



NYMAZ

**POLICY FOR CHILD PROTECTION AND THE SAFEGUARDING
OF CHILDREN, YOUNG PEOPLE
& VULNERABLE ADULTS**

1 INTRODUCTION

1.1 NYMAZ

NYMAZ is a youth music development charity which champions the transformative potential of music for children and young people. We know that music has the power to change lives – it can raise aspirations, enable personal and social development, and enhance career prospects. Working with our trusted partners, we deliver high quality music-making activities across North Yorkshire to those in challenging circumstances, including rural isolation. We are also committed to strengthening the sector through workforce development, building strategic partnerships and advocating for the benefits of participatory music.

Operational since 2001, NYMAZ's vision is that all young people in North Yorkshire will have the opportunity to actively engage in music, regardless of their circumstances. We are a strategic partner of Youth Music, one of only 13 in the country, working to create a musically-inclusive England. NYMAZ is a registered charity and company limited by guarantee.

1.2 POLICY STATEMENT

As a provider of activities and events for children and young people, NYMAZ believes that it is always unacceptable for a child, young person or vulnerable adult to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all children and young people by a commitment to practice that protects them.

This policy has been written to enable all those concerned with our activities (support workers, music leaders, teachers) to understand the environment in which we deliver our activities and to assist children, young people, vulnerable adults and their parents and carers to understand what we mean by Safeguarding and Child Protection. In sharing this knowledge and ensuring that all those involved in the delivery of NYMAZ activities understand it, we form a partnership that will assist us in ensuring that the environment we work in is as safe as is reasonably practicable.

1.3 PRINCIPLES

This policy and the accompanying procedures and code of conduct are based on the following principles:

- The welfare of children, young people and vulnerable adults is paramount
- All children, young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious belief or sexual orientation have the right to protection from abuse
- All suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately.
- All suspicions of on-line bullying or references to abuse on social media sites should be taken seriously and responded to swiftly and appropriately.
- Staff and artists should be clear on how to respond appropriately.
- A protective culture puts children's interests first. Children must feel confident that if they have concerns someone will listen and take them seriously. NYMAZ recognises that working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare

2 TO WHOM DOES THIS POLICY APPLY:

This policy relates to all children and young people under the age of 25 and members of any vulnerable groups who are identified to NYMAZ. In recognising the differing needs of vulnerable children and young people NYMAZ actively seeks to meet specific needs identified to us by parents/guardians/carers/support workers/teachers.

This policy and the procedures set out in our Child Protection and Safeguarding procedures apply to all staff, including senior managers and Board of Trustees, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of NYMAZ.

3 THE ENVIRONMENT WE WORK IN:

NYMAZ projects, workshops and events can take place in either a formal or informal, educational or non-educational setting.

All NYMAZ activities take place in venues that provide a safe and open environment for children and young people. Appropriate risk assessments are carried out in the planning stage of each activity and risks monitored throughout the activity's duration.

All social media sites that NYMAZ participates in will be thoroughly monitored with no images or videos uploaded without permission from the young person and their parent or guardian. NYMAZ works to ensure that all young people are presented positively.

4 PERSONNEL

All workshop leaders employed by NYMAZ and our delivery partners to deliver work defined as regulated activity in the Safeguarding Vulnerable Groups Act 2006¹ hold an enhanced DBS Disclosure, Disclosure Scotland or Access Ireland.

All staff and volunteers will be shown this policy, our Safeguarding Children procedures and our Code of Conduct and asked to agree to adhere to the guidelines laid out within them.

All NYMAZ activities will be supported by an appropriate number of artists and support staff to ensure adequate supervision and support for the children and young people we work with.

5 REVIEW

This policy and the accompanying procedures and code of conduct will be reviewed annually.

This policy and the accompanying procedures have been written using guidelines issued by the NSPCC and are underpinned by the following legislation: The Children Act 1989, The Children Act 2004, Protection of Children Act 1999, The Police Act 1997, Criminal Justice and Court Services Act 2000, Rehabilitation of Offenders Act 1974

Date of last review: December 2016

¹ Guidance on eligibility for DBS checks can be found at: <https://www.gov.uk/government/collections/dbs-eligibility-guidance>. Definitions of regulated activity can be found at: <http://www.legislation.gov.uk/ukpga/2006/47/schedule/4>

NYMAZ

PROCEDURES FOR CHILD PROTECTION AND THE SAFEGUARDING OF CHILDREN, YOUNG PEOPLE & VULNERABLE ADULTS

Written following NSPCC Guidelines

Date of last review: December 2016

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Procedures for Child Protection and the Safeguarding of Children, Young People and Vulnerable Adults

1. Introduction

These procedures have been drawn up to ensure the safety and protection of all children and young people involved in NYMAZ activities through adherence to the guidelines outlined in this document. They fit with the basic principles outlined in the *NYMAZ Policy for Child Protection and the Safeguarding of Children, Young People and Vulnerable Adults*.

These procedures apply to all those who work for NYMAZ, in paid or unpaid roles, and are intended to ensure that all NYMAZ activities are conducted in safe, secure environments and that there will be a fast, appropriate and effective response for dealing with concerns about the safety and welfare of children and young people with whom we work.

