

WHITESTONE CHAMBERS

Barristers



Chambers of Lawrence Power
4 King's Bench Walk, Temple.
London.

SAFEGUARDING & CHILD PROTECTION POLICY

(April 2018)

Safeguarding & Child Protection Policy

Introduction

Whitestone Chambers (as defined below 'Chambers') is managed by Mr Lawrence Power who acts as Head of Chambers. It is operated in line with a constitution agreed by all the barristers who work in the chambers (office). Chambers is regulated by the Bar Standards Board and is subject to independent regulation and audit by them. Due to our interaction with young people it is important that we have a safeguarding and child protection policy specific to the type of work we do, in order to ensure the best possible protection of young students. The policy is tailored towards internships and various workshops and outlines the types of interaction between young people and adults in these circumstances. They also include how to prevent any issues from occurring.

Chambers are aware of the important role we play in ensuring the safety of our participants. This policy outlines the systems and procedures in place which are necessary to protect and promote the welfare of young students. In developing our safeguarding and child protection policy chambers makes use of the guidance from *Working Together to Safeguard Children* (Department for Children, Schools and Families, March 2010), the relevant Local Authority (LA), the Local Safeguarding Children's Board (LSCB), and The London Child Protection Procedures.

This policy applies to adults working in any capacity with chambers (which includes, but is not limited to, members of chambers, - staff, tenants, interns and individuals working within chambers on internships). However, some parts of the policy apply only to particular groups, which is expressly stated. All adults working in chambers will be informed about this policy and where a copy can be obtained.

The aims of this policy are to:

- Provide definitions of important and relevant terms.
- Outline good practice guidelines.
- Supply details of the designated staff members of the chambers that will deal with safeguarding and child protection concerns.
- Ensure the commitment to safe recruitment, selection and vetting.
- Increase awareness of the possible risks of child abuse and neglect amongst members of chambers and all adults working within Chambers.
- Ensure all adults working within chambers have a good understanding of safeguarding and child protection, ways in which to minimise any risks, and the action that should be taken upon becoming aware of any incidents.
- Ensure that all adults who are working within chambers are aware of the specific and structured response procedure to safeguarding and child protection concerns.
- Establish and provide the best system for child protection and promoting the welfare of young students involved with Chambers.

- Express the commitment of chambers to safeguarding and child protection.

Definitions

It is important to clearly define key terms so that all members of chambers and those involved with chambers are aware of exactly what each term means. This is essential as this information may help in detecting whether there has been any form of child abuse, and what form it is. Knowing the type of abuse one may be dealing with is crucial as it may dictate the way in which the situation needs to be dealt with. Each case is unique and therefore sensitivity to each case and its details is necessary in order to ensure the child is protected in the best way possible. We are aware that some of the forms of abuse below may not be applicable to the work chambers carries out, however it is important to have a good understanding of all of them.

For the avoidance of doubt, 'Chambers' student' means any student participating in the chambers programme, in whatever capacity and for any period of time. 'Child' and 'Young Person' are used interchangeably to mean any person under the age of 18.

Safeguarding

Chambers uses the definition for safeguarding given by the UK Government in the Department for Children, Schools and Families guidance: *Working Together to Safeguarding Children* (2010) ('Government Guidance').

This document defines safeguarding as:

- Protecting children from maltreatment.
- Preventing impairment of children's health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care, and
- Undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

The Government Guidance defines the types of child abuse that may occur.

Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child or failing to protect a child from such harm. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury.

Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to watch or take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The abuse does not need to involve physical contact.

Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

Emotional abuse will include bullying (and cyber-bullying), which may be defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. All settings in which children are provided with services or are living away from home should have in place rigorously enforced anti-bullying strategies.

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may involve a parent or carer failing to provide adequate food and clothing; shelter, or failing to protect a child from physical and emotional harm or danger.

Good practice guidelines

All adults working with chambers, in whatever capacity, should demonstrate exemplary behaviour. The following are common sense examples of how to create a positive culture and environment. Following these guidelines will ensure protection for adults working with chambers as it will help to prevent inappropriate situations from occurring.

Good practice means

- Always working in an open environment, avoiding private situations and encouraging open communication.
- Treating all chambers students with respect and dignity.
- Always prioritising the welfare of each of chamber's students.
- Maintaining a safe and appropriate distance from the chamber's student.
- Having the chambers student based in an office space with many people around.
- Keeping doors open and blinds up, if a member of chambers is alone in a

room with a chamber's student.

