

Safeguarding Children Policy

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Introduction

Achieving for Children (AfC) is committed to protecting and actively supporting children and young people so that they are able to live safe, happy and successful lives, in accordance with its duties under Section 11 of the Children Act 2004 and Working Together to Safeguard Children 2015.

This policy has been developed to help company directors, employees, contractors and volunteers to understand their responsibilities, what they need to do, and what they can expect of one another to safeguard and protect the welfare of children. The policy also demonstrates a commitment to acting promptly and appropriately whenever a concern is raised about a child at risk of harm.

Background and context to the Safeguarding Children Policy

Section 11 of the Children Act 2004 places a statutory duty on key individuals and organisations to make suitable arrangements to ensure that their responsibilities are discharged in order to safeguard and promote the welfare of children. The statutory guidance 'Working Together to Safeguard Children 2015' sets out how organisations and individuals should work together to meet these responsibilities.

Safeguarding and promoting the welfare of children is defined in Working Together to Safeguard Children 2015 as:

- protecting children from maltreatment or neglect
- preventing the impairment of children's health and 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 achieve the best outcomes.

It is important that all company directors, employees, contractors and volunteers working with children understand fully their responsibilities and duties as set out in primary legislation and the associated regulations and guidance.

Aims of the policy

The aim of this policy is to provide guidance to Achieving for Children's company directors, employees, contractors and volunteers so that they understand what they should do to protect children and keep them safe. The policy has been written in line with current legislation, Section 11 (4) of the Children Act 2004 and the statutory guidance detailed in Working Together to Safeguard Children 2015, as well as local policies.

This policy aims to:

- raise awareness that safeguarding children is everyone's responsibility
- assist those working with children, young people and their families to be aware of the signs and symptoms of neglect and abuse
- raise awareness of practitioners' responsibility to follow local social care procedures
- promote multi-disciplinary and multi-agency-working, and
- promote a child-centred approach to safeguarding

Objectives of the policy

This policy aims to ensure:

- employees have understood the overarching Safeguarding Children Policy and how it impacts on their day-to-day operations
- employees understand their responsibilities, what they need to do, and what they can expect of one another, to safeguard and protect the welfare of children, and
- employees and contractors understand when and how to report allegations of neglect, abuse or the risk of harm to children and young people.

Implementing the policy

We will implement this policy by:

- ensuring our company directors and employees are aware of the Safeguarding Children Policy and receive appropriate training and support, are able to recognise harm and know how to report any concerns in a timely and appropriate way
- ensuring that all contractors and commissioned organisations providing services on behalf of Achieving for Children understand and have formally agreed in writing to abide by the Safeguarding Children Policy and receive appropriate training and support
- monitoring allegations of neglect, abuse or harm to children and young people made against our employees to understand how and why this has happened and ensuring that appropriate systems and processes are in place to prevent this happening in the future, and
- working with children, young people and their families to help develop, monitor and review our policies, practices, functions and services.

This policy is translated into procedures through the online TRIX Children's Services Policy and Procedures Manual. Every Achieving for Children employee can access the manual via the following link: www.proceduresonline.com/achievingforchildren

The manual is integrated with the updated [London Child Protection Procedures](#)

Information provided by the Local Safeguarding Children Boards can be accessed at <http://kingstonandrichmondscb.org.uk>

Recognising child abuse and neglect

Whilst children and adults at risk may suffer abuse and neglect, the recognition of these may differ. Working Together to Safeguard Children 2015 provides guidance as to what constitutes abuse and neglect and the categories of concern. However, this is not to be treated as the definitive list, as abuse and neglect can be multi-faceted and should be considered holistically.

Maltreatment

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by others. They may be abused by an adult or adults, or another child or children.

Impact of maltreatment

The maltreatment of children physically, emotionally, sexually or through neglect can have major long-term effects on all aspects of a child's health, development and wellbeing. The immediate and longer-term impact can include anxiety, depression, substance misuse, eating disorders and self-destructive behaviour, offending and anti-social behaviour.

Categories of concern

There are many ways in which children can be harmed.

Physical abuse

Physical abuse 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.

Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child so that it causes severe and persistent adverse effects on a child's emotional development. It may involve conveying to children 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 the 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 to frequently 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.

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 a child's 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 or social media. Sexual abuse is not solely perpetrated by adult males; women can also commit acts of sexual abuse, as can other children.