2. Safer Recruitment and DBS Policy

2.1. Safer Recruitment

NYMAZ accepts its responsibility to ensure that all its staff have been appropriately vetted prior to appointment, and that they are suitable for the role they are applying for. When recruiting for a new position, NYMAZ will:

- Write a clear job description and person specification, identifying what skills will be required of the applicant to adequately perform the role.
- Make it clear in any job advertisements and application packs that NYMAZ has a commitment to safeguarding and protecting children.
- Use an application form to assess the candidate's suitability for the role. This should include a question about whether the candidate has any criminal convictions, cautions, other legal restrictions or pending cases that might affect their suitability to work with children.
- Conduct a face-to-face interview, with pre-planned and clear questions.
- Check the candidate's identity by asking them to provide photographic ID.
- Check the candidate holds any relevant qualifications they claim to hold.
- Take up references, asking specifically about an individual's suitability to work with children.
- Require the candidate to apply for a Disclosure and Barring Service (DBS) check, providing the role is eligible².

² Guidance on eligibility for DBS checks can be found at: <https://www.gov.uk/government/collections/dbs-eligibility-guidance>. Definitions of regulated activity can be found at: <http://www.legislation.gov.uk/ukpga/2006/47/schedule/4>

- Undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. NYMAZ will ensure that an open and measured discussion takes place with the candidate, and will assess the relevance and circumstances of offences on a case by case basis.

2.2. DBS Policy

All artists employed by NYMAZ and our delivery partners to deliver work defined as regulated activity in the Safeguarding Vulnerable Groups Act 2006³ must hold an enhanced DBS Disclosure, Disclosure Scotland or Access Ireland.

Regulated activity includes:

- a) Any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children. The activity must be carried out frequently by the same person (more than 3 times a month).
- b) Any activity which involves the day to day management or supervision of a person carrying out a regulated activity.

All artists' DBS, Disclosure Scotland or Access Ireland checks must have been issued within the last 3 years, and evidence of the certificate provided. For artists who haven't previously had a check then this must be carried out prior to them delivering work.

All NYMAZ Trustees will be required to apply for an enhanced DBS check upon appointment to the Board of Trustees. The role of a trustee of a children's charity is regarded as regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006. Trustees' DBS checks must be renewed every 3 years.

As of 2013, the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks.

3. Training Policy

All NYMAZ staff and Trustees will complete appropriate Safeguarding training on being appointed. This may include an online course such as 'Child Protection in Education (Music)' provided by EduCare, and developed with the Musicians' Union.

The Designated Safeguarding Officer will undertake appropriate additional Safeguarding training every 3 years.

³ Definitions of regulated activity can be found at:
<http://www.legislation.gov.uk/ukpga/2006/47/schedule/4>

NYMAZ will undertake to support its delivery partner organisations in their safeguarding practices by providing appropriate training opportunities for Project Managers.

4. Social Media Policy

NYMAZ works to promote the accomplishments of the young people we work with through our use of social media, presenting young people in a positive manner. NYMAZ uses social media to stay connected to the young people we work with as well as other organisations and partners by using; Facebook, Twitter, the NYMAZ website and others. Through the use of social media NYMAZ aims to improve its brand recognition and advocate and promote young people within the NYMAZ programme.

NYMAZ will not post an image or video without the expressed consent of a young person and their guardian. If a mistake is made the image will be removed as soon as possible.

NYMAZ will avoid using the first and last name of individuals in a photograph. This reduces the risk of inappropriate, unsolicited attention from people outside school or other partner organisations. (If an individual is named, we will avoid using their photograph; if a photograph is used, we will avoid naming the individual).

We will consider using group photos rather than photos of individual children, especially when individuals can be clearly identified through school motifs on clothing.

We will ensure that the image file is appropriately named; we will not use individuals' names in image file names or ALT tags if published on the web.

We will only use images of individuals in suitable dress to reduce the risk of inappropriate use.

All individuals that work with NYMAZ or NYMAZ partner organisations who post on social media sites with the intention of marketing to young people should do so on a page or login that is linked to the professional organisation and not their personal site.

No person working for NYMAZ or its partner organisations should 'friend' a young person using their personal page.

Advice on child internet safety can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/251455/advice_on_child_internet_safety.pdf

5. Vulnerable Adults

The partner relationship between NYMAZ and Accessible Arts & Media makes it relevant that NYMAZ have a good practice policy for vulnerable adults. Accessible Arts & Media uses the broad definition referred to in the 1997 consultation paper, Who Decides? issued by the Lord Chancellor's

department which says: 'A vulnerable adult is a person who is, or may be, in need of community care services because of mental disability or other disability, age or illness, and who is, or who may be, unable to take care of themselves or unable to protect themselves against significant harm or exploitation.

5.1 Good Practice in Physical Contact means:

- Maintaining a safe and appropriate distance from participants;
- Only touching participants when it is absolutely necessary in relation to the particular arts activity;
- Seeking agreement of participants prior to any physical contact;
- Making sure disabled participants are informed of and comfortable with any necessary physical contact.

6. Definitions of Abuse

It is generally accepted that there are four main forms of abuse. The following definitions are based on those from *Working Together to Safeguard Children* (HM Government 2013 & 2015); *Protecting Children – A Shared Responsibility* (Scottish Executive 1998).

6.1. Physical Abuse

A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

6.2. Emotional Abuse

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 a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

6.3. Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by

penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

6.4. Neglect

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 occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers); or
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

It is accepted that in all forms of abuse there are elements of emotional abuse, and that some children are subjected to more than one form of abuse at any one time. These four definitions do not minimise the other forms of maltreatment.

