

NHS Safeguarding Children Policy Corporate Policy CO033
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Formally approved on behalf of the Board by:	
In respect of Darlington PCT:	July 2009 Governance & Assurance Committee
In respect of County Durham PCT:	June 2009 Management Team

<p>POLICY VALIDITY STATEMENT</p> <p>This policy is due for review on the latest date shown above.</p> <p>After this date, policy and process documents may become invalid.</p> <p>Policy users should ensure that they are consulting the currently valid version of the documentation.</p>

DOCUMENT HISTORY AND RECORD OF CHANGES

Document Title: NHS Safeguarding Children Policy

Initial Issue: June 2009

Version	Date	Significant Changes
1	June 2009	
2	Nov 2009	Amendment to first bullet point, page 5.
3	April 2011	Amended section 4 to reflect new board arrangements
4	October 2011	Changes to Director with Board Responsibility References and guidance documents updated

Equality Impact assessments:

NHS Safeguarding Children Policy

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1. INTRODUCTION

County Durham and Darlington Primary Care Trusts ('the Trusts') aspire to the highest standards of corporate behaviour and clinical competence, in order to ensure that safe, fair and equitable procedures are applied to all care provided to children. All children have a right to be safe and protected from harm.

The Laming Inquiry into the death of Victoria Climbié was published in January 2003. This highlighted significant failings in Social Services, Health and Police systems that led to Victoria not being protected. Lord Laming produced 108 recommendations to improve practice, of which 27 were specifically for health professionals. In 'Keeping Children Safe' published September 2003 (DOH, 2003) the government accepted, in principle, the majority of the recommendations.

The original NHS Safeguarding Children Procedures were written in order to implement the recommendations from the Laming Inquiry to ensure there was an effective system for health professionals to safeguard children. Since the Laming Inquiry there has been significant government guidance produced which has led to developments in the multi-agency process for safeguarding children. The Every Child Matters agenda, the Children Act 2004 and the updated Working Together to Safeguard Children (2006) have had a particular impact. The original NHS Procedures have therefore been updated to include all the recent guidance and legislation (see Reference section).

The publication of the report by Lord Laming (2009) into the child protection arrangements in England and the Government's response (DCSF, 2009) impacted on Safeguarding Children systems nationally and locally. Working Together was further reviewed and the updated version published in 2010. This policy and the NHS Safeguarding Children procedures were reviewed in line with these documents. Professor Munro has reviewed the Child Protection System and her report was published in May 2011. She made recommendations, the majority of which the government accepted; this document and the NHS Procedures will need to be reviewed once the updated Working Together is published.

1.1 Status

This is a corporate policy document and forms part of the governance arrangements of the Trusts.

1.2 Purpose and Scope

Safeguarding children is the responsibility of everyone. This policy relates to the NHS Safeguarding Children procedures which are intended for all staff working in any health setting in County Durham and Darlington. This includes health staff

working directly or indirectly with children and pregnant women and those working in settings such as SureStart, Children's Centres, or Integrated Multi-agency Teams such as One Point services in Durham or Integrated Early intervention team in Darlington/Youth Offending/ and those whose main client/patient is an adult.

This document sets out County Durham and Darlington Primary Care Trusts approach to safeguarding children to ensure that the Trusts comply with their responsibilities under Section 11 of the Children Act 2004:

- The Boards and Chief Executives of County Durham and Darlington Primary Care Trusts are committed to the development of a just and 'fair blame' culture, and this document supports that ethos.
- This document has been prepared and approved in accordance with CO001 'Policy for the Development and Approval of PCT Policies and Procedures'.
- The NHS Safeguarding Children Procedures and related guidance have been updated in line with the Children Act 2004, Working Together to Safeguard Children (2010) and other related government documents. Further updates will be undertaken as required to ensure compliance with legislation and guidance.
- This document and the NHS Safeguarding Children Procedures are available to all staff via NHS Trust shared intranet sites and NHS County Durham and Darlington Internet sites.
- This document and the NHS Safeguarding Children Procedures have been updated to be compliant with both Durham Local Safeguarding Children Board (LSCB) and Darlington Safeguarding Children Board (DSCB) Child Protection Procedures.

