

MERCURY

Safeguarding policy

Children and Vulnerable Adults.

The Mercury recognises a duty of care to safeguard from harm all children and vulnerable adults involved in activities that we run or promote. In order to ensure the safety and protection of all children involved in any Mercury projects, all staff, artists and volunteers will adhere to child protection guidelines, which aim to create safe working practices and a stimulating and creative environment. Vulnerable adults are included within this policy.

A summary of the Mercury's policy and full guidelines will be issued to all existing and new personnel whether they are full time, part time, freelance staff or working on a voluntary basis and will be included in the Mercury staff handbook.

Under the requirements of the Children Act 2004, The Essex Safeguarding Children Board (ESCB) is the key statutory mechanism for agreeing how the relevant organisations in Essex will cooperate to safeguard and promote the welfare of children in its locality. Under this statutory requirement, the ESCB is also required to ensure the effectiveness of what these organisations do. The core objectives of the ESCB are to:

- Co-ordinate what is done by each person or body represented on the Board to safeguard and promote the welfare of children in Essex, and
- Ensure the effectiveness of what is done by each such person or body for those purposes (section 14(1) Children Act 2004).

The ESCB and its sub-committees are established in accordance with the guidance issued in "Working Together to Safeguard Children".

Currently the Mercury's lead Safeguarding team are the Deputy Executive Director and the Head of Creative Engagement. As an exemplar of best practice, the Mercury has two Lead Safeguarding Officers to cover growing delivery. The lead officers are supported by the Community Engagement Producer as the Designated Person.

The Deputy Executive Director leads predominantly on adult safeguarding whilst the Head of Creative engagement leads on children's safeguarding.

Definitions

- 1) What is meant by 'child protection'?

Child protection means recognising, understanding, and carrying out our responsibility as an organisation to protect the children and vulnerable adults with whom we come into contact from physical, sexual and emotional abuse, and from accidents, by ensuring that:

- the welfare of the child is paramount;

- all children, whatever their age, culture, disability, gender, language, racial origin,
- religious beliefs and/or sexual identity are protected from abuse and exploitation;
- all suspicions and allegations of abuse and exploitation are taken seriously and responded to swiftly and appropriately;
- all paid staff or unpaid volunteers and artists working with us or on our behalf understand their responsibility to report concerns to the appropriate manager.

2) What we mean by 'children and vulnerable adults'?

As defined by law, a child is a person under the age of 18 years. There is no legal definition of the term 'vulnerable adult'. Arts Council England uses the following definition:

“Vulnerable adults are people who are or who may be in need of community care services because of mental disability or other disability, age or illness, and who are, or who may be, unable to take care of themselves or unable to protect themselves against significant harm or exploitation.”

Throughout this document child and young person are used interchangeably.

3) What we mean by 'child abuse'

Child-abuse is a situation in which a person under the age of 18 years has either suffered, or is believed to be at risk of, sexual abuse, emotional abuse (including bullying), neglect, or physical injury. The perpetrator may be an adult or another child, and the abuse may have occurred either as the result of direct action by an abuser or through the failure of organisations or individuals responsible for the child's safety and well-being.

4) What we mean by 'child exploitation'

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

This definition of child sexual exploitation was created by the UK National Working Group for Sexually Exploited Children and Young People (NWG) and is used in statutory guidance for England.

Policy and Procedures

To meet both statutory obligations and current advice as to the best practice in the arts sector, the Mercury has appointed a 'Designated Person' as the Child Protection Officer. Employment and recruitment practice will be amended to include the recommendations outlined in this document.

1) Introduction

Child abuse, especially sexual abuse, can arouse strong emotions in those dealing with the situation. It is important for us to understand these feelings and not allow them to interfere with our judgement about the appropriate action to take. We must also remember that we are not trained to deal with situations of abuse or to determine in most circumstances whether or not abuse has occurred.

Abuse can occur within many situations including the home, the school and the leisure environment. Some individuals will actively seek employment or voluntary work with young people in order to harm them. Situations could arise where arts workers find themselves identifying cases where children need protection. All suspicious cases of poor practice should be reported following the guidelines in this document.

2) Recruitment

Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, it is an offence for any organisation to offer employment that involves regular contact with young people under the age of 18 or vulnerable adults to anyone who has been convicted of certain specified offences or included on lists of people considered unsuitable for such work held by the Department for Education and Employment and the Department for Health. It is also an offence for people convicted of such offences to apply for work with young people.

