



## **Northern Ireland Museums Council**

### **Guidance to Museums on Safeguarding Children and Vulnerable Adults**

#### **Background**

The Northern Ireland Museums Council wishes to ensure that everyone gains the best possible experience from engaging with museums, and that such engagement by children and vulnerable adults happens in a safe and secure environment. Also, it wishes to contribute to parents' and carers' confidence that the people who work in our museums are trustworthy and responsible and will ensure that those who participate in museum activities are kept safe from harm.

In pursuit of these aims the Council has adopted a Safeguarding Children and Vulnerable Adults Policy Statement. Within that statement is our commitment to provide guidance to local museums by way of assisting them to meet their statutory obligations and promoting good practice across the sector.

This document provides guidance to local museums in building an associated policy and code of conduct, and developing procedures for the protection of children and vulnerable adults. It sets out the legal context, provides advice about what to do if child abuse or neglect is suspected, outlines issues to be considered during staff recruitment, and stresses the need to assess the risks associated with various museum activities.

Such is the diversity of scale and focus amongst our museums that it is not appropriate or feasible for the Northern Ireland Museums Council to produce a sample policy that only requires formal approval by local museums. The policy and procedures around safeguarding do need to be understood, agreed and owned by each museum, but based on the principles set out in this document and elsewhere. As it is likely that museums may have unique circumstances or concerns regarding safeguarding, we have also provided a range of contacts for organisations that can provide further information and expert advice.

#### **Northern Ireland Museums Council Policy Statement**

The Northern Ireland Museums Council is committed to safeguarding the welfare of all children and vulnerable adults as they engage with museums. It recognises its responsibility to take appropriate and reasonable steps to establish and promote good practice in this regard by the Council and encourages the museums with which it works to do the same.

#### **Safeguarding Children and Vulnerable Adults Policy**

All local museums need to have a Safeguarding Policy in place. The content of such policies will vary depending upon the size of the organisation as well as the type and range of contacts with children and vulnerable adults. Nevertheless, there are some features which should be standard to all policies.

A Safeguarding Policy should begin with a statement of intent that sets out your commitment to safeguarding children and vulnerable adults<sup>1</sup> from harm when partaking in the activities, services and events you organise.

It is recommended that a safeguarding policy should include statements to the effect that:

- the welfare of children and vulnerable adults is paramount;
- everyone, without exception, has the right to protection from abuse regardless of gender, ethnicity, religion, disability, sexuality or beliefs;
- the policy is approved and endorsed by the senior management team, and by the Board, Committee and/or Council (as appropriate);
- Clear guidance on who the policy applies to (i.e. all members, trustees, permanent and temporary staff, volunteers, and those people contracted in for specific tasks);
- A commitment to provide training for your staff and volunteers, appropriate to their degree of contact with children and vulnerable adults;
- A commitment to inform children, parents, carers and other interested parties about the policy and procedures;
- An undertaking that all concerns, and allegations of abuse will be taken seriously by management, staff and volunteers and responded to appropriately;
- A commitment to safe recruitment, selection and vetting;
- Reference to the legislation and guidance that underpin the policy (See Appendix I of this document);
- The arrangements for reviewing policy and procedures;
- Pointers to all associated policies and procedures in your organisation which promote safeguarding.

Many museums have published their safeguarding policies on the web, some of which may serve as useful models. In assessing such policies it is important that you bear in mind the relative scale of your museum, whether there is compatibility in the governance instruments and structures, and the status of the museums in respect of the Museum Accreditation scheme.

### **Code of Conduct**

A written Code of Conduct, or Code of Behaviour, within a museum is recommended as it broadly establishes acceptable and non-acceptable behaviour, and provides guidance and 'rules' that can protect staff against misunderstandings as well as protecting children and vulnerable adults. The provision of such clear direction allows staff and volunteers to build positive working relationships and to interact with museum visitors and users with greater confidence.

Obviously you should bear in mind the degree and type of contact your staff have with children and the nature of the activities and events your museum puts on when drawing up a Code.

It is suggested that a Code of Conduct for staff should include:

1. A reiteration of the Policy Statements on safeguarding.
2. A section that sets out the underlying principles, including;
  - Putting the welfare of the child, young person or vulnerable adult first,

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<sup>1</sup> Further guidance on the definition of a child and a vulnerable adult is available at [http://www.nspcc.org.uk/Inform/research/briefings/definition\\_of\\_a\\_child\\_wda59396.html#Definition\\_of\\_a\\_child\\_in\\_child\\_protection\\_guidance](http://www.nspcc.org.uk/Inform/research/briefings/definition_of_a_child_wda59396.html#Definition_of_a_child_in_child_protection_guidance)