2. DEFINITIONS

The following terms are used in this document:

Child or young person:

In this document, as in the Children Acts 1989 and 2004, a '*child*' is anyone who has not yet reached their 18th birthday. For disabled children this will be inclusive of those up to and including 18 years of age. The fact that a child has reached 16 years of age, is living independently or is in further education does not change their entitlement to services or protection under the Children Act 1989 (para.1.19, Working Together, HM Government, 2010).

LSCB:

Local Safeguarding Children Board.

Safeguarding Children is defined as:

- protecting children from maltreatment;
- preventing impairment of children's health or development; and
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care; and
- enabling children to have optimum life chances and to enter adulthood successfully (Working Together, para 1.20, HM Government 2010)

Child protection is part of safeguarding and promoting welfare and refers to the activity which is undertaken to protect children who are suffering or likely to suffer significant harm (para, 1.23, Working Together, HM Government 2010)

3. SAFEGUARDING CHILDREN

All staff have a duty to safeguard and protect children. The detailed procedures and processes for safeguarding children are included in the NHS Safeguarding Children Procedures and the LSCB Procedures.

3.1 NHS Safeguarding Children Procedures and Related Guidance

Staff must comply with the NHS Safeguarding Children Procedures. These are available on County Durham and Darlington shared intranet:

<http://supportzone/default.aspx> under Policies and Procedures - Corporate Policies section.

They can also be accessed via the internet on:

NHS County Durham: <http://www.countydurham.nhs.uk/media/252292/sc-procedures.pdf>

NHS Darlington:

<http://www.darlingtonpct.nhs.uk/media/252292/sc-procedures.pdf>

There are some differences in procedures between Durham and Darlington and these have been highlighted throughout the NHS Safeguarding Children Procedures.

3.2 Durham LSCB and Darlington SCB Safeguarding Children Procedures

All health staff should have access to the LSCB Procedures which are web-based. These are available on:

Darlington: <http://www.darlington.gov.uk/Children/LSCB/LSCB.htm>

Durham: www.durham-lscb.gov.uk

There are links to these on the NHS County Durham and NHS Darlington and Provider internet sites and shared intranet site.

The NHS Safeguarding Children Procedures should be read in conjunction with Durham LSCB and Darlington SCB Child Protection Procedures.

3.3 Common Assessment Framework

The NHS Safeguarding Children procedures should also be read in conjunction with the Common Assessment Framework and related documents. There is information regarding other relevant documents at the end of this policy (see Reference Section).

3.4 Support for staff

Staff will be supported in working with children and families where there are safeguarding concerns as laid out in the Supervision procedure within the NHS Safeguarding Children procedures.

4. DUTIES AND RESPONSIBILITIES

In the following descriptions of duties and responsibilities, references to the organisation, posts and/or individuals should be interpreted as applying to County Durham PCT and Darlington PCT both separately and jointly.

4.1 Legal and Statutory Duties and Responsibilities

The PCTs have statutory duties under the Children Acts 1989 and 2004 with regard to safeguarding children and promoting their welfare. Other relevant legislation and government guidance (see section 7 and References for more details):

- Adoption and Children Act (2002)
- Safeguarding Children & Young People: roles and competencies for Health Staff (2010)
- Children (Leaving Care) Act (2000)
- Confidentiality: NHS Code of Practice (Department of Health, 2003).
- Data Protection Act 1998

- Every Child Matters: Change for Children programme (HM Government, 2004).
- Framework for the Assessment of Children in Need and their Families (Department for Education and Skills, 2000).
- General Medical Council Confidentiality: protecting and providing information.
- Human Rights Act 1998.
- Information Sharing: Practitioners Guide (HM Government, 2006).
- Keeping Children Safe (Department of Health, Department for Education & Employment & Home Office, 2003)
- National Service Framework for Children, Young People and Maternity Services (Department of Health and Department for Education and Skills, 2004)
- Responding to Domestic Abuse: A Handbook for Health Professionals. (Department of Health, 2006)
- Sexual Offences Act 2003.
- The Children (Private Arrangement for Fostering) Regulations (2005) S.I.No. 1533.
- The Common Assessment Framework for Children and Young People: practitioners guide (HM Government, 2006).
- What to do if you're worried a child is being abused (HM Government, 2006)
- Working Together to Safeguard Children (HM Government, 2010)

4.2 Duties and Responsibilities

Statutory Board

The Statutory Board has delegated responsibility to the Joint Board (JB) for setting the strategic context in which organisational process documents are developed, and for establishing a scheme of governance for the formal review and approval of such documents.

