

# Starlight Children's Foundation

## Safeguarding and Child Protection Policy

### 1.0 Policy Statement

At Starlight we believe that everyone has the right to live a life free from abuse of any kind. We have a responsibility and are committed to keeping children and adults, including vulnerable adults (henceforth to be referred to as adults at risk<sup>1</sup>), safe in all our activities including online. Our trustees will take all reasonable steps to protect people who come into contact with Starlight, from harm. This includes:

- people who benefit from Starlight's work
- trustees
- staff
- volunteers

It may also include other people who come into contact with Starlight through its work. We will do everything in our power to ensure children and adults who come into contact with and/or work with Starlight, in any capacity, are safeguarded and protected. Protecting people and safeguarding responsibilities is a governance priority for Starlight.

**This policy applies to all trustees, employees, self-employed contractors and those working pro bono for Starlight across the UK and is based on the following principles:**

- Safeguarding and promoting well-being and welfare means protecting the rights of adults to live in safety, free from abuse and neglect and protecting children from maltreatment; preventing impairment of health or development; ensuring they are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable them to have the best outcomes.
- The welfare of children and adults is paramount.
- No child or group of children must be treated any less favourably than others.

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*A child is any young person under the age of 18 and the narrow definition of a "vulnerable adult" is defined by the Care Act 2014 in England as an adult who has care and support needs and is experiencing, (or at risk of experiencing) abuse or neglect and they are unable to protect themselves because of those needs.*

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- All people, regardless of age, ability, gender, racial heritage, religious belief, sexual orientation, culture or identity, have a right to equal protection from all types of harm or abuse and no person or group of people should be treated less favourably than others in being able to access services which meet their particular needs.

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<sup>1</sup> The term adult at risk is much broader than the legal definition of a "vulnerable adult" and therefore more commonly used

- Some children and adults are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with children, parents, carers and other agencies is essential in promoting children's welfare.
- Children and parents, and relevant adults will be informed of the policy and procedures as appropriate.
- 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.

We have a commitment to safer recruitment, selection and vetting checks into the eligibility and the suitability of all trustees, staff and volunteers who have direct or indirect (e.g. email) contact with children and their families. Due to their position within the charity, we obtain a Disclosure & Barring Service (DBS) check for all trustees.

We have a complaints procedure which is an open and well publicised way in which adults and children can voice concerns about unacceptable and/or abusive behaviour towards children.

Our trustees will take all reasonable steps to protect people who benefit from our work, our staff, volunteers, and other people connected to our activities from harm.

The safeguarding policy should be read in conjunction with all other relevant policies and procedures including (but not limited to) the Health and Safety Policy, the Communications Policy, the Safer Recruitment Policy, the Safeguarding Code of Conduct, the Safeguarding Children and Technology Guidance, and the Fundraising and Adults at Risk Policy.

## 2.0 Why does this policy matter

The purpose of this policy is to:

- safeguard all children and adults who come into contact with Starlight in the course of the charity's work;
- inform Starlight's partners and beneficiaries of our overarching principles in relation to safeguarding/child protection;
- provide all staff and volunteers with the overarching principles and procedures that guide our approach to safeguarding/child protection.
- Give clear guidance as to what to do if someone has a safeguarding concern, which relates to Starlight.

**If you are unsure what this policy means, or how it relates to you, please contact the Designated Safeguarding leads**

### 3.0 Scope of the Policy

This policy has been developed in accordance with the requirements and principles established by the relevant legislation and statutory guidance in England and sets out the responsibilities of those who work for Starlight, including trustees, employees, volunteers and consultants and those who work with Starlight, including external partners.

The legislation and statutory requirements set out in this policy are the requirements of English law because the charity is based in England, however the charity operates across the UK and within the other three nations, Starlight will follow local procedures on the ground, as required.

We will treat any breach of this policy very seriously. For those who work for us, failure to follow this policy could lead to disciplinary action, which may ultimately result in dismissal. For those who work with us, we reserve the right to immediately terminate your contract and, for trustees, to require you to immediately cease being a trustee.

All concerns and allegations of abuse will be taken seriously.

