



HM Inspectorate of Prisons

Safeguarding and Protection of Children Policy

1. Introduction

Through its inspection activities, HM Inspectorate of Prisons (HMI Prisons) aims to ensure safe and secure provision for children and young people. Many vulnerable children are held in settings inspected by HMI Prisons. Some are additionally vulnerable for reasons such as having a disability. HMI Prisons is committed to ensuring that whatever the setting in which children are held, they are protected and their welfare is safeguarded. This is central to HMI Prisons' inspection role and all staff must be trained and supported to effectively discharge the Inspectorate's responsibilities in this area of work.

This policy outlines the overarching HMI Prisons principles in identifying and responding to concerns about safeguarding and protection of children. It is supported by other policies and protocols that cover the duties and responsibilities of HMI Prisons. The Protocol on Safeguarding and Protection of Children sets out the procedures and responsibilities of HMI Prisons staff when dealing with a specific concern or incident. The Protocol should be read alongside this Policy.

This Policy and associated Protocol are consistent with HMI Prisons' remit as a member of the UK National Preventive Mechanism (NPM), the body established in compliance with the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT). The NPM's primary focus is the prevention of torture and ill-treatment in all places of detention.

Hereafter in this document, the term 'child' or 'children' will be used to refer to those under the age of 18 years.

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2. Child protection and safeguarding statement and principles

- 2.1** This policy applies to all staff employed by HMI Prisons, whether they are permanent, temporary or on agency/freelance contracts or individuals, consultants or agencies contracted by HMI Prisons.
- 2.2** This policy and the associated protocol reflects current child protection and safeguarding legislation and guidance and makes specific reference to:
- The UN Convention on the Rights of the Child
 - Children Act 1989 (as amended)
 - Children Act 2004 (as amended)
 - Children and Social Work Act 2015
 - Adoption & Children Act 2002 (as amended)
 - *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, 2018
 - *Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers*, 2018
 - HMI Prisons *Expectations: Criteria for assessing the treatment of children and conditions in prisons version 4*, 2018 and the relevant sections from *Expectations* relating to police and court custody, immigration detention and adult prisons.
- 2.3** This policy and the associated protocol will be reviewed and updated on an annual basis to ensure that it remains in line with current legislation, guidance, national directives and learning from our practice.
- 2.4** HMI Prisons is committed to safeguarding and promoting the welfare of children in custody, as visitors to places of detention, and as far as its role allows, on release. In all our work, we will adhere to the following principles:
- We will be guided by the legislation and statutory guidance related to safeguarding and child protection work, as well as internal HMI Prisons policies and protocols which support our work in this area
 - The welfare of children is our primary concern
 - All HMI Prisons staff will ensure that their behaviour promotes a safeguarding culture and a commitment to promoting the welfare of children, and that they do not knowingly or unwittingly collude in covering up potential child abuse
 - HMI Prisons is committed to rigorously inspecting the core areas that will contribute to the safeguarding of children in custody and on their release, in accordance with HMI Prisons' *Expectations* criteria
 - In inspection and regulation, we expect that settings will have appropriate measures in place to safeguard and promote the welfare of children, and

that they will bring matters requiring local attention to the relevant authorities, using their own policy and protocols

- Children are treated with dignity and their protection and safeguarding is paramount, regardless of any visible or invisible individual differences (for example gender, race, ethnicity, religion, sexual orientation or disability)
- We acknowledge that many children who are in settings that we inspect are particularly vulnerable, including to abuse. This includes, but is not limited to, children who are or have been in the care of a local authority, have disabilities or mental health difficulties, have had previous experiences of abuse or are bullied, isolated or have limited secure relationships
- Multi-agency working with colleagues outside of HMI Prisons, as well as collaboration with colleagues within the Inspectorate, is of critical importance in achieving good outcomes in safeguarding and child protection. We will share information (in line with guidance) that may be vital to safeguarding individual and groups of children
- We are aware of our responsibility in promoting the welfare and outcomes for children in the variety of settings we inspect, as well as the importance of preventing any sexual, physical or emotional abuse and neglect. We will listen to and take seriously any concerns raised by children, parents/carers and staff in any of the units we are inspecting, or any others, about the well-being or care received by children. We will act swiftly, appropriately and in line with our protocol regarding any suspicion or allegation of abuse or neglect
- We are aware that our work with adults may alert us to the protection and safeguarding needs of children, and that when working with adults we may need to refer to this policy and its associated protocol
- We will ensure that this policy and the associated protocol is made available and accessible to all staff, including all new starters, who will be supported to implement the policy
- Staff will complete safeguarding children training and will have the opportunity to receive updated/refresher training at intervals. Reference will be made to this policy and the associated protocol in all training.