Sexual exploitation

Sexual exploitation of children and young people is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. It includes combinations of pull factors: children exchanging sex for attention, accommodation, food, gifts or drugs. and push factors: children escaping from situations where their needs are neglected and there is exposure to unsafe individuals. The victim

may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Further information can be obtained from the Government's [Supplementary Guidance to Working Together to Safeguard Children](#)

Neglect

Neglect is 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.

Radicalisation

It is a requirement that all staff, volunteers and students within Achieving for Children comply with and be aware of the Prevent Duty under the Counter Terrorism and Security Act 2015. The Act seeks to ensure that all individuals are alert to the risks of children and young people being drawn into terrorism and radicalism. Further information can be obtained from the [Prevent Duty Guidance for England and Wales](#)

Concerns about a child's behaviour

Concerns about a child may come to the attention of company directors, employees, contractors or volunteers in a number of ways:

- through observation of the child where a child's behaviour may indicate that it is likely that they are being abused
- the child may disclose abuse
- information may be given by parents, other people or agencies
- a child may show some signs of physical injury of which there seems to be no satisfactory explanation
- something in the behaviour of one of the workers or a child, or in the way the worker relates to a child, alerts them or makes them feel uncomfortable in some way
- observing one child abuse another.

There may be barriers to children telling someone that they are being harmed, neglected or abused. The power of relationships between adults and children should not be underestimated, and nor should the deliberate and skilled way that abusers target their victims.

Children may not tell because they:

- are scared because they have been threatened or are being sexually exploited
- believe they will be taken away from home
- believe that social care services are stigmatising
- think it is what happens to all children
- feel embarrassed
- feel guilty
- do not want to get the abuser into trouble
- have communication or learning difficulties
- may not have the vocabulary to explain what has happened to them
- are afraid they won't be believed
- or believe they have told, possibly by dropping hints but have not been believed so that they do not bother trying again

Child abuse thrives on secrecy and needs to be handled in a sensitive, accepting way. In order to achieve this, adults may have to overcome certain barriers also, as:

- sometimes it may be hard to believe what the child is saying
- it may be difficult that the suspicion may be about someone that is known
- there is a fear of getting it wrong; the fear of what consequences there may be for 'getting it wrong' for the child, for the family and for themselves
- they worry that it may make it worse for the child
- they believe that social care services are stigmatising
- they simply do not want to become involved
- they do not have the necessary information on what to do or who to contact

Dealing with concerns

Many concerns about children and young people arise on a day-to-day basis and, in most cases, these can be dealt with quickly and easily through discussion between employees and parents or carers where further advice or help may be offered, if needed. These discussions and actions must be recorded in the relevant children's services recording system.

Sometimes concerns can be more worrying because it is clear that the child may be affected by what is happening to them. The child may be being harmed in some way. If this is the case employees should:

- collect as much information as possible about the situation - this may be from the child, parent, carer or other professionals and should include the date and time of the incident or disclosure, the parties that were involved, what was said or done and by whom, and any further actions
- report their concerns to their line manager or another appropriate manager immediately and at the latest within the same working day

If a child of young person is disclosing information:

- listen to what is being said without displaying shock or disbelief, accept what is being said without judgement and take it seriously
- reassure the child, but do not make promises that cannot be kept for example, 'everything will be alright now'. Assure them that they did nothing wrong and that their disclosure will be taken seriously, do not promise confidentiality, explain you have a duty to report your concerns. Acknowledge how difficult it must have been to talk
- let the child or young person explain in their own terms what has happened. Do not speculate or jump to conclusions. Do not investigate or interrogate or decide if they are telling the truth. Communicate in a way that is appropriate to the age of the child and the level of disability or where English is not the preferred language. Explain what you will do next and who you need to talk to
- take some very brief notes and write them up in more detail as soon as you can. Hold on to the original notes, they may be required by court. Record the date, time, place and words used by the child and how the child appeared to you. Be specific and keep it factual
- contact the Single Point of Access for Kingston and Richmond:
T: 020 8547 5008
(020 8770 5000 for out of hours/weekends)
- be open about the concern and make it clear that they will have to tell others who may be working with the child.

If a child is in immediate danger you must always telephone 999.

Responding to a concern

Responses to any concerns about a child are dealt with in line with the procedures set out in the Referral and Initial Contact sections of TRIX.