- The commitment of the museum to promote best working practices regarding safeguarding and to ensure, as far as is possible, that its staff understand their associated responsibilities through the provision of training,
  - The expectation that all staff demonstrate exemplary behaviour when working with young and vulnerable people,
  - The requirement of staff to be aware of behaviour that may give rise for concern and to take prompt appropriate action.
3. A statement to the effect that observing the Code of Conduct is a mandatory condition of service and that there are stipulated consequences of breaching the Code.
  4. The provision of guidance for staff through stating what is acceptable and unacceptable, that may include, under Do's:
    - Plan and organise your work and workspaces so as to minimize risks
    - Avoid private or unobserved situations or spending undue time alone with a child or vulnerable visitor
    - Avoid physical contact except in response to a child's or person's need, in an emergency, to prevent damage to property or museum artefacts, or to prevent an offence.
    - Maintain an appropriate distance from children and young people
    - Treat all concerned with respect
    - Keep a written record of any incident and the actions taken in response
    - Attend the relevant training on safeguarding provided
 And under Don't's;
    - Engage in any behaviour that might be read as inappropriate (such as horseplay) or that may be deemed as physical or emotional assault,
    - Make any comments, even in jest, which might be construed as inappropriate, or which could be interpreted as belittling or demeaning,
    - Do things of a personal nature which the child, young person or vulnerable adult can do for themselves, or which their supervising adult can do for them,
    - Meet or contact (especially via the internet) a child or vulnerable adult outside the work context,
    - Allow allegations or incidents to go unrecorded or unactioned.
  5. Some museums have extended their code to include statements on the expectations on the behaviour of those using their services, especially children, and have included such rules as;
    - The expectation that they will treat their peers with respect and dignity,
    - That bullying, in whatever form, will not be tolerated,
    - That the use of defamatory or inappropriate language will not be tolerated.
  6. The Code could also move to extend staff knowledge and awareness of safeguarding and abuse through the inclusion of definitions and associated terms (see Appendix III).

## **Safeguarding Procedures**

Having established the parameters of conduct through a Code, a museum should move to put in place a set of reporting procedures that clarify the roles and responsibilities of staff, and that provide clear, step-by-step guidance on what to do in different circumstances. It is recommended that museums introduce systems for recording information and dealing with complaints as part of their implementation process.

A museum's reporting procedures should include;

- A named person (and deputy) with a clearly defined role and responsibilities in relation to safeguarding, appropriate to the level at which s/he operates. S/he is sometimes referred to as the Designated Officer (See Appendix II),
- Procedures for responding to incidents of child abuse (see, Responding to a Disclosure of Abuse, below),
- Recognition that young people with disabilities may require especial consideration and provision depending on their particular needs (see Appendix IV),
- Relevant contact details for statutory services, police, health and NSPCC helplines should be available, for instance, [http://www.nspcc.org.uk/help-and-advice/worried-about-a-child/are-you-worried-hub\\_wdh72939.html](http://www.nspcc.org.uk/help-and-advice/worried-about-a-child/are-you-worried-hub_wdh72939.html) A process for recording incidents, concerns and referrals and storing these securely in compliance with data protection legislation (There are numerous examples of child protection incident report forms available on the web),
- Guidance on confidentiality and information sharing, which clearly states that the protection of the vulnerable individual is the most important consideration,
- An open and well-publicised complaints procedure through which adults and children can voice concerns about unacceptable and/or abusive behaviour,
- A process for dealing with allegations against a staff member or volunteer, or indeed another visitor to the museum,
- How to respond to historical cases.

You need to agree upon who within your organisation will deal with allegations, suspicions of abuse or poor practice, and ensure they get proper safeguarding training. They should be the first point of contact for staff, volunteers, members of the governing body, and the public. Their contact details should be easily available and communicated to all concerned. This person will appropriately record any allegation or reported incident. They will be responsible for contacting the statutory agencies such as the local Health and Social Care Trust or the Police Service Northern Ireland (PSNI) if necessary, and they will be responsible for ensuring that the policy and procedures are implemented.

### **Covering All Museum Users and Activities**

It is important that each museum's safeguarding procedures (as with the Code of Conduct) take into account the needs of children and vulnerable adults generally, but also cover those who are particularly vulnerable; for example, young people with a disability, and babies and toddlers are perceived to be at increased risk of abuse due to their age and dependence on adults.

Your procedures will need to cover all of the various types of contact that your organisation has with children and vulnerable adults; for instance, school visits, workshops, clubs, day courses, residential, over-night stays. And you will need to assess if any specific rules need to be included which relate to your buildings (or the buildings you might use for your outreach and community programmes) and the resources at your disposal.

Museum may also wish to ensure that external organisations using their facilities have up-to-date- safeguarding policies and procedures in place, or formally agree to abide by the museum's policies and procedures.

