

# **BBC Child Protection Policy**

## **September 2013**

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## **1. Introduction (from Lucy Adams)**

- 1.1 The BBC engages with around 6 million children and young people every year through the content and services we provide, as well as a significant number more directly in their capacity as, for example, audience members, contributor/performers and visitors to our buildings.
- 1.2 Engaging children and young people is at the very heart of our remit as a public services broadcaster. However it also comes with responsibilities.
- 1.3 In all that we do the BBC has a legal duty to ensure that the children and young people we engage with do not suffer harm whilst interacting with the BBC – an obligation we take very seriously.
- 1.4 The policies, regulation and guidance relevant to child protection are the *BBC Child Protection Policy*, *Child Performance Regulations* and the *BBC Editorial Guidelines*. They are available on the [bbc.co.uk/inside](http://bbc.co.uk/inside) the [bbc](http://bbc.co.uk).
- 1.5 In addition to the Working with Children guidance, this policy document has been produced in order to inform and assist our staff and contractual partners in meeting their responsibilities in terms of child protection, whether working directly or indirectly for the BBC.
- 1.6 For ease of use, the term ‘staff’ will refer to anyone who has a contractual relationship with the BBC

## **2. Objectives**

- 2.1 To support the culture within the BBC that safeguarding children, including child protection, is everybody’s business
- 2.2 To inform all staff, including contractors and freelance (herein referred to as ‘staff’) of their responsibilities to safeguard children in all areas of the BBC
- 2.3 To inform staff of what they should do if they are concerned about
  - the welfare of a child or young person or
  - the behaviour of an adult who works with children.
- 2.4 To inform staff on where they can go for advice and support when dealing with child protection concerns

## **3. Roles and Responsibilities**

- 3.1 As stated in the introduction all staff working for the BBC, either as a permanent member of staff, contractor or freelancer and regardless of seniority or role, have a responsibility to safeguard the welfare of children. Although the BBC is not a statutory body it has a responsibility towards any child it interacts with whether as an audience member, performer or visitor. In some circumstances the BBC may also become aware of child protection concerns through its role as a producer of media for children and adults and which may prompt a child or adult to make contact and share a concern.

3.2 The BBC has a strict Code of Conduct that all adults working with children, in whatever capacity, must adhere to. The importance of this Code is that it makes explicit the behaviour that is expected when working within any environment that includes children and therefore makes any deviation from the Code of Conduct easily identifiable. It is not meant to inhibit normal interactions with children but to support respectful relationships between BBC staff and children. The Code of Conduct can be found at [www.bbc.co.uk/workingwithchildren](http://www.bbc.co.uk/workingwithchildren)

3.3 This document is focussed on child protection pan BBC when directly interacting with a child (and their family or chaperone) in any capacity and location.

#### **4. Legal context**

4.1 The UK is governed by a range of legislation that seeks to protect the child and these have an impact on how the BBC functions in respect of its relationship with children.

4.2 The UN Convention on the Rights of the Child (1989) says that every child has:

- The right to a childhood including protection from all forms of violence (Article 6, 19, 34, 36)
- The right to have their best interests at the heart of all we do (Article 3)
- The right to be educated (Article 28, 29, 32)
- The right to be healthy (Article 6, 31)
- The right to be treated fairly (Article 4)
- The right to privacy (Article 16)
- The right to be heard including considering children's views (Article 12, 13, 14, 15, 23)
- Access to information from the media in a form they can understand (Article 13, 17)

4.3 In England the current child protection system is built around the Children Act 1989 (amended under the Adoption and Children Act 2002) which introduced the principle of the best interests of the child being paramount, parental responsibility and significant harm (the threshold at which compulsory intervention into family life by Local Authorities is possible). The Children (Northern Ireland) Order 1995 and the Children (Scotland) Act 1995 (amended 2004) all share the same principles.

