



# TRUSTEE HANDBOOK

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# 1. INTRODUCTION

**THIS HANDBOOK IS DESIGNED TO INTRODUCE TRUSTEES TO THE CHARITY AND ASSIST YOU IN UNDERSTANDING YOUR LEGAL AND REGULATORY RESPONSIBILITIES.**

It draws on regulation and guidance provided by the UK Government about the management of a charitable company.

In this handbook we will set out the background of Railway Children, the structure, and practices through which the organisation is governed and managed and the role of the UK (Group) Board and trustees.



# 1.1 OUR VISION AND VALUES

## RAILWAY CHILDREN'S VISION IS A WORLD WHERE NO CHILD EVER HAS TO LIVE ON THE STREETS

Our values define our culture and unite us as a group in who we are and how we work:

### WE

#### NEVER GIVE UP



Face challenges  
head on

#### HAVE COURAGE



Push boundaries.  
Think Big

#### EARN TRUST



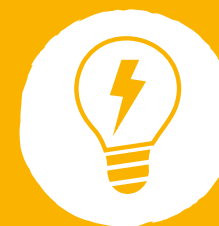
Be Honest. Always  
act with Integrity

#### SHOW COMPASSION



Demonstrate Respect  
and Dignity for all

#### NURTURE TALENT



Encourage growth.  
Enable others

## 1.2 KEY AIMS

**OUR KEY AIM IS TO CREATE AND ENABLE SUSTAINABLE CHANGE IN THE LIVES OF INDIVIDUAL CHILDREN, COMMUNITIES AND IN THE WIDER POLICY AND PRACTICE THAT AFFECTS ALL CHILDREN LIVING ALONE ON THE STREETS.**

In achieving our aims, we work at three levels for long term change:



### LEVEL 1 WITH CHILDREN

We meet the immediate needs of children on the streets right now. Our teams spend time with children, gaining their trust, providing a safe place to stay and exploring the best long-term solution.. For children who can return home to their families we work alongside them to resolve issues and make their reunions safe and successful, for children where returning home is not safe, we seek to find an alternative family setting that is.



### LEVEL 2 WITH COMMUNITIES

We work in communities to change perceptions of children on the streets, helping people to understand the issues that cause children to run away and that face them on the streets. We work with communities to help them recognise their role in protecting the vulnerable children in their locality and teach them how they can play their part.



### LEVEL 3 WITH GOVERNMENTS

If the system doesn't change, nothing does, so we work with policy makers to influence their agenda, seeking to place children living on the streets higher on the political agenda and policies to provide greater protection and opportunity for them. We work with communities to implement and enforce existing laws and policies to keep their children safe from harm.

## 1.3 A BRIEF HISTORY

The Railway Children charity was launched on 31st May 1995. With help from an exhibition on Waterloo Station, and a grant from a small trust fund, Railway Children was able to fund its first project – helping street connected children on Bucharest main station. A project at a bus station in Mexico and a platform school at Ahmedabad station in India followed in the first twelve months and growth has been continuous since then.

Over the last twenty-six years Railway Children has supported projects in India, Bangladesh, Siberia, Russia, Zimbabwe, Peru, Mexico, Romania, Kenya, Tanzania and in the UK.

In more recent years our work has focused on India, Tanzania, and the UK, as we have sought to achieve lasting change. An example of our work follows:

Railway stations in India have been home to many thousands of children, surviving alone and at a high risk of harm. In 2011, we sought to create a 'child friendly station'.

Lucknow's Charbagh station is a major junction in India and prior to our intervention many thousands of street connected children passed through or resided in the station. Over a period of five years, we worked alongside the local railway police (RPF), station vendors, Sahayaks, station staff and local partner, EHSAAS. We raised awareness of the needs of children, the real harm they face and how they could help protect the children by bringing them to our 'Child Help Desk'.

By the end of the two years all station stakeholders were engaged in the project, they were our eyes and ears 24/7 and we requested the Ministry of Railways to formally accredit the station as 'child friendly'.

Following this achievement, we have continued to collaborate with the Indian government to develop 'standard operating procedures' (SOPs) for all stations in India. Currently at 140 stations across India (including Lucknow) the government now funds a 'Child Help Desk' and all stations are working towards adopting the SOPs. The impact is difficult to quantify, but we can comfortably claim that this change has helped many 1,000s of children. A copy of the SOP can be found on the Indian government's website:

[https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation\\_Cell/Circulars/CareProtection\\_040618.pdf](https://indianrailways.gov.in/railwayboard/uploads/directorate/Transformation_Cell/Circulars/CareProtection_040618.pdf)



## 2. RAILWAY CHILDREN GROUP GOVERNANCE STRUCTURE

Railway Children UK is the body that governs the Railway Children Group. It owns the Brand and licenses its use to organisations falling under the Group structure.

Collectively the organisations outlined below constitute the Railway Children Group.





## 2.1 UK

Railway Children was set up on 18th October 1996, as a registered private company limited by guarantee (No.3265496) and on 5th November 1996 as a Registered Charitable Trust (No.1058991). As a registered private company, it is subject to Company Law. As a registered charity, it is subject to Charity Law.

The objects and powers of the charitable company and the rules by which it operates are set out in the constitution (formerly known as the Memorandum and Articles of Association) ([see Appendix 6.1 \(Articles of Association\)](#)).

## 2.2 AFFILIATES

Railway Children Africa (RCA) is registered in Tanzania as an NGO, with NGO compliance (1563) under the Non-Governmental Organisations Act.

Railway Children India (RCI) is a Section 8 company registered in India that commenced operations in FY2015-16.

RCA and RCI operate as independent organisations governed by their own boards. These boards have been granted use of the Railway Children mark under licence in return for operating in accordance with group policies and quality standards in so far as is legally permissible in their jurisdiction.





## 2.3 SUBSIDIARY

Railway Children Trading Limited is a wholly owned subsidiary company (number 6533182) limited by shares. The company is registered for VAT and is used by Railway Children to conduct its trading activities. All profits are gift aided to the parent charity.

## 2.4 KEY PERSONNEL

For details of key personnel please see the latest organisational chart at [Appendix 6.2 \(Key Personnel\)](#).





## 3. THE GROUP BOARD

The UK trustees form the group Board of Railway Children, alongside representatives from our affiliates, currently RCI and RCA. The group board also includes, as non-voting members, the Group Chief Executive, and the Company Secretary.

The UK trustees are legally both the directors of the company and the trustees of the registered charity and as such they are responsible for ensuring the legal and statutory requirements of a UK charitable company.





## 3.1 GOVERNANCE CODE

Railway Children is committed to the highest standards of governance and seeks to make continuous improvements to its governance arrangements in line with the principles set out in the Charity Governance Code, which was launched in 2017 and updated in 2020.

### PRINCIPLES

#### 1. ORGANISATIONAL PURPOSE

The board is clear about the charity's aims and ensures that these are being delivered effectively and sustainably.

#### 2. LEADERSHIP

Every charity is led by an effective board that provides strategic leadership in line with the charity's aims and values.

#### 3. INTEGRITY

The board acts with integrity, adopting values and creating a culture which help achieve the organisation's charitable purposes. The board is aware of the importance of the public's confidence and trust in charities, and trustees undertake their duties accordingly.

#### 4. DECISION-MAKING, RISK & CONTROL

The board makes sure that its decision-making processes are informed, rigorous and timely and that effective delegation, control and risk assessment and management systems are set up and monitored.

#### 5. BOARD EFFECTIVENESS

The board works as an effective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions.

#### 6. EQUALITY, DIVERSITY & INCLUSION

The board's approach to diversity supports its effectiveness, leadership and decision-making.

#### 7. OPENNESS & ACCOUNTABILITY

The board leads the organisation in being transparent and accountable. The charity is open in its work, unless there is good reason for it not to be.

A full copy of the Charity Governance Code can be accessed by following the link: [Home – Charity Governance Code](#).



## 3.2 COMPOSITION OF THE BOARD

The minimum number of trustees is set at three. There is no set maximum number ([Article 8.1](#)). Currently there are 9.

The Board has four committees:

- Finance & Audit Committee
- Programme Committee
- People and Culture Committee
- Brand and Fundraising Committee

The Committees are appointed to take responsibility for specific issues and/or make recommendations to the group board. The Committees include representatives from our affiliates.





## 3.3 RULES FOR MANAGEMENT OF THE GROUP BOARD

The board will normally seek to reach decision on the basis of consensus. In situations where majority decisions become necessary only the trustees having voting rights can participate. In the case of an equality of votes the chair has a second or casting vote (Article 14.1).

The trustee members will elect a Chair and Deputy Chair at the first meeting following the Annual General Meeting.

Nominations for posts of Chair and Deputy Chair shall be signed by at least three trustees and submitted to the Company Secretary not less than seven days in advance of the meeting following the AGM. A ballot of those members in attendance will be organised by the Company Secretary if there is more than one nomination for each post.

The board will meet not less than four times each financial year at dates agreed by the trustees in advance, meetings will not normally exceed two hours and papers will be sent electronically seven days in advance of each meeting.

The quorum at meetings is not less than one third of the number of trustees, or two, whichever is the greater ([Article 14.2](#)).

## 4. TRUSTEESHIP

Trustees hold ultimate legal responsibility for the charity and collectively ensure delivery of our aims, set our strategic direction, and uphold our values as an organisation.

A charity trustee of Railway Children carries the responsibility and the obligation – with other trustees – for the general control of the management and the administration of the charity and its property, as laid down by law and specified in the charity's constitution ([see Appendix 6.1 \(Articles of Association\)](#)).

In addition, trustees hold accountability to the charity regulator.

The Charity Commission is the regulator and registrar for charities in England and Wales. It aims to develop public confidence in the charity sector by promoting compliance by charity trustees with their legal obligations; enhancing charities' accountability; promoting the effective use of charitable resources; and supporting trustees to comply with their duties.

The key responsibilities of trustees are set out in more detail in the Charity Commission's booklet CC3a [The Essential Trustee](#).

In addition, the Charity Commission produce a number of publications to guide trustees, all available free from their website ([see Appendix 6.4 \(Charity Commission publications\)](#)).





## 4.1 SAFEGUARDING

It is a requirement of the charity that all trustees sign a commitment to the Railway Children Safeguarding Policy and practice as well as championing safeguarding in all aspects of the charity's work, understanding and taking personal and collective responsibility to ensure that all those coming into contact with the charity are free from any form of exploitation or abuse and that they feel respected and safe.

## 4.2 TRUSTEE CODE OF CONDUCT

A trustee code of conduct has been developed based on guidance issues by the Association of Chief Executives of Voluntary Organisations (ACEVO) and the National Council for Voluntary Organisations (NCVO) – see [Appendix 6.6 \(Trustee Code of Conduct\)](#).

All trustees are required to sign the Code of Conduct on appointment.



## 4.3 ELIGIBILITY

There are certain legal requirements governing who can be a trustee. You cannot be a trustee if you:

- Are under the age of 18 ([Article 10.5A](#))
- Have been convicted of an offence involving dishonesty or deception (unless the conviction is regarded as 'spent', i.e., there has been a statutory period of rehabilitation, during which time you have committed no further offence)
- Are an undischarged bankrupt
- Have been previously removed from trusteeship of a charity by the court or the Charity Commission
- Are under a disqualification order under the Company Directors Disqualification Act 1986.

It is an offence to act as a charity trustee while disqualified unless the Charity Commission gives a waiver under section 181 of the Charities Act 2011.

There are rules which disqualify certain people from being a trustee or senior manager of a charity. Being disqualified means that a person can't take on, or stay in, a charity trustee position or senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

You are disqualified from acting as a charity trustee or senior manager if any of the reasons shown in this [disqualifying reasons table](#) (ODT, 20.7KB) apply to you.



## 4.4 TRUSTEE SELECTION

### APPOINTMENTS

There is a formal, rigorous and transparent procedure to appoint new trustees to the board, which includes advertising vacancies widely

The search for new trustees is carried out, and nominations for election made, on merit against objective criteria and considering of the benefits of diversity on the board. A regular skills audit, agreed by the trustees, informs the search process. Charity trustees are selected for their ability to discharge the responsibilities of trusteeship in general.

The safeguarding of our beneficiaries, staff, volunteers, and anyone coming into contact with our charity, is our top priority and we take our responsibilities extremely seriously. All staff and trustees are required to share in this commitment.

The following qualities and skills are sought in Railway Children trustees:

- Committed to Railway Children's vision, mission and values and a way of working that demonstrates this
- A good understanding and acceptance of the legal duties, liabilities, and responsibilities of trusteeship
- Able to work effectively as part of a diverse team of trustees
- A good communicator with excellent leadership and interpersonal skills, able to both empower and challenge supportively
- An understanding of the context in which Railway Children works
- Strong networks and willing to engage with contacts for the benefit of Railway Children
- Able and willing to devote the necessary time to the role and a willingness to travel outside the UK to visit Railway Children's programme work.

### REPUTATION:

- Trustees must be of high integrity in order that Railway Children may benefit in terms of standing and influence from their reputation.
- Railway Children looks for Trustees who are well respected in the business, voluntary or international development sector, in government circles, or with the public at large.

Honorary Officer role descriptions and person specifications can be found at [Appendix 6.7 \(Honorary Officers\)](#).

## 4.5 APPOINTMENT OF A TRUSTEE

### 4.5.1 BY VOTE:

The proposal to appoint a new trustee is dealt with at the AGM either:

- i) on the recommendation of the People and Culture Committee, or
- ii) with due and proper advance notice (see [Article 10.4B](#)) by one qualifying member of the charity, in writing and with the written consent of the proposed trustee.

The proposal is accepted by a simple majority vote of those present at the AGM who are eligible to vote, these being members of the charity. Each member has a single vote. In the event of a tie the person presiding has a casting vote ([Article 5.11](#)).

### 4.5.2 BY CO-OPTION:

The trustees themselves may co-opt additional trustees who then hold office only until the following AGM, at which time they must vacate the post if not formally re-appointed by the AGM ([Article 10.8](#)).

Immediately following the appointment by the Annual General Meeting, the Chairman will write to the appointee, summarising the terms of appointment and the role expected of the trustee, based upon discussions which have taken place with them. The trustee will be asked to complete necessary documentation and to formally consent to the appointment.

If a trustee is not appointed in accordance with the above provisions, such appointment will not be valid. Even if a trustee has not been validly appointed, they can still be held liable for their actions and decisions.



## 4.6 TERM OF OFFICE

Trustees are appointed at the annual AGM for a period of three years and may be reappointed.

In accordance with recognised best practice, trustees will serve a maximum of nine consecutive years.

If a trustee has served for more than nine years, their reappointment is:

- subject to a particularly rigorous review and takes into account the need for progressive refreshing of the board
- explained in the trustees annual report



## 4.7 BOARD EFFECTIVENESS

The board reviews its own performance and that of individual trustees, including the chair. This happens every year, with an external evaluation every three years. Such evaluation typically consider the boards balance of skills, experience and knowledge, its diversity in the widest sense, how the board works together and other factors relevant to its effectiveness

The board explains how the charity reviews or evaluates the board in the governance statement in the trustees annual report.

### 4.7.1 RETIREMENT

- a) By rotation: one-third of those who have been appointed at an AGM – the longest-serving at the time – retire in rotation and are eligible for re-appointment.
- b) By resignation: (but see [Article 11.1C](#)).

### 4.7.2 REMOVAL

- a) By disqualification: by virtue of the Charity Act 1993 (Section 72), the Company Directors Disqualification Act 1986, or the Criminal Justice and Court Services Act 2000 – see [section 2.3](#) of this handbook.
- b) By absence: after due process, following an absence without the consent of the Board, from all meetings over a six-month period ([Article 11.1D](#)).
- c) By becoming incapable of managing their own affairs ([Article 11.1B](#)).



## 5. MEMBERSHIP OF RAILWAY CHILDREN



## 5.1 CATEGORIES

The Railway Children is constituted as a membership organisation. The Board is responsible for producing and implementing of set of Membership rules, which are as follows:

1. There shall be two categories of membership: individual persons and organisations.
2. The Board shall have discretion to determine the number of members which shall generally not exceed 50 to 60.
3. Eligibility for membership will depend on the following criteria:
  - **Individual persons:**
    - A trustee of Railway Children, or
    - A person who can demonstrate a commitment to the aims and work of Railway Children.
  - **Organisations:**
    - A major funder or sponsor of Railway Children, or
    - An organisation with the potential to provide significant direct or indirect support to Railway Children, or
    - A client/user group.





## 5.2 MEMBERSHIP RULES

Non-UK persons or organisations may be members subject to meeting the above criteria.

An employee of Railway Children may not be a member.

The admission of a person or organisation as a member shall be at the sole discretion of the Board.

Every person or organisation admitted to membership shall acknowledge their/its obligation under the company's Memorandum to contribute an amount not exceeding £10 towards the liabilities of the charity in the event of the charity/company being wound up whilst they/it is a member, or within one year of their/its membership ceasing.

Membership shall be for a period of 10 years and may be renewed by the Board.

A member may resign their membership at any time by giving written notice to the Chief Executive of Railway Children, such notice to take effect on the date it is received.

The Board shall have the power to terminate the membership of a person or organisation if, in the opinion of the Board, that person or organisation ceases to meet the relevant membership criteria.

Application for membership will be reviewed and granted by the trustee body only.

A member who fails to respond to the Chief Executive within one calendar month of the date of a final letter from the Chief Executive asking them if they wish to continue as a member of Railway Children, shall have their membership terminated with effect from the expiry of the calendar month.

# APPENDICES

**Appendix 6.1** Articles of Association

**Appendix 6.2** Key Personnel

**Appendix 6.3** Terms of Reference

**Appendix 6.4** Charity Commission publications

**Appendix 6.5** Railway Children Safeguarding Policy and Procedures

**Appendix 6.6** Trustee Code of Conduct

**Appendix 6.7** Honorary Officers





## Articles of Association

THE COMPANIES ACTS 1985 TO 2006

PRIVATE COMPANY LIMITED BY GUARANTEE AND NOT HAVING A SHARE CAPITAL

ARTICLES OF ASSOCIATION

of

THE RAILWAY CHILDREN

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### **M1. Name**

M1.1 The Company's name is "The Railway Children" (and in this document it is called "the Charity")

### **M2. Registered Office**

M2.1 The Charity's registered office is to be situated in England and Wales.

### **M3. Objects**

M3.1 The Charity's objects ("the Objects") are the relief of children and young persons under 25 years of age who are in conditions of need, hardship or distress, anywhere in the world and in particular those who are living on the streets.

### **M4. Powers**

M4.1 In furtherance of the Objects but not otherwise the Charity may exercise the following powers:

- (A) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills, cheques and other instruments, and to operate bank accounts in the name of the Charity;
- (B) to raise funds and to invite and receive contributions: provided that in raising funds the Charity shall not undertake any taxable trading and shall conform to any relevant statutory regulations, and the Charity may in its discretion disclaim any particular contribution;
- (C) to carry out trade insofar as either (a) the trade is exercised in the course of carrying out the Objects or (b) the trade is temporary and ancillary to the Objects or otherwise not taxable;
- (D) to acquire, alter, improve and (subject to such consents as may be required by law) to charge or otherwise dispose of property;
- (E) to sell, lease or otherwise dispose of all or any part of the property belonging to the Charity. In exercising this power, the Charity must comply as appropriate with sections 36 and 37 of the Charities Act 1993;
- (F) subject to Article M5 below to employ, engage or retain the services of such persons, who shall not be directors of the Charity (hereinafter referred to as "the trustees"), as are necessary for the proper pursuit of the Objects and to make all reasonable and necessary provision for the payment of pensions and superannuation to employees and their dependants;

- (G) to establish subsidiary companies to assist or act as agents for the Charity;
- (H) to establish or support any charitable trusts, associations or institutions formed for all or any of the Objects;
- (I) to establish where necessary local branches or branches in any foreign country or place (whether autonomous or not);
- (J) to procure that the Charity and its subsidiaries and branches be registered or recognised in any foreign country or place;
- (K) to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the Objects or similar charitable purposes and to exchange information and advice with them;
- (L) to acquire, merge with or to enter into any partnership or joint venture arrangement with any other charity formed for any of the Objects;
- (M) to borrow money and to charge the whole or any part of the property belonging to the Charity as security for repayment of the money borrowed. The Charity must comply as appropriate with sections 38 and 39 of the Charities Act 1993 if it wishes to mortgage land;
- (N) to deposit or invest funds in any manner (but to invest only after obtaining advice from a financial expert and having regard to the suitability of investments and the need for diversification) provided that the Charity shall have power to retain any investments donated to it;
- (O) to appoint as its investment manager a person who it is satisfied after inquiry is a proper and competent person to act in that capacity and who is either:–
  - (i) an individual of repute with at least fifteen years' experience of investment management who is an authorised person within the meaning of the Financial Services and Markets Act 2000; or
  - (ii) a company or firm of repute which is an authorised or exempted person within the meaning of the Act otherwise than by virtue of s.38 of that Act;
- (P)
  - (i) The Charity may delegate to an investment manager so appointed power at his discretion to buy and sell investments for it in accordance with the investment policy laid down by it. The Charity may only do so in terms consistent with this clause.
  - (ii) Where the Charity makes any delegation under this clause it shall: -
    - (a) inform the investment manager in writing of the extent of the Charity's investments powers;
    - (b) lay down a detailed investment policy for the Charity and immediately inform the investment manager in writing of it and of any changes to it;
    - (c) ensure that the terms of the delegated authority are clearly set out in writing and notified to the investment manager;
    - (d) ensure that it is kept informed of, and review on a regular basis, the performance of its investment portfolio managed by the investment manager and the exercise by him of the delegated authority;