The Chief Executive

The Chief Executive has overall responsibility for the strategic direction and operational management, including ensuring that process documents comply with all legal, statutory and good practice guidance requirements.

Director of Public Health

The Director of Public Health is the Sponsoring Director for this policy and is responsible for ensuring that:

- This policy is drafted, approved and disseminated in accordance with the Policy for the Development and Approval of Policies (Corporate Policy CO.001).

- The necessary training required to implement this document is identified and resourced.
- Mechanisms are in place for the regular evaluation of the implementation and effectiveness of this document.

Designated Nurse for Safeguarding Children

The Designated Nurse for Safeguarding Children is responsible for:

- Generating and formulating this policy document
- Ensuring that staff have access to and comply with the NHS Safeguarding Children Procedures and the Related Guidance.
- Ensuring the delivery of the agreed training to support the procedures and guidance.
- Identifying the need for any change to the document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional standards and local/national directives
- Establishing mechanisms for regular evaluation of the implementation and effectiveness of the document.
- Notifying the Corporate Services Manager should any revision to this document be required.

Directors, Managers and Children's Leads

Directors, Managers and Children's Leads have responsibility for:

- Ensuring they are aware of their responsibilities to safeguard children within Section 11 of the Children Act 2004
- Ensuring they are aware of the procedures to safeguard children
- Ensuring their staff are aware of, and have access to, the NHS Safeguarding Children Procedures.
- Ensuring staff are aware of the contact details of the Designated Nurse and the Safeguarding Children Team.
- Identifying the need for any changes to the procedures and guidance as a result of becoming aware of changes in practice and advising the Designated Nurse accordingly.
- Identifying the training needs of their staff in respect of these procedures and guidance and informing the Senior Nurse for Safeguarding Children Training.

- Ensuring they release their staff to attending safeguarding children training in accordance with the Safeguarding Children Training Strategy.

County Durham PCT and Darlington PCT Staff

All staff, including temporary and agency staff are responsible for:

- Compliance with the NHS Safeguarding Children Procedures and the LSCB Procedures. **Failure to comply may result in disciplinary action being taken.**
- Cooperating with implementation of the NHS Safeguarding Children Procedures.
- Ensuring they familiarise themselves with their role and responsibility within the safeguarding children procedures and related guidance and being aware of who to contact if they have concerns about a child.
- Identifying the need for any change to the procedures and guidance as a result of becoming aware of changes in practice and advising their line manager accordingly.
- Identifying training needs in respect of these procedures and guidance and informing their line manager
- Attending the mandatory safeguarding children training in accordance with the Safeguarding Children Training Strategy.

5. IMPLEMENTATION

This Policy will be available to all staff within County Durham and Darlington PCTs via the shared intranet and the internet sites.

All Directors and Managers are responsible for ensuring that relevant staff within their own directorates and departments have read and understood this document and are competent to carry out their duties in accordance with the NHS Safeguarding Children procedures.

6. TRAINING

The provision of appropriate training is an essential element in ensuring that staff are aware of their duties and responsibilities to safeguard and promote the welfare of children. Training is provided in accordance with the Safeguarding Children Training Strategy which is available on the shared intranet and the internet sites. Attendance at safeguarding children training is recorded on the safeguarding children database. Attendance at training will be monitored by the Safeguarding Children Training Department in accordance with the Trust Education and Learning Development Policy.

The Director of Public Health and the Designated Nurse for Safeguarding Children are responsible for ensuring that the NHS Safeguarding Children procedures and related guidance are disseminated throughout the Trusts and that appropriate training is available.