4.4 A further document of significance for England is the statutory guidance 'Working Together to Safeguard Children' (Department for Education, 2013). Wales has its own guidance known as Safeguarding Children: Working Together under the Children Act 2004 (Welsh Assembly Government, 2006). Both guidance documents are aimed at statutory public bodies however, it has resonance for the BBC in that it emphasises three areas of importance when working with children:

- a child centred approach

- it's everyone's responsibility to keep children safe
- everyone who comes into contact with children has a role to play in identifying concerns, sharing information and taking prompt action

4.5 The Disclosure & Barring Service is responsible for undertaking criminal records checks on individuals who apply to work with children in a regulated activity (refer to BBC guidance When Should You Apply for a DBS/PVGS Check). For Scotland this role is undertaken by Disclosure Scotland under the Protection of Vulnerable Groups Scheme (PVGS). Criteria for a DBS/PVGS check are stringent and many roles within the BBC do not come under the banner of a regulated activity. Even for those roles that do require a DBS/PVGS check it is important to remember that this check, of itself, does not protect a child. It is therefore incumbent on all who work within the BBC (or have a contractual obligation) to be sensitive to what is adult appropriate behaviour towards children, be aware of the BBC Code of Conduct and to share concerns where they believe an adult, who works with children, may pose a risk to a child.

## 5. What is Safeguarding?

Safeguarding can be described as the process of maintaining a focus on the well-being of a child to promote their welfare and protect them from harm during their direct involvement with the BBC. Such areas are covered within the Child Performance Regulations and the BBC Editorial Guidelines.

## 6. What is Child Protection?

6.1 Child protection is the activity that is concerned with the protection of a child from significant harm through abuse.

6.2 Abuse is categorised into four main headings<sup>1</sup>:

**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** involves 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

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<sup>1</sup> Working Together to Safeguard Children 2013

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.

**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 penetrative and non-penetrative sexual contact with a child as well as 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

**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.

## **7. Vulnerability**

When working with children it is important to recognise that some children and young people may be more vulnerable to abuse by virtue of having a disability, parental and child mental health issues, experiencing bullying, parental or child substance misuse (drugs or alcohol), behavioural issues including exclusion from education, social isolation etc.,

It is important that we ensure that the adults in the environment within which children engage with the BBC are knowledgeable and confident to report any concerns they may have for a child or have about the behaviour of an adult or other young person, towards a child. Some adults will

try to groom children over a period of time while others may act opportunistically. It is therefore up to all who work within the BBC to assist in creating an environment where the potential to perpetrate abuse is prevented.

## **8. What do I do if I am concerned about a child?**

8.1 You may be concerned about the welfare of a child for a number of reasons. You may, for example, have observed an injury, witnessed or heard an interaction between children or between an adult and a child, you may be concerned regarding bullying or inappropriate use of mobile phones, you may know of someone who has been or is accessing or sharing child sex abuse images, a child may exhibit inappropriately sexualised behaviour or awareness, or look neglected or withdrawn in their behaviour or a they may have made a disclosure to you of abuse to themselves, or abuse of another, including domestic abuse.

8.2 Specifically if a child suggests they want to tell you a 'secret' or discloses information that may suggest they are at risk of, or have been abused, it is important that you tell them that you are unable to keep secrets and that, dependent upon what they tell you, you may have to tell someone else in order to keep them safe. In the majority of cases the child will disclose to you anyway as it is often the case that the child will have prepared themselves to make a disclosure.

It is important that you:

- Remain calm and do not show shock or disbelief
- Listen carefully to what is being said
- Don't ask detailed, probing or leading questions
- Tell them that you take what they are saying seriously
- Tell them what you are going to do next and that you will only tell people on 'a need to know' basis
- Tell them that when you have spoken to someone they will be told what is going to happen next.
- In most situations the child is unlikely to be in immediate danger but if they are you must contact the police on 999 and once you have done that refer to your Nominated Manager/Commissioning Editor as soon as possible. If the parent is not aware of the disclosure, or they are the alleged abuser, it is better to wait until you've sought advice from your Nominated Manager/Commissioning Editor before saying anything as this situation would need to be handled sensitively.
- In general it is better to wait for guidance from the police or Social Services who will be able to make the decision as to how much information should be shared

8.3 In each area of the BBC there are Nominated Managers who have all received child protection training and are available to you for advice and support in dealing with your concerns. Regardless of whether you are employed by the BBC on a permanent basis, as a contractor or freelance it is important that you know who your Nominated Manager is and how to contact them. For Independent Production Companies/Contractors (Indies) this role is undertaken by the Commissioning Editor.

8.4 Whatever your concern, whether you have been told something by the child or another person or you've seen or heard something that has made you uncomfortable you must share it.

**Do not ignore it and do nothing. You are not expected to decide what is significant or whether abuse has happened but you are expected to share information.** Contact your Nominated Manager/Commissioning Editor immediately and share your concern for the child with them. They will be able to advise you on the next step. If you are unable to contact the Nominated Manager it is important not to delay taking whatever action is necessary to safeguard the child.

