



### **Guidance for Safer Working Practice for People who Work with Children and Vulnerable Adults**

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# Employment Policies, Procedures & Guidelines

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## Section 1: Overview

### 1.1. Background

All adults who come into contact with children and vulnerable adults in their work have a duty of care<sup>4</sup> to safeguard and promote their welfare.

For those organisations working with children and young people, The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme<sup>5</sup>, places a duty on organisations to safeguard<sup>6</sup> and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

All persons have the right to live their lives free from violence and abuse. This right is underpinned by the duty on public agencies under the Human Rights Act (1998) to intervene proportionately to protect the right of citizens. These rights include Article 2: 'the Right to Life'; Article 3: 'Freedom from Torture' (including humiliating and degrading treatment); and Article 8: Right to Family Life (one that sustains the individual). "Abuse is a violation of an individual's human and civil rights by any other person or persons". 'No Secrets' (DH2000). In addition, there is also a duty to provide protection to those who do not have the mental capacity to access it themselves.<sup>7</sup>

The vast majority of adults who work with children and vulnerable adults act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for those in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of persons working with children and vulnerable adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are people who will deliberately seek out, create or exploit opportunities to abuse children and vulnerable adults. It is therefore essential that all possible steps are taken to safeguard children and vulnerable adults and ensure that the people working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of people who are employed or work as volunteers in this area. It has been suggested that there is a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns and provides practical guidance for anyone who works with, or on behalf of children and vulnerable adults regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of all vulnerable groups is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances people who work in these areas will always advise their senior colleagues of the justification for any such action already taken or proposed.

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<sup>4</sup> The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or vulnerable adult involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and vulnerable adult in any capacity is considered, both legally and morally, to owe them a duty of care

<sup>5</sup> [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

<sup>6</sup> Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances... Working Together to Safeguard Children: 2010 HM Government

<sup>7</sup> Mental Capacity Act 2005, Domestic Violence Crime and Victims Act 2004

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It is also recognised that not all people who work with children and vulnerable adults work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by any person whose work brings them into contact with children and vulnerable adults.

The guidance contained in this document has due regard to current legislation and statutory guidance.

## 1.2. What to do if you are worried a child or vulnerable adult is being abused<sup>8</sup>

Everyone working with children and young people including volunteers should be familiar with local procedures and protocols for safeguarding the welfare of children and young people. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in their organisation and/or report any concerns to the local social care office. Anyone who has concerns or is in doubt should refer to the document **'What To Do If You're Worried a Child Is Being Abused'** and follow that guidance.

Likewise, everyone working with vulnerable adults should also be familiar with local procedures and protocols for Safeguarding Adults and be aware of their duty to report any safeguarding or welfare concerns in relation to a vulnerable adult to a designated member of staff in their organisation and/or report any concerns to the local Adult Services Safeguarding Team.<sup>9</sup>

## Section 2: Using the Guidance

**2.1.** This guidance document is a generic document that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices.

### 2.2. Purpose of Guidance

It is important that all adults working with children and vulnerable adults understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children and vulnerable adults in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children and vulnerable adults safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist people working with children and vulnerable adults to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against people who work with children and vulnerable adults;
- reduce the incidence of positions of trust being abused or misused.

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<sup>8</sup> What to do If You are Worried a Child is Being Abused HM Government 2006

<sup>9</sup> 'Safeguarding Adults' A National Framework of Standards for good practice and outcomes in adult protection work developed through the ADSS-led national 'Safeguarding Adults' network

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Employers should be familiar with, and know how to access, their Local Safeguarding Children Board and Safeguarding Adults policy and procedures for managing allegations against staff.

## 2.3. Underpinning Principles

- The welfare of the child is paramount.<sup>10</sup>
- The 'Safeguarding Adults' policy includes a clear statement of every person's right to live a life free from abuse and neglect.
- Abuse is a violation of an individual's human and civil rights by any other person or persons. 'No Secrets' (DH2000)
- It is the responsibility of all people to safeguard and promote the welfare of children and vulnerable adults. This responsibility extends to a duty of care for those people employed, commissioned or contracted to work with children and vulnerable adults.
- People who work with children and vulnerable adults are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- People should work and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- People should continually monitor and review their practice and ensure they follow the guidance contained in this document.

## 2.4. Definitions

**Vulnerable Adults:** A vulnerable adult is a person 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 him or herself, or unable to protect him or herself against significant harm or exploitation in any care setting. This includes individuals in receipt of social care services, those in receipt of any other services such as health care, and those who may not be in receipt of care services. There is a danger that some vulnerable adults who are at risk but do not fit easily into the aforementioned categories may be overlooked, for this reason they are outlined below.

- Adults with low level mental health problems/borderline personality disorder
- Older people living independently within the community
- Adults with low level learning difficulties
- Adults with substance misuse problems
- Adults self-directing their care

**Children and Young People:** Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18<sup>th</sup> birthday. This guidance, however also has value for those working with vulnerable adults.

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<sup>10</sup> Children Act 1989

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**People:** References to 'people', 'persons' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children, young people and vulnerable adults in either a paid or unpaid capacity.

**Manager:** The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

**Employer:** The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

**Safeguarding:** Process of protecting children and vulnerable adults from abuse or neglect, preventing impairment of their health and development, and ensuring they are living in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully<sup>11</sup> and vulnerable adults are able to live their lives free from violence and abuse.

