

NYAS

Safeguarding Children and Adults at Risk Framework

Policy & Procedure

Table of Contents

Frequency of Document Review	4
Dissemination of Policies and Policy Reviews	4
Document Control:	4
Linked Documents:	5
NYAS Safeguarding Children and Adults at Risk Policy Statement	6
1. Purpose and Scope	6
2. Legal framework	7
3. Our key principles are:	9
4. We will seek to help children and adults at risk	9
5. Accountability and Governance Framework	10
5.1. Duty to Report	10
5.2. Accountability Framework	10
NYAS Safeguarding Children and Adults at Risk Procedures	12
1. Acting on Safeguarding and Serious Incident Concerns	12
2. Responding to Safeguarding and Serious Incident Concerns	13
3. Recording Safeguarding and Serious Incident Concerns	15
4. Responding to Safeguarding Allegations Against Adults who work/volunteer for or on behalf of NYAS	16
5. Escalation of Concerns where there are professional disagreements	18
6. Child Safeguarding and Adult Practice Reviews	19
6.1. Conducting a review	20
7. Prevent	20
7.1. Making a report	21
8. Female Genital Mutilation	22
8.1. Making a report	23
Safeguarding and Specific Circumstances	24
9. Information Sharing and Consent	24
10. Consent and Capacity	24
10.1. For Children	24
10.2. For Adults	25
10.3. Implications for Safeguarding Arrangements	25
11. Deprivation of Liberty (DoLs)/Liberty Protection Safeguards (LPS)	26
11.1. Purpose of DoLs in Safeguarding	26
12. Contextual Safeguarding	27
13. Transitional safeguarding planning	28

14.	Missing Children and Adults at Risk, Suicidal Ideation and Self Harm	28
14.1.	Definition/Types/Signs of Self Harm	29
15.	Youth Custody Settings	30
16.	Court proceedings	30
17.	Digital Safeguarding	31
18.	Domestic abuse	31
19.	Child Exploitation	32
20.	Private Fostering	32
21.	Children as perpetrators of abuse: Child to parent/carer violence and child on child abuse	32
22.	NYAS Guidance for concerns with animal welfare and cruelty	34
	NYAS Operating Procedures	35
23.	Safer Recruitment.....	35
24.	Expectations of Workforce	35
25.	Learning, Development and Training	35
26.	Supervisions, Best Practice and One to One Meetings.....	36
27.	Managing Risk.....	36
28.	Records.....	37
29.	Learning and Improving.....	37
30.	Personal Relationships and Contact with Service users outside of work	37
31.	Self-disclosure of personal experiences	37
32.	Continuing a relationship after the service or piece of work is complete	38
	Appendices	39
	Appendix One: Reporting a Safeguarding Concern (Children): Referral/Report Notification Pathway	39
	Appendix 2: Reporting an Adult Safeguarding Concern: Referral/Report Notification Pathway	39
	Appendix Three: Nominated Safeguarding Officers	39
	NYAS Equality Impact Assessment	40
1.	Equality Impact Assessment	40

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Dissemination of Policies and Policy Reviews

Action
All current Safeguarding Policies are available on the NYAS Intranet.
Annual policy reviews and any updates are communicated directly via e-mail to all employees
Line Managers are required to table and disseminate additionally in team meetings and in individual supervisions
The Safeguarding Committee monitors quarterly adherence to policies by local teams through internal reporting.

Document Control:

Version	Author	Date	Version details	Reviewer	Date
1.0	Mary Mullin		First Version	Executive Team	July 2019
2.0	Julia Bond	27/01/2020	Addition of Wales Safeguarding Procedures 2019 in section 12	Agreed by Barbara Cunningham	Jan 2020
3.0	Ruth Hale	20/03/2021	Revised policy to include additional sections	Policy Group	May 2021
4.0	Ruth Hale	13/6/22	Revised to add unborn and update NSL contact details. "Allegations against professionals" section updated	Policy Group	July 2022

5.0	Gary Thomas	07/07/23	Amended to include Youth Custody Service and work in Scotland	Policy Group	
6.0	Gary Thomas	01/07/25	Developed safeguarding policy framework to incorporate both children and adults into one document.	Nominated safeguarding officers/policy group	

Linked Documents:

Recruitment and Selection Policy	NYAS Intranet
Confidentiality Policy	NYAS Intranet
Learning and Development Policy	NYAS Intranet
Whistleblowing Policy	NYAS Intranet – Employee Manual
Equality and Diversity Policy	NYAS Intranet
NYAS Case Recording Policy	NYAS Intranet – Employee Manual
Radicalisation and Extremism Policy	NYAS Intranet – Employee Manual
Performance Management Policy	NYAS Intranet
Data Protection Policy	NYAS Intranet

NYAS Safeguarding Children and Adults at Risk Policy Statement

1. Purpose and Scope

Everyone¹ at NYAS has a responsibility to make sure that children and adults at risk are safeguarded and protected from abuse and neglect. This document sets out NYAS's approach to safeguarding, including:

- the NYAS commitment to safeguarding
- key safeguarding principles
- safeguarding governance and accountabilities
- safeguarding procedures for all trustee's, permanent and temporary employees, contractors, students, volunteers and agency workers¹ to follow
- working with a local authority on safeguarding
- specific safeguarding circumstances.

The Framework applies to all aspects of our work across England, Wales, and Scotland, and across a range of settings worked in including youth custodial settings.

Everyone at NYAS has a duty to safeguard and promote the welfare of children and adults at risk, alongside a duty to recognise, respond and share concerns or worries about possible abuse and harm in a timely manner.

Everyone at NYAS will be supported to make decisions as to how to proceed in a way that is within the best interests and safety of the child or adult at risk.

NYAS Safeguarding Children and Adults at Risk Framework must be followed alongside local inter-agency procedures, protocols and arrangements devised by local multi-agency safeguarding arrangement structures within the three nations.

This policy should be read in conjunction with all policies listed in the [Linked Documents](#)

NB. The term '*child*' or '*children*' is used within this document and should be used when making any reports or referrals for individuals under 18. This reflects the legal definition of a child under the age of 18 as well as the vulnerability and developmental stage of individuals under the age of 18. The term '*young people*' or '*young person*' can be used to refer to individuals over the age of 18.

¹ For the benefit of this document 'everyone' shall be used to reference trustee's, permanent and temporary employees, contractors, students, volunteers and agency workers

2. Legal framework

Article 19 of the UN Convention on the Rights of the Child states that, '*every child should be protected from abuse*'. Each of the three nations England; Wales and Scotland have a statutory framework which sets out the relevant legislation for safeguarding and promoting the welfare of children and adults at risk. Due to differences in definitions and terminology used across the three nations, a clear and consistent understanding of the different concepts and terminology is essential. This includes considering

- ❖ Protecting unborn/children/young person/adults at risk from maltreatment
- ❖ Preventing impairment of unborn/children/young person/adult at risk health or development
- ❖ Ensuring that unborn/children/young person/adult at risk are growing up in circumstances consistent with the provision of safe and effective care
- ❖ Taking action to enable all unborn/children/young person/adult at risk to have the best outcomes.
- ❖ NYAS understands abuse for children can take the form of;
- ❖ Physical abuse
- ❖ Sexual abuse (including child sexual exploitation)
- ❖ Emotional abuse
- ❖ Neglect
- ❖ Financial abuse.

There are a number of areas of concern that fall into the above categories such as protecting unborn/children from maltreatment; missing from home; self-harm; suicidal ideation; forced marriage; FGM and child exploitation. **Please note this list is not exhaustive.**

An adult at risk of abuse can be anyone over the age of 18. Whilst personal characteristics may make an individual more vulnerable, i.e. disability and communication difficulties, it is the situation around an individual which may increase risk or place them at potential risk of harm. It is therefore vital to be open to the possibility that any adult may be at risk and that this can be temporary or on-going depending on the support and protective factors around them. This policy and procedure must be read in conjunction with local adult safeguarding policies and procedures.

NYAS understands abuse for adults at risk can take the form of;

- Physical abuse
- Sexual abuse
- Psychological/Emotional abuse
- Financial/material abuse
- Discriminatory abuse
- Neglect
- Modern slavery
- Domestic violence
- Organisational abuse
- Risk behaviours towards self

Everyone is required to access the statutory guidance relevant to their geographic location, which is set out below:

Country	Legal framework	Statutory Guidance
England – children	Children Act 1989 Mental Capacity Act 2005	Working together to safeguard children - GOV.UK Keeping children safe in education - GOV.UK
England – adults at risk	Care Act 2014 Mental Capacity Act 2005	Care and support statutory guidance - GOV.UK
Wales - children	Children Act 1989 Social Services and Well-being (Wales) Act 2014 Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 Mental Capacity Act 2005	Safeguarding guidance GOV.WALES Safeguarding Wales The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015 Safeguarding Wales
Wales – adults at risk	Social Services and Well-being (Wales) Act 2014 Mental Capacity Act 2005	Safeguarding adults at risk of abuse or neglect GOV.WALES Safeguarding Wales
Scotland – children	Children (Scotland) Act 1995 Children and Young People (Scotland) Act 2014	Supporting documents - National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot
Scotland – adults at risk	Adult Support and Protection (Scotland) Act 2007 Adults with Incapacity (Scotland) Act 2000	Supporting documents - Adult Support and Protection (Scotland) Act 2007: code of practice - gov.scot

3. Our key principles are:

- ❖ The welfare of children and adults at risk is paramount in all the work we do and in all the decisions we take.
- ❖ Committed to working in partnership with children, adults at risk, their families, carers, and other agencies to safeguard their welfare.
- ❖ Operating within the legal framework needed to work to safeguard children and adults at risk who have needs for care and support and for protecting those who are unable to take action to protect themselves and will act in accordance with the relevant safeguarding legislation.
- ❖ That all children and adults at risk (including those with any protected characteristics) have an equal right to protection from all types of harm, neglect or abuse. Acknowledging there are additional vulnerabilities because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- ❖ Responded promptly and appropriately to disclosures of abuse which can be current, retrospective, and/or anonymous and are generally made in confidence.