6.5. On-line bullying and abuse

Using Social Networking Services and Social Media: Promoting Safe and Responsible Use (NSPCC, Child Protection Sport Unit) lists potential risks to children and young people using social networking and other interactive services:

- Bullying by peers and people they consider 'friends'
- Posting personal information that can identify and locate a child offline
- Sexual grooming, exploitation and abuse, contact with strangers
- Exposure to inappropriate and/or content
- Involvement in making or distributing illegal or inappropriate content
- Theft of personal information
- Exposure to racist or hate material
- Encouragement of violent behaviour, such as 'happy slapping'
- Glorifying activities such as drug taking or excessive drinking
- Physical harm to young people in making video content, such as enacting and imitating risk taking activities.

- Leaving and running away from home as a result of contact made online.

6.6. Other forms of harm

Working Together to Safeguard Children (HM Government 2015) and other inter-agency guidance states that professionals should, in particular, be alert to the potential need for early help for children who:

- are disabled and have specific additional needs;
 - have special educational needs;
 - are young carers;
 - are showing signs of engaging in anti-social or criminal behaviour;
 - are in a family circumstance presenting challenges for the child, such as substance abuse, adult mental health, domestic violence; and/or
-
- are showing early signs of abuse and/or neglect.

All these areas may have a negative impact on a child's health and development and may be noticed by someone caring for a child. If it is felt that a child's well-being is adversely affected by any of these circumstances, the same procedure for reporting concerns should be followed. For example, children who are involved in prostitution and other forms of commercial sexual exploitation should also be treated primarily as victims of abuse and their circumstances require careful assessment by the statutory agencies.

Statutory guidance for schools and colleges on specific safeguarding issues including children at risk of sexual exploitation, female genital mutilation and radicalisation can be found in *Keeping Children Safe in Education* (HM Government 2015), at:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (p.12)

7. Recognising Child Abuse

The following information is to assist NYMAZ staff, project management team, musicians, volunteers and Trustees to be more alert to the possible signs of abuse.

This list is not a definitive guide, but is to assist NYMAZ staff, project management team, musicians, volunteers and Trustees. It is important to be aware that many children and young people will exhibit some of these indicators at some time, and the presence of one or more should not be taken as proof that abuse is occurring.

There may well be other reasons for changes in behaviour, such as a death or the birth of a new baby in the family, relationship problems between their parents/carers etc.

7.1. Physical Abuse

Most children will collect cuts and bruises in their daily life. These are likely to be in places where there are bony parts of their body, like elbows,

knees and shins. Some children, however, will have bruising which can almost only have been caused non-accidentally. An important indicator of physical abuse is where bruises or injuries are unexplained or the explanation does not fit the injury. A delay in seeking medical treatment for a child when it is obviously necessary is also a cause for concern. Bruising may be more or less noticeable on children with different skin tones or from different racial groups and specialist advice may need to be taken.

7.1.1. Patterns of bruising that are suggestive of physical child abuse include:

- Bruising in children who are not independently mobile
- Bruising in babies
- Bruises that are seen away from bony prominences
- Bruises to the face, back, stomach, arms, buttocks, ears and hands
- Multiple bruises in clusters
- Multiple bruises of uniform shape
- Bruises that carry the imprint of an implement used, hand marks or fingertips
- Although bruising is the commonest injury in physical abuse, fatal non-accidental head injury and non-accidental fractures can occur without bruising. Any child who has unexplained signs of pain or illness should be seen promptly by a doctor.

7.1.2. Other signs of abuse may include:

- Cigarette burns
- Adult bite marks
- Broken bones
- Scalds

7.1.3. Changes in behaviour which can also indicate physical abuse:

- Fear of parents being approached for an explanation
- Aggressive behaviour or severe temper outbursts
- Flinching when approached or touched
- Reluctance to get changed, for example wearing long sleeves in hot weather
- Depression
- Withdrawn behaviour
- Running away from home

7.2. Emotional Abuse

Emotional abuse can be difficult to measure, and often children who appear well cared for may be emotionally abused by being taunted, put down or belittled. They may receive little or no love, affection or attention from their parents or carers. Emotional abuse can also take the form of children not being allowed to mix/play with other children.

7.2.1. The physical signs of emotional abuse may include:

- A failure to thrive or grow, particularly if the child puts on weight in other circumstances, eg, in hospital or away from their parents' care
- Sudden speech disorders
- Developmental delay, either in terms of physical or emotional progress

7.2.2. Changes in behaviour which can also indicate emotional abuse include:

- Neurotic behaviour, eg, sulking, hair twisting, rocking
- Being unable to play
- Fear of making mistakes
- Self harm
- Fear of parent being approached regarding their behaviour

7.3. Sexual Abuse

Adults who use children to meet their own sexual needs abuse both girls and boys of all ages, including infants and toddlers.

Usually, in cases of sexual abuse it is the child's behaviour which may cause you to become concerned, although physical signs can also be present. In all cases, children who talk about sexual abuse do so because they want it to stop. It is important, therefore, that they are listened to and taken seriously.

7.3.1. The physical signs of sexual abuse may include: □

Pain or itching in the genital/anal areas

- Bruising or bleeding near genital/anal areas
- Sexually transmitted diseases
- Vaginal discharge or infection
- Stomach pains
- Discomfort when walking or sitting down
- Pregnancy

7.3.2. Changes in behaviour which can also indicate sexual abuse include:

- Sudden or unexplained changes in behaviour, eg, becoming aggressive or withdrawn
- Fear of being left with a specific person or group of people
- Having nightmares
- Running away from home
- Sexual knowledge which is beyond their age or developmental level
- Sexual drawings or language
- Bedwetting
- Eating problems such as overeating or anorexia
- Self harm or mutilation, sometimes leading to suicide attempts
- Saying they have secrets that they can't tell anyone about
- Substance or drug abuse

- Suddenly having unexplained sources of money
- Not allowed to have friends (particularly in adolescence)
- Acting in a sexually explicit way towards adults

7.4. Neglect

Neglect can be a difficult form of abuse to recognise, yet has some of the most lasting and damaging effects on children.