All Directors and Managers are responsible for implementing this document within their own directorates and departments and for ensuring that staff have access to appropriate training and advice.

7. DOCUMENTATION

7.1 Other related Policy documents:

There are policies which relate to Safeguarding Children:

IG006	Confidentiality/disclosure Policy Data Protection Policy Education, Learning & Development Policy Equality/ Diversity policy, strategy and action plan.
IG003	Freedom of Information Act Policy
IG007	Information Classification Policy Information Governance Policy Information Governance Strategy
IG008	Information Lifecycle (Records Management Strategy)
CG001	Policy & procedure for reporting & management of untoward incidents & near misses

7.2 Relevant Legislation/ Statutory Requirements:

- Equality Act 2006
Provisions relating to Human Rights and discrimination on grounds of race, religion or belief, sexual orientation amend the Disability Discrimination Act 1995.
- Freedom of Information Act 2001
Trust policies and procedures are subject to disclosure under the Freedom of Information Act.
- Human Rights Act 1998
Rights and freedoms protected under the European Convention on Human Rights.

See Section 4.1 for other legislation and statutory responsibilities.

7.3 Additional References

Adoption and Children Act (2002)
www.opsi.gov.uk/acts/acts2002/20020038.htm

Children Act 1989 (1989) London: HMSO

Children Act 2004 (2004) London: HMSO

Children (Leaving Care) Act (2000)
www.opsi.gov.uk/acts/acts2000/00035-a.htm

Darlington Safeguarding Children Board Child Protection Procedures
<http://www.darlington.gov.uk/Children/LSCB/LSCB.htm>

Department of Children, Schools and Families (2009) *The Protection of children in England: action plan. The Government's response to Lord Laming.* London: The Stationery Office.

Department of Health, Department for Education & Employment & Home Office (2000) *Framework for the Assessment of Children in Need and their Families.* London: The Stationary Office.
www.dh.gov.uk/PublicationsAndStatistics/Publications

Department of Health (2003) *Confidentiality: NHS Code of Practice.* London: Department of Health Publications.
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4069253

Department of Health, Department for Education & Employment & Home Office (2003) *Keeping Children Safe.* London: The Stationery Office.
Available on linked site:
www.dfes.gov.uk/everychildmatters.

Department of Health and Department for Education and Skills (2004) *National Service Framework for Children, Young People and Maternity Services.* London: Department of Health.
www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/ChildrenServicesInformation/fs/en

Department of Health (2005) *Responding to Domestic Abuse: A Handbook for Health Professionals.* London: Department of Health.
www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/ChildrenServices/ChildrenServicesInformation/fs/en

Department of Health (2009) *Improving Safety, Reducing Harm. Children, young people and domestic violence. A practical toolkit for front-line practitioners.*
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_110865.pdf

Foreign and Commonwealth Office & Home Office (2009) *Multi-agency practice guidelines: Handling cases of Forced Marriage.*
<http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf>

Foreign and Commonwealth Office (2011) *Female Genital Mutilation. Multi Agency Practice Guidance.*
<http://www.fco.gov.uk/resources/en/pdf/travel-living-abroad/when-things-go-wrong/multi-agency-fgm-guidelines.pdf>

Durham Local Safeguarding Children Board Multi-Agency Child Protection Procedures
www.durham-lscb.gov.uk

Employees Guide to the Data Protection Act and Maintaining Confidentiality (1998)

General Medical Council. Confidentiality: protecting and providing information. Information available at
http://www.gmc-uk.org/confidentiality_sep_2000.pdf_25416426.pdf

HM Government (2004) *Every Child Matters: Change for Children programme.* London: Stationery Office
www.everychildmatters.gov.uk

HM Government (2010) *Working Together to Safeguard Children.* London: The Stationary Office.
<https://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.PDF>

HM Government (2006) *What to do if you're worried a child is being abused* Nottingham: DfES Publications.
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-04320-2006>

HM Government (2006) *Making Safeguarding Everyone's Business – response to the second joint Chief Inspectors' Report on Safeguarding Children* London: Department for Education and Skills.
www.everychildmatters.gov.uk/socialcare/safeguarding/

