

## **Child Protection Policy and Procedures**

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## **1. Policy**

### **Aims and Objectives**

Ashurst Wood Youth Club is a constituted group working to promote the development of young people (11 to 18 years) through providing information, education and leisure opportunities and by actively involving its members in the running of their Club, their community and society.

### **Policy Statement**

Ashurst Wood Youth Club is committed to protecting young people and reducing the risks from harm. We recognise our responsibilities to develop awareness of the issues which cause Young People harm.

### **Aims**

Ashurst Wood Youth Club will endeavour to safeguard Young People by:

- Adopting child protection guidelines through a code of behaviour for staff and volunteers.
- Sharing information about child protection and good practice with Young People, parents, staff and volunteers.
- Sharing information about concerns with agencies who need to know, and involving parents and Young People appropriately.
- Following the agreed procedures for safe recruitment and selection of staff and volunteers.
- Providing effective management for staff and volunteers through supervision, support and training.

Ashurst Wood Youth Club recognises the occurrence of abuse within our society, and the very damaging consequences both for those who suffer the abuse and those who perpetrate it. The protection of Young People from abuse is a responsibility of all citizens in the UK and is a shared responsibility for Ashurst Wood Youth.

### **In all its undertakings, Ashurst Wood Youth Club will:**

- Maintain a clear focus on the interests and rights of the Young Person.
- Respect everyone who receives or provides services.
- Be supportive to Young People in order to help prevent abuse occurring or to moderate its effect.
- Co-operate with other agencies in dealing with actual or likely abuse.
- Support staff, volunteers and carers/parents in working in this area of activity.
- Ensure that all activities offered will be risk assessed, planned and appropriate for the age of the Young People attending.
- Ensure that Young People and young people are informed of the relevant policies and procedures relating to safeguarding and child protection as appropriate.

## **Nominated representative**

The Chairman has responsibility as the nominated representative for all issues related to Child Protection on behalf of Ashurst Wood Youth Club.

## **Aims and Objectives Ashurst Wood Youth Club**

2.1 The Young Person's interests are paramount and his or her safety and welfare will always be given first priority.

2.2 A Young Person's concern will be listened to carefully and will always be taken seriously.

2.3 The limits of confidentiality in the context of child protection will be explained to Young People at the time of their initial involvement with the agency.

2.4 Care will be taken not to infringe privacy and confidentiality any more than is necessary to safeguard the welfare of the Young Person.

2.5 In assessing the need for action when faced with child protection concerns, staff or volunteers will consider the situation in the context of family relationships, religion, disability, sexuality, gender, age and culture.

2.6 Unless there are exceptional circumstances staff or volunteers will share their concerns with Young People and inform them of any action they intend to take.

2.7 Arrangements will be made to assist with communication in circumstances of disability or where English is an additional language.

2.8 Staff or volunteers will use plain jargon-free language appropriate to the age, ability and culture of each person, and will explain any unavoidable technical or professional terms.

2.9 Ashurst Wood Youth Club will ensure that all staff and volunteers understand the project's child protection procedures and are given appropriate levels of training in child protection matters through appropriate agencies.

2.10 Ashurst Wood Youth Club will engage with training programmes that take account of the latest Government guidance and requirements, and relevant research and operate within an anti-discriminatory framework.

2.11 Ashurst Wood Youth Club will ensure that the child protection procedures for the authorities within which it operates are understood in

order that good working relationships and appropriate levels of co-operation can be maintained should the occasion arise.

2. 12 Ashurst Wood Youth Club will ensure that all staff and volunteers receive appropriate supervision on a regular basis and have access to a line Chairperson in the event of the need for an urgent case discussion.

### **3. Code of behaviour for staff and volunteers**

3. 1 Ashurst Wood Youth Club seeks to have a Young Person centred approach to its work. We recognise the need to:

- Listen to Young People.
- Value and respect Young People as individuals involve Young People in decision making, as appropriate.
- Encourage and praise Young People.

It is also important for the protection of all concerned, that staff, volunteers, children and young people have guidelines on what is expected and what is not accepted, with respect to their behaviour.