Managing individuals who pose a risk of harm to children

The Children Act 2004 recognises that the identification and investigation of child abuse, together with the protection and support of victims and their families, requires multi-agency collaboration. The Multi-Agency Public Protection Arrangements (MAPPA) provides a national framework for the assessment and management of risks posed by serious and violent offenders. The Multi-Agency Risk Assessment Conference (MARAC) provides interventions for adult perpetrators of domestic violence and abuse. The Kingston MAPPA Protocol and Richmond MAPPA Protocol and the Kingston MARAC Protocol and [Richmond MARAC protocol](#) provide for further information. These protocols complement but do not replace existing children's services procedures and protocols.

Safeguarding particularly vulnerable Children

Particularly vulnerable children

There are some groups of children who may be particularly vulnerable because of specific concerns in relation to their safeguarding and because of some specific issues in relation to promoting their welfare.

The list is not a comprehensive list of every vulnerable child, but highlights some specific groups:

- children living away from home
- children who are being bullied
- children whose behaviour indicates a lack of parental control
- children who are experiencing racism
- children experiencing violent extremism
- children experiencing parental domestic violence
- children with families whose whereabouts are unknown
- children who go missing from home or care
- children who go missing from education
- children of families living in temporary accommodation
- migrant children, and
- unaccompanied asylum-seeking children (UASC)
- children who have special educational needs and disabilities

Safe employment

Recruitment

There are several aspects to protecting children from working with unsuitable people. These include safe recruitment practices, procedures for dealing with allegations against employees, and guidance about appropriate behaviour. Details can be found in the Achieving for Children procedures on Safer Recruitment

Procedures for dealing with allegations against adults

Achieving for Children has a clear procedure in place for dealing with allegations made against any adults. Details can be found in the Achieving for Children Procedure for Dealing with Allegations against Adults.

If you receive an allegation against a member of employees who works with children that causes concern that they have:

- behaved in a way that has harmed a child, 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

In these circumstances you must contact the local authority designated officer¹ (LADO) via the Single Point of Access for Kingston and Richmond on 020 8547 5008 (020 8770 5000 for out of hours or weekends).

Notifying the Disclosure and Barring Service

The Disclosure and Barring Service (DBS) was created by the merger of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

¹ The Local Authority Designated Officer acts for the LSCB agencies to act on and monitor allegations against adults

This new organisation provides a service combining criminal records checking and barring functions. The barring side of the DBS provides caseworkers who process referrals about individuals who have harmed or pose a risk of harm to children and/or vulnerable groups. They make decisions about who should be placed on the children's barred list and/or adults barred list and prevent them, by law, from working with children and vulnerable groups.

The checking service allows employers to access the criminal records history of people working, or seeking to work, in certain positions, especially those that involve working with children or vulnerable adults in specific circumstances.

Legal duty to refer

There is a statutory duty under the Safeguarding Vulnerable Groups Act (2006) to refer any relevant information to the DBS if Achieving for Children dismisses or removes an employee from working with children in what is legally defined as a regulated activity, because he/she meets the referral criteria.

Achieving for Children has a duty to refer information to the DBS as both a regulated activity provider and on behalf of Kingston and Richmond boroughs. It is the HR Business Partner's responsibility to make the referral to the DBS following consultation and sign off by the LADO and the senior manager of the service in which the employee works.

Please refer to the government's [Guide for Employers and Volunteers on the legal duty to refer](#) for further information.

Induction and training

All new employees receive an induction that includes the organisation's procedures for safeguarding children.

Employees of Achieving for Children access a range of training through the Kingston and Richmond LSCB, including Level 1 Online Safeguarding Awareness, Level 2 Shared Responsibility, and Level 3 Child Protection Processes. Other relevant training and workshops particularly for those who have a designated child protection responsibility can be accessed via the Workforce Development team [here](#).

Online safety

Digital technology can expose children and young to new dangers and risks. The Kingston and Richmond LSCB takes strategic responsibility for improving the way in which children and young people are safeguarded online. The joint e-safety policy sets out the:

- resources available through partner agencies to raise awareness among children and young people, supporting the development of appropriate strategies to minimise exposure to risk
- procedures to be followed by all partner agencies in using online technologies with children and young people
- procedures to be followed when handling an e-safety incident (see Appendix 1)

Social media

Employees should not engage in any form of social media communication (Facebook, Twitter, Instagram, etc) with children or young people using their personal accounts. This includes using personal email accounts or mobile phones.