The Museums, Libraries and Archives Council (MLA) published its Safeguarding Guidance for Museums, Libraries and Archives in 2010. Section 8 of this document provides advice on procedures relating to a range of activities and scenarios which museums deliver or are likely to face, including;

- The safe use of ICT
- Risk management in activity planning
- Unaccompanied or lost children
- Photographing and filming children
- Surveying and consulting children
- Outreach visits

This document can be accessed at

[http://webarchive.nationalarchives.gov.uk/\\*/http://www.mla.gov.uk/what/~-/media/Files/pdf/2008/Safeguarding\\_v5\\_Updated\\_2.ashx](http://webarchive.nationalarchives.gov.uk/*/http://www.mla.gov.uk/what/~-/media/Files/pdf/2008/Safeguarding_v5_Updated_2.ashx)

## **Responding to Disclosure of Abuse**

Direct disclosures of incidents of abuse to museum staff or volunteers are not common, but should they occur it is important that the recipient responds appropriately. The following general guidelines may prove useful:

### Always

- Record what has been said immediately or as soon as possible.
- Remain sensitive and calm.
- Reassure the person that they
  - are safe
  - were right to tell
  - are not to blame
  - are being taken seriously.
- Let the person talk - it is very important that you don't interview them or ask intrusive questions. That is a matter for the specially trained police and social services staff.
- Listen & hear, give the person time to say what they want;
- Ensure a positive experience.
- Explain that you must report, but will maintain confidentiality.
- Tell the person what will happen next, in a supportive manner.
  - Involve and formally report to appropriate individuals immediately
  - Stay calm, and
  - Reassure them that they have done the right thing in telling and that it will be dealt with appropriately.

### Never

- Question unless for clarification.
- Make promises you cannot keep.
- Rush into actions that may be inappropriate.
- Make or pass a judgment on the person making the disclosure or on the alleged abuser.
- Take sole responsibility. Instead, consult the Designated Officer so you can begin to protect the person and gain support for yourself.

## **Whistle Blowing**

Most museums, if not all, will have a policy in place which allows staff members to report on other staff members' behaviour about which they have concerns. This is commonly called a 'whistle blowing' policy and is usually associated with breeches of adopted codes, or personnel matters such as harassment, and financial irregularities. Such policies not only set out the procedures for reporting concerns, but emphasise the duty of staff to report malpractice, and stress that their confidentiality will be protected. On this last point The Public Interest Disclosure (NI) Order 1998 is commonly cited.

It is recommended that such a policy is purposeful and specific in stating that it encompasses matters relating to the protection of children and vulnerable adults.

## **Safeguarding and Recruitment**

Robust recruitment processes are seen as a primary means of enhancing the protection of children and vulnerable adults. In pursuit of this it is recommended that your museum:

- Provides job descriptions for posts giving details of the role to be undertaken, and the experience, qualifications and other requirements of the post;
- Ensure that any person applying for a post working with children or vulnerable adults completes an application form;
- Interview the individual either formally or informally by two senior management/Board/Committee members for the purpose of assessing the individual's experience of working with children and knowledge of safeguarding issues, their commitment to promoting good practice and their ability to communicate with others;
- Verify qualifications, experience and any gaps in employment;
- Obtain at least two references in writing for the person you wish to appoint, perhaps asking the referee to make comment on the applicant's suitability bearing in mind the needs of your safeguarding policy;
- Obtain assurances on the identification of the person recruited, which may include asking recruits to provide a written declaration on whether or not they have previous convictions;
- Obtain an Access NI check (See Appendix V) on all new recruits working or volunteering in regulated positions/care positions (see Appendix V).
- From October 2009 new recruits are required to register with the Independent Safeguarding Authority under new vetting and barring arrangements in place across England, Wales and Northern Ireland.
- Set a probationary period (usually 3 - 6 months);
- Ensure all new staff members and volunteers go through an induction process as soon as possible so that they are familiar with your policies and procedures and the responsibilities of the post;
- Ask each new staff member and volunteer to sign your Safeguarding Code of Conduct and give an indication as to when they will receive associated training.

## **Communication, Monitoring and Keeping Up to Date**

It is highly advisable that you formally communicate your museum's Safeguarding Policy, the Code of Conduct and the associated Procedures to all of your staff, volunteers and Board members. This may be done as part of the recruitment and induction processes, within the context of staff training generally or as part of an individual's Continuous Professional Development or annual appraisal. You might want to consider publishing these documents on your web site, or taking specific steps to ensure that the policy is communicated directly to the public, particularly parents, children, young people and carers.

Similarly, it is recommended that the associated policy and procedures are reviewed at appropriate intervals by the museum's governing body, or at such times when adjustments are required due to changes in legislation and general guidance.

Keeping up to date can be difficult, but the following web sites will help you keep abreast of changes in the law and in associated protection practice.

<http://www.legislation.gov.uk/new>

[http://www.nspcc.org.uk/Inform/policyandpublicaffairs/NorthernIreland/guidance/guidance\\_wda61700.html](http://www.nspcc.org.uk/Inform/policyandpublicaffairs/NorthernIreland/guidance/guidance_wda61700.html)

<http://www.dhsspsni.gov.uk/index/hss/svg.htm>

### **Museums receiving grant assistance from NIMC**

All museums which are recognised under the Museum Accreditation Scheme, and hence eligible for funding from the Northern Ireland Museums Council, are required to have a Safeguarding Policy in place and associated procedures in operation. NIMC requires grant applicants to declare that they have adopted such a policy, to supply the Council with a copy of the version currently in operation. The Council strongly advises that your museum regularly reviews and updates policies and procedures in light of developments in practice and the legislation relating to protection issues.