**Duty of Care:** The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or vulnerable adult involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and vulnerable adults in any capacity is considered, both legally and morally to owe them a duty of care.

## 2.5. How to Use the Document

This document is relevant to both individuals and organisations working with or on behalf of children, young people and vulnerable adults. Where an individual works independently and does not work as part of an organisation references made to the 'senior manager' should be taken to refer to parents or those with parenting responsibilities in respect of children and young people and with regard to vulnerable adults 'the responsible person' as defined

Each section provides general guidance about a particular aspect of work undertaken with children, young people and vulnerable adults, with, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended. Some organisations may need to adapt or add to the guidance to meet their specific practices or contexts. The document has however, been written for a generic audience and most, if not all of the content, is applicable to all adults who work with children, young people and vulnerable adults. The diagram in Appendix 1 illustrates how the guidance could be used as a basis for developing specific agency guidance. Appendix 2 provides a visual framework for understanding how the document fits with safer recruitment and selection and procedures and those which relate to disciplinary proceedings.

It is recommended that organisations and settings which provide services for children, young people and vulnerable adults use this guidance to develop and promote safer working practice by ensuring that all employees and volunteers are made aware of its contents and have access to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with children, young people and vulnerable adults. Providing employees and volunteers with clear guidance on appointment and revisiting this through induction, supervision, performance management, training programmes etc, will also help to ensure a safer children's and vulnerable adults' workforce. Employers and managers will be better placed to deal with unsuitable or inappropriate behaviour if their expectations have been made clear and reinforced throughout a person's employment and there is evidence that this has been done.

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<sup>11</sup> Working Together to Safeguard Children 2010. HM Government (WT 2010)

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Individuals should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.

## Section 3: Guidance for Safe Working Practice

### 1. Context

All adults who work with children, young people and vulnerable adults have a crucial role to play in shaping their lives. They have a unique opportunity to interact with children and young people and sometimes with vulnerable adults in ways that are both affirming and inspiring. This guidance has been produced to help adults working in all settings to establish safe and responsive environments which safeguard young people and vulnerable adults and reduce the risk of people being unjustly accused of improper or unprofessional conduct.

*This means that these guidelines:*

- apply to **all people** working in all settings whatever their position, role, or responsibilities
- provide guidance about an individual's suitability to work with children, young people and vulnerable adults is called into question.

### 2. 'Unsuitability'<sup>12</sup>

The guidance contained in this document is an attempt to identify what behaviours are expected of people who work with children, young people and vulnerable adults. People whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children, young people and vulnerable adults.

*This means that people should:*

- have a clear understanding about the nature and content of this document
- discuss any uncertainties or confusion with their line manager
- understand what behaviours may call into question their suitability to continue to work with children, young people and vulnerable adults
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### 3. Duty of Care

All people who work with, and on behalf of children and vulnerable adults are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children, young people and vulnerable adults.

Whether working in a paid or voluntary capacity, these people have a duty to keep children young people, and vulnerable adults safe and to protect them from sexual, physical, emotional and financial harm. Children, young people and vulnerable adults have a right to be treated with respect and dignity. It follows that trusted people are expected to take reasonable steps to ensure the health,

*This means that people should:*

- understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached
- always act, and be seen to act, in the child's and vulnerable adults best interests
- avoid any conduct which would

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<sup>12</sup> WT 2010 Chapter 6, page 153. See also AMA document on 'Unsuitability' available Dec 07 from Allegation Management Advisers in Government Offices.



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safety, welfare and well-being of children, young people and vulnerable adults. Failure to do so may be regarded as neglect<sup>13</sup> and a breach of the statutory duty of care that we are required to discharge as a requirement of the Health & Safety at Work etc Act 1974

The duty of care is in part, exercised through the development of respectful and caring relationships between people and children, young people and vulnerable adults. It is also exercised through the behaviour of the person, which at all times should demonstrate integrity, maturity and good judgement.

Everyone expects high standards of behaviour from people who work with children, young people and vulnerable adults. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers also have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974<sup>14</sup>. This requires them to provide a safe working environment for people and provide guidance about safe working practices. Employers also have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. People who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees<sup>15</sup> to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the person's duty of care towards children and vulnerable adults should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

### 4. Confidentiality

People may have access to confidential information about children, young people and vulnerable adults in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child or vulnerable adult to do so. Such information must not be used to intimidate, humiliate, or embarrass the child, young person or vulnerable adult concerned.

*lead any reasonable person to question their motivation and intentions*

- *take responsibility for their own actions and behaviour*

*This means that employers should:*

- *ensure that appropriate Adult safeguarding and child protection policies and procedures are adopted, implemented and monitored*
- *ensure that codes of conduct/practices are continually monitored and reviewed*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*
- *foster a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that people are not placed in situations which render them particularly vulnerable*
- *ensure all people have access to and understand this guidance and related, policies and procedures*
- *ensure that all job descriptions and person specifications clearly identify the competences necessary to fulfil the duty of care*
- *attend learning and development opportunities in safeguarding children and vulnerable adults, health and safety etc.*

*This means that people:*

- *be clear about when information can be shared and in what circumstances it is appropriate to do so*
- *are expected to treat information they receive about children, young people and vulnerable*

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<sup>13</sup> WT 2010 page Chapter 1 page 38

<sup>14</sup> Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

<sup>15</sup> Health and Safety at Work Act 1974 Part I, Section.7

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If a person who works with children or vulnerable adults is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or nominated child protection or adult safeguarding person. Any actions should be in line with locally agreed information sharing protocols.