Where there is a need to communicate with young people using social media, only accounts set up by Achieving for Children should be used.

When communicating using social media, care should be taken to ensure that the material posted or shared is safe and is appropriate. Photographs of children must be consensual and information especially that which could put a child at risk must not be shared.

Appropriate security and permissions must be put in place. Material posted should not discredit the organisation in any way.

Any posts by children or young people which raise safeguarding concerns should follow the e-safety incident procedures set out in Appendix 1. Where there are immediate concerns, call the police on 999.

The Achieving for Children Social Media Policy sets out in more detail the behaviour that is expected from employees working in Achieving for Children and how to be alert to safeguarding concerns.

Photography and videos

All company directors, employees, contractors and volunteers must only use Achieving for Children equipment to take photographs or videos of events which involve children and young people, and under no circumstances must they use their own personal devices.

Consent must be obtained from parents or the legal guardians of children, before they are recorded.

They must be made aware of how and where the footage or pictures WILL be used, especially if the footage is to be published in the media or online.

An agreement on whether the pictures and videos will be destroyed or saved for future use, where they will be stored and who will be able to access them, must also be drawn up.

Even if parental permission has been sought, the children must be comfortable with their picture being taken.

Children's and young peoples' names should not be publicised in photographs or videos without the express permission of the children and their parents or legal guardians.

Photographs shall only be taken in relation to Achieving for Children services or events. Employees shall not take photographs in one-to-one sessions unless there is a specific need to, such as using photographs to help illustrate outcomes to children, young people and their families, this arrangement must be agreed with managers in advance and the rules around consent still apply.

Staff should also be attentive to others taking photographs of children without their permission.

Access to inappropriate images and internet usage

Viewing, creating and storing inappropriate and indecent images of children on the internet is illegal and will not be tolerated under any circumstances. Adults who retrieve and possess links to such websites and images will be regarded as a major and possible threat to children. This behaviour will result in a criminal investigation and the individual will be barred from working with children if found guilty.

Adults should not use their Achieving for Children computer equipment to access pornography, and personal equipment containing pornographic images or links to them must not be brought into the working environment. This will result in serious concerns regarding the adult's suitability to work with children.

If indecent images of children or other inappropriate materials are found, the police and local authority designated officer must be informed immediately via the Single Point of Access.

Other adults must refrain from attempting to investigate or assess the material independently as this could contaminate the evidence. Employees have a duty to ensure that children do not view inappropriate images or websites. Children can only use IT equipment if the appropriate controls are in place, such as restricted internet access. Confidential information must be protected and personal passwords must remain confidential. Additionally, parental permission must be obtained prior to a child using computer equipment and the internet.

All material shown to children, including films, books, magazines, television or video, must be age-appropriate.

Safe environment

All premises and equipment will be assessed to ensure their safety and suitability. Where appropriate, provision specifically for children will be registered with Ofsted and their guidelines will be followed.

All premises and equipment should be managed in line with statutory health and safety requirements and the Achieving for Children Health and Safety Policy.

Transport

Some employees may be required to transport children as part of their role and all journeys must be recorded appropriately. Adults who use their own vehicles for the transportation of children, must ensure that their vehicle is fit for purpose, suitably insured and that the maximum number of passengers is not exceeded. If employees are required to transport children in a vehicle which requires a specialist license and insurance, such as a PCV or LGV, employees must hold the necessary license and insurance.

Employees must ensure that they are able to drive and free from any alcohol, drugs or medicine that may impair their judgement or capability.

All passengers are legally obliged to wear a seat belt and it is the employee's duty to check that this is so. Adults should also use car seats for younger children, where applicable.

The safety and wellbeing of the children being transported is the concern of the employee until the children are safely reunited with a parent or carer.

Employees must not offer lifts to children and young people outside of their agreed working responsibilities, unless approval has been sought from their manager and the child's parents or carers.

Occasionally, a child may require assistance with transportation in an emergency, or there may be occasions whereby failure to transport the child will place them at greater risk. On these occasions, the senior manager and parents or carer of the child concerned must be informed and the incident recorded.