### **Further Advice and Guidance**

There are a range of organisations focused upon the protection of children and vulnerable adults which are more than willing to provide advice and guidance. A sample list of such bodies and their contact details is provided at Appendix VI

In addition, the following three sites provide a useful overview of the full range of matters linked to the protection and safeguarding of children and vulnerable adult

- The Children's NI Order 1995  
<http://www.legislation.gov.uk/nisi/1995/755/contents/made#tcon>
- The policy for child protection contained in the Co-operating to Safeguard Children DHSSPS May 2003  
[www.dhsspsni.gov.uk/show\\_publications?txtid=14022](http://www.dhsspsni.gov.uk/show_publications?txtid=14022)
- The Standards for Child Protection Services 2008  
[www.dhsspsni.gov.uk/standards\\_for\\_child\\_protection\\_services.pdf](http://www.dhsspsni.gov.uk/standards_for_child_protection_services.pdf)

## **Appendix I**

### **Legislation and Guidance**

#### Legislation

There is a range of conventions, statutes and strategies concerned with the safeguarding of children and vulnerable adults. This appendix outlines the most significant of these, but a good overview of all of the associated legislation can be found at [www.dhsspsni.gov.uk/child-care-law-roughguide.pdf](http://www.dhsspsni.gov.uk/child-care-law-roughguide.pdf)

#### **United Nations Convention on the Right's of the Child**

The UN Convention on the Rights of the Child was adopted in 1989 and ratified by the United Kingdom in 1991, and in the Republic of Ireland in 1992. It contains over 40 articles that state the values concerning the treatment of children. Of particular significance are:

Article 2	the equality of all children
Article 3	the best interests' principle
Article 6	the child's right to survival and development
Article 12	requires that children have a right to express their views and for those views to be respected
Article 19	the right to protection

Since its adoption, this Convention underpins all of the associated United Kingdom legislation including the Children (NI) Order 1995.

#### **Children (NI) Order 1995**

This statute has had a wide ranging impact on the relationship of children to their families, and the relationship of children to the State in terms of services and child protection.

The Order establishes five cornerstone principles of good practice:

- **Paramourncy** - The welfare of the child shall be the paramount consideration in any decision made.
- **Parental Responsibility** - Parents have responsibilities towards their children rather than rights over them. A wider range of people can now have parental responsibility.
- **Prevention** - Preventing children from being abused and supporting them to promote their health and welfare.
- **Partnership** - The best way of meeting children's needs is to work with parents and carers, and for agencies to work together.
- **Protection** - Duty to investigate where a child is at risk of significant harm because of a lack of care or actual abuse.

The Order redefines what were previously called 'parental rights' over children. It widens the scope of this responsibility so that carers (such as grandparents, aunts, or local social services) are now able to acquire the equivalent of parental responsibility. And it sets the legal context for the state to intervene to protect children from significant harm.

#### **The Criminal Law Act (NI) 1967**

Section 5 of the Act outlines the responsibility of any citizen to report to the police an arrestable offence, the scope of which includes child abuse.

#### **Sexual Offences Act 2003**

Part 2 of the Act applies to Northern Ireland and, as amended, sets out the notification requirements for sex offenders. These are augmented by new public protection arrangements as set out in the Secretary of State's guidance given under article 50 of the

Criminal Justice Order. The Public Protection Arrangements (Northern Ireland) were established on 1st October 2008 are supplemented by guidance published by the DHSSPS under HSC Circular 3/96 (revised) Sharing to Safeguard. See [http://www.dhsspsni.gov.uk/circ\\_3\\_96\\_sharing\\_to\\_safeguard\\_final\\_version.pdf](http://www.dhsspsni.gov.uk/circ_3_96_sharing_to_safeguard_final_version.pdf)

### **The Protection of Children and Vulnerable Adults (NI) Order 2003**

The Protection of Children and Vulnerable Adults (NI) Order (POCVA) came into force in April 2005. It substantially strengthens the safeguards for children and vulnerable adults by preventing unsuitable people working with them in a paid or voluntary capacity. Organisations are required to refer (to the DHSSPS) individuals who harm or have placed a child or vulnerable adult at risk of harm for consideration for inclusion on the DHSSPS disqualification lists. Listed individuals are disqualified from working with children and/or vulnerable adults and any such individuals will be deemed to have committed an offence if they apply for, offer to do, accept or do any work, either paid or unpaid, in a childcare position or care position with vulnerable adults. Anyone who knowingly offers, employs, or procures work for a disqualified person in such caring positions or fails to remove them from such positions will also be deemed to have committed an offence. Disqualified individuals have the right of appeal to the independent Care Tribunal.

Under POCVA, the positions for those wishing to work with children that require vetting checks include children's homes, children's hospitals, schools, further education centres, as well as sports clubs, faith organisations and the like. In short it covers all organisations that employ individuals to care for, train, advise, counsel, supervise or are in sole charge of children, and includes the supervisors/managers of such individuals.

