

Safeguarding Policy

Issue	Updates	Date	Responsibility
Anti-bullying & Harassment Policy link	8	22/02/2016	Karen Birch
Full policy review		14/07/2016	Karen Birch
External policy review	4 & 5	24/08/2016	Karen Birch
Full policy review		23/11/2017	Karen Birch
Full policy review		November 2018	Emily Bowman
Policy Review		08/05/2019	Emily Bowman
Policy Review		29/04/2020	Emily Bowman
Policy Review		26/05/2021	Emily Bowman
Policy Review – signed off by Board		28/07/2021	Emily Bowman
Policy Review – signed off by Board		27/07/2022	Emily Bowman

Purpose

The purpose of The Mighty Creatives Safeguarding Policy is threefold: child protection; safeguard adults against accusations; keep the organisation within the law (statutory requirements). The policy aims to promote good practice, to raise awareness and to support trustees, staff, volunteers, contractors, and partners to make informed and confident responses to specific protection and safeguarding issues. It gives important information about how to recognise signs of abuse and clear procedures for action in the case of suspected abuse. The policy also sets out the process to be followed by staff when they have concerns about a child, key contacts at The Mighty Creatives and key organisations. The policy is available at www.themightycreatives.com.

What you need to do

We expect trustees, staff, volunteers, and contractors to have read, understood and adhere to this policy, related policies, and procedures. Please make sure:

1. You have read this policy - the policy and related documents are available on SharePoint and the policy published online at www.themightycreatives.com.
2. As a new member of staff or Trustee, you receive the Safeguarding Briefing and Introduction to Safeguarding Children Training Course, NSPCC online.
3. You are aware of the signs and symptoms of possible abuse.
4. You know what actions to take when you have concerns about a child.
5. You know who to contact if you have concerns or to make a referral and who your designated safeguarding leads are.
6. You carry out risk assessments for activity using the form, guide and training provided.
7. You have effective risk management and reporting systems in place for activity, as required by contractor's risk management procedures.
8. You always follow-through on our values commitment to keep children, and vulnerable adults safe from harm.

Safeguarding Policy Statement

The Mighty Creatives is committed to safeguarding all children and vulnerable adults that come into contact with our work. We believe that the welfare of children and vulnerable adults is paramount.

- All children and vulnerable adults have an equal right to protection from abuse and to be kept safe from harm, regardless of their age, race, religion, nationality, ability, gender, language, or sexual orientation/identity.

- Vulnerable adults are defined as anyone, who, for any reason, is unable to take care of themselves or protect themselves from exploitation.
- Every person must be considered on an individual basis. People who are termed as vulnerable or at risk might:
 - Have a learning disability
 - Have mental health problems
 - Have substance misuse problems
 - Have a long-term illness or chronic condition
 - Have a physical disability
- All suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately (see section Dealing with situations where a child is in need).
- All activities involving children and vulnerable adults should be managed in an exemplary manner, with consideration given to risk assessments and risk management as a routine aspect of our work.
- Trustees, staff, volunteers, contractors, and partners should be clear about their responsibilities and know how to respond appropriately, supported by good practice in recruitment and procurement.
- The Mighty Creatives is committed to sound selection and recruitment procedures and good practice for all individuals working with the organisation whether in a paid or voluntary capacity.
- The Mighty Creatives will ensure that individuals will receive support through education and training, to be aware of and understand best practice and how to manage any welfare issues which may come to light.
- Specialist support and training will be put in place as required, for example safeguarding children with disabilities.
- The Mighty Creatives recognises that it is not the responsibility of trustees, staff, volunteers, or contractors to determine if abuse has taken place, but it is their responsibility to act upon and report any concerns.
- The Mighty Creatives is committed to embedding and promoting safeguarding throughout the organisation at every level of operation.

We will endeavour to safeguard children and vulnerable adults by:

- Valuing them, listening to and respecting them.
- Adopting this policy and adhering to associated policies and procedures as summarised in the corporate Policy Matrix.
- Ensuring all necessary checks are made in the recruitment of all The Mighty Creatives workers, including trustees, staff, volunteers and contractors.

- Ensuring the appropriate permissions and risk assessments are completed and that effective risk management procedures are in place and signed off by a designated safeguarding lead.
- Sharing information about our safeguarding and child protection procedures with children, young people, parents and legal guardians, schools, other organisations and contractors so that roles and responsibilities are clear.
- Reporting disclosures and other concerns to agencies with responsibility for children and vulnerable adults, involving children, parents and legal guardians, school and organisational staff appropriately (see Safeguarding Briefing).
- Providing effective leadership to trustees, staff and volunteers through briefings and training.
- Providing effective management to staff and volunteers through supervision, support and training.
- Maintaining up to date knowledge on best practice, current and forthcoming legislation and procedures.
- Promoting child protection and safeguarding throughout the organisation and across partnerships.