4. We will seek to help children and adults at risk

- Listening to children and adults at risk without judgement, valuing and respecting them, and ensuring their views and wishes are taken into consideration.
- NYAS will provide services in a manner that as far as possible prevents any child or adult at risk from experiencing harm. Our approach draws upon trauma responsive practices.
- When NYAS has reasonable grounds for safeguarding concerns that identifiable children or adults are being, have been, or are at risk of being harmed NYAS will raise their concerns in accordance with NYAS safeguarding procedures and where appropriate, statutory, or regulatory guidance.
- Everyone understand their role and responsibility for safeguarding children and adults at risk and have completed and are up to date with safeguarding training and learning opportunities appropriate for their role.
- Adopting robust safeguarding procedures and codes of practice for everyone.
- Ensuring that all contracting, and commissioning is undertaken with regard for safeguarding.
- Providing effective management for everyone through robust supervision and best practice support, and guidance for managers.
- Ensuring availability of suitably experienced and trained safeguarding individuals across the organisation within a strong safeguarding governance framework.
- Recruiting everyone in accordance with good practice guidelines, ensuring all necessary safer recruitment checks are made.
- Recording, storing and using information professionally and securely, in line with data protection legislation and guidance.
- Ensuring that we have effective complaints and whistleblowing measures in place.
- Routinely sharing good practice findings and lessons learned with staff, volunteers and Trustees as necessary.

- Ensuring that appropriate action is taken where there are concerns regarding anyone's conduct with children or adult at risk
- Ensuring that we provide a safe physical environment for our service users and workforce, by applying health and safety measures in accordance with the law and regulatory guidance.

5. Accountability and Governance Framework

5.1. Duty to Report

Everyone is considered as 'relevant partners' who have a duty placed upon them to report adults and children, including unborn children where they have reasonable cause to suspect that they are at risk of abuse.

The duty to report safeguarding concerns applies to practitioners not only in the work context but also in their private lives. When making a referral in a professional capacity individuals cannot remain anonymous when making a report to Social Services.

5.2. Accountability Framework

The Board of Trustees and Group CEO has a duty of care, which includes taking the necessary steps to safeguard and protect children and adults at risk. They will act in the best interests of children and adults at risk to ensure that all reasonable steps are taken to prevent any harm to them. Trustees also have duties to manage risk and to protect NYAS' assets and reputation in accordance with the Charity Commission Code of Conduct and safeguarding legislation. NYAS' Trustees are responsible for ensuring that those benefitting from or working with the organisation are not harmed in any way through contact with it.

The Trustees must ensure that there are appropriate Safeguarding Policies and that they are implemented effectively.

Operational Managers and Service Heads hold responsibility for the implementation of the Safeguarding Policy and Procedures and effective management of safeguarding concerns in their department/division or region/nation. The Director of Children and Families (England)/ NYAS Cymru CEO/National Executive Director of Legal Services are responsible for the management of serious safeguarding incidents and monitoring of safeguarding issues.

All employees, students, self-employed contractors, and volunteers are responsible for ensuring that all safeguarding concerns are addressed through respective line management structures in accordance with this policy and procedure. Information regarding safeguarding children and adults at risk issues must be shared with the Nominated Safeguarding Officers [Appendix 3](#) linked to their department or region immediately, and if agreed, shared with the appropriate Local Authority in the form of a safeguarding referral.

The Safeguarding Committee and HR are responsible for consultation and advice in relation to the implication of safeguarding in Practice, Human Resources and Learning and Development issues as well as monitoring trends, lessons learned and ensuring that all changes to policy and legislation are implemented as a result.

Application: It is expected that this policy and procedure will be read, understood and applied by all staff, contractors, students, volunteers, trustees and members of the executive team. It will be made available at induction and re-issued after every annual review. It will be accessible on the NYAS intranet and externally through the NYAS website.

NYAS Safeguarding Children and Adults at Risk Procedures

1. Acting on Safeguarding and Serious Incident Concerns

No one working for NYAS should investigate concerns about individual service users who are, or may be, being abused or who are at risk of significant harm. However, this does not mean that we should do nothing when we learn of a concern. We all have a responsibility to make sure that concerns about service users are passed to the agency that can help them without delay.

If anyone is concerned that a child or adult is at risk of being abused or neglected, they should not ignore their suspicions and should not assume that someone else will take action to protect that person. In the event of an immediate and urgent need to protect a service user the individual will call the emergency services. They should then contact the Nominated Safeguarding Officer linked to their department or region as well as the relevant Local Authority as soon as possible to inform them of their actions. If an individual's immediate Nominated Safeguarding Officer is not available, any alternative Nominated Safeguarding Officer should be contacted.

During office hours, where there is no immediate threat safeguarding concerns shall be brought to the attention of their Nominated Safeguarding Officer. Out of office hours safeguarding concerns shall be brought to the attention of the NYAS on call Nominated Safeguarding Officer on **0151 294 4245**. If they believe that a child or adult may be suffering, or is at risk of suffering significant harm, they should then immediately refer the concerns using the [Appendix One: Reporting a Safeguarding Concern \(Children\): Referral/Report Notification Pathway](#), and ensure all verbally communicated concerns are followed up in writing within 24 hours with the Nominated Safeguarding Officer's authorisation in part 1 of the safeguarding and serious incident log.

All concerns and actions must be documented within 24 hours in accordance with NYAS Case Recording Policy. The NYAS safeguarding and serious incident log should be completed by the individual raising the concern and forwarded to their Nominated Safeguarding Officer with their activity recordings. Completion of part 1 of the 'safeguarding and serious incident log' will indicate to the Safeguarding Lead that a safeguarding concern has been identified, and the relevant data will contribute to management information reports. **Contact with/concerns in respect of children and adults who are not open cases should also be recorded on the safeguarding and serious incident log at all times; this includes enquiries made to the helpline in respect of any child or young person.**

Nominated Safeguarding Officers must ensure that effective support and guidance is provided to those involved in the referral and supports the individual with whom there are concerns, in line with NYAS policy, throughout the process. Nominated Safeguarding Officers should also alert the relevant line manager (if applicable) to ensure ongoing support and oversight is maintained.

Anyone working for NYAS who has concerns about the behaviour of a colleague must always raise this with their line manager or the HR Manager as quickly as possible.

A serious safeguarding incident is defined as:

- Unexpected or avoidable death of an adult at risk in receipt of services from NYAS.
- Serious harm to an adult where a life-threatening outcome required intervention by NYAS staff.
- Actions of a service user which caused death or serious injury to another child or adult.
- Incident that meets the criteria for reporting under the Duty of Candour legislation.
- A 'Near Miss' where an unplanned event or incident did not result in serious injury, harm or

illness – but had the potential to do so and only a fortunate/timely break in the chain of events prevented a serious outcome for the child/vulnerable adult.

- An incident that is serious enough that it may lead to a Child or Adult Safeguarding Review
- A situation that indicates organised crime or large-scale abuse.
- An incident likely to raise concern about NYAS' policies or procedures.
- An incident which raises concern about possible radicalization of any member of staff/self-employed contractor/volunteer/adult/child/vulnerable adult.
- Where a registered provider (residential or early years) is required to close by an external body following safeguarding concerns.

2. Responding to Safeguarding and Serious Incident Concerns

A child or adult discloses information to you about abuse or harm that they are experiencing (in person, on the phone, via email, third party reporting, through the observation of signs/symptoms of abuse, neglect or unmet needs).

Responsible: Person receiving the information

Always offer reassurance, take discussion seriously and listen to what they are saying. Never promise to keep secrets or be persuaded by the child or family not to act if you are worried that a child is being harmed or is at risk of harm.

It is not your job to investigate, verify what is being said, or examine the child or adult. Doing so may compromise any future investigation. This is the statutory responsibility of the local authority/child or adult protection services and/or the Police. However, it is important to ascertain relevant information, and it may be necessary to undertake some brief enquiries before making a referral, including full name, age, mobile number, email address and any involvement with NYAS services and a brief outline of what happened to them. Other information held on NYAS records will form part of the child protection referral.

Explain the process and that you will need to pass this information on, to whom, the reasons why and possible actions. Keep the child or adult up to date.

Consult with your Nominated Safeguarding Officer as soon as possible and certainly the same day, to agree the course of action but do not delay if this would place a child or adult at increased risk. You must record the incident/allegation in detail on part 1 of the safeguarding and serious incident log, obtain authorisation for this and send this to children's or adult services within 24 hours of being made aware of the concerns.

If the child or adult is present and is at immediate risk of harm, take the appropriate course of action to secure the immediate safety of the child unless to do so would put you or others at risk. This could include:

- ❖ Calming angry or upset children or adults
- ❖ Contacting 999 emergency services, if necessary, on their behalf
- ❖ Contacting local child or adult protection Duty Team/MASH/Gateway Services/Children's or Adult Services directly
- ❖ Seeking vital medical assistance

- ❖ Contact the Nominated Safeguarding Officer linked to your department region during normal office hours and on call Nominated Safeguarding Officer outside of working hours.

If the child or adult is in immediate danger, advise them to call the Police; you must also contact the Police to check that the child or adult has referred the concern to them. If the individual is not in agreement with this/not able to do this, you have a duty to call the Police and pass on any information you have.