Within this statute a vulnerable adult is defined as an adult to whom accommodation and nursing or personal care are provided in a residential care home/nursing home or where personal care is provided in the adult's own home. Those employing individuals to work with children and/or vulnerable adults are required to ascertain whether they are included in the DHSSPS disqualification lists. Requests to vet also include a PSNI criminal records check. POCVA complements each agency's own child protection measures and all agencies entrusted with the care of children need to have robust recruitment and staff selection procedures, which are enhanced after appointment by appropriate training, supervision and appraisal processes.

### **Sexual Offences (NI) Order 2008**

The Sexual Offences Order which came into effect in January 2009 creates a number of new offences and increased tariffs for those who harm children.

### **Safeguarding Vulnerable Groups (NI) Order 2008**

A new vetting and barring scheme (VBS) will be established under this Order and through equivalent legislation in England and Wales (The Safeguarding Vulnerable Groups Act 2006). The aim of the VBS, which started in October 2009, is to reduce the risk of unsuitable individuals getting access to children and vulnerable adults through employment or taking up voluntary positions.

### **Protection of Freedoms Act 2012**

The Protection of Freedoms Act 2012 changed the definition of Regulated activity as set out in the Safeguarding Vulnerable Groups Order.

## Guidance

### **Our Duty to Care**

The original DHSSPS 'Our Duty to Care' guidelines were produced in 1995. They have been well-received by a wide range of voluntary and community organisations, and are recognised as a good basis for developing child protection policies, procedures and good practice.

[www.dhsspsni.gov.uk/safer\\_orgs\\_children.pdf](http://www.dhsspsni.gov.uk/safer_orgs_children.pdf)

This revised edition was in response to changes in legislation and to developments in good practice up to 2007. It provides information and more detailed guidelines to ensure that those organisations working with children and young people continue to meet three very important objectives:

- Ensuring that children's safety is paramount;
- Creating the right atmosphere for rewarding and enjoyable experiences;
- Increasing the peace of mind for all concerned.

### **Getting It Right: Standards of Practice for the protection of Children and Young People**

This document, available through the Volunteer Development Agency, builds on the guidance for Our Duty to Care and is intended to help organisations to meet recognised and agreed minimum standards for child protection and will guide organisations towards improving their practice where necessary. The standards are:

- Recruitment
- Effective Management of Staff and Volunteers
- Reporting Concerns;
- Code of Behaviour;
- Sharing Information;
- General Safety and Management of Activities;

[http://www.volunteering-ni.org/what\\_we\\_do/publications/#Child%20Protection](http://www.volunteering-ni.org/what_we_do/publications/#Child%20Protection)

### **The 10 Year Strategy for Children and Young People**

In June 2006, the Office of the First and Deputy First Ministers' Children and Young People's Unit published the cross-departmental 10 year strategy for children and young people in Northern Ireland. This aims to ensure that all children and young people are "fulfilling their potential" by 2016 and that "...all children and young people living in Northern Ireland will thrive and look forward with confidence to the future"

Copies of this strategy, and the associated action plan, are available at

<http://www.ofmdfmi.gov.uk/index/equality/children-young-people/children-and-young-people-strategy.htm>

## **Appendix II**

### **Roles and Responsibilities of a Designated Officer**

The Designated Officer is responsible for acting as a source of advice and guidance on child protection matters, for coordinating action within the organisation and liaising with the DHSSPS and other agencies such as the police, about suspected or actual cases of abuse.

The role of the Designated Officer is to;

- Promote awareness of the child protection policy,
- Advise staff on best practice regarding the policy,
- Advise on and co-ordinate the training within the organisation,
- Act as the contact point for the relevant authorities,
- Agree the procedures on reporting incidents,
- Keep records of incidents and reports, together with other relevant information,
- Report incidents to the statutory authorities,
- Ensure that full records are kept of each individual case reported,
- Keep the governing body and senior management informed of all actions undertaken

The Designated Officer should not be responsible for investigating or validating any protection matters and has no counselling role.

## Appendix III

### Recognition of Abuse

#### What is Abuse?

Child Abuse is defined in *Co-operating to Safeguard Children* (published by the DHSSPS) as falling into the following four categories:

**Physical:** Physical abuse is the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or cot, or inappropriately giving drugs to control behaviour.

**Neglect:** Neglect is the persistent failure to meet a child's physical, emotional and/or psychological needs, likely to result in significant harm. It may involve a parent or carer failing to provide adequate foods, shelter and clothing, failing to protect a child from physical harm or danger, failing to ensure access to appropriate medical care or treatment, lack of stimulation or lack of supervision. It may also include non-organic failure to thrive (faltering growth).

**Sexual:** Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at or the production of pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

**Emotional:** Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Smothering a child's development through over-protection can also be a form of abuse. Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone. Domestic violence, adult mental health problems and parental substance misuse may expose children to emotional abuse.

