

Frequently Asked Questions



PO Box 133, Swanley, Kent, BR8 7UQ.
Tel: 0845 120 45 50 Fax: 0845 120 45 52
Email: info@ccpas.co.uk Web: www.ccpas.co.uk
© copyright 2009 CCPAS

Contents

Working Practice	page 1
Abuse Issues	page 6
Criminal Records Disclosures	page 8
Legal Queries	page 15
Government Guidance (Working Together to Safeguard Children 2006 & Safe from Harm)	page 18
Policy Matters	page 21
Membership Matters	page 25
Training	page 27
Emails	page 27

Working Practice

1. **Q: Should we have leadership of both sexes at our mixed/single sex group?**

A: It would be preferable – children and young people may relate better to one sex rather than the other, particularly on swimming trips etc...

2. **Q Can young people under the age of sixteen be workers? Should we carry out a Criminal Records Bureau check? What about the use of occasional helpers?**

A: CCPAS advises that all workers should be at least 16 years of age. Some churches say 18. Certainly no one under 16 should be employed as a worker (either voluntary or paid). All workers should be recruited to the same standards following the principles laid down in the government document 'Safe from Harm' (outlined in the CCPAS safeguarding manual 'Safe and Secure'). A criminal records check would be part of this process. Where occasional helpers are used, e.g. a 14 year old helping out in a crèche as work experience, they should always be under the supervision of, and be responsible to, a named 'approved' worker and never left on their own with the children. They would not be included in the ratio of children to workers and would not need to undertake the same recruitment and selection procedure as a worker. You should however ask them to complete the same consent form as the children attending the group/ activity. If the 'occasional help' becomes regular then, in the case of adults, the full recruitment policy should be applied.

3. **Q: Are there any legal requirements with regard to Adult – Child ratios?**

A: In order to supervise activities safely, it is necessary to have sufficient adult leaders and helpers. There are legal requirements for certain activities involving children aged 8 or under. Even if there isn't a legal requirement (see Legal queries Q:2) the ratios are nevertheless 'good sense' in terms of managing any group of children in this age group:

0-2 yrs	1 adult to 3 children
2-3yrs	1 adult to 4 children
3-8yrs	1 adult to 8 children

There are no legal requirements for older groups, but the CCPAS safeguarding manual 'Safe and Secure' provides guidance in this area based on numbers and the type of activity being undertaken.

4. Q: We are planning a sleep-over. Do adult supervisors have to be registered workers, or can we use parents for this or any other kind of similar activity?

A: If parents offer to help during a sleepover, it is important that the organiser's expectations are made clear. A parent of one child in the group may be a complete stranger to others and should only be responsible for caring for their own child. So unless specifically asked by another parent they should not be involved in looking after other children and should not be left alone with them. Only approved workers (which could, of course, include a parent) should be involved in the care and supervision of the children. If the sleep-over is taking place in a family home the above still applies and parents of all participating children should be advised of the arrangements.

5. Q: What steps can be taken to protect workers against false allegations?

A: Developing safe practice in working with children and young people protects children and also minimises the risk of false allegations against workers. It's a double-sided coin. Teamwork, with staff accepting a responsibility for and to each other is also vital. (See also page 5 "Abuse Issues")

6. Q: We want to appoint a Father Christmas. Can you help us with a Code of Practice?

A: Preferably use one of your 'approved' children's workers. If not, Father Christmas could always have a suitably dressed assistant who is an approved worker! Ensure that any physical contact is initiated by the child and remains in the child's control. There is no reason why children shouldn't sit on Santa's lap or give him a kiss on the cheek providing this is at the child's behest.

7. Q: What are the rules about helping children applying sun cream?

A: Some organisations prohibit physical contact with a child/young person due to the fear of false allegations. CCPAS recommend 'good sense' child protection with the following advice:

- Wherever possible children should apply their own sun cream or ask a friend to help.
- Young children or children with disabilities may need help!
- If helping, do so in a public place.
- If no sun cream is being used ensure children cover up or keep in the shade.

- Make sure parents/carers are aware of your practice. If they're not happy, agree what is appropriate for the child.
- Encourage children to bring sun protection spray which doesn't need to be rubbed in.

8. Q: We recently prepared a child protection policy that says that all food should be prepared in accordance with Food Safety Regulations. Where can we find these?

A: The Food Safety (General Food Hygiene) Regulations (1995) state that anyone who handles food or whose actions could affect its safety must follow the regulations. Where food is being sold, and this includes children taken away on camp where the food is included in the cost, then those with responsibility for it should possess the basic Food Hygiene Certificate and be aware of food safety (preparation, handling and storage, disposal of waste, etc). We suggest you contact your local Council Environmental Health Department to enquire about food hygiene courses. These courses are often provided free, or for a minimal charge.

9. Q: Should we use recently qualified drivers for transporting children and young people? What age should minibus drivers be to transport children?

A: Whilst there is no legislation which prohibits young or inexperienced drivers from transporting children/young people, some places of worship prefer to operate under the regulations set out for mini-bus drivers, that the driver should be 21 or over and have held a full driving licence for at least two years. We advise the following:

- Consent for the trip must be obtained from the parents/carers who should be made aware of the transportation arrangements.
- All those transporting children and young people must go through the church recruitment procedure, even if this is all they do. (i.e. they are not children's or youth workers). The reason for this is that they will have substantial contact with the children and young people.
- The vehicle being used for transportation must be roadworthy. The driver must produce a valid driving licence, MOT certificate (where applicable) and proof of adequate insurance. It is important that the driver is covered to transport other people in the car in their capacity as church worker/helper.