Responsible: Nominated Safeguarding Officer

If you are aware that the child is subject to a Care Order or an ongoing Child Protection Investigation or has a Child Protection Plan, any new incident must be referred to the main duty team/MASH **in addition to** the lead professional/allocated Social Worker/Local Child Protection services and information shared accordingly. If it is not known whether it is a new incident then this needs to be discussed by contacting the children social services to ascertain if it meets the safeguarding threshold.

If the child is not subject to a current Child Protection Plan, Child Protection, Care Proceedings, a Supervision Order, at risk of being trafficked or is not known to the service, you must make a clear assessment of whether the information received from the responsible worker is deemed to be a Child Protection referral i.e. the child is at risk of significant harm. If you are unsure of the course of action you should take, you must seek guidance through the line management structure.

If your assessment is that the child is suffering, or likely to suffer, significant harm, a referral must be made to the local children's social care duty team/local Child Protection service/Gateway Services by the staff member identifying the concern with authorization of the Nominated Safeguarding Officer. **NB The referral MUST be sent to the front door/duty and assessment team in ALL instances and not just to the allocated social worker where the case is open. The allocated social worker can be copied into correspondence however you have not fulfilled your duty to report a concern until a duty officer is in receipt of the referral.**

If your assessment is that a referral is not needed, you must identify what course of action is to be taken to respond to the concerns identified and ensure that all decisions and the reasons for them are recorded on the child's CHIP record. Completion of the safeguarding and serious incident log is not required. Where there is some form of assessed need refer to relevant services using agreed local protocols.

If there is a disagreement between NYAS' responsible manager and responsible member of staff about the need to report concerns to protection services, Director of Children and Families (England)/ NYAS Cymru CEO must be consulted to make a final decision.

Ensure all decisions and agreed actions are recorded on CHIP in accordance with NYAS Case Recording Policy.

Ensure you are aware of the local referral processes for Children in Need of Protection and Adults at Risk within your area.

Wherever safe to do so, we will inform the child or adult that we are making a safeguarding referral and explain why. We will support them through this process and inform them of their right to protection from harm and processes. We will offer advocacy and support and follow local inter-agency protocols.

Consideration must be given to an assessment of any increased risk of harm; and the possibility of prejudicing any subsequent police investigation. If in doubt about the decision and timing of informing a child or adult and their family, seek advice from your Nominated Safeguarding Officer or local child or adult protection services. In any event you must speak to your Nominated Safeguarding Officer or an alternative one as soon as possible and definitely on the same day.

Following consideration of the above, if you assess there is a risk, tell the child or adult, as appropriate to their age and understanding, and parent/carer, that the referral will be made if it is appropriate to do so. Share with the protection services any other relevant information or known risks about the context of their wider family and environment by completing part 1 of the safeguarding and serious

incident log as fully as possible based on the information you have in case records.

Referrals of suspected child abuse must always be confirmed in writing following verbal conversations, by encrypted email, password protection or recorded delivery, using local referral protocols to the MASH/Duty Team/local child and adult protection service/Gateway Services/etc within 24 hours.

Please See Country Specific Working Together Arrangements and Local Authority Safeguarding Procedures for Local Arrangements

Responsible: Nominated Safeguarding Officers

To liaise with the person who identifies the safeguarding concern to:

- Offer advice and support to in respect of reporting a concern
- Provide managerial oversight and direction
- Quality assure the referral within part 1 of the safeguarding and serious incident log
- Ensure that part 1 is authorized and the referrer sends the referral to the relevant Local Authority within 24 hours of when it was first raised
- Ensure that the referrer contacts the relevant Local Authority within 24 hours of the referral being made in order to obtain an outcome of the referral made by NYAS and next steps/proposed intervention. This information should be recorded in part 2 of the safeguarding and serious incident log
- Authorize the safeguarding and serious incident log and give advice to the referrer in respect of follow up with the young person/other agencies

If you become concerned that the situation has escalated, and it seems that the child or adult is at increased risk of significant harm you must immediately contact the police on 999 and local child or adult protection services to seek guidance on what to do.

If you are not satisfied that the protection service's response adequately safeguards the child or adult then you must inform your Nominated Safeguarding Officer, as soon as possible and certainly the same day, who can make representations on NYAS's behalf to escalate this matter.

3. Recording Safeguarding and Serious Incident Concerns

Safeguarding concerns are recorded on part 1 of the safeguarding and serious incident log and include the following information where available:

- ❖ Your name, the name of the organisation and contact details.
- ❖ Name, contact details, date of birth, gender and ethnicity of the person you are calling about.
- ❖ Where the service user is living.
- ❖ Name of the person's GP.
- ❖ Details of significant relatives/friends.
- ❖ Where the alleged abuse/risk of significant harm has taken place.
- ❖ How you found out about the alleged abuse

- ❖ Any actions that have already been taken to make the adult safe.
- ❖ Whether there is a risk of immediate harm?
- ❖ Have the Police been informed?
- ❖ Are other adults or children at risk?
- ❖ Is the person aware of the referral, if not why not?
- ❖ Has the person got the mental capacity to make their own decisions? Information about the person alleged to have caused the harm
- ❖ If any other individuals are aware that the concern has been raised
- ❖ Whether consent has been gained from the adult in question

4. Responding to Safeguarding Allegations Against Adults who work/volunteer for or on behalf of NYAS

A safeguarding allegation is one where information comes to light from any source, which suggests that an adult working/volunteering for or on behalf of NYAS has or may have:

- Caused significant harm to a child or adult at risk
- Committed a criminal offence against a child or adult at risk or
- Behaved in such a way that indicates they may pose a risk of harm to a child or adult at risk in a way that indicates they are unsuitable for work with both children and adults

This includes historical information about abuse an adult may have experienced as a child whilst in receipt of services from NYAS

The management of an allegation of abuse may involve one or all of:

- ❖ A police investigation of a possible criminal offence
- ❖ Enquiries and assessment by children's or adult social care about whether there is a need of protection or in need of services
- ❖ Consideration by an employer of disciplinary action in respect of the individual

Inform your Nominated Safeguarding Officer or other responsible manager and the Director of Children and Families (England)/ NYAS Cymru CEO immediately. Action must have been taken and recorded within 24 hours (including weekends and bank holidays).

It is not your job to investigate the allegation. Your job is to listen, ensure you have the basic details so you can record what was said, and respond appropriately.

If for any reason you do not feel able to alert a line manager, then the Whistleblowing Policy must be followed.

Responsible: Nominated Safeguarding Officer

Upon receiving information, ensure the safety of any child or adult. If a crime has clearly been committed, the Police and the Local Authority Child and Adult Protection Services/Trusts/Local Authority Designated Officer (LADO) or Designated Officer for Safeguarding (DOS) will need to be

contacted as a matter of urgency and within 24 hours. If there are other children or adults who could be at risk (e.g. other children in the household/service), these details must also be shared.

The information should be shared immediately to the Director of Children and Families (England)/ NYAS Cymru CEO. The Human Resources department should be advised of the allegation. An internal risk group will be set up to ensure that appropriate action is taken and the relevant authorities are informed. Actions agreed will be in consultation with the LADO/local Child Protection Services/Trusts, a risk assessment should be conducted within 24hrs to decide whether the person concerned can continue in their role or whether a period of suspension is required, or a temporary redeployment is appropriate.

Do not inform the staff member, self-employed contractor, student, or volunteer against whom the concern/allegation has been made of the nature of the allegation until consultation has been undertaken with the relevant local authority and, where necessary, police. Director of Children and Families (England)/ NYAS Cymru CEO must ratify any decision.

If the allegation concerns a volunteer or self-employed contractor, then a decision must be made as to whether to suspend their agreements. This must be discussed with the line manager/best practice manager first and then confirmed in writing by HR.

If the allegation involves harm or risk of harm to a NYAS service user then you must consider whether the CHIP Record should be locked and the relevant IT Account Manager, or in their absence the IT Helpdesk, requested to arrange this. Advice must be sought from the Director of Children and Families (England)/ NYAS Cymru CEO.

Consult Human Resources to agree next steps regarding the staff member, self-employed contractor, or volunteer. Any officer tasked with undertaking further enquiries or conducting an investigation under disciplinary procedures must be competent in child protection matters and be of sufficient seniority to enter into discussion with external agencies. Such duties should only be carried out by a Nominated Safeguarding Officer or above. Any action must be agreed with the Head of Children and Family Services England and the Local Authority Designated Officer (LADO) or Social/Health Care Trust as appropriate.

These procedures must be followed in conjunction with the NYAS Disciplinary Policy to be:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- If suspended, be kept up to date about events in the workplace.

Should the accused individual resign, every effort should be made to reach a conclusion in all cases even if the individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations. A conclusion should also be reached where possible even if it may not be possible to apply disciplinary sanctions if a person's period of notice expires before the process is complete.

Compromise agreements must not be used under these circumstances.

Consideration must be given as to whether the allegations represent a possible crime that needs to be reported to the Police; discussions will need to take place regarding the primacy of the Police investigation and the impact on internal timescales for subsequent investigation.

As soon as possible, agree with the Health/Social Care Trust/Child and Adult Protection Agency who will ensure that parents/carers or children are kept informed about the allegation and how they will be kept updated on any progress of the case and its outcome.

Any other local authority with responsibility for the child and adult and any relevant partner agencies must also be notified of the allegation and/or investigation within 24hrs. In some circumstances, the Local Authority or Health and Social Care Trust where the NYAS staff member, self-employed contract or volunteer, or carer resides may become involved if the allegations have implications for the care of their own children.

Where the adult of concern is a student, the respective University should also be contacted.

The case must be monitored and regularly updated by the responsible Nominated Safeguarding Officer when there is significant new information, and/or reviewed quarterly and when the outcome of the investigation is known.