7.4.1. The physical signs of neglect may include:

- Constant hunger, sometimes stealing food from other children
- Constantly dirty or smelly
- Loss of weight, or being constantly underweight
- Inappropriate dress for the conditions

7.4.2. Changes in behaviour which can also indicate neglect include: □

Complaining of being tired all the time

- Not requesting medical assistance and/or failing to attend appointments
- Having few friends
- Mentioning their being left alone or unsupervised

7.5 Potential Indicators of On-line grooming and sexual exploitation □

Gathering personal details, such as age, name, address, mobile number, name of school and photographs

- Promising meetings with sports idols or celebrities that offer merchandise
- Offering cheap tickets to sporting or music events □
Offering material gifts including electronic games, music or software
- Paying young people to appear naked and perform sexual acts
- Bullying and intimidating behaviour, such as threatening to expose the child by contacting their parents to inform them of their child's communications or postings on social networks and/or saying they know where the child lives, plays or goes to school
- Asking sexually themed questions, such as 'Do you have a boyfriend?' or 'Are you a virgin?'
- Asking to meet children and young people offline □
Sending sexually themed images to a child, depicting adult content or the abuse of children
- Masquerading as a minor or assuming a false identity on a social networking site to deceive a child
- Using school or hobby sites to gather information about a child's interests and dislikes. Most social networking sites set a child's webpage/profile to private to reduce the risk of personal information being shared in a public area of the site.

7.6 How abuse might come to a worker's attention

As well as the possible signs and indicators listed above, abuse may come to your attention via a disclosure from the child concerned, via another child or young person, or via a member of staff or concerned adult. For guidance on how to respond to disclosure of possible abuse please refer to section 7 of this document and the *Code of Conduct* document issued to all NYMAZ staff, project management team, musicians, volunteers and Trustees.

8. Responding to signs or suspicions of abuse

It is important that everyone in the organisation is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional child protection agencies following a referral to them of concern about a child.

8.1. Reporting allegations or suspicions of abuse

Any concerns that NYMAZ staff, project management team, musicians, volunteers and Trustees have about a child should be reported as soon as possible to NYMAZ's designated safeguarding officer (See Appendix D for detailed description and roles and responsibilities of this person), Grace McNeill on 01904 543382 (during office hours) or 07927 199467 (outside office hours)

In the absence of the designated safeguarding officer concerns should be reported to NYMAZ's Director, Sarah McWatt on 07989 669 521.

Should the concerns involve both the designated safeguarding officer and the Director, the report should be made directly to the Children's Social Care Unit in the local authority where the alleged abuse took place.

Suspicions must not be discussed with anyone other than those nominated above. A written record of any concerns must be made as soon as possible using the *NYMAZ Child Protection Procedures Record of Concerns Form* (See Appendix A for a copy of this document). This written record will be filed in the NYMAZ Child Protection Procedures Record of Concerns folder, which is kept in a locked drawer in the NYMAZ office, and updated through any resulting investigation, with a detailed chronology of events and the contact details for the lead person in the relevant agencies (social care, police etc.)

NYMAZ's Director & Trustees will support the designated safeguarding officer in their role, and accept that any information they may have in their possession will be shared in a strictly limited way on a need to know basis

The role of the designated safeguarding officer and Director is to collate and clarify the precise details of the allegation or suspicion and pass this information on to the relevant Social Services Department. It is Social Services' role to investigate the matter

8.2. Referring the concerns to the relevant agencies

The designated safeguarding officer making the referral to Children's Social Care will:

Clearly identify themselves, their agency and give details of where they can be contacted

Provide as much basic information as possible including the name of the child, the age and date of birth of the child, ethnicity, religion, any specific communication needs, any disability issues, the parents/carers names, the child's current address and any known previous addresses

State what has prompted the concerns, including details of any specific incidents or disclosure by the child

State any physical, behavioural or indirect signs which support the concern and suggest that the child is at risk of, or suffering significant harm

Give details of any conversations with the child relating to the concern

Give details of any contact and conversations with the child's parents/carers relating to the concern

Give details of any contact and conversations with the alleged abuser

Give details of any other agencies or individuals consulted in relation to the concern

Ensure that an accurate and detailed record is made of the concern and the referral using the *NYMAZ Child Protection Procedures Record of Concerns Form* (See Appendix A)

Follow up the referral in writing to the Children's Social Care Unit within 48 hours

Maintain the record of the concern with information on the development of the investigation and ultimate outcome

Contact Details

NYMAZ Designated Safeguarding Officer

Grace McNeill, Programme and Networks Manager

Tel: 01904 543382 Mobile: 07927 199467

NYMAZ Director

Sarah McWatt

Mobile: 07989 669 521

NSPCC Child Protection Helpline

Tel: 0808 800 5000 / email: help@nspcc.org.uk

North Yorkshire County Council Children's Social Care

Tel (office hours): 01609 780780

Email: social.care@northyorks.gov.uk

Emergency Duty Team Tel (outside office hours): 01609 780780

Address (for written referrals):

Children's Social Care

Customer Services Centre

County Hall

Northallerton

North Yorkshire

DL7 8AD

It is the responsibility of the Safeguarding Officer to contact the relevant agencies within the local authority district where the suspected or alleged abuse took place and to liaise with them throughout any ongoing investigations.