### 4.0 Safeguarding roles at Starlight

All those who work for or with Starlight share the responsibility for safeguarding children and adults, but there are individuals within Starlight with specific safeguarding responsibilities.

Named Trustee with responsibility for Safeguarding	Chris Hanvey
Director with responsibility for Safeguarding	Director of Children’s Services- Dr Krutika Pau
Designated Safeguarding Leads	Head of Insight & Impact- Dr Sandra Gulyurtlu
	Head of Wish Granting & Escapes- Jasmin Garrett (currently on maternity leave) Ceri Davies and Georgina Cox in lieu
	Head of Public Fundraising- Sam Butler
	Interim Head of Hospital Services- Mark Borrington

### 5.0 Understanding and recognising abuse

The categories of abuse for children and adults at risk are different and differ across the four nations. In the interests of simplification, each of the categories for each of the nations are not set out in this policy.

We define abuse in its widest possible terms i.e. as treatment that causes harm to a child or adult. The protection of children and adults is our shared responsibility and if you have any concerns that a child or adult at risk is being maltreated, or you have safeguarding/child protection concerns about the behaviour of another member of staff or someone working with or for Starlight, do something about it, by following the flow charts set out below.

**Remember: You must seek appropriate advice, rather than do nothing and then something happens to that child/adult.**

**We will also seek to keep children and adults safe by:**

- valuing them, listening to and respecting them;
- recognising those who are most vulnerable;
- keeping them at the centre of everything we do;
- adopting child protection and safeguarding practices through procedures and policies for staff and volunteers;
- ensuring that the organisations that we work/partner with to provide services to Starlight have appropriate safeguarding processes in place;
- providing effective management for staff and volunteers through supervision, support and training;
- sharing information about child protection and protection of adults, within the parameters of the law and statutory guidance, and good practice with staff and volunteers.

**What you should do to safeguard/protect children and adults**

You must:

- be aware of situations which may present risks to children and adults;
- assess, plan and organise your work so as to minimise these risks;
- always be visible to others when working with children. There should never be a situation in which anyone employed by, representing, volunteering with, or working with Starlight in any way is alone with a child. Children should always be supervised by parents/carers or hospital/hospice staff and are their responsibility at all times.

Physical contact with children is not prohibited by Starlight but anything beyond high fives and fist bumps should not be initiated by the member of staff/volunteer. Children should always be responded to and a child who goes to hold your hand, or hug you, should never be made to feel rejected or embarrassed, but for your own protection be mindful of your response and keep physical contact to a minimum.