In relation to minibuses, all drivers must be over 21. The law no longer permits car drivers who passed their test after 1st January 1997 to drive a mini-bus without passing a PSV (Public Service Vehicle) driving test unless they are qualified under a section 19 permit. All minibuses that carry between 6 and 16 passengers must also have a Small Bus

Permit. Not all driving licences automatically include a clause permitting an individual to drive a minibus, so it is important to check the potential driver's licence. Remember, the maximum speed for a minibus is 50 mph on a single carriageway, 60 mph on a dual carriageway, and 70 mph on motorways (60 when towing a trailer). All mini-buses should be fitted with seat belts and used by the passengers! For further information see the CCPAS safeguarding manual, 'Safe and Secure'.

10. Q: Should I put a plaster on a child's cut or graze?

A: It is important to find out if the child has any allergies. This information should be on a general consent and information form that the parent/carer completed and signed when the child started to attend the group/activity. If you haven't been told anything of significance and the child, when asked, says there's no problem then we can't see one either. Consider the greater risk – a possible problem the child hasn't told you about or the wound becoming infected because you didn't take any action. An open, bleeding wound in a child who is HIV positive or has Hepatitis could pose a risk to others. If in doubt cover the wound with a dry dressing covered by a cotton bandage.

11. Q: My daughter recently took a sexually explicit image of herself on her phone and sent it to her boyfriend. The relationship has ended and he has subsequently sent the photo to all his classmates and posted it on a social networking site. They are both fifteen. What are the consequences and what should I be saying to my daughter?

A: There can be no doubt that the recent advances in internet technologies have many positives but one of the down sides has been the potential for inappropriate material to be made public. Your daughter is now caught up in something outside her control that she understandably never dreamed would happen. Apart from the acute embarrassment and detrimental impact it may be having on her, there is a more serious side that both your daughter and her former boyfriend would do well to consider.

As far as the law is concerned, your daughter could be seen to be distributing indecent images, her ex-boyfriend of possessing it. Because he shared the image with his friends, they also become culpable. He is also likely to be in breach of website terms and conditions by posting the image on a social networking site. In addition, the image could be used by complete strangers to bully and intimidate.

Perhaps most worrying is that sexual predators browse internet profiles and in some instances are able to distribute the images they find. They can also use them to blackmail children and young people

and even pretend they are the young person in the picture to trap another victim. So you see, the consequences of what is now known as 'sexting' are potentially quite serious.

The best thing you can do is to educate your child on the dangers before anything like this happens again. You could also, with your daughter's permission, explain what has happened to her school or any club she attends and ask them to address the issue. If the image is on a social networking site, contact the people who run the site and ask them to remove it.

The basic rule is 'if you don't want the image to be seen by other people, don't take it in the first place!'

http://ceop.gov.uk/mediacentre/pressreleases/2009/ceop_04082009.asp

Abuse Issues

- 1. Q: We have reason to believe that someone in our church has sexually abused one of the children but the parents don't want us to go to the authorities; they would sooner we dealt with it internally to avoid more traumas. What do you think?**

A: Although it is a difficult decision to have to make, your safeguarding policy should state clearly that any allegations of sexual abuse must be reported to Children's Social Services/Police to be properly investigated. The authorities have a duty to consider the 'best interests of the child', taking into account all the circumstances surrounding the allegation. A prosecution will not necessarily follow. Churches must be very careful to avoid appearing to 'cover-up' what may be a serious criminal offence. Many adults in contact with CCPAS, who were abused as children, feel that they were denied justice by a church cover-up and in so doing colluded with the abuser. For some it has also undermined their faith and their trust in the church. In not taking action, this child and others could continue to be abused. Legal proceedings by the young person who has alleged the abuse might also ensue on the grounds that the church has been negligent.

- 2. Q: We have received information that would suggest a girl in the youth group who is just under 16 is having a sexual relationship with another of the young people of about the same age. What should we do?**

A: It is not always appropriate to take action in relation to safeguarding procedures, especially if the girl has not made any allegation that she is not a willing party. You might broach the subject with the young people involved, but remember this should be done sensitively and not in an accusatory way otherwise you run the risk of alienating them and other members of the group. You could consider what you can do generally in regard to your teaching programme on appropriate relationships. See article 'Getting Real' and 'A Response to getting Real' on the CCPAS website, www.ccpas.co.uk

- 3. Q: I'm sometimes sent unsolicited emails offering access to porn and indecent images of children. I block the sender but what else can I do?**

A: You can copy the message in full to abuse@isp. Once this has been done delete the message. You could also consider contacting the Internet Watch Foundation helpline on 0845 600 8844 or at www.iwf.org.uk.

- 4. Q: You say that false allegations of abuse are rare. Teachers feel that children are very street-wise and make allegations to**

avoid being in trouble. Are such allegations really more common now?

- A:** Child abuse in the context we are talking about relates to the treatment of a child that could cause 'significant harm'. An allegation from a child about a teacher often results from a teacher from tapping a child on the shoulder to get their attention to appropriately restraining them. This type of complaint should be investigated by the school. The teacher may be found to have acted reasonably but if not, disciplinary action may follow. These are not matters that would necessarily be reported to the child protection agencies. However, if a child were to make a specific allegation of serious abuse (physical, sexual or otherwise), then this is an entirely different matter and would need to be investigated properly by the statutory authorities. The purpose of any investigation is to establish the truth. It is unlikely a child/young person would make a false allegation of this nature knowing they would have to endure a rigorous investigation process.