Ensure that employees, self-employed contractors, students and volunteers involved with an investigation are aware of the support options available. Refer to NYAS Intranet for information on 'Sources of Support'.

Senior managers are responsible for ensuring that any support offered is kept separate from the managers involved in the investigation (Children and Family Services Volunteers must be contacted to signpost to appropriate support).

Notify the Local Authority Designated Officer (LADO) in English and Scottish authorities or senior managers in the relevant Local Authority or Health and Social Care Trusts in Wales of the conclusion of any internal investigation if appropriate.

At the conclusion of a case all required regulatory referrals or notifications (including Ofsted, Care Inspectorate Wales, CQC and the Charity Commission) must be made and a decision made and recorded by Children's Services and the Human Resources Team as to whether the person will be referred to the Disclosure and Barring Service (England and Wales) or Disclosure Scotland.

5. Escalation of Concerns where there are professional disagreements

If the decision of the child and adult protection service does not agree with your service's assessment of the level of concern this must be discussed immediately with your Nominated Safeguarding Officer to clarify what action needs to be taken. If your Nominated Safeguarding Officer is not available, you must refer your concerns up the line management chain until you are able to speak to a Nominated Safeguarding Officer.

If you disagree with your Nominated Safeguarding Officer's decision and have evidence to suggest that the child or adult is not adequately safeguarded, you should seek advice from the Director of Children and Families England or NYAS Cymru CEO. You should do this with your Nominated Safeguarding Officer's agreement, if possible, but you have the right to raise your concerns regardless of your line manager's consent. This should also be recorded on the safeguarding and serious incident log. In this event the Whistleblowing Policy may be followed.

In any event where you are unsure about a safeguarding matter, you can contact the Director of Children and Families England or NYAS Cymru CEO for further support and advice.

All notes of discussion/disagreement must be recorded on CHIP in accordance with the NYAS Case Recording Policy.

If you disagree with the decision made by the Local Authority/Child and Adult Protection Services, you must contact the local authority manager for discussion. Follow up your concerns in writing within 24 hours.

Further, inform the Director Children and Families England or NYAS CYMRU CEO and discuss possible actions and options available. If the response is still not deemed satisfactory, contact your equivalent level manager in the statutory agency to discuss your concerns.

Follow up your concerns in writing with the statutory agency within 24 hours.

If agreement is still not reached through this route, then discuss next steps with your Executive Team to consider making representation to the relevant Director in the Local Authority, Trust, or Safeguarding Panel.

Many areas have locally agreed Escalation/Conflict Resolution Procedures, and you must familiarize yourself with these and follow them.

If intervention at this level still fails to resolve the concerns, discuss with the Executive Team to determine further action.

6. Child Safeguarding and Adult Practice Reviews

England

Child Safeguarding and Adult Practice Reviews are commissioned when:

- ❖ Abuse or neglect of a child is known or suspected and;
- ❖ The child has died or been seriously harmed

In advance of the decision to undertake a Safeguarding Practice Review, a Rapid Review will be undertaken while it is not necessary to report Rapid Reviews internally, local managers must comply with requests for information regarding Rapid Reviews. These Reviews are used to inform decisions about Safeguarding Practice Reviews at a local level and in conjunction with the National Panel for decisions about national or thematic reviews.

Wales

The criteria for child practice reviews are laid down in the Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015. A Board must undertake a concise child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has:

- died; or
- sustained potentially life-threatening injury; or
- sustained serious and permanent impairment of health or development; and
- the child was neither on the child protection register nor a looked after child on any date during the 6 months preceding –
- the date of the event referred to above; or
- the date on which a local authority or relevant partner identifies that a child has sustained serious and permanent impairment of health and development.

A Board must undertake an extended child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has:

- ❖ died; or
- ❖ sustained potentially life-threatening injury; or

- ❖ sustained serious and permanent impairment of health or development; and
- ❖ the child was on the child protection register and/or was a looked after child (including a person who has turned 18 but was a looked after child) on any date during the 6 months preceding the date of the event referred to above; or the date on which a local authority or relevant partner identifies that a child has sustained serious and permanent impairment of health and development.

Scotland

Learning Reviews are commissioned when a child or adult deemed to be at risk of harm has died and the incident, or accumulation of incidents, gives rise to significant and serious concerns about professional and/or service involvement or lack of involvement or when a child or adult deemed to be at risk of harm has not died but has sustained significant harm or risk of significant harm and the incident, or accumulation of incidents, gives rise to serious concerns about professional and/or service involvement or lack of involvement and one or more of the following apply:-

- ❖ Abuse or neglect is known or suspected to be a factor in the individual's death
- ❖ The child is on, or has been on, the Child Protection Register (CPR) or a sibling is on, or has been on, the CPR
- ❖ The adult is, or has been, subject to Adult Support and Protection procedures
- ❖ The death is by suicide or accidental death
- ❖ The death is by alleged murder, culpable homicide, reckless conduct, or an act of violence
- ❖ At the time of their death, the child was looked after by, or was receiving aftercare or continuing care, from the local authority

6.1. Conducting a review

Any requests to take part in a review should be communicated to the Director of Children and Families England/NYAS CYMRU CEO. The requests should be logged in CHIP. (or request to reopen a case is closed). Where NYAS is or has worked with the subject of the review then a suitably experienced/trained/accredited member of the organisation should be a member of the 'review team' informed by the rapid review and chronology.

Ensure that anyone invited to take part are clear about confidentiality, scope of the review and their role in it. Staff, self-employed contractors and volunteers and managers directly involved in the case will/may be required to form part of the 'Case or Review Group'.

As these reviews are both statutory and/or non-statutory, appropriate advice regarding data protection can be gained from Jane Cogger in respect of what information should be released.

If attending a case/review meeting and/or conversations seek support from your immediate line manager or best practice manager.

The final report and any learning or action arising from it must be shared with the Director of Children and Family Services as chair of the Safeguarding Committee.

7. Prevent

The Prevent duty is the duty in the Counter Terrorism and Security Act 2015 on specified authorities, in the exercise of their functions, to have due regard to the need to prevent people

from being drawn into terrorism.

Radicalisation is comparable to other forms of exploitation and is therefore considered a safeguarding issue that all staff must be aware of. The process for escalating concerns and procedures regarding how to make a referral to the relevant authorities on this specific matter follow below.

The emphasis is upon supporting vulnerable children and adults. There is no expectation that NYAS will take on a surveillance or enforcement role as a result of fulfilling our Prevent duty. The Prevent Concern promotes a multi-agency approach, and NYAS will continue to work within multi-Agency Safeguarding Arrangements.

A Prevent Concern does not have to be proven beyond reasonable doubt; it should be based on something that raises concerns, which is assessed by using professional judgement.

Extremism is defined in the Prevent Strategy 2011 as vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs.

The Terrorism and Security Act 2015 defines terrorism as an act that endangers or causes serious violence to a person/people and/or damage to property; or seriously interferes with or disrupts an electronic system.

Radicalization is defined as the process by which people come to support terrorism and violent extremism and, in some cases, to then participate in terrorist groups. Radicalisation should be considered as an 'additional vulnerability' under Working Together 2018. There is no obvious profile of a person likely to become involved in extremism or a single indicator of when a person might move to adopt violence in support of extremist ideas.

Indicators for vulnerability to radicalization can be similar to those for other forms of abuse and may particularly include:

- Distance from cultural heritage
- Experience of migration
- Experience of racism and discrimination
- Excessive online presence and 'making new friends' online
- Family members or friends associated with extremist groups
- Family tensions
- Sense of isolation and feelings of failure.

It is important to note that not all individuals at risk of radicalization and acts of terrorism are susceptible or vulnerable and they may be acting out of choice.

The level of risk will vary across different parts of the UK. Multi-agency Safeguarding Children's Boards, Children's Services, Early Years Centres, and Employment Training and Skills practitioners should ensure they are informed of the particular risks in their areas and work with other agencies in assessing risks where appropriate.

7.1. Making a report

An employee, self-employed contractor or volunteer may have concerns as a result of:

- ❖ A direct disclosure

- ❖ An observation
- ❖ An expression of concern or complaint made by another person.

If you suspect that a child or adult at risk is at immediate risk or actually engaged in the planning or implementing of an act of terrorism, take the following course of action immediately:

- Contact your Nominated Safeguarding Officer and consider referral to Police on 999 or Anti-Terrorist Hotline on 0800 789 321.
- Contact the Director of Children and Family Services England or CEO Cymru, informing them of the actions taken.
- All actions must be recorded.

If you suspect that a child or adult at risk may be under the influence of radicalisation or extremism but not in immediate danger, the following actions must be taken:

- ❖ Raise your concern directly with your Nominated Safeguarding Officer in the first instance, informing them of the nature of your concerns.
- ❖ Contact the Police on number 101 to discuss the next steps, requesting to speak to officers with the responsibility in relation to Prevent duties.
- ❖ Contact the Director of Children and Family Services England or CEO Cymru informing them of the actions taken. Clarify with the Police or Anti-Terrorism hotline the next steps and whether/how feedback will be provided.

The Nominated Safeguarding Officer should ensure any reported Prevent Concerns are managed in accordance with these procedures and where necessary escalated to the relevant authorities.

8. Female Genital Mutilation

From 31 October 2015, there is a mandatory duty for regulated professionals to report cases of FGM in England and Wales. This applies where the victim is under 18 years old and has disclosed FGM directly or the professional has seen something that possibly indicates the girl has been cut and should be reported to the Police and social care department.

This is a personal duty, which requires the employee who becomes aware of the case to make a report; the responsibility cannot be transferred to anyone else. The only exception is if you know that another member of staff, self-employed contractor or volunteer has already made a report; then there is no requirement to make a second referral.