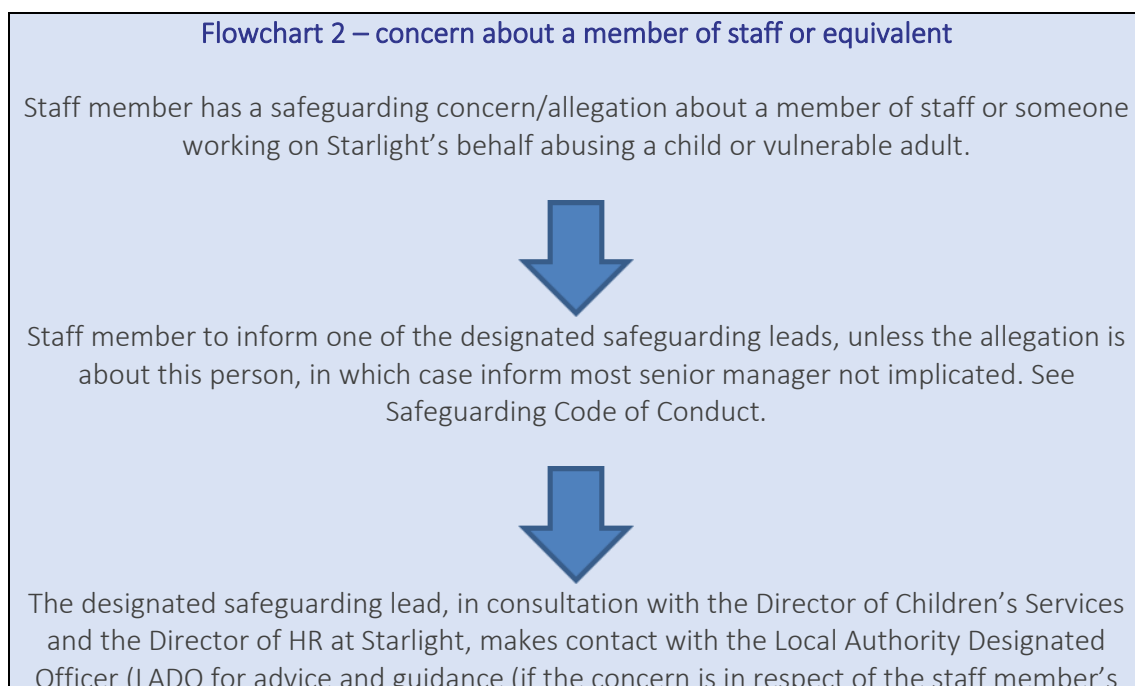
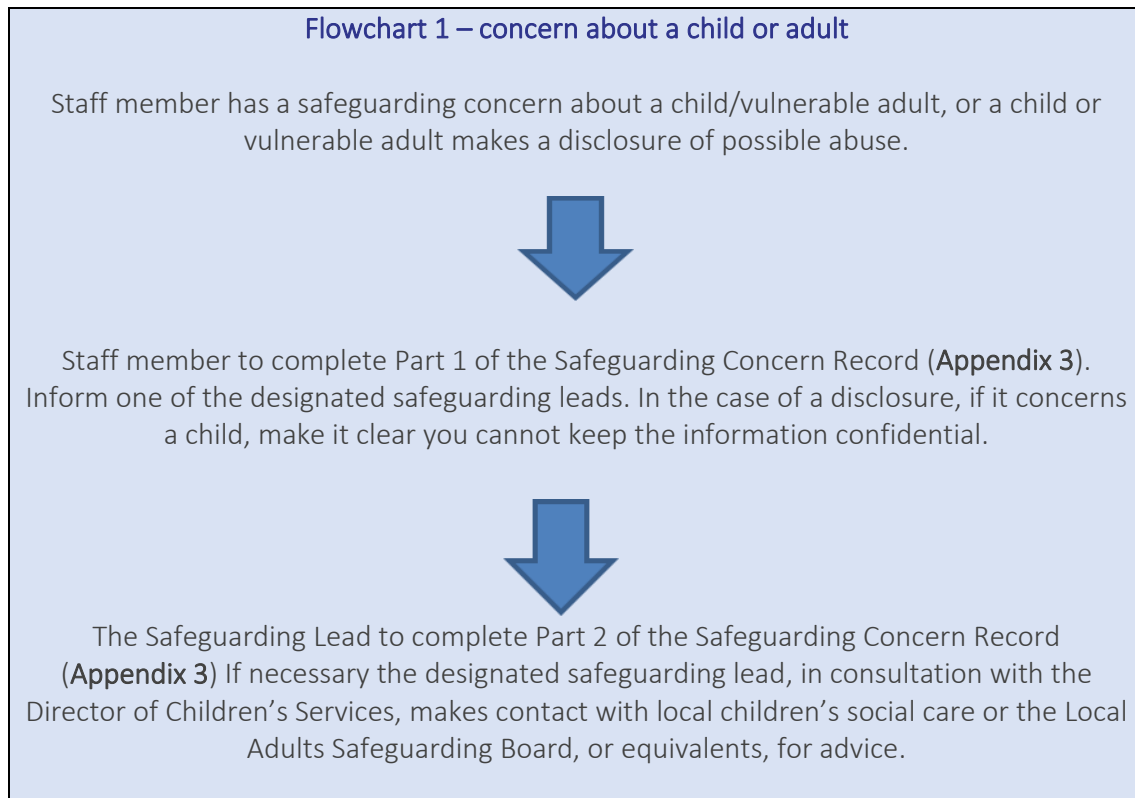
## 6.0 The reporting process

**If you have a safeguarding/child protection concern about a child or adult, or a child or adult makes a disclosure of possible abuse to you – follow Flowchart 1**

**If you have a safeguarding/child protection concern (or allegation) about a member of staff, or equivalent, abusing a child or adult – follow Flowchart 2**

Guidance on what to do in the event of a disclosure of abuse can be found in **Appendix 2**. Staff members and the Designated Safeguarding Lead will be required to fill in the appropriate form in **Appendix 3**.