Declarations

Application forms for permanent or temporary posts involving regular contact with children should include a section where applicants are able to declare any criminal offences. Alternatively, candidates will be asked to declare any criminal offence via the HR software prior to commencing employment. Additionally, there should be a specific declaration that the candidate is not known to any statutory or other body as being an actual or potential risk to children, that they have not been disqualified or prohibited from fostering children or had any rights or powers in respect of any child vested in or assumed by a Local Authority, or had a child ordered to be removed from their care. The declaration will be kept confidential, and detail from it disseminated only on a need-to-know basis.

Disclosure Checks

Information on Disclosure and Barring Services can be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Permanent staff:

All staff with regular contact with children and/or vulnerable adults should have an Enhanced DBS Check through the Disclosure and Barring Service. An Enhanced DBS Certificate lists any police records of convictions, cautions, reprimands or

warnings, DfES and Department of Health List 99 (people who are banned from working with children or who have had restrictions placed on their employment) information, and any other relevant detail. DBS Certificates must be kept confidential and stored securely for a maximum of six months. Any information included will be accurate at the time the check was carried out. Permanent staff should have their DBS Certificate renewed every two years. Where a member of staff renews their DBS Check annually by direct debit, this must be checked online every two years.

Artists, temporary staff, practitioners and freelancers:

All the aforementioned who work regularly with children should have an Enhanced DBS Check as above. The Mercury will only accept DBS checks that have been undertaken by the Mercury or a DBS number linked to an automatically renewed account.

In exceptional circumstances, artists, practitioners and freelancers may work with children only in situations where they are supervised at all times by a teacher or a youth worker, or by a member of the Mercury staff who holds a current DBS Check. Under these circumstances the artist, temporary staff or volunteer need not have a disclosure, but the DBS holder must be made aware that this person must not be left unsupervised with children.

Project Managers, when providing workshops or arranging events in schools, must make it clear to bookers whether or not the artists delivering the work have had a DBS check.

All relevant documents:

Proof of identity, right to work and references will be taken from all freelance artists and professionals.

Job applicants

Candidates applying for posts involving contact with children must be made aware that a disclosure check will be carried out, and that any offer of employment is conditional upon them having no convictions relevant to working with children or vulnerable adults.

Disclosure checks are to be carried out by the Mercury upon commencement of employment. The Mercury should carry out an enhanced DBS check or where a pre-existing online DBS Check is in place and matches the requirements of the new job role, the Mercury must check this using the online DBS checking process. All new employees will be required to agree to this as a condition of employment.

Recruitment of ex-offenders

We must ensure the protection of children and young people, but we must also ensure that we apply good practice in relation to equality and diversity in our recruitment practices, and that a criminal record is only taken into account where a conviction is relevant to the post concerned. Unless the nature of the work demands it, candidates will not be asked to disclose convictions which are 'spent' under the Rehabilitation of Offenders Act 1974. Having an 'unspent' conviction should not necessarily bar candidates from

employment. This will depend on the relevance, circumstances and background to the offence(s).

3) Photography and video

Many projects and productions are photographed, and some are recorded/videoed. Mercury staff may wish to make a photographic record of activities for a number of reasons, including the promotion of our work, the compilation of reports, and archival purposes. However, it is possible for offenders to manipulate images of children to create child pornography; individual children can also be identified with a particular school or setting and then targeted for abuse or kidnapping. In order to mitigate these risks, we should:

- Seek the active and informed consent of parents/carers or the leader of the group (if appropriate) with which we are working, to take the photographs or film. This must be done prior to photographs and film being taken and can only be used for specified purposes. Where this consent is not given the project leader must use other means of documenting the project or ensuring the child is not captured.
- Ensure that images of children are stored securely.

4) Work Experience

The Mercury supports and has a commitment to work experience as a valuable learning opportunity for students and as an important element of its community relationships with schools and businesses.

It is recognised, however, that to make the experience worthwhile for all parties, students need to learn in all areas of the Mercury's work. This has the potential to create difficulties in relation to this policy, because this may sometimes mean children working with a single adult.

The Mercury will ensure that all Heads of Department and all permanent members of the Creative Engagement team are DBS checked and that during work experience department heads are responsible for the allocation of work experience tasks within their department. One to one working will be discouraged, but where unavoidable will take place with the knowledge of others and if possible, within earshot/sight of others. E.g. if a student is working in a room the door will be left open and nearby of rooms informed.

5) Social Media

Electronic communication should always be via recognised Mercury email accounts. Under no circumstances should personal email addresses be given out to children or vulnerable adults. In the event that an artist, practitioner, freelancer, volunteer or temporary member of staff does not have a Mercury email account, communication should be carried out by a project manager using their Mercury account.