HM Government (2006) *The Common Assessment Framework for Children and Young People: practitioners guide*. London: DfES
www.everychildmatters.gov.uk/caf/

HM Government (2006) *Information Sharing: Practitioners Guide*. London: DfES
www.everychildmatters.gov.uk/deliveringservices/informationsharing/

Human Rights Act 1998. London: HMSO.
www.opsi.gov.uk/ACTS/acts1998/19980042.htm

Laming, H. (2003) *The Victoria Climbié Inquiry*. London: The Stationery Office.
www.victoria-climbié-inquiry.org.uk/finreport/finreport.htm

Lord Laming (2009) *The protection of children in England: A Progress Report*. London: The Stationery Office.

National Service Framework for Children, Young People and Maternity Services
www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Childrenservices/Childrenservicesinformation/index.htm

National Institute for Health and Clinical Excellence (2009) – When to suspect child maltreatment. London: National Institute for Health and Clinical Excellence.

www.nice.org.uk/CG89

NMC Guidelines for Records and Record Keeping (2010)
<http://www.nmc-uk.org/Documents/Guidance/nmcGuidanceRecordKeepingGuidanceforNursesandMidwives.pdf>

Nursing and Midwifery Council (2008) *The Code – Standards of conduct, performance and ethics for nurses and midwives*. London: NMC.
<http://www.nmc-uk.org/aFrameDisplay.aspx?DocumentID=3954>

Sexual Offences Act 2003. London: HMSO.
www.opsi.gov.uk/ACTS/acts2003/20030042.htm

The Children (Private Arrangement for Fostering) Regulations (2005) S.I.No. 1533.
www.everychildmatters.gov.uk/socialcare/safeguarding/privatefostering

Vetting and barring scheme
www.everychildmatters.gov.uk/socialcare/safeguarding/vettingandbarring/

Useful websites:

Department of Health

www.dh.gov.uk/en/index.htm

Department of Education

<http://www.education.gov.uk/>

Home Office

www.homeoffice.gov.uk/

Private fostering

www.everychildmatters.gov.uk/socialcare/safeguarding/privatefostering/

Substance misuse

www.everychildmatters.gov.uk/health/substancemisuse/

Voluntary and Community Sector

www.everychildmatters.gov.uk/strategy/voluntaryandcommunity/

8. MONITORING, REVIEW AND ARCHIVING

8.1 Monitoring

The Director of Public Health and the Designated Nurse for Safeguarding Children and the policy manager shall agree a suitable audit method and frequency for monitoring the implementation of this document. Monitoring information will be recorded in the Policy Database.

Regular single agency and multi-agency audits (via the LSCBs) will be undertaken to monitor the compliance with and implementation of the NHS Safeguarding Children Procedures by staff.

8.2 Reviewing

The Director of Public Health and the Designated Nurse for Safeguarding Children are responsible for ensuring that this document is reviewed and, if necessary, revised in the light of legislative, guidance or organisational change. Review shall be at intervals of no greater than 3 years. Any revisions to this document shall be agreed through the approval process indicated on the title page.

Staff who become aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national

directives that affect, or could potentially affect the NHS Safeguarding Children Procedures should advise the Director of Public Health or the Designated Nurse as soon as possible, via line management arrangements. The Director of Public Health will then consider the need to review the policy and procedures outside of the agreed timescale for revision.

If the review results in changes to the document, then the initiator should inform the policy manager who will review the approval and re-issue under the next 'version' number. If, however, the review confirms that no changes are required, the title page will be renewed indicating the date of the review and date for the next review and only the title page will be re-issued. Any changes will be noted in the 'Policy History and Record of Changes' table on page 2 of this document.

8.3 Archiving

The Policy Manager is responsible for ensuring that archived copies of superseded versions of policies and procedures are retained in accordance with NHS Code of Practice for Records Management (2006).

9. AUDIT/ IMPACT ASSESSMENT STATEMENTS

Impact assessments were undertaken on the NHS Safeguarding Children procedures in December 2008 prior to ratification. No further impact assessment has been undertaken.