Reporting of On-line abuse

Child Exploitation and Online Protection Centre (CEOP)

www.ceop.police.uk

Internet Watch Foundation

www.iwf.org.uk

9. Responding to allegations of abuse against a member of NYMAZ staff, a project management team member, a musician, a volunteer or Trustee

This includes anyone working with children in a paid or voluntary capacity (e.g. NYMAZ staff, project management team, musicians, volunteers and Trustees). Child abuse can and does occur outside the family setting. Although it is a sensitive and difficult issue, child abuse has occurred within institutions and may occur within other settings. Recent inquiries indicate that abuse that takes place within a public setting is rarely a one-off event. It is crucial that those involved in NYMAZ activities are aware of this possibility and that all allegations are taken seriously and appropriate action is taken. It is important that any concerns for the welfare of the child arising from abuse or harassment by a member of staff or volunteer is reported immediately.

9.1. Support for the Reporter of suspected abuse

It is acknowledged that feelings generated by the discover that a member of staff, a project management team member, a musician, a voluntary committee member or Trustee is, or may be, abusing a child, will raise concerns amongst other staff and volunteers. This includes the difficulties inherent in reporting such matters.

NYMAZ will fully support and protect anyone who, in good faith and without malicious intent, reports his or her concern about a colleague's practice or the possibility that a child may be being abused.

9.2. Types of investigation

Where there is a complaint of abuse against a member of staff, a project management team member, a musician, a voluntary committee member or Trustee, 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

Civil proceedings may also be initiated by the person/family of the person who alleged the abuse.

The results of the police and social services investigation may well influence the internal NYMAZ disciplinary investigation.

A detailed summary of the process for managing allegations against people who work with children is included in Appendix B.

9.3. Action if there are concerns

The following action will be taken if there are genuine concerns about a member of staff or volunteer's behaviour:

9.3.1. Poor Practice

- If, following consideration, the allegation is clearly about poor practice, the Safeguarding Officer and Director - Programmes will deal with it as a misconduct issue.
- If the allegation is about poor practice by the Safeguarding Officer or Director - Programmes, or the matter has been handled inadequately and the concerns remain, it should be referred to NYMAZ's Board of Trustees. They will decide how to deal with the allegation and whether or not to initiate disciplinary proceedings.

9.3.2. Suspected Abuse

- Any suspicion that a child has been abused by either a member of staff, a project management team member, a musician, a volunteer or Trustee should be reported to the Safeguarding Officer at the earliest opportunity
- The Safeguarding Officer will refer the allegation to the social services department of the relevant local authority

who may involve the police, or will go directly to the police if the allegation is made out-of-hours

- The parents or carers of the child will be contacted as soon as possible following advice from the social services department
- If the Safeguarding Officer is the subject of the suspicion/allegation, the report must be made directly to the Director - Programmes who is then responsible for taking the action outlined above

9.4. Confidentiality

The legal principle that the welfare of the child is paramount means that the considerations of confidentiality which might apply to other situations in the organisation should not be allowed to override the right of children to be protected from harm. However, every effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated.

Information will be handled and disseminated on a need to know basis only. This includes the following people:

- The Safeguarding Officer
- The Director
- The parents or carers of the person who is alleged to have been abused
- The person making the allegation
- Social Services and/or police
- The alleged abuser (and parents if the alleged abuser is a child)

Information will be stored in a secure place with limited access to designated people in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

9.5. Internal Enquiries and Suspension

NYMAZ will make an immediate decision about whether any individual accused of abuse should be temporarily suspended from delivering NYMAZ work or acting as a volunteer or Trustee of the organisation pending further police and social services inquiries.

Irrespective of these findings, NYMAZ will assess all individual cases under the appropriate misconduct/disciplinary procedure to decide whether a member of staff or project management team member, a musician, a volunteer or Trustee can be reinstated and how this can be sensitively handled with other staff and volunteers. This may be a difficult decision; particularly where there is insufficient evidence to uphold any action by the police. In such cases NYMAZ must reach a decision based on the available information that could suggest, on balance of probability, it is more likely than not that the allegation is

true. The welfare of the children and young people with whom NYMAZ works will always remain the paramount concern.

9.6. Support following the inquiry

Consideration should be given to what support may be appropriate to children, parents and members of staff. Use of help lines, support groups and open meetings with maintain an open culture and help the healing process. NYMAZ will support the children, parents and NYMAZ staff by providing details and information about these services.

Consideration should be given about what support may be appropriate to the alleged perpetrator of the abuse.

10. Responding to a child making an allegation of abuse

The following guidelines are to support staff, project management team members, musicians, volunteers and Trustees if a child makes a disclosure to them. All NYMAZ staff, project management team members, musicians, volunteers and Trustees will receive training in this area and details are also provided in NYMAZ's *Code of Conduct* documentation for staff (See Appendix C for copies of this document). Any allegations of abuse should be referred to the Safeguarding Officer at the earliest opportunity.

- Stay Calm
- Listen carefully to what is being said
- Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others – **do not promise to keep secrets**
- Allow the child to continue at her/his own pace
- Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer
- Reassure the child that they have done the right thing in telling you
- Tell them what you will do next and with whom the information will be shared
- Record in writing what was said using the child's own words as soon as possible – note date, time, any names mentioned, to whom the information was given and ensure that the record is signed and dated
- Contact NYMAZ's designated person

10.1. Barriers to reporting abuse

NYMAZ recognises that there are a number of significant barriers that can prevent children and young people reporting their concerns, and that members of staff, project management team members, musicians, volunteers or Trustees may have a disclosure made to them may face barriers in reporting or sharing their concerns with the Safeguarding Officer.