The duty only applies to employees, self-employed contractors, students and volunteers that work in a regulated profession e.g. teachers, healthcare profession and social workers. It is good practice however be reported as a safeguarding by all professionals.

The duty to report does not apply to cases of disclosure from women over the age of 18. In these instances, you must follow adult safeguarding procedures.

The above procedure should also be considered in respect of safeguarding children from abuse related to religious or cultural beliefs and forced marriage.

If other people disclose a possible case of FGM e.g., parent or friend, or you suspect that a child/adult at risk may be at risk of FGM, the duty to report will not apply. However, this remains a safeguarding concern and must include a referral to the local Social Care Department.

If an employee, self-employed contractor, student or volunteer becomes aware of a case of

FGM, or if they are informed by a girl under 18 that an act of FGM has been carried out on her, or they observe physical signs, which appear to show that an act of FGM has been carried out on a girl under 18 they must always speak to their Nominated Safeguarding Officer about their concerns. This must be at the earliest opportunity and certainly the same day they become concerned. Employees, self-employed contractors, students and volunteers can also seek advice from the [National FGM Centre – Developing excellence in response to FGM and other Harmful Practices](#)

N.B. Scottish Government considers FGM to be an unacceptable and illegal practice, a form of child abuse, violence against women and a violation of the human rights of women and girls. FGM has been unlawful in Scotland since 1985; there is no mandatory duty to report but if you are worried that a child or young person is at risk of FGM or has had FGM, you must treat this as a Child Protection concern and ensure that a Child Protection referral is made in line with the Child Protection procedures and timescales to report your concerns to the relevant statutory authority such as Police and/or Social Work.

8.1. Making a report

A report can be made in writing or orally to the Police and Social Care department. If calling the Police, use the non-emergency number **101**. This report must be completed no later than by the close of the **following working day**. Any reports should be discussed with your Nominated Safeguarding Officer in the first instance but should not delay the referral to the Police.

You should update the Director of Children and Family Services/CEO for Wales of the actions taken and identify whether other safeguarding actions are required, and how these will be taken forward.

If the employee, self-employed contractors, students and volunteers do not carry out their duty to report the case of FGM to the Police, this will be treated as a possible breach of their professional duty and may result in a disciplinary action, termination of agreement and, where relevant, referral to the governing body for their profession.

Safeguarding and Specific Circumstances

9. Information Sharing and Consent

Everyone's right to confidentiality must be respected. All personal data must be treated with care and kept securely; this means not disclosing it to others unless there is a legal reason to do so, and we have informed the subject that we will do this in the privacy notice, or we have the informed consent of the subject, or their parent or person with legal responsibility for them. Disclosing personal data to unauthorized people could place the subject at risk of harm and may be a breach of GDPR and the Data Protection Act 2018.

There are circumstances when we may share personal data without the consent of the subject. The GDPR (article 6.1.d) permits the sharing of personal data without the consent of the data subject to safeguard the data subject, or others, from harm. Safeguarding concerns must always be shared with the local authority and may be shared with the police if this is necessary to protect the data subject or others. The data subject, or their parent, should be informed that the data has been shared unless this would place the individuals concerned at further risk.

Under Schedule 2 of the Data Protection Act 2018, personal data may also be shared with the police without the consent of the subject in order to prevent, detect or prosecute a crime. As a voluntary organization we are not obliged to share data with the police but may choose to do so. The request must be in writing and specify the data required and why this is needed. The responsible manager must weigh up the impact of not sharing the data against the duty of confidentiality that we owe the subject. If we decide not to share information the police must obtain a court order to access the data. All requests to share data must be recorded, including whether or not the data was shared and the reason(s) for this. All information shared electronically should be password protected. Please check with your manager and/or the data protection officer for the required form templates.

For further information see the Information Sharing Policy or discuss with the Data Protection Officer

10. Consent and Capacity

10.1. For Children

A child under 16 can consent to their own treatment if deemed "**Gillick competent**." This means they have sufficient intelligence, competence, and understanding to appreciate fully what's involved in the proposed action or treatment and can make an informed decision. For those not Gillick competent, someone with parental responsibility can consent on their behalf. This includes parents, legal guardians, or those with a residence order. Even when parental consent is given, the child's views should be sought and considered. For children aged 16 and 17, there is a presumption of capacity to consent to their own medical treatment, similar to adults. This can only be overruled with significant evidence suggesting a lack of capacity.

In safeguarding contexts, obtaining a child's agreement to share information is good practice when the child is competent. The agreement should be clear, specific, and freely given. Children under 13 cannot legally consent to any type of sexual activity. For those under 16, any sexual activity, even with mutual consent, is against the law for the older person involved. Valid Consent for a child (who is Gillick competent or a young person aged 16 or 17) or a person with

parental responsibility, consent must be:

- **Voluntary:** Given freely and without coercion or undue influence.
- **Informed:** Based on a clear understanding of the information provided, including the purpose, nature, risks, and alternatives.
- **Given by someone with the capacity to make that specific decision at that particular time.**

10.2. For Adults

For adults (aged 18 and over), capacity refers to their ability to make a specific decision at the time it needs to be made. The Mental Capacity Act 2005 states that an adult must be assumed to have capacity unless proven otherwise. An adult lacks capacity if their mind is impaired or disturbed, making them unable to do one or more of the following:

- ❖ Understand the information relevant to the decision.
- ❖ Retain that information long enough to make the decision.
- ❖ Use or weigh that information to make a decision.
- ❖ Communicate their decision (by any means).

Capacity is decision-specific and time-specific. An adult may have the capacity to make some decisions but not others, and their capacity can fluctuate. Factors like confusion, intoxication, panic, shock, fatigue, pain, or medication can temporarily affect capacity. **Valid Consent:** For an adult to provide valid consent, it must be:

- **Voluntary:** Given freely, without coercion or undue influence.
- **Informed:** Based on an understanding of the information provided about the proposed action, including risks and alternatives.
- **Given by a person with the capacity to make that specific decision at that time.**

10.3. Implications for Safeguarding Arrangements

- ❖ **Empowerment:** Safeguarding aims to empower both children and adults to make their own decisions and be involved in the process as much as possible.
- ❖ **Best Interests:** When an individual lacks the capacity to consent, any actions taken must be in their best interests.
- ❖ **Information Sharing:** Ideally, consent should be obtained before sharing information for safeguarding purposes. However, information can be shared without consent if there's a belief it will enhance the safety and well-being of a child or adult at risk, especially in emergencies. If consent is not sought or granted from an adult with capacity, the reasons must be recorded.
- ❖ **Fluctuating Capacity:** For both children (particularly around adolescence) and adults, capacity can change. Assessments should be ongoing and specific to the decision at hand.
- ❖ **Legal Framework:** The Children Act 1989, and the Mental Capacity Act 2005, provide the legal frameworks for consent and capacity in safeguarding for children and adults

respectively. All safeguarding interventions must comply with these legal principles.

- ❖ **Making Safeguarding Personal:** For adults, safeguarding practice should be person-centred, respecting their right to make their own decisions, even if those decisions appear unwise to others (as long as they have capacity).

In essence, safeguarding arrangements prioritise obtaining informed and voluntary consent from individuals with the capacity to give it. When capacity is lacking, actions are guided by the best interests of the child or adult, within the relevant legal and ethical frameworks.

11. Deprivation of Liberty (DoLs)/Liberty Protection Safeguards (LPS)

Deprivation of Liberty Safeguards (DoLS) are a crucial part of safeguarding arrangements for adults who lack the mental capacity to consent to their care or treatment, particularly when that care involves restrictions that may amount to a deprivation of their liberty. These safeguards are embedded within the Mental Capacity Act 2005 and are designed to protect the rights and best interests of vulnerable individuals in England and Wales.

11.1. Purpose of DoLs in Safeguarding

- **Preventing Unlawful Restrictions:** DoLs ensure that any deprivation of liberty is legally authorised and is a necessary and proportionate response to the risk of harm to the individual.
- **Protecting Human Rights:** They uphold the individual's right to liberty under Article 5 of the European Convention on Human Rights, ensuring that any restrictions are justified and subject to due process.
- **Ensuring Best Interests:** DoLs require assessments to confirm that the deprivation of liberty is in the person's best interests, considering their wishes, feelings, values, and beliefs.
- **Providing a Right to Challenge:** Individuals subject to a DoLs authorisation, or their representatives, have the right to challenge the authorisation through the Court of Protection.
- **Ensuring Regular Reviews:** DoLs authorisations are time-limited (up to a maximum of 12 months) and require regular reviews to ensure the ongoing necessity and appropriateness of the restrictions.
- **Providing Representation:** A "Relevant Person's Representative" (RPR) is appointed to support the individual, ensuring their voice is heard and their rights are protected. This can be a family member, friend, or a paid representative.

DoLs become a key consideration in safeguarding when an adult or child, who lacks the capacity to consent to their care arrangements is, or may need to be, subject to restrictions that meet the threshold for a deprivation of liberty. This typically involves situations where the person is:

- ❖ Under continuous supervision and control.

- ❖ Not free to leave the place where they are receiving care (e.g., a care home or hospital).

The DoLs Process and Safeguarding:

When a care home or hospital (the "managing authority") believes that a person needs to be deprived of their liberty, they must apply to the local authority (the "supervisory body") for authorisation. The supervisory body is responsible for arranging a series of assessments to determine if the following conditions are met:

1. **Age Requirement:** The person is 18 or over.
2. **Mental Health Requirement:** The person has a mental disorder or disability of the mind.
3. **Capacity Assessment:** The person lacks the capacity to consent to the care arrangements.
4. **No Concurring Objection:** The person is not objecting to the arrangements.
5. **Best Interests Assessment:** The deprivation of liberty is in the person's best interests.
6. **Necessity and Proportionality Assessment:** The deprivation of liberty is necessary to prevent harm and is a proportionate response to the likelihood and seriousness of that harm, with no less restrictive alternatives available.

