



Policy Name:	Safeguarding Children and Young People Policy and Procedure (England, Wales & Northern Ireland)
Purpose	The purpose of this policy is: The MS Society is committed to safeguarding and promoting the welfare of all who use its services regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that we have a particular responsibility to ensure that adults who may be at risk are protected.
Region	England, Wales & Northern Ireland
Scope	MS Society staff and volunteers
Lead Officer	Quality & Safeguarding Lead
Responsible Directors	Executive Director of Digital and Services
Key Consultation	Executive Director Digital and Services Safeguarding Oversight group
Approver	Board of Trustees
Last Review Date	September 2020
Review Cycle	Annually unless circumstances dictate an earlier review is required
Key Words	Safeguarding Vulnerable Harm Abuse

# MS Society Safeguarding children and young people policy and procedure (England, Wales and Northern Ireland)

## Safeguarding children and young people policy

### 1. Purpose and scope

#### 1.1 Context

The MS Society is committed to safeguarding and promoting the welfare of all who use its services regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that from time to time children and young people may come into contact with our services and that we have a responsibility to ensure that they are properly protected.

#### 1.2 The objectives of this policy and procedure are to:

- ensure children/young people in contact with the Society are protected effectively from maltreatment.
- ensure all the Society's beneficiaries are protected from harm.
- provide a clear framework for action whenever maltreatment is disclosed or suspected.
- ensure that staff and volunteers are vetted appropriately, including taking up disclosure checks where applicable to their role, in line with the relevant legislation.
- ensure all MS Society staff and volunteers are clear about their responsibilities.
- contribute to the successful achievement of the Society's aims and excellent standards of service for people affected by MS.

#### 1.3 This policy and procedure applies to all MS Society trustees, staff and volunteers in **England, Wales and Northern Ireland** not just those working directly with service users. This policy which has been approved and endorsed by the board of trustees is for staff, trustees and volunteers in England, Wales and Northern Ireland. For Scotland, please see our Safeguarding children and young people policy and procedure (Scotland).

### 2 Definitions

These definitions are taken from the guidance document "Working together to safeguard children: July 2018".

#### 2.1 Child

In England, Wales and Northern Ireland a child is defined as a person who has not yet reached their 18<sup>th</sup> birthday. For the purposes of this policy the terms 'child' or 'children' will be used to describe all children and young people who have not yet reached their 18<sup>th</sup> birthday.

#### 2.2 Safeguarding children

Safeguarding children is defined for the purposes of this policy as:

- protecting children from maltreatment
- preventing impairment of children's health or development

- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

### 2.3 Abuse

Abuse is the maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family, institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.

Child abuse may be deliberate or a result of negligence, indifference or a failure to protect. Abuse can take a number of forms such as:

- physical
- sexual
- emotional
- neglect.

For more detail and guidance on recognising abuse see Appendix 1.

### 2.4 Regulated activity

Regulated activity relating to children is defined in law (Schedule 4 of the Safeguarding Vulnerable Groups Act 2006) and by the Disclosure and Barring Service (DBS) and AccessNI as referring to individuals undertaking:

- Unsupervised activities (such as teaching, training or caring for children, or driving a vehicle solely for children)
- Work in a specified place (e.g. children's homes, nurseries or schools)
- Health care or personal care (hands-on physical assistance with washing and dressing, eating, drinking, toileting; prompting and supervising a child to do any of these things because of their age, illness or disability).

Regulated activity includes moderating a public online forum for children and also applies to registered childminders, registered foster carers and anybody involved in the day-to-day management or supervision of anyone who is engaged in regulated activity. For more details of regulated activity see Appendix 2.

No member of staff or volunteer would normally undertake regulated activity with a child or children as part of their role with the MS Society. If such a role, paid or unpaid, is developed, the Society will undertake a full assessment of the scope and responsibilities of it and the implications for Society policy and practice.

## **3. Policy principles**

3.1 The following principles underpin this policy and accompanying procedure:

- The welfare of the child/young person is paramount.
- All children and young people, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse or harm.
- Working in partnership with children/young people and their parents/guardians/carers is essential for the protection of the child or young person.