- (e) take all reasonable care to ensure that the investment manager complies with the terms of the delegated authority;
  - (f) review the appointment at such intervals not exceeding 24 months as it thinks fit; and
  - (g) pay such reasonable and proper remuneration to the investment manager and agree such proper terms as to notice and other matters as the Charity shall decide and as are consistent with the terms of this clause provided that such remuneration may include commission fees and/or expenses earned by the investment manager if and only to the extent that such commission fees and/or expenses are disclosed to the Charity;
- (iii) Where the Charity makes any delegation under this clause it shall do so on the terms that: -
  - (a) the investment manager shall comply with the terms of his delegated authority;
  - (b) the investment manager shall not do anything which the Charity does not have the power to do;
  - (c) the Charity may with reasonable notice revoke the delegation or vary any of its terms in a way which is consistent with the terms contained in this clause; and
  - (d) the Charity shall give directions to the investment manager as to the manner in which he is to report to it all sales and purchases of investments made on its behalf;
- (Q) The Charity may: -
  - (i) make such arrangements as it thinks fit for any investments of the Charity or income from those investments to be held by a corporate body in which is incorporated in England and Wales (or which has established a branch or a place of business in England or Wales) as the Charity's nominee; and
  - (ii) pay reasonable and proper remuneration to any corporate body acting as the Charity's nominee in pursuance of this clause";
- (R) to set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;
- (S) to enter into contracts to provide services to or on behalf of other bodies;
- (T) To provide indemnity insurance to cover the liability of the trustees or any other officer or employee of the Charity:-
  - (i) Which by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust, or breach of duty of which they may be guilty in relation to the Charity; and
  - (ii) to make contributions to the assets of the Charity in accordance with the provisions of section 214 of the Insolvency Act 1986;
- (U) Any such insurance in the case of (T)(i) shall not extend to:-



- (i) any liability resulting from conduct which the trustees other officers of employers knew, or must be assumed to have known , was not in the best interests of the Charity , or where the person did not care whether such conduct was in the best interests of the Charity or not;
    - (ii) any liability to pay the costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud or dishonesty or wilful or reckless misconduct of the trustees, other offices or employees; and
    - (iii) any liability to pay a fine;
  - (V) Any insurance in the case of (T)(ii) shall not extend to any liability to make such a contribution where the basis of the trustee's liability is his knowledge prior to the insolvent liquidation of that Charity (or reckless failure to acquire that knowledge) that there was no reasonable prospect that the Charity would avoid going into insolvent liquidation;
  - (W) to insure the Charity against any foreseeable risk and take out other insurance policies to protect the Charity when required;
  - (X) to pay out of the funds of the Charity the costs, charges and expenses of and incidental to the formation and registration of the Charity;
  - (Y) to do all such other lawful things as are necessary for the achievement of the Objects.
- M5** The income and property of the Charity shall be applied solely towards the promotion of the Objects and no part shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise by way of profit, to members of the Charity, and no trustees shall be appointed to any office of the Charity paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Charity: Provided that nothing in this document shall prevent any payment in good faith by the Charity:
- (A) of the usual professional charges for business done by any trustee who is a solicitor, accountant or other person engaged in a profession, or by any partner of his or hers, when instructed by the Charity to act in a professional capacity on its behalf: Provided that at no time shall a majority of the trustees benefit under this provision and that a trustee shall withdraw from any meeting at which his or her appointment or remuneration, or that of his or her partner, is under discussion;
  - (B) of reasonable and proper remuneration for any services rendered to the Charity by any member, officer or servant of the Charity who is not a trustee;
  - (C) of interest on money lent by any member of the Charity or trustee at a reasonable and proper rate per annum not exceeding 2 per cent less than the published base lending rate of a clearing bank to be selected by the trustees;
  - (D) of fees, remuneration or other benefit in money or money's worth to any company of which a trustee may also be a member holding not more than 1/100<sup>th</sup> part of the issued capital of that company;
  - (E) of reasonable and proper rent for premises demised or let by any member of the Charity or a trustee;
  - (F) to any trustee of reasonable out-of-pocket expenses.



- (G) of any premium in respect of any indemnity insurance to cover the liability of the trustees which, by virtue of any rule of law would otherwise attach to them in respect of any negligence, default, breach of trust or breach of duty which they may be guilty in relation to the Charity: Provided that any such insurance shall not extend to any claim arising from liability resulting from conduct which the trustees knew, or must be assumed to have known, was not in the best interests of the Charity, or where the trustees did not care whether such conduct was in the best interests of the Charity or not and provided also that any such insurance shall not extend to any claim arising from liability for the costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud or dishonesty or wilful or reckless misconduct of the trustees.
- M6.** The liability of the members is limited.
- M7.** Every member of the Charity undertakes to contribute such amount as may be required (not exceeding £10) to the Charity's assets if it should be wound up while he or she is a member or within one year after he or she ceases to be a member, for payment of the Charity's debts and liabilities contracted before he or she ceases to be a member and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves.
- M8.** If the Charity is wound up or dissolved and after all its debts and liabilities have been satisfied there remains any property it shall not be paid to or distributed among the members of the Charity, but shall be given or transferred to some other charity or charities having objects similar to the Objects which prohibits the distribution of its or their income and property to an extent at least as great as is imposed on the Charity by clause 5 above, chosen by the members of the Charity at or before the time of dissolution and if that cannot be done then to some other charitable object.
- M9.** If a conflict of interest arises for a trustee of a duty owed to another organisation or person, and the conflict is not authorised by virtue of any other provision in this Memorandum or the Articles, the unconflicted trustees may authorise such a conflict of interest where the following conditions apply:
- (i) the conflicted trustee is absent from the part of the meeting at which there is discussion of any arrangement or transaction affecting that other organisation or person;
  - (ii) the conflicted trustee does not vote on any such matter and is not to be counted when considering whether a quorum of trustees is present at the meeting;
  - (iii) the unconflicted trustees consider it is in the interests of the Charity to authorise the conflict of interest in the circumstances applying.

## 1. Interpretation

### 1.1 In these Articles:

"the Charity" means the company intended to be regulated by these articles;

"the Act" means the Companies Act 1985 including any statutory modification or re-enactment thereof for the time being in force;

"address" includes any number or address for the purposes of electronic communication;

"the articles" means these Articles of Association of the Charity;

"clear days" in relation to the period of notice means the period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;

"electronic communications" means the same as in the Electronic Communications Act 2000;

"executed" includes any mode of execution;

"the memorandum" means the memorandum of association of the Charity;

"office" means the registered office of the Charity;

"the seal" means the common seal of the Charity if it has one;

"secretary" means the secretary of the Charity or any other person appointed to perform the duties of the secretary of the Charity, including a joint, assistant or deputy secretary;

"the trustees" means the directors of the Charity (and "trustee" has a corresponding meaning);

"the United Kingdom" means Great Britain and Northern Ireland; and

Words importing the masculine gender only shall include the feminine gender.

Subject as aforesaid, words or expressions contained in the articles shall, unless the content requires otherwise, bear the same meaning as in the Act.

## 2. Members

2.1 The subscribers to the memorandum and such other persons or organisations as are admitted to membership in accordance with the rules made under Article 23 shall be members of the Charity. No person shall be admitted a member of the Charity unless his application for membership is approved by the trustees.

2.2 The trustees may make other rules under Article 23 to govern membership.

2.3 Membership is terminated if the member concerned:

- (A) gives written notice of resignation to the Charity, provided that after such resignation the number of members is not less than two;



- (B) dies;
- (C) is 6 months in arrears in paying the relevant subscription (if any) (but in such a case the member may be reinstated on payment of the amount due);
- (D) was admitted a member for a specified period of time in accordance with rules made under Article 23 and that period of time elapses without the membership being renewed;
- (E) is removed from membership by resolution of the trustees on the ground that in their reasonable opinion the member's continued membership is harmful to the Charity (but only after notifying the member in writing and considering the matter in the light of any written representations which the member concerned puts forward within 14 clear days after receiving notice); or
- (F) ceases to meet the eligibility criteria for membership or otherwise comply with the membership rules made in accordance with Article 23 from time to time.

2.4 Membership of the Charity is not transferable.

### **3. General Meetings**

- 3.1 The Charity shall hold an annual general meeting each year in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it; and not more than fifteen months shall elapse between the date of one annual general meeting of the Charity and that of the next: Provided that so long as the Charity holds its first annual general meeting within eighteen months of its incorporation it need not hold it in the year of its incorporation or in the following year. The annual general meeting shall be held at such times and places as the trustees shall appoint. All general meetings other than annual general meetings shall be called extraordinary general meetings.
- 3.2 The trustees may call general meetings and, on the requisition of members pursuant to the provisions of the Act, shall forthwith proceed to convene an extraordinary general meeting for a date not later than eight weeks after receipt of the requisition. If there are not within the United Kingdom sufficient trustees to call a general meeting, any trustee or any member of the Charity may call a general meeting.

### **4. Notice of General Meetings**

- 4.1 A general meeting shall be called by at least fourteen clear days' notice, but may be called at shorter notice if it is so agreed by a majority in the number of members having a right to attend and vote, being a majority who together hold not less than 90 percent of the total voting rights at the meeting of all the members.

The notice shall specify the time and place of the meeting, the entitlement of each member to appoint a proxy and the general nature of the business to be transacted and, in the case of an annual general meeting, shall specify the meeting as such.

The notice shall be given to all the members and to the trustees and auditors.

- 4.2 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

### **5. Proceedings at General Meetings**

- 5.1 No business shall be transacted at any meeting unless a quorum is present. Five persons entitled to vote upon the business to be transacted, each being a member or a duly authorised representative of a



member organisation, or one tenth of the total number of such persons for the time being, whichever is the greater, shall constitute a quorum.

- 5.2 If a quorum is not present within half an hour from the time appointed for the meeting, or if during a meeting a quorum ceases to be present, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such time and place as the trustees may determine.
- 5.3 The chairman, if any, of the trustees or in his absence some other trustee nominated by the trustees shall preside as chairman of the meeting, but if neither the chairman nor such other trustee (if any) be present within fifteen minutes after the time appointed for holding the meeting and willing to act, the trustees present shall elect one of their number to be chairman and, if there is only one trustee present and willing to act, he shall be chairman.
- 5.4 If no trustee is willing to act as chairman, or if no trustee is present within fifteen minutes after the time appointed for holding the meeting, the members present and entitled to vote shall choose one of their number to be chairman.
- 5.5 A trustee shall, notwithstanding that he is not a member, be entitled to attend and speak at any general meeting.
- 5.6 The Chairman may, with the consent of a meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than business which might properly have been transacted at the meeting had adjournment not taken place. When a meeting is adjourned for fourteen days or more, at least seven clear days' notice shall be given specifying the time and place of the adjourned meeting and the general nature of the business to be transacted. Otherwise it shall not be necessary to give any such notice.
- 5.7 A resolution put to the vote of a meeting shall be decided on a show of hands unless before, or on the declaration of the result of, the show of hands a poll is duly demanded. Subject to the provisions of the Act, a poll may be demanded:
- (A) by the chairman; or
  - (B) by at least two members present in person or by proxy and having the right to vote at the meeting; or
  - (C) by a member or members present in person or by proxy and representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting.
- 5.8 Unless a poll is duly demanded a declaration by the chairman that a resolution has been carried or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority and an entry to that effect in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- 5.9 The demand for a poll may be withdrawn, before the poll is taken, but only with the consent of the chairman. The withdrawal of a demand for a poll shall not invalidate the result of a show of hands declared before the demand for the poll was made.
- 5.10 A poll shall be taken as the chairman directs and he may appoint scrutineers (who need not be members) and fix a time and place for declaring the results of the poll. The result of the poll shall be deemed to be the resolution of the meeting at which the poll is demanded.
- 5.11 In the case of an equality of votes, whether on a show of hands or on a poll, the chairman shall be entitled to a casting vote in addition to any other vote he may have.



5.12 A poll demanded on the election of a chairman or on a question of adjournment shall be taken immediately. A poll demanded on any other question shall be taken either immediately or at such time and place as the chairman directs not being more than thirty days after the poll is demanded. The demand for a poll shall not prevent continuance of a meeting for the transaction of any business other than the question on which the poll is demanded. If a poll is demanded before the declaration of the result of a show of hands and the demand is duly withdrawn, the meeting shall continue as if the demand had not been made.

5.13 No notice need be given of a poll not taken immediately if the time and place at which it is to be taken are announced at the meeting at which it is demanded. In other cases at least seven clear days' notice shall be given specifying the time and place at which the poll is to be taken.

## **6. Votes of members**

6.1 Subject to Article 5.11, every member present in person or by proxy shall have one vote.

6.2 No member shall be entitled to vote at any general meeting unless all moneys then payable by him to the Charity have been paid.

6.3 A member entitled to attend and vote at any meeting of the Charity shall be entitled to appoint any other person as his proxy to attend, speak and vote at a meeting instead of him. This right must be stated on any notice given under Article 4.1 for the purpose of calling a general meeting of the Charity.

6.4 The appointment of a proxy shall be executed by the appointing member or his attorney duly authorised and shall be in the form as set out in paragraph 1 of Schedule 1 of the articles, or as near to it as circumstances admit or in any other form which is usual or which the trustees may approve.

6.5 Where it is desired to afford members an opportunity of instructing the proxy how he shall act, the appointment of a proxy shall be in the form set out in paragraph 2 of Schedule 1 of the articles, or as near to it as circumstances admit or in any other form which is usual or which the trustees may approve.

6.6 The appointment of a proxy and the power of attorney or other authority if any under which it is signed or a notarially certified copy of that power or authority shall:

(A) in the case of an instrument in writing be deposited at the registered office of the Charity or at such other place within the United Kingdom as is specified for that purpose in the notice convening the meeting not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the appointment proposes to vote; or

(B) in the case of an appointment contained in an electronic communication, where an address has been specified for the purpose of receiving electronic communications –

(i) in the notice convening the meeting, or

(ii) in any instrument of proxy sent out by the Charity in relation to the meeting, or

(iii) in any invitation contained in an electronic communication to appoint a proxy issued by the Charity in relation to the meeting,

be received at such address not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the appointment proposes to vote.

In default the appointment of proxy shall not be treated as valid. No appointment of a proxy shall be valid after the expiration of 12 months from the date of its execution.

6.7 No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is tendered and every vote not disallowed at the meeting shall be valid.

Any objection made in due time shall be referred to the Chairman whose decision shall be final and conclusive.

- 6.8 A vote given in accordance with the terms of an appointment of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy or of the authority under which the proxy was executed provided that no intimation of the death insanity or revocation of the appointing member shall have been received at the registered office of the Charity or, where the appointment of the proxy was contained in an electronic communication at the address at which such appointment was duly received before the commencement of the meeting or adjourned meeting at which the proxy is used.
- 6.9 A vote given or poll demanded by the duly authorised representative of a member organisation (appointed under article 6.11) shall be valid notwithstanding the previous determination of the authority of the person voting or demanding a poll unless notice of the determination was received by the Charity at the office or, where the appointment of the proxy was contained in an electronic communication at the address at which such appointment was duly received before the commencement of the meeting or adjourned meeting at which the vote is given or the poll demanded or (in the case of a poll taken otherwise than on the same day at the meeting or adjourned meeting) the time appointed for taking the poll.
- 6.10 A member acting as proxy for more than one member may cast the vote of each member for which he acts as proxy (by show of hands or poll).
- 6.11 Any organisation which is a member of the Charity may by resolution of its Council or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the Charity; and the person so authorised shall be entitled to exercise the same powers on behalf of the organisation which he represents as the organisation could exercise if it were an individual member of the Charity.

## **7. Written Resolutions of Members**

- 7.1 A resolution may be proposed as a written resolution by the trustees, or by a number of members representing not less than 5 percent of the total voting rights of all members entitled to vote on the resolution.
- 7.2 The members eligible to vote on a written resolution are those members who would have been entitled to vote on the resolution on the date on which copies of it are sent or submitted to members, or if copies are sent or submitted on different days, the first of those days.
- 7.3 A member's agreement to a proposed written resolution shall be signified when the Charity receives from him or someone acting on his behalf an authenticated document, in hard copy or electronic form, identifying the resolution to which it relates and indicating his agreement to the resolution. Once signified, a member's agreement to a written resolution cannot be revoked.
- 7.4 A written resolution is passed when the required majority of eligible members have signified their agreement to it. The required majority shall be a simple majority in the case of an ordinary resolution, and not less than 75 percent in the case of a special resolution.
- 7.5 If passed a written resolution shall have effect as if passed at a general meeting of members.
- 7.6 A proposed written resolution shall lapse if it is not passed before the end of a period of 56 calendar days beginning with the first date on which it was sent or submitted to members.
- 7.7 The agreement of a member to a written resolution is ineffective if signified after the expiry of the period referred to in 7.6 above.



## **8. Trustees**

- 8.1 The number of trustees shall be not less than three but (unless otherwise determined by ordinary resolution) shall not be subject to any maximum.
- 8.2 The first trustees shall be those persons named in the statement delivered pursuant to section 10(2) of the Act, who shall be deemed to have been appointed under the articles. Future trustees shall be appointed as provided subsequently in the articles.

## **9. Powers of trustees**

- 9.1 Subject to the provisions of the Act, the memorandum and the articles and to any directions given by special resolution, the business of the Charity shall be managed by the trustees who may exercise all the powers of the Charity. No alteration of the memorandum or the articles and no such direction shall invalidate any prior act of the trustees which would have been valid if that alteration had not been made or that direction had not been given. The powers given by this article shall not be limited by any special power given to the trustees by the articles and a meeting of trustees at which a quorum is present may exercise all the powers exercisable by the trustees.
- 9.2 In addition to all powers hereby expressly conferred upon them and without detracting from the generality of their powers under the articles the trustees shall have the following powers, namely:-
- (A) to expend the funds of the Charity in such manner as they shall consider most beneficial for the achievement of the objects and to invest in the name of the Charity such part of the funds as they may see fit and to direct the sale or transposition of any such investments and to expend the proceeds of any such sale in furtherance of the objects of the Charity;
  - (B) to enter into contracts on behalf of the Charity.

## **10. Appointment and retirement of trustees**

- 10.1 At the first annual general meeting all the trustees shall retire from office, and at every subsequent annual general meeting one-third of the trustees who are subject to retirement by rotation or, if their number is not three or a multiple of three, the number nearest to one third shall retire from office: but, if there is only one trustee who is subject to retirement by rotation, he shall retire.
- 10.2 Subject to the provisions of the Act, the trustees to retire by rotation shall be those who have been longest in office since their last appointment or reappointment, but as between persons who became or were last reappointed trustees on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot.
- 10.3 If the Charity at the meeting at which a trustee retires by rotation, does not fill the vacancy the retiring trustee shall, if willing to act, be deemed to have been reappointed unless at the meeting it is resolved not to fill the vacancy or unless a resolution for the reappointment of the trustee is put to the meeting and lost.
- 10.4 No person other than a trustee retiring by rotation shall be appointed or reappointed a trustee at any general meeting unless:
- (A) he is recommended by the trustees; or
  - (B) not less than fourteen nor more than thirty-five clear days before the date appointed for the meeting, notice executed by a member qualified to vote at the meeting has been given to the Charity of the intention to propose that person for appointment or reappointment stating the particulars which would, if he were so appointed or reappointed, be required to be included in the Charity's register of trustees together with a notice executed by that person of his willingness to be appointed or reappointed.

#### 10.5 No person may be appointed as a trustee:

- (A) unless he has attained the age of 18 years; or
- (B) in circumstances such that, had he already been a trustee, he would have been disqualified from acting under the provisions of Article 11.1.

10.6 Not less than seven nor more than twenty-eight clear days before the date appointed for holding a general meeting notice shall be given to all persons who are entitled to receive notice of the meeting of any person (other than a trustee retiring by rotation at the meeting) who is recommended by the trustees for appointment or reappointment as a trustee at the meeting or in respect of whom notice has been duly given to the Charity of the intention to propose him at the meeting for appointment or reappointment as a trustee. The notice shall give the particulars of that person which would, if he were so appointed or reappointed, be required to be included in the Charity's register of trustees.

10.7 Subject as aforesaid, the Charity may by ordinary resolution appoint a person who is willing to act to be a trustee either to fill a vacancy or as an additional trustee and may also determine the rotation in which any additional trustees are to retire.

10.8 The trustees may appoint a person who is willing to act to be a trustee either to fill a vacancy or as an additional trustee provided that the appointment does not cause the number of trustees to exceed any number fixed by or in accordance with the articles as the maximum number of trustees. A trustee so appointed shall hold office only until the next following annual general meeting and shall not be taken into account in determining the trustees who are to retire by rotation at the meeting. If not reappointed at such annual general meeting, he shall vacate office at the conclusion thereof.

10.9 Subject as aforesaid, a trustee who retires at an annual general meeting may, if willing to act, be reappointed.

### 11. Disqualification and removal of trustees

11.1 A trustee shall cease to hold office if he:

- (A) ceases to be a trustee by virtue of any provision in the Act or is disqualified from acting as a trustee by virtue of section 45 of the Charities Act 1992 (or any statutory re-enactment or modification of that provision);
- (B) becomes incapable by reason of mental disorder, illness or injury of managing and administering his own affairs;
- (C) resigns his office by notice to the Charity (but only if at least three trustees will remain in office when the notice of resignation is to take effect); or
- (D) is absent without the permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his office be vacated.

### 12. Trustees' expenses

12.1 The trustees may be paid all reasonable travelling, hotel and other expenses properly incurred by them in connection with their attendance at meetings of trustees or committees of trustees or general meetings or otherwise in connection with the discharge of their duties, but shall otherwise be paid no remuneration.

### 13. Trustees' appointments

13.1 Subject to the provisions of the Act and to Clause 5 of the memorandum, the trustees may appoint one or more of their number to the unremunerated office of managing director or to any other

unremunerated executive office under the Charity. Any such appointment may be made upon such terms as the trustees determine. Any appointment of a trustee to an executive office shall terminate if he ceases to be a trustee. A managing director and a trustee holding any other executive office shall not be subject to retirement by rotation.

- 13.2 Except to the extent permitted by Clause 5 of the memorandum, no trustee shall take or hold any interest in property belonging to the Charity or receive remuneration or be interested otherwise than as a trustee in any other contract to which the Charity is a party.

