

Care and Protection Policy and Procedures - Abridged

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This is a shortened version of Hot Chocolate Trust's Care & Protection Policy and Procedures. If you need to see the full version, with all appendices, then please contact the office on 01382 223 880.

Introduction

Hot Chocolate Trust is committed to the well-being of every individual and works to safeguard the welfare of every person who is involved.

All young people we work with have the right to be safeguarded against neglect, abuse, exploitation, or other situations that may place them at risk. Hot Chocolate Trust works to create a safe environment for young people who benefit from Hot Chocolate's activities.

This policy applies to regulated work with children or protected adults as defined in the Protection of Vulnerable Groups (Scotland) Act 2007. Because of the age range at Hot Chocolate a majority of the young people with whom we work are children (aged under 18), some are protected adults, some fulfil both sets of criteria simultaneously, and there are some who fall into neither of these categories. Whilst the processes of the PVG scheme must apply differently for these different groups the standards of care and practice which Hot Chocolate upholds apply to all of them – hence the use throughout this document of the collective term “young people”.

There are currently no roles in Hot Chocolate which involve support of protected adults but not children. Additionally, although Hot Chocolate's work fulfils the criteria of a welfare service with protected adults this work also meets the description of incidental work in being open to all (within the age criteria), attractive to a wide cross-section, and with discretionary attendance. When screening team through PVG systems therefore we screen for work with children which anyway forms the large majority of our work.

For the purpose of this policy, PVG Scheme Records, PVG Scheme Record Updates, Standard and Enhanced disclosures will be referred to as Disclosure Records.

Many of the young people involved with Hot Chocolate describe it as a “safe place” and say that it “feels like home.” This Policy describes how we can continue to make young people feel secure and safe when we are working with them and work to safeguard them from risk, abuse and exploitation as we demonstrate God's love in action.

Who is responsible?

The care and protection of young people is the responsibility of everyone in Hot Chocolate. Given the prevalence of complex and multiple traumas experienced by young people engaging with Hot Chocolate, all team are committed to the principles of trauma-informed practice. This means that Hot Chocolate works to embody the opposite experience by offering safety, trustworthiness, consistency, choice, collaboration, and empowerment.

To help us to be effective in our individual and shared responsibilities we have appointed the following roles.

Care & Protection Lead: Eilaine Coffey, Youth Work Manager (and Complex Needs Lead.

PVG Lead Signatory: Dave Close, Executive Director

Young People at Risk Group: Eilaine Coffey, Dave Close,
Charis Robertson, Debbie Johnstone, Andy Bradley.

Tony Boffey, Chair of Hot Chocolate's Board of Directors, is also available both as an advisor to the people noted above or to hear any concerns from within or outwith the organization. Tony can be contacted through the Hot Chocolate office (01382 223 880 or admin@hotchocolate.org.uk), simply leave a message that you would like to speak with him and he will respond as soon as possible. You do not need to explain why.

It is an offence for an individual who is barred to undertake the type of regulated work from which they are barred.

It is an offence for an organisation to offer regulated work to someone who is barred or fail to remove a person from regulated work if they have been notified that they are barred.

It is an offence for an organisation not to refer an individual to Disclosure Scotland where the grounds have been met.

Staff and Recruitment Processes

Hot Chocolate Trust build significant relationships with young people and have the privilege of being trusted by them. We are determined that everyone who works for Hot Chocolate will be committed to the well-being of the young people and that we minimize opportunity for anyone to exploit that position of trust. We are therefore diligent to ensure that team members are carefully selected and screened and well trained, supported and supervised in their ongoing work.

Volunteer Youth Workers

Most of the people who work with young people in Hot Chocolate are volunteers, and their responsibilities constitute regulated work, so we will consider their recruitment first.

Volunteers come from a range of backgrounds; some have had previous connections with Hot Chocolate, or with current team, and others are entirely new to us. All go through the same process, usually over the course of 8-10 weeks, to discern whether a role working with young people here is appropriate for them and to vet their suitability for that role. Their work constitutes regulated work as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 and so they will be vetted in accordance with the PVG scheme.

Volunteers in other roles

Sometimes a volunteer may wish to support Hot Chocolate's work but in a non-youth work role. In this case the route of assessment and appointment will vary according to the role and commitment.

However, in every case the staff member responsible for the area of work in which the volunteer will support must consider which elements of the full process are necessary or would be helpful and make an agreed plan to cover these.

Hot Chocolate Trust is a children's charity, in the terms of PVG guidance, and the principal means of delivery of benefits is by workers doing regulated work. This means that the Trustees or Board Members of Hot Chocolate Trust are also doing regulated work and therefore are screened through the PVG system accordingly.