Policy review

We are committed to reviewing this policy and procedures annually or when changes in legislation require, updating the action plan and related policies and procedures as required. The related policies are:

- Anti-bullying and Harassment Policy
- Data Protection Policy
- DBS Policy
- Digital Policy
- Whistleblowing Policy

We will work with child protection and safeguarding specialists when reviewing the policy.

Dealing with situations where a child or vulnerable adult is in need

The Mighty Creatives will take every reasonable step to ensure that children and vulnerable adults are protected where:

- Our own staff are directly involved in a project or partnership, including young people involved in the governance of our organisation, those in direct communication with us through our services, products and project activities, and those taking part in work placements.

- We contract an individual or organisation to work with children and vulnerable adults in schools and other settings.
- We work in partnership with another organisation.

It is important to remember that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional child protection agencies following a referral to them by a designated safeguarding lead.

Suspicious

The Mighty Creatives trustees, staff and volunteers should be aware of the Signs and Symptoms of Abuse and should make sure they can recognise these in the children and vulnerable adults they come into contact with. Any suspicion of abuse must be shared with a designated safeguarding lead at The Mighty Creatives reported using a Reporting Disclosure Form and shared with the designated safeguarding lead at the school/setting.

- If anyone sees or suspects abuse of a child or vulnerable adult, they should share this with the designated safeguarding lead.
- If they suspect that the person with legal responsibility is actually the source of the problem, they should make their concerns known to another designated safeguarding lead, and in schools, the Chair of Governors.
- The individual should make a note for record of what they have witnessed as well as their response.

Handling a disclosure

It is possible that a child or vulnerable adult who is suffering, or has suffered abuse, will disclose to a The Mighty Creatives representative or member of staff. It is vital that the adult receives the full information. This is something that everyone should be prepared for and must handle carefully. The following action should be taken:

- Remain calm and in control (“I can help”) but do not delay acting.
- The child or vulnerable adult should be reassured (“You’ve done the right thing sharing”).
- Listen carefully to what is said. Allow the child or vulnerable adult to tell the story at their own pace and ask questions only for clarification. Do not ask questions that suggest a particular answer.
- Do not promise to ‘keep it a secret.’ The first opportunity should be taken to say that this information will have to be shared with others. It should be made clear that only people who need to know will be told and they should be able to help (“We might need to ask someone for help in dealing with the matter”).

- The child or vulnerable adult should be told what is going to happen next.
- Notify a designated safeguarding lead at The Mighty Creatives and the designated safeguarding lead at the school/setting. It is that person's responsibility to liaise with relevant authorities, usually social services.
- In confidence, you should notify your line manager immediately that you have been disclosed to (not the details of the disclosure), so that you can be offered support.
- As soon as possible a note for record should be made of what was witnessed as well as the response. Do not do this when with the child. Note the date, time, and any names that were involved or mentioned, and who the record was given to. Sign and date the record.

Remember not all disclosures are obvious. Some children and vulnerable adults will be too frightened to directly disclose abuse but will make hints and even jokes to try and make an appropriate adult aware of the issue.

The Safeguarding Briefing sets out the process to be followed by staff when they have concerns about a child.

Where allegations of abuse are made against a member of staff

Rights and confidentiality

If a complaint or allegation is made against a member of The Mighty Creatives staff, they should be made aware of their rights under both employment law and internal disciplinary procedures. This is the responsibility of the Deputy Chief Executive, Chief Executive or Chair of Trustees, as required. Both the alleged abuser and the person who is thought to have been abused have the right to confidentiality under the Data Protection Act 2018. In criminal law the Crown or other prosecuting authority must prove guilt and the defendant is presumed innocent until proven guilty.

Complaints against a representative will always and without exception be investigated. Where there is a complaint against a member of staff there may be three types of investigation:

- A disciplinary or misconduct investigation
- A child protection investigation
- A criminal investigation

Internal enquiries and suspension

In the event of an accusation of abuse being made against a The Mighty Creatives member of staff, the individual accused will be suspended following immediate advice by the police and pending further investigations. The temporary suspension of a The Mighty Creatives

member of staff in no way implies guilt or innocence. It is a measure intended to protect and reassure both staff and children.