#### **Guidelines for staff and Volunteers**

- Staff and volunteers should not spend excessive amounts of time alone with Young People, away from others.
- Meetings with individual Child or young people should take place as openly as possible.
- If privacy is needed the door should have a see through glass panel or the door left open and other staff or volunteers informed of the meeting.
- Staff and volunteers are advised not to make unnecessary physical contact with children and young people.
- However there may be occasions when physical contact is unavoidable, such as providing comfort and reassurance for a distressed Young Person or physical support for example in sports activities.
- In all cases, physical contact should only take place with the consent of the child or young person.
- It is not good practice to take Young People alone in a car on journeys, however short. Where this is unavoidable it should be with the full knowledge and consent of the parents/carers and the person employed who has management responsibility for the activity.
- Staff and volunteers should not meet with children outside organised activities unless it is with the knowledge and consent of parents/carers and the person employed who has management responsibility.
- Staff/Volunteers who are involved in relationships with other adults within the activity group should ensure that their personal relationships do not affect their Staff/Volunteer role within the organisation.

**Staff and volunteers should never:**

- Engage in rough physical games.
- Including horseplay apart from structured sports activities.
- Allow the use of inappropriate language unchallenged.
- Make sexually suggestive comments about or to a Young Person even in fun.
- Let allegations a Young Person makes go without being addressed and recorded.
- Do things of a personal nature for Young People that they can do themselves.

## **4. Protecting Young People from Harm**

### **General**

4.1 Protecting Young People from harm requires maximum co-operation and consent between Young People their families' communities and professionals.

4.2 Registration of all Young People and young people taking part in activities is a basic requirement. Workers should take details of the Young Person's full name. Address, date of birth parent/carer and GP along with any special needs issues and health issues.

4.3 Activity Staff/Volunteers should ensure that all those working with children and young people are familiar with the following reporting procedures:

- Activity Staff/Volunteers should identify a designated person to have responsibility for dealing with concerns. This will usually be the Activity Staff/Volunteer her/himself.
- In the absence of the Activity Staff/Volunteer, staff or volunteers should take any concerns to the Staff/Volunteer or if the Staff/Volunteer is not available, the Chairperson of Ashurst Wood Youth Club. Activity Staff/Volunteers should ensure that contact details for these named persons are available within the project.
- Staff/Volunteer should ensure a copy of the relevant Local Authority child protection procedures is available.

### **What to do where there are concerns about a Young Person's welfare or In the event of disclosure of potential abuse**

4.4 It is not the responsibility of Ashurst Wood Youth Club or any of the staff or volunteers working on its activities to undertake an investigation of potential abuse.

The role of Ashurst Wood Youth Club is to listen carefully, note what is said, give reassurances where appropriate and seek advice as soon as practicable to do so.

4.5 Where any worker or volunteer is concerned about the welfare of a Young Person or has suspicions about any physical injuries they should share this concern immediately with the Chairperson of Ashurst Wood Youth Club.

If the concerns remain, the Staff/Volunteer should liaise with the relevant Social Services Department, or the Local Safeguarding Board who will decide on the next course of action. The Chairperson of Ashurst Wood Youth Club must be fully informed.

4.6 If any Young Person or adult user asks the worker to keep information about potential or actual abuse secret, the worker must explain immediately and straightforwardly that such information cannot be kept confidential and will be discussed with their line manager.

4.7 An adult may reveal information about potential abuse without realising the significance of what he or she is saying. The worker should discuss the situation with their line manager at the termination of the session. Where in all the circumstances the line manager assesses a referral to the relevant Social Services Department is necessary, they should first liaise with the Chairperson of Ashurst Wood Youth Club, or go directly to the Police in extreme circumstances.

4.8 A Young Person or Adult may make a clear statement about the occurrence of abuse now or in the past. Notwithstanding paragraph 4.4, it will be important to:

Listen to the Young Person, rather than asking questions of them directly. Offer them reassurance without making promises and take seriously what the Young Person says.

Avoid overreaction and interrupting a Young Person who is freely recalling significant events, avoid questioning or interrogating the Young Person.

Explain what you have to do next and whom you have to tell.

Record the discussion accurately, as soon as possible after the event even if it is information you do not fully understand or like writing down (see 5. 1 below).

The worker should discuss the matter as soon as possible with the project manager/Chairperson who should refer the matter to the relevant Social Services Department or Local Safeguarding Board in keeping with the local Area Child Protection Committee procedures.

4.9 In exceptional circumstances, when it is judged that the child or young person is in immediate danger, the worker/Staff/Volunteer should take steps to keep them safe until appropriate action can be taken by Social Services. A decision to take such action requires immediate discussion with the Chairperson Ashurst Wood Youth Club, if possible.

4. 10 In situations where an adult openly refers to abuse or expresses concern about their or a partner's treatment of a Young Person the worker

should check back what is being said, and make it clear that he or she will need to discuss with their Staff/Volunteer what happens next. Upon receipt of any such information the Staff/Volunteer should discuss the matter immediately with the Chairperson of Youth Club.