10.2. Barriers which may prevent children and young people sharing concerns:

- Feeling there is no-one to talk to (who will listen and can be trusted)
- Fear of not being listened to, understood, taken seriously or being believed
- A belief in self-reliance
- A sense of futility about sharing problems and belief that nothing will change
- Embarrassment

NYMAZ recognises that the children and young people with whom we work may face additional barriers to sharing concerns due to disabilities. Research has demonstrated that disabled children are particularly vulnerable to abuse for several different reasons depending on their impairment. These reasons include:

- A dependency on others for their primary needs such as feeding, clothing and intimate care may make a young person feel powerless to report abusive treatment and might mask abusive behaviour
- Different communication methods or lack of appropriate vocabulary might provide a barrier for a child wanting to communicate about their concerns
- Isolation within a residential setting
- A fear of retribution

10.3. Barriers which may prevent adults reporting abuse

- Not wanting to burden others
- Fear of getting oneself or someone else into trouble
- Other adults trivialising or over-reacting and making matters worse
- Fear of lack of control
- Limited knowledge of formal helping services and what they do
- Stigma of involvement with formal agencies

NYMAZ is aware of these barriers and will ensure that all members of staff, project management team members, musicians, volunteers or Trustees have had sufficient training and information to enable them to overcome these barriers.

10.4. Other possible barriers to reporting abuse

10.4.1. Barriers to reporting concerns to the Safeguarding Officer

- Fear you may be wrong
- Doubts about the young person's truthfulness
- Your own anger and distress
- Young person's attempts to bind you to secrecy
- Uncertainty of procedures and consequences
- There may be other reasons for the young person's behaviour
- Not wanting to interfere in family life

REMEMBER:

It is important that everyone in the organisation is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional child protection agencies following a referral to them of concern about a child.

11. Recording Information

- 11.1. What information should be recorded and by whom?** Every concern must be recorded in writing, whether this is observational or a child has made a verbal disclosure, within 48 hours. This written report should include details of reasons for concern if observational. If the report is being written following a disclosure from a child the report needs to be a true and accurate report of what was said, by whom, when and where. All reports need to be signed and dated along with the name and job title of the member of staff, project management team member, musician, volunteer or Trustee writing the report.

It is essential that the report contains only fact, if stating a personal opinion this needs be clearly indicated e.g. There were burns on the child's arms which, in my opinion, could have been caused by a cigarette.

Practice issues to consider when recording suspected abuse

- a. Be Specific** – what is the exact nature of the concern and which category of abuse does it suggest in your opinion
- b. Show the evidence** – what did you see, hear? Who said what, when, how?
- c. Be Precise** with time words – what does always, frequent, never mean?

A reporting template and checklist for providing a good record are enclosed in Appendix A. The written report should be shared with the Safeguarding Officer (See Appendix D for detailed description and roles and responsibilities of this person), Grace McNeill.

- 11.2. Information Sharing - the Safeguarding Officer's responsibility**
- The Safeguarding Officer should always explain to children, young people and families at the outset, openly and honestly, what and how information will, or could be shared and why, and seek their agreement. The exception to this is where to do so would put that child, young person or others at increased risk of significant harm or an adult at risk of serious harm, or if it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.

- The Safeguarding Officer will always consider the safety and welfare of a child or young person when making decisions on whether to share information about them. Where there is concern that the child may be suffering or is at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration.
- The Safeguarding Officer will, where possible, respect the wishes of children, young people or families who do not consent to share confidential information. The Safeguarding Officer may still share information, if in their judgement on the facts of the case, there is sufficient need to override that lack of consent
- The Safeguarding Officer will always seek advice when in doubt, especially when the doubt relates to a concern about possible significant harm to a child or serious harm to others.
- The Safeguarding Officer will ensure that the information shared is accurate and up to date, necessary for the purpose for which they are sharing it, shared only with those people who need to see it, and shared securely
- The Safeguarding Officer will always record the reasons for their decision – whether it is to share information or not.

A full description of the Safeguarding Officer's Roles and Responsibilities can be found in Appendix D.

APPENDIX A

**Sample forms for reporting allegations or
suspicions of abuse**

REPORTING ALLEGATIONS OR SUSPICIONS OF ABUSE

The Safeguarding Officer should be informed immediately of any concerns about a child or any disclosures made by a child. The Safeguarding Officer's contact details are as follows:

Name: Grace McNeill
Job/Role/Title: Programme and Networks Manager
Address: Clements Hall, Nunthorpe Road, York YO23 1BW
Telephone: 01904 543382
Mobile: 07927 199467

If the Safeguarding Officer is unavailable then the Director should be informed using the following contact details:

Name: Sarah McWatt
Job/Role/Title: Director, NYMAZ
Address: Clements Hall, Nunthorpe Road, York YO23 1BW
Mobile: 07989 669 521

Relevant local contacts:

North Yorkshire County Council Children's Social Care

Tel (office hours): 01609 780780

Email: social.care@northyorks.gov.uk

Emergency Duty Team Tel (outside office hours): 01609 780780

Address (for written referrals):

Children's Social Care
Customer Services Centre
County Hall
Northallerton
North Yorkshire
DL7 8AD

NSPCC Child Protection Helpline 0808 800 5000

CHECKLIST FOR REPORTING SUSPECTED ABUSE

Name of child _____

Age & Date of Birth _____ Ethnicity _____

Religion _____ First Language _____

Disability _____ Any special factors _____

Parent's/carer's name(s)

Home address (& phone no. if available)

Are you reporting your own concerns or passing on those of somebody else?

Give details

Brief description of what has prompted the concerns: include dates, times etc. of any specific incidents.