It is recognised that abuse may be peer to peer, and two elements are worthy of note in this regard:

**Bullying** - This has been defined as deliberately hurtful behaviour usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are physical (e.g. hitting, kicking, theft), verbal (e.g. racist or sectarian remarks, threats, name-calling) and emotional (e.g. isolating an individual from the activities and social acceptance of his peer group). The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children, to the extent that it affects their health and development or, at the extreme, causes them significant harm (including self-harm).

**Young People who display Sexually harmful Behaviour** - It is estimated that children and young people are responsible for about 1/3 of all sexual abuse against children (Grubin 1998, The Research Team 1990). This may be an under estimate due to low rates of reporting and even lower prosecution rates. Any effort to prevent child sexual abuse must address the problem of young people who display sexually harmful behaviour.

## **Appendix IV**

### **Protecting young people with disabilities**

The safeguards put in place for those with disability should be the same as those for other children. However, not every child with a disability is vulnerable in every situation and certain factors may mean that children with a disability are more vulnerable and could therefore be more open to abuse. The following list examines some of the reasons why children with a disability may be more vulnerable:

Historically, children with a disability have been encouraged to comply with other people's wishes, for example, in residential homes and hospitals; this has meant they are more vulnerable to be bribed and manipulated.

Limited life experiences and social contacts may mean that many young people with disabilities have not had the same opportunities to acquire the social skills that non-disabled peers have had to assess the behaviour and attitudes of other people. This could also lead to them being unable to understand what appropriate or inappropriate adult or peer behaviour is.

Individuals with dependency and support needs may have found that it is easier to be pleasing and compliant than challenge those caring for them because of the consequences. Any challenge or complaint could lead to more abusive practice or retribution.

Continuing dependency on others may make some people feel powerless.

Communication difficulties, including the inability to speak or not having the vocabulary to describe what has occurred, may make it harder for some to complain or be understood.

Individuals requiring intimate care could be in an increased vulnerable situation, especially if they have to rely on a number of different carers to support their needs.

The general thought that a young person with a disability are not abused may make it difficult for them to be believed if they report an incident.

Intrusion into body space for physical and medical care can lead to young people with a disability never developing ownership of their own bodies.

Some disabilities may mean that an adult's emotional and developmental age is less than their chronological age.

## Appendix V

### Guidance on vetting systems

#### AccessNI

AccessNI is a joint programme between the Northern Ireland Office, the Department of Health, Social Services and Public Safety, the Department of Education and the Police Service of Northern Ireland. It enables organisations in Northern Ireland to make more informed recruitment decisions by providing criminal history information about anyone seeking paid or unpaid work in certain defined areas, such as working with children or vulnerable adults.

As such it should be used as part of an organisations overall recruitment policy. While it offers a centralised means of checking the suitability of an individual seeking work with children, and probably has a deterrent effect, it is not a foolproof guarantee of suitability. Consequently, AccessNI should be used to complement an organisation's own safeguarding measures and all bodies entrusted with the care or training of children need to have robust recruitment and staff/volunteer selection procedures, which are enhanced after appointment by appropriate training, supervision and appraisal processes.

There are three levels of disclosure under AccessNI

Basic Disclosure - An individual may apply for their own criminal record certificate which will disclose any unspent convictions recorded on police systems.

Standard Disclosure - An employer seeking to employ a person in the occupations listed in the Exceptions Order to the Rehabilitation of Offenders (NI) Order 1978, is eligible for a standard disclosure which contains details of both spent and unspent convictions.

Enhanced Disclosure - All 'regulated' (see below) positions under the Protection of Children and Vulnerable Adults (NI) Order 2003 will be subject to an enhanced disclosure. An enhanced disclosure provides the full criminal history and any relevant non-conviction information. All positions of those working or managing those working with children or vulnerable adults should be required to undertake an Enhanced check.

For further details on all of its services are available at <http://www.nidirect.gov.uk/accessni>

#### Definition of Regulated Activity

The Protection of Freedoms Act 2012 changed the definition of Regulated activity.

What is regulated activity with children?

It includes unsupervised activities such as:

- Teaching
- Training
- Instructing
- Caring for or supervising children
- Providing advice/guidance on well-being
- Driving a vehicle only for children, and
- Regulated Activity is defined as unsupervised activity in a limited range of establishments (Specified Places), with the opportunity for contact with children, such as schools and childcare premises including pre-school establishments.

In addition, in order to be regarded as Regulated Activity such unsupervised activity performed at such a specified place must be done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on four or more days in a 30 day period (or in some cases, overnight)

Regulated Activity still excludes family arrangements and personal non-commercial arrangements.

Activities that are no longer regarded as Regulated Activity include;

- Activities performed by volunteers that are supervised at a reasonable day to day level, and,
- Occasional or temporary services such as maintenance or repairs.

### **Volunteers who work unsupervised**

Volunteers who are not supervised are still regarded as working in Regulated Activity and therefore an Enhanced Disclosure with a Barred List check from AccessNI is still required. You must ensure that you apply to AccessNI for the appropriate check which includes a check of the barred lists. AccessNI guidance as to how to complete an application form is available at <http://www.nidirect.gov.uk/accessni>. In addition, the AccessNI Helpline is available for advice on how to complete the application form: 0300 200 7888.