Criminal Records Disclosures

1. Q: Can a Disclosure be used More Than Once?

A: The Criminal Records Bureau no longer facilitates portability. Portability refers to the re-use of a CRB check (disclosure) obtained for a position in one organisation and later used for another position in another organisation. There are inherent dangers to this practice. A detailed explanation appears below but it might be helpful first to consider a common situation. Someone cleared as a teacher is applying to be a Sunday school teacher. Additional non-conviction information is issued at the discretion of the Chief Officer of Police. In this example it might mean that there is no additional information when someone applies to be a day school teacher. However, when they want to be a Sunday school teacher this might trigger additional information relating to someone in the same household (because a Sunday school teacher might take someone into their own home). There are many other factors, too, and if you are considering using rechecks then please take into account the following limitations and risks as advised by the CRB.

Limitations

- The prior CRB check may not be at the level you require – there are two different levels of check: Standard and Enhanced. If an Enhanced check is needed do not accept a ported Standard check. From October 2009 all posts working with children and vulnerable adults are at Enhanced level.
- The CRB check may not have included a check of List 99, Protection of Children Act List (PoCA) and/or the Protection of Vulnerable Adults List Act (POVA).
- A CRB check carries no formal period of validity and the older a check the less reliable the information, as the information the check contains may not be up to date. The date of the issue (on the individual's copy) should be used as a guide as to when to request a new CRB check.
- Information revealed through a CRB check always reflects the information that was available at the time of its issue.
- You may be required by law to carry out a new CRB disclosure which will include a check of the ISA Vetting and Barring lists.
- An original CRB check, not a photocopy, contains a number of security features to prevent tampering or forgery.
- You need to understand the meaning of the wording that appears in the information boxed on disclosure. 'None recorded' means no

information was found, 'Not requested' means that that check was not done:

BOX 1 – Police Records of Convictions, Cautions, Reprimands and Warnings

BOX 2 – Protection of Children Act List information (prior to October 2009)

BOX 3 – Protection of Vulnerable Adults List information

BOX 4 – Information from the list under Section 142 of the Education Act 2002

BOX 5 – Other relevant information disclosed at the Chief Police Officer(s) discretion

From October 2009 boxes 2, 3 and 4 are replaced by ISA barred lists.

- Once a recruitment decision (or other relevant decision – e.g. for regulatory or licensing purposes) has been made, a recipient of a Disclosure must not retain it, or any associated correspondence, for longer than is necessary for the particular purpose. In general, this should be for a maximum of 6 months.

To Note:

If you need to show it to the Commission for Social Care Inspection (CSCI) you can keep it until the next inspection, then it should be destroyed. If you are a supply/recruitment agency you can retain CRB checks for up to 3 years. If you are a teaching supply/recruitment agency you can retain CRB checks for up to 3 years.

Risks

- Using a previously issued CRB check does not constitute a fresh CRB check – the person's criminal record or other relevant information may have changed since its issue.
- Registered Bodies are responsible for the accuracy of the information provided to the CRB and on which it carries out its checks. By accepting a previously issued CRB check you are accepting the risk that the previous Registered Body provided the CRB with a fully validated applicant's identity on which to carry out its checks.
- Enhanced checks may contain 'approved' non-conviction information provide by the police from their local records. In the majority of cases, the CRB will print this information on both the applicant's and Registered Body's copy in the box entitled 'Other relevant information disclosed at the Chief Police Officer(s) discretion'. However, occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, withhold this information from the applicant's copy. You would not be aware of this

if you rely on the applicant's copy and therefore could be appointing someone who is known to be a serious risk to children.

2. Q: As a Recruiter, do I need to see a birth certificate if a passport or photo driving license has been supplied? Also what about marriage certificates?

A: A Recruiter is required to verify as much evidence of identity as possible. If an applicant is unable to do this, the Recruiter should give a brief explanation of the reason e.g. document lost or none held. It is advisable that the Recruiter sees evidence that the birth name of the applicant is the same they have now, unless it has been changed through, for example, marriage or deed poll. In this situation the marriage certificate/decreed nisi or Deed Poll certificate will need to be seen and checked. All documents must be originals, not photo copies. Individuals who infiltrate organisations to abuse children have been known to conceal former names and we therefore recommend processing applications with the birth certificate and any additional documents listed above.

3. Q: Isn't it rather pedantic of CCPAS to return documents because of a missing week in previous addresses?

A: The CRB stipulates that all addresses for the previous five years must be declared without any gaps in the dates. If forms are sent to the CRB with an incomplete list of dates and addresses it will be not be processed. The reason for this is that if an applicant has a conviction recorded at an address that is not disclosed, important information could fail to come to light, the applicant's disclosure would be incorrect, and ultimately a child's safety could be put at risk.

4. Q: What if the CRB form doesn't fit the circumstances?

A: The CRB form would be much longer if it was designed to include every circumstance and situation but it is important to provide additional notes if the circumstances of the applicant cannot be explained fully from answering the questions on the form.