Any physical signs? Behavioural signs? Indirect signs?



Have you spoken to the child? If so, what was said? _____

Have you spoken to the parent(s)? If so, what was said? _____

Has anybody been alleged to be the abuser? If so, give details _____

Have you consulted anybody else? Give details _____

Your name and position _____

To whom reported & date of reporting _____

Signature _____ Today's date _____

APPENDIX B

**Summary of the procedures for managing
allegations against people who work with children**

Summary of the procedures for managing allegations against people who work with children (England)

1. Introduction

This summary document has been produced by the NSPCC to assist organisations in the Third Sector to develop their child protection policy and procedures. NYMAZ is committed to ensuring that all children and young people who participate in our activities are able to do so in a safe environment and will adopt the following approach when managing allegations against a member of staff, project management team member, musician, volunteer or Trustee.

1.1 *“Children can be subjected to abuse by those who work with them in any and every setting. All allegations of abuse or maltreatment of children by a professional, staff member, foster carer or volunteer must therefore be taken seriously and treated in accordance with consistent procedures”.*⁴

HM Government (2015) *Working Together to Safeguard Children* introduced a framework for managing allegations and concerns against people who work with children. All organisations that provide services for children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling such allegations that is consistent with the guidance within *Working Together to Safeguard Children* and the Local Safeguarding Children Board (LSCB) child protection procedures.

1.2 *Working Together to Safeguard Children* outlines the framework for managing allegations that should be used 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 s/he is unsuitable to work with children.

1.3 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

2. Summary of the process for managing allegations against people who work with children

2.1 Allegation made to the employer

The allegation should be reported to the Safeguarding Officer identified in NYMAZ's *Safeguarding Procedure* immediately, if the Safeguarding Officer is

⁴ HM Government, *Working Together To Safeguard Children* (2015)

unavailable or is the subject of the allegation, it should be reported to the Director. If the allegation meets any of the criteria in paragraph 1.2 NYMAZ will report it to the designated officer or team of officers within the Local Authority within one working day.

The police and other relevant agencies will always be consulted before informing the person who is the subject of an allegation that may possibly require a criminal investigation.

2.2 Initial consideration

The designated officer or team of officers within the Local Authority will discuss the matter with NYMAZ and, where necessary, obtain further details of the allegation and the circumstances in which it was made.

If the allegation is not patently false and there is cause to suspect that a child is suffering, or likely to suffer, significant harm, the designated officer or team of officers within the Local Authority will immediately refer to children's social care and ask for a strategy discussion to be convened straight away. In these circumstances, the strategy discussion should include the LADO and a representative of NYMAZ, most likely the Safeguarding Officer.

If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the designated officer or team of officers within the Local Authority should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve NYMAZ.

2.3 Action following initial consideration

There are three possible course of action that might follow the initial consideration and non, one, or a combination of these may be necessary:

- Disciplinary action
- Police investigation
- Referral on to a list of persons considered unsuitable to work with children

Each of these possibilities is explained in more detail:

2.3.1 Disciplinary Action

Where the initial evaluation decides that the allegation does **not** involve a possible criminal offence, it is dealt with by NYMAZ. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be taken within **3 working days**

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**

Where further investigation is required to inform consideration of disciplinary action, NYMAZ should discuss who will undertake that with the designated officer or team of officers within the Local Authority. The investigating officer should aim to provide a report to NYMAZ within **10 working days**

On receipt of the report of the disciplinary investigation, NYMAZ should decide whether a disciplinary hearing is needed within **2 working days**, and if a hearing is needed it should be held within **15 working days**

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, NYMAZ should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action

Note: *Working Together To Safeguard Children* states that 'the timescales given are not performance indicators but they provide useful targets to aim for that are achievable in many cases'.

2.3.2 Case Subject to Police Investigation

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible. They should, at the outset, set a target date for reviewing the progress of the investigation and consulting with the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge the individual with an offence, or close the case.

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or a court acquits the person, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay.

If the person is convicted of an offence, the police should also inform the employer straightaway so that appropriate action can be taken.

2.3.3 Referral to the Protection of Children Act List (PoCA List) or DfE List 99 or to a regulatory body

If the allegation is substantiated, and on conclusion of the case NYMAZ dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the designated officer or team of officers within the Local Authority about whether a referral to the PoCA List and/or to a professional regulatory body is required. If a referral is appropriate the report should be made within **one month**

3. Additional Considerations

3.1 Supporting those involved

There are two issues to consider here – support for any child or children, parents or carers involved and support for the person who is the subject of the allegation:

3.1.1 Parents/carers of a child or children involved should be told about the allegation as soon as possible if they do not know about it already. They should be kept informed about the progress of a case, and told the outcomes where there is not a criminal prosecution. That includes the outcome of any disciplinary procedures.

3.1.2 NYMAZ should also keep the person who is the subject of the allegation informed of the progress of the case, and arrange to provide appropriate support to the individual while the case is ongoing. If the person is suspended, NYMAZ should also make arrangements to keep the individual informed about developments in the workplace.

3.2 Confidentiality

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

3.3 Resignations and 'Compromise Agreements'

The fact that a person tenders his/her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety of welfare of children, including any in which the person concerned refuses to co-operate with the process.

'Compromise agreements' – whereby a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference – must not be used in these cases.

3.4 Record keeping

NYMAZ will keep a clear and comprehensive summary of:

- Any allegations made
- Details of how allegations were followed up and resolved
- Any action taken
- Decisions reached

These details will be kept in a confidential file relating to that person and a copy should be given to the individual. Such information will be retained on file, including for people who have left NYMAZ, at least until the person reaches normal retirement age, or for 10 years if that is longer.