- All trustees, staff and volunteers will be aware of the policy and procedures for protecting children and young people.
- All suspicions and allegations of abuse will be taken seriously and will be recorded and responded to swiftly and appropriately.
- Confidentiality surrounding the disclosure of child abuse or suspected child abuse is not offered to users of the Society's services. This is because the Society has a duty to report all disclosures and suspicions of abuse to the relevant local authority children's social care team.
- Within the Society, information will be shared on a need to know basis only.
- MS Society staff and volunteers are subject to disclosure checks appropriate to the role they undertake.
- Staff and volunteers who come into contact with children/young people will have the appropriate training to ensure they are able to recognise and act on the suspicion or disclosure of abuse/harm.
- Where other procedures apply to a disclosure of child abuse/harm (e.g. grievance, complaints, disciplinary) the welfare and safety of the child remains paramount.

## 4. Responsibilities

- 4.1 All staff and volunteers have a duty to report any concerns about actual or suspected abuse to the Safeguarding Responders Group (SRG). Staff and volunteers are assured by the Society's board of trustees and executive group that there will be no retribution for reports or allegations of abuse made in good faith.
- 4.2 The Executive Director of Digital and Services has overall responsibility UK wide to:
- ensure the regular review and effective working of this policy
  - report annually to the Audit, Risk and Finance Committee on the number and nature of safeguarding incidents, making recommendations for improvements in policy and practice.

The Executive Director of Digital and Services will be assisted in this duty by the Safeguarding Oversight Group. See Appendix 3 for details of the Safeguarding Oversight Group.

- 4.3 The Safeguarding Oversight Group will have responsibility for:
- reviewing, on a regular basis, volume and pattern of reported safeguarding concerns
  - agreeing the Society's policies, approach, procedures and risk management relating to safeguarding.
- 4.4 The MS Society's Safeguarding Responders Group is made up of a number of designated managers and staff. Safeguarding responders make all decisions about safeguarding issues, including questions of mental capacity and consent, making referrals and liaising with local authority children's social care teams. Details of the Safeguarding Responders Group can be obtained from the Society's Quality and Safeguarding Lead.

Safeguarding Responders Group members have a responsibility to:

- respond to internal safeguarding reports in a timely manner

- consider all the issues carefully
- consult with colleagues on the Safeguarding Responders Group
- ensure all records are kept as agreed and the monitoring log is completed
- where appropriate, make a referral to the relevant authorities.

#### 4.5 Confidentiality

Normally the Society offers callers and users of services confidentiality. In the case of allegations, disclosure or suspicions of child abuse, confidentiality is not guaranteed to service users who disclose their personal details, as the Society wants to safeguard children.

#### 4.6 Advice and procedural support

The Quality and Safeguarding Lead is available to provide support and procedural guidance throughout this process. However, any issues in respect of a staff member should be referred to the Assistant Director of HR. The decision of the Assistant Director of HR will be final.

#### 4.7 Timescales

All timescales in this policy and procedure refer to calendar days. All timescales will be met as far as is reasonably practicable. Timescales may only be varied where this has been agreed in advance by the Executive Director of Digital and Services

# Safeguarding children and young people procedure

## 1. Recruitment

- 1.1 Staff and volunteers in designated roles will be subject to enhanced disclosure checks, as set out in the MS Society Disclosure Policy.
- 1.2 Staff appointments are all subject to two references, as set out in the MS Society Recruitment and Selection Policy.
- 1.3 Candidates for staff and volunteer roles involving regulated activities will be subject to a disclosure check to ensure they are not barred under the Vetting and Barring Scheme.
- 1.4 Any new roles that are developed will be risk assessed to check whether they are involved in regulated activity and require a disclosure check.
- 1.5 Induction for all staff will include an awareness of the Society's policies to protect children and young people, with particular reference to their responsibilities.
- 1.6 Staff and volunteers engaged in regulated activity will have appropriate support and training.

