

**A Response by NSPCC Northern Ireland to the DHSSPS consultation on
“ Child Protection Policy for Children’s Homes.”**

September 2009

Introduction

1. The NSPCC is the lead voluntary child protection agency in Northern Ireland and is unique among charities in having statutory powers by virtue of Royal Charter and the Children (NI) Order 1995. The NSPCC's authorised status is recognised in the Criminal Justice (NI) Order 2008 in relation to public protection arrangements. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.
2. The NSPCC employs approximately 150 staff in Northern Ireland providing a range of services. These include therapeutic work, family support, assessment, support for young people with sexually harmful behaviour, young witness support, counselling services in schools, Independent Visiting Services for young people in the care system, Child Protection in Sport and Childline. In addition, the NSPCC operates a 24 hour national Child Protection Helpline.
3. The NSPCC's comments on this consultation document draw on the experience and expertise of our practitioners and in particular our experience of working with young people in the care system. The NSPCC has, through use of its authorised status, provided an investigative service and has experience of conducting inquiries on behalf of Social Services into allegations of abuse against looked after children. Such investigations have been carried out across England, Wales, Channel Islands and in Northern Ireland.

General Comments

4. It is our experience that children in the looked after system can be very vulnerable to abuse and exploitation. Research shows that children who have been abused once are more likely to suffer further abuses. We welcome the publication of this draft policy for consultation as there is a need for clear guidance on child protection for staff working in children's homes. However, while a focus on adherence to procedures is important, this alone will not prevent tragedies occurring. There should also be an emphasis on ensuring effective child protection practice safeguards are in place as well. This should include a rigorous approach to the recruitment and supervision of staff employed.
5. While there is reference in the document to the provision of information to children on where to seek outside help and in making complaints we feel this should be strengthened and given more prominence. While we acknowledge there is reference made to an extensive list of associated documents and policies which relate to this policy, it is our experience that

front-line staff do not always have access to this level of detail and that this policy should be more explicit in making detailed reference to these safeguards. We would suggest the policy should include a reference to the need for all staff to receive induction training on the rationale for safeguarding measures in children's homes.

6. Safeguarding children with disabilities should be given more prominence throughout the policy document reflecting the recommendations of the Utting Report (1997). This is particularly important in relation to facilitating a child or young person to make a complaint or a disclosure of abuse.

7. The document should reference the Safeguarding Vulnerable Groups (NI) Order 2007 and the Sexual Offences (NI) Order 2008 and Health and Personal Social Services (Quality, Improvement and Regulation) (NI) Order 2003. AccessNI 2008 should read Part V of the Police Act 1997.

8. It would be helpful if the document made explicit the links with responsibilities to inform the regulator RQIA, for example at paragraph 8.1 and how the document played a part in the regulatory framework for children in residential care.

Institutional Abuse

9. There is a reference in the Policy to abuse within institutions precipitating children to run away. Children who are missing from Care are a cause for significant concern. We would recommend the Draft Procedure provided by the four HSS Boards be revisited by the proposed new Safeguarding Board. We would further recommend including references to "Co-operating to Safeguarding Children" (2004) in particular in relation to children who go missing persistently. There should be a clear provision for someone independent of the institution to determine what led to them running away and to establish if abuse was a driving factor.

10. In relation to "Children whose behaviours place them at risk of significant harm", we would recommend extending this section to include principles and procedures for staff in children's homes to enable them to understand the phenomenon of children being groomed for sexual exploitation by adults outside of the home. The concept of children appearing to be "willing victims" is not, in our experience, always appropriately understood by social work staff in children's homes and as such we would suggest this section should include references to safeguarding children and young people at risk of being groomed in this way by adults outside of the children's home. The report of the Social Services Inspectorate (2006), "Our Children and Young People – Our Shared Responsibility" states, "Police, on the whole, were neither investigating abuse of children within residential care who refused to complain nor using any form of deterrent as a protective measure in the case of risky individuals associating with them". We

recommend the Child Protection Policy for Children's Homes should include a recommendation for Residential Social Workers to refer such concerns to the field or duty social worker or to the PSNI. Additionally where concerns have been raised and referrals made, they should follow up the referral to ensure it is being taken seriously and acted upon.

