children, young people and vulnerable adults should have a clear public commitment to these issues.

Key articles from the UNCRC include:

- Article 3 - best interests of the child
- Article 13 - the right to participate effectively
- Article 13 - the right to information

- Article 15 - the right to meet together
- Article 19 - the right to protection
- Article 31 - the right to cultural life

The Welsh Assembly Government has used the UNCRC as a basis for its seven core aims for all children and young people in Wales. These are for children and young people to:

- have a flying start in life
- have a comprehensive range of education and learning opportunities
- enjoy the best possible health and be free from abuse, victimisation and exploitation
- have access to play, leisure, sporting and cultural activities
- are listened to, treated with respect and have their 'race' and cultural identity recognised
- have a safe home and a community which supports physical and emotional well being
- are not disadvantaged by poverty

The UNCRC defines a child as anyone up to the age of 18 years. The protection of children deals with the exploitation of children at work; physical, sexual and psychological abuse and other mistreatments that many still suffer. The Convention makes it a duty to protect children wherever necessary.

The key legal principles on which to base work with children and families are found in the Children Act 1989 and the Children Act 2004. The legal framework for child protection can be found in the Local Safeguarding Children's Boards (LSCB) Child Protection Procedures for each local authority area, they are summarised within the All Wales Child Protection Procedures.

The overriding principle that governs all areas of work with children and families is that the child's welfare should be the paramount consideration. This principle applies at all stages of working with children, whether making a referral, being involved in child protection conferences or reviews, or working directly with children and families.

Section 2

Arts Council of Wales' Safeguarding Procedures

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Safeguarding

This section describes the procedures that Arts Council of Wales needs to follow in the following situations:

- organising large events where the public are present, for example Urdd
- monitoring workshops and performances
- monitoring the policies and procedures of funded bodies
- allegations against Arts Council of Wales staff
- allegations against staff from external organisations

1. Organising large events when the public are present

Arts Council of Wales organises large events where the public including children, young people and vulnerable adults are present. Child Protection Procedures need to be considered and put in place for Arts Council of Wales staff as well as for children, young people and vulnerable adults. We will:

- undertake risk assessments so that the event is safe and accessible for Arts Council of Wales staff as well as children, young people and vulnerable adults
- familiarise ourselves with the Arts Council of Wales' child protection procedures
- display our Child Protection Procedures
- designate a member of staff who will have responsibility for monitoring and reporting any child protection procedures for the event
- have an incident book in order that any incidents can be recorded and actioned appropriately

Whilst at an event Arts Council of Wales staff will need to take account of the following:

- never be left alone with a child, young person or vulnerable adult
- if a child approaches you, or if a child is lost, you must always make sure that you are in a public place where other people can see you
- never use foul or abusive language in front of children, young people and vulnerable adults
- when taking photographs make sure that you have parental/guardian consent and fill out the appropriate consent forms
- if you see something you believe is suspicious or of concern, report it to the designated member of staff with child protection responsibility

2. Arts Council of Wales staff monitoring Workshops and Performances

You should be aware of your responsibilities with regard to Child Protection issues whilst attending workshops and performances as part of your work. As an audience member or participant, staff should adhere to the following:

- use of appropriate language and behaviour whilst in front of children and young people
- never be alone in a room with children and young people without the tutors
- always make sure that there is a sufficient number of tutors to children and young people. The current legislation is 1:8 but this depends on the age of the young people

As part of our ongoing monitoring of organisations that we fund, we should ask them to be familiar with their own Child Protection Policy. Arts Council of Wales staff can request to see an organisation's child protection policy at any time.