Employees

When a role is created it will be assessed to determine whether it constitutes regulated work as defined in the Protection of Vulnerable Groups (Scotland) Act 2007. If not, then the normal, careful Hot Chocolate recruitment process will be followed (including a self-declaration statement regarding criminal offenses) and the new employee's responsibilities for the care and protection of young people under this policy will, nonetheless, be part of their induction. If so it will be noted in the advertisement or job pack that the appointment is subject to disclosure records through the PVG scheme.

The role will not normally begin before the disclosure record is received. If the disclosure record is clear, then the appointment will be confirmed and the employee begin their role. If the disclosure record contains further information then this will be considered according to the template in Appendix Three and a decision made whether or not to appoint.

Independent Contractors

When a role is created, and the contract drawn up, it will be assessed to determine whether it constitutes regulated work as defined in the Protection of Vulnerable Groups (Scotland) Act 2007. If so, then the contract will be offered subject to presentation of their PVG Scheme membership. If they are not yet members of the PVG scheme their point of contact in Hot Chocolate will assist them in applying.

If the work of an independent contractor does not constitute regulated work as defined by the Protection of Vulnerable Groups (Scotland) Act 2007, then Hot Chocolate will apply their normal process of assessment to ensure the best appointment. The staff member responsible for the project must consider whether it is useful to go through the standard induction process including care and protection training? If not, what induction or support will be more appropriate?

Secure Handling, Use, Storage and Retention of PVG/Disclosure Information

Hot Chocolate Trust will ensure it acts in accordance with the Scottish Government Code of Practice, for registered persons and other recipients of disclosure information.

Disclosure records will only be requested when necessary and relevant to a particular post and the information provided on a disclosure record will only be used for recruitment purposes.

The Lead Signatory/Executive Director will ensure that an individual's consent is given before seeking a disclosure record, and will seek their consent before using disclosure information for any purpose other than recruitment. Furthermore, The Lead Signatory/Executive Director will ensure that all sensitive personal information that is collated for the purposes of obtaining a record will be managed confidentially at all times by those involved in the Disclosure process.

Disclosure information will only be shared with those authorised to see it in the course of their duties.

Disclosure information will be stored in a locked box, used only for this purpose, in a locked non-portable cupboard, and we will not retain such information for longer than needed. Only those authorised to see this information in the course of their duties will have access to this container. Disclosure information will be destroyed by shredding within three months and no image or photocopy may be retained. Hot Chocolate Trust will, however, keep a record of the following:

- Date of issue of disclosure record
- Name of subject
- Disclosure type
- Position for which the disclosure was requested
- Unique reference number of disclosure
- Recruitment decision taken

Disclosure records of Hot Chocolate team are renewed every three years. A schedule noting the date a renewal check is due for each team member in regulated work is jointly maintained by the Volunteer Manager and Administrator/Book-keeper. If a person is still linked to HCT for PVG purposes but is no longer doing regulated work for us then we will notify Disclosure Scotland of this.

Ongoing Training

All regular team members, voluntary or employed, will cover Care and Protection Policy and Hot Chocolate's practice requirements and guidelines as part of their induction. All team members will have opportunities to pursue further training, both externally and internally, to develop their skills and awareness. For some roles further training will be essential.

Team in youth work roles will refresh or deepen their training in care and protection once a year.

How concerns and disclosures are handled

If any team member has concerns for a young person, however these have arisen, they will record and share it in one of three ways: youth work recording; Niggle form; Care & Protection Concern form. For the avoidance of doubt, if a team member has concern of imminent harm to a young person they should not wait but immediately consult with the most senior team member present or contactable by telephone in order to act promptly in contacting child protection agencies (e.g. social work, police).

C&P Concern forms and Niggle forms will be picked up the next day by the Youth Work Manager who will record this on the C&P Cover Sheet. She will plan, record and lead the appropriate response and store these recordings in a secure file. She will pass on concerns to child protection agencies (e.g. social work dept, police) whenever this is appropriate.

The Youth Work Manager will liaise as needed with the Executive Director and/or Assistant Director for support or advice in response to Care and Protection concerns and niggles. All concerns and responses are reviewed each month at the Young People at Risk meeting, led by the Youth Work Manager with the Executive Director, Assistant Director, Senior Youth Worker and Volunteer Development Manager. When a concern is resolved the records will be kept in the secure file in case future reference is needed.