#### **14. Proceedings of trustees**

- 14.1 Subject to the provisions of the articles, the trustees may regulate their proceedings as they think fit. A trustee may, and the secretary at the request of a trustee shall, call a meeting of the trustees. It shall not be necessary to give notice of a meeting to a trustee who is absent from the United Kingdom. Questions arising at a meeting shall be decided by the majority of votes. In the case of an equality of votes, the chairman shall have a second or casting vote.
- 14.2 The quorum for the transaction of the business of the trustees may be fixed by the trustees but shall not be less than one third of their number or two trustees, whichever is the greater.
- 14.3 The trustees may act notwithstanding any vacancies in their number, but, if the number of trustees is less than the number fixed as the quorum, the continuing trustees or trustee may act only for the purpose of filling vacancies or of calling a general meeting.
- 14.4 The trustees may appoint a chairman or vice-chairman from amongst their number to be chairman and vice-chairman of their meetings and may at any time remove them from that office. Unless he is unwilling to do so, the trustee appointed as chairman shall preside at every meeting of trustees at which he is present. But if there is no trustee holding the office of chairman, or if the trustee holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, then the vice-chairman shall preside at the meeting. If there is no trustee holding the office of vice-chairman, or if the trustee holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, then the trustees present may appoint one of their number to be chairman of the meeting.
- 14.5 The trustees may appoint one or more sub-committees consisting of two or more trustees for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the trustees would be more conveniently undertaken or carried out by a sub-committee: provided that all acts and proceedings of any such sub-committee shall be fully and promptly reported to the trustees.
- 14.6 In any case where urgent action is required to safeguard or promote the best interests of the Charity the chairman of trustees, or in his absence the vice-chairman of the trustees, shall have power to constitute an Urgency Sub-Committee consisting of the chairman of trustees, or in his absence the vice-chairman of the trustees, and two other trustees, one of whom shall if possible be the chairman of the Sub-Committee concerned with the matter to be considered and such Urgency Sub-Committee shall have power to act on behalf of the Charity to safeguard or promote its interests provided that all acts so taken are immediately reported to the trustees.
- 14.7 All acts done by a meeting of trustees, or of a committee of trustees, shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any trustee or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a trustee and had been entitled to vote.
- 14.8 A resolution in writing, signed by all the trustees entitled to receive notice of a meeting of trustees or of a committee of trustees, shall be as valid and effective as if it had been passed at a meeting of



trustees or (as the case may be) a committee of trustees duly convened and held. Such a resolution may consist of several documents in the same form, each signed by one or more of the trustees.

- 14.9 Trustees may participate in or hold meetings by means of conference telephone or similar communication equipment so that all persons participating in the meeting can hear and speak to each other. Participation by such means shall be deemed to constitute presence in person and business so transacted shall be effective for all purposes as that of a meeting of the trustees duly convened and held with all such persons physically present.
- 14.10 Any bank account in which any part of the assets of the Charity is deposited shall be operated by the trustees and shall indicate the name of the Charity. All cheques and orders for the payment of money from such account shall be signed by at least two trustees.

## **15. Secretary**

- 15.1 Subject to the provisions of the Act, the secretary shall be appointed by the trustees for such term, at such remuneration (if not a trustee) and upon such condition as they may think fit; and any secretary so appointed may be removed by them.

## **16. Minutes**

16.1 The trustees shall keep minutes in books kept for the purpose:

- (A) of all appointments of officers made by the trustees; and
- (B) of all proceedings at meetings of the Charity and of the trustees and of committees of trustees including the names of the trustees present at each such meeting.

## **17. The Seal**

The seal shall only be used by the authority of the trustees or of a committee of trustees authorised by the trustees. The trustees may determine who shall sign any instrument to which the seal is affixed and unless otherwise so determined it shall be signed by a trustee and by the secretary or by a second trustee.

## **18. Accounts**

Accounts shall be prepared in accordance with the provisions of Part VII of the Act.

## **19. Annual Report**

The trustees shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Commissioners.

## **20. Annual Return**

The trustees shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Commissioners.

## **21. Notices**

- 21.1 Any notice to be given to or by any person pursuant to the articles shall be in writing except that a notice calling a meeting of the trustees need not be in writing.

- 21.2 The Charity may give any notice to a member either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by giving it using electronic communications to an address for the time being notified to the Charity by the member. A member whose registered address is not within the United Kingdom and who gives to the Charity an address within the United Kingdom at which notices may be given to him shall be entitled to have notices given to him at that address, but otherwise no such member shall be entitled to receive any notice from the Charity.
- 21.3 A member present in person at any meeting of the Charity shall be deemed to have received notice of the meeting and, where necessary, of the purposes for which it was called.
- 21.4 Proof that an envelope containing a notice was properly addressed, prepaid and posted shall be conclusive evidence that the notice was given. Proof that a notice contained in an electronic communication was sent in accordance with guidance issued by the Institute of Chartered Secretaries and Administrators shall be conclusive evidence that the notice was given. A notice shall be deemed to be given at the expiration of 48 hours after the envelope containing it was posted, or in the case of a notice contained in an electronic communication, at the expiration of 48 hours after the time it was sent.

## **22. Indemnity**

- 22.1 Subject to the provisions of the Act every trustee or other officer or auditor of the Charity shall be indemnified out of the assets of the Charity against any liability incurred by him in that capacity in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application in which relief is granted to him by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Charity,
- 22.2 The trustees shall have power pursuant to Clause 4(T) of the memorandum to effect indemnity insurance notwithstanding their interest in such policy.

## **23. Rules**

- 23.1 The trustees may from time to time make such rules or bye laws as they may deem necessary or expedient or convenient for the proper conduct and management of the Charity and for the purposes of prescribing classes of and conditions of membership, and in particular but without prejudice to the generality of the foregoing, they may by such rules of bye laws regulate:
- (A) the admission and classification of members of the Charity (including the admission of organisations to membership) and the rights and privileges of such members, and the conditions of membership and the terms on which members may resign or have their membership terminated and the entrance fees, subscriptions and other fees or payments to be made by members;
  - (B) the conduct of members of the Charity in relation to one another, and to the Charity's servants;
  - (C) the setting aside of the whole or any part or parts of the Charity's premises at any particular time or times or for any particular purpose or purposes;
  - (D) the procedure at general meetings and meetings of the trustees and committees of the trustees in so far as such procedure is not regulated by the articles;
  - (E) generally, all such matters as are commonly the subject matter of company rules.
- 23.2 The Charity in general meeting shall have powers to alter, add to or repeal the rules or bye laws and the trustees shall adopt such means as they think sufficient to bring to the notice of members of the Charity all such rules or bye laws, which shall be binding on all members of the Charity. Provided that no rule or

bye law shall be inconsistent with, or shall affect or repeal anything contained in, the memorandum or the articles.

**24. Auditor**

- 24.1 Unless the trustees reasonably resolve otherwise on the ground that audited accounts are unlikely to be required, the trustees shall appoint an auditor or auditors for each financial year of the Charity in accordance with s.485 (2) Companies Act 2006 and may fill a casual vacancy in the office of auditor in accordance with s.485(3) of the said Act.



**SCHEDULE 1****INSTRUMENTS OF PROXY****1. FORM OF PROXY TO BE USED WITH ARTICLE 6.4****THE RAILWAY CHILDREN**

I [member's name and address] being a member of the above-named Charity hereby appoint

[name and address of proxy holder] or failing him/her,

[name and address of substitute] as my proxy to vote on my behalf at the [Annual/Extraordinary/Adjourned] General Meeting of the Charity to be held on the ..... day of ..... and any adjournment thereof.

Signed [name] this .....day of .....

**2. FORM OF PROXY TO BE USED WITH ARTICLE 6.5****THE RAILWAY CHILDREN**

I [member's name and address] being a member of the above-named Charity hereby appoint

[name and address of proxy holder] or failing him/her

[name and address of substitute] as my proxy to vote on my behalf at the [Annual/Extraordinary/Adjourned] General Meeting of the charity to be held on the .....day of ..... and any adjournment thereof.

This form is to be used in respect of the resolutions mentioned below as follows:

Resolution No. 1 \*for \* against

Resolution No. 2 \*for \*against

(\*strike out whichever is not desired).

On other matters the proxy unless otherwise instructed may vote as he thinks fit or abstain from voting.

Signed this .....day of .....

Signatures, Names and Addresses of Subscribers

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Terence Worrall	SIGNED [ T Worrall ]
7 Orchard Close	
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Dated [20<sup>th</sup> September 1996]

Witness to the above signatures: SIGNED [ T Fyfe]

Name: Tom Fyfe

Address: Simmons & Simmons  
21 Wilson Street  
London  
EC2M 2TX

Occupation: Trainee Solicitor



# FUNCTIONAL ORGANISATION CHART JULY 2022

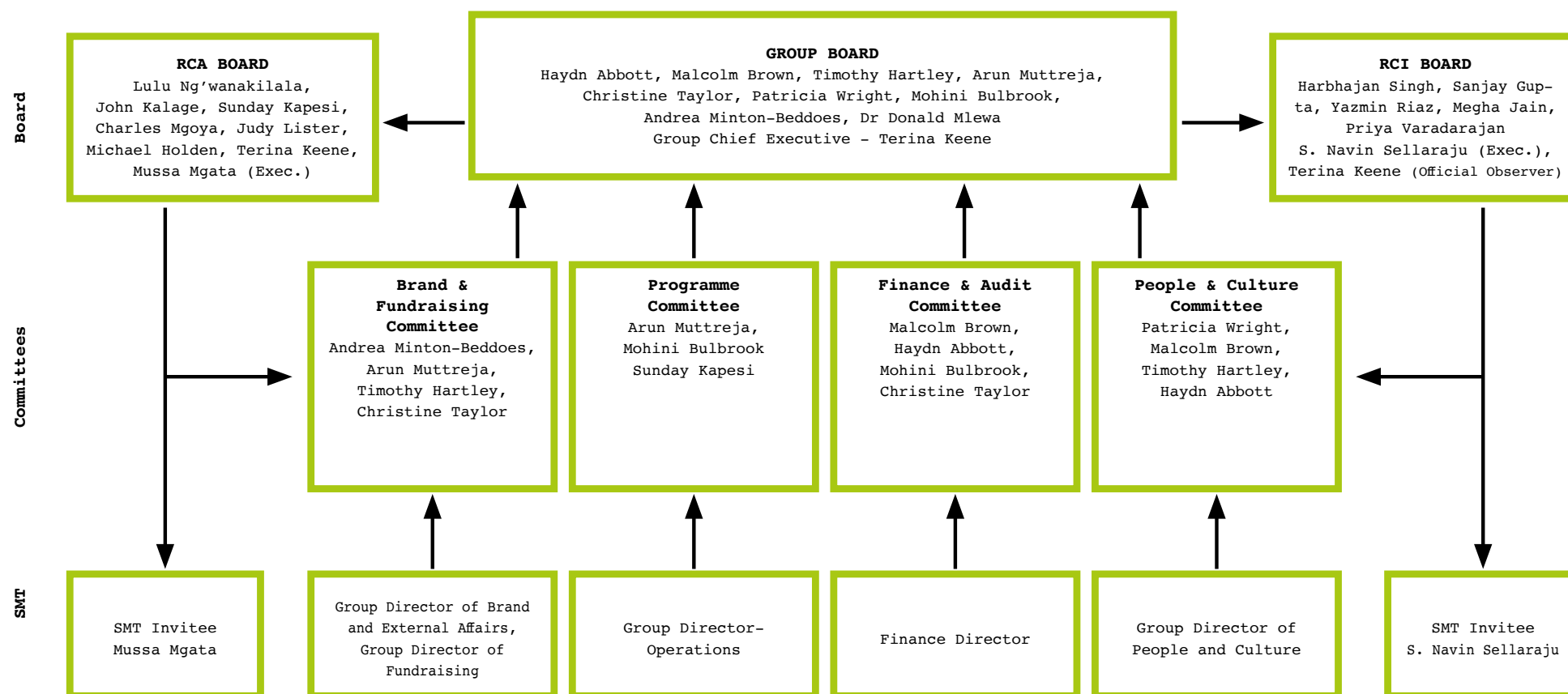
## GROUP CHIEF EXECUTIVE - TERINA KEENE

<b>GROUP DIRECTOR-OPERATIONS - BEN PRASADAM-HALLS</b>	
Programme Development Director – Pete Kent	Head of Safeguarding – Wade Tidbury
<b>RCA - EXECUTIVE DIRECTOR, TANZANIA, MUSSA MGATA</b>	
Finance & Operations Manager, Mgeva Joseph Programme Manager, Mary Gatama Practice Development & Training Adviser, Vacant Training Officer, Vacant Programme Development Officer, Dionis Msanja Strategy Liaison Manager, Rose Julius Kagoro M&E Officer, Andrew Mandari	MEAL Coordinator, Vacant Finance Officer, Nassib Songoro Business Development Officer, Vacant Safeguarding and Practice Development Officer, Mary Mushi Programme Officer-Care Reform, Vacant Human Resource Manager, Mwizalubi Mafwele
<b>DIRECTLY IMPLEMENTED PROJECT 'KIVUKO' IN MWANZA</b>	
Street Based & Community Care Worker, Vacant Street Based Worker, Vacant Street Based Worker, Eva Mushi Street Based Worker, Anita Joseph Social Worker, Family, Vacant Social Worker, Family, Renatus Faustine Social Worker, Family, Vacant Social Worker, Family, Joyce Daudi Social Worker, Family, Adam Mashimba Social Worker, Family, Menyaichi Mlay Social Worker, Youth, Ayoub Hezron Social Worker, Youth, Rhoda Ludigija Social Worker, Youth, Vacant	Social Worker, Family, Subira Mshana (Dar) Social Worker, Family, Clara Fulgence (Dar) Social Worker, Family, Esther Loti (Dar) Social Worker, Family, Wilfred Swai (Dar) Social Worker, Family, Hilda Edwin (Mwanza) Social Worker, Family, Vacant (Mwanza) M&E Assistant, Rahel Mackenga Legal and Child Protection Assistant, Vacant Agriculture Link Officer, Vacant Project Manager, Irene Wampembe Project Team Lead, Mwanza Project, Peter Wilson Dumu Administration & Procurement Assistant, Vacant Project Accountant, Vacant Driver, Emmanuel Paul Office Attendant, Saveria Severine Legal Officer, Judith Nashon Finance Assistant, Gillian Jared
<b>RCI - CHIEF EXECUTIVE OFFICER - S. NAVIN SELLARAJU</b>	
Head of Finance and Admin, Nitin Aggarwal Sr. Programme Manager, L John Bosk Programme Manager – Direct Implementation, Mohd Junaid Khan Programme Manager – Direct Implementation, Debashree Dutta Manager HR, Vacant Manager-Corporate Partnership, Nawaz Alam Office Assistant, Shiv Kumar Ravat Digital Fundraising Officer, Amarjeet Singh Database Officer, Vijay Kumar Data Entry Operator, Himanshu Pal Donor Care Executive, Tarannum Praveen	Outreach Worker, Vacant Outreach Worker, Md. Rafique Khan
<b>DIRECT IMPLEMENTATION TEAM AT GHAZIABAD RAILWAY STATION</b>	
Project Co-ordinator, Vacant Social Worker, Manoj Kumar Bharati Social Worker, Mohd. Nazim Social Worker, Shubham Chakraborty Outreach Worker, Anjali Katriya Outreach Worker, Deepa Pal Outreach Worker, Md. Rashid Khan Outreach Worker, Snehdeep Chaurasia Outreach Worker, Srishti Tyagi Outreach Worker, Vikas Yadav Outreach Worker, Vacant	<b>DIRECT IMPLEMENTATION TEAM AT DELHI SARAI ROHILLA</b> Project Co-ordinator, Vacant Child Welfare Officer, Sandhya Social Worker-CHD, Sanjeev Kumar Social Worker-CHD, Rahis Salmani Community Outreach Worker, Kamal Kumar Community Outreach Worker, Deepak Community Outreach Worker, Sunil Dutt Outreach Worker, Harvinder Singh Outreach Worker, Kiran Bansal Outreach Worker, Priya
<b>UK PROGRAMME</b>	
UK Programme Director, Jacqui Highfield UK Regional Manager West, Gaynor Little UK Regional Manager East, Joe Clay Monitoring & Evaluations Manager (P/T), Stephanie Kelsey (starting date 01 August) UK Partnerships Manager (P/T), Emma Halewood Training and Development Co-ordinator (P/T), David Bentley Referrals Co-ordinator(P/T), Kate Vaks	<b>LIAISON OFFICE</b> Manager – Communications & Knowledge Management, Suchi Smita Roy Programme Manager, Valavan Manager Strategic Alliance, Sanjay Kumar Tiwari Assistant Manager, Strategic Alliance, Afsar Ahmad Khan Manager-Child Safeguarding & Training, Aparna Dwivedi Senior Strategic Alliance Officer, Vacant Admin Officer, Ankush Ubale Accountant, Himanshu Singh
<b>SAFEGUARDING ON TRANSPORT - MANCHESTER</b>	
Project Worker, Andrea Westhead Project Worker, Elizabeth Gibbons	<b>SAFEGUARDING ON TRANSPORT - LONDON</b> Project Worker, Neville Gustave Project Worker, Vacant
<b>SAFEGUARDING ON TRANSPORT - BIRMINGHAM</b>	
	<b>SAFEGUARDING ON TRANSPORT - LEEDS</b> Project Worker, Catherine Griffiths Project Worker, Laura Broadbent Community Engagement Worker(P/T), Kim Peake
<b>GROUP DIRECTOR OF BRAND AND EXTERNAL AFFAIRS - ROB CAPENER</b>	
Senior Marketing & Communications Manager, Suzi Lawrence Digital Marketing Manager (P/T), Emma Donaldson (maternity leave) Graphic Designer (P/T), Gemma Coast	Content Officer (P/T), Kate Speedie Digital Communications Manager, Amy Sargeson (maternity cover for Emma Donaldson)
<b>GROUP DIRECTOR OF FUNDRAISING - JACK MILLER</b>	
Donor Engagement and Acquisition (P/T), Helen Shepard Supporter Engagement Officer, Heather Kelly Corporate Partnerships Manager, Dave Ellis Corporate Partnerships Manager, Mary McLaughlin Events Manager(P/T), Katie Mason	Events Coordinator, Bethan Marshall Trusts and Grants Manager (P/T), Pauline Medovnikov Trusts and Grants Officer, Grace Holloway-Neville Trusts and Grants Officer, Matt Zegiri
<b>FINANCE DIRECTOR - DAVID BROOKES</b>	
Finance Manager, Kaye Brindle International Finance Manager, Wendy Brawn	Finance Data Processor, Vacant Data Clerk (P/T), Carol Taylor
<b>GROUP DIRECTOR OF PEOPLE AND CULTURE - CAROLE NOBLE</b>	
<b>EXECUTIVE ASSISTANT TO GROUP CEO - JULIE FOSTER</b>	

Total Group Headcount:130 including 23 vacancies



## RAILWAY CHILDREN GOVERNANCE





## **Finance and Audit Committee Terms of Reference**

### **Membership**

The Committee shall consist of the Treasurer and a minimum of 3 members of the Board.

### **Appointment of Committee**

The Board shall at their first meeting following the Annual General Meeting (AGM) in each year, determine the members of the Committee until the next following AGM.

### **Casual Vacancies**

The Board, from among their members, shall fill casual vacancies occurring in membership of the Committee.

### **Frequency of Meetings**

The Committee shall meet not less than 3 times in each year. A quorum at each meeting shall be 2 members.

### **Record of Meetings**

The Committee shall ensure that an agreed written record of each of their meetings is forwarded to the Board of Trustees.

### **Staff Attendance**

The Finance and Administration Manager shall normally be required to attend all meetings of the Committee. Other staff may, at the Chairman's discretion, attend meetings as required.

### **Audit Attendance**

The external auditor may be invited to attend the Committee as required

### **Functions of the Committee**

- Review and recommend the annual budget for approval of the Trustees
- Ensure that the Board receives from the Executive regular financial reports showing income and expenditure (including commitments) against budget allocations and a report of the reserves
- To ensure that accounting procedures are in accordance with company and charity accounting rules and best practice and that they are efficiently operated and kept up to date.
- To ensure that Railway Children has a written financial policy and procedures, and ensure it is kept up to date.
- To oversee the appointment of the external auditors and make recommendations to the Board, to be agreed at the AGM.
- To receive and review audit reports and agree on the resulting management letter. Ensure that the management letter recommendations are implemented.

- To review compliance with all UK company charitable status requirements.
- To ensure that a register of the interests of Trustees is kept and regularly updated.
- To ensure that any amendment to existing financial policy is approved by the Trustees.
- To review the annual accounts of the organisation

**Authority**

The Committee is authorised by the Board to seek any information it requires from any employee in order to perform its duties.

In connection with its duties the Committee is authorised by the Board to obtain any appropriate external legal and other professional advice.

The Committee's responsibilities extend to any wholly owned subsidiaries of the Railway Children.



## **Programme Committee Terms of Reference**

### **Membership**

The Committee shall consist of the Chair and a minimum of two members of the RC Group Board. In addition, at least one Non-Executive Director from each Affiliate Board will be invited as a member.

### **Appointment of Committee**

The Committee shall at their first meeting following the Annual General Meeting (AGM) in each year, determine the members of the Committee until the next AGM. The Chair will appoint a Secretary to the Committee.

### **Casual Vacancies**

The Group and Affiliate Boards, from their members, shall fill casual vacancies occurring in membership of the Committee.

### **Frequency and Organisation of the Meetings**

The Committee shall meet not less than twice each year. The Chair will agree the agenda with the Programme Director who will be responsible for organising and distributing papers one week in advance of all meetings. A quorum at each meeting shall be three members. Attendance by phone, Skype or videoconference is acceptable.

### **Record of Meetings**

The Committee shall ensure that an agreed written record of each of their meetings is forwarded to the RC Group Chief Executive within five working days of the Committee Date and will be distributed to both the Group and Affiliate Boards.