Whistle blowing

Whistle blowing is the process that allows employees to express their concerns without fear of the consequences. If employees use the procedure, their employment rights will remain unaffected. Employees have an individual responsibility to make their manager aware of their concerns and this is especially important where the safety or wellbeing of children is concerned. For more detailed guidance please see Annex 4 of the Achieving for Children Anti-Fraud Framework.

Information sharing and data protection

Employees may have access to confidential information about children and young people and their families in order to help them perform their roles. They may be privy to highly sensitive and confidential information. In some circumstances, this information may need to be shared with other professionals, such as in a case of suspected neglect or abuse. In these circumstances, information must be passed on immediately.

Confidential information should not be shared with someone who does not have the right to know. Where there is any uncertainty, staff should discuss this with their manager.

When it is not necessary to disclose a child's identity, all information should be used anonymously. Private Information should never be used for personal gain or for the advantage of others, including friends, family, relatives and or other organisations.

The Achieving for Children [Information Governance Framework](#) sets more information in this area.

Roles and responsibilities for implementing, monitoring and reviewing

Role	Responsibility
Achieving for Children Board of Directors	Provide challenge to ensure that the Chief Executive is fulfilling his roles effectively
Commissioning Councils	Provide challenge to ensure that the Chief Executive is fulfilling his role effectively
Director of Children's Services and Achieving for Children Deputy Chief Executive	<p>Ensure the safeguarding and wellbeing of all children in the London Boroughs of Kingston and Richmond.</p> <p>Represent Achieving for Children on Kingston's and Richmon's LSCB</p> <p>Promote a culture of safeguarding and the message that it is everybody's business</p>
Senior Leadership Team	Ensure that all employees within their service understand and abide by the Safeguarding Children Policy: this includes ensuring that any contracted or commissioned services sign up to the policy and that it forms part of any contractual arrangements. Ensure that employees undertake training and development so that they understand how to safeguard children and young people
Head of Workforce Development	Ensure that effective safeguarding training and development is available and accessible to all employees, this includes ensuring induction training is in place
Contractors and partners	Ensure that all employees working on behalf of Achieving for Children abide by the Safeguarding Children Policy
Human Resources	Ensure that all staff are security checked in line with the Achieving for Children Safer Recruitment Policy
All managers	<p>Ensure that all employees within their service understand and abide by the Safeguarding Children Policy; this includes ensuring that any contracted or commissioned services sign up to the policy and that it forms part of any contractual arrangements</p> <p>Ensure that employees undertake training and development so they understand how to safeguard children and young people</p>

Role	Responsibility
All employees	<p>Ensure they have read and understand the Achieving for Children Safeguarding Children Policy and they implement the accompanying processes and procedures</p> <p>Take personal responsibility for undertaking training and development so that they understand how to safeguard children and young people</p> <p>Communicate the Safeguarding Children Policy to children, young people and their parents</p> <p>Inform, for those services registered with the Care Quality Commission, of all relevant notifications that form part of any of the regulated activities as per Achieving for Children's registration. Please see Appendix 2 for more information</p>

This policy will be reviewed in April 2018 to judge its effectiveness, or may be updated sooner in accordance with changes in legislation.

Date created	19 February 2015
Revised	2 October 2017
Revisions	Updated: Child sexual exploitation definition, contact details, particularly vulnerable children list, induction and training information, policy review date
Signed by:	Suzanne Payne, Associate Director Strategy and Transformation, Achieving for Children
Equality analysis completed (yes/no):	Not applicable