The storing and processing of personal information about children, young people and vulnerable adults is governed by the Data Protection Act 1998. Employers should provide clear advice to people about their responsibilities under this legislation.

Whilst people need to be aware of the need to listen and support children, young people and vulnerable adults, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child, young person, or vulnerable adult under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

### 5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not appropriate behaviour for people in all circumstances. There may be occasions and circumstances in which people have to make decisions or take action in the best interests of the child, young person or vulnerable adult which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children or vulnerable adult in their charge or care. Such judgements, in these circumstances, should always be recorded and shared with a senior manager or if the person does not work for an organisation, with the parent, carer, suitable person or representative.<sup>16</sup> In undertaking these actions individuals will be seen to be acting reasonably.

People should always consider whether their actions are warranted, proportionate and safe and applied equitably. Using tools such as risk assessment/management tools can be helpful in this.

### 6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all people working with children, young

- *adults in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to know to whom any concerns or allegations should be reported*
- *should not discuss personal or confidential information where they may be overheard, or outside the work setting.*

*This means that where no specific guidance exists people should:*

- *discuss the circumstances that informed their action, or their proposed action, with a senior manager, or with the parent/carer/responsible person if not working for an organisation*
- *report any actions which could be mis-interpreted to their senior manager*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *always record discussions and reasons why actions were taken.*
- *record any areas of disagreement about course of action taken and if necessary referred to a higher authority*

*This means that people should not:*

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<sup>16</sup> The Health and Social Care Act 2008

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people and vulnerable adults are in positions of trust. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.<sup>17</sup>

A relationship between a person and a child, young person or vulnerable adult cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and adults. People have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

People should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust<sup>18</sup> with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations and how they should go about this. The Act creates a criminal offence of 'ill treatment or willful neglect' of a person who lacks capacity and carries a prison sentence of up to 5 years.

It is also a criminal act to engage in sexual activity with a person with a mental disorder where their choice is impaired; and it is an offence for a care worker as defined under section 42 of the Sexual Offences Act 2003 to engage in sexual activity with a person with a mental disorder.

### 7. Propriety and Behaviour

All adults working with children, young people and vulnerable adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children, young people and vulnerable adults. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of

- *use their position to gain access to information for their own or others' advantage*
- *use their position to intimidate, bully, humiliate, threaten, coerce or undermine children, young people or vulnerable adults.*
- *use their status and standing to form or promote relationships which are of a sexual nature, or which may become so*

*This means that people should not:*

- *behave in a manner which would lead any reasonable person to question their suitability to work with vulnerable groups or act as*

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<sup>17</sup> Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust Home Office

<sup>18</sup> Sexual Offences Act 2003. Sect 16-19 re-enacts and amends offence of abuse of position of trust

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the public in general and all those with whom they work.

There may be times, for example, when a person's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children, young people or vulnerable adults. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

People in contact with children, young people and vulnerable adults should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of a person's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children, young people and vulnerable adults in the workplace.

## 8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However people should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

People who work with children, young people and vulnerable adults should ensure they take care to ensure they are dressed appropriately for the tasks and the work they undertake.

Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

## 9. Personal Living Space

No child, young person or vulnerable adult should be in or invited into, the home<sup>19</sup> of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/ carers, suitable person, senior managers or the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers, nursing/care home, supported living.

It is not appropriate for any other organisations to expect or

*a role model.*

- *make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such*

*This means that people should:*

- *be aware that behaviour in their personal lives may impact upon their work with vulnerable groups*
- *follow any codes of conduct deemed appropriate by their organisation*
- *understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with vulnerable groups*

*This means that people should wear clothing which:*

- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*
- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory and is culturally sensitive*

*This means that people should:*

- *be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations*
- *challenge any request for their accommodation to be used as an additional resource for the organisation*

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<sup>19</sup> This includes any home or domestic settings used or frequented by the adult

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request that private living space be used for work with children, young people and vulnerable adults.

Under no circumstances should children, young people or vulnerable adults assist with chores or tasks in the home of a person who works with them. Neither should they be asked to do so by friends or family of that person.

### 10. Gifts, Rewards and Favouritism

The giving of gifts or rewards to children, young people or vulnerable adults should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of vulnerable people, whilst in other situations the giving of a gift to an individual child, young person or vulnerable adult will be part of an agreed plan, recorded and discussed with senior manager and the parent, carer or suitable person.

It is acknowledged that there are specific occasions when persons may wish to give a child, young person or vulnerable adult a personal gift. This is only acceptable practice where, in line with the agreed policy, the person has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer or in the case of a vulnerable adult who lacks capacity their representative or suitable person and the action is recorded. Any gifts should be given openly and not be based on favouritism. People need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom<sup>20</sup> a young person or to inappropriately obtain the trust of a vulnerable person.

People should exercise care when selecting children and/or young people or vulnerable adults for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny.