### **Staff Attendance**

The Programme Director and the Safeguarding Director shall be required to attend all meetings of the Committee. The Quality Standards Manager will attend the meeting as required and, as a minimum, annually. Any other staff may, at the Chair's discretion, attend meetings as required.

### **Functions of the Committee**

The Programme Committee is responsible for the development and oversight of the Programme Strategy across the Railway Children (RC) Group. This includes review and evaluation of the effectiveness of safeguarding and programme design, including the impact our work creates for our beneficiaries.

Specifically, the Committee is responsible for:

- 1) Reviewing and inputting in to the development of Programme Strategy.
- 2) Periodically review and assess evaluations of ongoing work across the programme, including partner delivery and beneficiary feedback to ensure that we are meeting the needs of our beneficiaries.
- 3) Oversee the development of a Group level Monitoring, Evaluation and Learning Framework.

- 4) Monitor and review the results of our work across the agreed framework at output, outcome and impact level and provide critical analysis and reflection on these results to the Programme teams.
- 5) Monitor and Assess ongoing progress across all of the RC Group Programme & Safeguarding Quality Standards.
- 6) Ensure that we have robust safeguarding policies, procedures and measures in place to protect our beneficiaries and everyone connected to our organisation.
- 7) To monitor and review processes that are in place to ensure Safeguarding measures work and that they reduce the risks faced by people.
- 8) To advise the RC Global and Affiliate Boards of emerging issues including where additional resources are needed to demonstrate effective learning, promote good practice and/or prioritise the safeguarding of all that come into contact with Railway Children.
- 9) Support the identification of critical stakeholders that can further our Programme delivery and where necessary and possible, assist in the engagement of such stakeholders.
- 10) Monitor compliance with Programme related policies.

**Authority**

The Committee is authorised by the Board to seek any information it requires from any employee in order to perform its duties.

In connection with its duties, the Committee is authorised by the Board to obtain any appropriate external legal and other professional advice.

Additional authority may be requested from the Group Board to enable the Committee to fulfil its function.



## **People and Culture Committee Terms of Reference**

### **Membership**

The Committee shall consist of the Chair and a minimum of two members of the RC Group Board. In addition, at least one Non-Executive Director from each Affiliate Board will be invited as a member.

### **Appointment of Committee**

The Board shall at their first meeting following the Annual General Meeting (AGM) in each year, determine the members of the Committee until the next AGM. The Chair will appoint a Secretary to the Committee.

### **Casual Vacancies**

The Group and Affiliate Boards, from among their members, shall fill casual vacancies occurring in membership of the Committee.

### **Frequency of Meetings**

The Committee shall meet not less than twice a year. The Chair will agree the agenda with the HR Director who will be responsible for organising and distributing papers one week in advance of all meetings. A quorum at each meeting shall be three members. Attendance by phone, Skype or videoconference is acceptable.

### **Record of Meetings**

The Committee shall ensure that an agreed written record of each of their meetings is forwarded to the RC Group Chief Executive within five working days of the Committee date and will be distributed to both the Group and Affiliate Boards.

### **Staff Attendance**

The HR Director will be required to attend all meetings of the Committee. The Quality Standards Manager will attend the meeting as required and, as a minimum, annually. Any other staff may, at the Chair's discretion, attend meetings as required.

### **Functions of the Committee**

The People and Culture Committee (PCC) takes delegated responsibility on behalf of the Board to ensure that appropriate HR policies, procedures and personnel are in place to maintain the good governance of the charity. This includes the responsibility to provide a formal, transparent, and consistent procedure for the appointment of Trustees, Board committees and Chief Executive.

Specifically, the Committee is responsible for:

- 11) The appointment of new Trustees to the Board including:
  - Adopting a formal, rigorous, and transparent procedure for the appointment of new Trustees.
  - Identifying and nominating for the approval of the Board, candidates to fill Board vacancies as and when they arise.



- Reviewing the structure, size, and composition (including the skills, knowledge and experience) required of the Board and its sub-committees compared to their current position and making recommendations to the Board with regard to any changes.
- giving full consideration to succession planning for Trustees and other senior executives in the course of its work, taking into account the challenges and opportunities facing the organisation, and what skills and expertise are therefore needed on the Board and its sub-committees in the future.

12) Recruitment of the Chief Executive and other Director positions including:

- Adopting a formal, rigorous and transparent procedure for the appointment of the Chief Executive and other Directors in line with the organisation's recruitment policy;
- Identifying and nominating for the approval of the Board, a candidate to fill the Chief Executive post as and when it becomes vacant;
- Nominate for approval of the Board, a candidate to fill a Director position on the recommendation of the CEO;
- Giving full consideration to succession planning for the Chief Executive and other senior executive posts;
- Approving the remuneration of the Chief Executive and all Director posts.

13) Ensuring that Railway Children and its affiliates' global approach to human resources management supports delivery of its strategic aims including:

- Ensuring HR strategy and policy remains progressive and attractive to available talent;
- Approving any material changes in HR policy and practice and/or terms and conditions of employment;
- Advising and supporting the Chief Executive and Director of HR in further developing strategic HR Policy and practice across the organisation that supports RC's strategic objectives;
- Monitoring progress towards and compliance with the HR Quality Standards;
- Ensuring that RC meets all its legal and contractual obligations in relation to the recruitment and employment of staff;
- Monitoring the staffing complement of RCUK and approve any overall increases in UK headcount;
- Ensuring that we have robust safeguarding policies, procedures and measures in place to protect our staff and ensure they come to no harm.

### **Authority**

The Committee is authorised by the Board to seek any information it requires from any employee in order to perform its duties.

In connection with its duties, the Committee is authorised by the Board to obtain any appropriate external legal and other professional advice.

Additional authority may be requested from the Group Board to enable the Committee to fulfil its function.



## **Fundraising and Brand Committee Terms of Reference**

### **Membership**

The Committee shall consist of the Chair and a minimum of two members of the RC Group Board. In addition, at least one Non-Executive Director from each Affiliate Board will be invited as a member.

### **Appointment of Committee**

The Committee shall at their first meeting following the Annual General Meeting (AGM) in each year, determine the members of the Committee until the next AGM. The Chair will appoint a Secretary to the Committee.

### **Casual Vacancies**

The Group and Affiliate Boards, from among their members, shall fill casual vacancies occurring in membership of the Committee.

### **Frequency and Organisation of the Meetings**

The Committee shall meet not less than twice each year. The Chair will agree the agenda with the Fundraising and Marketing Director who will be responsible for organising and distributing papers one week in advance of all meetings. A quorum at each meeting shall be three members. Attendance by phone, Skype or videoconference is acceptable.

### **Record of Meetings**

The Committee shall ensure that an agreed written record of each of their meetings is forwarded to the RC Group Chief Executive within five working days of the Committee date and will be distributed to both the Group and Affiliate Boards.

### **Staff Attendance**

The Director of Fundraising and Marketing (DFM) shall be required to attend all meetings of the Committee. The Quality Standards Manager will attend the meeting as required and, as a minimum, annually. Any other staff may, at the Chair's discretion, attend meetings as required.

### **Functions of the Committee**

The Fundraising and Brand Committee (FBC) is responsible on behalf of the Board to ensure that appropriate fundraising, brand and communication policies, procedures and personnel are in place to maintain the legal requirements and expected standards of the charity.

The Committee will monitor and uphold the delivery of the brand and fundraising quality standards across all affiliates, identifying new opportunities and ensuring the fundraising mix remains innovative and healthy. By fostering a culture of supportive fundraising across the board, the Committee will encourage members to open networks, promote the cause and assist in income generation.

### **Specifically, the Committee is responsible for:**

- Effective and timely reporting of brand and fundraising performance to the Board.
- Preparing brand and fundraising income and expenditure budgets for Finance and Audit Committee.
- Maintaining oversight of core funding streams and committed income, managing risks to income and ensuring income remains on track.
- Ensuring the return on investment from core fundraising activities meet agreed key ratios.
- To uphold the brand standards across our affiliates ensuring the Railway Children brand continues to thrive and is represented consistently wherever we work.
- Key strategic external and internal communications where required.

**Authority**

The Committee is authorised by the Board to seek any information it requires from any employee in order to perform its duties.

In connection with its duties the Committee is authorised by the Board to obtain any appropriate external legal and other professional advice.

Additional authority may be requested from the Group Board to enable the Committee to fulfil its function.

### **Charity Commission publications**

The Charity Commission produces a range of free publications (all available online). Its introductory five-minute guides for charity trustees include:

- Charity purposes and rules
- Making decisions at a charity
- Managing charity finances
- Managing conflicts of interest in a charity
- What to send to the Charity Commission and how to get help

Its most generally useful detailed guides include:

- CC3 – The essential trustee: what you need to know, what you need to do and The Essential Trustee: 6 main duties
- CC3a – Charity trustee: what's involved
- CC7 – Ex gratia payments by charities
- CC8 – Internal financial controls for charities
- CC9 – Campaigning and political activity by charities
- CC11 – Trustee expenses and payments
- CC12 – Managing a charity's finances
- CC14 – Charities and investment matters: a guide for trustees
- CC15b – Charity reporting and accounting: the essentials
- CC18 – Use of church halls for village hall and other charitable purposes
- CC19 – Charity reserves: building resilience
- CC20 – Charity fundraising: a guide to trustee duties
- CC24 – Users on board: beneficiaries who become trustees
- CC27 – It's your decision: charity trustees and decision making
- CC29 – Conflicts of interest: a guide for charity trustees
- CC35 – Trustees trading and tax: how charities may lawfully trade
- CC49 – Charities and insurance

To see all the publications available, you can go online to the Charity Commission's website:

[www.gov.uk/guidance/charity-commission-guidance](http://www.gov.uk/guidance/charity-commission-guidance).



### Railway Children Safeguarding Policy

<b>Policy Title</b>	<b>Railway Children Safeguarding Children and Adults Policy and Procedures</b>
<b>Author</b>	Fiona Becker, NSPCC
<b>Approver</b>	UK Board of Trustees
<b>Purpose and Description</b>	The policy and related procedures describe Railway Children's commitment to safeguarding and child/adult protection
<b>Audience</b>	<ul style="list-style-type: none"><li>✓ Railway Children staff, volunteers and consultants</li><li>✓ UK Board of Trustees</li><li>✓ Railway Children Africa Directors</li><li>✓ Railway Children India Directors</li><li>✓ Partners</li><li>✓ Visitors</li></ul>
<b>Version 3.0</b>	
<b>Effective Date</b>	November 2020
<b>Review Due Date</b>	November 2023



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## **1. Safeguarding Policy [ALL]**

### **1.1 Policy Statement**

Railway Children's vision is to create a world where no child ever has to live on the streets. In realising our vision, we aim to create a safer world for children on the streets and to enable them to sustain positive change in their lives.

We will do all we can to ensure that children and adults' experience of our organisation is one that is free from any form of exploitation or abuse and that they feel respected and safe. We will not tolerate abuse in any form.

It is Railway Children's policy to create and proactively maintain an environment that aims to prevent and deter any actions or omissions, whether deliberate or inadvertent, that places children or young adults at the risk of any kind of abuse. We have a duty of care towards those children and young adults (up to the age of 25 years) that engage with our services and activities. This applies to all our work both within the UK and internationally.

This policy applies to both children and young adults as we work with them through our varied activities, outreach work and services. The UK legal definition of a child is any person up to the age of 18 years. As Railway Children's remit includes working with people up to the age of 25 years we also have arrangements in place to protect any of those young adults that might be at risk of harm and therefore our policy and procedure covers child and adult protection.

Railway Children believes that:

- All children have an equal right to protection from abuse and neglect, regardless of their age, disability, gender reassignment, sex, nationality, race, religion or beliefs, sexual orientation, marriage and civil partnership, pregnancy or maternity, or any other additional vulnerability.
- The best interests of the child are paramount in all considerations about their welfare and protection, including when to maintain confidentiality and when to share information.
- The entire staff contingent, volunteers, consultants and visitors all have a role to play in safeguarding children and young adults.
- Concerns or allegations that Railway Children staff, volunteers, consultants or visitors have abused or neglected a child or adult will be managed sensitively and fairly in accordance with this policy, relevant legislation and local safeguarding procedures.
- Working together with children, their parents, carers and authorities is essential in promoting welfare and ensuring the protection of children and adults at risk. In limited circumstances, it will not be appropriate to engage with parents/carers in order to protect a child or adult at risk.
- As part of working together, Railway Children expect the relevant authorities to act on our concerns. We will escalate our concerns, where necessary, in our efforts to be satisfied that our concern has been taken seriously and the child or adult at risk has been protected.

### **1.2 Purpose and Scope**

Railway Children work directly with children and adults at risk through service delivery and indirectly through funding others to do this on our behalf. Consequently, Railway Children requires a safeguarding policy and procedures which safeguard those engaged in our activities and services.

The policy and the accompanying procedures are essential because they provide a clear process for all our staff, volunteers (including trustees and directors), consultants and visitors. This ensures that everyone is clear about their roles, responsibilities and expectations to protect children and adults at risk from harm. Railway Children's safeguarding policy and procedures must be followed alongside local inter-agency procedures, protocols and arrangements as devised by local Safeguarding Children

Partnership or Safeguarding Adult Boards (SABs) in the UK or standards that are applicable to our international work.

It is the responsibility of staff, volunteers, consultants and visitors to act if there is a cause for concern about a child or the behaviour of an adult towards a child but it is not their responsibility to determine if abuse has occurred or what action is required to protect the child. Rather responsibility for deciding whether to escalate a concern to the appropriate authority lies with Railway Children's designated safeguarding staff.

Child and adult abuse can have both short and long-term consequences. The impact can include serious injury, disability, threats to survival or even death. It can affect a person's development, mental health, ability to form relationships, self-esteem, confidence or achievements in education or work. It may impact on the ability to parent and have a decent family life. It can have huge personal and economic consequences for the individual, their family, community and society. Hence the necessity of doing everything possible to prevent abuse wherever possible and to protect children and adults at risk whenever we identify it may be happening.

### **1.3 Application**

This policy and the safeguarding code of conduct and procedures apply to Railway Children entire staff contingent, volunteers (including trustees and directors) consultants and visitors.

Railway Children requires that our partners, current and future, share our commitment to safeguard. We expect them to demonstrate this to us by having their own safeguarding policy and procedures in place that are 'fit for purpose' before any partnership agreement is agreed or continued.

### **1.4 Breaches**

The senior management team is committed to taking all appropriate corrective action, including disciplinary, legal or other action in response to any breaches of the Safeguarding Policy, Procedures and the Safeguarding Code of Conduct.

### **1.5 Our commitment to safeguard**

Railway Children will fulfil its commitment to safeguarding by:

- Valuing, listening to and respecting children and young people in receipt of our activities and services
- Providing a safeguarding code of conduct for staff, volunteers, consultants and visitors which also links to our capability/disciplinary procedures
- Ensuring suitable staff and volunteers are recruited to work with children and young people by adopting safer recruitment, selection and vetting processes
- Providing effective management through induction, supervision, appraisal and support
- Providing staff and volunteers with training appropriate to their safeguarding role and responsibilities
- Establishing a safeguarding governance structure with assigned roles and responsibilities, including the identification of operational and strategic safeguarding leads and a lead trustee for safeguarding
- Promoting a culture of safeguarding where staff, volunteers and consultants feel able to speak out without fear of recrimination, harassment or bullying
- Maintaining a risk register which includes safeguarding
- Monitoring and regularly reviewing our safeguarding practice to draw out any lessons learnt or implications for policy and practice
- Informing parents, carers, children and young people about our safeguarding policy and procedures, including via our website and partners, and to promote how they can alert us if they have concerns



- Quality assuring and supporting the safeguarding practice of our affiliates RCI and RCA
- Ensuring that our implementing partners have their own robust safeguarding policies and processes in place
- Reviewing our safeguarding policy, procedures and code of conduct every three years or sooner if it is required due to legal changes or any learning from safeguarding incidents.

## 1.6 Terminology

For the purposes of this policy and procedures, the following terms and definitions apply:

**Abuse:** a form of maltreatment of a child or adult. Somebody may abuse or neglect a child or adult by inflicting harm, or by failing to act to prevent harm. Children or adults may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. They may be abused by an adult or adults, or another child or children.

**Child:** Legally, a child includes babies, children and young people from pre-birth up to 18 years. The fact that a young person has reached the age of 16, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody does not change his/her entitlement to protection.

**Adult at risk:** Safeguarding duties apply to an adult (aged 18 years and up) who has needs for care and support (whether or not the local authority is meeting any of those needs); is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. An adult at risk may:

- have an illness affecting their mental or physical health
- have a learning disability
- suffer from drug or alcohol problems
- be frail

Note: Some organisations still use the term “vulnerable adult” however for the purpose of our work we will use the terminology ‘adult at risk’ as this focuses our attention on the risks that people face rather than any inherent vulnerability and is consistent with terminology in the Care Act 2014.

**Safeguarding and promoting the welfare of children:** This means protecting children from maltreatment; preventing harm to children’s physical and mental health or development; ensuring children grow up with the provision of safe and effective care; and taking action to enable children to have the best outcomes.

**Child or adult protection:** This is part of safeguarding and promoting welfare. It refers to the activity that is undertaken to protect specific children or adults who are suffering, or at risk of suffering, significant harm. Different types of abuse (e.g. physical, emotional, sexual or neglect) may constitute significant harm. More details about abuse are presented in appendices.

**Significant harm:** is the threshold that justifies compulsory intervention in the family in the best interests of the child. Section 31 of the Children Act 1989 states ‘where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.’

**Harm** is ill treatment or impairment of health and development, including impairment suffered from seeing or hearing the ill treatment of another.

**Contextual safeguarding:** Children and young people may be vulnerable to abuse or exploitation from outside their families such as at school, from their peer group, or from within their wider

community or online. These threats can take different forms such as exploitation by criminal gangs, trafficking, online abuse and radicalisation. Assessments of children in such cases should consider whether wider environmental factors are present in a child's life and are a threat to their safety and/or welfare. Interventions should focus on addressing these wider environmental factors.

**Early identification and help:** Statutory guidance<sup>1</sup> stresses the importance of children and adults having the opportunity of early help and support in order to avoid child or adult protection intervention later. Early identification and help or intervention may consist of one or more professionals supporting a child, adult or family once an assessment of needs has been made.

## 1.7 Relevant Railway Children policies and procedures

Safeguarding and promoting the welfare of children and adults at risk is a broad concept. Railway Children policies and procedures which contribute to safeguarding should also be followed by those to whom they apply or when relevant:

Policy	Version dated
Whistleblowing policy and procedures	Employee handbook (Dec 2018)
Health and safety policy	October 2019
Safer recruitment and vetting	Nov 2018
Disciplinary/capability policy	Employee handbook (July 2020)
Record keeping and records management policy	Aug 2017
Lone working policy	Aug 2017 (currently only for UK)
Safeguarding training strategy	ongoing
Information sharing	Aug 2017
Transport/vehicle safety policy	Aug 2017
Confidentiality	Aug 2017
Social media policy	Aug 2017
Coronavirus staff guidance for working externally	Jul 2020
Railway Children safeguarding standards	Jan 2019
Harassment and bullying	Dec 2018

## 1.8 Law and guidance

It is Railway Children's policy to ensure compliance with any country in its operational scope, including local child welfare and protection legislation, or international standards, whichever affords greater protection. Therefore, RCA and RCI have their own safeguarding procedures to allow for local laws and processes.

Railway Children's safeguarding policy and procedures is underpinned by English legislation and statutory guidance which includes:

UN Convention on the Rights of the Child 1991  
 Protection of Children Act 1978  
 Data Protection Act 2018 and the GDPR 2018  
 Children Act 1989 and 2004  
 Care Act 2014  
 Mental Capacity Act 2005  
 Sexual Offences Act 2003  
 Protection of Freedoms Act 2012  
 HM Government (2018) *Working Together to Safeguard Children*  
 Counter Terrorism and Security Act 2015  
 Female Genital Mutilation Act 2003

<sup>1</sup> HM Government (2018) *Working Together to Safeguard Children*

Charity Commission regulations  
Serious Crime Act 2015  
Voyeurism Act 2019  
Equality Act 2010

## **2. Safeguarding governance arrangements [ALL]**

### **2.1 Roles and responsibilities**

Whilst all Railway Children staff, volunteers and consultants have a responsibility to identify and share safeguarding concerns, some staff hold additional responsibilities for safeguarding:

#### **2.1.1 Group Board of Trustees**

- Ensure safeguarding policies and procedures are in place, up to date and fit for purpose, including relevant HR safeguarding matters
- Ensure that there is ongoing monitoring and review to ensure that safeguards are being implemented in practice and that controls in place are effective
- Actively promote a culture and environment whereby all staff, volunteers, consultants and visitors are enabled to raise concerns and understand their safeguarding responsibilities
- Nominate a Safeguarding Lead on the Board whose role is one of scrutiny, keeping up to date with the Charity Commission for England and Wales requirements for safeguarding and to support the Senior Management Team (SMT) in assessing and managing safeguarding risks.
- Identify a nominated SMT Director to hold a strategic safeguarding brief (to be referred to as the Head of Safeguarding).
- Ensure that serious incidents are reported to the Charity Commission for England and Wales and the Foreign, Commonwealth and Development Office (FCDO) as per regulations and that safeguarding allegations or incidents are reported to other agencies in accordance with law and best practice
- Ensure that there are clear lines of responsibility and accountability for safeguarding, when working with and/or funding other organisations or partners to deliver services

#### **2.1.2 Senior Management Team (SMT)**

Executive staff are accountable for the implementation of the safeguarding policies and procedures ensuring:

- The provision of appropriate supervision and support for staff and volunteers, including safeguarding training, a mandatory induction, and regular reviews of their practice with line managers;
- Developing a culture and environment whereby staff and volunteers, are enabled to raise concerns and feel supported in their safeguarding role
- Alert the CEO or Safeguarding Lead on the Board of any risk or deficits in organisational safeguarding arrangements or practices
- Individually consider the safeguarding implications of all existing and proposed new projects or developments in their regions in conjunction with the Head of Safeguarding
- Ensure that safe recruitment practices and ongoing safe working practices, including when to obtain a criminal record check and other vetting checks, are in place and in operation for appointment of staff and volunteers engaged in regulated activity
- Assist in the management of safeguarding allegations against staff, volunteers, consultants or visitors.

