

# Protection Policy

Current version approved: June 2009  
Next refresh due 2010

## 1. Application

1.1 This policy applies to individuals under the age of 18, and to all others who are or may be protected by provisions of the Children Act 1989 and other child-protection legislation.

1.2 This policy should also be applied in any case where an individual is not covered by the statutory protections indicated under 1.1 above but is nevertheless a vulnerable adult in the professional judgement of a volunteer, Trustee or staff member, or of an informed member of the public.

## 2. Statement of general policy

2.1 The welfare of the young person (and of otherwise protected or vulnerable people as defined in §1) is paramount in all the Trust's operations and activities, and in all contexts. Intercom staff, trustees and volunteers will at all times absolutely prioritise the protection of the well-being of children and young people and others covered in this Policy.

"Welfare" in this context means primarily their ability to enjoy their lives in safety, secure from mental, sexual, physical, emotional, domestic or economic abuse, manipulation, or neglect, whether by adults or by young people.

Very importantly, "welfare" also includes positive abilities: to have their voices and choices respected, to enjoy and achieve while at school and afterwards, to learn respect for themselves and for others, to be healthy (mentally, emotionally and physically), to make a positive contribution to their society, to learn in a skilled, safe, positive and effective environment, and hence, wherever possible, to become economically self-reliant.

2.2 Subject to 2.1 above, wherever children and young people are or may be competent to make life-choices about the issues that affect them, staff, trustees and volunteers shall at all times prioritise their right to have their voices heard, and their wishes respected.

2.3 Wherever an issue of actual or potential child-protection has been identified, secure confidential records must be made and kept under appropriate safeguards. In all records, the words of young people should be set down as accurately as possible.

2.4 All Trustees and staff, and all volunteers who either have any contact with the public on the Trust's behalf or have access to any confidential records held by the Trust will be CRB-checked at an Enhanced level.

### **3. Decision-making**

Any decision to act or not to act in any particular way under this Policy should be taken within the decision-making framework provided by the Human Rights Act 1998. Any proposed action (including a decision not to act) should be assessed as being (a) lawful in itself, (b) necessary under the known circumstances, (c) proportional to the need, and (d) documented. Where there is a conflict of interests it is necessary to ensure that any disadvantage or discrimination resulting from the final decision is itself lawful, necessary, and proportionate, and that the grounds for this assessment are fully documented. Any difficulty or uncertainty about the application of this decision-making framework in any particular case should be raised immediately with the Executive Director.

### **4. Confidentiality**

4.1 The confidentiality of young people shall be protected as a priority at all times, and will never be broken except where there is pressing and serious risk of harm to the client or to another person. In this case at least two senior members of staff or trustees with appropriate skills and experience must have agreed that these are circumstances where the Trust has no choice under this Policy but to break confidentiality. If the urgency of the need makes this consultation and consensus impossible then the situation, including the action taken, must be fully and promptly discussed with senior staff and/or trustees at the earliest possible opportunity. All facts, arguments, and relevant background details in regard to any decision to breach (or to risk possible harm by not breaching) a young person's confidence on any issue must be fully clearly and securely documented as soon as possible.

4.2 In the case of young and vulnerable people affected by issues of sexual orientation and/or gender identity it must be borne in mind at all times that the risk of being Outed beyond their wishes is likely to be a particular concern, and may be a particular risk factor, for them. All staff, trustees and volunteers will at all times be aware that the young person has a right to decide, without any pressure, how far and to whom they wish to be Out, and that this right must be respected absolutely, provided that there are no added conflicting issues around child-protection. It is a priority for all staff, trustees and volunteers to promote the Trust's ability to deserve and retain the confidence of young people, above all in relation to respecting their right to make decisions about being Out.

4.3 If a young person or anyone else appears to be about to disclose information in confidence which by its nature the Trust may not be able to keep confidential, staff and volunteers will try to intervene with a warning about the limits of confidentiality, and will do all that is possible to explain to the person in question where these limits lie, and to ensure they are competent to make safe and responsible decisions of their own about what to disclose, when, and to whom.

4.4 A failure to take due care to respect the confidentiality of anyone whose welfare is covered by this Policy may be treated as gross misconduct and followed by disciplinary investigation, and, where justified, by disciplinary action up to and including dismissal.

### **5. Priority of this Policy**

This Policy extends and defines the principles of other Trust policies, in particular the Confidentiality Policy and the Human Rights and Responsibilities Policy. However, these

and all other Trust policies and operational procedures will be read in the light of this Child Protection Policy and in case of any conflict being identified this Policy shall have priority over any other Trust Policy or procedure.

## 6. Conflicts

If any child-protection-sensitive conflict of duties is identified (for example, involving two different but inter-related issues of child protection, or involving both child protection principles and employment law) the situation MUST be immediately and fully explained to the Executive Director and/or to the nominated officer (§7 below), or if these cannot be contacted to any Trustee or senior staff member. In such a case it must be borne in mind that while it is always important to make the right decision, in cases that involve a definite risk of immediate harm it is a statutory obligation on the Courts, and hence on professionals, to ensure that young people are not harmed by any undue delay in action by a responsible adult.

## 7. Nominated officer

7.1 There will be a nominated officer, who shall be a Trustee or senior staff member who has enhanced current clearance through the CRB, and relevant current or recent professional experience.

7.2 The nominated officer will have general responsibility for the implementation of this policy, and specific responsibility to provide such information, help, and good-practice guidance as they can when difficult situations arise within the Trust's operations.

7.3 The nominated officer and the Executive Director will revise this document as needed and at the least every twelve months, re-presenting it to the Staff for consultation and finally to the Trustees for approval.

I hereby agree to the contents of this policy and I will take responsibility for studying it and positively complying with it.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Post or position: \_\_\_\_\_

### **Annex One: Senior Staff**

Senior staff in respect of this Policy are currently:

Dr Michael Halls, *Executive Director*

Mr Paul Roberts, *Community Development Manager*

Mr Andy Hunt, *Helpline & Advocacy Project Manager*

### **Annex Two: Nominated Officer under section 7 above**

The nominated officer under Section 7 above is:

Mr Matthew Millmore, Trustee, and Fostering Social Worker