Care should also be taken to ensure that people do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or their parents and vulnerable adults wish to pass small tokens of appreciation to people e.g. on special occasions or as a thank-you and this is acceptable provided the receiving of such a gift is notified to a line manager. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

- *be mindful of the need to maintain professional boundaries*
- *refrain from asking children, young people and vulnerable adults to undertake personal jobs or errands*

*This means that a person should:*

- *be aware of their organisation's policy on the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are declared*
- *generally, only give gifts to an individual young person or vulnerable adult as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value*
- *ensure that all selection processes which concern children, young people and vulnerable adults are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*

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<sup>20</sup> grooming' – the act of gaining the trust of a child so that sexual abuse can take place.

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## 11. Infatuations

Occasionally, a child/young person or vulnerable adult may develop an infatuation with a person who works with them. These persons should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

A person, who becomes aware that a child, young person or vulnerable adult is developing an infatuation, should discuss this at the earliest opportunity with a senior manager or parent/carer, suitable person or vulnerable person's representative so appropriate action can be taken to avoid any hurt, distress or embarrassment.

## 12. Communication with Children, Young People and Vulnerable Adults (*including the Use of Technology and Social Network Guidance*).

Communication between children and vulnerable adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. A person should not share any personal information with a child, young person or vulnerable adult, and should not use their personal mobile to communicate with any young person or on a personal level with a vulnerable adult, take photographs/videos. E.g. school trip – employees should use school-owned mobiles and then numbers can be deleted following the event, and learners will not have access to an employee's personal number, taking photographs of a child, young person or a vulnerable adult without their consent.

They should not request, or respond to, any personal information from the child/young person or vulnerable adult, other than that which might be appropriate as part of their professional role. A person should ensure that all communications are transparent and open to scrutiny. In relation to children and young people, personal mobile phones should be stored securely away from learning environments and it is highly recommended that mobiles are switched off during work hours, and should only be accessed during breaks and lunchtime but not in the presence of young people. This also applies when in meetings with young people and parents.

A person should also be circumspect in their communications with children and vulnerable adults so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming or inappropriate. They

*This means that people should:*

- *report and record any incidents or indications (verbal, written or physical) that suggest a child, young person or vulnerable adult may have developed an infatuation with a person in the workplace*
- *always acknowledge and maintain professional boundaries*

*This means that the organisation should:*

- *have a communication policy which specifies acceptable and permissible modes of communication*

*This means that a person should:*

- *not give their personal contact details to children, young people, including their mobile telephone number*
- *inform Headteacher or Manager immediately if contacted by a young person on a personal mobile*
- *only use equipment e.g. mobile phones, provided by organisation to communicate with children, making sure that parents have given permission for this form of communication to be used*
- *only make contact with children for professional reasons and in accordance with any organisation policy*
- *recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be*

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should not give their personal contact details to children and young people or vulnerable adults including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers, the vulnerable adult's representative or suitable person. E-mail or text communications between a person and a child, young person or vulnerable adult outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

The web and social networking services i.e. facebook, twitter, bebo etc are all used by children, vulnerable adults and employees for work related projects or for personal use. Below is advice for employees to keep themselves and other users safe:

- Privacy on the internet seldom means communications are entirely private.
  - Protect yourself from possible probing interest from children, young people and vulnerable adults i.e. facebook messaging - this may be challenged by children, young people or vulnerable adults.
  - Keep your profile safe, don't show job title, place of work or work/home email address.
- Be cautious declaring your status, young people or vulnerable adults may challenge you i.e. online dating.
- Internet use during working hours is strictly for business not personal use.
  - No photography of pupils, vulnerable adults or staff taken at school/workplace or on social occasions connected to the workplace should be displayed on any social networking site.
  - Any employee that witnesses improper use of internet/social networking site must inform line manager/headteacher immediately with regard to safeguarding.
  - Any form of personalised social media that is found to reveal confidential Council, client or service user information, attack or abuses colleagues, clients or service users of the Council, or constitutes a conflict of interest, will be investigated and may be subject to disciplinary action.

### 13. Social Contact

A person who works with children, young people and vulnerable adults should not seek to have social contact them or their families, unless the reason for this contact has been firmly established and agreed with senior managers, or where a person does not work for an organisation, the Local Authority, the parent or carers. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the person should exercise her/his professional judgement in making a response but should always discuss the situation with their manager or with the parent of the child or young

*used as a last resort when other forms of communication are not possible*

- *not use internet or web-based communication channels to send personal messages to a child/young person*
- *be mindful that you are in a notifiable position and keep yourself safe as a professional.*
- *do not use a social network site to complain or criticize colleague/school/child, parent etc.*
- *do not befriend children/young people.*
- *make it clear on networking sites that your views are your own and not as a representative of the Council i.e. disclaimer.*
- *with regard to vulnerable adults the above bullet points should be applied in those circumstances where it is also deemed appropriate.*

*This means that a person should:*

- *have no secret social contact with children, young people or their parents and vulnerable adults*
- *consider the appropriateness of the social contact according to their role and nature of their work*
- *always approve any planned social contact with vulnerable adults,*

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person or the vulnerable person's suitable person or representative. A person should be aware that social contact in certain situations can be misconstrued as grooming or inappropriate.

Where social contact is an integral part of work duties, e.g. pastoral work in the community, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the person's own family or personal networks.

It is recognised that some people may support a parent or vulnerable adult who may be in particular difficulty. Care needs to be exercised in those situations where the parent or vulnerable adult comes to depend upon a person for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

### 14. Sexual Contact

A person should clearly understand the need to maintain appropriate boundaries in their contacts with children, young people and vulnerable adults. Intimate or sexual relationships between children/young people and vulnerable adults and the people who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between a person and the child, young person or vulnerable adult with whom they work could be regarded as a criminal offence and will always be a matter for disciplinary action.

Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'<sup>21</sup>, defines sexual abuse as "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". With regard to a vulnerable adult where he/she is persuaded to enter into a sexual transaction to which he or she has not consented or cannot consent then this is a violation of the vulnerable person's human and civil rights

*children or parents with senior colleagues,*

- *advise senior management of any social contact they have with a vulnerable adult, child or a parent with whom they work, which may give rise to concern*
- *report and record any situation, which may place a child or vulnerable adult at risk or which may compromise the organisation or their own professional standing*
- *be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with line manager.*
- *understand that some communications may be called into question and need to be justified.*

*This means that a person should not:*

- *have sexual relationships with children, young people or vulnerable adults*
- *have any form of communication with a child, young person or vulnerable adult which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact*
- *make sexual remarks to, or about, a child/young person or vulnerable adult*
- *discuss their own sexual relationships with or in the presence of children, young people or vulnerable adults*

*This means that a person should:*

- *ensure that their relationships with children, young people or vulnerable adults clearly take place within the boundaries of a respectful professional*

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<sup>21</sup> Working Together to Safeguard Children .A guide to interagency working to safeguard and promote the welfare of children HM Government 2010



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and could result in criminal proceedings.

There are occasions when a person may embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child or vulnerable adult, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

### 15. Behaviour Management

All children, young people and vulnerable adults have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

A person should not use any form of degrading treatment to punish a child or vulnerable adult. The use of sarcasm, demeaning or insensitive comments towards children, young people and vulnerable adults is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment for children and young people is not acceptable and whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those persons who work with or on behalf of children and young people.

Where children or vulnerable adults display difficult or challenging behaviour, a person must follow the behaviour policy outlined by their place of work, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a child or vulnerable adult has specific needs in respect of particularly challenging behaviour, a positive handling plan or Care Plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

### 16. Physical Contact

Many jobs within the children's workforce and caring for vulnerable adults require physical contact with children and vulnerable adults as part of their role. There are also

*relationship*

- *take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescent boys and girls.*

*This means that a person should:*

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *inform parents, a vulnerable adult's suitable person or representative of any behaviour management techniques used*
- *adhere to the organisation's behaviour management policy*
- *be mindful of factors which may impact upon a child, young person or vulnerable adult's behaviour e.g. bullying, abuse and where necessary take appropriate action*

*This means that organisations should:*

- *have in place appropriate behaviour management policies*
- *where appropriate, develop positive handling plans in respect of an individual child, young person or vulnerable adult.*

*This means that a person should:*

- *be aware that even well*

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occasions when it is entirely appropriate for other people to have some physical contact with the child, young person or vulnerable adult with whom they are working. However, it is crucial that in all circumstances, A person should only touch children and vulnerable adults in ways which are appropriate to their professional or agreed role and responsibilities.

Not all children, young people and vulnerable adults feel comfortable about physical contact, and a person should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child or young person or vulnerable adult before physical contact is made. Where the child is very young, there should be a discussion with the parent or carer about what physical contact is acceptable and/or necessary. If the vulnerable adult lacks capacity then it should be clear within the Care Plan what physical contact is acceptable and necessary.

When physical contact is made with a child or vulnerable adult this should be in response to their needs at the time, of limited duration and appropriate to a vulnerable person's assessed needs or a child's age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child or vulnerable adult in one set of circumstances may be inappropriate in another, or with a different child or vulnerable adult. A person, nevertheless, should use their professional judgement at all times, observe and take note of the child or vulnerable adult's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child or vulnerable adult for the minimum time necessary.

Physical contact which occurs regularly with an individual child, young person or vulnerable adult is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. sport activities or medical procedures, health or community care needs. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child or vulnerable adult's needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of a person, or represent a misuse of authority. If a person believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the senior manager outlined in the procedures for handling allegations and an appropriate record made. Parents/carers or the vulnerable adult's suitable person or

*intentioned physical contact may be misconstrued by the child or vulnerable adult an observer or by anyone to whom this action is described*

- *never touch a child or vulnerable adult in a way which may be considered indecent*
- *always be prepared to report and explain actions and accept that all physical contact be open to scrutiny*
- *not indulge in horseplay*
- *always encourage children or vulnerable adults, where possible, to undertake self-care tasks independently*
- *be aware of cultural or religious views about touching and always be sensitive to issues of gender*
- *understand that physical contact in some circumstances can be easily misinterpreted*

*This means that organisations should:*

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *make a person aware of relevant professional or organisational guidance in respect of physical contact with children and vulnerable adults and meeting medical needs of children, young people and vulnerable adults where appropriate*
- *be explicit about what physical contact is appropriate for a person working in their setting with children, young people or vulnerable adults*

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representative should also be informed in such circumstances.

Where a child or vulnerable adult seeks or initiates inappropriate physical contact with a person, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child or vulnerable adult and advice and support given to the person concerned.