## 2. Boundaries

All staff and volunteers are expected to be committed and reliable in their role(s) within the Society and need to be able to know the difference between personal and professional relationships. Staff and volunteers should not use their position to pursue inappropriate personal relationships with beneficiaries of the Society's services. It is however, recognised that individuals within the organisation may have existing personal relationships with other individuals within the organisation, whether these are through family connections or other relationships. Where such a relationship exists staff and volunteers engaged in regulated activity should declare this to their line manager/lead volunteer.

## 3. Overview of the reporting procedure

- 3.1 Although rare, no suspicion of abuse or harm should be ignored. Staff or volunteers may become aware of possible abuse when they:
  - witness an abusive act or potentially dangerous incident
  - recognise potential abuse, see Appendix 1
  - are told about abuse by the child
  - are told about abuse by a visitor, carer, relative or friend
  - observe online abuse on forums and discussion boards
  - receive a complaint.
- 3.2 Children and young people may disclose abuse or harm to any member of staff or volunteer. This may be face to face, by phone or online.
- 3.3 If there is imminent risk of harm to a child or young person the emergency services should be called immediately.

- 3.4 All MS Society staff and volunteers have a duty to report any disclosure, reports or suspicions of abuse or harm without delay by completing a 'Record of Safeguarding Concerns and Actions' form and emailing it to [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk). If a member of staff is affected by what they have heard or seen they should contact the Employee Wellbeing Programme on 0800 0727072. Any volunteer affected by what they have seen or heard should call the Society's helpline on 0808 8008000. Remember the role of all staff members and volunteers is to recognise, reassure, record and report internally.
- 3.5 The lead safeguarding responder will be responsible for making any referral to the relevant local authority children's social care team. Enquiries or investigations are undertaken only by the local authority children's social care team; the Police will investigate if there is deemed to be criminal activity. No MS Society staff or volunteer should undertake any kind of investigation.

## **4 Responding to disclosure, suspicion or witnessing of abuse**

- 4.1 Where a child/young person discloses abuse or harm the staff member or volunteer should:
- *Recognise*: identify that the child or young person may be describing abuse, even when they may not be explicit.
  - *Reassure*: stay calm, listen and show empathy. Reassure them that it will be taken seriously and explain that there is a duty to report the issues internally and what may happen next.
  - *Record*: write up notes of the conversation clearly and factually as soon as possible using the 'Record of Safeguarding Concerns and Actions' form. Try to capture as much of the conversation verbatim as possible.
  - *Report*: email the 'Record of Safeguarding Concerns and Actions' form to [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk).
- 4.2 Confidentiality must be maintained. Details giving rise to concerns or suspicions of abuse will only be shared with the limited number of individuals who need them in order to make decisions about next steps and referrals. Beyond this, all details will remain confidential.
- 4.3 No staff or volunteer should start any investigation or confront or make contact with the alleged perpetrator.
- 4.4 *Deciding to refer*  
On receiving an internal report the lead safeguarding responder will confer with colleagues on the Safeguarding Responders Group (and possibly seek informal advice from the appropriate local authority children's social care team).
- 4.5 The Safeguarding Responders Group will confirm whether this is a safeguarding issue and requires referral to the local authority children's social care team or if a crime and therefore requires the Police.
- 4.6 *Making a referral*  
All referrals will be made by the lead safeguarding responder within two working days of receiving the disclosure. There may be exceptional circumstances that extend this time.

- 4.7 The referral should be made by phone and the lead safeguarding responder should ensure it has been received by someone able to act on the information (e.g. a social worker).
- 4.8 If the local authority will not accept a safeguarding referral by telephone then it should be made in the manner requested, be as comprehensive as possible and a copy retained in the individual file relating to the concern. The local authority and/or the Police will carry out the enquiries or investigation. Under no circumstances should a volunteer or staff member attempt to investigate any suspicions or disclosures of abuse.
- 4.9 Out of hours  
The Safeguarding Responders operate Monday to Friday 9am – 5pm (excluding bank holidays). Unlike adults, children and young people do not have the right to choose to stay in an abusive situation. If, at any time, you believe that a child is being harmed or is likely to be and the situation is too serious to wait until the next working day you should refer immediately to the local authority children’s social care team (details can be found on the local authority’s website) or the Police, by calling 999 if there is an immediate danger.
- 4.10 Support for staff and volunteers  
Staff should be reminded of the Employee Wellbeing Programme that offers counselling support. Volunteers can access the MS Society Helpline for similar support.