- Ensuring all conversations online between mentor and mentee for the programme is appropriate and work-related; personal details such as contact details should not be shared.
- Ensuring that any form of physical activity e.g. lifting, using step ladders, is in Compliance with Social Mobility Foundations Risk Assessment Procedures.
- Being an excellent role model e.g. not drinking alcohol in the company of the chamber's student.
- Giving enthusiastic and constructive feedback rather than negative criticism.
- Recognising the developmental needs and capacity of students avoiding excessive training or competition and not pushing the chamber's student against their will.
- If the need arises, and only if trained to do so, administering emergency first aid and/or other medical treatment and consulting the Emergency Details part of the chamber's student application form.
- Keeping a written record of any injury that occurs, along with the details of any treatment given, and reporting it to the Social Mobility Foundation.
- Reporting any incidents (see below).
- Not spending unnecessary amounts of time alone with chamber's student away from others.
- Not taking or dropping off chamber's student by car to another location.
- Not saying anything that might make the chamber's student feel uncomfortable, or which could be interpreted as aggressive, hostile or impatient.

Under no circumstances should any adult working with Chamber's:

- Arrange to meet up with a chamber's student in a personal capacity.
- Engage in rough physical or sexually provocative games.
- Allow or engage in any form of inappropriate touching.
- Allow chamber's students to use inappropriate language unchallenged.
- Make sexually suggestive comments to a chamber's student.
- Do things of a personal nature for a chamber's student that they can do for themselves.

- Invite or arrange for or allow a chamber's student to visit them somewhere other than their place of work e.g. home, pub etc.
- Allow allegations made by a chamber's student to go unchallenged, unrecorded or not acted upon.
- Fail to report to chambers anything inappropriate that the student does or says.

Incidents that must be reported/recorded:

If you witness or are a party to any of the following, as an adult working in chambers you should report this immediately to the designated contact and record the incident.

- You hurt a chamber's student, even if unintentionally.
- You witness any inappropriate behaviour, whether from another adult or from another chamber's student.
- The student seems distressed in any manner.
- The student appears to be physically attracted to you or to another adult.
- The student misunderstands or misinterprets something you have done.
- The student makes suggestive or inappropriate comments, either in person, online or using any other form of communication.

You should always feel confident to voice concerns about the attitude or actions of colleagues.

Where a chamber's student is on an internship, the internship provider is expected to notify chambers immediately upon becoming aware of any safeguarding/child protection issues.

Safe Recruitment

Due to the fact that all adults involved with chambers have some level of interaction with young people, it is critical that safe recruitment is practised. Members of chambers will be trained so they know how to deal with any safeguarding concerns and will be in possession of chamber's Safeguarding and Child Protection Policy. Internship providers and student participants will be informed about the safeguarding policy and the procedures that are to be followed should any issues arise. All adults working in chambers are expected to follow the good practice guidelines as set out in this policy.

Systems and procedures

Robert Pidgeon is Head of Legal Operations and is in charge of dealing with any safeguarding concerns. He will be responsible for, among other things, dealing with any allegations, overseeing the referral of cases of suspected abuse to the relevant investigating agencies, providing advice and support to members of chambers and maintaining records of any referral, complaint or concern.

Once a concern has been discussed the appropriate action will be taken and authorities will be notified if necessary, in accordance with the Response Procedure set out below. Chambers treats these matters with the utmost confidentiality, in accordance with the confidentiality guidelines set out below.

Good practice guidelines have been outlined in this policy and therefore all members of chambers issued with a copy of this policy or made aware of it, are considered to be aware of the manner in which they are to conduct themselves. Chambers is aware of the fact that it may be difficult to establish cases of abuse. We acknowledge that the use of the expertise of social services and other authorities may be needed and will involve the relevant authorities where necessary.

Response procedure

The procedure for responding to safeguarding, child protections concerns, and allegations is in line with Government Guidance. If you, as an adult working in chambers and are informed about a concern, you should:

- Make it your priority as such issues need to be dealt with as quickly as possible.
- Listen carefully to the concern that is being raised.
- Try not to ask leading questions, as these may influence the answers of the subject, and distort the evidence.
- Record the concern in writing, making an effort to use the exact words the subject has used in order to be as accurate as possible. Details such as names, dates, times, and location should all be recorded.
- Once you have established the problem, reassure the young person and indicate how they will act in a way that is best for the young person's safety.
- Make it clear that you cannot guarantee absolute confidentiality as the Head of Legal Operations must be informed. Social services and other authorities may also need to be notified. It is important to show the young person that such information will only be shared with people that will help to ensure the young person's safety and well-being. All information will be shared only via secure channels such as electronic mail.
- Inform the Head of Legal Operations immediately.

- Head of Legal Operations should not carry out an investigation, but should review the evidence and consider the seriousness of the allegations. He should then refer the case to the Local Authority Designated Officer (LADO) if the allegations are that a member of chambers has: behaved in a way that has or may have harmed a young person; possibly committed a criminal offence against or related to a young person; or behaved in a way that indicates they are unsuitable to work with young people.