5. Q: Are certain individuals legally "disqualified" from working with children?

A: Those on the Department for Education and Skills list 99 and the list held by the Department of Health: Protection of Children Act 1999 (PoCA list), and those who have committed offences listed in Schedule

4 of the Criminal Justice and Court Service Act 2000 are disqualified from working with children and young people. (Schedule 4 lists offences of a sexual and violent nature against children and adults). A person disqualified will commit an offence if he/she applies for, accepts or continues to work with children. An individual who knows a person is disqualified but nevertheless gives him/her work with children or continues to allow him/her to work with children also commits an offence under the Act. The disqualification is from working with children in the public, private, voluntary and volunteering sectors. Information on those who are disqualified is available through the two higher level disclosures (standard and enhanced checks) from the Criminal Records Bureau/Scottish Criminal Record Office. Access to the CRB/SCRO has to be made via a registered body like CCPAS, which acts as an umbrella organisation for churches and children's organisations. It is the view of CCPAS that any adult who has committed an offence of a sexual or violent nature against children or adults should never work with children or young people again, or be appointed to a position of responsibility where they are seen by children and young people. This is in the interests of children and also past offenders, even where they have been appropriately repentant for the things they have done.

Under ISA those deemed unsuitable for working with children or vulnerable adults under POCA/POVA, List 99 have had their cases examined and, where appropriate, have been added to the ISA barred lists

6 Q. Can you give me clarification in regard to requirements for destroying the information you send us?

A. CRB Code of Practice only allows you to keep information that a check has been completed – you cannot keep a record of the result. You should destroy the certificate as soon as you have made the recruitment decision. If the information supplied raises queries you can keep the information for up to 6 months. If there is a need to retain the details after this the CRB and ourselves as an umbrella body must be contacted. In ordinary circumstances therefore we advise that you destroy the certificate immediately after checking the details are correct. If you are keeping information unnecessarily then this could be grounds for complaint by an applicant. If you are keeping it beyond 6 months then this will be in conflict with the CRB code of practice and is an offence.

The only exception to the 6 month rule is where the organisation is government inspected e.g. a nursery regulated with OFSTED or a Care Home regulated with CSCI. In these circumstances organisations can keep the certificates until next registration to demonstrate they have undertaken a criminal records check. Once the inspection has taken place the certificates must be destroyed. Check with your local inspectors to see what their requirement is.

7. Q: Does the suggested Equal Opportunities Policy conflict with our values as a church?

A: The Criminal Records Bureau/Scottish Criminal Records Office/Access NI require organisations to have a policy to ensure they do not discriminate against those who have a criminal record. There are many who have offended in the past who should not be denied employment (paid or voluntary). However this does not apply if the nature of their offence(s) means that they might pose a risk to a child or vulnerable adult.

The CRB/SCRO/Access NI have provided an outline of a Rehabilitation of Offenders-type policy for organisations to consider adopting within a general Equal Opportunities Policy. We have adapted this further to make it more relevant to churches or faith groups. It can be amended but it is important it meets CRB/SCRO/Access NI requirements and is not illegal.

Our amended version emphasises the fact that services are provided by churches to the wider community regardless of their beliefs. Some churches have mistakenly thought that an Equal Opportunities Policy is intended for church membership or can be applied in all aspects to appointing someone to the ministry. A church may provide services to a range of people of different faiths, but this does not imply that the Minister or Church Leader does not need to be a Christian! Clearly, s/he would need to be able to sign up to the tenets of faith in order to do the job. The CRB/SCRO/Access NI are more concerned there is no discrimination against past offenders unless it is necessary to do so.

8. Q: How do we check overseas students/volunteers?

A: The Criminal Records Bureau does not generally have access to overseas criminal records. Some countries, including most in the EU, operate a system whereby a citizen can obtain a Certificate of Good Conduct or extracts from their criminal record to show to a prospective employer. However, the level of information varies from country to country and any Certificate of Good Conduct is unlikely to be to the same standard as Criminal Records Bureau/Scottish Criminal Records Office checks. You will also need to bear in mind that in many countries an awareness of the issues surrounding sexual abuse and its effects is limited.

Even within Europe there are significantly different approaches, e.g. the age of consent in Spain and the Netherlands is 13 years. In Germany the slate is wiped clean when the individual reaches 25 years, so any previous criminal history would not be supplied.

Situations may not come to light so readily or be investigated in the same way as in the UK. The CRB has developed a service to assist with checks on workers from overseas called the Overseas Information

Team and can be contacted on 08700 100 450. Be aware that the quality of information received by the Overseas Information Team will vary and the result of a criminal records check may be returned in a different language.

Even though the Police National Computer holds limited information on overseas convictions, for someone who applies to work in the regulated childcare sector with a substantial record of overseas residence, employers must still check the Protection of Children Act list via the Criminal Records Disclosure Service.

In many cases you may well be able to use an overseas worker as an occasional helper (see above), ensuring that the person concerned is never left alone with children and is always in the company of an approved worker.

9. Q: Our church has linked with a local organisation (care home) to carry out Criminal Records Checks. However, a question has been raised whether we can satisfy the CRB requirement that those involved in the recruitment process are suitably trained to identify and assess information about offences and correctly interpret relevant legislation regarding the employment of ex-offenders.

A: A number of churches and organisations have discovered that their umbrella body is only able to provide a basic processing service and have little or no understanding of church child protection related matters or the particular issues arising from offenders in churches.