## 7.0 What to do if you have a safeguarding/child protection concern



behaviour with a child), or seeks advice from the Local Safeguarding Adults Board (if the concern is in respect of the staff member's behaviour with an adult), or equivalents.

## Escalating Concerns

It is important to note that if you raise a child protection concern or pass on an allegation about a child being abused, you have a responsibility to ensure your concern is addressed to your satisfaction.

Therefore, if you feel that your concern has not been addressed (and the child has not been protected) you should escalate the matter to the Director with responsibility for Safeguarding and then, if necessary, to the trustee with responsibility for Safeguarding. In these cases, the Safeguarding Trustee will fill in a Safeguarding Trustee Response form with their course of action. This form can be found in **Appendix 3**.

## Following the referral

It is important to ensure that we keep an accurate record of your concern(s) made at the time and accurately record the action agreed and taken, and the reasons for this decision. The form to record the concerns and actions taken is provided in **Appendix 3**.

## 8.0 Legal issues

### Information Sharing & Confidentiality

In respect of children i.e., anyone under the age of 18, you can never guarantee confidentiality to a child. Information should always be shared if you think a child is suffering, or likely to suffer, abuse.

In respect of adults the law is more complicated, unless the adult is deemed to be an adult at risk. The protection of children and adults at risk must take precedence over other legal rights. Please be assured that as long as information is shared in an appropriate manner and in good faith, the law will protect you. You should ensure that the information you share is necessary for the purpose for which you are sharing it; is shared only with those individuals who need to have it; and is accurate and shared promptly.

### Serious Incidents

It is a requirement of the Charity Commission that all charities inform them of serious incidents that may occur. The Charity Commission defines a serious incident as "an adverse event, whether actual or alleged, which results in or risks significant:

- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work, beneficiaries or reputation"

It is the responsibility of the trustees to report a serious incident. More details can be found on the Charity Commission website: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.

At Starlight the trustee with the responsibility for safeguarding will ensure any serious incident is reported to the Charity Commission, unless the incident involves that individual, in that case it will be the responsibility of the Chair of Trustees.

It is a requirement of all trustees, staff and volunteers of Starlight to read and sign up to the safeguarding/child protection policy and the Safeguarding Code of Conduct.

The Safeguarding policy will be reviewed, approved and endorsed by the Board of Trustees annually or when legislation changes.

Dr Krutika Pau (Director of Children's Services)

January 2021

This policy should be reviewed in January 2022.

(This revised policy has been agreed by the Safeguarding Sub Committee on 11 January 2021)

## Appendix 1 - Definitions

### “Safeguarding” and “Child Protection” in England

In terms of adults The Care Act 2014 defines adult safeguarding as “protecting a person’s right to live safely, free from abuse and neglect”. There are more categories of abuse with adults than there are with children. With adults the categories are physical abuse, emotional/ psychological abuse, financial abuse, sexual abuse, organisational abuse, neglect, discriminatory abuse, domestic violence, modern slavery and self-neglect.

In terms of children, the definition of safeguarding is broader and is set out in *Working Together to Safeguard Children 2018 - A guide to inter-agency working to safeguard and promote the welfare of children*. This is the statutory guidance that sets out the legislative requirements and expectations of individual services to safeguard and promote the welfare of children.

*Working Together to Safeguard Children 2018* does not separate safeguarding and promoting the welfare of children. This is the definition:

- Protecting children from maltreatment;
- Preventing impairment of children’s health or development;
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

Separate to safeguarding children is “child protection”. Child protection is defined in the Children Act 1989 as where there is “reasonable cause to suspect a child is suffering, or is likely to suffer, significant harm”. The Children Act 1989 introduced significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children. Physical abuse, sexual abuse, emotional abuse and neglect are all categories of significant harm. Harm is defined as the ill treatment or impairment of health and development. Further information on signs definitions of different types of child abuse and neglect can be found in the NSPCC’s [‘Definitions and signs of child abuse’](#).