#### **2.1.3 Head of Safeguarding (SD)**

- Provide support and direction to the Country Safeguarding Leads in Africa and India
- Act as the CSL for the UK

- Identify and be accountable for a robust system to quality assure and monitor compliance with safeguarding requirements in partner organisations
- Alert the SMT and the Group Board of Trustees of safeguarding issues that need to be addressed corporately
- Ensure that staff and volunteers are inducted, trained and supported relevant to their role and responsibility for safeguarding
- Develop a safeguarding action plan and report against it on an annual basis
- Ensure the safeguarding policy and procedures are reviewed and updated
- Monitor compliance with a safeguarding training strategy
- Ensure communication of lessons learned throughout the Railway Children and implementing partners, with the ultimate objective of preventing reoccurrence of any safeguarding incidents
- Conduct an audit of any proposed project with the relevant manager to check that all safeguarding risks have been considered and mitigated for appropriately
- Ensure that safeguarding is integrated into contractual arrangements with programme providers
- Alert the DBS in cases where a person is dismissed or left Railway Children due to the harm or risk of harm they present to children or young adults.
- Liaise with the regulator and/or funder as required eg Charity Commission and FCDO
- Review safeguarding cases on a regular basis with the CSLs
- Maintain the overview log of all safeguarding concerns or allegations across Railway Children and its affiliates.

#### **2.1.4 Country Safeguarding Lead (CSL)**

These roles will be appointed by the Country Directors. The CSLs will:

- Lead on the implementation of Railway Children's safeguarding policy and related procedures, with the support of SPD and SMT
- Determine what response is necessary to address a safeguarding concern about a child/young person
- Refer cases of suspected abuse or allegations to children's or adult social care and/or police or the equivalent authorities in each country
- Ensure accurate written records of referrals/concerns are made, stored securely and shared appropriately
- Ensure that an individual case record, including the outcome, is maintained of any response and action taken by Railway Children
- Provide information and advice on safeguarding to staff and volunteers
- Keep abreast of developments within the safeguarding arena and be familiar with local and national safeguarding procedures and guidance
- Liaise with the Head of Safeguarding and HR Director, as per our reporting procedures,
- Ensure that partners are compliant with their own safeguarding policy and procedures
- Support partners in their safeguarding activity

#### **2.1.5 Programme committee**

- Chair of Programme committee to support the Head of Safeguarding with regards to reporting compliance and gathering learning
- Programme committee to scrutinise and feedback on reports provided by the Head of Safeguarding
- Members to ensure safeguarding and issues shared with all the board members on a quarterly basis

#### **2.1.6 Fundraising and Marketing Director**

- Ensure that safeguarding is considered and addressed in all marketing and communications



- Ensure that when children and young adults are involved in any aspect of marketing, that the need to safeguard them is considered at the outset and any risks mitigated for
- Ensure staff and volunteers understand and adhere to the procedure regarding the use of images and film and their retention, storage and destruction
- Ensure that online safeguarding is considered in all online interactions with children and young people
- Ensure any external event organiser is aware of, and agrees to, comply with Railway Children's safeguarding policy and procedure

#### **2.1.7 Finance and Systems Director**

- Ensure that IT systems remain robust and secure
- Ensure that Railway Children are Data Protection compliant in respect of all data concerning our beneficiaries.

#### **2.1.8 HR Director**

- Ensure the staff handbook and HR policy reflects the principles of safeguarding children and adults at risk including safer recruitment and vetting policies.
- Ensure all staff have agreed to adhere to staff safeguarding policies including the Safeguarding Code of Conduct, Harassment and Bullying, and Whistleblowing Policies.

#### **2.1.9 Programme Director**

- Work alongside the Head of Safeguarding to ensure that our safeguarding standards are considered and integrated within new and existing programmes of work.

### **3. Safeguarding Code of Conduct [ALL]**

#### **3.1 Purpose**

**3.1.1** This safeguarding code of conduct outlines the conduct expected of all Railway Children staff, volunteers (including trustees and board directors), consultants and visitors. The code will serve to protect children and young adults from harm. It will help everyone to maintain appropriate standards of behaviour and reduce the possibility of allegations of abuse being made against them.

**3.1.2** Staff, volunteers, consultants and visitors may be regarded as role models by children and young adults and therefore must behave in an appropriate manner at all times by upholding the safeguarding code of conduct. They should also be mindful that their behaviour should reflect the spirit of the code of conduct in their personal life too. Staff, volunteers, consultants and visitors should not behave in a way that would undermine the reputation of the Railway Children be it in a professional or personal capacity.

#### **3.2 The Safeguarding Code of Conduct**

The code of conduct applies to all those who are in receipt of our services or activities. For ease the term 'children and young people' are used throughout but this includes those adults that we work with up to the age of 25 years.

##### **3.2.1 You must:**

- Treat all children and young people equally, respectfully, with warmth and empathy, and listen to their wishes and feelings
- Behave in a calm, positive, supportive and encouraging way with children
- Value and take the contributions of children and young people seriously, actively involving them in planning activities wherever possible

- Ensure you report on any suspicions, concerns, allegations or disclosures made by another person, including any made against you. This includes any suspicions about 'grooming' behaviour (on and offline) where an adult is deliberately befriending a child with the intention of grooming them for criminal or sexually exploitation. You must report such concerns and allegations via the safeguarding procedures
- Ensure that the focus of your relationship with a child or young person (including their family in some cases) that you have met through Railway Children remains professional. The aim should never be to develop the relationship into a friendship or intimate relationship.
- Endeavour to plan activities that involve more than one other person being present, or at least within sight of others. Where this is not practically possible or it is necessary to plan activities where staff will be alone, ensure that the lone working policy is applied in the planning process
- Ensure that if you are required to spend time alone with a child/ren or young person in the execution of your duties, or if as a member of staff or volunteer a child specifically asks for or needs one to one time with you, that other staff know where you and the child/ren will be and the purpose of this meeting.
- Respect a child's or young person's right to personal privacy but never agree to keep any information relating to the harm of a child confidential.
- Follow the recommended adult-to-child ratios for activities
- Risk assess any new activities for children or young people including online service delivery.
- Ensure that dangerous or otherwise unacceptable behaviour, including bullying or initiation ceremonies by children or young people are challenged and addressed.
- Be aware that children or young people can develop infatuations (crushes) towards adults working with them. If this is happening, you should tell your line manager and then respond to the situation in a way that maintains the dignity of all concerned.
- Ensure that if a child or young person needs physical comfort that this is done in a way that is both age appropriate and respectful of their personal space. Never act in a way which may be perceived as threatening or intrusive. Always check out with a child before you act to make sure they are comfortable with you touching them. Physical contact should not be done in a hidden or secretive way that could be misconstrued by the child or anyone else observing it. Physical contact should be limited to a hug or touch of the arm/hand.
- Ensure that if any kind of physical support is required during any activities, it is provided only when necessary in relation to the activity and that you are doing this in a way that other colleagues can observe you.

### 3.2.2 You must not:

- Conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with them regardless of the age of consent locally for those working overseas. This would constitute a breach of a position of trust and is never acceptable even if the young person is aged 16 years or above and can legally consent to a sexual relationship in the UK.
- Swear or make sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to or in front of children or young people
- Engage in or allow any sexually provocative games involving or observed by children or young people, whether based on talking or touching.
- Show favouritism or gossip about children or young people
- Rely on your reputation, position or the organisation to protect you
- Work or visit a project/programme under the influence of alcohol or drugs
- Smoke or vape in front of children or young people
- Discuss your own personal/ sexual relationships in front of children or young people
- Give or receive gifts and/or substances such as drugs, alcohol, cigarettes, e-cigarettes from or to a child or their family.
- Use any type of physical punishment to discipline. Shouting at children or young people should be avoided whenever possible and only if alternative forms of discipline have failed.

- Do things of a personal nature that the child or young person can do for themselves
- Travel alone with a child or young person in a car unless it has been risk assessed and is in line with the lone working and transport policies
- Steal, or condone someone else's stealing, regardless of the value the stolen item.
- Photograph or film children or young people for which no prior consent has been sought.
- Broadcast or show any audio and/or visual material (CDs, DVDs, videos, photos, films, computer or games etc.) that has inappropriate content for children or young people
- Invite, or allow, a child or young person whom you have met through your work to your home (see safeguarding procedures for action to take in a crisis when a child needs a place of safety)
- Arrange to meet a child or young person outside of your work context where the purpose is one of friendship or an intimate relationship.
- Stay alone overnight with children or young people benefiting from Railway Children programmes unless specifically recruited and vetted to provide supervision for children in our care overnight
- Share a bedroom or a bed with a child or young person with whom you are caring for, working with or visiting.

### **3.3 Communication with children and young people**

The following sections of the code of conduct are about expected behaviour when communicating with children via phones, mobile devices, email, texts, social media and apps:

#### **3.3.1 Phone contact**

- Children or young people should only be called in relation to Railway Children related activities;
- Staff/volunteers should only use Railway Children landlines or work mobile phones to communicate with children or young people
- Line managers can request access to staff member's work phones at any time without delay.

#### **3.3.2 Online child safety**

There is a wide range of ways to communicate with children and young people and this is a rapidly changing environment as new technologies, applications and social media sites emerge. However, there are broad principles that we expect all staff and volunteers to adhere to in order to safeguard children and themselves in respect of using all these forms of communication, media, mobile devices, apps and social networking sites:

##### **You must:**

- When communicating with children or young people online observe the same rules of behaviour as if speaking with them in person that is by being professional - polite, respectful, not swearing or saying anything (using the written word, images or icons) that could be regarded as sexual innuendo, bullying or discrimination
- Ask yourself whether the content of the message could be misunderstood or misinterpreted by someone else
- Always ensure the content of any online communication has a clear work purpose
- Only contact children or young people online for Railway Children work purposes

##### **You must not:**

- Use any text speak abbreviations or symbols/emoticons even if you ordinarily use these in your personal life.
- Disclose non-public and confidential information about Railway Children, its staff/volunteers or the children or young people with whom we are working.
- Upload or post any defamatory, obscene, abusive or harmful content and use the safeguarding procedures if you observe another member of staff or volunteer doing this
- Engage in the exchange of self-generated sexual images or messages known as 'sexting' with a young person.

- Use Railway Children IT equipment (including computers, laptops, mobile phones, notebooks, etc.) to view, download, create or share (with colleagues or children) illegal content including abusive images of children.
- Share personal contact details with children or young people. This includes mobile phone numbers, home address, social networking accounts, personal website/blog URLs, online image storage sites, passwords etc.;
- Ask to become an online friend/contact of a child or young person or add/allow a child or young person to join your contacts/friends list on personal social networking sites;
- Use your own digital camera/video for work – this includes integral cameras on mobile phones unless this is part of Railway Children official business and has been agreed and documented by a line manager;
- Share work photographs or films on personal social media sites such as Facebook or Twitter;
- Use any device to ‘upskirt’ a young person
- Seek to befriend a child, young person or their family online whom you have met through work for the purpose of developing a personal and/or sexual relationship;
- Use a personal mobile phone to communicate with a child or young person

### 3.3.3 Openness and scrutiny

- Always communicate with children or young people in a way that is open to others to see if necessary.
- Do not use personal messaging facilities on personal social networks or apps rather if it needs to be private then do this by email exchange or phone and note the conversation afterwards.
- Ensure there is always a record of such conversations that would be open to others to check if necessary.
- It should always be clear who the communication is from when Railway Children staff and volunteers are communicating with a child or young person.
- There should be no use of anonymous apps – that is where the sender can remain anonymous.
- Only use social media and apps where there is a permanent record of what’s been said and sent thereby being open to scrutiny e.g. the use of Snapchat is inappropriate.

### 3.3.4 Text messaging and other messaging services

The use of text messaging to communicate with individual children or young people may increase the vulnerability of both the child or young person and (typically) the member of staff or volunteer. However, there may be circumstances in which it is justified, subject to appropriate safeguarding considerations. In these circumstances, the following guidelines will apply:

- The decision to use social media platforms such as Facebook should not be made by any staff in isolation and should be discussed and agreed with the relevant line manager. Where social media platforms are used they must belong to Railway Children rather than being personal ones
- Only those staff approved to send bulk or individual messages are permitted to do so;
- Staff and volunteers should only send individual text messages to a child or young person regarding a specific question or immediate request; staff should not engage in general conversation with children or young people via text message
- All messages should be stored and backed up regularly on the computer - phone messages should not be edited or deleted;
- Children’s mobile phone numbers should be kept secure via passcode locks on phones and computers. The mobile phone numbers should not be shared with anyone else and should only be used for the purposes of the specific programme;
- The content should relate solely to Railway Children activity only and must be open to scrutiny and therefore not encrypted.

### 3.3.5 Upholding the Safeguarding Code of Conduct



Staff who breach this Code of Conduct may be subject to Railway Children's disciplinary procedures. Any breach involving volunteers or others may result in them being asked to leave Railway Children.

Serious breaches will result in a referral being made to a statutory authority i.e. the police or children's or adult social care (UK) whilst overseas offices will make an equivalent referral to a duty bearing office.

Staff, volunteers, consultants and visitors should report any breaches of the safeguarding code of conduct to a manager, CSL or the Head of Safeguarding within one working day. In the case of concerns about a senior manager or trustee:

- Concerns about directors - report to the CEO
- Concerns about the CEO - report to Chair of the Board
- Concerns re board member - report to Chair of the Board
- Chair of the Board - report to the CEO

The CSL or Head of Safeguarding in conjunction with the relevant managers will determine what action to take which might include initiating the allegations management procedure and/or disciplinary procedure or performance management.

## 4. Definitions and indicators of abuse and neglect [ALL]

**4.1** There are several different types of abuse although more than one type of abuse may be occurring simultaneously or sequentially. Appendices 1-6 contain the following information to supplement these procedures:

- statutory definitions - Appendix 1
- indicators of types of child and adult abuse - Appendices 2 and 3
- grooming behaviour – Appendix 4
- additional guidance on children and young people abused in specific circumstances- Appendix 5
- details about the barriers to telling and listening - Appendix 6

### **4.2 Non-recent historic allegations of abuse.**

Any disclosure or concerns that relate to abuse that happened more than a year ago, whether involving anyone working at the Railway Children or outside of it, must be taken seriously and acted upon in line with the procedures outlined in Section 5 and 7. Often survivors of abuse take years to come forward due to shame and a fear of being disbelieved however, the alleged perpetrator may remain a risk to others and therefore all non-recent historic allegations have to be examined. Railway Children will work in partnership with local authorities and/or the police in such cases.

### **4.3 Additional vulnerabilities including safeguarding disabled children or young people**

Some groups are particularly vulnerable to abuse either due to impairment and/or life experiences. For example, research shows that disabled children are more likely to be a target for abuse. Equally care experienced children and young people or those that have already experienced harm may be more vulnerable. For further details about abuse in specific circumstances see Appendix 6.

See **Appendix 5** Additional guidance on children and young people abused in specific circumstances.

## 5. Procedures – what to do if you have concerns about child or adult abuse [UK]

### **Principles of the Procedures**

**5.1** The '6Rs' underpin Railway Children reporting procedures, they are:

- **Recognise** concerns that a child or adult is being harmed or might be at risk of harm;
- **Respond appropriately** to a child or adult who is telling you what is happening to them;
- **Refer** any concerns to the CSL or in an emergency straight on to children's or adult social care<sup>2</sup> or the police;
- **Record** the concerns appropriately and any subsequent action taken; ensure there is no delay in passing on concerns. Timescales are in place to ensure that matters are resolved in a timely way but these are the *maximum allowed* and nothing should prevent a speedier response if needed.
- **Review** open safeguarding cases and close when we have fully discharged our responsibilities.
- **Resolution** and escalation – Railway Children have a responsibility to ensure that it follows up referrals made and take further action if it considers appropriate protective action has not been taken by the authorities.

**5.2** A concern about the safety of a child or adult might arise because of:

- A child or adult says that s/he is being abused or telling you about an experience or event that has happened to them that you think would be harmful (this is sometimes referred to as a 'disclosure' – not to be confused with a criminal records disclosure done by the Disclosure and Barring Service)
- Signs or indicators of abuse or neglect
- Somebody says either face to face or by any other means of communication, that a child or adult is being harmed or is at risk of harm
- The behaviour of an adult towards a child gives cause for concern or vice versa
- A child or adult tells about an experience of abuse in their past - this may be referred to as 'historical or non-recent abuse'.

**5.3** British Transport Police are responsible for the identification and management of any safeguarding concerns prior to them making a referral to the Railway Children for support work. When they make a referral to Railway Children we will need to be informed if any safeguarding referral has been made to the local authority and the outcome of it if known.

**5.4 Responding to a child or adult protection emergency.**

In an emergency where a child or young person has been seriously hurt or is in imminent danger of being harmed staff/volunteers/consultants must:

- Ring 999 and ask for the emergency service required - police and/or ambulance;
- Inform the CSL<sup>3</sup> immediately after taking this action;
- Complete the Safeguarding incident report form – see **Appendix 7**
- Seek support from the CSL or Head of Safeguarding if required.

**5.5 Responding to a child or adult protection concern non-emergency.**

If you identify a safeguarding concern which is not immediately life-threatening or risk of serious harm, you must:

- Consult immediately with the CSL (or the Head of Safeguarding if the CSL is unavailable).
- Make a careful record of what was said and done using the safeguarding incident report form (**Appendix 7**) and pass this on to the CSL within 24 hours.

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<sup>2</sup> In Wales, Northern Ireland and Scotland different terminology is used to describe these bodies.

<sup>3</sup> There is currently no Country safeguarding lead in the UK. Therefore, notify the Head of Safeguarding instead. In RCI and RCA there are CSLs.

- The CSL will determine what action is needed (i.e. no action, monitoring the situation or a referral out to child or adult social care or the police). Whatever decision is taken s/he must record it on the safeguarding incident report form (Appendix 7 and 8) with a rationale even if no further action is to be taken.
- A decision to take no further action, monitor or defer a decision is as serious as a decision to make a referral.
- The CSL must consider if consent is required to share the concern with the statutory agencies (see para 5.10 -5.15 for further detail) from either the adult at risk or the parents/carers of the child.
- The CSL may consult with the Head of Safeguarding or one of the statutory services or the NSPCC Helpline if s/he is unsure how to proceed with the concern or any aspects of information sharing.
- Any referrals to statutory services must be made by the CSL unless it is an emergency or the CSL considers it better for the staff member to make the referral and report back.
- Any referrals to statutory services must be followed up in writing within 48 hours and feedback received/sought within 3 working days of having made the referral to check what action is being taken. It is the responsibility of the CSL to do this.
- Each local authority has a process for receiving referrals and so Railway Children must use the relevant process in their area. Staff (normally the CSL) must complete the local authority's referral form when making a formal referral about child or adult protection.  
See **Appendix 14a** for flow chart of the process

## 5.6 Escalation

If, after reporting on a concern, it is evident that the local authority has not taken appropriate next steps in relation to the safeguarding concern, then the CSL must discuss this with the Head of Safeguarding and determine if the matter needs escalating with the local authority. The local children safeguarding partnership or safeguarding adult protection board will have specific procedures to be followed in such instances where escalation is warranted. A record of any decisions and outcomes must be kept by the CSL or Head of Safeguarding.

## 5.7 Responding to a direct disclosure of abuse.

Sometimes a child or adult will make a direct disclosure about their experience of abuse; the following guidelines should be followed when responding to this situation:

Do:

- Be accessible and receptive.
- Listen carefully. Reflect back what you have heard to check understanding.
- Take it seriously.
- Reassure him/her that he/she was right to tell.
- Explain what will happen next.

Do not:

- React strongly – for instance saying, 'that's terrible'.
- Jump to conclusions especially about the abuser.
- Tell him/her you will keep this a secret.
- Ask leading questions.
- Make promises you cannot keep.
- Stop him/her from speaking freely.
- Tell him/her to stop talking so that you can fetch the CSL.

## 5.8 If a child or young person indicates either through what is said or their behaviour that they have worries but are unwilling to discuss it with a member of staff or volunteer then give them the contact details for Childline where they can talk in confidence. Record the action taken on the safeguarding incident report form and pass it on to the CSL within 24 hours.

- 5.9** It is important that staff/ volunteers/consultants recognise that the cultural norms of some people are incompatible with UK laws and values. Such behaviour, which is not exhaustive, might include attitudes toward: female genital mutilation, spiritual beliefs/possession, private fostering, forced marriage and “honour-based” violence. Railway Children staff /volunteers/consultants must guard against deciding not to report such issues in the belief that they are protecting the person’s cultural or religious beliefs or through fear that their action might be interpreted as being prejudiced.
- 5.10** The Head of Safeguarding and CSLs are responsible for regularly reviewing open safeguarding cases and agreeing when they will be closed. See Appendix 11 for information about the review processes.
- 5.11 Information Sharing and Confidentiality**  
Information sharing can be a complex area within the safeguarding arena. The following guidelines should be adhered to:
- Ideally information should be shared where there is consent for so doing.
  - Data Protection law and regulations are not a barrier to sharing information about safeguarding.
  - Be open and honest about what you will do with the information.
  - Seek advice from appropriate professionals.
  - Share with consent but don’t let ‘no consent’ prevent sharing<sup>4</sup>.
  - Always consider the safety of the child or adult at risk (for instance would telling a child’s parents put that child at further risk)?
  - Ensure what is shared is it necessary, proportionate, relevant, accurate, timely and secure.
  - Don’t assume that someone else will pass on information that they think may be critical to keeping a child or adult at risk safe.
  - Keep a record of what information has been shared and the reason for seeking consent or not using the safeguarding incident report form (**Appendix 7**) or safeguarding recording log (**Appendix 8**)
  - CSL or SPD is to maintain the safeguarding recording log. The log is confidential to the CSL and SPD and others that they identify but this should be on a genuine ‘need to know’ basis.
- 5.12** All staff and volunteers must be aware that they have a professional duty to share information with other agencies to safeguard children and young people. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. Information will be shared on a need to know basis only, as judged by the CSL and Head of Safeguarding. All staff/volunteers/ contractors must be aware that they cannot promise any child or young person that they will keep information confidential when it concerns safeguarding.
- 5.13** In the case of child protection, it is best practice to get consent to share information if possible and if it will not increase the risk of harm to the child. In most instances parents/carers and the child depending on his/her age should be informed that you are making a safeguarding referral to children’s social care unless to do so might put a child or adult or in further danger, or where you suspect the parents/carers may be directly harming the child or where it might put yourself in danger. If anyone is unsure about this, they should speak to the CSL or have a conversation with children’s social care to seek further advice.