4.11 Where following consultation with the Chairperson of Ashurst Wood Youth Club, it is decided that an immediate child protection referral to the Social Services Department is required the Staff/Volunteer should make a telephone referral to the local authority. This should be followed up by a report in writing detailing the concerns. NB: In any such circumstances it is for the Local Authority to decide and negotiate as to who undertakes any investigation.

4.12 Staff/Volunteers and workers should at all times respect the right of parents, Children and Young People to be kept informed throughout the process of identifying concern and referral on to Social Services. The wishes and feelings and consent of the child or young person age 11+yrs or Parental responsibility consent should at all times be ascertained and wherever possible followed, but the workers primary consideration must always be the safety and welfare of the child or young person

#### **Action in relation to adult victims of abuse**

4.13 Adult and Young People may disclose that they have been abused as Young People and the abuse may have continued into adulthood. They may not want to take any further action and it may be sufficient that the abuse is acknowledged. They may, however, ask for or are assessed as needing help in dealing with these past events because of the impact upon their current behaviour and especially the effect upon any Young People for whom they have responsibility. In these circumstances the worker should liaise with their line manager to:-

Discuss a referral to an appropriate agency for counselling. A referral should only be made with the agreement of the service user.

Consider referring the matter to the police. No matter how old is the abuse it is not too late for a prosecution although this will be for the police to decide in conjunction with the Crown Prosecution Service. Before any decision to refer to the police, the Staff/Volunteer should first liaise with Chairperson, if possible. Again careful thought will need to be given to how the service user feels if he or she makes a statement to the police. Such a step requires much courage on the part of the service user. It is important to understand that the outcome may be that no further action is possible either because of a lack of corroborating evidence or because the police assess that the individual complainant will not be able to withstand a detailed cross examination by the defence solicitor.

4.14 Where it is alleged there are Young People currently living with an alleged perpetrator, the worker should inform the Staff/Volunteer immediately who should then liaise with the Chairperson of Ashurst Wood

Youth Club. The Staff/Volunteer will usually be directed to refer to the Social Services Department within which the Young People are resident. In the first instance it is for the Social Services Department to make a decision about involving the police.

4.15 The service user may indicate that he or she is unwilling to make a statement to the police or talk to Social Services staff. A referral should none the less be made if it is decided that the allegation is of sufficient substance and concern to be likely to merit further investigation.

### **Record Keeping**

5.1 It is essential that a careful record on the case file is made as soon as possible or in any case within 24 hours of any of the above events. This record should include what was said by whom, the decisions made and reasons for them, the action taken and any outcome. In any circumstances where the protection of a Young Person has been discussed the record should be countersigned by the Staff/Volunteer together with any other relevant comments or information.

5.2 All records will be kept securely at the project office base with access only permitted by the Staff and the Chairperson of Ashurst Wood Youth Club as appropriate. Any records kept as computer files will only be held on PCs with password security that is regularly updated.

### **6. Sharing Information: Confidentiality in Child Protection**

6.1 Keeping Young People safe from harm requires professionals and others to share information;

- About a Young Person's health and development and exposure to possible harm.
- About parents who may need help to care or may not be able to care adequately and safely for a Young Person.
- About those who may pose a risk of harm to a Young Person.

6.2 Often, it is only when information from a number of sources has been shared and is then looked at in its totality that it becomes clear that a Young Person is at risk of, or is suffering significant harm. Sometimes staff will question their right to pass on information about a family to the Social Services Department because it will break confidentiality with the family. The Staff/Volunteer should explore this issue regularly in supervision in order that staff and volunteers are clear about their responsibilities towards Young People's well-being and their protection from harm.

### **7. Allegations of abuse against staff**

7.1 All staff and volunteers must be familiar with and work to the principles and guidance set out in this document. Working to these principles and following the guidance will help ensure the protection of both Young People and staff. However, in rare circumstances staff working with Young People

may be the subject of an allegation of abuse against a Young Person in their charge.

**What to do if an allegation against a staff member or volunteer is made.**

7.2 If an allegation is made to a staff member (who is not the subject of the allegation) as full information as possible must be obtained from the informant. This includes the nature of the alleged abuse when it is thought to have occurred, how often and how the informant knows of the incidents. The date time and nature of the allegation should be recorded.