8.5 Any incident of suspected "grooming" online must be referred promptly to the Nominated Manager for on-line safety who will be responsible for reporting it to CEOP (Child Exploitation and Online Protection Centre)

8.6 Dependent on the seriousness of your concern it may not be possible to maintain your anonymity. However, the reasons why will be discussed with you and you will be offered support throughout. Social workers will always consider how best to protect the referrer but ultimately such decisions have to be made in the best interests of the child and it is always possible that perpetrators can guess who made the referral.

8.7 When deciding what to do there are a number of things that need to be considered. The following is not exhaustive.

- Is the child in immediate danger? If yes, dial 999 and ask for the Police and then inform your Nominated Manager/Commissioning Editor
- Is the child in need of urgent medical intervention? If yes, dial 999 and ask for an ambulance and then inform your Nominated Manager/Commissioning Editor.
- If the level of urgency is not reflective of any of the above but you have concerns for a child or believe they may be at risk of harm you must contact your Nominated Manager/Commissioning Editor. They will discuss with you whether a referral to the NSPCC is appropriate and/or whether a referral to Senior Managers is required (in the case of concerns regarding the behaviour of a staff member). If they are unavailable you must seek advice from the Child Protection Policy Manager.
- Dependent on the severity of the concern, agreed outcomes and actions may vary. If the concern is not thought sufficiently serious enough to warrant a referral to the NSPCC consideration should be given as to whether the nature of the concern should be shared externally with professionals who may know the child and family better than you do i.e., Social Services, the child's GP, Health Visitor or School Nurse, the child's teacher or probation. The information you hold may be important in building a bigger picture and help to safeguard the child.
- The Nominated Manager is responsible for taking the agreed actions. The only exception to this is in respect of Indies who will retain responsibility for taking action to safeguard but will be required to inform the Commissioning Editor within 24 hours.
- The Nominated Manager/Commissioning Editor will record on 'myRisks' what has been discussed, the action they have taken, who they contacted and what was agreed.

- Consideration also needs to be given as to who will update the child and the parent (if safe to do so) regarding what is happening. If the child is in the care of a chaperone, consideration should be given to maintaining the child's confidentiality.
- If the incident/disclosure has not warranted making a referral then particular consideration should be given to whether the chaperone can be informed ahead of the parent/carer.
- In some circumstances children may present with injuries or behaviours which in isolation are not significant. It is advisable to maintain a record of when children present with unexplained injuries, behaviours etc., as, over a period of time, a picture may emerge that raises concern and this should be dealt with by following this policy.

8.8 Regardless of the situation, whether you have heard a disclosure, or seen or heard something of concern you must record the events on the BBC on-line Child Protection Form (this can be found on Gateway), using the child's own words and terminology and within 24 hours, stating what you did and include the date, time and location. Indies will be required to utilise their own documentation.

8.9 If a criminal offence has been committed or, during the course of a child protection investigation (conducted under Section 47, Children Act 1989 or similar in the devolved nations) information comes to light that the child has suffered 'significant harm' the information recorded on the BBC on-line Child Protection Form, Indies documentation and in 'myRisks' may be required by the police as evidence. It is therefore important that they are accurate, factual, written as close to the event as possible and dated.

In some circumstances the record may be required by the Local Authority should they be in a position of applying to the Family Court for a legal order in respect of the child.

## **9. Concern about an adult working with children**

9.1 An allegation may relate to a person who works with children who has:

- 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

9.2 Concerns may also arise if the behaviour of the individual compromises the reputation and ability of the BBC to safeguard children and young people. Some examples of such behaviour (not exhaustive) could be:

- contravening or continuing to contravene any safe practice guidance for working with children given by the BBC
- exploiting or abusing a position of trust and/or power
- consistently demonstrating a failure to understand or appreciate how their own actions could adversely impact upon the safety and well-being of a child

- exhibiting an inability to make sound professional judgements which safeguard the welfare of children
- failing to follow adequately BBC policy or procedures relating to safeguarding and promoting the welfare of children
- failing to understand or recognise the need for clear personal and professional boundaries in their work
- behaving in such a way that it seriously undermines the trust and confidence placed in them by the BBC.