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<sup>4</sup> Where information is to be shared without consent then CSL or Head of Safeguarding are to be consulted and decisions recorded. The overriding principle is that nothing should stand in the way of sharing information that would help protect children and vulnerable adults who would otherwise be at risk. Information sharing should follow the principles of, necessity, proportionate, relevant, adequate, accurate, timeliness and securely. Railway Children will always comply with any request from a Local Safeguarding Children Partnership to share information as required by law under Section 14B of the Children Act 2004 where it concerns a serious case review.



- 5.14** In the case of adult protection (someone aged 18 upwards) it is normally necessary to gain consent from the adult to share information. There are exceptions to this in certain circumstances. For example:
- Where you have concerns that the adult lacks the mental capacity to make a decision, and a risk assessment indicates that referral would be in their best interests.
  - Where seeking consent could potentially put the individual concerned, other individuals, including staff at risk.
  - Where a crime has been committed.
- 5.15** Mental capacity is a legal concept. It is the ability at that point in time to understand, retain and use the information required to make an informed decision on a specific issue and understand the consequences. It is also necessary to be able to communicate this decision. Adults are presumed to have mental capacity until it has been assessed that they do not.
- 5.16** The Mental Capacity Act 2005 sets out how to assess for capacity and make a best interests decision. This is a specialist task to be done by an adult social care worker. The main principles of the Act are:
- A person must be assumed to have capacity unless it is established that they lack it.
  - A person is not to be treated as unable to make a decision unless all practicable steps to help him/her have been taken without success.
  - A person is not to be treated as unable to make a decision merely because it is an unwise decision.
  - Anything done for, or on behalf of, a person who lacks mental capacity must be in their 'best interests' and the 'least restrictive' of their rights and freedoms.
- 5.17 The need for support services**  
Where the CSL judges that a child or young person needs support services (referred to as 'early help' in respect of children such as additional support in education or help because of physical or mental health) rather than a need for protection, then they can make a referral to the local authority or another appropriate organisation. However, this requires the consent of the parents/carers of the child or the young person before so doing. A record should be made of any such referrals and the outcome on the Safeguarding concerns form (**Appendix 7**).

## **6. Safeguarding in the Online Environment [UK]**

- 6.1** There is concern about capturing, making and sharing abusive images of children online. Such images are permanent records of children being sexually exploited.
- 6.2** What to do if a member of staff/consultant/volunteer is inadvertently exposed to child sexual abuse images whilst using the internet:
- The URLs (webpage addresses) which contain the suspect images should be reported to the Internet Watch Foundation via [www.iwf.org.uk](http://www.iwf.org.uk) –staff /volunteers/consultants should refer to the CSL<sup>5</sup> who will carry out the report. This is to avoid duplication – a key principle is that Railway Children must avoid sending copies of the images to the Internet Watch Foundation.
  - Any copies that exist of the image, for example in emails, should be deleted.
- 6.3** What to do if abusive images of children are found on Railway Children devices:

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<sup>5</sup> Note that there is no CSL in the UK currently. Therefore, refer to the Head of Safeguarding

The CSL in conjunction with the Head of Safeguarding are authorised to deal with this issue.

The following actions will be carried out:

- Staff/ volunteers/consultants must report what they have found to the CSL within 24 hours.
- The URLs (webpage addresses) which contain the suspect images should be reported on to the Internet Watch Foundation via [www.iwf.org.uk](http://www.iwf.org.uk) by the CSL. Staff must not send copies of the images to the Internet Watch Foundation.
- The police should be informed and the safeguarding incident report form (Appendix 7) completed.
- If any copies of images need to be stored at the request of the police, then they should be stored securely where no one else has access to them.
- All other copies must be deleted.

**6.4** What to do if a member of staff/volunteer/consultant is found in possession of child sexual abuse images on any electronic device provided by Railway Children:

- The CSL in conjunction with the Safeguarding Director are responsible for dealing with such matters.
- Contact the police regarding the images. If there is a doubt about whether the images are criminal, then a discussion will take place with the police regarding the best way for them to receive copies to determine whether they are criminal or not.
- Discuss with the police what to do about the device that the images are on.
- Quarantine the device in question and discuss with the police about checking for any other images on that device or any others.
- Follow the management of allegations (Section 7) procedures If a child or young person discloses that they are being groomed/abused by someone online.
- Follow the procedures as outlined in Section 5 of these procedures. The CSL should contact the police. Advice and a report can also be made to CEOP which is a specialist police command dealing with inappropriate online behavior (see Appendix 9 for the contact details).
- If the adult committing grooming is a staff member/ volunteer/consultant then follow the safeguarding allegations procedures too (Section 7).

## **7. Procedures – safeguarding allegations against staff, volunteers or consultants [UK]**

### **7.1 The aims of these procedures are to ensure that:**

- children and young people are protected and supported following an allegation that they may have been abused by an adult working for or on behalf of the Railway Children;
- there is a fair, consistent and robust response to any safeguarding allegation made including those that are historical
- an appropriate level of investigation into concerns or allegations, whether they are said to have taken place recently, at any time the person in question has been employed by/volunteered with the Railway Children, or prior to the person's involvement with the Railway Children
- Railway Children continues to fulfil its responsibilities towards members of staff/volunteers/consultants who may be subject to such investigations.

### **7.2 Definition of a safeguarding allegation**

### **7.2.1** This is where a person is alleged to have:

- behaved in a way that has harmed a child, or may have harmed a child; or
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates that they would pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

### **7.2.2** The allegation may:

- involve a child/ren, or adult(s) or both
- not directly have a 'known child' victim as such. For example, if a staff member is accessing abusive images of children or young people online or using the internet to groom children with the intent to harm in future;
- be about any type of abuse;
- concern a serious breach of the Railway Children's safeguarding code of conduct;
- relate to a staff member or volunteer who has left Railway Children (known as a 'historical non-recent allegation')
- concern a child of a staff member/volunteer/consultant

### **7.2.3** A safeguarding allegation may arise when:

- a child or parent/carer makes a direct allegation against a staff member/ volunteer/consultant
- an employee/volunteer/consultant observes behaviour that is cause for concern
- Railway Children receives a safeguarding allegation from a person, including a member of the public or professional
- during another internal procedure, for example a disciplinary or complaint
- Railway Children is informed by the police or local authority or another organisation that an individual is the subject of a child or adult protection and/or criminal investigation
- information emerging from the renewal of a DBS check that a staff member or volunteer may have committed an offence or been involved in an activity that could compromise the safety of a child or young person
- a staff member/ volunteer/consultant informs Railway Children that they have been the subject of allegations, have actually harmed a child or young person, or committed an offence against or related to a child or young person

### **7.2.4** The managing safeguarding allegations procedure must be followed consistently in all instances, regardless of how the safeguarding allegation arises or from whom, or whether it is shared with the Railway Children by email, face-to-face contact, social networking, telephone or letter.

### **7.2.5** If a member of staff /volunteer/consultant is concerned about the behaviour of another staff member/volunteer/consultant then they should not worry about the confidentiality of this information. If you are mistaken it is better to discuss it and enable a proper investigation and assessment to happen than not report it at all. Do not:

- Ignore concerns
- Confront the person
- Discuss the matter with other members of staff/volunteers/consultants outside of those identified in this procedure

## **7.3** What to do if a safeguarding allegation is made

**7.3.1** The person who has or receives a safeguarding allegation must make a note of the basic details of the allegation using the safeguarding incident report form (**Appendix 7**), to include:

- name of the individual who the allegation is about and any other identifying information, including location
- name of any child/adult involved
- date and time of the allegation arising
- name and contact details of the person making the allegation
- key information about the nature of the safeguarding allegation

**7.3.2** The person should inform the CSL. This should be done within this same working day of the allegation coming to light. If the concern is about the CSL then inform the Head of Safeguarding

**7.3.3** If it is considered that a child or young person is subject to life threatening concerns or risk of immediate harm, or needs emergency medical attention, then the emergency services must be contacted straightaway and the parents/carers of the child/adult told that immediate steps are being taken to get help.

**7.3.4** If the CSL considers that the allegation is a safeguarding one requiring action then they will alert the Head of Safeguarding within 24 hours. If the Head of Safeguarding is on leave or not available then contact the CEO or any other member of the senior management team.

#### **7.4 Initial considerations about managing a safeguarding allegation**

**7.4.1** There may be up to four strands in the consideration of any safeguarding allegation:

- Enquiries and assessment by social care about whether a child or young person needs protection and/or services.
- A police investigation if a criminal offence may have been committed.
- Consideration by Railway Children of disciplinary action in respect of the individual.
- Referral for 'consideration to bar' a person from working with children or adults (i.e. referral to the Disclosure and Barring Service) and/or referral to a professional registration body for professional misconduct.

**7.4.2** The Head of Safeguarding will oversee the management allegations process and hold accountability for them.

**7.4.3** The CSL and Head of Safeguarding are responsible for agreeing an initial plan of how to proceed with managing the allegation. They need to agree that the information before them is a safeguarding allegation. The safeguarding allegation may be in respect of the person's employment, voluntary activity or behaviour towards any other children including their own.

**7.4.4** If, after the initial consideration, the CSL and Head of Safeguarding do not consider the matter constitutes a safeguarding allegation then they must decide if an internal investigation is required to determine if the behaviour/incident was related to poor practice or misconduct. The performance or disciplinary process must then be followed. All decisions and the reasons for them, including there being no need to take safeguarding action, must be recorded and kept on the individual's HR file.

**7.4.5** If confirmed as meeting the threshold for a safeguarding allegation, the CSL and Head of Safeguarding and HR Director must agree an initial plan within one working day and keep the relevant director informed and involved in the decision making. They should consider:



- the immediate safety of any relevant child/ren or adults involved, for example those that are the subject of the safeguarding allegation or other children or adults that the individual has contact with through work or family
- what information to share with the individual who is the subject of the safeguarding allegation and with any other known employer of the individual, and when to do so
- whether any immediate decision must be taken about suspension of the individual subject to allegation, pending further enquiries and/or investigation
- delegation of tasks to the CSL or HR Director
- if any records need to be secured or 'locked down, or any equipment removed from the individual who is the subject of the concern
- reporting to the Charity Commission as per the serious incident reporting process (**Appendix 12**)
- what further information may be required for clarification
- identifying who else is aware of the safeguarding allegation and who has been spoken to
- whether any advice should be sought from the local authority, police or NSPCC helpline
- arrangements to support the person who is the subject of the safeguarding allegation, the person who raised the allegation and the alleged victim

In addition, there may need to be a plan around the management of information including:

- who needs to know and what information can be shared
- how to manage speculation, leaks and gossip
- what, if any, information can reasonably be given to reduce speculation
- how to manage press interest if, and when, it might arise

#### **7.4.6** If a safeguarding allegation is made against:

- the CSL - the SD will manage the allegation process
- the SD - the CEO will manage the allegation
- a Trustee - the CEO will manage the allegation and bring in external support when appropriate
- CEO - the chair and safeguarding trustee will manage the allegation and bring in external support when appropriate

#### **7.4.7** If it is agreed that the safeguarding allegation meets one or more of the criteria (see para 7.2.1), then the CSL or Head of Safeguarding must make a referral within one working day to:

- the Designated Officer<sup>6</sup> in the local authority (where the child lives) if the allegation is about behaviour towards a specific child or adult
- the Designated Officer in the local authority where the staff member/volunteer or consultant lives if the allegation is about behaviour but with no identifiable victim
- local authority adult social care if the allegation is about behaviour toward an adult.

Some safeguarding allegations are clearly so serious that they require immediate referral to the local authority/police. Other allegations that appear to meet the criteria may seem less serious; however, it is important that they are followed up and examined objectively by the external authorities who may hold other relevant information about the individual that is unknown to Railway Children.

#### **7.4.8** If the allegation is considered to meet the criteria for referral, then the safety and welfare of any child or young person is of the utmost importance, and any child or adult protection investigation and/or police investigation must take priority over any internal Railway Children internal procedures.

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<sup>6</sup> This role was formerly known as the LADO however Working Together to Safeguard Children 2018 removed this term. It says the local authority must appoint a designated officer(s) to carry out this role. However, the term LADO has remained in use in a lot of local authorities.

**7.4.9** All decisions and the evidence upon which they are based must be recorded.

**7.5 Action required of the CSL and Head of Safeguarding following initial consideration**

**7.5.1** Where the allegation meets the criteria (see para 7.2.1), the CSL or Head of Safeguarding will make the referral to the appropriate local authority department (see para 7.6.7) to discuss and agree the next steps, including informing parents/carers of the child concerned (if applicable) about the allegation if they are not already aware of it.

**7.5.2** The Designated Officer in the local authority (or equivalent in adult social care) will:

- discuss the allegation and obtain further details of the allegation and the circumstances in which it was made;
- discuss whether there is evidence/information that establishes the allegation is false or unfounded;
- convene a strategy discussion within procedural timelines in order to plan any police investigation and/or protective action in respect of the child or adult if there is cause to suspect a child or adult is suffering or likely to suffer significant harm, and/or a criminal offence may have been committed.

**7.5.3** As an employer, Railway Children should expect to be invited to join this discussion alongside other relevant professionals, including the police and children's or adult social care. The CSL and/or Head of Safeguarding would be the Railway Children representative in this case.

**7.5.4** The member of staff/volunteer/consultant subject to the allegation should be informed as soon as possible that an allegation has been made. However, where a strategy discussion is required with the authorities, or it is clear that the police or children's or adult social care may need to be involved, information about the allegation should not be shared until those agencies have agreed what information can be disclosed to the person who is the subject of the allegation.

**7.5.5** When a strategy discussion takes place, the CSL or Head of Safeguarding should share all relevant information about the allegation, the child/ren/adult and the person who is the subject of the allegation.

**7.5.6** If there is reason to suspect that a criminal offence may have been committed, the police will be involved in making enquiries. Railway Children will cooperate fully with any police or child/adult protection investigation.

**7.5.7** The possible risk of harm to other child/ren or adult(s) at risk must be effectively evaluated and managed in respect of any child/ren involved in the allegations, and any other children or adults at risk in the individual's home, work or community life. In some cases, this will require the Railway Children to suspend the employee who is the subject of the allegation or cease to use the services of a volunteer or consultant on a temporary basis.

**7.5.8** The act of suspension does not indicate a person's guilt. An individual must not be suspended automatically when there has been an allegation or without careful thought. Suspension should be considered in any case where:

- there is cause to suspect a child or adult is at risk of significant harm
- or, the allegation warrants investigation by the police
- or, is so serious that it might be grounds for dismissal

- or, there are concerns that the person may jeopardise or interfere with ongoing investigation if they continue to be present at work

**7.5.9** The power to suspend the accused member of staff or dispense with the services of the volunteer is vested in the employer alone. However, in making these decisions the Head of Safeguarding in consultation with the CSL and HR Director will need to take into consideration the views of the police and the local authority.

**7.5.10** The Head of Safeguarding will be responsible for deciding how and when to feedback to the person who made or received the allegation, and what information to give to others who may know the accused individual concerned.

**7.5.11** The Head of Safeguarding will decide on a case-by-case basis if, and when, it is necessary to advise the programme committee and CEO about the allegation and its management, depending on the seriousness of the allegation, reputational risks, liability and potential media interest.

**See Appendix 14b for flow chart**

## **7.6 Action following the conclusion of the investigative process**

**7.6.1** At the conclusion of any external investigations, the Head of Safeguarding in conjunction with the CSL, HR Director and the Designated Officer in the local authority (or equivalent in adult social care) will formally review the outcome and determine any further action required. The range of options open will depend on the circumstances of the case and will need to consider the result of any police investigation or trial, any investigations in respect of the child or adult's safety, as well as the different standard of proof required in disciplinary and criminal proceedings. Options include:

- reintegration of the staff member or volunteer or consultant
- invoking performance management processes (staff only)
- invoking the disciplinary procedure (staff only)
- invoking a volunteer resolution process (to be developed)
- alerting other known employers of the individual concerned (which is the responsibility of the designated officer in the local authority)
- referral to the Disclosure and Barring Service (DBS) for consideration to bar the person from working with children and/or adults if they were working in regulated activity

**7.6.2** The following definitions should be used when recording the outcome of allegation:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is sufficient evidence to disprove the allegation and that there has been a deliberate act to deceive
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence
- **Unfounded** - there is no evidence or proper basis which supports the allegation being made

**7.6.3** Every effort should be made to reach a conclusion in all cases even if:

- the individual refuses to cooperate, although s/he should be given a full opportunity to answer the allegation and make representations
- it is difficult to reach a conclusion
- the employee has resigned or the volunteer withdraws his/her services
- the person is deceased.

- 7.6.4** Railway Children **never** agrees to the use of a 'settlement agreement' with an employee who has been the subject of a safeguarding allegation. This is where the employee subject to the allegation agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future references. Nor can it be used to override the Railway Children's duty to make a referral to the DBS where they meet the criteria for consideration to bar them from working with children and/or adults.
- 7.6.5** The Head of Safeguarding must determine who needs feedback following the conclusion of any investigations and the nature of that feedback in accordance with the principles of data protection and confidentiality. This might include feedback to the child/adult, his/her parents/carers, and/or the person who raised the concern initially and the line manager of the employee or volunteer.
- 7.6.6** If an allegation is determined to be false or malicious, the Head of Safeguarding with the CSL must consider if any further action is required which includes:
- if the safeguarding allegation was made by a child or young person then there is a need to consider if a referral to children's social care is required to determine if that child or young person needs services, or may have been abused by someone else; and/or
  - if the safeguarding allegation was deliberately invented or malicious by another adult then this should be discussed with the police and advice sought;
  - whether disciplinary action is required;
  - the support needs of the person that was the subject of the safeguarding allegation
  - the support needs of an adult survivor of historical abuse.
- 7.6.7** At the end of the process of managing an allegation and its conclusions, the Head of Safeguarding and programme committee are responsible for the identification of any lessons learned from the operation of this procedure, the actions taken, and the support offered. This learning should feed into policy and procedural revisions and safeguarding training.
- 7.6.8** The Head of Safeguarding must provide in writing feedback to the person who has been subject to the investigation, clarifying the outcome and any implications for their employment/volunteering. This must be provided within five working days of the conclusion of the investigation.

## **7.7 Support**

- 7.7.1** As an employer the Railway Children has a duty of care to its employees and will therefore act to manage and minimise the stress inherent in the allegations process. In managing any allegation there is a need for the Head of Safeguarding to consider the support needs of individuals involved. The support they require depends on the circumstances of the case and will have to be negotiated and agreed on a case-by-case basis. Support may include responding to the impacts of shock, anger or being a suicide risk, for example. It may include support for the:
- person who raised the concern at the outset
  - person who is the subject of the allegation
  - child/parents/carers, if applicable, where harm was alleged against a particular child.
- 7.7.2** The Head of Safeguarding is responsible for ensuring that the employee/volunteer/consultant who is subject of the allegation is:
- informed of the allegation against them (once agreed by the local authority/police), notified of the processes that will follow and signposted to independent support should they require it
  - kept up to date about any progress in relation to their case
  - advised to contact their union or professional association at the outset



- kept up to date about what is happening in the workplace in cases where the employee or volunteer is suspended or Railway Children ceases to use his/her services as a volunteer or consultant. This is to enable their reintegration should they return to work.
- sent correspondence confirming all the above including the arrangements for support.

## **7.8 Referral to the Disclosure and Barring Service (DBS), the Charity Commission and/or any Professional Regulatory Body**

### **7.8.1** Once the outcome of the allegation management process is concluded, the following actions must be considered by the Head of Safeguarding in conjunction with the CSL and the Designated Officer (or equivalent):

- The Head of Safeguarding must make a referral to the DBS where we:
  - provide a regulated activity, and
  - stop someone working with children or adults at risk, and
  - certain criteria are met (see DBS website)

If it is concluded that the person should no longer be engaged in regulated activity then there is a legal requirement for Railway Children to refer the person to the DBS for consideration to bar the person from working with children and/or adults at risk. The referral process is outlined on the DBS website and they can be contacted for advice (see **Appendix 8**) if there is uncertainty as to what to do.

- Where an employee or volunteer or consultant is registered with a professional body (e.g. Health and Care Professions Council), the issue of referral of the employee or volunteer to the professional regulatory body must be considered.
- The Charity Commission requires notification of suspicions, allegations and incidents of abuse or mistreatment of 'vulnerable beneficiaries'. Therefore, the Head of Safeguarding in conjunction with the safeguarding trustee will consider if such notification is required and take the necessary steps if, and when, required (see **Appendix 12**).
- The Head of Safeguarding will send a report to any funder, government office or other body to whom we are contractually obliged to report safeguarding incidents on to such as the FCDO. (see **Appendix 12**).

### **7.8.2** The actions outlined in the preceding paragraph must be considered even if the person has resigned or the volunteering activity has ceased or the person is deceased. A record of all decisions and actions must also be recorded using the safeguarding recording log (**Appendix 8**).