These assessments are carried out by independent professionals, including a Best Interests Assessor (often a social worker, nurse, occupational therapist, or psychologist) and a medical assessor.

It's important to note that the Deprivation of Liberty Safeguards are in the process of being replaced by the Liberty Protection Safeguards (LPS) under the Mental Capacity (Amendment) Act 2019. While the implementation of LPS has been delayed, it aims to provide a more streamlined and wider-reaching framework for authorising deprivations of liberty, extending beyond care homes and hospitals to include supported living and domestic settings. The core principles of ensuring necessity, proportionality, best interests, and the right to challenge will remain central to the LPS.

In summary, DoLs are a vital legal framework within safeguarding arrangements, specifically designed to protect adults who lack the capacity to consent to care that deprives them of their liberty. They ensure that such restrictions are lawful, necessary, in the person's best interests, and subject to regular review and the right to challenge. Professionals working in health and social care must understand their responsibilities regarding DOLs to safeguard the rights and well-being of vulnerable adults.

12. Contextual Safeguarding

Contextual safeguarding is an approach to understanding, and responding to, children's experiences of significant harm beyond their families. The approach has been extensively researched, and significant and important academic work has been undertaken by Professor Carlene Firmin. It recognises that the different relationships children form – in their neighbourhoods, through their networks, at school and online – can feature violence and abuse.

Because children are vulnerable to abuse in a range of contexts, responding to contextual safeguarding concerns means working with children's social care, and other relevant partners,

to assess collectively the risks for children and plan suitable interventions. Some local authorities utilise quality contextual safeguarding action plans (where in place), these are usually undertaken by the local authority's Children's Social Care team and assess and plan interventions in all the spaces in which a child (or group of children) are deemed to be vulnerable to abuse. Alternative plans will be in place in other local authorities, and it may be pertinent to request sight of a local response to contextual safeguarding and community concerns.

Where anyone is concerned about contextual safeguarding factors for a child (or group of children) they must speak with their nominated safeguarding officer and the relevant local authority and provide information about what they know.

13. Transitional safeguarding planning

When working with a child who is approaching the age of 18 and where safeguarding concerns exist, you must establish with the local authority how the care needs of the young person will be placed at the forefront of any future support planning. This should take place well in advance (approximately six months) of their 18th birthday.

Assessment of care needs must include issues of safeguarding and risk. Care planning must ensure the young person's safety is not put at risk through delays in provision of the services needed to maintain their independence, wellbeing and choice. Planning must also consider:

- ❖ the information and advice the young person have received about adult safeguarding whether advocacy and support needs have been addressed; and whether a mental capacity assessment is needed and who will undertake it.
- ❖ If NYAS is advocating for the young person, plans must be established for this provision. In England, if the young person is a care leaver, they are entitled to a personal advisor from the local authority's children's social care until the age of 25 years. In Wales this is not yet in legislation and plans only apply if the care leaver is education or training.

The safeguarding adult's referral route must be followed for anyone over the age of 18 years. However, for care leavers, their personal advisor in the relevant local authority team must also need to be made aware of any concerns.

Line managers must ensure that any gaps in safeguarding transition planning with other agencies are discussed in supervision with employees and volunteers, and that a clear plan is developed on how this will be responded to (and documented on CHIP).

Employees and volunteers must inform their line manager of any responsibilities for safeguarding transition planning that NYAS has taken on. The manager is responsible for ensuring such responsibilities are fully covered in the provision of the service and that records are kept of all relevant activity.

14. Missing Children and Adults at Risk, Suicidal Ideation and Self Harm

If a child or adult at risk goes missing during a NYAS activity or expresses a wish to harm themselves or reports self-harm, then there is a responsibility to act. It is also important when dealing with adult at risk safeguarding to consider any children at risk as there may be a need to follow dual processes.

Risk assessments should be completed prior to all activities in accordance with the Health & Safety Policy and Procedures. Where there are additional concerns about an individual child or adult, an individual risk assessment should be completed in accordance with the Health & Safety Policy and Procedures and shared with relevant parties.

If a child or adult at risk goes missing, and after initial search still cannot be found, the NYAS representative must consider, with their Nominated Safeguarding Officer and parents/carers, whether to notify the Police immediately.

If a child or adult at risk states that they wish to harm themselves, end their life or makes a staff member aware of any aspect of self-harm, the staff member must report if it is linked to a duty to report significant harm. These concerns should be referred verbally and followed up in writing in the form of a part 1 safeguarding and serious incident log and the usual NYAS safeguarding process should be followed.

Where the above presents an immediate risk of harm to the child or adult, emergency support should be sought immediately from 999.

If any of the above occur out of hours, the on-call NYAS number should be called and Emergency Duty Team. This judgement should be informed by the level of the child's or adult's vulnerability or an assessment of risk to themselves or others. If contacting the emergency services, details of the risk assessment must be shared along with the child's/adult's details.

If a child is subject to a child protection (Section 47) enquiry or on a child protection plan, child protection register, interim or full care order or a supervision requirement, or resides in an inpatient setting then the Local Authority/Trust must be informed immediately. If it is out of hours, the Duty/Out of Hours on call service should be contacted.

Any child or adult should be reported to the Police immediately, if:

- He/she is overdue for medication
- He/she has an assessed disability that increases their level of vulnerability
- He/she shows a high level of vulnerability from their risk assessment
- He/she is under the age of eleven years or has special medical needs or who is considered a risk to themselves or others.

Where a decision is made not to contact the Police, this must be agreed with a Nominated Safeguarding Officer and the Duty Officer in the Statutory Children's or Adults Services/Hospital Trust should be contacted to agree a course of action including a risk assessment process.

In conjunction with these the local safeguarding procedures, in respect of missing from home protocol should, be followed.

14.1. Definition/Types/Signs of Self Harm

Definition of self-harm: 'Deliberate injury to oneself, typically as a manifestation of a psychological or psychiatric disorder.'

Types of Self Harm: There are many different ways people can intentionally harm themselves, such as:

- ❖ cutting or burning their skin
- ❖ punching or hitting themselves
- ❖ poisoning themselves with tablets or toxic chemicals

- ❖ misusing alcohol or drugs
- ❖ deliberately starving themselves (anorexia nervosa) or binge eating (bulimia nervosa)
- ❖ excessively exercising

NB This list is not exhaustive.

Signs of Self Harm:

- unexplained cuts, bruises, or cigarette burns - usually on the wrists, arms, thighs and chest
- keeping themselves fully covered at all times, even in hot weather
- pulling out their hair
- alcohol or drugs misuse
- self-loathing and expressing a wish to punish themselves
- speaking about not wanting to go on and wishing to end it all
- becoming very withdrawn and not speaking to others
- changes in eating habits or being secretive about eating
- unusual weight loss or weight gain
- signs of low self-esteem, such as blaming themselves for any problems or thinking they're not good enough for something
- signs of depression, such as low mood, tearfulness or a lack of motivation or interest in anything

15. Youth Custody Settings

Youth Custody Service (YCS) has operational responsibility for all children held in youth justice secure accommodation, either remanded or convicted.

Youth Offending Institutions are governed by Young Offenders Institution Rules (1988).

Secure Training Centre's are governed by Secure Training Centre Rules (1998), and

Secure Children's Homes are governed by Children's Home Regulations (2015) in England and The Children (Secure Accommodation) Regulations (2015) in Wales.

YCS is also informed by legislative guidance from the Department for Education, which includes Working Together to Safeguard Children Guidance within England, Wales and Scotland.

Further policy guidance is available with the recently issued [Safeguarding and child protection in the children and young people secure estate policy framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Safeguarding_and_child_protection_in_the_children_and_young_people_secure_estate_policy_framework.pdf).

Inform your Nominated Safeguarding Officer if there are safeguarding concerns and in addition, inform the Head of Safeguarding in the relevant Youth Custody Service setting.

16. Court proceedings

Children and adults working with NYAS may encounter court in the following contexts:

- ❖ as a victim of a crime when they appear as a witness
- ❖ via the Family Court, in private proceedings where decisions about which parent or family member they will live with, and contact arrangements with the non-resident parent
- ❖ Care proceedings where the local authority seeks to share Parental Responsibility for the child by gaining a Care Order
- ❖ when they are charged with a criminal offence.
- ❖ When the local authority is considering secure accommodation or deprivation of liberty on welfare grounds

A child or adult at risk cannot be interviewed by the police without an Appropriate Adult being present. Where there is no parent/carer or family member, often local Youth Offending Services or local authority social workers who have undertaken Appropriate Adult training can fulfil this role.

17. Digital Safeguarding

If anyone suspects that a child, young person or adult at risk is being, or has been, subjected to physical, sexual and emotional abuse through the use of information and communication technology (ICT) they must follow NYAS safeguarding policy. They must also, as part of the process make a referral to the local authority. Information (Intelligence) must also be shared with the local police force by calling 101, or 999 if there is a risk of immediate harm. Each police force area will have a dedicated unit overseeing online investigations.

If the concern is in regard to the sexual abuse or grooming of a child online, a referral may also be made to the Child Exploitation and Online Protection Command (CEOP), which is part of the UK's National Crime Agency (NCA). Where an employee is unable to establish a local police force area in relation to the abuse, a referral to CEOP must be undertaken. CEOP will make the necessary arrangements to liaise with appropriate police force areas. CEOP is tasked to work both nationally and internationally to bring online child sex offenders, including those involved in the production, distribution, and viewing of child abuse material, to the UK courts. Referrals can be made at [Report to CEOP](#).