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

1. The police investigation of a possible criminal offence;
2. Enquiries and assessment by Social Services as to whether the child is in need of protection or in need of services;
3. Consideration by an employer of disciplinary action in respect of the individual

9.3 Allegations may arise within the BBC through a variety of routes for example via internal processes such as the Whistleblowing policy or external contacts via BBC Investigations.

However, regardless of how the allegation has arisen the following process should be followed.

Any allegation or concern should be reported immediately to any of the following Senior Managers:

- i. Child Protection Policy Manager
- ii. Head of Risk and Assurance
- iii. Head of Investigations

On receipt of the allegation the Senior Manager will be responsible for escalating the allegation to:

- I Child Protection Policy Manager
- li Head of Risk and Assurance
- lii HR Director, Employment
- IV BBC Legal Department
- V the employee's manager

- 9.4 A planning meeting should be held within one working day of the allegation being made. The nature of the allegation will be discussed between the above parties and will consider the seriousness of the allegation, the evidence provided to support the allegation, whether a criminal offence may have been committed, the potential risk to the child or young person, whether a referral to the police, Social Services or the Local Authority Designated Officer (LADO, England only) should be made and what steps, from an employment perspective, should be taken to investigate the allegations and provide support to the employee. Where an allegation relates to on-line sexual abuse a referral to the Child Exploitation On-line Protection Centre (CEOP) will be necessary. They will also need to consider how the parents/carers of the child are to be informed and what support will be required for the child. Any referral to the police, Social Services or LADO should be made within one working day of the allegation.
- 9.5 The management of allegations should maintain confidentiality of the alleged perpetrator, alleged victim and any alleged witnesses. Any publicity about the related incident/concern should uphold this confidentiality so it is important that the media response is planned carefully..
- 9.6 Referral to the Police, Social Services or LADO does not preclude the BBC from instigating its disciplinary procedures but it is advisable to obtain guidance from the statutory agency so that any criminal or safeguarding investigation is not compromised.
- 9.7 A record should be kept of the allegations made, how the allegations are to be followed up, the agreed actions, timescales and who will take the lead in the process.
- 9.8 If, during the investigation or any subsequent disciplinary proceedings the employee decides to resign or cease to co-operate in the process it is important that the process continues to its conclusion.
- 9.9 Once the process is concluded the BBC will review the case in order to consider any emerging lessons and actions to be taken.

## **10 The Local Authority Designated Officer (LADO) Role**

10.1 The statutory guidance Working Together to Safeguard Children (Dept. of Education, 2013) states that organisations should have policies in place for dealing with allegations against people who work with children. Therefore all county, unitary, metropolitan and London local authorities have a Local Authority Designated Officer (LADO) whose role is to provide advice and guidance to employers and voluntary organisations, liaise with the police and other agencies and to monitor the progress of cases to ensure that they are dealt with as consistently and quickly as possible, through a thorough and fair process. In the devolved nations this activity is undertaken by the Local Children's Services Departments

10.2 Once contacted by an employer the LADO will be able to:

- obtain further details of the allegation and the circumstances in which it was made
- advise on what, if anything, may be shared with the person who is the subject of an allegation, particularly in situations that may possibly lead to a criminal investigation.
- Support a referral to the police or to Social Services if this hasn't already happened.

## 11. Referral to the Disclosure & Barring Service (DBS)

11.1 If the BBC removes an employee from working with children (or would have, had the person not left first) because the person is believed to pose a risk of harm to children, the BBC must make a referral to the Disclosure and Barring Service/Disclosure Scotland.

The relevant DBS Referral Form and guidance is available on-line –

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

The relevant Disclosure Scotland Referral Form and guidance is available online (see Chapter 6):

<http://www.disclosurescotland.co.uk/guidance/index.html>

11.2 Employers have a legal duty to refer someone to the DBS/Disclosure Scotland if they:

- Dismissed them because they harmed a child
- dismissed them or removed them from working in a [regulated activity](#) or (regulated work in Scotland) because they might have harmed a child or
- was planning to dismiss them for either of these reasons, but the person resigned first OR
- information comes to light that, had it been known before, would have led to the person being removed from working in a regulated activity/work

The referral must take place within 3 months of the criteria being met and it is an offence not to do so.

You can get advice from your divisional DBS lead, the Child Protection Policy Manager, or call the DBS Referrals Helpline for advice on 01325 953795 and Disclosure Scotland help line on 0870 609 6006.

**Failure to follow this policy may result in disciplinary action being taken against you.**

Child Protection Policy Flow Chart  
Actions to be taken if you are concerned about a child