The Mighty Creatives Operations and Finance Committee (composed of trustees) is responsible for assessing all cases based upon available information. The Mighty Creatives member of staff against whom an accusation has been made will be required to attend an interview with the Operations and Finance Committee - or a working group thereof including the designated safeguarding lead as appropriate - as early as possible. The Mighty Creatives representatives are entitled to be accompanied to this interview. Minutes will be taken of the interview. The task of the Operations and Finance Committee is to decide whether the representative should be allowed to continue to work with children on behalf of The Mighty Creatives and to agree and oversee an appropriate course of actions and decisions in-keeping with the organisation's legal obligations. At all times, the welfare of children should be of paramount importance.

In all cases where the accusation of abuse is found to be true, the Operations and Finance Committee will normally terminate the employment, contract, or agreement with the individual. Lesser measures may be taken at the discretion of the Operations and Finance Committee and in-keeping with The Mighty Creatives terms and conditions of employment and or contract.

Please note that The Mighty Creatives Whistleblowing Policy applies to child protection matters.

Disclosure and Barring Service checks

The Mighty Creatives Disclosure and Barring Service Policy outlines the policy and procedures for when Disclosure and Barring Service (DBS) checks are made. A central register is held.

When we DBS check

An Enhanced DBS, with a children's barred list check, will be required for all 'regulated' activity, such as any regular unsupervised teaching, training, supervision or guidance working directly with children, young people and vulnerable adults.

Freelancers who work with TMC and directly with children, young people and vulnerable adults (for example as Creative Mentors) will all require Enhanced DBS Checks and preferably be part of the DBS Update Service. Enhanced DBS Checks provided by the freelancer or another organisation will be accepted only if the date of certification is within three months prior to the contract start date at TMC. A new Enhanced DBS Check will be required if the current DBS Check was certified more than three months prior to date of the start of their contract with TMC. DBS' of freelancers will be monitored regularly.

A standard DBS check will be required where all regulated activity criteria are met **apart** from the number of times the activity is carried out in a month.

If staff or freelancers who work with TMC are not carrying out regular, unsupervised work with children and young people, they will not need a DBS check.

At the current time, all TMC staff have a DBS, and this will be monitored regularly. Decisions about when we DBS check will be made on a case-by-case basis and regularly reviewed.

Contracted organisations and individuals

All contractors, e.g. freelancers, consultants, and organisations in receipt of grants or contracts, must sign up to following statement:

If the activity involves work with children, young people, or vulnerable adults (“vulnerable people” aged 18 and under or people who need or may need community care services because of mental or learning disability, other disability, age, or illness, and who are, or may be, unable to take care of themselves or unable to protect themselves against significant harm or exploitation), you must take all reasonable steps to ensure their safety. You must have an appropriate written policy and set of procedures in place at all times to safeguard vulnerable people. This will include procedures to check backgrounds and disclosures of trustees, employees, volunteers, or contractors who will have significant direct contact with vulnerable people with the Disclosure and Barring Service. You must make a copy of your policy and procedures available to us upon our written request.

What we do if a positive DBS disclosure

The Mighty Creatives will make direct contact with the individual, or with the organisation’s project manager, as required. The purpose of this conversation is to assess any risks attached to the individual involved working with children and young people or vulnerable adults. The conversation will also reinforce our processes and the next steps that will be taken.

It may be necessary for The Mighty Creatives and or the individual and or organisation to seek advice from Nacro. They will be able to advise whether the conviction is seen as ‘spent,’ offer advice on how much information to disclose at what stage and give clear guidance as to what your responsibilities are and issues relating to confidentiality.

With lead responsibility for child protection and as a designated safeguarding lead, the Deputy Chief Executive will be informed of the situation, but at this stage does not necessarily need to know who the individual concerned is.

Work in schools and formal education settings

If relating to work in a school and other education settings, The Mighty Creatives will inform the **designated safeguarding lead only** of the contents of this disclosure. A discussion

must be had with the individual concerned to make them aware of this and to discuss how they would like to handle the situation. It may be that this might take more than one meeting as the individual may wish to be consulted as to how much detail is revealed and at what point. If the individual is not then allowed to work in the school, following guidelines in the Rehabilitation of Offenders Act, the designated officer must meet with the individual concerned so they have a chance to state their case prior to a final decision being taken.

It is the designated safeguarding lead's decision as to whether the individual can work in their school/setting. Based on The Mighty Creatives knowledge of the offence and individual, we can choose to recommend to the school/setting whether we feel the conviction is relevant and will do our utmost to ensure that we do this in an anti-discriminatory manner. Details of the disclosure will be handled with discretion and through appropriate decision-making channels.