Artists, freelancers, practitioners, volunteers and all staff should refrain from following young people on social media sites, other than those created and controlled by the Mercury as part of its ongoing audience development and marketing strategy.

Where appropriate, any induction process involving children or vulnerable adults working on a project (e.g. junior chorus induction), should introduce the notion that it is inappropriate to invite members of Mercury staff to follow them on social media sites. Furthermore, it should be clarified that staff are not permitted to accept such invitations.

Guidelines for Personnel Working with Children

Designated Person

The Designated Person to whom any suspicions or allegations of abuse should be reported is one of the Mercury's Safeguarding team. The Designated Person will then report the incident to the Lead Safeguarding Officers who are the Head of Creative Engagement and the Deputy Executive Director. The Safeguarding team will receive, record, and assess information, inform or consult the statutory authorities where necessary, and deal with any personnel issues. Where an allegation has been made against a member of staff or an artist, this may include the temporary suspension of that person pending further investigation.

1) Guidelines for Managers and Project Leaders Project Planning: Risk Assessment

Project Managers should carry out risk assessments as part of the process of planning projects and activities and continue to monitor the risks throughout the life of the project. In practice this will mean drawing up and applying guidelines to our core work and carrying out individual risk-assessments for one-off projects.

As part of the risk-assessment we should establish:

- who will lead or be involved in the activity, and therefore have contact with children?
- must that person have had a disclosure check?
- does that person fully understand our child protection policies?
- Where is the activity to take place?
- does the working environment present any risks in itself, either to the health and safety of the group, or specific child protection risks?
- who is in charge of the building where the activity is to take place, and how do we contact them if anything goes wrong?
- how many children, and of what age-range, are to be involved?
- what happens if we are asked to work with a larger group of children than we think is safe for the activity?
- what happens if some or all of the children are of an inappropriate age group for the activity?
- who is responsible for supervising the children?
- what happens if our staff, volunteers or artists are left in sole charge of children?
- what happens if a child behaves inappropriately during the session?
- what happens if a child leaves or tries to leave the session or activity?
- what happens if there is an accident or injury during the session?
- if one of our staff is a qualified first-aider, what is the procedure for obtaining permission to give first aid to a child?
- if a child had to be taken to hospital, whom should we inform? Who should accompany the child?

- what happens if a child makes an accusation against a member of our staff, a volunteer or an artist employed by us?
- what procedure should the member of staff, volunteer or artist follow?
- who should be informed?

2) Incidents that must be reported and recorded

If any of the following incidents occur, staff, volunteers and artists must report them immediately to the Head Teacher at the school or the leader of the group, and to the Mercury Child Protection team. A written record of the incident should be made as soon as possible if:

- A child is hurt during an activity.
- A child seems distressed in any manner.
- A child appears to be sexually aroused by the actions of a member of staff, volunteer or artist.
- A child misunderstands or misinterprets something a member of staff, volunteer or artist has done or said that may be construed within the context of abuse, exploitation or improper conduct.
- A child makes an accusation of improper conduct against a member of staff, volunteer or artist.
- A child discloses that he or she is being abused.
- A child reports that gifts or services have been exchanged with an expectation of sexual activity in return
- A child reports that inappropriate contact has been made through digital, mobile and/or social media that indicates attempts by an adult to groom and exploit them

3) Incidents that should be recorded internally

If any of the following occur the member of staff, volunteer or artist involved should make a written record as soon as possible after the event, and give a copy to their line manager:

- A member of staff, volunteer or an artist has been left alone with a child or a group of children, with no supervision from a teacher, group leader, or parent
- A member of staff, volunteer or artist has made accidental physical contact with a child in a way that could be open to misconstruction, or has entered a children's changing-room, dressing- room or toilet by mistake, even if there was no reaction at the time from the children or their teacher/guardian.
- Anything has occurred which a member of staff, volunteer or artist feels concerned about or is uncomfortable with.

Always make sure that key facts are noted at the time including date, time, names of any witnesses, etc.

4) Disclosures of abuse

There are some basic guidelines for dealing with a disclosure of abuse:

- Listen to what the child is saying
- Accept what they are saying, and show that you believe them

- Reassure the child that they have done the right thing in telling someone
- Explain that you cannot keep it a secret, and must tell a teacher or guardian
- Don't question the child, except to ensure their immediate safety - interviews should be carried out by a qualified professional, as they may constitute evidence in a subsequent legal action
- Act immediately in reporting the disclosure to the Head Teacher or leader of the group you are working with
- Record what was said as soon as possible, using the child's own words

Incidents should be recorded on the Child Protection Incident Report Form.