18. Domestic abuse

If anyone suspects a child or adult at risk to be involved in domestic violence or abuse (whether as a victim, bystander or perpetrator), they must discuss this with their nominated safeguarding officer on the same working day as concerns arise. If the concerns present an immediate threat to the safety and welfare of the individual, employees must take care not to put themselves at risk, and to seek the assistance of the police.

A child who is within a household where there is domestic abuse may be considered a child in need, and therefore a referral to the local authority must be made. This may also be true of a young person under 18 who is perpetrating abuse.

If at any time a view is reached that an incident, or an accumulation of incidents, may be placing

a child at risk of significant harm, a referral to the local authority must be made.

Nominated safeguarding officers and the relevant line managers must make a supervisory record of any discussions, including decisions on actions that are to be taken, and by whom.

Where anyone has a concern about an adult at risk who may be the victim of domestic abuse, they must follow the relevant safeguarding procedures in this policy document.

19. Child Exploitation

Services may identify service users who are subject to or at risk of child exploitation (CE). However, some children may be at higher risk of this e.g. care leavers, children missing from care, unaccompanied asylum seekers and homeless children. At times, these children may lead chaotic lives, and some engage in behaviour which heightens their risk. However, no child or young person is ever responsible for the abuse to which they are subjected. Children and can be exposed to different forms of exploitation such as sexual and criminal exploitation. County lines is often closely linked to these forms of exploitation.

If anyone becomes aware of a child/young person who may be at risk of child exploitation, they should report this to the Nominated Safeguarding Officer linked to their department or region in the first instance. Indicators may include:

- Missing from home for periods of time
- Regularly missing school/education
- Appearing with unexplained gifts/money/expensive item
- Associating with other children involved in CE
- Having older boyfriends/girlfriends
- Evidence of alcohol or substance misuse.

If concerned about the possibility of CE, a child protection referral should be made to the Local Authority. If there are immediate concerns from a child/young person the Police/Social Care Department should be contacted.

20. Private Fostering

If you suspect that a child is in a private fostering arrangement (see definition section) you have a statutory duty to notify the relevant Local Authority in terms of ensuring their welfare and protection.

If such concerns arise, these should in the first place be raised with your Nominated Safeguarding Officer and agree next steps.

21. Children as perpetrators of abuse: Child to parent/carer violence and child on child abuse

Children who may be considered as:

- ❖ alleged perpetrators
- ❖ perpetrators of abuse
- ❖ possible harm to other children and/or adults (such as family members, including child to parent/carer violence)

They are likely to be children in need, and some may have suffered, or be likely to suffer, significant harm and be in need of protection. It is important to share any information pertaining to these concerns or behaviours with social care, which will inform social care's decision about how most appropriately to proceed. It is also important to consider any experiences of the child as a victim as well as a perpetrator when sharing information with social care and/or the police.

In all cases where a child seriously harms or is alleged to have harmed another child or adult (including sexually), an escalating conversation with a senior manager must take place. Following the escalation a decision about making a formal referral to the relevant local authority in relation to both children. The child who is identified as the victim (if the victim is a child), and The child who is known / alleged to have caused the harm.

Employees should base their decision on whether behaviour directed at another child should be categorised as harmful or not on the circumstances of each case. It will be helpful to consider the following factors:

- The relative chronological and developmental age of the two children (the greater the difference, the more likely the behaviour should be defined as abusive)
- Whether the alleged abuser is supported or joined by other children
- A differential in power or authority (e.g. related to race, gender, physical, emotional or intellectual vulnerability of the victim)
- The actual behaviour (both physical and verbal factors must be considered)
- Whether the behaviour could be described as age appropriate or involves inappropriate sexual knowledge or motivation
- The degree of physical aggression, intimidation or bribery
- The victim's experience of the behaviour and the impact it is having on their routines and lifestyle (e.g. not attending school)
- Attempts to ensure secrecy
- Duration and frequency of behaviour.

Referrals to local authority children's social care and/ or police in line with local policy and procedures. This needs to:

- ❖ include details of any sibling/s of the perpetrator, and or the victim. A referral must be made when there is a suspicion or an allegation of a child:
- ❖ having been seriously physically abused or being likely seriously to physically abuse another child or an adult
- ❖ having seriously harmed another child or an adult
- ❖ having seriously emotionally abused or being likely to emotionally abuse another child or adult seriously.

If the local authority's response is deemed to be inadequate, or it doesn't sufficiently address the risk of abuse, employees must discuss this with their manager on the same day. The service manager must then review the details of the situation on the same day and make a decision to take action regarding any escalation required.

22. NYAS Guidance for concerns with animal welfare and cruelty

In carrying out your role you may become concerned about animal welfare and/or witness animal cruelty:

Animal cruelty is where a person is deliberately causing an animal to suffer, for example by physically harming them. Neglect is where a person is causing an animal to suffer by not providing everything they need to be well. For example they're not giving the animal the food, water or vet treatment they need. They might be keeping the animal in a small cage or leaving them alone for too long. People don't always mean to neglect animals, they sometimes don't understand what they need. [Animal cruelty](#)

Each situation should be handled sensitively and a focus on the well-being of both the animals and the people involved. It's a delicate balance, but ensuring everyone is safe and healthy is key, alongside a moral duty to report any concerns.

In circumstances where you have concerns you should:

- carefully note and document these observations. This could include visible injuries, poor living conditions, or reports from other members of the public.
- speak *immediately* to your line manager or best practice manager to evaluate the potential risks to both the animal and the household members. If animal welfare and cruelty remain a concern, then this should be reported to the [RSPCA](#). Where concerns have been identified and/or reported, case notes must be completed and submitted to the service user record on CHIP within 24hrs.
- sometimes the abuse/neglect of animals can suggest wider safeguarding concerns in the home involving adults or children. This must also be considered and reported appropriately. Further information is available from [The Links Group](#).

NYAS Operating Procedures

23. Safer Recruitment

Recruitment is undertaken in line with NYAS' robust safeguarding principles, including references spanning 5 years, Enhanced Disclosure checks including checks against the Children and Adult Barred list for all posts that meet the eligibility criteria. Existing staff, self-employed contractors and volunteers are re-checked periodically and/or at every three years. NYAS uses an online DBS employment check system that enables faster, easier, and more secure turnaround on Disclosure checks. All those who work for, or on behalf of NYAS, including employees, self-employed contractors, students, and volunteers are required to undergo Digital Risk Assessments.

NYAS recruitment and Selection Policy requires recruiting managers to take up two professional references that are satisfactory to NYAS prior to appointment covering the last 5 years to date with at least the most recent employment/role covered, except INDM service roles. For INDM service roles, references will be required from all care related front line roles.

24. Expectations of Workforce

Everyone working for NYAS, either as an employee, self-employed contractor, student, or volunteer has a responsibility to familiarize themselves with this safeguarding policy and the procedures that go with it. They must maintain a proper focus on the safety and welfare of service users in all aspects of their work.

Anyone who is assigned to work or volunteers for NYAS must inform their manager if they or any adult living in their household become(s) the subject of an allegation of abuse against a child or vulnerable adult, or a police enquiry, irrespective of the nature of that enquiry.

Any allegations of misconduct towards service users by those representing NYAS will be managed using NYAS procedures. Management should be informed, and appropriate action will be taken. The whistleblowing procedure may also be utilized. All service users, parents, carers and professionals will be informed about this procedure, how to complain and NYAS' confidentiality policy at initial and ongoing direct contact.

25. Learning, Development and Training

NYAS is committed to ensuring that everyone who represents us understands their safeguarding responsibilities and keeps their knowledge up to date. All members of the workforce must complete an online safeguarding training package within 3 months of taking up post, and regularly after that within at least two-yearly intervals in addition to Local Authority Regional Safeguarding Board training. NYAS' Learning and Development policy and NYAS' Induction Plan outlines the required Induction and linked Mandatory Training, specific to individual roles. As stated within this policy, the training and induction received by individual members of the workforce will be dependent on needs related to specific roles being carried out at NYAS. As a minimum this includes:

- Code of Conduct
- Safeguarding Child and Adults level 2 and then renewed every 2 years
- Data Protection and the GDPR
- Information Security
- Equality and Diversity

There will also be regular training on specific areas of risk, emerging themes and safeguarding practice identified by the Safeguarding Committee. The nominated safeguarding leads will also receive specific safeguarding training to ensure that they can support staff effectively.

It is the responsibility of the individual and their line manager to ensure mandatory training is completed. Managers who supervise volunteers, self-employed contractors, students and staff who do not work in Children and Family Services must ensure that safeguarding training is provided and regularly updated.

Team and other meetings have a standing agenda item of safeguarding and can be used to discuss safeguarding issues, changes in regulation and best practice. All training and requirements for additional specialist training are recorded and discussed as part of an annual APR and training analysis to inform future training provision.

26. Supervisions, Best Practice and One to One Meetings

There is an expectation that all supervision, best practice and one-to-one meetings will have safeguarding as a standing agenda item in order for safeguarding, as it relates to each role, to be discussed and embedded in all the work undertaken. This will include reflection on safe practice and managing risk. Supervision will detail actions required alongside appropriate timescales. Supervisors will further assess the quality of safeguarding management via case audits and monitoring of performance indicators.

27. Managing Risk

NYAS has an effective procedure for assessing and managing risks with regard to safeguarding children and adults at risk. The organisation has a procedure in place for reporting, recording and reviewing allegations. These reports and the learning from them informs our practice, the risk assessment, and revisions to management procedures.