## **5. Concerns about employees or volunteers**

- 5.1 All staff and volunteers have a duty to report any concerns they have about colleagues (volunteers or staff) and the Society’s beneficiaries who may be involved in abuse or harm to their to the Safeguarding Responders Group via [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk)
- 5.2 The lead safeguarding responder will report the concerns to the Quality and Safeguarding Lead who will consult with the Assistant Director of HR or in their absence a senior member of the HR department who will decide what action to take. This may include:
- the suspension of the member of staff or volunteer
  - a referral of the allegations to the Designated Officer or team of officers at the local authority social services department in England, or, in Northern Ireland and Wales to the local children’s social care department.
  - a referral to the Police for investigation.
- 5.4 No internal procedure such as disciplinary investigation will be initiated until after the investigation of abuse or when the leading authority advises it is appropriate.
- 5.5 Disclosure and Barring Service (DBS) referral  
Following investigations, it is a legal requirement that a referral must be made to the DBS when:
- the Society has withdrawn permission for an individual to work with children/ young people (or would have done so had that individual not resigned, retired, been made redundant or been transferred into another position)

- the Society believes the individual has engaged in activity that causes concern for the safeguarding of children/young people (*relevant conduct*)
- there is harm or risk of harm to children/young people (*the harm test*) or
- an individual has received a caution or a conviction for a relevant offence.

#### 5.6 Staff and volunteers who are barred

Staff and volunteers under investigation or reported to DBS will be suspended from regulated activities. If possible they should be moved to other duties, if this is not possible they will be suspended from work pending the outcome of the investigation.

5.7 When a member of staff or volunteer is barred they may no longer be involved in any regulated activities. It is a legal offence for MS Society to allow them to continue working in such a role. In such a situation the Society may consider redeployment to an alternative role. If this is not possible the member of staff may be dismissed or the volunteer may be deselected. Please see the MS Society Disclosure Policy for more details.

## 6. Monitoring and reporting

6.1 Safeguarding Responder Group members will ensure that all records are kept electronically and stored safely in the safeguarding casework drive.

6.2 Monitoring information which is anonymous will be kept indefinitely. Individual records which include sensitive personal data will be kept securely indefinitely.

6.3 The Safeguarding Oversight Group will carry out regular reviews of safeguarding incident reports; looking at the number of reports, their source and the outcomes from each with regular reports made to the Audit, Risk and Finance Committee.

The Society will report any serious incident(s) as per the Charity Commission definition promptly to the Charity Commission and as a matter of courtesy the Director of Northern Ireland will also inform the Charity Commission for Northern Ireland.

6.4 This policy will be reviewed annually and after any safeguarding incident of actual or suspected abuse perpetrated between our staff, volunteers and beneficiaries.

### Other relevant policies:

- Disclosure Policy and Procedures
- Resolving Volunteer Issues Policy
- Recruitment and Selection Policy
- Recruiting Ex-offenders Policy
- Whistleblowing Policy
- Safeguarding Adults Policy and Procedure

### Relevant legislation

For a list of relevant legislation see Appendix 4.

## **Appendix 1: Recognising Abuse**

### **What is Child Abuse?**

Abuse and neglect are forms of maltreatment of a child. Someone may abuse a child by inflicting harm or by failing to prevent harm. The definitions below are from "Working together to safeguard children: March 2015".

### **Physical abuse**

Physical abuse is a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### **Emotional abuse**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

### **Sexual abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## Appendix 2: Regulated Activity

The following definitions are taken from Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.

### Definitions of regulated activity:

#### Activity of a specified nature

- Teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently or overnight.
- Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently or overnight.

#### Activity within specified establishment

- Any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently.
- Excepted is work by volunteers under regular supervision or occasional or temporary contract work that is not an activity of a specified nature listed above.
- Specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments mostly for children, institutions for the detention of children, children's homes, children's centres (in England), children's hospitals (in Northern Ireland) and childcare premises including nurseries.