How allegations against a team member are handled

Hot Chocolate Trust is committed in all circumstances to prioritizing the welfare, and protection from harm, of young people and this will lead our response to any allegations.

Principles of raising concerns

- You do not need to have irrefutable evidence to raise a concern. If you feel uncomfortable with what you have witnessed, or been told, report it in the best way you can.
- If you raise a genuine concern under this policy, you will not be at risk of suffering any form of retribution as a result and Hot Chocolate Trust will not tolerate anyone attempting to stop you, victimise you or otherwise take action against you in any way.
- Providing you are acting in good faith, it does not matter if you are mistaken. However, we will not accept people raising matters maliciously that they know are untrue.
- HCT will ensure protection to your confidentiality and identity wherever possible.
- Team members may be accompanied by a colleague at any time when raising concerns; anyone else raising concerns may be accompanied by a person of their choice.
- Whoever is looking at your concern will ensure that it is investigated and addressed appropriately, which may mean immediate referral to a higher level. You will be kept informed where possible of all developments.

Internal or external reports

Hot Chocolate Trust always seeks to involve appropriate external agencies in situations relating to the protection of children or vulnerable adults. We therefore strongly advise that anyone with a concern should first talk to their line manager (for HCT Team), or a senior staff member (e.g. Youth Work Manager who is our Care & Protection lead) or the Chairperson/another Director before reporting your concerns to another organisation. Please be certain that you have exhausted all internal options and that you are sure that your intentions are right before considering reporting your concerns to an external agency.

Stage 1 – Reporting

Team members may raise any concerns with their line manager (for volunteers - the Volunteer Development Manager) or with the Youth Work Manager. If the concern is more urgent, for example in an Open Session when there is a fear of imminent harm then the concern should be raised immediately with the Session Leader. If this is not possible then there is a list of phone numbers of Senior Staff who can respond in emergency. For the avoidance of doubt, if a team member has concern of imminent harm to a young person they should not wait but immediately consult with the most senior team member present or contactable by telephone in order to act promptly in contacting child protection agencies (e.g. social work, police).

The standard reporting process using the Niggle Forms or C&P Concern Forms described above will usually be the most appropriate way to communicate a concern.

Anyone with a concern can contact the Youth Work Manager, Eilaine Coffey, Executive Director, Dave Close, or Chair of HCT Directors, Tony Boffey.

Stage 2 - Investigation

The Youth Work Manager or Executive Director will arrange a thorough investigation of the matter including consideration of whether and how any external body (e.g. police or social

work department) should be informed. The consistent priority will be the safety and protection of young people.

Any investigations will be carried out in accordance with the principles set out above. Conversations in the course of investigation will be noted and the notes agreed, wherever possible, or the persons involved may be asked to provide a written statement.

The person leading the investigation will then report to the Executive Director, or the Chair of Directors, who will oversee any necessary action, including disciplinary action or reporting the matter to any appropriate statutory body or regulatory agency.

On conclusion of any investigation, the person raising the complaint and the subject of the complaint will be informed of the outcome of the investigation and the actions taken by the organization. If no action is to be taken, the reason for this will be explained.

Stage 3

If the person raising the complaint is concerned that the person investigating is involved in the wrongdoing, has failed to make a proper investigation, or has failed to report the outcome of investigations to the Board, they should inform the Chair of the Board of Directors, who will arrange for another manager or Trustee to review the investigation carried out, make any necessary enquiries and make their own report to the Board as in stage 2 above.

Stage 4

If, on conclusion of stages 1, 2 and 3 the person raising the complaint reasonably believes that the appropriate action has not been taken, they should report the matter to the proper person or authority. In cases concerning the Care and protection of children or vulnerable adults this would normally be the Police or Social Work Dept.

False Reporting

There may be instances where a report is made, based on a genuine belief by the employee or volunteer that something is wrong at a particular time, which is subsequently demonstrated to be false or inaccurate. In such circumstances, the employee or volunteer will be informed of the discrepancy between their report and the facts at hand. When the employee or volunteer acted in good faith and had a genuine belief that such a situation should be reported, this will be affirmed and no further action will be taken.

If it becomes apparent to the investigating staff or Directors that an employee or volunteer making the disclosure has acted maliciously or frivolously, or has acted for personal gain, this will be dealt with through the Disciplinary Procedure.

Boundaries for Youth Work team

Hot Chocolate expect all team members to maintain clear, professional boundaries in their relationships with young people. These are a key element in keeping young people safe. The boundaries themselves are explored in more detail in the “It depends” section of the Induction handbook.