### **Volunteers who work under supervision**

If a volunteer is supervised they are not regarded as working in Regulated Activity and therefore an organisation is not able to obtain an Enhanced Disclosure with a Barred List check. However, an organisation is still entitled to obtain an Enhanced Disclosure without a Barred List check and it is good practice to do so if the position was previously defined as regulated activity by the Safeguarding Vulnerable Groups (NI) Order 2007.

Supervision must be by a person who is in Regulated activity. The supervision must be regular and day-to-day and must be to ensure the protection of children. The precise nature and level of supervision will vary from case to case, guidance is as follows.

Supervisors must be in Regulated Activity themselves. The duty that supervision must take place "on a regular basis" means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the volunteer has just started or has been doing the activity for some time.

Reasonable supervision in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case;

- ages of the children, including whether their ages differ widely,
- number of children that the individual is working with,
- whether or not other workers are helping to look after the children,
- the nature of the individual's work (the opportunity for contact with children),
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in Regulated Activity),
- how many workers would be supervised by each supervising worker.

Statutory guidance has been published to assist organisations on determining whether the supervision of a post is such as to exempt that post from regulated activity,

<http://media.education.gov.uk/assets/files/pdf/s/supervision%20guidance%20revised%20sos%20sept%202012.pdf>

For more information see the Factual Note on Regulated Activity with Children; <http://www.dhsspsni.gov.uk/regulated-activity-children.pdf>

Also see good practice guidance;

<http://www.volunteernow.co.uk/fs/doc/publications/supervised-activity-with-children-and-young-people-a-guide-to-good-practice.pdf>

### **What is regulated activity with adults?**

The definition of regulated activity for adults was amended by the Protection of Freedoms Act 2012. The definition of regulated activity for adults from 10th September 2012 identifies the activities provided to any adult which, if any adult requires them, will mean that the adult will be considered vulnerable at that particular time. There are six categories within the new definition of regulated activity: health care; personal care; social work; assistance with general household matters; assistance in the conduct of a person's own affairs; conveying.

For more information, see the Factual Note on Regulated Activity with Adults <http://www.dhsspsni.gov.uk/regulated-activity-adults.pdf>

*What does this mean for domestic employees, e.g. private tutors and care workers?*

It is an offence for a barred individual to take part in any regulated activity, even in domestic circumstances.

### **Former definition of Regulated Activity**

An organisation should continue to obtain an enhanced disclosure without a barred list check for posts that fell within the former definition of regulated activity. This included specified positions, for example, a member of the Board of Governors of a school, a charity trustee of children's charity or a vulnerable adult's charity; specified activities with adults defined as vulnerable and activity carried out in a residential care home or nursing home. An enhanced disclosure without a barred list check may also continue to be obtained for posts that are excluded from the definition of regulated activity because they are supervised.

### **Vetting and Barring Scheme**

Following the Bichard Inquiry, the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (NI) Order 2007 established a single agency to determine if individuals who want to work or volunteer with children, young people and vulnerable adults are suitable to do so. This is known as the Independent Safeguarding Authority (ISA).

From October 2009 a Vetting and Barring Scheme was introduced, delivered through the ISA. In Northern Ireland applications to the Scheme are processed through AccessNI.

Every person who wants to work or volunteer with children, young people or vulnerable adults must be registered with the ISA.

The ISA will hold a list of all those who are barred from working with children and young people and a separate list of those barred from working with vulnerable adults. These are called the Barred Lists and will replace the existing Disqualification from Working with Children (DWC) List, the Unsuitable Persons List (UP List) and the Disqualification from Working with Vulnerable Adults (DWVA) List, as well as the current system of Disqualification Orders established under POCVA.

If ISA registration is withdrawn as a result of barring, any employer/organisation that has registered an interest in the individual will be informed immediately. Organisations will also be able to carry out free on-line checks of ISA registration on those they are intending to employ/involve in volunteering.

## **Costs**

The cost for registering with the ISA Scheme will be £58 per person (this includes the cost of enhanced disclosure).

This fee covers;

- the application and registration processes,
- the online checking system, and
- the continuous monitoring and updating of individuals' status.

However, there is no charge in respect of qualifying volunteers. AccessNI has defined a volunteer as anyone who gives their time in a position in a non-profit organisation, free of charge, doing something for the good of the community or a voluntary group (for which they may get travelling and other out-of-pocket expenses) and which is not for their own benefit or for the benefit of a close relative.

Exclusions to this policy i.e. volunteers who must be paid for;

- where the person is volunteering directly for a Statutory organisation, or ,
- where the person is volunteering for a non-profit organisation in a position which delivers statutory services under contract or in a specific project, for which that organisation has received funding from the government which includes provision covering the costs of disclosures for volunteers.