Arts Council of Wales staff should note the following whilst monitoring or attending organisations workshops:

- lone working with children and young people and vulnerable adults
- initiating touch with children, young people and vulnerable adults – if contact is initiated by children, young people and vulnerable adults in an open space this is not a child protection issue. Consideration should be given to tutors working with drama and dance students please refer to section 7

- staff working within organisations should never offer to give lifts to children, young people and vulnerable adults, if this is absolutely necessary then a senior member of staff will need to know where they are going, who they are with and when they are expected to arrive at their destination
- adults and children should never share the same dressing rooms. Children, young people and vulnerable adults of the same sex can share the same dressing room but should always be accompanied by their parents or a member of staff who has been police checked
- use of inappropriate or foul language in front of children, young people and vulnerable adults
- that there are sufficient numbers of tutors to children, young people and vulnerable adults. The current legislation is 1:8. Arts Council of Wales staff can request that a workshop be postponed if there is not a sufficient number of tutors to children and young people

In the event of an Arts Council of Wales member of staff observing what they believe is inappropriate behaviour, it is the staff member's responsibility to report this to the person with legal responsibility for the child, young person or vulnerable adult (eg the teacher, youth or careworker). If they suspect that the person with legal responsibility (ie the teacher, youth or careworker) is actually the source of the problem, they should make their concerns known to another member of staff employed at the site. Make a note of what you witnessed as well as your response and make your line manager and the designated Child Protection Officer at Arts Council of Wales aware of the situation, in case there is follow-up in which you are involved.

In the event of a staff member observing blatant Child Abuse, it is the staff member's responsibility to report the incident immediately to the Director or the Chair of the organisation.

3. Monitoring Organisations' Policies and Procedures

The Annual Review Meeting is an opportunity for Arts Council of Wales staff to discuss child protection issues with their revenue clients. At the Annual Review meeting we will discuss the following:

- who has designated Child Protection responsibilities within the Organisation and on the Board of Management?
- when were the Child Protection Policy and Procedures last reviewed and updated? We suggest that Child Protection Policies should be reviewed on an annual basis and be sent to their Board of Management for approval
- what Child Protection training has the organisation undertaken or is planning to undertake?

- how are organisations keeping up to date with current legislation?

Arts Council of Wales staff will not approve organisations' Child Protection Policies and Procedures but will offer advice and guidance to organisations.

Conditions of Funding for Arts Council of Wales Grants

Organisations who receive funding from Arts Council of Wales are required to

"..Adopt and carry out a written policy and set of procedures to protect children and vulnerable adults and consider any possible risks involved in the assisted activity and take appropriate action to protect everyone involved. (Vulnerable adults are those people who need or may need community care services because of mental disability, other disability, age or illness and who are, or may be, unable to take care of themselves or unable to protect themselves against harm or exploitation). As part of these procedures, the recipient must check the backgrounds of any of its staff that are working in a duty of care position, whether this work is formal or informal, voluntary or unpaid. The recipient must make any 'disclosures'."

Arts Council of Wales has the right to review a revenue funded organisation's Child Protection Policy and procedures at any time.

Guidance for Arts Council of Wales staff dealing with work experience students

Occasionally Arts Council of Wales staff work with young people from 14-18 years who are on work experience placements. The work placement enables the young person to gain experience of working life. Whilst on work placement the welfare of the young person is of the utmost importance.

If you are working with a work experience student always let another member of staff know your location and what the student will be doing.

4. Allegations made against Arts Council of Wales staff

An allegation is an assertion made by someone about suspected abuse perpetrated by a member of Arts Council of Wales staff. It must be referred to Social Services or the Police as a request for investigation under child protection procedures.

If the behaviour of a colleague or any other adult towards children or young people gives cause for concern:

- do not dismiss your concerns
- do not confront the person about whom you have concerns
- discuss your concerns with your line manager and the Designated Child Protection Officer or the Personnel Manager
- never delay in passing on your concerns to somebody who is in a position to take them forward and ensure that a proper investigation takes place. You will always be taken seriously
- do not worry that you may be mistaken. It is better to have discussed it with somebody with the experience and responsibility to make an assessment

When the threshold of significant harm is reached (the designated child protection officer will be able to give advice on this), an investigation will be undertaken by the agencies with statutory powers.

Arts Council of Wales staff, about whom there are concerns, should be given information and support to help them understand the concerns expressed. They should be told about the processes being operated, be informed of the outcome of any investigation, and the implications for disciplinary processes. The investigation should be completed as quickly as possible. Parents and carers should be given information on any concerns, advised on the processes to be followed, advised on the outcomes, and informed about the Complaints process.