## **7.9 References**

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references.

### **7.10 Personnel files**

Details of allegations that are found to be malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how it was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

## **8. Recording, record retention and destruction [ALL]**

- 8.1** It is essential that Railway Children keep clear and comprehensive records of any concern or allegation including details of how they were followed up and resolved, and details of the decisions reached and any action taken. The purpose of the record is to:
- enable accurate information to be given in response to any future request for a reference
  - provide clarification in cases where a future DBS disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction
  - prevent unnecessary re-investigation should an allegation resurface after time
  - provide evidence and information if a decision is made to refer the person for consideration to be barred from working with children and/or adults
  - enable Railway Children to review and improve policies, procedures and practice based on learning and feedback.
- 8.2** The CSL or Head of Safeguarding is responsible for creating and maintaining the record while managing a safeguarding concern or allegation.
- 8.3** Additional records e.g. email, hard copy documents are likely to be created as part of an investigation process. Summaries of the content of these will be recorded on the safeguarding recording log (Appendix 8). At the end of the investigation the CSL or SD will create a file of **all** emails including scanned copies of all hard copy documents. The file must be appended to the safeguarding incident form by the CSL or SD. All original hard copy documents should be immediately destroyed (post scanning) using the confidential waste bins or shredding and disposing of if working from home.
- 8.4** Records of safeguarding allegations and any subsequent processes against staff, volunteers or consultants must be retained by the Railway Children, including for people who leave the organisation, at least until the person reaches 65 years, or for 10 years if that is longer. The records must be stored securely in a password protected folder in a shared drive and with restricted access by the CSL and Head of Safeguarding and anyone else authorised by them. Details of allegations that are found to be malicious should be removed from personnel records.
- 8.5** All the information relating to a safeguarding concern about a child or adult at risk and subsequent action taken must be recorded using the safeguarding incident form (Appendix 7) and the safeguarding recording log (**Appendix 8**). The records must be stored securely in a password protected folder in a shared drive and with restricted access by the CSL and Head of Safeguarding and anyone else authorised by them. These records should be retained for a period of 15 years. The period of retention may need to be longer if there has been a complaint in respect of the case or legal proceedings. The reason for keeping a record for longer than 15 years must be documented to be in line with the principles of the Data Protection Act.
- 8.6** Once the requisite retention period has been reached all records should be destroyed using shredding and confidential waste or be electronically purged. It is the responsibility of Head of Safeguarding to check when records are due for destruction and arrange to do this.

## **9. Working with partners [ALL]**

### **9.1 Expectations of partners**

- 9.1.1** We understand that our partners may be at different stages in terms of their understanding of safeguarding however, there are minimum requirements that Railway Children expect to be in place for engagement to happen. This must be explored as part of the partnership agreement process by asking the partner to complete the Safeguarding Checklist for Partner Organisations Working with

Railway Children (**Appendix 12**). This must be signed by senior manager within the partner organisation.

**9.1.2** The Safeguarding Checklist for Partner Organisations Working with Railway Children may be subject to local adaptation for our work in India and Africa subject to agreement by the Head of Safeguarding.

**9.1.3** It is the responsibility of the CSL and Head of Safeguarding to review this checklist and decide if it meets Railway Children's requirements and/or how Railway Children might help to support the partner to improve their safeguarding arrangements. If the partner organisation has no safeguarding arrangements in place then Railway Children will not engage with them until this situation is rectified by the partner agency. Where safeguarding action plans are in place with partner agencies, these will be subject to review by the CSL and Head of Safeguarding.

## **9.2 Quality assuring partners' safeguarding arrangements**

**9.2.1** Railway Children already quality assures the work of its partners through a process of biannual review visits and reporting. Safeguarding must be discussed and noted at each of the review visits as it's an essential element of service delivery. We expect our partners to keep a record of any child/adult protection concerns or allegations that they identify, their response and how it was resolved. These records must be made available to Railway Children always.

**9.2.2** Railway Children may carry out a spot check of these records and, at a minimum, will review them on an annual basis. Partners must be made aware of this through the partnership agreement.

**9.2.3** The relevant CSL at Railway Children must be notified immediately by any partner agency who is responding to a safeguarding incident. Again, partners must be made aware of this through the partnership agreement process.

## **9.3 Interface between Railway Children procedures and those of third parties.**

**9.3.1** Railway Children may be working with children in settings that already have a statutory safeguarding responsibility (e.g. schools, FE colleges or children's homes). In such instances, if there are safeguarding concerns, then Railway Children must share these with the designated safeguarding lead/head of home/head teacher within one working day. The staff member/volunteer should also complete the Railway Children safeguarding incident report form and liaise with the CSL.

**9.3.2** The CSL must follow up to see what action has been taken by the designated safeguarding lead/head of home/head teacher about the safeguarding concern. Should Railway Children consider the action taken is insufficient to meet the level of concern then it can make a referral to children's/adult social care directly but should inform the host organisation of having done so.

# **10. Communications and the use of images [ALL]**

## **10.1 Consent**

- Railway Children can only tell a child's story or take photographs or recordings of them when we have a clear written record of informed consent\*.
- If a child is under 18, we need informed consent from **both** the child **and** a parent.
- If the young person is 18 or over they do not need anyone to consent on their behalf but they still need to give their own informed consent.
- Informed consent means that we need to explain: how the case study will be used; for what purpose it will be used; when and where it will be used (including the impact of publishing material online) and to discuss what potential impacts publication of the story or image may

have on the subject either now or in the future. The written consent should be a record of a face-to-face conversation – especially where there are language or literacy barriers.

- Signed consent forms must be dated. Ordinarily images will be used on an ongoing basis to promote the work of the charity but in some cases it might be appropriate to include an expiry date if the images have only been agreed for a specific campaign or period in this instance, when the consent period is up – or if Railway Children decides to use the material in a different way to what was originally agreed – Railway Children must make reasonable efforts to track down the subject (and parents/guardians if they're still under 18) and ask them to renew their consent.
- We must make reasonable efforts to contact a child's parent/family to get their consent. If we can't contact them, a member of staff from the project/NGO most closely involved with supporting that child can consent in loco parentis.
- If a Railway Children employee/volunteer/contractor has been asked to gather stories or images of children, it is not acceptable for that person to also provide consent for that child. That would be a conflict of interest. The person asked to consent on behalf of the child must be someone who knows and works with the child and their decision on whether to give consent must be made in the best interests of the child. If the adult suitable to give consent does have a financial relationship with Railway Children, it is essential that the person requesting consent applies no pressure to them and makes it clear that their only responsibility is to the child.

## 10.2 Anonymity

- Our standard practice is to protect the identities of all children and young people we have supported. This means that all names in a case study and photographs should be changed and we should also change details that could reveal a child's identity – especially details of where they live or can be found. This will be done by the marketing department and approved by the relevant programme team before publishing
- We may in certain circumstances decide to use a child's real identity (e.g. in a video about their story) but the child and their family should have the full implications of this explained before consent is given. Even in these circumstances, it wouldn't be appropriate to use the child's full name or to identify where they live. Whether or not consent is given, risks should be assessed and we should only reveal the child's identity if we are confident this will not place the child at risk in any way. When we are revealing a child's identity, we should agree a date when the child's consent will expire and if we can't find the child to renew their consent, Railway Children should stop using the case study (e.g. remove it from the website, remove videos from YouTube etc).
- We should always consider the potential impact on a child in allowing us to use their information or their image. We never tell a child's story or use their photograph if doing so might cause the child harm. Even if their identity is protected, we should be careful that our portrayal of a child doesn't cause emotional harm or damage the child's relationships with anyone.

## 10.3 Photography

- Images of beneficiaries will be dignified.
- We will not use images of children which could be harmful to their reputations in the future.
- We will not use images showing children inappropriately clothed.
- We will not use images which perpetuate negative stereotypes about children living on the streets, such as hoodies, substance abuse etc.
- We should be careful to avoid overusing negative, passive images of children on the streets, ensuring a balance where possible.
- Images of beneficiaries should not be intrusive. If we're showing something very personal (such as someone receiving medical treatment), it may be appropriate not to show the subject's face. Photographers should be sensitive when they ask for permission to take photos at times of high



emotion or crisis. They should use their own judgement about when it is inappropriate to take photographs at all.

- Everyone featured in an image used by RC (including adults and staff) should have given informed consent for the photograph to be taken and open-ended consent for us to use it. Best practice is to make a written note of the consent with a standard consent form. This is essential for anyone under 18.
- Consent is not required for crowd shots in public places where it would be impractical to ask everyone pictured – but everyone who's identifiable in the foreground – especially children – should have given consent.
- Whenever we use models to represent characters in a case study, we should make it clear they are models.
- Where Railway Children photographs fundraising activities and events, involving supporters and members of the public, we will always include a statement of intended use of images on pre-event marketing communications with the participant. This will allow them to withdraw consent for the use of their image should they wish.

See **Appendix 11** for the Consent Form

#### **10.4 Portrayal of beneficiaries**

- There is an inherent conflict at Railway Children in how we portray beneficiaries. To make a case for support to donors, we need to show a strong need. This is likely to involve highlighting how vulnerable the children we support are and how bad their lives would be if we didn't help them. This can be a concern to programme teams who want to emphasize the dignity and agency of the people we help.
- We'll often need to compromise to square this circle. We can't do our work if we can't find ways to persuade donors to give. However, where possible, in making a case for support we should bear in mind the following:
  - i) We should ensure the person we are writing about would be happy with the way they are described.
  - ii) We should aim to portray beneficiaries as active rather than passive. We should think about how we show the dignity of our beneficiaries: to talk about what they want and what they have done to help themselves as well as describing our own actions/opinions about them.
  - iii) If we can find ways for case studies to tell their own stories and speak for themselves, that is better than us doing it for them.
  - iv) We should never write about people in a way that objectifies them or reduces them to the circumstances they find themselves in – just because a child is now living on the streets, we shouldn't confuse their circumstances with their identity or their humanity.

#### **10.5 Portrayal of partners**

- We can only claim the credit for a case study or a method of working if we've had a strong input in the work. It is acceptable to write sentences like 'we found Jamal' or 'we got Sanoj back to his mum' if we are the only or main funder for the project or for the individual worker who did the work. If we are one of many funders and it's impossible to trace which funds really paid for the work, we may be able to justify claiming the credit if we've played a significant role in terms of training or methodology.

## Appendix 1: Defining child abuse and neglect

There are four categories of harm<sup>7</sup> although often children may suffer more than one type of harm.

**1. 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.

**2. Emotional abuse** is 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 children that they are worthless and 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, 'making fun' of what they say or how they communicate;
- 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;
- seeing or hearing the ill-treatment of another;
- 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.

**3. Sexual abuse and exploitation** 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.
- 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 can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

*Child sexual exploitation* is a form of child sexual abuse. It occurs when 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 years into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for financial advantage or increased status of the perpetrator or facilitator. 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 using technology.

**4. 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 because 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 harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- ensure access to appropriate medical care or treatment.

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

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<sup>7</sup> HM Government (2018) Working together to safeguard children

## Appendix 2: Types and indicators of child abuse and neglect

Some of the following signs might be indicators of abuse or neglect:

- Children whose behaviour changes – they may become aggressive, challenging, disruptive, withdrawn or clingy, or they might have difficulty sleeping or start wetting the bed;
- Children with clothes which are ill-fitting and/or dirty or with consistently poor hygiene;
- Children who make strong efforts to avoid specific family members or friends, without an obvious reason;
- Children who talk about being left home alone, with inappropriate carers or with strangers;
- Children who reach developmental milestones, such as learning to speak or walk, late, with no medical reason;
- Children who are regularly missing from school or education or who are reluctant to go home after school;
- Parents who are dismissive and non-responsive to professionals' concerns;
- Parents who collect their children from activities when inebriated, or under the influence of drugs;
- Parents who abandon their children
- Children who drink alcohol regularly from an early age;
- Children who are concerned for younger siblings without explaining why;
- Children who talk about running away; and
- Children who shy away from being touched or flinch at sudden movements.
- Children who self-harm or attempt suicide
- Children required to take on a role of young carer due to parental illness or abandonment

There are four main categories of abuse and neglect: physical abuse, emotional abuse, sexual abuse and neglect. Each has its own specific indicators, which you should be alert to.

### Physical abuse

Physical abuse can happen in any family, but children may be more at risk if their parents have problems with drugs, alcohol and mental health or if they live in a home where domestic abuse occurs. Babies and disabled children also have a higher risk of suffering physical abuse. Physical abuse can also occur outside of the family environment.

#### Possible indicators are:

- Children with frequent injuries
- Children with unexplained or unusual fractures or broken bones
- Children with unexplained: bruises, cuts, burns, scalds, bite marks.

### Emotional abuse

Emotional abuse is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child's emotional development.

Emotional abuse may involve serious bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

#### Possible indicators are:

- Children who are excessively withdrawn, fearful, or anxious about doing something wrong
- Parents or carers who withdraw their attention from their child, giving the child the 'cold shoulder'
- Parents or carers blaming their problems on their child
- Parents or carers who humiliate their child, for example, by name-calling or making negative comparisons.

### **Sexual Abuse and Exploitation**

Sexual abuse is any sexual activity with a child. Often children and young people who are victims of sexual abuse do not recognise themselves as such. A child may not understand what is happening and may not even understand that it is wrong, rather believe that they are in a relationship with someone.

#### **Possible indicators of sexual abuse are:**

- Children who display knowledge or interest in sexual acts inappropriate to their age
- Children who use sexual language or have sexual knowledge beyond their years
- Children who ask others to behave sexually or play sexual games
- Children with physical sexual health problems, including soreness in the genital and anal areas, sexually transmitted infections or underage pregnancy.

#### **Possible indicators of sexual exploitation are:**

- Children who appear with unexplained gifts or new possessions
- Children who associate with other young people involved in exploitation
- Children who have older boyfriends or girlfriends
- Children who suffer from sexually transmitted infections or become pregnant
- Children who suffer from changes in emotional well-being
- Children who misuse drugs and alcohol
- Children who go missing for periods of time or regularly come home late
- Children who regularly miss school or education or don't take part in education.

### **Neglect**

Neglect is a pattern of failing to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter. It is likely to result in the serious impairment of a child's health or development.

Neglect may occur if a parent becomes physically or mentally unable to care for a child. A parent may also have an addiction to alcohol or drugs, which could impair their ability to keep a child safe or result in them prioritising buying drugs, or alcohol, over food, clothing or warmth for the child. Neglect may occur during pregnancy because of maternal drug or alcohol abuse.

#### **Possible indicators are:**

- Children who are living in a home that is persistently dirty or unsafe
- Children who are left hungry or dirty
- Children who are left without adequate clothing for the weather conditions
- Children who are living in dangerous conditions, i.e. around drugs, alcohol or violence
- Children who are often angry, aggressive or self-harm
- Children who fail to receive basic health care
- Parents who fail to seek medical treatment when their children are ill or are injured
- Children left in the care of unsuitable adults.



## Appendix 3: Types and indicators of adult abuse and neglect <sup>8</sup>

Adult abuse and neglect can take many forms and the circumstances of the individual case should always be considered.

### Physical abuse can include

- assault
- hitting
- slapping
- pushing
- misuse of medication
- restraint
- inappropriate physical sanctions

### Domestic violence can include

- psychological
- physical
- sexual
- financial
- emotional abuse
- 'dishonor' based abuse
- coercive and controlling behaviour

### Sexual abuse can include:

- rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- indecent exposure
- sexual assault
- sexual acts to which the adult has not consented or was pressured into consenting

### Psychological abuse can include:

- emotional abuse
- threats of harm or abandonment or deprivation of contact
- humiliation
- blaming
- controlling
- intimidation
- coercion
- harassment
- verbal abuse
- cyber bullying
- isolation
- unreasonable and unjustified withdrawal of services or supportive networks

### Financial or material abuse can include:

- theft

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<sup>8</sup> Care Act 2014 guidance

- fraud
- internet scamming
- coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits

#### Modern slavery can include:

- slavery
- human trafficking
- forced labour and domestic servitude.
- traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

#### Discriminatory abuse can include:

- harassment
- slurs or similar treatment because of a person's race, gender and gender identity, age, disability, sexual orientation, religion

#### Organisational abuse

This includes neglect and poor care practice within an institution or specific care setting such as a hospital or care home or the care provided in one's own home. It involves one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice because of the structure, policies, processes and practices within an organisation.

#### Neglect can include:

- ignoring medical, emotional or physical care needs
- failure to provide access to appropriate health, care and support or educational services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

#### Self-neglect

This covers a wide range of behaviours such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt an enquiry by adult social care. An assessment should be made on a case by case basis. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support. Incidents of abuse may be one-off or multiple and affect one person or more. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns, it is important that information is recorded and appropriately shared.

#### Additional forms of harm although not referenced in the Care Act 2014:

<b>Cyber bullying</b> This is where someone repeatedly bullies someone else through emails or texts or online forums.	<b>Mate crime</b> When vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. This can result in serious harm or even murder by people who purported to be their friend.
<b>Forced marriage</b> Where one or both partners are married without their consent or against their will. Forced marriage is a criminal offence.	<b>Radicalisation</b> The aim of radicalisation is to inspire new recruits, embed extreme views and persuade vulnerable people to the legitimacy of a cause. It may seek to involve them in committing violent offences.

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## Appendix 4: Grooming behaviour

'Grooming' is the process through which a person attempts to befriend a child with the intention of later developing a sexual relationship with them. It involves making the child feel comfortable through a variety of methods thus developing trust, before initiating physical contact and abusing that trust. Some argue that the term *entrapment* or *control* better describes this process.

An offender is likely to look to groom the adults as well as the child in order to gain their trust. This process can happen within a family or within an institution or organisation. Those who sexually abuse children are often experts at gaining confidence and can look for situations where they can have unsupervised access to children. Signs that an individual may be grooming a child or young person include:

- Being dressed inappropriately around the child or young person
- Spends most of his/her spare time with children and has little interest in spending time with someone of his/her own age
- Giving special attention to a child or young person
- Isolating a child or young person from other people
- Hugging, touching, kissing, tickling, wrestling with or holding a child or young person
- Giving gifts (including cigarettes/alcohol/drugs) or money for no apparent reason
- Treating a child as an equal/peer or like a spouse
- Finding ways to be alone with a child or young person when other adults are not likely to interrupt, e.g. taking the child for a car ride, arranging a special trip, etc.
- Not respecting the privacy of a child or young person
- Discussing their own sex life or asking a child or young person to discuss sexual experiences or feelings;
- Viewing abusive images of children
- Abusing alcohol or drugs and/or encourages children or young people to use them. The use of such substances reduces inhibitions.
- Allowing children or young people to consistently 'get away' with inappropriate behaviors
- Encouraging silence or secrets
- Makes fun of a child's body parts – uses sexualised names for the child or young person
- Not adhering to the rules, authority or code of conduct in the setting, organisation or within an activity

## Appendix 5: Additional guidance on children and young people abused in specific circumstances

**Abuse by peers.** Young people, particularly those living away from home, are vulnerable to physical, sexual and emotional bullying and abuse by their peers. Such abuse should always be taken as seriously as abuse perpetrated by an adult. It is subject to the same safeguarding children procedures as apply in respect of any young person who is suffering or at risk of suffering significant harm from an adverse source. A significant proportion of sexual offences are committed by teenagers. Staff should not dismiss some abusive sexual behaviour as “normal” between young people.

**Child abuse linked to belief in “spirit possession” or “witchcraft”.** The belief in “possession” and “witchcraft” is widespread in some communities. It is not confined to particular countries, cultures or religions. The number of known cases of child abuse linked to accusations of “possession” or “witchcraft” is small, but young people involved can suffer damage to their physical and mental health, capacity to learn, ability to form relationships and self-esteem due to extreme physical and emotional abuse that may be wrongly justified on the basis of spirit possession or witchcraft.

**Child abuse and social media.** The internet has become a significant tool in the distribution of abusive images of children. Social media is used as a means of contacting young people with a view to grooming them for inappropriate or abusive relationships. Contacts made initially in a chat room can be carried on via email, instant messaging services, mobile phones or text messaging. Cyberbullying, including sexting (which is illegal), is now widespread and can be very harmful to young people. Further advice and guidance on this topic are on the websites of the NSPCC, CEOP, Internet Watch Foundation and the UK Safer Internet Centre.

**Children and families who go missing.** Local agencies and professionals should bear in mind, when working with young people and families where there are outstanding concerns about the young person’s safety and welfare that a series of missed appointments may mean the family have moved. Young people who are looked after (i.e. in care) sometimes go missing from their placements. There will be procedures in place, which should be followed if this occurs and the care home/foster placement must be immediately informed.

**Child trafficking.** Child trafficking is child abuse. This is where children are recruited, moved or transported and then exploited e.g. for sexual exploitation or domestic servitude. They are often subject to multiple forms of abuse. Children may be trafficked into the UK from abroad but can also be trafficked from one part of the UK to another.

**Child on Parent Violence (CPV) or Adolescent to Parent Violence and Abuse (APVA)** is any behaviour used by a young person to control, dominate or coerce parents. It is intended to threaten and intimidate and puts family safety at risk. Whilst it is normal for adolescents to demonstrate healthy anger, conflict and frustration drawing their transition from childhood to adulthood, anger should not be confused with violence. Violence is about a range of behaviours including non-physical acts aimed at achieving ongoing control over another person by instilling fear.

Most abused parents have difficulty admitting even to themselves that their child is abusive. They feel ashamed, disappointed and humiliated and blame themselves for the situation, which has led to this imbalance of power. There is also an element of denial where parents convince themselves that their son or daughter’s behaviour is part of normal adolescent conduct.

Although specific programmes to address CPV/APVA are in their infancy, help and support for abused parents is available through local Early Intervention and/or Domestic Abuse services.

**Child criminal exploitation.** It occurs when 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 any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for financial advantage or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been



criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur using technology.