## **Implementation**

On 26th July 2010 the Independent Safeguarding Authority registration phase of the Vetting and Barring Scheme was due to go 'live'. However, this has been halted whilst the coalition government undertakes a review of the scheme. As a result, no one will be able to register with the ISA until further notice from the government.

Organisations are still legally obliged to refer information to the ISA if they have removed an individual from 'regulated' activity because they have harmed or there is a risk of harm to a member of a vulnerable group.

An organisation must not knowingly employ a barred person in a regulated activity.

The two new barred lists will continue to be administered by the ISA and can be checked through an enhanced AccessNI disclosure. Indeed the existing AccessNI requirements and eligibility criteria remain current.

A new AccessNI Application Form is now available through its web site, although the sections relating to the ISA are no longer a mandatory requirement. This form has been in use since 26th July 2010, with applications on the older form now no longer being accepted by AccessNI.

Further information on the Vetting and Barring Scheme, including the definitions of 'regulated' and 'controlled' activity is available at

<http://www.nidirect.gov.uk/accessni>

## Appendix VI

### Useful Contact Details

ACE (Advisory Centre for Education)	<a href="http://www.ace-ed.org.uk">www.ace-ed.org.uk</a>
Advice on bullying	Helpline 0808 800 5793
Anti-bullying Alliance	<a href="http://www.antibullyingalliance.org">www.antibullyingalliance.org</a>
Behaviour Management	<a href="http://www.parenting-ed.org">www.parenting-ed.org</a>
Bullying	
Good advice for children on bullying is outlined here - how to recognise it, and what to do if you are the victim or know of someone who is. For those unwilling to tell anybody, help is available on the site via email.	<a href="http://www.bullying.co.uk">www.bullying.co.uk</a>
Child Exploitation Online Protection	<a href="http://www.ceop.gov.uk">www.ceop.gov.uk</a>
Child Protection in Sport Unit (CPSU)	<a href="http://www.thecpsu.org.uk">www.thecpsu.org.uk</a>
Newsletter email "subscribe" to cpsu@nspcc.org.uk pstephenson@nspcc.org.uk 028 90351135	
Childline Northern Ireland	
Got a problem? Childline has helped hundreds of thousands of children in trouble or danger. If you feel you can't face ringing them, check out their website. There are fact sheets on many subjects including bullying.	<a href="http://www.childline.org.uk">www.childline.org.uk</a> Helpline 0800 11 11
Children's Law Centre	<a href="http://www.childrenslawcentre.org">www.childrenslawcentre.org</a>
CHALKY	Helpline 0808 808 5678
Counselling for young people	<a href="http://www.contactyouth.org">www.contactyouth.org</a>
Domestic Violence	<a href="http://www.womensaid.org.uk">www.womensaid.org.uk</a>
Drugs and alcohol	<a href="http://www.contactyouth.org">www.contactyouth.org</a>
Health	<a href="http://www.kidsallergies.co.uk">www.kidsallergies.co.uk</a>
Health and Social Care Trust Gateway Teams	
Belfast HSC Trust Gateway Team	028 90507000
Northern HSC Trust Gateway Team	0300 1234333
South-Eastern HSC Trust Gateway Team	0300 1000300
Southern HSC Trust Gateway Team	0800 7837745
Western HSC Trust Gateway Team	028 71314090
Out of Hours Contact	
There will be a recorded message at each of the above numbers which will provide Emergency Out of Hours numbers.	
Internet Safety	<a href="http://www.iwf.org.uk">www.iwf.org.uk</a>

#### Kidscape

Open Monday to Friday between 10am and 4pm. Nearly everyone is bullied at some time in their lives according to this charity. It offers information and support to young people and their parents.

[www.kidscape.org.uk](http://www.kidscape.org.uk)

020 7730 3300

#### National Children's Bureau

[www.ncb.org.uk](http://www.ncb.org.uk)

#### NI Anti-Bullying Forum

[www.niabf.org.uk](http://www.niabf.org.uk)

#### NI Commissioner for Children & Young People

[www.nickey.org](http://www.nickey.org)

#### NSPCC Child Protection Helpline

[www.nspcc.org.uk](http://www.nspcc.org.uk)

Helpline 0808 800 5000

#### Parentline Plus

Advice for parents on supporting a child who is being bullied.

[www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)

Freephone 0808 800 2222

#### Parents Advice Centre

[www.parentsadvicecentre.org](http://www.parentsadvicecentre.org)

Freephone 0808 8010 722

#### Parents Centre

[www.parentscentre.gov.uk](http://www.parentscentre.gov.uk)

#### Special Education Needs

[www.throughtheroof.org](http://www.throughtheroof.org)

#### Sport Northern Ireland

[www.sportni.net](http://www.sportni.net)

Tel: 028 90381222

#### Suicide and self-harm

[www.pipsproject.com](http://www.pipsproject.com)

[www.samaritans.org](http://www.samaritans.org)

#### Volunteer Now

For further information on developing Safeguarding policy and procedures are provided in the documents Our Duty to Care and Getting it Right available at

[www.volunteernow.co.uk](http://www.volunteernow.co.uk)