It is important that each aspect is thoroughly assessed and a definite conclusion reached. The risk of harm to children, young people and vulnerable adults posed by the person under investigation should be effectively evaluated and managed. Consideration must be given to the child, young person or vulnerable adult involved in the allegations, and any other children in the individual's home, work or community life.

Arts Council of Wales Disciplinary Procedures will be used if it appears that the allegations may amount to misconduct, or gross misconduct (see Disciplinary Procedures in staff handbook).

In the event that a prosecution may not be possible, Arts Council of Wales may wish to invoke its own safeguarding children, or employee discipline procedures.

All enquiries into allegations will be overseen by the Designated Child Protection Officer who will liaise with Police, Social Services and other interested parties and will attend relevant meetings as required and keep staff informed as appropriate. This person will act as the point of contact for Arts Council of Wales with external organisations.

5. Allegations made against staff from external organisations

Concerns about abusive practice by Arts Council of Wales staff from external agencies should be discussed with their line manager and / or Arts Council of Wales Designated Child Protection Person and appropriate action decided. It may be that the concerns are below the threshold of significant harm but the appropriate action must be to report those concerns to a person of seniority within the organisations.

If the concerns are above the level of significant harm the Arts Council of Wales' Designated Child Protection Person should be informed. They will liaise with the appropriate Arts Council of Wales Director and/or Chief Executive to agree an immediate course of action.

Section 3

Guidelines for Arts Organisations

Section 3

1. Guidelines for Arts Organisations

Arts organisations funded by Arts Council of Wales are required to have a Child Protection Policy and Procedures as a condition of grant. As a minimum, a Child Protection Policy and Procedures should contain the following:

- the organisation's position statement on safeguarding children, young people and vulnerable adults
- evidence that the Policy complies with current legislation
- recruitment Procedures and staff training
- information on who the designated Child Protection person and the Board member is within the organisation for dealing with Child Protection issues
- clear procedures for dealing with and reporting allegations of child abuse issues

Funded arts organisations should review their Child Protection Policy and Procedures annually. They should be approved by the Board of Management, documented in the minutes of the meeting and a record taken of this decision.

2. Appropriate Behaviour

There is much concern currently about what is and is not acceptable when working directly with children and young people. Some things are clearly unacceptable, but it is also clear that we cannot make rules in a "one size fits all" way. Each of us will have different levels of comfort around what is appropriate or inappropriate.

Situations to avoid will include:

- lone working with children, young people and vulnerable adults
- initiating touch with children and young people where they are uncomfortable and good practice suggests that touch should be initiated by them - this should be left to public spaces only. In some organisations appropriate physical contact when initiated by children and young people in terms of hugs etc is also frowned upon. If contact is initiated by children and young people and is in an open space this is not a child protection issue though of course if a worker is not comfortable with this behaviour then they are entitled to say so to the child/young person or raise it with their line manager

- sharing dressing rooms where adults and children are in the same space
- using foul or abusive language in front of children and young people

Good practitioners will constantly monitor any situation they find themselves in so that they can create the safest and most positive environment for children and young people to work within.

Other things to consider:

- should I be aware of any religious or cultural sensitivity about this activity?
- are our activities accessible to all children and young people who want to be involved?
- do I have an adequate number of staff to provide support and supervision?

One of the more obvious ways of reducing risks to children and young people is by having the correct staff to child ratio as this avoids the need for lone working and ensures that the activities take place with lots of people present. If your ratios are too low, an activity should be cancelled and rearranged rather than take place when it would be dangerous to do so. Certain activities, because of their nature, will need higher ratios.

3. Recruiting Safely

Any organisation that is serious about the protection of children, young people and vulnerable adults will ensure that it fosters an active culture of protection throughout the organisation. This is especially important in terms of effective recruitment and selection. Organisations should consider taking the following actions so that their culture is as protective as possible:

- make statements about how seriously they take child protection in all official publications
- announce that all relevant staff will have police checks in their advertisements
- send potential applicants a copy of the child protection policy
- ask an appropriate child protection question at interview
- list a specific competency on child protection if using a competency based approach
- ensure that the child protection policy, recruitment and selection policy and health and safety policy are clearly linked

Recruitment and selection procedures should be applied to all personnel, whether paid or unpaid, where the post involves direct contact with children and young people.