If the individual chooses to withdraw from the project, all paperwork relating to that person and their disclosure must be returned to them or destroyed.

Peer on peer abuse

Definition

Peer on peer or child on child abuse occurs when there is any kind of physical, sexual, emotional or financial abuse or coercive control exercised between children both on and offline. It is essential that all staff understand the importance of challenging inappropriate behaviours between children/young people.

It is most likely to include but may not be limited to: bullying (including cyberbullying, prejudice-based and discriminatory bullying); abuse in intimate personal relationships between peers; physical abuse; sexual violence, such as rape, assault by penetration and sexual assault; sexual harassment; non-consensual sharing of nudes and semi nudes images and/or videos; causing someone to engage in sexual activity without consent; upskirting; and initiation/hazing type violence and rituals.¹

Spotting the signs and indicators

- Absence from school or disengagement from school activities.
- Physical injuries.
- Mental or emotional health issues.
- Becoming withdrawn – lack of self-esteem.
- Lack of sleep.
- Alcohol or substance misuse.
- Changes in behaviour.
- Inappropriate behaviour for age.
- Harmful towards others.

Additionally vulnerable groups to peer-on-peer abuse

- Those aged 10 and upwards.

¹ Taken from <https://safeguarding.network/content/safeguarding-resources/peer-peer-abuse/>

- Girls and young women are more likely to be harmed and boys and young men more likely to have harmed.
- Black and minority ethnic children/young people often under identified as having been harmed and over-identified as having harmed others.
- Children/young people with intra-familial abuse in their histories or those living with domestic abuse.
- Children/young people in care and those who have experienced loss of a parent, sibling or friend through bereavement.
- Children/young people who have harmed others can be younger than their victims.

It is important to remember that as with all safeguarding issues, peer on peer abuse can impact on children and young people without these characteristics. It is therefore important to look at interlinking factors and not isolated incidents.

What we can do

- Follow TMC's code of conduct and ensure all children and young people are supported and know their rights.
- Understand your local community and the context in which children and young people are growing up.
- Ensure children/young people know the risks – where appropriate, talk about peer-on-peer abuse in an age-appropriate way.
- Ensure those working with children and young people understand the impact of peer/child on child abuse on children/young people's mental health as well as the additional needs/vulnerabilities of children/young people with special educational needs or disabilities, who identify as lesbian, gay, bisexual and/or transgender; and/or have other perceived differences.
- Where appropriate, check children/young people have safe relationships – in their family, with their peers and with your staff. Create the environment where it is OK to talk, even about the most difficult things.
- Spot the signs and know what to do – use the checklists above and be confident to raise peer on peer/child on child abuse as a possibility.

Key contacts

Safeguarding is everyone's responsibility. Having safeguards in place within an organisation not only protects and promotes the welfare of children but also it enhances the confidence of trustees, staff, volunteers, parents, legal guardians, and the general public.

The following key contacts are provided for information, support, and guidance within The Mighty Creatives, locally and regionally. If you have concerns about a child, speak to a The Mighty Creatives designated safeguarding lead.

Designated safeguarding leads

The Mighty Creatives has appointed three designated safeguarding leads – one a trustee and two permanent members of the staff team. One of these officers will be available when work with young people is taking place.

Emily Bowman, Deputy Chief Executive, 07909 680 385 (lead responsibility for child protection)
Hazel Townsend, Development Manager, 07725 660525
Emily York, Youth Programme Manager, 07771 728163
Emrys Green, Trustee

The Disclosure and Barring Service

For enquiries about DBS checks and process please contact The Mighty Creatives Business Manager on 0116 2616 834.

The Mighty Creatives uses Aarons Department for the processing of DBS checks.

All concerns, and allegations of abuse will be taken seriously by trustees, staff and volunteers and responded to appropriately - this may require a referral to children's social care services, the independent Local Authority Designated Officer (LADO) for allegations against staff, trustees, and other volunteers, and in emergencies, the police. For LADO contacts follow [this link](#).

If, at any point, there is a risk of immediate serious harm to a child a referral should be made to the police immediately by calling 999.

The Safeguarding Briefing sets out the process to be followed by staff when they have concerns about a child.

NSPCC: 0808 800 5000

Training and professional development

All new trustees, staff and volunteers will be introduced to The Mighty Creatives Safeguarding Policy and procedures as part of the induction process. This involves a detailed briefing within 3 months for trustees and within 2 weeks for staff and volunteers. Trustees will undertake child protection training within their first 6 months and staff and volunteers within their first 2 months. Once a year The Mighty Creatives will deliver internal child protection briefings for all staff based on needs, updates on policy and practices and changes in legislation. Annually, trustees, staff and volunteers will be offered refresher training.