Any member of staff, volunteer or artist to whom a disclosure is made should allow the

child's teacher or guardian to take charge of the situation, and to activate their own child protection procedures, as soon as possible after the disclosure. However, if there is any suspicion that appropriate action might not be taken, the member of staff, volunteer or artist should call:

- Essex Social Services Enquiry line on **0345 603 7627**, who will put you through to the relevant Duty Team to report their concerns and ask for advice.
- Out of hours: (Mon-Thurs 5.30pm-9am. Fri & Bank Holidays 4.30pm-9am) **0345 6061212** or
Email: Emergency.DutyTeamOutOfHours@essex.gov.uk
- **The Children and Families Hub continue to offer a consultation line for professionals providing advice and guidance. This can be accessed by calling 0345 603 7627 and asking for the 'Consultation Line'.**

5) General good practice

All personnel are encouraged to demonstrate exemplary behaviour in order to protect themselves from false allegations. We should:

- Always work in an open environment (e.g. avoid private or unobserved situations and encourage open communication with no secrets).
- Never transport children in a car or other vehicle belonging to a member of staff, volunteer or artist and, where possible, avoid travelling alone with a child when using the company's vehicles.
- When working with groups of children from schools, colleges, youth clubs and other organisations, always ensure that the group leader/teacher is present throughout the activity.
- Never allow a child to leave or become separated from a group unsupervised.
- Treat all young people/disabled adults equally, and with respect and dignity.
- Recognise that children with disabilities may be more vulnerable to abuse than other children.
- Always put the welfare of each child first, before achieving goals.
- Maintain a safe and appropriate distance with pupils or participants.
- Avoid, except when necessary, offering manual or physical support during workshop exercises.

- Always explain and ask permission to touch when it is necessary.
- Build balanced relationships based on mutual trust which empower children to share in the decision-making process.
- Make the arts fun and enjoyable and promote equality.
- Give enthusiastic and constructive feedback rather than negative criticism.
- If groups have to be supervised in dressing-rooms, always ensure that supervisory staff, artists or volunteers work in pairs.
- Ensure that adults change only in dressing-rooms or other facilities not used by children and use only staff toilets. Where possible dedicated toilets for children's use should be provided.
- If groups of children are taken away from home on trips, ensure that they are always accompanied by a male and female member of staff, and that adults do not enter children's rooms or invite children into their rooms.
- Only administer emergency first aid if the child's parent/guardian/teacher asks us to do so or is unable to do so themselves. Where staff, volunteers or artists are to act in the absence of parents, obtain written consent in advance from the child's parents or guardian to administer first aid.
- Be an excellent role model.

6) Practices never to be sanctioned

Staff, volunteers and artists must never:

- Engage in rough, physical or provocative games.
- Share a bedroom with a young person.
- Allow or engage in any form of inappropriate touching.
- Allow children to use inappropriate language unchallenged.
- Make sexually suggestive comments to a child, even in fun, or allow children to make sexually suggestive comments to them unchallenged.
- Reduce a child to tears as a form of control.
- Allow allegations made by a child to go unheard, unrecorded or not acted upon.
- Do things of a personal nature for children or disabled adults that they can do for themselves.
- Invite or allow children to stay with them or visit them at their home unsupervised.
- Personal contact through email, text and social media
- Giving of unrelated gifts or services.

If you have any concerns regarding a child protection issue or wish to seek clarification about something relating to this policy, please do not hesitate to speak with the Mercury's Child Protection team

Note:

Details of good practice in safeguarding can be found: <https://www.escb.co.uk> and <https://www.escb.co.uk/working-with-children/concerns-about-the-welfare-of-a-child>

How to report a concern about a child

If you are concerned that a child or young person is being harmed or neglected or is at risk of this you should go to the [report concerns about a child page](#) on the Essex County Council website.

If the child is at immediate risk of significant harm, then call the Children and Families Hub on 0345 603 7627 and ask for the 'Priority Line'.

Out of hours: (Mon-Thurs 5.30pm-9am. Fri & Bank Holidays 4.30pm-9am) 0345 606 1212 Email: Emergency.DutyTeamOutOfHours@essex.gov.uk

If there is an immediate risk of harm to a child or young person then contact the Police.

The Children and Families Hub continue to offer a consultation line for professionals providing advice and guidance. This can be accessed by calling 0345 603 7627 and asking for the 'Consultation Line'.