Applicants should be asked to provide, amongst other things:

- details of previous experience, voluntary or paid, of working with children
- permission to contact at least one person who has experience of their work or contact with children
- details of any convictions for criminal offences against children including any spent conviction under the Rehabilitation of Offenders Act 1974. It should be made clear to applicants that the position involves work with children and is therefore exempt from the Exceptions Order of the Rehabilitation of Offenders Act 1974, which means that all convictions, however old, must be declared
- applicants must be assured that this information will be dealt with confidentially.
- all applicants should be interviewed and this should be seen as an opportunity to assess their experience of working with children
- at least two references should be sought, at least one of which should comment on the applicants experience of paid or voluntary work with children and young people

All applicants should be asked at some point to produce evidence of their identity.

Criminal Records Bureau and Disclosures

Organisations can make safer recruitment decisions by accessing the Disclosure Service through the Criminal Records Bureau (CRB). The Disclosure Service enables organisations to identify candidates who may be unsuitable to work with children, young people or vulnerable adults.

There are two types of CRB checks which are:

Standard CRB check – these disclose all convictions, cautions, reprimands and warnings held on the Police National Computer; and

Enhanced CRB check – these are carried out for positions where there is a greater degree of contact with children or vulnerable adults. These provide the same information included in a standard check plus additional checking of local police force records.

Applicants who are working in a 'regulated activity' (see page 3 for definition) are required by law to have a higher level disclosure check. Applicants will be checked against the Department of Health list and the Department for Education and Skills list. This is a statutory requirement under the Protection of Children Act 1999.

Further information and details on how to access the disclosure service can be found at:
www.disclosures.co.uk

From Autumn 2009 any organisation working with, or employing people to work with, young people will need to take account of the new Safeguarding Authority legislation (see pages 2&3 for further details). This legislation will be phased in from October 2009 and will be additional to the CRB checks.

Further information on the new Independent Safeguarding Authority can be found at:
www.isa.gov.org.uk

4. Photography

It is important that children, young people and their families who participate in arts activities are given the opportunity to have their achievements recognised and photographed appropriately. However, the advice to any arts organisation taking photographs of children and young people taking part in arts activities is that they should seek permission from the parents or carers before doing so.

5. Safe Use of the Internet

The Internet is part of everyday life and whilst it has huge potential it can also be an unsafe place for children and young people. Guidance from Child Exploitation and Online Protection Centre (CEOPC) suggests

'Child sex abusers find the internet an easier place to participate in a range of child abuse activity including contact with children due to the anonymity of the medium. They will often lie and pretend to be younger than they are or people other than themselves and find a sense of security by operating from the safety of their own homes. They have been known to set up bogus e-mail accounts and chat personas to mask their identity online.'

Further information is available on the Child Exploitation and Online Protection Centre website www.ceop.gov.uk including:

- what is grooming and online child abuse
- chat and instant messenger

- forums and blogs
- mobiles
- understanding online social network services and the risk to children, young people and vulnerable adults

Further information is also available from wise kids www.wisekids.org.uk

6. Venues/Galleries

It is the responsibility of any venue or gallery to have a current Child Protection policy. Any visiting arts organisations, any organisation hiring a venue or individual artists working specifically with young people within the venue will need to take responsibility for their own Child Protection Policy and work within their own guidelines. It is the responsibility of the visiting arts organisation, or individual artist, to safeguard the children, young people and vulnerable adults in their care. They should also be aware of the venue's or gallery's Child Protection policy.

The visiting organisations will need to undertake risk assessments so that their child protection responsibilities are clear and deliverable. If the venue is being used overnight additional safeguards should be built in so that effective protection arrangements are in place.