Very few churches are equipped to meet the legitimate demands of the CRB but churches linked with CCPAS will receive advice and support in all these areas. If a Recruiter needs to be advised of information that comes to light during a check, they will be linked with a member of our staff who will provide advice and support. This person will be someone who is not involved in the disclosure process in order to ensure that we meet the demands regarding confidentiality. This is fully explained in the information sent to Recruiters.

10. Q: The CRB/SCRO require recruiters to be suitably trained to assess the relevance of past offences which might be revealed. How can we as a church meet this requirement?

A: As part of our disclosure service we provide consultancy and advice in individual situations through a worker we will assign for this purpose. You are therefore covered if you are part of our scheme. If you are registering directly with the CRB/SCRO/AccessNI (or through someone else, e.g. your own denomination/umbrella or local group) then make sure you/they are equipped to provide this. It is your responsibility to make certain that this is in place. It is not optional. If you are not part of our service but would want to use this support, then you must

register this interest with us. Requests should be made via e-mail or letter.

11. Q: I am a self-employed freelance worker. Can I apply for a CRB check as I work with children?

A: The checks currently made via the CRB are to enable employers to make appropriate recruitment decisions and are therefore not available to people who are self-employed. Voluntary workers with children can wear several "hats" and it may well be that they would qualify for a check in another capacity, e.g. as part of a church. For the check by the church to have any value in a self-employed/freelance capacity, their roles as a self employed worker and their role within the church would have to be broadly similar. It should also be remembered that a clear certificate does not necessarily mean there are no concerns. See question 9 (page 9) regarding the portability of criminal records checks. This will change with the introduction of the ISA. From July 2010 self employed individuals can register an interest in ISA and from November 2010 can join the scheme.

12. Q: I want to find out whether the police hold any information about me on the police national computer and local police records. How can I do this?

A: Under the Data Protection Act 1998 individuals can ask for information held about them. This applies to paper records as well as computer data. It is proposed that enquiries about information held on the Police National Computer will eventually be administered by the Criminal Records Bureau. However until this happens, individuals must apply direct to their local police station. Further information on data protection can be obtained from: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Website: www.dataprotection.gov.uk . This cannot be used for your own purpose. No one should ask you to undertake this for employment or other purposes.

Legal Queries

1. Q: Is it a legal requirement for a church to have a child protection policy?

A: You will not be breaking criminal law if you do not have a child protection policy. However, the government's statutory guidance – 'Working Together to Safeguard Children' 2006 states that churches, other places of worship and faith-based organisations need to have appropriate arrangements in place for safeguarding and promoting the welfare of children (anyone up to the age of 18 years). The Charity Commission requires every organisation that works with children, including places of worship, to have a written safeguarding policy and charitable status will not be granted unless a policy is in place. Insurance companies also require written policies.

In addition Trustees providing services to children and vulnerable adults are required to inform the Charity Commission if they do not have a safeguarding policy in place and are not carrying out criminal records checks on Trustees (where legally possible) and workers (paid and volunteer). The Charity Commission would regard such a situation as a 'serious incident' and investigate. When filing their Annual Return, charity trustees are required to confirm that such policy and procedures are in place.

Insurance companies have similar expectations and failure to address these issues could mean that an organisation is in breach of their insurance policy.

2. Q: Our church is thinking of running a holiday play scheme/out of school club, do we need to register the activity?

A: Day Care regulations (Ofsted) cover activities which last for 14 days or more in a year, for children up to eight years of age where there is no one with parental responsibility with them and where the activity lasts for two hours or more in a day.

If you care for children under 8 from specific premises for 14 days or less in any year and you let Ofsted know in writing at least 14 days before the start there is no need to register with them. All of these criteria would need to be met in order for registration to be required. 'In any one year' means from the first day the activity commences for the following 12 months. In other words, if a church runs a two hour holiday club over five days in August of one year, and then does the same the following July, the total hours of activity within the year would be ten days. If all the other criteria above apply, the holiday club would need to be registered.

In England and Wales, responsibility of daycare regulatory services for children under 8 was passed from Social Services to OFSTED in

September 2001 following the Care Standards Act 2000. This Act also covers out of school care for over 7's up to the age of 14 (or 16 where the child is disabled). The Act lays down various standards and OFSTED inspectors are vigilant when it comes to the adequacy of child protection arrangements. Further information on daycare registration can be found on the Department for Education and Skills publications website or can be ordered from DfES on 0845 6022260, or email <mailto:dfes@prologue.uk.com>. The OFSTED number is 0845 601 4771: <http://www.ofsted.gov.uk/>In Scotland, contact the Social Work Department.

3. Q: Last Sunday we held a baptism service and at the end invited people present to consider whether they too would like to be baptised. Two young people came forward, both under 16. Their families are not part of our church community. We suggested they sought parental permission before we baptise them. Did we act correctly?

A: You took the wisest course of action. At 16 the position is clearer because young people can make their own decisions about certain things e.g. consent to surgery. For children under 16, the "Gillick" principle applies. In other words it comes down to a child's age and ability to understand the implications of what they want to do. It is sensible therefore to consult a parent/carer in this situation. The parent(s) might even come to the baptism if consent has been sought before hand and the baptism is at a later date. If a parent does not consent it is unlikely there will be serious implications for the young person if they have to wait until they are 16. More damage could be done in respect of the parents/carers' relationship with the church if the baptism is carried out regardless.