It is recognised that some children and vulnerable adults who have experienced abuse may seek inappropriate physical contact. A person should be particularly aware of this when it is known that a child or vulnerable adult has suffered previous abuse or neglect. In the child or vulnerable adult's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child, young person or vulnerable adult initiates inappropriate physical contact, it is the responsibility of the person to sensitively deter the child or vulnerable adult and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer or the vulnerable adult's suitable person or representative

### 17. Other Activities that require Physical Contact

A person who works in certain settings, for example sports drama or outdoor activities will have to initiate some physical contact with children and vulnerable adults, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child or vulnerable adult so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer, vulnerable adult or the vulnerable adult's suitable person or representative and once agreed, should be undertaken with the permission of the child/young person and vulnerable adult if the vulnerable adult has capacity or if it is in the best interest of the vulnerable adult. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Guidance and protocols around safe and appropriate physical contact are provided by national organisations, for

*This means that a person should:*

- *treat children and vulnerable adults with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a child and vulnerable adult the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a child or young person is unable to do so because of a disability the vulnerable adult, or if the vulnerable adult lacks capacity from their suitable person or representative.*
- *consider alternatives, where it is anticipated that a child or vulnerable adult might misinterpret any such contact,*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*

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example sports governing bodies or major arts organisations, or the employing organisation and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager, parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, children and young people, vulnerable adults and/or their suitable person or representative informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

With regard to vulnerable adults, especially one who lacks capacity always ensure that any physical restraint adhere to the necessary safeguards and Care Plan that has been implemented specially for that individual. Physical contact can include the provision of health care such as the administration of medication and therefore it is important that each organisation has rigorous controls and recording in place to ensure that any appropriate administration of medication or health intervention i.e. first aid if proportionate and in the best interests of a vulnerable adult.

### 18. Use of Control and Physical Intervention

There are circumstances in which a person working with children or vulnerable adults displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and a person and organisations must have regard to government guidance and legislation in the development and implementation of their own policies and practice.<sup>22 23</sup>

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child, young person or vulnerable adult's behaviour if it is necessary to prevent personal injury to the child or vulnerable adult, other children or a vulnerable adult or the public, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

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<sup>22</sup> Mental Health Act 2005

<sup>23</sup> Mental Health Act

- *be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact*

*This means that organisations should:*

- *have up to date guidance and protocols on appropriate physical contact in place that promote safe practice and include clear expectations of behaviour and conduct.*
- *ensure that staff are made aware of this guidance and that safe practice is continually promoted through supervision and training.*

*This means that adults should:*

- *adhere to the organisation's physical intervention policy*
- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary*
- *record and report as soon as possible after the event any incident where physical intervention has been used.*

*This means that organisations should:*

- *have a policy on the use of physical intervention in place that complies with government guidance and legislation and describes the context in which it is appropriate to use physical intervention*
- *ensure that an effective recording system is in place which allows for*

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Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all people and organisations working with children, young people and vulnerable adults requires that reasonable measures are taken to prevent vulnerable people being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where people are working with children and vulnerable adults with extreme behaviours associated with learning disability or autistic spectrum disorders or Mental health issues, the employer should have a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with parents/carers or vulnerable adult's suitable person or representative and where appropriate, the child or vulnerable adult, should set out the strategies and techniques to be used and those which should be avoided. Although generic risk assessments covering physical interventions should already have been completed and staff made aware of them, where restrictive physical intervention maybe required the actions to be taken and type of intervention to be carried out and under what circumstances should be fully documented in a specific risk assessment personal to the individual. Details of any decision to implement restrictive physical intervention measures must also be full recorded within the individual's personal records, behaviour plan or care plan.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child or young person and vulnerable adult. The parents/carers or the vulnerable adult's suitable person or representative should be informed the same day.

### **19. Children , Young People and Vulnerable Adults in Distress**

There are some settings, where people are involved in managing significant or regular occurrences of distress and emotional upset in children and vulnerable adults, for example in mental health services, residential care provision etc. In these circumstances professional guidance should be followed and a person should be aware of what is and what is not acceptable behaviour when comforting a child or vulnerable adult when diffusing a situation. This is particularly important when working on a one-to-one basis.

For all other people working with children and vulnerable adults there will be occasions when a distressed child or

*incidents to be tracked and monitored*

- *ensure adults are familiar with the above*
- *ensure that staff are appropriately trained*

*This means the adult should:*

- *consider the way in which they offer comfort and reassurance to a distressed child and do it in an age-appropriate way*
- *be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances*
- *follow professional guidance or code of practice where available*

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vulnerable adult needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. A person should use their professional judgement to comfort or reassure a child in an age-appropriate way or a vulnerable adult whilst maintaining clear professional boundaries.

Where a person has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

### 20. Intimate Care

Some job responsibilities necessitate intimate physical contact with children or vulnerable adults on a regular basis, for example assisting young children with toileting, providing intimate care for children and vulnerable adults with disabilities, or older people in the provision of personal and medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child or vulnerable adult to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers and/or parents/carers or a vulnerable adult's suitable person or representative.

All children and vulnerable adults have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child and vulnerable adult should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, the vulnerable adult, parents/carers and the organisation must be negotiated and recorded.

### 21. Personal Care

Young people and vulnerable adults are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard vulnerable adults, young people and/or satisfy health and safety considerations. This supervision should be

- *never touch a child in a way which may be considered indecent*
- *record and report situations which may give rise to concern from either party*
- *not assume that all children seek physical comfort if they are distressed*

*This means that a person should:*

- *adhere to the organisation's intimate care guidelines or code of practice*
- *make other staff aware of the task being undertaken*
- *explain to the child or vulnerable adult what is happening*
- *consult with senior managers and parents/carers where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents or vulnerable adult's suitable person or representative*
- *ensure that any changes to the agreed care plan are discussed, agreed and recorded.*

*This means that a person should:*

- *avoid any physical contact when children are in a state of undress*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms*

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appropriate to the needs and age of the young people and vulnerable adults concerned and sensitive to the potential for embarrassment.