NYAS aims to improve the personal safety of those we work with by:

- ❖ fostering an open, supportive dialogue and working relationship
- ❖ ensuring everyone feels heard when responding to concerns
- ❖ ensuring strong feedback is provided to develop confidence, trust and empowerment
- ❖ encouraging open communication
- ❖ providing clear, easy channels for reporting
- ❖ where appropriate educating on identifying risks

28. Records

Professional and up to date records are essential in situations where it is suspected or believed that a child or a young person may be at risk of harm. The organization has a clear policy on the management of records, confidentiality, and sharing of information which adheres to the requirements of GDPR and the Data Protection Act 2018 (see Data Protection Policy). Trustees, staff, students and volunteers are clear about what information can be shared with relevant people within and outside of the organization and have access to specialist advice if they are unsure. All staff, self-employed contractors, students and volunteers adhere to the NYAS recording policy.

29. Learning and Improving

We are determined to keep improving our knowledge and understanding of how best to protect service users. We will review our own practice regularly through service user feedback, case audit, peer audit and service audit tools to check that we are placing the right emphasis on safeguarding in our work. In Wales, RISCA will be referred to as well as quality care reviews and CIW inspections.

We will carry out in-depth reviews of our actions in cases where children suffer serious harm while under the care of providers that we regulate or inspect, and where these cases raise questions about NYAS practice that need to be examined. The main purpose of the reviews is to learn lessons about where our systems need to improve in order to protect children better in future. We will also promote a culture in which we are able to highlight and review near misses to learn and improve our practice.

30. Personal Relationships and Contact with Service users outside of work

All employees, self-employed contractors, students and volunteers should declare any personal relationships with any service user(s) if they begin to attend your place of work/use services you provide.

It is usually inappropriate for NYAS' employees, self-employed contractors, and volunteers to deliver a service or become the key workers to a friend or family member. If this situation occurs arrangements should be made for another staff member/volunteer to take over the case or key worker role. You must agree any exceptions to this (for example, where a parent of a service user volunteers with group work for disabled children) and the decision is recorded on the staff/self-employed contractor's or volunteer's file.

31. Self-disclosure of personal experiences

It is not usually acceptable for anyone to self-disclose their personal experiences to a service user. There may be occasional exceptions to this where some self-disclosure is appropriate, and professional judgement should be exercised. Boundaries relating to this must be discussed with your line manager.

32. Continuing a relationship after the service or piece of work is complete

It is not normally acceptable for anyone to have contact with a service user in a personal capacity once the service or piece of work they have been involved in is complete. Any exceptions to this must be agreed with line management.

Appendices

Appendix One: Reporting a Safeguarding Concern (Children): Referral/Report Notification Pathway

[New Reporting a Safeguarding Concern Flow chart - Children and YP's.docx](#)

Appendix 2: Reporting an Adult Safeguarding Concern: Referral/Report Notification Pathway

[New Reporting a Safeguarding Concern Flow chart - adults at risk.docx](#)

Appendix Three: Nominated Safeguarding Officers

[Nominated safeguarding officers.docx](#)

NYAS Equality Impact Assessment

1. Equality Impact Assessment

Before carrying out an Equality Impact Assessment (EIA), you should familiarise yourself with the guidance notes (see document in Culture SharePoint Hub). An EIA should be carried out whenever you are starting (and regularly reviewing) any major activity (e.g., a new strategy, policy, programme, or campaign).

A. Name and the nature of the policy, programme or activity
NYAS Safeguarding Children and Adults at Risk Framework
B. Reason for Equality Impact Assessment
Please tick as applicable: <input type="checkbox"/> Proposed new policy, programme or activity. <input type="checkbox"/> Proposed change to an existing policy, programme or activity. <input checked="" type="checkbox"/> Undertaking a review of an existing policy, programme or activity. <input type="checkbox"/> Other (please state):
C. Person responsible for the policy, programme or activity
Name: Gary Thomas Job title: Director of Children and Family Services England Department: Service Delivery
D. Purpose of the policy, programme or activity
Describe the overall purpose of the policy programme or activity and what is it meant to achieve. This purpose needs to be defined in some detail and to be crystal clear in meaning. E.g. what is the intention that the assessment will seek to measure.
The policy serves to ensure the safety and well-being of all individuals, particularly those who may be vulnerable, from harm, abuse, or neglect. Its overall purpose is to establish clear procedures and responsibilities for identifying, reporting, and responding to safeguarding concerns, thereby creating a secure environment and preventing discriminatory practices that could lead to harm. By proactively addressing potential risks and promoting a culture of vigilance, the policy aims to protect the rights and dignity of every individual, aligning with the principles of equality and non-discrimination that underpin the assessment.

E. Mechanics of the policy, programme or activity

This section aims to explore how NYAS will set up systems, practices, understandings or conventions to deliver on the purpose of the policy, programme or activity. This is about process mechanics, or more simply, 'how it works'. Consider here what barriers might emerge and what supports is on hand.

A robust safeguarding policy aims to protect vulnerable individuals from harm. To ensure this policy also upholds equality and doesn't inadvertently discriminate, it is necessary to consider specific systems, practices, and conventions.

Systems

- **Clear Reporting and Referral Systems:** Easy-to-access ways for people to report concerns well-defined steps for escalating issues, and secure, confidential record-keeping.
- **Training and Development Systems:** Regular, mandatory safeguarding training for all staff, which should also integrate equality and diversity principles. Specialised training might be needed for those working with particular vulnerable groups.
- **Monitoring and Review Systems:** Regular audits of safeguarding practices, collection and analysis of data (including demographics to spot disproportionate impacts), and mechanisms for feedback from service users.
- **Information Sharing Systems:** Clear rules for sharing information appropriately and effective collaboration frameworks with other agencies.

Practices

- **Person-Centred and Rights-Based Approach:** Empowering individuals, respecting their dignity, and ensuring support is proportionate to the risk.
- **Proactive and Preventative Practice:** Identifying risks early, creating safe environments, and raising awareness about safeguarding.
- **Inclusive and Accessible Practice:** Providing information in various formats and languages, showing **cultural competence**, and offering tailored support that acknowledges diverse needs.
- **Accountability and Transparency:** Clearly defined roles, open communication about processes, and a commitment to honesty when things go wrong.

Understandable Conventions

- **Plain Language and Accessible Terminology:** Avoiding jargon and defining key terms clearly in all communications.
- **Consistent Messaging:** Ensuring everyone involved shares unified and visible messages about safeguarding principles.
- **Culturally Sensitive Communication:** Engaging respectfully with all communities and challenging stereotypes.
- **Regular Communication and Awareness Campaigns:** Continuously sharing updates and promoting public awareness about safeguarding.

By implementing these, NYAS can ensure its safeguarding policy not only protects individuals but also actively promotes equality and fosters positive relations among all people.

F. Equality and diversity considerations

Indicate the ways in which the groups below may be impacted by your activity to determine who will benefit and how they will be benefit. This may be negative, positive or neutral and will enable you to identify any disadvantages. There are some example questions in the guidance to aid your thinking. For any that you believe are not relevant, this should be recorded and explained in the reasons / comments:

If you are unsure about how to find out about the needs of the groups noted below, you may wish to speak to your line manager or the programme lead.

Characteristic	Positive impact	Negative impact	Neutral impact	Reasons / comments
Age	X			
Disability (consider both physical and mental health conditions)	X			
Race (e.g., including ethnicity and nationality)	X			
Religion or belief	X			
Sex or Gender identity	X			
Sexual orientation	X			
Trans and non-binary	X			
Pregnancy and maternity	X			
Marriage & civil partnership	X			
Care experience	x			
People experiencing multiple needs such as homelessness, mental health problems, being involved in the criminal justice system or substance misuse	X			
Social deprivation, e.g., people who may be prohibited from attending your event due to the cost of travel	X			

Other (not identified above)	X			

G. Evidencing Impact

Please answer each of the following questions:

What evidence has been used to complete this assessment? (e.g. workforce statistics, survey results etc.)	Range of external statutory requirements and best practice ways of working
Are there any risks that could lead to discrimination, harassment or victimisation?	None identified
How does this contribute to advancing equality of opportunity?	Through protection of harm, neglect and abuse
Have reasonable adjustments been considered where needed? How?	further work needed to update service user information
How will this be communicated and made accessible to all groups?	Via internal comms and external website and through ne to one case work with service users
How are you engaging with people with a wide range of protected characteristics in the development, review and/or monitoring?	Through the safeguarding committee where we monitor statistics around safeguarding

H. EIA Outcome – What action should be taken next?

Select one of the five options below to indicate how the development or review of the programme or activity will be progressed and state the rationale for the decision. (**Tick** the options that applies):

- ☒ Option 1: No change required – the assessment is that the policy, programme or activity is or will be robust.
- ☐ Option 2: Adjust the policy, programme or activity – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.
- ☐ Option 3: Continue the policy, programme or activity despite the potential for adverse impact with mitigation in place.
- ☐ Option 4: Stop the policy, programme or activity, as there are adverse effects that cannot be prevented or mitigated.
- ☐ Option 5: Monitoring and review, the impact will only be known once the policy, programme or activity has been introduced and implemented.

I. Action

Please specify the actions required to implement the findings of this EIA and how the policy, programme or activity's equality impact will be monitored in the future. It may be helpful to complete the table

Action Plan

Issue identified	Action	Timeframe and lead

J. Monitoring

Monitoring

What steps will be taken to monitor this once it has been implemented?	Quarterly via the safeguarding committee
When will this next be reviewed?	annually

K. Sign-off

EIA undertaken by (name and job title): Gary Thomas, Director of Children and Family Services England
Date: 25th June 2025

L. Sign-off

EIA reviewed by (name and job title): Policy Committee
Date: TBC