4. Q: Is it against the law to leave children unattended at home?

A: No, it's not against the law to leave a child unattended at any age but it is against the law to leave children in circumstances that put them in any kind of danger. So, for example, leaving a young child alone for several hours could place them in physical danger and emotional harm if they become fearful, distressed or lonely. Someone under 18 is legally a child and though you can leave children younger than that on their own, you must be sure that they can cope adequately and that you have guarded against all possible risks. Young children should never be left alone.

5. Q: Is it OK to use babysitters under 16 years of age?

A: As stated above, someone under 18 is still legally a child. If anything goes wrong, you will be responsible for the babysitter as well as your own children. You should also question whether it is fair to place this kind of responsibility on a young person of this age. You must ensure

that your babysitter knows your ground rules – for example, bedtime and your expectations over discipline. Make sure that your child is happy with the babysitter and don't use the person again if they are not. You will need to consider very carefully how you choose a babysitter as children are abused by male and female carers in babysitting arrangements. See article 'Keeping Children Safe' on the CCPAS website: www.ccpas.co.uk

Government Guidance - Working Together to Safeguard Children 2006 & Safe from Harm

1. Q: What will happen once I refer a concern to the Local Authority's Children's Social Services (CSS hereafter)?

A: If you contact CSS about the welfare of a child they will want to establish the nature of the concern, how and why it has arisen and as much information as possible about the family involved.

If you make the referral by telephone, you must confirm the referral in writing to CSS within 48 hours. CSS should acknowledge a written referral within one working day of receiving it. If you have not received an acknowledgement within three working days then contact them again.

An initial assessment will be made by CSS to determine whether a child is in need, and the nature of that need, and whether a more detailed assessment is required. The initial assessment should be made within 7 days of receiving a referral. At the end of this process it should be made clear to the referrer what will happen next, the contact person at CSS and the timescale of any action that needs to be taken.

Where no further action is necessary, CSS should decide this within one working day and notify the referrer with the reasons for their decision.

2. Q: What about confidentiality, will my details or the church's need to be shared with the family I have concerns about?

A: Parents' permission, or the child's where appropriate, should be sought before discussing a concern with CSS (or any other agency), unless permission-seeking may itself place a child at increased risk of significant harm. Working Together 2006 is very clear that:

'when responding to referrals from a member of the public rather than another professional, LA children's social care [Children's Social Services (sic)] should bear in mind that personal information about referrers, including identifying details, should only be disclosed to third parties (including subject families and other agencies) with the consent of the referrer.'

There may be legitimate reasons why you wouldn't want your details shared e.g. that it may damage the relationship you have with the child or family and/or put the child at increased risk of significant harm. You may be concerned for the welfare of yourself or church members because of the reaction of the family concerned. Discuss

these concerns with CSS and agree what personal information (if any) about the referrers will be shared.

In 'What To Do If You're Worried A Child Is Being Abused' (DOH 2003) it states that a key factor in determining whether or not to disclose confidential information without the consent of the family is proportionality i.e. 'is the proposed disclosure a proportionate response to the need to protect the welfare of the child.'

3. Q: Who makes up Local Safeguarding Children Boards (LSCBs); are faith groups represented?

A: Local Safeguarding Children Boards (LSCBs) replaced Area Child Protection Committees (ACPCs) in April 2006. Under the Children Act 2004 LSCBs are placed on a statutory footing. LSCBs develop policies and procedures for safeguarding and promoting the welfare of children in the area of the local authority where they operate. They consist of statutory members (CSS, local government representatives, police, probation, Strategic Health Authorities / Primary Care Trusts, CAF/CASS etc) and other members including the NSPCC, and local organisations. As a minimum, local organisations should include faith groups, state and independent schools, colleges and GP's and all other relevant local organisations.

4. Q: In the CCPAS Safeguarding manual 'Safe and Secure' (Standard 10.1 - In Focus: Definitions of Paedophile, Sexual and Violent Offender) CCPAS refers to Schedule 1 Offenders. I have been told this term is no longer used, is this right?

A: We do refer to 'Schedule 1 Offenders' in Safe and Secure, as this is a common term used to describe those who have a conviction for an offence against a child listed in Schedule One of the Children and Young Person's Act 1933. The government in Working Together 2006 points out that committing an offence under Schedule One of the Act does not trigger any statutory requirement in relation to child protection issues and inclusion on the schedule is determined solely by the age of the victim and offence for which the offender was sentenced, not by an assessment of future risk of harm to children. Therefore the term 'Schedule One offender' is no longer going to be used. It will be replaced with 'Risk to Children' indicating a person has been identified as presenting a risk or potential risk of harm to children.

5. Q: Is the child protection or 'at risk' register changing?

A: Children's Social Services now operate under the Integrated Children's System (ICS), an IT based system that has been fully operational since 2007. ICS is a framework for working with children in need and their families. The principal purpose of it is to make agencies and professionals aware of children who are judged to be at continuing risk

of significant harm and who are the subject of a child protection plan. ICS will record information about children that can be analysed and used locally and nationally in planning the provision of services. Rather than describing a child as being on the Child Protection Register, frequently termed the 'At Risk Register', the ICS system will report whether a child is the subject of a 'child protection plan'.

6. Q: Where can I find key documents such as "Safe from Harm",

A: The 13 recommendations contained in "Safe from Harm" can be found in the CCPAS online safeguarding manual 'Safe and Secure'.