Organisations or individual artists who are using venues/galleries for arts activities with children, young people and vulnerable adults will need to ensure that the necessary protection arrangements are put in place. Organisations will need to consider the following:

- designating an individual to manage the child protection process
- ensuring that the children and young people are aware of how they need to protect themselves at the venue/gallery – not going away from an agreed area
- ensuring that children and young people do not wander off on their own
- a clear policy on the use and taking of photographs

It is the responsibility of the venue/gallery to inform visitors of their own Child Protection Policy and Procedures for visitors to make sure that they are aware of them. Venues should make sure that when visiting organisations and artists are using their venue, child protection issues are written into the contract.

7. Appropriate use of behaviour when dealing with children, young people and vulnerable adults in an arts environment.

Following the production of the Clywch Report by the Office of the Children's Commissioner in 2004 the Welsh Assembly Government issued a guidance document in relation to the relationship between child protection and the Arts, especially drama. This is a significant report and although it relates specifically to drama the principles of the report should be applied across all art forms. Key issues include:

- create a safe environment for children and young people and the practitioners
- all arts practitioners must follow their organisations policy and procedures for safeguarding
- all arts practitioners should be encouraged to report any signs of inappropriate behaviour
- all arts practitioners should take responsibility for safeguarding young people in lessons and activities
- practitioners should engage openly with other members of staff and managers and make sure that there is an open environment for teaching
- practitioners must select appropriate texts and adapt any texts to safeguard children and young people
- practitioners must protect vulnerable learners when teaching mixed age ranges and be sensitive to the children and young people who may feel uncomfortable with an activity
- practitioners and managers should never allow any nudity and intimate sexual contact in lessons or performances
- the use of strong offensive language should be limited (in drama productions)
- parental consent should be obtained before the taking of photographs and video recordings of children, young people and vulnerable adults

The issues raised in the Clywch report apply throughout the arts sector.

The full document Teaching Drama : guidance on safeguarding children and child protection for managers and drama practitioners can be downloaded from the Department for Education, Lifelong Learning and Skills section on the Welsh Assembly Government website at <http://www.wales.gov.uk>

Section 4

Supporting Documents and Useful Information

Section 4

Supporting Documents and Useful Information

- Recognising Child Abuse
- Reporting
- Confidentiality

Recognising Child Abuse

It is very important that any person who has contact with children and families should always be alert to the possible indicators of child abuse. Anyone who has knowledge, concerns or suspicions that a child is being harmed, or is at risk of significant harm, has a responsibility to pass such concerns to those agencies that have the statutory powers to investigate and intervene. These agencies are the Social Services Department or Police.

Child abuse may be the result of direct acts towards a child, or by the failure of those who have responsibility for a child to provide reasonable care, or it may be both. It could be viewed in terms of commissioning an act towards a child or young person or by omission.

Child abuse can be perpetrated by parents, other family members, carers, neighbours, professionals working with children, or any adult known or not known to the child and family. It is unusual for child abuse to be perpetrated by an adult not known to the child. A child may also be the victim of abuse where the abuser is another child. Those children/young people who in homes where substance misuse or domestic violence occurs may also experience abuse or neglect. Workers should be aware of what to look for so that they can, if necessary, make referrals to the relevant protection agencies.

It should be remembered that the first indication that a child is being abused is not necessarily the presence of a severe injury. Suspicions of any form of abuse may be aroused by overheard remarks made by a child, family members or friends, or by noticeable changes in a child's behaviour or reactions.

Child abuse is commonly categorised in four ways:

1. Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates or induces illness in a child whom they are looking after.

2. Sexual abuse

Forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening. It may include 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 watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

3. Emotional abuse

The persistent emotional treatment of a child such as to cause severe and persistent adverse effects on the child's emotional and behavioural development.

4. Neglect

The persistent or severe neglect of a child or the failure to protect a child from exposure to any kind of danger including cold, starvation or extra failure to carry out important aspects of care, resulting in the significant impairment of a child's health or development, including non organic failure to thrive.