3. Definitions

3.1 Defining a ‘child’

The UN Convention on the Rights of the Child defines a child as anyone under the age of 18. The UN Convention has been ratified by the UK and the Children Act 1989 clarifies that a child is someone who has not yet reached their 18th birthday.

This is the case even though children acquire rights and responsibilities at earlier ages, for example in relation to the age of consent or the age of criminal responsibility.

3.2 Defining ‘safeguarding’

HMI Prisons adopts the definition of safeguarding used in the Children Act 2004 and in *Working Together to Safeguard Children (2018)* which states that ‘safeguarding and promoting children and young people’s welfare’ is:

- protecting children from maltreatment (child protection)
- preventing impairment of children’s health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes.

Thus, child protection is part of the wider remit of safeguarding and promoting welfare.

4. The role of HMI Prisons in safeguarding and protection of children

HMI Prisons’ contribution to safeguarding children and child protection lies within three areas.

- The rigorous inspection of core areas, with recommendations that will improve an establishment’s corporate response to the safeguarding of children
- An appropriate response to the needs of children who are considered to be at risk of harm
- Proactive policy and research work to explore and publicise children’s experiences of detention and any systemic changes needed to ensure it is in line with relevant domestic legislation and international human rights standards.

4.1 Inspection

We will conduct robust inspections of places where children are held. All areas we inspect have some impact on the safety and welfare of a child in custody and on release, but there are some critical interventions that if not

properly implemented may result in putting a child at risk of significant harm. We will also ensure that our inspections of places of adult custody include a focus on child safeguarding and child protection in relation to visits, release and resettlement. We recognise that there may be a dispute about an individual in adult immigration detention who is thought to be a child, and we will ensure that enquiries are made and age assessments are undertaken so that the individual receives the relevant service.

We will refer to the HMI Prisons' *Expectations: Criteria for assessing the treatment of children and young people and conditions in prisons* (and the relevant sections from *Expectations* relating to police and court custody, immigration detention and adult prisons) when undertaking inspections.

4.2 Responding to a safeguarding concern

In the course of their work, HMI Prisons staff will see, hear and read things which may cause them to consider that a child has experienced harm or is at risk of harm (this includes risk to an unborn child). This could involve several different scenarios which indicate there may be a safeguarding or child protection risk:

- from another child
- from an adult (for example a family member or another detainee)
- from a member of staff
- relating to historical abuse where the alleged perpetrator has access to children, for example in the community, who are therefore at risk
- relating to historical abuse where the victim has ongoing recovery needs.

All staff will respond to these concerns by either implementing HMI Prisons' Protocol on reporting safeguarding/child protection concerns or ensuring that the relevant setting triggers their own Protocol in responding to allegations of harm.

4.3. Consultation with children

We believe it is important to listen to children, to understand their views and concerns and to respond effectively to them. Approaches to consulting and interviewing children which are appropriate to the detention facility should be understood by all staff, for example interviewing a child in immigration detention or during police custody, or as a visitor to an adult establishment.

We will consult with children so that their views and concerns can inform our working practices, specifically the areas which need particular attention during an inspection.

5. Supporting policies and practices

Other policies, protocols, codes and practices that link with this policy are noted below. Please note, links to information on the Ministry of Justice (MoJ) intranet will only open for staff employed by the MoJ.

5.1 Safeguarding Adults Protocol

The HMI Prisons Safeguarding Adults Protocol is likely to be applicable when children in need of safeguarding measures turn 18 years of age and for other vulnerable adults over 18 years of age. The legal and policy framework for safeguarding adults is different to that for children and it should be noted that for adults at risk there are additional categories of harm which are financial/material abuse, discriminatory abuse and institutional abuse.

The Protocol is available at:

<https://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/>

5.2 Code of Conduct

HMI Prisons' Code of Conduct sets out the expectations of staff behaviour.

The Code of Conduct is available at:

<https://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/>

5.3 Equality and Diversity Policy

HMI Prisons has an Equality and Diversity Advisory Group (EDAG) made up of HMI Prisons staff who are responsible for overseeing the implementation of the Inspectorate's Equality and Diversity Action Plan. HMI Prisons' values can be found at:

<https://www.justiceinspectorates.gov.uk/hmiprisons/about-hmi-prisons/our-values/>

Our equality and diversity statement and action plan can be found at:

<https://www.justiceinspectorates.gov.uk/hmiprisons/about-hmi-prisons/equality-and-diversity/>

Other related policies and guidance can be found on the MoJ intranet at:

<https://intranet.justice.gov.uk/guidance/equality-and-diversity/>

5.4 Staff Recruitment and Selection Policy

HMI Prisons has in place arrangements to ensure that selection and recruitment of staff, including vetting procedures, support the recruitment of staff who can work with children safely and competently. The policy also ensures that the probationary period is used to thoroughly test the suitability of new staff members. HMI Prisons has an in-depth induction process for staff which includes mandatory training on Safeguarding and Child Protection (see section 5.11).