3.5 Oversight and monitoring

NYMAZ has identified Grace McNeill, Programme and Networks Manager, as the person to whom allegations or concerns should be reported. Staff and volunteers will be made aware of this person and who else to report to in the absence of this person. If the alternative person is also unavailable all NYMAZ staff, project management team members, musicians, volunteer committee members and Trustees will know that they can go directly to the designated officer or team of officers within the Local Authority to report their concerns.

3.6 Serious case review

If an allegation is substantiated, the managers and Trustees of NYMAZ must think widely about the lessons of the case and how they should be acted on. This should include whether there are features of NYMAZ that may have

contributed to, or failed to prevent, the abuse occurring. In some cases a serious case review may be appropriate – this is where the LSCB undertakes a review of a serious case in order to consider whether there are any lessons to be learnt and actions to be taken which should be shared more widely in order to improve safeguarding practice.

3.7 Code of conduct/professional boundaries

This document has so far outlined what NYMAZ would do in respect of managing allegations, but wherever possible preventative measures are in place so that allegations are less likely to occur. All adults who come into contact with children and young people in their work have a duty of care⁵ to safeguard and promote their welfare. It is important that all NYMAZ staff, project management team members, musicians, volunteers and Trustees are aware of NYMAZ's expectations from the outset. This signifies that NYMAZ is taking its duty of care towards children and young people seriously and it clarifies for staff and volunteers what is appropriate behaviour in order to reduce the likelihood of misinterpretation.

⁵ The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

APPENDIX C

Code of Conduct & Good Practice

Code of Conduct & Good Practice when working with children and young people

NYMAZ believes that children should be given every opportunity to learn that no-one has the right to do anything to them that makes them feel uncomfortable. Children should be taught and encouraged not to put up with any behaviour from adults or other children involved in NYMAZ activities that makes them feel threatened.

All NYMAZ staff, project management team members, musicians, volunteers and Trustees must:

- Treat all children and young people with respect
- Provide an example of good conduct you wish others to follow
- Ensure that there is at least one adult who is not affiliated with NYMAZ present during activities with children and young people
- Respect a young person's right to personal privacy/encourage young people and adults to feel comfortable and caring enough to point out attitudes or behaviour they do not like
- Remember that someone else might misinterpret your actions, no matter how well intentioned
- Be aware that any physical contact with a child or young person may be misinterpreted
- Recognise that special caution is required when you are discussing sensitive issues with children or young people
- Operate within the organisation's principles and guidance on working with young people
- Challenge unacceptable behaviour and report all allegations, suspicions or disclosures of abuse
- Inform a member of staff who is not affiliated with NYMAZ if a private conversation with a young person is absolutely necessary and tell them where you will be and how long you will be with the young person

All NYMAZ staff, project management team members, musicians, volunteers and Trustees must not:

- Have inappropriate physical or verbal contact with children or young people
- Engage in sexually provocative or rough physical games, including horse-play
- Allow yourself to be drawn into inappropriate attention-seeking behaviour
- Make suggestive or derogatory remarks or gestures in front of children or young people
- Jump to conclusions about others without checking facts
- Either exaggerate or trivialise child abuse issues
- Show favouritism to any individual
- Rely on your good name or that of NYMAZ to protect you
- Believe 'it could never happen to me'
- Take a chance when common sense, policy or practice suggests a more prudent approach
- Meet with children or young people outside organised activities

- Do things of a personal nature for a child or young person which they can do themselves or if they have a specific carer or support worker who is responsible for intimate care
- Let allegations made by a child go without being addressed and recorded
- Deter children from making allegations through fear of not being believed

APPENDIX D

Safeguarding Officer role and responsibilities

The designated Safeguarding Officer

General

NYMAZ's designated Safeguarding Officer is Grace McNeill, Programme and Networks Manager. The Safeguarding Officer is responsible for dealing with any concerns about the protection of children. In the absence of Grace McNeill,

NYMAZ's Director, Sarah McWatt, will act as the Deputy Safeguarding Officer.

The Safeguarding Officer attended the one-day Child Protection & Safeguarding in the Arts and Cultural Sector, in Leeds on 4th July 2019, led by Artsworld to ensure that they are aware of the roles and responsibilities of this job and the procedures and policies required by NYMAZ to ensure all children, young people and vulnerable adults with whom we work are adequately protected from harm.

Role

The role of the designated person is to:

- Provide information and advice on child protection within NYMAZ
- Ensure that NYMAZ's child protection policy and procedures are implemented and followed and particularly to inform social services/health board of relevant concerns about individual children
- Be aware of the Local Safeguarding Children Board (LSCB) and be familiar with procedures
- Ensure that appropriate information is available at the time of the referral and that the referral is confirmed in writing, under confidential cover as quickly as possible (eg, within a working day)
- Liaise with children's service authorities and other agencies, as appropriate
- Keep relevant people within NYMAZ, particularly the Director and board of NYMAZ information about any action taken and any further action required, for example, disciplinary action against a member of staff, volunteer or musician
- Ensure that an individual case record is maintained of the action taken by NYMAZ, the liaison with other agencies and the outcome
- Advise NYMAZ of safeguarding training needs
- Deal with the aftermath of an incident in NYMAZ

Responsibility

The Safeguarding Officer is responsible for acting as a source of advice on child protection matters, for co-ordinating action within NYMAZ and for liaising with health, children's services and other agencies about suspected or actual cases of child abuse. The Safeguarding Officer is also responsible for implementing safeguarding training within NYMAZ.