7.3 Where the Young Person or Child makes an allegation of abuse now or in the past by a worker. Not with standing paragraph 4.4 above the recipient of the allegation should;

- Listen to the Young Person, rather than asking questions of them directly.
- Offer him/her reassurance without making promises and take seriously what the Young Person says.
- Avoid overreaction and interrupting a Young Person who is freely recalling significant events
- Avoid questioning or interrogating the Young Person, explain what you have to do next and whom you have to tell.
- Record the discussion accurately, as soon as possible after the event even if it is information you do not fully understand or like writing down (see 6.1 above).

7.4 As soon as possible after the receipt of the information the staff member must share the information with their line manager to enable an assessment to be made of any immediate danger to the Young Person.

7.5 In exceptional circumstances when it is judged that the child or young person is in immediate danger, the Staff/Volunteer should take steps to keep them safe until appropriate action can be taken by Social Services. A decision to take such action requires immediate discussion with the Chairperson of Ashurst Wood Youth Club, if not available, appropriate action must be taken and Social Services or the Police informed.

7.6 If, following consultation with the line manager, there are concerns about the risk to the Young Person's welfare from the worker who is the subject of the allegation, the matter should be referred immediately the Chairperson of Ashurst Wood Youth Club.

7.7 In consultation with other members of Ashurst Wood Youth Club Youth Project Management Team, consideration will be given to what action is necessary to protect the Young Person and what action is necessary in relation to the employee or volunteer. The range of options will include all, or some of the following:

- Where the staff member volunteer is the key worker, a change of key worker.
- Liaison with and referral to Social Services or the Police for them to decide what action to take.
- Suspension of the worker from their place of work to allow further investigation of the circumstances.
- The appointment of an independent person to support and assist the person against whom the allegation is made.
- Discussion with the Management Committee.

**7.8 Where circumstances dictate Ashurst Wood Youth Club will:**

- Co-operate with any investigation undertaken by the police or local authority.
- Arrange for the provision of appropriate support to the Young Person and carers of the Young Person.
- Consider and address the impact of any such allegations upon other Young People and parents receiving a service from the project.
- Consider and address the impact of any such allegations upon the staff and volunteers of the project.
- Review the existing safe working and child protection procedures.

**8. Child Protection and Safe Recruitment and Selection**

8.1 The vast majority of people who want to work with Young People and young people are well motivated. Nevertheless, good recruitment and selection procedures will help screen out those who are not suitable. The following procedure should always be followed and applies to all those charged with responsibility for recruiting and selecting staff.

8.2 Create a job description and person specification for each post which will identify the kind of person most suitable.

8.3 Make all vacancies openly available to interested applicants.

8.4 Advertise posts, both paid and unpaid, as widely as possible, through the most appropriate means as agreed with the Management Committee.

8.5 Ask all applicants to supply information in writing by completion of an application form - either for volunteers or for specific paid posts.

8.6 Ask for documentation to confirm the identity of the applicant, such as a long/full birth certificate.

8.7 Ask for written two references one from an previous employer one other referee. These may be followed up with a telephone contact.

8.8 Meet with the applicants. Explore information contained in the application form and check out attitudes. Meeting with applicants for paid posts will be via a formal interview panel. Meeting with volunteers to be completed the same as paid staff.

8.9 The relevant Parish Clerk usually in the role of chair of the panel should take responsibility for ensuring the Criminal Record Bureau enhanced check is undertaken for all prospective employees or volunteers wishing to work for Ashurst Wood Youth Club. No matter how good the recruitment and screening procedures may be, they are not foolproof. Good practice in management and supervision of staff and volunteers after appointment is equally important.

## **9. Review of Policies and Procedures**

The Child Protection Policy and Procedures will be regularly reviewed on an annual basis.

### **Appendix 1 DEFINITION OF ABUSE**

The following is taken from the latest Department of Health guidance 'Working Together to Safeguard Young People'. All staff and volunteers who have regular contact with children young people and vulnerable adults should ensure they are thoroughly familiar with this information. Somebody may abuse or neglect a Young Person by inflicting harm, or by failing to act to prevent harm. Young People may be abused in a family or in an institutional or community setting', by those known to them or more rarely, by a stranger.

#### **Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a Young Person. Physical harm may also be caused when a parent or carer pretends or fakes the symptoms of or deliberately causes ill health to a Young Person whom they are looking after. (Munchausen's syndrome by proxy)

#### **Emotional Abuse**

Emotional abuse is the persistent emotional ill-treatment of a Young Person such as to cause severe and persistent adverse effects on the Young Person's emotional development. It may involve conveying to Young People that they are worthless or unloved inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on Young People. It may involve causing Young People frequently to feel frightened or in danger, or the exploitation or corruption of Young People. Some level of emotional abuse is involved in all types of ill treatment of a Young Person though it may occur alone.