Further information relating to recruitment can be found on the MoJ intranet at:

<https://intranet.justice.gov.uk/guidance/hr/recruitment/>

5.5 Disciplinary Policy

HMI Prisons follows the conduct and behaviour policies as set out by the Ministry of Justice. This policy may be used if there are safeguarding concerns in relation to the behaviour of any member of HMI Prisons staff.

See the policy on the MoJ intranet at:

<https://intranet.justice.gov.uk/guidance/hr/conduct-behaviour/>

5.6 Whistleblowing Policy

This policy is applicable to any member of HMI Prisons staff who wishes to report actual or suspected wrongdoing at work (officially called ‘making a disclosure in the public interest’). This can include activities which are illegal or neglectful and involve concerns about the safety and protection of children.

HMI Prisons follows the policy of the Ministry of Justice, available on the MoJ intranet at:

<https://intranet.justice.gov.uk/guidance/hr/conduct-behaviour/whistleblowing/>

5.7 Information Sharing Protocol

HMI Prisons’ Information Sharing Protocol recognises that professional and lawful sharing of information is essential to enable early identification and response to safeguard children. The Information Sharing Protocol offers guidance about what information to share and with whom, how such decisions are made and recorded and whether and how consent is obtained to share information.

See: <https://www.gov.uk/government/publications/services-for-children-and-vulnerable-adults-information-sharing-by-inspectorates>

5.8 Working with partners

Inspections of children’s establishments are conducted jointly with other inspectorates. You can find out more about how we work with partners at:

<https://www.justiceinspectorates.gov.uk/hmiprisons/about-hmi-prisons/working-with-partners/>

5.9 Complaints Policy

Children and their families have a right to make a complaint about the behaviour and practice of any HMI Prisons employee or any aspect of the

HMI Prisons practices or procedures. Children and their families will be advised of their rights and will know how to make a complaint.

If the complaint involves a safeguarding concern, the Protocol relating to the management of safeguarding concerns will be utilised.

See: <https://www.justiceinspectrates.gov.uk/hmiprison/about-hmi-prison/complaints/>

5.10 Digital Policy

The Digital Policy ensures that HMI Prisons' time and equipment is used only for authorised purposes and that it does not intimidate, harass or discriminate others, breach, or place at risk of breaching, confidential information or violate any laws, including those related to safeguarding children.

HMI Prisons uses the policy of the Ministry of Justice set out on the MoJ intranet at:

<https://intranet.justice.gov.uk/guidance/security/it-computer-security/ict-security-policy-framework/ict-security-policy/>

5.11 Staff training and development

It is mandatory for all HMI Prisons' staff and managers/supervisors to undertake safeguarding and child protection awareness training within the first four months of their recruitment with bi-annual refresher training thereafter.

As a minimum this training covers:

- key principles in safeguarding children and child protection, including the difference between the two concepts
- definitions/categories of child abuse and neglect and their signs and indicators
- legal framework for child protection
- barriers that children face in making disclosures, and blocks to adults reporting
- handling disclosures
- implementing HMI Prisons' child protection protocol
- information sharing and recording
- what happens after a referral in the safeguarding process.

All designated safeguarding leads will undertake this training as well as training to support them in their designated role. This will be updated via regular refresher training at two-year intervals. In addition, there will be at least one Development Day annually which will be for peer support, to contribute to the development of this policy and protocol and to support training staff and leadership of the safeguarding agenda within HMI Prisons.

5.12 Safeguarding supervision

As part of its management of staff, HMI Prisons will ensure that safeguarding supervision is provided and that staff will be offered:

- guidance in identifying and dealing with safeguarding concerns
- opportunities for critical reflection
- support in addressing the impact of managing the safeguarding task in the workplace.

HMI Prisons recognises that reflective safeguarding supervision of this nature promotes improved outcomes for children and contributes to a healthy safeguarding culture in the workplace.

5.13 Governance

We recognise that we will need to continue to develop this policy and its associated protocol so that they are thoroughly embedded within the organisation.

We do this in several ways, including through our designated Safeguarding Lead, who ensures that the aims of this policy and its associated protocol are realised. The Safeguarding Lead supports ongoing learning and development of the safeguarding agenda within HMI Prisons and is a source of specialist advice and guidance on specific safeguarding matters. They also ensure that HMI Prisons has a robust data collection methodology in place so that we can clearly identify and articulate the type and volume of child protection concerns that we manage in the Inspectorate.

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