Online Safety Incident Procedure For Child Protection Leads

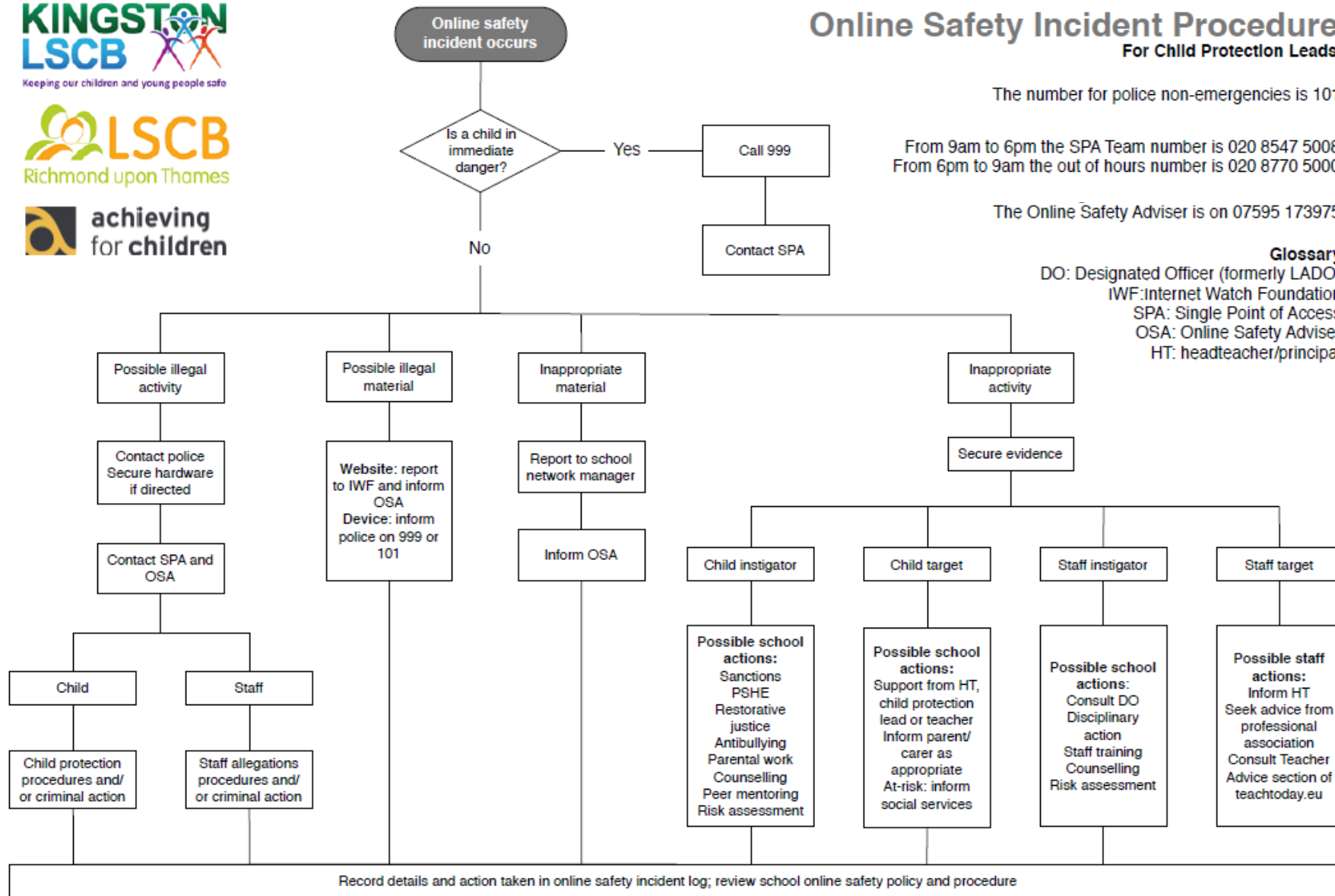
The number for police non-emergencies is 101

From 9am to 6pm the SPA Team number is 020 8547 5008
From 6pm to 9am the out of hours number is 020 8770 5000

The Online Safety Adviser is on 07595 173975

Glossary

DO: Designated Officer (formerly LADO)
IWF: Internet Watch Foundation
SPA: Single Point of Access
OSA: Online Safety Adviser
HT: headteacher/principal



CQC notifications overview

Regulations 12, 14, 15, 16, 17, 18, 20, 21 and 22 of the Care Quality Commission (Registration) Regulations 2009 make requirements that the details of certain incidents, events and changes that affect a service, or the people using it, are notified to CQC.

The full document can be sourced following the link below.

www.cqc.org.uk/sites/default/files/20150331_100501_v6_00_guidance_on_statutory_notifications_ASC_%20IH_PDC_PA_Reg_Persons.pdf

Any notification that identifies a service user must not contain patient identifiable information, otherwise in doing so it will contravene the Data Protection Act (1988). You can allocate a code to each person who uses your service, and use this code in statutory notifications. You must keep information about who these codes refer to safely and securely, in case we need to know more about a notified event. It is up to you to decide the format of the codes. Even where you use codes, they must not easily identify the person, such as by using their room number or date of birth.