## **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the Young Person is aware of what is happening. The activities may involve physical contact including penetrative (e.g., rape or buggery) or non-penetrative acts. They may include non-contact activities such as involving Young People in looking at or in the production of pornographic material or watching sexual activities or encouraging Young People to behave in sexually inappropriate ways.

## **Neglect**

Neglect is the persistent failure to meet a Young Person's basic physical and/or psychological needs, likely to result in the serious impairment of the Young Person's health or development. It may involve a parent or carer failing to provide adequate food shelter and clothing, failing to protect a Young Person from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of or unresponsiveness to a Young Person's basic emotional needs.

## **Appendix 2 THE IMPACT OF ABUSE AND NEGLECT**

The sustained abuse or neglect of Young People physically, emotionally or sexually can have major long-term effects on all aspects of a Young Person's health development and well-being. Sustained abuse is likely to have a deep impact on the Young Person's self-image and self-esteem and on his or her future life. Difficulties may extend into adulthood: the experience of long-term abuse may lead to difficulties in forming or sustaining close relationships, establishing oneself in the workforce and to extra difficulties in developing the attitudes and skills needed to be an effective parent.

It is not only the stressful events of abuse that have an impact, but also the context in which they take place. Any potentially abusive incident has to be seen in context to assess the extent of harm to a Young Person and appropriate intervention. Often it is the interaction between a number of factors which serve to increase the likelihood or level of actual significant harm.

For every Young Person or family, there may be factors that aggravate the harm caused to the Young Person and those that protect against harm. Relevant factors include the individual Young Person's means of coping and adapting, support from a family and social network and the impact of any interventions. The effects on a Young Person are also influenced by the quality of the family environment at the time of abuse and subsequent life events. An important point sometimes overlooked is that the way in which professionals respond has a significant bearing on subsequent outcomes.

## **Physical Abuse**

Physical abuse can lead directly to neurological damage, physical injuries, disability or - at the extreme - death. Harm may be caused to Young People both by the abuse itself, and by the abuse taking place in a wider family or institutional context of conflict and aggression. Physical abuse has been linked to aggressive behaviour in Young People, emotional and behaviour problems, and educational difficulties.

## **Emotional Abuse**

There is increasing evidence of the adverse long-term consequences for Young People's development where they have been subject to sustained emotional abuse. Emotional abuse has an important impact on a developing Young Person's mental health behaviour and self-esteem. It can be especially damaging in infancy, Underlying emotional abuse may be as important, if not more so, than other more visible forms of abuse in terms of its impact on the Young Person.

Domestic Abuse adult mental health problems and parental substance misuse may be features in families where Young People are exposed to such abuse.

## **Sexual Abuse**

Disturbed behaviour including self-harm, inappropriate sexualised behaviour, sadness, depression and a loss of self-esteem have all been linked to sexual abuse. Its' adverse effects may endure into adulthood. The severity of impact on a Young Person is believed to increase the longer the abuse continues the more extensive the abuse and the older the Young Person. A number of features of sexual abuse have also been linked with severity of impact, including the extent of premeditation the degree of threat and coercion sadism and bizarre or unusual elements. A Young Person's ability to cope with the experience of sexual abuse once recognised or disclosed is strengthened by the support of a non-abusive adult who believes the Young Person, helps the Young Person understand the abuse and is able to offer help and protection.

A proportion of adults who sexually abuse Young People have themselves been sexually abused as Young People. They may also have been exposed as Young People to Domestic Abuse and discontinuity of care. However it would be quite wrong to suggest that most Young People who are sexually abused will inevitably go on to become abusers themselves.

## **Neglect**

Severe neglect of Young People is associated with major impairment of growth and intellectual development. Persistent neglect can lead to serious impairment of health and development and long-term difficulties with social functioning, relationships and educational progress. Neglect can also result in extreme cases in death.