Principles Underpinning the Child Protection Policy For Children's Homes

11. We welcome references to the Child's right to be heard, listened to and taken seriously and to the need for children "to be given a thorough introduction to the home" and provided with the Complaints Procedure. (Paragraph 6.4). In our experience of working with Looked after Children, such principles are often not linked to practice and as such we would recommend a more joined-up approach being taken. The principle of ensuring children's access to independent children's rights services such as those provided by VOYPIC or Independent Visiting Schemes should be included in this section and significantly strengthened. We are aware of some young people being given an envelope on admission to the children's home which includes a slip with the name and contact number of the person to whom they should complain if they choose to make a complaint. Such an approach is inappropriate to ensuring the child's views are taken seriously. The National Minimum Standards for Children's Homes (standard 16) states "Children know how and feel able to complain if they are unhappy with any aspect of living in the home" is deliberately broad and as such encompasses complaints of a child protection nature, issues related to disability and other issues related to the views and wishes of the child. We recommend this section on principles should be extended to incorporate the child's right to make a complaint. Children should not merely be provided with a copy of the Complaints Procedure. We would also suggest that at 7.2 staff should ensure that information on ChildLine is displayed clearly in all children's homes

12. In Paragraph 3.6 of the Draft Policy there is a reference to the need for staff in Children's Homes to be aware of the signs and symptoms of child abuse and to avail of relevant training. Given that children's homes are often targeted by adults who seek to sexually exploit children we recommend the policy should explicitly state the signs and symptoms related to this particular phenomenon.

Promoting a Safe and Protective Environment in the Children's Homes.

13. Paragraph 6.1 of the Policy refers to the need for each home to have a Statement of Purpose which includes an accurate description of what the home sets out to do for the children in their care and to state the number of children they can accommodate as well as the age range and gender and safeguarding processes. It is our experience that in some instances such criteria are routinely ignored when there is pressure for a placement. The Utting report stated "If the child is not safe, the home is achieving objectives neither for the child nor for itself as an institution. Quality protects." If the Statement of Purpose is an essential element ensuring children are

safeguarded then any undermining of it arguably undermines the safeguarding of the children in the home. This should be emphasised in the document.

14. Paragraph 4.6 refers to the need to refer to the Whistle Blowing Policy in Chapter 9 of the ACPC's Child Protection Policy and Procedures. In our experience there has not always been an appropriate response when allegations have been made against a staff member. On occasions this has resulted in no action being taken. This has tended to occur when a child or young person has made multiple allegations. We recommend including a reference to Chapter 5 of the ACPC's Child Protection Policy and Procedures also and to make it clear that allegations against staff must be dealt with through the same process as any other allegation of abuse against a child.

Dealing with Disclosure

15. It is important for this Policy to acknowledge the communication challenges faced by some children, particularly those children who have a disability. It would be helpful if the Policy highlighted the usefulness of using other forms of communication such as drawings or behaviour to facilitate children who wish to disclose abuse.

16. We are aware that some Trusts in Northern Ireland have developed the practice of having Field Social Workers working in Children's Homes at weekends to cover staff shortages. In the event of a child making a disclosure of abuse, this situation could present issues of independence for the Field Social Worker if they were to deal with the disclosure at the Children's Home and also be the investigating Social Worker. The policy may wish to address this issue.

Good Practice Which Will Promote High Standards of Safeguarding Children living in the Trust's Children's Homes / Monitoring, Quality Assurance and Training.

17. We welcome the reference to the fact that staff have a professional responsibility to gain access to and familiarise themselves with literature relating to Child Protection as stated in Paragraph 8.5 of the Policy. However we recommend making this more robust by including measurement indicators. To ensure this is an ongoing process it could be linked to supervision and annual appraisal as well as the requirement of the NISCC for professional learning and development.

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