The Head of Legal Operations and the LADO will consider whether the Police or any external agency should be contacted. Every possible assistance should be provided to any external investigator in the carrying out of the investigation.

Provided that it is possible to do so without impeding the investigation or posing any risk to the young person's safety:

- The parents/carers of the young person involved should be informed of the allegation, and kept informed of any progress. If there has been any physical injury to the young person the parents/carers should be informed immediately.
- The subject of the allegations should be informed of them, and of the progress of the investigation. Given the potential damage to career/reputation, chambers will always aim to treat matters sensitively and keep an open mind.

If external investigators are not required, or if the external investigation has been completed, Head of Legal Operations should carry out an internal investigation and consider whether to take any disciplinary action (see below).

Specific Roles

Due to the type of work chambers is involved in, the way in which concerns, and allegations are dealt with may vary depending on who the subject of allegation is and what their role and interaction with the child involves. When concerns are reported, all adults working with chambers should follow the response procedure as set out above. However, the subsequent steps may differ depending on the individual's role:

- In the case where a complaint is made about an individual involved in a student's internship, members of chambers will meet with a senior manager from the individual's organisation to review the evidence and consider the seriousness of the allegations. Until this can be established the student must cease participation in the internship until the outcome is determined and next steps decided upon. In the case that it is decided that the individual is not suitable to continue participating in the internship, the internship will be stopped and the student will be moved to another internship where this is possible. If no criminal offence has been committed but the individual's behaviour was deemed to be inappropriate, the individual's employer will be responsible for taking disciplinary action. If a criminal offence has been committed the police (and any other relevant body) will be contacted to take the matter further.

- With regards to mentors, if an allegation is made against them written records between mentor and mentee will be checked by a member of chambers. Chambers will look for any inappropriate content that has been shared and in the cases where this is found, it will be recorded. Both mentor and mentee will be consulted to discuss the matter, and may be terminated from the programme if necessary.
- It may be that a chamber's student (A) is alleged to have behaved inappropriately towards another chamber's student (B). In such an instance, chambers will investigate the matter following the procedures outlined in this policy. If necessary for the safety and well-being of the students, both students A and B may be suspended from the programme while the allegations are considered. If the allegations are upheld, chambers student (A) will be removed from the programme. Chamber's student (B) may be removed from the programme if the allegations are found to be false or malicious. Unless it is inappropriate to do so, the student's parents/carers will be informed, together with any other relevant authorities.

Confidentiality

Chambers will make every effort to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the young person, parents and accused person (where this would not place the young person at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect young people, facilitate enquiries, or manage related disciplinary or suitability processes.

Disciplinary Action and Suspension

Where disciplinary action is taken against a member of chambers, it should be done so in accordance with chamber's disciplinary policy. It may be necessary to suspend the individual against whom allegations have been made if, for example:

- There is cause to suspect a child is at risk of significant harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

Record-Keeping

Chambers will keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on a person's confidential personnel file and give a copy to the individual.

Timing

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Chambers will make every effort to manage cases to avoid any unnecessary delay. However, the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation.

Conclusion of Investigation

If the allegation is substantiated, the individual may be dismissed from chambers, or their participation in the programme may be terminated. Further action may be pursued by the relevant authorities. Chambers will make any notifications that it is required to by law.

If it is decided on the conclusion of the case that a person who has been suspended can return to work, chambers will consider how best to facilitate that.

If an allegation is determined to be unfounded or malicious, chambers will alert the relevant people or external bodies if there is a concern that the young person is in need of assistance. In the rare event that an allegation is shown to have been deliberately invented or malicious, chambers will ask the police to consider whether any action might be appropriate against the person responsible.

Chambers is aware of the importance of balancing the welfare of the young person against the potential damage that can be caused to an individual's career and reputation. All cases will be dealt with by chambers in a sensitive manner and in a carefully measured way. In cases of abuse chambers will ensure that the young person is put in contact with social services and/or other relevant bodies so that the necessary support is provided.

Other contacts:

The Independent Safeguarding Authority may be contacted via one of the following channels:

By telephone on 01325 953 795

By email to: isadispatchteam@homeoffice.gsi.gov.uk

By post to:

Independent Safeguarding Authority

Post Office Box 181

Darlington DL1 9FA

NSPCC (National Society for the Prevention of Cruelty to Children)

NSPCC Helpline 0808 800 5000

Text phone 0800 056 0566

Fax 020 7825 2750 – marked for the attention of the duty manager

By post to:

Weston House

42 Curtain Road

London

EC2A 3NH

To find the relevant central/local government service for your area, please visit:
www.direct.gov.uk

Reference List

Working together to safeguard children (every child matters)

<https://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.pdf>

This policy will be reviewed by 31 March 2019.

Whitestone Chambers