From time to time these boundaries are breached or scenarios arise where team are genuinely uncertain about what is appropriate. In all cases we would expect a team member to take the initiative to inform us as soon as possible of any interactions with young people which might cross these lines. We will respond as follows.

1. The Volunteer Development Manager, or line manager of paid staff member, would normally have the first conversation. If there has been only uncertainty but no risk to young people or deliberate breach of boundaries then this conversation, reminding the team member of the Induction guidance and helping them to interpret this appropriately, will be sufficient. The incident and conversation should be recorded and kept in the team member’s records.
2. If there is potential risk to a young person, deliberate breach of boundaries or we are not confident that the team member is sharing all relevant information then we will meet with the team member, as soon as possible and usually within three working days, to investigate what happened.
3. Recognizing that sometimes such situations can involve difficult conversations we will invite the team member to be accompanied by another team member of their choice.
4. The meeting, and subsequent process, will aim to uphold three principles:
 - a. To protect young people from harm or risk of harm.
 - b. To maintain Hot Chocolate Trust’s capacity and effectiveness to support young people.
 - c. To support the Hot Chocolate team who carry out that work.If there is any conflict between these principles in practice, then the welfare of young people and their protection will always be the first priority.
5. We will agree specific points of contact to follow this meeting. Next actions may not be decided yet, for example, but we will let the team member know when we will be in touch or when we would like to meet again, as soon as possible and usually within ten working days.
6. The situation will then be reviewed, as soon as possible and usually within ten working days, by an Oversight Group comprising at least three of Executive Director, Assistant Director (Development), Youth Work Manager, Volunteer Development Manager or Chair of Board. In agreeing a clearly planned response they will consider (n.b. this is not exhaustive):
 - a. Does this situation indicate harm or imminent harm to any young person is likely? If so what immediate actions are needed to mitigate this?
 - b. Does this situation indicate harm or imminent harm to any team member is likely? If so what immediate actions are needed to mitigate this?
 - c. Is there any evidence or concern which should be communicated either to Social Work Dept or to the Police? If so, who will do this?
 - d. How can the accounts of others involved, especially young people, be heard?

- e. What support is needed for any young people involved?
 - f. What restrictions should be placed and what support offered to the team member while the situation is investigated?
 - g. Where should confidentiality boundaries be drawn and what do other team need to know?
 - h. Do we need to meet again with the team member to investigate any details further?
7. Once the situation has been appropriately investigated the Oversight Group will agree the necessary actions, including communication, sanction, support, and who will take these.
 8. If there is a decision to remove a team member from working with young people then the Oversight Group will also decide whether any further actions are needed, including our responsibilities for making a referral under the PVG scheme.
 9. If the team member is unhappy with the process or decision they may appeal, as soon as possible and usually within 28 days, to the Hot Chocolate Board, either through the Chair person or if he/she has been involved in the process through the Vice-Chair (People & Development Sub-Group). They will review the process, with a second Director assisting, and meet with the team member, before giving their recommendation of any further or alternative actions in writing to both the team member and the Executive Director.

Making a Referral under the PVG Scheme

This policy is relevant to all those involved in making recruitment/disciplinary decisions in our organisation.

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where Hot Chocolate must notify the Protection Unit at Disclosure Scotland that this has happened. This is called “Making a Referral”. If we would have permanently removed the individual, the actions detailed in this policy will continue to apply even if a member of staff or volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave.

Two conditions must be met before we let Disclosure Scotland know that something has happened.

Condition 1 – A person has been permanently removed/removed themselves from regulated work

Condition 2 – At least 1 of the following 5 grounds apply

- Caused harm to a child or protected adult
- Placed someone at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Given inappropriate medical treatment

When both of these conditions have been met, it is a legal requirement that we must make a referral to Disclosure Scotland within 3 months of the permanent removal of the individual.

Where there is an historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with us but which we believe would, in all probability, have led to the 2 conditions being met, we will consider whether we want to make a referral but the legal responsibility applies only after 28 February 2011 when PVG was first introduced.

Where it is necessary to make a referral, this process will be carried out by the Executive Director. In their absence, the referral process will be carried out by the Assistant Director or Care & Protection Lead. Those who are in a position which may involve carrying out disciplinary action which may result in the removal from regulated work or dismissal of someone in regulated work must ensure they notify the Executive Director or, in their absence, the Assistant Director or Care & Protection Lead of the legal requirement to make a referral where the conditions above have been met.

Failure to make a referral where required, may result in our organisation being prosecuted. It is therefore essential that those involved in carrying out disciplinary action notify the Executive Director or the Assistant Director or Care & Protection Lead when both conditions for making a referral have been met.