#### Health care of a child (any frequency)

- Health care provided to a child by a health care professional or by a person acting under the direction or supervision of a health care professional.
- A health care professional who is a person regulated by a professional health care regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- Health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical care, but not provided in connection with a medical condition.

#### Personal care of a child (any frequency)

- Physical help with eating or drinking for reasons of illness or disability.
- Physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability.
- Prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities.
- Training or advice given to a child in relation to any of the above personal care activities.

#### Moderating an online forum for children

Moderating a public electronic interactive communication service likely to be used wholly or mainly by children and carried out by the same person frequently. Except activity by a person who does not have access to the content of the matter or with users of the service.

#### Driving a vehicle used for conveying children

Driving a vehicle being used only for conveying children and their carers or supervisors under a contract or similar arrangement when carried out by the same person frequently.

#### Early years or later years childminding (any frequency)

Early or later years childminding where there is a requirement to register or for voluntary registration under the Childcare Act 2006 and where the activity takes place on domestic premises for reward.

#### Fostering a child (any frequency)

#### Day-to-day management of regulated activity (any frequency)

The day-to-day management on a regular basis, of a person who is providing a regulated activity in relation to children. This includes the supervisor of a person who would be in regulated activity if not under regular supervision.

#### Northern Ireland and Wales

Regulated activity with children in Northern Ireland and in Wales also includes a number of office holders that are not in regulated activity in England. Further information is available on the DBS website.

### **Key exceptions to regulated activity relating to children:**

#### Family and personal relationships

Excepted from regulated activity relating to children is any activity conducted in the course of a family relationship, or a personal relationship between friends for no commercial consideration. Family relationships involve close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family. Personal, non-commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

#### Peer groups

Excepted from regulated activity relating to children is a person who is part of a peer group and is assisting or under the direction of a person who is engaging in regulated activity. For example a student helping a teacher.

#### Supervising a child in employment

Excepted from regulated activity relating to children is a person who supervises a child in the course of the child's employment including work experience. However, it is regulated activity if the child is under 16 and it is carried out by an unsupervised person for whom arrangements exist principally for that purpose.

Statutory supervision guidance

To be supervised in accordance with HM Government statutory guidance, the supervision must be regular and day-to-day, by a person engaging in regulated activity and reasonable in all the circumstances for the protection of children. Further information is provided in the HM Government statutory supervision guidance available from the DBS website.

**Other information and definitions:**

Legislation and guidance

Regulated activity relating to children is defined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended). Further information is provided in the HM Government Factual Note on regulated activity relating to children.

Frequently

Means once a week or more or four or more times in any 30 day period.

Overnight

Means once or more between 2am and 6am with the opportunity for face-to-face contact with children.

## **Appendix 3**

### **Safeguarding Oversight Group**

Executive Director of Digital and Services Assistant Director of HR  
Director of Northern Ireland  
Director of Scotland  
Director of Wales  
Quality and Safeguarding Lead

## **Appendix 4: Relevant Legislation and Guidance**

Adoption and Children Act 2002  
Children Act 1989  
Children Act 2004  
Children and Adoption Act 2006  
Children and Families Act 2014  
Children and Young Persons Act 2008  
Education Act 2002  
Education Act 2011  
Female Genital Mutilation Act 2003  
Mandatory reporting of Female Genital Mutilation 2015  
Protection of Freedoms Act 2012  
Safeguarding Vulnerable Groups Act 2006  
Working Together, 2018 (statutory guidance)  
What to do if you think a child is being abused 2015 (statutory guidance)  
Children and Social Work Act 2017

Children (Northern Ireland) Order 1995  
Criminal Law Act (Northern Ireland) 1967  
Regional Child Protection Policy and Procedures NI  
Safeguarding Board Act (Northern Ireland) 2011  
Safeguarding Vulnerable Groups (Northern Ireland) Order 2007  
Children and Young people's Strategy 2017-2027  
Co-operating to Safeguard Children and Young People in Northern Ireland (Department of Health, 2017)

Social Services and Wellbeing (Wales) Act 2014  
Well-being of Future Generations (Wales) Act 2015  
Working Together to Safeguard People Guidance (Welsh Government 2017)