Child abuse indicators

The following are some general points that give indications of possible child abuse. It should not, however, be automatically assumed that because indicators exist that a child or young person is being abused:

- a history or other evidence of frequent, repeated injuries
- repeated attendance at clinic or hospital, or frequent hospital admissions
- a delay in seeking medical advice and treatment that is obviously necessary
- conflicting accounts and explanations of how an injury has occurred given by the child and carers
- an unawareness or denial of an injury or incident by the carer

- very low self-esteem
- fearful and withdrawn behaviour
- an adult who has very noticeable unrealistic expectations of a child
- failure to thrive and meet developmental milestones
- an awareness that domestic violence or animal abuse occurs within the family

Talking to children

When a child speaks about what appears to be an abusive situation, the following principles should apply, and should be followed in all cases:

- the child should be listened to but not interrogated nor asked leading questions or asked to repeat their account
- care should be taken not to make assumptions about what the child is saying or to make interpretations
- the child should not be interrupted when recalling significant events
- the discussion should be noted carefully and wherever possible the child's own words recorded and details such as timing, setting, who was present and what was said should be recorded
- all actions subsequently taken should be recorded
- the child should never be promised complete confidentiality

Reporting

What to do when concerns are raised about possible child abuse

Concerns of abuse may arise in a number of ways. The child or young person may make a disclosure; someone else such as a parent or volunteer may voice concerns or there may be suspicion of abuse.

It will be important in any work that you do, to ensure that a plan is agreed with your line-manager and co-workers on how any allegations or suspicions will be dealt with.

The following principles should apply:

- if a child or young person discloses abuse it is important to discuss the issues in a calm, caring and supportive manner
- the child is never to blame in situations of abuse and should be reassured they have done nothing wrong, either in relation to the abuse itself or in reporting it
- the child needs to know that you are listening and taking seriously the information that is being divulged, and that you will respond positively to ensure their protection
- listen carefully and let the child tell you the information in his/her own way
- it is important to record what is said, using the child's own words wherever possible, at the time if appropriate, or as soon as possible following the disclosure
- it is not appropriate to inquire into the details of the abuse at this stage. It is important, however, to listen and respond positively to the child and be supportive without asking direct questions
- the child will need information and an explanation of what will or is likely to happen next

You may become concerned about the safety of a child or young person by observing their behaviour or physical injuries. In some cases the identification of child abuse can be straightforward as a result of the nature of the injuries, statements from witnesses and actions of perpetrators. In these circumstances you should contact your named child protection person immediately and discuss appropriate action. If they are not available, contact the Chief Executive or equivalent within your organisation.

In some cases the identification of child abuse can be the result of a lengthy and complex process involving the gathering and assessing of relevant information over time and from a variety of different sources. In this case, it is the culmination of a number of factors that leads to conclusions about abuse rather than a single incident. Despite our sometimes reluctance to get involved it is also clear that earlier involvement can lead to better outcomes for children and young people.

In many situations the child's explanation of the injuries and circumstances leading to the abuse is crucial. Talking to children especially those with particular communication skills because of age or disability may be a key role for staff. A record of those communications and of all other relevant information gathered about abuse is vital.

It is unacceptable for staff to rely on children and young people themselves making the child protection referral. Staff must avoid possible failure to protect children and take action where abuse is suspected. The welfare of the child is paramount.

Discussion is important to clarify the issues, and agree on the appropriate way forward. Furthermore, it is important to ensure that those at the right level of seniority are involved in the decision-making. However, no one should ever delay emergency action (if this is believed to be necessary) to protect a child because of the unavailability of a certain individual.

Abuse of a child / young person by another child / young person

Allegations or concerns regarding the abuse of a child by another child need to be responded to with particular sensitivity, although they must nevertheless be dealt with through the child protection process.

Many young abusers have been abused themselves, and so any subsequent process - including any police investigation where this applies - must consider the needs and circumstances of the 'abuser' and the 'abused', as well as protecting the needs of both.

Whilst bullying is different to child abuse it can be a precursor to abuse taking place. All agencies should therefore ensure that they deal effectively and appropriately with any bullying episode that they witness or become aware of. Do not assume it will go away. It is important to acknowledge that sensitive and appropriate handling of this issue can ensure that the bullying stops. A clear message from all individuals to ensure that bullying will not be tolerated and will if repeated lead to the removal of the bully. However, with sensitive effective intervention it is hoped that exclusion of the bully will not be necessary.