As part of their role the registered manager is responsible for the notification to CQC of the following events that form part of the provider's statutory requirements:

Statutory	Regulation number
Changes to a statement of purpose	12
Changes to a provider's or manager's registered details	15
Absence of a registered person for more than 28 days (or more) and to inform CQC upon their return	14
Application to deprive a person of their liberty	18
Death of a person using the service	16
Serious injury to a person who uses the service	20
Abuse or allegations of abuse concerning a person who uses the service	18
Death of a registered provider	21
Incidents reported to or investigated by the police	18
Events that stop the service running safely and properly	18
Admission of a child or young person to an adult psychiatric ward	18
Personal representative's plans for a service following the death of a registered provider	21
Liquidator's or trustee's plans for a service	22

The following link enables the reader to access the electronic notification forms:

www.cqc.org.uk/content/notifications-non-nhs-trust-providers

Clinical commissioning groups (CCGs) need to notify us during the initiation of every child protection serious case review. This information may feed into our regulatory activities.

Offences

Some of the regulations have offences attached, and as part of our enforcement action, CQC will be able to bring prosecutions if these regulations are breached. For regulations that we cannot prosecute against, we can consider using other actions as set out in our [enforcement policy](#).

CQC may prosecute breaches of the following regulations without first issuing a Warning Notice.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

A breach of the following offences may be prosecuted directly:	
Regulation 11	Need for consent: care and treatment may only be provided with consent.
Regulation 16(3)	Receiving and acting on complaints: a summary of complaints, responses, correspondence and other relevant information identified must be provided to CQC within 28 days of a request.
Regulation 17(3)	Good governance: a report into how the registered person is complying with the good governance requirements and their plans for improvement of services delivered must be provided to CQC within 28 days of a request.
Regulation 20 (2)(a)	Duty of candour: registered persons must as soon as reasonably practicable notify a service user (or person lawfully acting on their behalf) when an unintended or unexpected incident occurs. Notifiable safety incidents are explained further in Regulation 20(8) and 20(9).
Regulation 20(3)	Duty of candour: notifications given under Regulation 20(2)(a) must meet specific requirements.
Regulation 20A	Requirement as to display of performance assessments: providers must display on their website details of CQC's website, the most recent CQC rating and the date it was given. They must also display the most recent rating at each location where regulated activities are provided from and at the provider's principal place of business. Signs must be legible, conspicuously displayed and show the date the rating was given.

A defence to all the above offences is available where the registered persons took all reasonable steps and acted with all due diligence. See Regulation 22(4).

To be able to prosecute for the following offences, they need a further qualification, which is that the breach results in people who use services being exposed to avoidable harm or significant risk of such harm occurring or suffering a loss of money or property as a result of theft, misuse or misappropriation	
Regulation 12	Safe care and treatment: care and treatment must be provided safely.
Regulation 13	Safeguarding service users from abuse and improper treatment: sections 13(1) to 13(4).
Regulation 14	Meeting nutritional and hydration needs: service users' nutritional and hydration needs must be met. This applies where accommodation or an overnight stay on the premises is provided or where meeting a person's nutritional or hydration needs is part of the care and treatment arrangements.

Care Quality Commission (Registration) Regulations 2009

A breach of the following offences may be prosecuted directly:	
Regulation 12	Statement of purpose.
Regulation 14	Notice of absence.
Regulation 15	Notice of changes.
Regulation 16	Notification of death of service user.
Regulation 17	Notification of death or unauthorised absence of a person who is detained or liable to be detained under the Mental Health Act 1983.
Regulation 18	Notification of other incidents.
Regulation 19	Fees etc.
Regulation 20	Requirements relating to termination of pregnancies.
In relation to these offences, there is no requirement for anyone to have been exposed to harm or placed at risk of harm as there is in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. A breach of the regulation is an offence without this further qualification.	

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For the remaining regulations included in this guidance: (Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulations 9; 10; 13(5); 13(6); 13(7); 15; 16(1); 16(2); 17(1); 17(2); 18; 19; 20(1), 20(2)(b); 20(4); 20(5); 20(6); 20(7) and Care Quality Commission (Registration) Regulations 2009, Regulations 13 and 22a), CQC can take other regulatory action.

If the evidence surrounding one of these regulations also demonstrates a breach of another regulation that is identified as an offence, then CQC may also decide to prosecute against the regulation for that other offence.