Policy Matters

1. **Q: We are organising a camp working with young people from a number of sending churches. Do we need a separate safeguarding policy?**

A: Every organisation working with children needs a policy relevant to their circumstances and range of activities. Our model policy can be adapted for special events. Parents, young people and the sending organisation must be made aware of the safeguarding policy and who they should contact if they have concerns. With some joint events it might be sufficient to act under the policy of one of the participating churches or organisations. Where several groups are involved together in an activity it will be important to work within one set of policy guidelines and this should obviously be agreed by all participating groups before the event takes place.

2. **Q: On the subject of keeping records, we have included this statement: 'All documents related to those working with children in the church must be kept securely and for an indefinite period.' The deacons have expressed concern about this. How long is 'indefinite'?**

A: Much of the advice about keeping records for an indefinite period originates from insurance companies policies. The reason behind this is that many allegations of abuse are of an 'historic' nature. It can be years after an alleged incident that an adult makes a police statement. A church can be asked for information about something that may have occurred ten, twenty, or even thirty years previously. Any records from that time could be helpful to a police/social services investigation. This information could also be helpful to the church if legal action were then pursued on the grounds of negligence.

There is no time limitation on the investigation and prosecution of criminal matters. For a civil claim any action will generally have to be brought within three years of the alleged incident and where a child is concerned, by the age of 21 (i.e. within three years of becoming an adult). Having said this, courts can and do waive this requirement, in recent cases by as much as 30 years! The possibility of a negligence claim can never be ruled out, and it follows that any records maintained by the church could be an important part of a defence. In particular records need to be kept concerning any allegation of abuse and the action that was taken by the workers involved. It will be helpful to retain old copies of the church's child protection policy because producing such a document could be evidence of good intentions, even if it might have fallen short in practice. The more information on record that a church has about the child protection process, training, details about workers etc, in existence at the time, the more helpful this will be for all those involved. It is important not

to try to cover up inadequacies. If a church is found to be culpable then the due process of law must run its course, but in exercising good sense child protection and complying with insurance policies, this offers the best protection for both a child and the church/organisation involved.

If you were to ask a lawyer how long you should keep information, then in all probability they would tell you for the lifetime of the child. In fact, so far as statutory bodies providing services for children are concerned, they are required to maintain certain information for 70 years.

3. Q: Can we register our safeguarding policy with CCPAS?

A: We require copies of all documents produced from our material to be registered with us for copyright reasons (see below). We are also happy to hold any policy even if it is not based on our model policy. All policies should be reviewed at regular intervals, so it is important to keep us up to date too, by submitting revised documents as and when they are produced. We will keep the latest version of the policy for two years and we work on the assumption that if we have not received a revision within that period of time, then it will be out of date anyway.

4. Q: Can you check over our policy and provide detailed comments?

A: If the policy is based on our current model, all the essential areas will be covered. If you are unsure about any point, then you can always ring our helpline. If a more detailed assessment of the policy is required we will happily do this, though a charge will be made.

5. Q: Can another church/organisation use our policy to help them prepare their own?

A: This is not something to which we can agree. The policy is copyright material and we have, in the past, received serious complaints where, for example, a church has copied another church's policy making subtle changes which conflict with good child protection practice. Such a policy, which 'appears' to be based on the CCPAS model, could bring this organisation into disrepute. It is also important to remember that working practice is changing all the time and it is essential that churches and groups are using our latest recommendations. Contact should be made directly with us so that we can supply the manual direct to the organisation/place of worship.

Finally, every church or organisation is unique. A policy that has been prepared specifically for a certain group, by necessity will miss out or include areas that are not relevant to another. This is why each policy must be group specific.

6. Q: Should we make a copyright statement?

A: All policies produced with the help of our model either directly or indirectly should contain the following statement:

'This document is based on a Model Safeguarding Policy supplied by the Churches' Child Protection Advisory Service. A copy of the policy and all amendments will be filed with CCPAS. This Policy must not be copied by other churches/organisations without the written agreement of CCPAS.'

7. Q: Can we place our safeguarding policy on our website?

A: For the reasons already given in an earlier question, we are unable to agree to requests of this nature. It is important for your church or organisation to make general statements to the effect that:

- you take child protection seriously
- there is a detailed policy in place following recommended good practice
- a copy is available for inspection in the church office.

You could state that the policy is based on CCPAS model policy and even provide a link to our website.

8. Q: We have been requested by Children's Social Services to alter our policy so that all concerns are referred to Children's Social Services rather than our workers contacting CCPAS for advice. Must we comply with this request?

A: Whilst we understand Children's Social Services' reasons for making this request, there is no obligation to do this if you prefer to use the CCPAS model policy as it stands.

Children's Social Services could be unaware of the professionalism and expertise of CCPAS and apprehensive about referrals being made to a non-statutory child protection agency. They may well need reassuring about CCPAS' role and the basis on which we deal with such concerns.

CCPAS is the lead Christian child protection agency. The model safeguarding policy in our manual, 'Safe and Secure' is recommended by the Department for Children, Schools and Families in 'Working Together to Safeguard Children'. Our organisation employs Social Workers experienced in child protection, and who have worked for local authorities for many years. All our advice will be confirmed in writing.

Sometimes, it will be apparent that a child could be at risk of significant harm and you will have no doubt about the need to contact either Children's Social Services or the Police. In other cases, such as poor parenting, the situation is less clear, and you may wish to take advice. Sometimes individuals are reluctant to contact the authorities direct and this is where CCPAS can be of help because we offer 'independent' advice. Social Services Departments have received a bad press (sometimes quite unjustifiably), and it's not always easy therefore to make that first call. This is particularly true if it means contacting them without consulting the parents (as is often necessary) and perhaps in circumstances where the individuals involved are part of a church community. There is evidence that, without our advice, some calls would just not be made.