Confidential record keeping

All concerns and any discussions about a child's welfare should be recorded in writing whether or not further action is taken. It is important that anxieties are recorded accurately and in detail. It should be clear to somebody reading about the worries where and why they have arisen. All discussions should end with clear and explicit recorded agreement about who will be taking what action, or that no further action is needed. Records should be as detailed and precise as possible, giving an exact account of what was said, especially where it is a child who is disclosing abuse or making an allegation. They should report the details as disclosed or alleged, including who was present and what happened, the sequence of events, and so on. All subsequent action should also be documented. Records must be kept securely in a locked place to which access is restricted. Managers have a particular responsibility in maintaining the confidentiality of these records and must ensure that the records, or any information they contain, are made available only to relevant parties. The transfer of information - verbally, through the mail, electronically, etc - should be done in such a way that confidentiality is maintained.

Confidentiality

In all cases where a child has been abused, or is at risk of abuse, there is a duty to share all relevant information amongst appropriate professionals and agencies. In all such situations, the protection of the child must take precedence over all other considerations. The success of multi-disciplinary co-operation is rooted in the exchange and sharing of relevant information. Professional rules of confidentiality should be interpreted in relation to the need to protect the child. Total confidentiality should never be promised to a child or young person as once a child protection investigation is instigated, other professionals such as the Police or Social Services will need to be involved.

Both parents and children should be made aware that information that has relevance to child protection is shared. It is important not to promise a child complete confidentiality in the hope of encouraging that child to make a disclosure of abuse. Such a pledge cannot be kept, as there is a professional responsibility to decide what information must be passed on in order to protect children. Parents and children should also be made aware that sometimes information would need to be given as evidence to the Courts.

If a member of the public passes on reported suspicions that a child is being abused, they may ask for an assurance that their identity will not be revealed. They may be told that their names will not be divulged without their consent. However, the need to take action to protect a child may indirectly lead a parent or carer to suspect whom, in fact, has alerted the authorities. In addition, there may be exceptional occasions when a Court directs a referrer's name to be revealed. A referrer should be assured that alerting the professionals to a family in crisis is of prime importance when it is necessary to protect a child

"In child protection work the degree of confidentiality will be governed by the need to protect the child..." (Working Together under the Children Act 1989)

Partnership

The principle of a co-operative working relationship between agencies and families is a philosophy of the Children Act legislation. This relationship is much more likely to be achieved if parents, children and young people are encouraged to be involved in all stages of child protection investigations, wherever possible and appropriate. The object of a partnership with families during the child protection process will always be to ensure the welfare of the child and efforts to work in partnership should not put the child at risk. In order to protect children, it is important that all voluntary organisations are committed to working in partnership with Local Authorities and other agencies to ensure that such partner agencies are fully informed of their policies, practice and procedures guidance.

Partnership with other professionals and agencies is also crucial. Concerns often emerge in families known to one or more agency over a long period. It is well established that good child

protection work requires a close working relationship between agencies and it is, therefore, very important that all individuals working with children are aware of child protection procedures. Agencies should be aware of the recent guidance issued on the sharing of information by the Welsh Assembly Government.¹

This document is based upon a range of current best practice including:

- Current and updated draft of the All Wales Child Protection Procedures
- Keeping Arts Safe 2003 and 2005, Arts Council England – www.artscouncil.org.uk
- Creating Safely: Child Protection guidelines for the Arts 2005, Scottish Arts Council and Children in Scotland – www.scottisharts.org.uk
- Teaching Drama: guidance on safeguarding children and child protection for managers and drama practitioners, Welsh Assembly Government July 2006 – www.wales.gov.uk
- Educare Child Protection Awareness programme, NSPCC – www.nspcc.org.uk
- Someone to turn to Safeguarding children and young people, NSPCC – www.nspcc.org.uk
- Keeping children safe, NSPCC – www.nspcc.org.uk
- Creating a culture of safety, NSPCC – www.nspcc.org.uk

¹ Wales accord on the Sharing of information WASPI Tier 1, for organisations involved in the health and social well-being of the people of Wales, Welsh Assembly Government, 2006



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