Collection, storage, and use of personal information

Informed consent must be given by young people for The Mighty Creatives to collect, store and use their personal details. Only necessary data should be collected when:

1. meeting young people for first time at event or via a website enquiry – initial contact
2. young people are taking part in activity – active engagement

Personal information about young people must be kept digitally in a central password protected folder on SharePoint. Personal information should not be held in hard copy, on individual laptops, communications devices, or open folders on SharePoint. One exception is when young people are asking part in a project and contact details (name, email, phone number) are required to directly contact individuals. In this instance contacts can be held in Outlook and must be deleted at the end of the project.

Data is reviewed, deleted or renewed every two years. Data will only be held once a young person is contacted, and consent given again to continue holding information whilst ensuring that it remains accurate and up to date.

Consent: participation, photography, and filming

Written consent from a parent or person with legal parental responsibility must be given for a child or young person to do the following:

- Be photographed or filmed if under 16
- Use ICT and internet equipment if under 16
- Take part in engagement activity if under 16

Use of photographs and videos

- Parents and legal guardians of children and young people will be asked to give their permission for photographs and filming to be taken
- Parents and legal guardians of children and young people must give prior written permission for the use of any photographs and video
- Images will not be identified with the child or young person's name unless specifically agreed.

The following guides/templates must be used:

- Photo Consent Guide
- Photo Consent Form Individual
- Photo Consent Form Group
- Contact Data Consent Form
- Participation Consent Form

Online safety

Because of the increased dangers faced by children online, online safety is reflected in this policy, covered comprehensively in the Digital Policy, and delivered in staff training. The Digital Policy is aligned with the Data Protection Policy.

Based on the systems we have in place in addition to the commissioning of new systems, we will ensure that appropriate filtering and monitoring systems are in place. Because we recognise that no filter can block all undesirable material, we take a whole organisation approach that is best practice with regards to online safety. The Digital Policy covers all aspects of company related marketing, information technology and internet activity.

With regards to online safety and child protection, the following sections cover social media, the website and microsite.

We will use guidance provided by the UK Safer Internet Centre and will do what is appropriate in terms of The Mighty Creatives services, products, and marketing to ensure that filtering and monitoring measures taken are proportionate to the risk.

We will signpost for parents and professionals through our website to relevant resources on NSPCC and Child Exploitation and Online Protection Centre (CEOP) websites and include the CEOP reporting button on our website.

Social media

- The data protection officer is responsible for the Digital Policy and Action Plan. The corporate and project use of social media tools are included in this policy in addition to use of IT equipment
- The Mighty Creatives staff are never allowed to accept as a “friend” a child, young person, or vulnerable adult they are or have worked with through The Mighty Creatives
- If social media is planned for use in project or activity, a meeting needs to happen between the data protection officer and the lead designated safeguarding officer prior to initiating
- The Mighty Creatives contact details will always be included on social media sites so that any issues or concerns can be reported directly to The Mighty Creatives
- Any concerns regarding content generated by users on social media sites linked to The Mighty Creatives should be reported to the data protection officer
- Online concerns can also be reported immediately to the CEOP.

The Mighty Creatives website and microsite

- Children are advised that they should protect their own privacy online, The Mighty Creatives website and microsite includes The Mighty Creatives Privacy Statement
- The data protection officer is responsible for the team that administers The Mighty Creatives website and microsite in adherence to this policy.

Glossary of terms

CEOP is a law enforcement agency to help keep children and young people safe from sexual abuse and grooming online. <https://www.ceop.police.uk/safety-centre/>

Designated Safeguarding Lead is named person for safeguarding children and young people. The designated safeguarding lead has a responsibility at both a strategic level within the organisation and on a day-to-day basis.

Local Authority Designated Officer is an identified role in local authorities (referred to as the LADO) to be involved in the management and oversight of individual cases of allegations of abuse made against those who work with children.

NACRO is a national social justice charity with more than 50 years' experience of changing lives, building stronger communities, and reducing crime. <https://www.nacro.org.uk>

NSPCC is a national charity campaigning and working in childcare in the United Kingdom and the Channel Islands. <https://www.nspcc.org.uk>

UK Safer Internet Centre is a partnership of three leading organisations: SWGfL, Childnet International and Internet Watch Foundation whose mission is to promote the safe and responsible use of technology for young people.

ENDS.