A person needs to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the vulnerable adult, children and young people with whom they work.

### 22. First Aid and Administration of Medication

It is expected that people working with vulnerable adults, children and young people should be aware of basic first aid techniques. It is not however, a contractual requirement and whilst a person may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication. Depending upon the age of the child, a knowledge of paediatric first aid may be required.

When administering first aid, wherever possible, a person should ensure that another adult is aware of the action being taken. Parents should always be informed when first aid has been administered in respect of a child.

In circumstances where children or vulnerable adults need medication regularly a health care plan should have been established to ensure the safety and protection of children, vulnerable adults and the people who are working with them. Depending upon the age and understanding of the child and the vulnerable adult's capacity, they should where appropriate, be encouraged to self administer medication or treatment including, for example any ointment, use of inhalers.

*announce their intention of entering*

*This means that a person should not:*

- *change in the same place as children/vulnerable adults*
- *shower or bathe with children/vulnerable adults*
- *assist with any personal care task which a vulnerable adult, child or young person can undertake by themselves*

*This means that organisations should:*

- *ensure staff understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury requires more experienced intervention*
- *ensure there are trained and named individuals to undertake first aid responsibilities, including knowledge and competence in paediatric first aid requirements.*
- *ensure training is regularly monitored and updated*
- *always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication for children*

*This means that a person should:*

- *adhere to the organisation's policy for administering first aid or medication*
- *comply with the necessary reporting requirements*
- *make other people aware of the task being undertaken*
- *explain to the child/vulnerable adult what is happening.*
- *always act and be seen to act in the vulnerable adult/child's best interests*
- *report and record any administration of first aid or*

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*medication*

- *have regard to any health plan which is in place*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*

### 23. One to One Situations

All organisations working with or on behalf of children, young people and vulnerable adults should consider one to one situations when drawing up their policies.

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a senior manager and/or parents/carers, a vulnerable adult or their representative or suitable person, for an a person to be alone with a child, young person or vulnerable adult, certain procedures and explicit safeguards must be in place. This also applies to those persons who do not work as part of an agency or organisation but owe a duty of care to the child or young person because of the nature of their work.

A person should be offered training and guidance for the use of any areas of the workplace which may place themselves or children/vulnerable adults in vulnerable situations. This would include those situations where adults work directly with children, young people and vulnerable adults in unsupervised settings and/or isolated areas within community settings or in street-based projects or in a vulnerable person's own home for example.

One to one situations have the potential to make vulnerable adults, child/young person more vulnerable to harm by those who seek to exploit their position of trust. A person working in one to one settings with children, young people and vulnerable adults may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of vulnerable adults, children and young people and the people who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the vulnerable adult, child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

Meetings with vulnerable adults, children and young people

*This means that a person should:*

- *ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed.*
- *avoid meetings with a child or young person in remote, secluded areas,*
- *always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to a senior colleague*
- *carefully consider the needs and circumstances of the child/children when in one to one situations*



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outside agreed working arrangements should not take place without the agreement of senior managers and parents or carers.

### 24. Home Visits

There are workers for whom home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard vulnerable adults, children and young people and the people who work with them.

A risk assessment should include an evaluation of any known factors regarding the vulnerable adult, child/young person, parents and others living in the household. Risk factors such as hostility, child protection and adult safeguarding concerns, complaints or grievances can make a person more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Under no circumstances should an a person visit a child or vulnerable adult in their home outside agreed work arrangements or invite a child or vulnerable adult to their own home or that of a family member, colleague or friend. If in an emergency, such a one -off arrangement is required, the person must have a prior discussion with a senior manager and the parents or carers or a vulnerable adult's suitable person or representative and a clear justification for such arrangement is agreed and recorded.

### 25. Transporting Children and Young People and Vulnerable Adults

There will be occasions when people are expected or asked to transport children, young people or vulnerable adults as part of their duties. Persons who are expected to use their own vehicles for transporting children and vulnerable adults should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

*This means that a person should:*

- *agree the purpose for any home visit with senior management, unless this is an acknowledged and integral part of their role e.g. social workers*
- *adhere to agreed risk management strategies*
- *always make detailed records including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate action is taken*

*This means that employers should:*

- *ensure that they have home visit and lone-working policies of which all persons are made aware. These should include arrangements for risk assessment and management*
- *ensure that all visits are justified and recorded*
- *ensure that persons are not exposed to unacceptable risk*
- *ensure that people have access to a mobile telephone and an emergency contact person*

*This means that all organisations:*

- *should have appropriate policies for transporting children and young people*

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It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. People should also be aware of current legislation and adhere to the use of car seats for younger children. Where people transport children or vulnerable adults in a vehicle which requires a specialist license/insurance e.g. PCV or LGV<sup>24</sup>- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle. Anyone using a minibus or other council vehicle must have undertaken driver assessment training and to have undergone a medical examination. Further information is contained in the Council's Code of Practice 'Minibus Operation'.