In simple terms, safeguarding is the overall well-being of the child and every professional and every organisation is responsible for the safeguarding of children. Within that there is child protection, when it is thought a child is either being maltreated or is at risk of maltreatment.

### Age of a Child

A child becomes an adult in law at 18 in the UK- this is in line with the United Nations Convention on the Rights of the Child. Many people use the term “young people” but there is no legal definition for the age of a “young person”. 16- and 17-year-olds are children, in legal terms.

### Vulnerable Adult

A vulnerable adult/adult at risk is defined by the Care Act 2014 as a person 18 and over who;



- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

## Local Authority Designated Officer (LADO)

The role of the LADO is set out in Working Together to Safeguard Children (2018), although in this guidance the LADO is now described as the Designated Officer, and is governed by the local authorities duties under section 11 of the Children Act 2004.

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- consideration by an employer of disciplinary action in respect of the individual.

## Appendix 2

### Guidance on what to do in an event of a disclosure

1. Listen to the person making the allegation and take everything that is said seriously.
2. Give them time and attention.
3. Allow them to talk about their concern and do not interrupt or stop them.
4. Do not offer false confidentiality, i.e., we cannot promise not to speak to others about the information they have shared. The law is very clear, information that concerns a child or adult at risk possibly being abused cannot be kept confidential but must be shared appropriately.
5. Reassure them, and tell them that they have done the right thing in telling you. If appropriate, tell them that they have not done anything wrong.
6. At the appropriate time tell the child, young person or adult at risk that you will need to take notes. This will help you make sure that they are safe and get the help they need. Record as much detail as possible, e.g., the timing, setting and people present, and their presentation as well as what was said. Use their own words as much as possible and if possible, check with them what you have written, to make sure it is accurate.
7. Always tell them what you are doing, what you are going to do next and explain that you will need to get help to keep them safe.
8. Do not throw away any evidence or notes and use this information to input into the incident report form.
9. Do not ask them to repeat their story to anyone.
10. If parents or carers have been involved in the meeting, a copy of the notes should be agreed with and shared with them, and with the child, depending on their age and ability.
11. Any disclosure by a child/young person must be reported immediately following the above to the Safeguarding Lead or Deputy Lead and recorded on an incident report log.

## Appendix 3

### Safeguarding Concern Record

Safeguarding Concern Number..... (to be added by Designated Safeguarding Lead)

1.0 To be completed by member of staff

Person with the concern:
Date of concern/incident:
Time of concern/incident:
Staff Present:
All others Present:
Location:
SAFEGUARDING CONCERN/INCIDENT
REPORTING TO DESIGNATED SAFEGUARDING LEAD
To Whom it was Reported:
Date Reported:
Time Reported:
ACTION TAKEN BY DESIGNATED SAFEGUARDING LEAD
OUTCOMES
SIGNED AND DATED BY WORKER
SIGNED AND DATED BY THE DESIGNATED SAFEGUARDING LEAD

## 2.0 Designated Safeguarding Lead's Response Record

ACTIONS TAKEN BY DESIGNATED SAFEGUARDING LEAD AND REASONS WHY
REFERRAL MADE TO OTHER AGENCIES. YES/NO. REASONS WHY
OUTCOMES (including feedback given to relevant staff/professionals)
SIGNED AND DATED BY DESIGNATED SAFEGUARDING LEAD
DATE OF CLOSURE

## 3.0 Director with Responsibility for Safeguarding's Response Record

ACTIONS TAKEN BY DIRECTOR AND REASONS WHY
OUTCOMES (including feedback given to relevant staff/professionals)
SIGNED AND DATED BY DIRECTOR WITH RESPONSIBILITY FOR SAFEGUARDING
DATE OF CLOSURE

#### 4.0 Safeguarding Trustee's Response Record

ACTION TAKEN BY SAFEGUARDING TRUSTEE AND REASONS WHY
OUTCOME
SIGNED AND DATED BY SAFEGUARDING TRUSTEE