Another reason people contact us is because we provide an out-of-office hours service. Although in theory Children's Social Services offer the same, it is not always as accessible with less staff to deal with referrals. We have been able to reassure callers on the action they should take, either waiting until the Social Services Department offices are open again or if immediate action is required giving advice on what they should do.

The important thing is that workers are able to respond promptly to concerns, whether or not they phone Children's Social Services, Police or CCPAS in the first instance, being assured of our support whichever agency is contacted.

11. Q: We would like to reproduce information from CCPAS's safeguarding Manual 'Safe and Secure' (or some other CCPAS publication). Can we do this?

A: If you are including a quote of up to 50 words, then we are happy for you to do this without prior permission, on the proviso you acknowledge the source and quote CCPAS contact details. We also ask that you send us a copy of the publication when produced. Prior consent is needed for longer passages and full articles. We will normally agree to this because we want our information to be circulated to as wide a readership as possible, though please bear in mind that sometimes the copyright may belong to another organisation. The model policy and forms contained in 'Safe and Secure' are designed to be adapted for use but please observe the conditions set in the manual and ensure these are respected in any document produced. Applications should be made in writing (not by e-mail) to the Director of CCPAS, P O Box 133, Swanley, Kent BR8 7UQ.

Membership Matters

1. Q: I would like to know more about CCPAS membership and the help you offer in preparing safeguarding policies for children and vulnerable adults, and in accessing criminal records checks.

A: We can not only help you with safeguarding policies and procedures, good working practice and CRB checks, but there are many other benefits in becoming a CCPAS member. Benefits include:

- Access to 'Safe and Secure' the new on-line safeguarding manual including a model safeguarding policy
- 'Safe and Secure' training DVD (available end 2009)
- Monthly email Updates on changes in government policy, guidelines and working practice issues
- 20 free voluntary CRB/AccessNI checks in the first year of membership
- 'Kids are Safe Here' DVD
- 'Out of the Box' DVD
- Full set of 'help' leaflets and any new ones on publication
- Special offers on resources, including our DVD workpack
- All the advice and support you need

Our model policy (found in our safeguarding manual) relates to the needs of both children and vulnerable adults. The Charity Commission and insurance companies have expectations in this area (see Legal Matters, Q: 1). Our manual contains a range of forms and other helpful material which can easily be adapted for use by places of worship and other organisations, and is updated regularly to reflect changes in government policy, guidelines and working practice.

Membership also includes access to the CCPAS Disclosure Service which is an umbrella body for CRB checks in England, Wales and Northern Ireland. Scotland has its own system but CCPAS offers advice on blemished disclosures and good practice for all four nations of the UK.

To join, complete the membership form on the CCPAS website at www.ccpas.co.uk/Documents/CCPASMembership.doc

Please remember if you want to use the CCPAS Disclosure Service as well as becoming a CCPAS member you will need to complete the direct debit form attached.

You will then be sent a membership pack which, amongst other information, will include a criminal records check form for completion by the person dealing with criminal records checks (recruiter). Once they have been cleared, you can begin checking the other workers (paid and volunteer).

I hope this is helpful, but please do not hesitate to contact us if we can assist further. We look forward to your joining us.

2. Q: We would like to have a copy of the CCPAS safeguarding policy but have no wish at present to become a CCPAS member. Can it be obtained separately?

A: Yes, we can supply the 'Safe and Secure' manual on a CD which includes the policy and model forms. It is revised annually only and does not therefore have the advantage of the on-line version which is updated regularly. The cost of the disk is £9.50 inc p&p. You can order through our on-line shop or by phone with a credit card.

3. Q: Can I have a hard copy of the information entered on the Updating Service?

A: I'm afraid not but this is because we can offer a better service via email. Using email, we can send instant Updates plus notifications of changes to the web-based CCPAS safeguarding manual, 'Safe and Secure', available in Word or PDF format.

4. Q. How often do we send out Updates"?

A: When we have something to say but normally every month. We will notify you if an update is not being sent out so you know whether the system is still working. Backdated copies are available on the CCPAS website in the members area.

Training:

1. **Q: What is the difference between a live 'Facing the Unthinkable' seminar and the DVD version?**

A: The length of a seminar is 4 hours. The DVD running time is nearly 7 hours and enables organisations to provide tailor-made courses of between 4 and 15 hours. The live seminar is therefore an abridged version of the full course on DVD. The DVD contains all the information from a live seminar plus:

- Personal stories from survivors
- A more detailed look at race, culture and religion
- contributions from a social worker and police officer
- Special Tracks on neglect and emotional abuse, children with special needs, overseas projects, implementing a child protection policy, good practice in an African church.

Emails:

1. **Q: Why haven't I received any updates or replies to my emails recently?**

A: Often we don't know, but there are things you can check.

- it has been placed automatically in 'junk mail'
- check the anti-spam filter on your computer
- Is your mail box full?
- send a test email to check we have your details correct and ask for a reply confirming this
- provide us with another email address (we can accept two for each organisation)

If none of these solutions work, contact us on 0845 120 45 50. If you are a member you can access the updates in the 'Members' area on the CCPAS website www.ccpas.co.uk