It is inappropriate for a person to offer lifts to a vulnerable adult, child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person requires transport in an emergency situation or where not to give a lift may place a child or vulnerable adult at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

### 26. Trips and Outings

A person should take particular care when supervising vulnerable adults, children and young people on trips and outings, where the setting is less formal than the usual workplace. A person remains in a position of trust and needs to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. .

Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, vulnerable adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child/vulnerable adults ratios and to the gender mix of staff especially on overnight stays.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace. For further guidance on the planning of trips and excursions, involvement of an Educational Visits Co-ordinator must be considered particularly where this may involve a group of children or vulnerable adults being taken away on an excursion/visit.

<sup>1</sup> For further information see [www.dvla.gov.uk](http://www.dvla.gov.uk)

*This means that a person should:*

- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive*
- *be aware that the safety and welfare of the child/vulnerable adult is their responsibility until they are safely passed over to a parent/carer*
- *record details of the journey in accordance with agreed procedures*
- *ensure that their behaviour is appropriate at all times*
- *ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned*

*This means that a person should:*

- *always have another adult present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with their organisation's policy where applicable*
- *have parental consent to the activity where appropriate*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *never share beds with a child/children, young people or vulnerable adults.*
- *not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and children and young people, the vulnerable adult or their suitable person or representative.*

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### 27. Photography and Videos

Working with vulnerable adults, children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of children and young people. Informed written consent from parents or carers and agreement, where possible, from the child or young person, vulnerable adult or their representative or suitable person should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

People need to remain sensitive to any children or vulnerable adults who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for a person to take photographs of children or vulnerable adults for their personal use.

*This means that a person should:*

- *be clear about the purpose of the activity and about what will happen to the images when the activity is concluded*
- *be able to justify images of children/vulnerable adults in their possession*
- *avoid making images in one to one situations or which show a single child with no surrounding context*
- *ensure the child/young person/vulnerable adult understands why the images are being taken and has agreed to the activity and that they are appropriately dressed.*
- *only use equipment provided or authorised by the organisation*
- *report any concerns about any inappropriate or intrusive photographs found*
- *always ensure in relation to children they have parental permission to take and/or display photographs*

*This means that a person should not:*

- *display or distribute images of children or vulnerable adult unless they have consent to do so from parents/carers or the vulnerable adult*
- *use images which may cause distress*
- *use mobile telephones to take images of children or vulnerable adults*
- *take images 'in secret', or taking images in situations that may be construed as being secretive.*

### 28. Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify a person possessing indecent images. A person who accesses and possess links to such websites will be viewed as a significant and potential threat to children and vulnerable adults.

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Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.

Any photographs or images of vulnerable people should only be taken with their consent. If they lack capacity consent would need to be obtained from their representatives or suitable person.

A person should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children and vulnerable adults.

A person should ensure that children, young people and vulnerable adults are not exposed to any inappropriate images or web links. Organisations and people need to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. People should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

### 29. Whistle blowing

Whistle blowing is the mechanism by which a person can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use whistleblowing procedure should be made aware that their employment rights are protected.

A person should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children and vulnerable adults may be at risk.

*This means that organisations should*

- *have clear e-safety policies in place about access to and use of the internet*
- *make guidance available to both adults and children and young people about appropriate usage.*

*This means that a person should:*

- *follow their organisation's guidance on the use of IT equipment*
- *ensure that children and vulnerable adults are not exposed to unsuitable material on the internet*
- *ensure that any films or material shown to children and young people are age appropriate*

*This means that organisations should:*

- *ensure they have appropriate whistle-blowing policies in place*
- *ensure that they have clear procedures for dealing with allegations against staff which are in line with their Local Safeguarding Adult and Children Board's procedures.*

*This means that a person should:*

- *report any behaviour by colleagues that raises concern regardless of source*

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### 30. Sharing Concerns and Recording Incidents

Individuals should be aware of their organisation's child protection procedures or Adult Safeguarding Procedures, including procedures for dealing with allegations against people. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. People who are the subject of allegations are advised to contact their professional association.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

People should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children, young people or vulnerable adults so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of any person working with or on behalf of vulnerable adults, children and young people.

### 31. Handling a Child or Vulnerable Adult's Finances

A person who works with children, young people and vulnerable adults should not seek to be involved, interfere or have any control in handling the finances of these vulnerable groups of people unless such activity is part of their contract of employment or the reasons for doing so has been firmly established and agreed between parents/carers, senior managers or in the case of a vulnerable adult who lacks capacity their suitable person or representative.

The misuse or misappropriation of an individual's money, property, inheritance, possessions or insurance, or blocking the individuals access to these material goods is a criminal offence and may lead to a criminal prosecution under the Theft Act 1968 as amended and or the Fraud Act 2006.

*This means that a person:*

- *should be familiar with their organisation's system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace*

*This means that organisations:*

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the workplace*

*This means that a person should*

- *Ensure that their relationship with children, young people or vulnerable adults clearly takes place within professional boundaries*
- *Be aware of their organisations policy on the handling of finances and property belonging to a child, young person or vulnerable adult*

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## APPENDIX 1

This generic document can be used as a base upon which other disciplines/agencies develop specific guidance for adults working in specialised areas.



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## APPENDIX 2

This generic document can be used to support safer recruitment and selection practices, induction and on-going training programmes and where necessary, disciplinary and child protection and Adult Safeguarding procedures.