## **Appendix 3 DUTIES OF LOCAL AUTHORITIES**

1. Section 47(1) of the Children Act 1989 gives the local authority a duty to 'investigate where it is informed that a Young Person who lives, or is found, in their area, is the subject of an emergency protection order, or, is in police protection'. Has reasonable cause to suspect that a Young Person who lives, or is found in their area is sufferings or is likely to suffer significant harms the Authority shall make or cause to be made such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the Young Person's welfare. This includes obtaining access to him/her. If access is denied, or information withheld, they must take reasonable steps to obtain access or information unless they are satisfied that they already have sufficient information. They may call upon Local Authorities Health Authorities Education Authorities etc for assistance and shall be the duty of such Authorities to assist unless it would be unreasonable in the circumstances.
2. Each local authority will have its own inter-agency child protection procedures that are based upon the Department of Health's guidance 'Working Together to Safeguard Young People'. These set out how investigations will be undertaken and what happens when abuse is confirmed. Staff/Volunteers should ensure a copy of the relevant Local Authority child protection procedure is available at the appropriate office project base.
3. In instances of sexual abuse or serious physical abuse or neglect an investigation is likely to be planned and undertaken jointly with the police. Particularly where sexual abuse is suspected, an interview may be arranged with the Young Person that is recorded on video and may be used in any subsequent criminal or civil (usually care) proceedings.
4. Decisions about future action in the light of evidence of abuse will be made at an inter-agency child protection conference. Any Ashurst Wood Youth Club Staff directly involved in the abuse disclosure or in working with the child, young person or family would normally be expected to attend and could be asked to prepare a report.
5. At any stage, the Local Authority may decide not to proceed further in terms of child protection intervention. This may be because of insufficient evidence a decision that the matter can be more appropriately dealt with by other means (e.g. family support), or because it is concluded that the allegation was false, or it has been withdrawn. In any of these circumstances workers may need to assist those directly involved to come to terms with what has happened. In particular, the Young Person may feel let down because in their eyes they have not been believed.

## **Appendix 4 General**

### **THE CHILD**

The term "child" applies to anyone under the age of 18 and the same principles apply to vulnerable people above the age of 18 years. We acknowledge the particular needs of Young People from ethnic minority groups and Young People who are disabled and the policy and procedures apply to all children and young people, regardless of gender ethnicity, disability, sexual orientation or religion.

"Staff and volunteers" refers to anyone undertaking paid or unpaid work on behalf of Ashurst Wood Youth Club

We acknowledge the national and international legislation and guidance which underpins our policy and practice statements e.g. Children Act 1989, Human Rights Act 1998. United Nations Convention on the Rights of the Child (ratified by UK Government in 1991), Protection of Children Act 1999, The Police Act 1997', Working Together to Safeguard Children 1999, Criminal Records Bureau (CRBI', Data Protection Act 1984 and 1998.

We are also committed to reviewing our policy and good practice statements at regular intervals.

### **THE COMMON LAW DUTY OF CONFIDENCE**

The following appears in the Department of Health guidance 'Working Together to Safeguard Children:

Personal information about Young People and families held by professionals and agencies is subject to a legal duty of confidence and should not normally be disclosed without the consent of the subject. However the law permits the disclosure of confidential information necessary to safeguard a child or Young People in the public interest: that is the public interest in child protection may override the public interest in maintaining confidentiality. Disclosure should be justifiable in each case according to the particular facts of the case, and legal advice should be sought in cases of doubt.

Young People are entitled to the same duty of confidence as adults provided that in the case of those under 16 years of age, they have the ability to understand the choices and their consequences relating to any treatment. In exceptional circumstances it may be believed that a Young Person seeking advice for example on sexual matters is being exploited or abused. In such cases, confidentiality may be breached, following discussion with the Young Person.

## **THE DATA PROTECTION ACT**

The Data Protection Act 1998 requires that personal information: -

- Is obtained and processed fairly and lawfully.
- Is only disclosed in appropriate circumstances.
- Is accurate, relevant and not held longer than necessary', and is kept securely.

The Act allows for disclosure without the consent of the subject in certain conditions, including for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives in a particular case.

## **THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Article 8 of the convention states that 'everyone has the right to respect for his private and family life his home and his correspondence'.

There can be no interference with the exercise of this right except amongst others for the protection of health and morals or for the protection of the rights and freedom of others.

Disclosure should be appropriate for the purpose and only to the extent that it is necessary to achieve that purpose.

This policy was adopted at the Management Committee Meeting on 12<sup>TH</sup> January 2012

Signed on behalf of the Management Committee:

.....K Lindsay..... (Chairperson)

This policy will be reviewed annually by the Management Committee.

Useful websites for further information:

Sussex Child Protection and Safeguarding Procedures:

<http://www.proceduresonline.com/pansussex/scb/>

Pan Sussex Multi-Agency Policy & Procedures for Safeguarding Adults at Risk:

<http://pansussexadultsafeguarding.proceduresonline.com/index.htm>