**County Lines.** This term is used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of 'deal line'. They are likely to exploit children and vulnerable adults to move and store drugs and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

**Disabled children.** Children with a disability or additional health needs are a particularly vulnerable group as signs of abuse and neglect may be masked or misinterpreted as being due to underlying impairments. Disabled young people are three times more likely than non-disabled children to experience abuse due to several factors:

- have fewer outside contacts than other young people;
- may receive personal care, possibly from several carers, which may both increase the risk of exposure to abusive behaviour and make it more difficult to set and maintain physical boundaries;
- have an impaired capacity to resist or avoid abuse;
- have communication difficulties that may make it difficult to tell others what is happening or to be believed;
- be inhibited about complaining because of a fear of losing services;
- be especially vulnerable to bullying and intimidation and /or, abuse by their peers.

**Domestic violence and abuse** is Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means for independence, resistance and escape and regulating their everyday behaviour.

Coercive behavior is: An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life.

**Children and** young people living in families where they are exposed to domestic violence have been shown to be at risk of behavioural, emotional, physical and long-term developmental problems. Everyone working with young people and families should be alert to the frequent inter-relationship between domestic violence and the abuse and neglect of young people.

**Families living in temporary accommodation.** Living in temporary accommodation, often at a distance from previous support networks, can lead to young people and families falling through the net and becoming disengaged from services. Where there are concerns about a young person in temporary accommodation, safeguarding procedures should be followed.

**Female genital mutilation (FGM).** (also known as ‘female genital cutting’ or ‘female circumcision’.) Communities tend to use local names for referring to this practice including “sunna”. FGM-practicing families do not see it as an act of abuse; however, FGM has significant physical and mental health consequences both in the short and long term and, therefore, must not be excused, condoned or accepted. FGM cannot be left to personal preference or cultural custom as it is an extremely harmful practice that violates basic human rights. Girls are at particular risk of FGM during school summer holidays. This is the time when families may take their children abroad for the procedure. Many girls may not be aware that they may be at risk of undergoing FGM. FGM is illegal in the UK and where it is suspected it must be referred onto children’s social care.

**Forced marriage.** A forced marriage is where one or both people do not (or in cases of people with learning difficulties or who are under-age, cannot) consent to the marriage and where duress is used to enforce the marriage. ‘Duress’ includes psychological, sexual, financial or emotional pressure and physical violence.

Forced marriage is a violation of human rights and is seen in the UK as a form of domestic violence and/or child abuse. It may affect girls, boys, women and men from any community or background. However, existing statistics show that greater numbers of women are affected.

Forcing someone to marry without their consent is a criminal offence. The maximum penalty is seven years imprisonment. It is also illegal to take someone overseas to force them to marry (whether or not the forced marriage takes place) or to marry someone who lacks the mental capacity to consent to the marriage (whether they are pressured to or not).

A forced marriage is entirely different from an arranged marriage, and the two should not be confused. In an arranged or assisted marriage, the families take a role in choosing and introducing the marriage partners, but the marriage is entered freely by both people, without pressure. In a forced marriage, this consent does not exist. If this form of harm is suspected, advice should be sought from the Forced Marriage Unit prior to any discussion with the young person or family on 0207 008 0151 or out of office hours contact: 0207 008 1500 (ask for Global Response Centre).

**Parental adversity.** Parental drug misuse can cause harm from conception to adulthood, including physical and emotional abuse and neglect. Where drug misuse co exists with domestic violence and mental illness the risk of harm to a child is even greater.

**Race and racism.** Young people from black and minority ethnic groups may have experienced harassment, racial discrimination and institutional racism. The experience of racism is likely to affect the responses of the young person and parents/carers to other intervention in their lives. There is also a danger that professionals working with children and young people may not intervene soon enough for fear of being seen as racist and in so doing, offer the child less protection.

**Unaccompanied asylum-seeking children (UASC).** A UASC is an asylum-seeking child under the age of 18 who is not living with their parent, relative or guardian in the UK. They can be more vulnerable to abuse and exploitation because they lack the necessary support networks, protection and communication skills.

### **Safeguarding adolescents**

The nature of abuse and neglect for teenagers is different from that of younger children. Behaviours by parents/adults that might be deemed abusive or neglectful for a very young child may be considered appropriate for teenagers. Additionally, they may face a wider range of risks due to the relationships they have, social media that they use, lifestyles that they lead and with their increasing independence. Risk taking and experimentation is a normal part of growing up but also can place young people in harm’s way.

**Young people whose behaviour indicates a lack of parental control.** When young people are brought to the attention of the police or wider community because of their behaviour, this may be an indication of

vulnerability, poor supervision, abuse or neglect in its wider sense. It is important to consider whether these are young people in need of protection and/or support services and not to view them as only an offender as they may well be also victims themselves.

**Young people and gang activity.** Overall, young people can be particularly vulnerable to suffering harm in the gang context are those who are:

- not involved in gangs, but living in an area where gangs are active, which can have a negative impact on their ability to be safe;
- not involved in gangs, but at risk of becoming victims of gangs;
- not involved in gangs but at risk of becoming drawn in, for example, siblings or children of known gang members; *or*
- gang-involved and at risk of harm through their gang-related activities e.g. drug supply, weapon use, sexual exploitation and risk of attack from own or rival gang members.

**Young carers.** A young carer is a person under 18 who provides or intends to provide care for another person (of any age except for where that care is provided for payment or as voluntary work). Young carers may require support services either for them or for the person they care for in order to ensure that their health and welfare does not suffer. In some instances, young carers may also need protection due to the adverse circumstances they may be experiencing or where the behaviour of the person that they are caring for is abusive.

**Radicalisation and violent extremism.** Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism. Extremism is defined by the Government in the 2011 Prevent Strategy as: *Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs*. It also includes calls for death of members of the armed forces, whether in this country or overseas.

There is no such thing as a “typical extremist”: those who become involved in extremist actions come from a range of backgrounds and experiences, and most individuals, even those who hold radical views, do not become involved in violent extremist activity.

Children or adults may become susceptible to radicalisation through a range of social, personal and environmental factors - it is known that violent extremists exploit vulnerabilities in individuals.

Indicators of vulnerability include:

- *Identity crisis* – the young person is distanced from their cultural/religious heritage and experiences discomfort about their place in society;
- *Personal crisis* – the young person may be experiencing family tensions; a sense of isolation; and low self-esteem; they may have dissociated from their existing friendship group and become involved with a new and different group of friends; they may be searching for answers to questions about identity, faith and belonging;
- *Personal circumstances* – migration; local community tensions; and events affecting the student’s country or region of origin may contribute to a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy;
- *Unmet aspirations* – the young person may have perceptions of injustice; a feeling of failure; rejection of civic life;
- *Experiences of criminality* – which may include involvement with criminal groups, imprisonment, and poor resettlement/reintegration;
- *Special educational needs* – young person may experience difficulties with social interaction, empathy with others, understanding the consequences of their actions and awareness of the motivations of others.

However, this list is not exhaustive, nor does it mean that all young people experiencing the above are at risk of radicalisation for the purposes of violent extremism.

Indicators of radicalisation and violent extremism may include:

- showing sympathy for extremist causes
- contact with extremist recruiters;
- justifying the use of violence to solve societal issues;
- joining or seeking to join extremist organisations;
- glorifying violence, especially to other faiths or cultures
- making remarks or comments about being at extremist events or rallies
- possessing illegal or extremist literature
- advocating messages similar to illegal organisations or other extremist groups
- out of character changes in dress, behaviour and peer relationships secretive behaviour
- online searches or sharing extremist messages or social profiles
- intolerance of difference, including faith, culture, gender, race or sexuality
- graffiti, artwork or writing that displays extremist themes
- attempts to impose extremist views or practices on others
- verbalising anti-Western or anti-British views

Children or adults who are showing signs of radicalisation and violent extremism will need to be considered as at risk of harm to themselves or others and therefore such concerns should be acted upon by following safeguarding procedures.

## Appendix 6: Barriers to help seeking for children

Many children and young adults are reluctant to seek help because they feel that they do not have anyone that they can turn to for support. They may have sought help in the past and had a negative experience, which makes them unlikely to do so again. In an NSPCC study of child maltreatment (2000), only a quarter of the people that had experienced sexual abuse as a child had told anyone at the time. Being unable to tell someone that you are being abused can be very stressful and may leave a vulnerable child at risk of continuing or further abuse.

Young people may not seek help because they:

- fear not being believed
- feel too embarrassed to talk to an adult about a private or personal problem
- worry that their concern will not be taken seriously
- worry about confidentiality and lack trust in both the people around them (including parents) and in the services provided to help them
- fear the consequences of asking for help
- fear the situation could become worse
- past experience of disclosure in which they were not listened to

Some groups of children and young people experience more barriers. For example, boys are often more reluctant to seek help than girls. Children with communication difficulties may lack the language necessary to enable them to express what is worrying them. Children that are more isolated are less likely to share their concerns for example children living in residential care.

### Barriers for adults to listen

Sometimes there is reluctance by adults to listen to what children are telling them and to act on it. Adult fears may be due to:

- Not knowing how to react or who to tell
- Fear of getting it wrong
- Loyalty to the family or colleagues
- Lack of trust in the child protection system
- Not recognising the significance of the indicators.

### How to encourage children and young people to seek help and support<sup>9</sup>

- Make it easier for young people to take up the offer of help
- Listen to the people you help - see the whole person
- Build trust - treat young people with respect
- Empower young people to find their own solutions
- Advertise the benefits of seeking help
- Help to tackle the myths about those who seek help – seeking help is not a sign of weakness.

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<sup>9</sup> Garvey, B. et al (2009) Help-seeking behaviour in young adults. London: NFP Synergy.



## Appendix 7: Safeguarding Concerns Form

Complete as much detail as you are able. Don't delay making a referral if there is information missing.

<b>Part 1 Details of the Child/ren or adult at risk:</b>		
Name of Child/ren or adult at risk:		
Gender:	Age:	Date of Birth:
Religion	Ethnicity	Any additional needs (e.g. disability, language spoken, interpreter required)
Is the child or young person a beneficiary of Railway Children? Yes No	Did the incident of abuse arise before or after the child/young person became known to us?	If a child or young person is a beneficiary briefly explain what services they have been receiving from us so far
Parent's/Carer's name(s):		
Home address of child/ren or adult at risk:		
Legal status of Child/ren/ adult at risk		
Is child or adult at risk subject to any of the following e.g. child protection plan/on a child protection register/a care order/child in need plan/adult protection order or other?		
<b>Part 2 Details of a safeguarding allegation against staff/volunteer/contractor</b>		
Name and role of person		
Age and/or Date of Birth		
Home address		
<b>Part 3 Your Details:</b>		
Your Name:	Your Position:	Your contact details
<b>Part 4 Report:</b>		
Are you reporting your own concerns or responding to concerns raised by someone else?		
<input type="checkbox"/> Responding to my own concerns  <input type="checkbox"/> Responding to concerns raised by someone else		If responding to concerns raised by someone else, please provide their name, role and contact details (if known):

Please provide details of the concerns you have for the child's or adult at risk safety and/or welfare, including times, dates or other relevant information. Please make it clear whether you are giving a fact, expressing your opinion or expressing the opinion of someone else. Please add any other relevant information known about the family/child/adult at risk circumstances. If you are reporting on concerns about a safeguarding allegation against a staff member/volunteer/contractor please provide full details here.

The child's or adult at risk account of what happened (e.g. of any incident, injury, disclosure, behaviour):

Please provide details of the person alleged to have caused the incident/injury if known (e.g. names(s) /address/ incident address /relationship to child or adult at risk etc.):

Please provide details (name, role contact details if known) of any witnesses to the incident/concerns:

<b>Part 5: Actions Taken</b>	
State any risk of immediate danger:	
Identify any action taken already e.g. contact with police, manager, children's or adult social care services etc.	
Is the child/children/adult at risk or family/carer or accused person	

aware that a report has been made:	
Any known previous history of concerns or abuse or allegations:	
Any further information or comments:	

**Date and time of report being submitted.....**

<b>Part 6: Immediate action and decisions by CSL</b>

## Appendix 8: Safeguarding Recording Log

Date & time	Name	Notes

## Appendix 9: Safeguarding Contacts List

Name and job title	Safeguarding Role	Contact details
Wade Tidbury	Head of Safeguarding	+44 (0) 7885 215986 +44 (0)1270757596 <a href="mailto:w.tidbury@railwaychildren.org.uk">w.tidbury@railwaychildren.org.uk</a>
Chair of the Programme Committee	Safeguarding trustee	+44 (0) 7904 064840 <a href="mailto:t.keene@railwaychildren.org.uk">t.keene@railwaychildren.org.uk</a>
Mary Mushi	Safeguarding and Practice Development Officer - Africa	<a href="mailto:mary.mushi@railwaychildren.or.tz">mary.mushi@railwaychildren.or.tz</a> +255(0) 682810489
Aparna Dwivedi	Country safeguarding lead – India	(M) 9717163623 / 9717970971 <a href="mailto:aparna@railwaychildren.org.in">aparna@railwaychildren.org.in</a>
NSPCC Helpline	24-hour helpline for advice on child protection matters for professionals and adults	0808 800 5000
Childline	24-hour helpline for children and young people	0800 1111
Whistle blowing advice line (external)	Advice can be sought from NSPCC if using the Railway Children whistleblowing procedure has not resolved the concern	0800 028 0285
The UK Safer Internet Centre	Provides advice for professionals and responds to reports about sexual abuse images of children online	0344 800 2382
Child Exploitation and Online Protection Centre (CEOP)	Investigates inappropriate online behaviour such as grooming online or sexual exploitation	0870 000 3344
Internet Watch Foundation	Remove images of child sexual abuse content and criminally obscene content online	01223 203030
Disclosure and Barring Service (DBS)	Advice line for criminal records checks	03000 200 190
The Mix	Helpline offering support and advice for those under 25 years	020 7009 2500
Local authority children's social care (England)	Use the following website to find out the details	<a href="https://www.gov.uk/report-child-abuse-to-local-council">https://www.gov.uk/report-child-abuse-to-local-council</a>



## Appendix 10: Case review and closure processes

### Introduction

This supplementary procedural guidance is to be read in conjunction with Railway Children's Safeguarding Policy and Procedures. The purpose of this guidance is to make explicit the processes for the following safeguarding arrangements within Railway Children:

1. The review process for open safeguarding cases
2. The criteria and process for closing safeguarding cases
3. The process for the notification of safeguarding incidents to our regulators/funders: Foreign, Commonwealth and Development Office (FCDO) and the Charity Commission for England and Wales

### Review process for safeguarding cases

Once an incident has been agreed and defined as one that needs to trigger safeguarding procedures either by our own staff or partners, we will keep a full record of it and its management up to the point that we are satisfied that the risk has been appropriately managed and the child is no longer at risk of significant harm. To do this we will implement a system of regular reviewing the progress of a case. The process for this will be as follows for each case:

Process	Action by:
Completion of Child Safeguarding Review Form (Appendix 1) or the Safeguarding Case Closure Form (Appendix 2) for each open case in advance of the safeguarding cases review meeting that is shared with the panel responsible for reviewing cases	Country Safeguarding Lead
Review meetings as necessary by phone to review progress and agree any further actions to protect the child or agree that the case can proceed to closure.	Attendance by: <ul style="list-style-type: none"> <li>• RCA Country Safeguarding Lead</li> <li>• RCA Programme Manager</li> <li>• RCA Country Director</li> <li>• RC Safeguarding and Policy Director UK</li> <li>• Child Protection Officer of relevant organisation</li> </ul>
Update the case review form with any additional information and agreed actions or the case closure form and update the excel spreadsheet of all safeguarding cases.	RC Safeguarding and Policy Director UK
Outcome of the case review is shared with relevant project staff/partners	RCA Country Safeguarding Lead
Updates on number of open and closed cases shared during RCA Safeguarding Advisory Group meetings	

## Safeguarding case closure

When there is a safeguarding incident or concern, these are shared using our safeguarding procedures and a safeguarding incident form is completed. As part of our initial response to a safeguarding concern staff will assess the risk and protective factors, often alongside statutory agencies, to determine what protective action is required and by whom. This will form the 'Child Protection Plan' (CPP) even if it's not formally labelled as such by other agencies. The CPP will be documented in the safeguarding incident report form and will be implemented to ensure the child's safety. Implementation of the CPP can take weeks or months depending on the types of risk and the availability of support services and resources for the child. The aim should be to make the child safe so that protective action is no longer required. Once this point is reached, we will close the case in terms of it being a safeguarding one. This does not mean the child will necessarily stop receiving support from Railway Children, rather it means the status of the case has changed from being at risk of significant harm to being in need of support.

The criteria for case closure are that:

- All tasks and objectives in the Child Protection Plan (CPP) are completed. The case closure form (appendix 2) will be completed when the tasks/objectives in the Child Protection Plan (CPP) have been met and the child is no longer suffering or at risk of significant harm. If a review meeting has already determined that the case can be closed, then the case will be closed with approval of the Safeguarding Policy Director. However, if there has been no review meeting carried out to assess readiness for closure, a review meeting should be called to assess whether the case can be closed.
- All safeguarding (including child protection) concerns have been adequately addressed and clearly recorded prior to case closure. Cases are not closed if there are still indications of actual or likely significant harm to the child and this risk is not sufficiently being managed by another competent agency. If there are broader child welfare concerns, then the child/ren or parent/carer are to continue to receive support from Railway Children or its partners unless they have been referred to another suitable service.
- Any police investigations must have been completed or closed.
- A decision about case closure must be ratified within a safeguarding review meeting as stated above and agreed by all participants in that meeting.

A case may be reopened again should there be evidence that the child is at risk of significant harm again.

## Serious incident reporting

Railway Children must comply with the serious incident reporting procedures as required by the Charity Commission and the Department for International Development. In respect of safeguarding the requirements for reporting are:

### *For FCDO*

Safeguarding concerns to be passed on to FCDO are those which have come about as a result of the activities of the grant holder or their implementing partner (i.e. project implementation), or the activities of members of any staff, volunteers or trustees linked to either organisation whether they are the alleged perpetrator or alleged victim.

### *For the Charity Commission*

The Charity Commission expects a report if a serious safeguarding risk materialises. This will usually be if any of the following occur<sup>10</sup>:

- incidents of abuse or mistreatment (alleged or actual) of beneficiaries of the charity (adults or children) which have resulted in or risk significant harm to them and:
  - this happened while they were under the care of the charity
  - someone connected with the charity, for example a trustee, staff member or volunteer, was responsible for the abuse or mistreatment (alleged or actual)
- other incidents of abuse or mistreatment (alleged or actual) of people who come into contact with the charity through its work, which have resulted in or risk significant harm to them and are connected to the charity's activities
- breaches of procedures or policies at the charity which have put people who come into contact with it through its work at significant risk of harm, including failure to carry out relevant vetting checks which would have identified that a person is disqualified in law from holding their position within the charity. This might be, for example, because they are disqualified under safeguarding legislation from working with children and/or adults at risk

The above may include incidents in the workplace that have resulted in or risk significant harm to trustees, staff or volunteers. This does not mean that the Commission expects charities to report every internal staffing incident - charities need to make a judgement call about which incidents either individually, or as a collection, are serious in the context of the charity.

However, a report should always be made where the level of harm to the victims and/or the likely damage to the reputation of or public trust in the charity is particularly high (for example, sexual misconduct by the charity's Chief Executive or another person in a senior position or position of specific responsibility, such as the head of safeguarding). The Commission would also expect to receive a report if the number and nature of staffing incidents indicate there are widespread or systematic issues connected to sexual harassment, abuse and/or other misconduct in a charity.

See **Reporting of Serious Incidents Policy** for full details of the process in Appendix 11.

All details of any reports made will be stored in the new case management system within the child's file

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<sup>10</sup> Accessed online on 19 March 2019



## Railway Children

### Safeguarding Case Review Form

**Section One:** This section is to be completed by the Country Safeguarding Lead ahead of the case review meeting taking place and shared with members of the review panel before the meeting

1. Name of child:
2. Case ID number:
3. Person completing this form [name, job title]:
4. Date completed this form:
5. Date of Review:
6. Names of persons present during review:
7. Summary of safeguarding incident:
8. Child Protection Plan:
9. Progress on achievement of Child Protection Plan:

**Section Two:** This section is completed during the review meeting

10. Summary of key discussion points:
11. If further safeguarding work is required, state below the identified Child Protection Plan [tasks, carried out by whom and deadline for completion]
12. Recommendations of review panel (please state if the case remains open here and if not, then state that it is recommended for closure)
13. What is the organisational learning from this case which needs to be captured and shared?

## Railway Children

### Safeguarding Case Closure Form

1. Name of child:
2. Case ID number:
3. Person completing this form [name, job title]:
4. Date completed this form:
  
5. Brief summary of safeguarding incident:
  
6. Brief summary of Railway Children or Partners work that has been done to protect the child:
  
7. Is the child at continuing risk of significant harm: YES NO?
  
8. If yes, outline the plan that has been agreed for protecting the child by other agencies
  
9. If no, outline if the child needs any further child welfare support from Railway Children or its partners and specify what that support is
  
10. Safeguarding Closure agreed by Director for Safeguarding UK on [name and date]



## Appendix 11: Procedures for Reporting of Serious Incidents in Respect of Safeguarding

### 1. Introduction

- 1.1** The Railway Children Group (RCUK, RCI and RCA) has a Reporting of Serious Incidents Policy in place which is applicable to all those working on behalf of RCUK including trustees, paid staff, volunteers, agency staff and contractors. Its purpose is to ensure that representatives of the RC Group can identify serious incidents, escalate them as appropriate and report them internally so that the trustees can exercise adequate oversight and consider whether to make a serious incident report to the Charity Commission for England and Wales (**the Commission**) among other potential actions.
- 1.2** Safeguarding incidents fall within the category of a serious incident for the purposes of reporting to the Commission. [In addition, FCDO) also expects to be notified of safeguarding incidents as part of its grant conditions].
- 1.3** The purpose of this document is to outline the procedures to be followed in respect of reporting safeguarding incidents to the Commission.

### 2 The Commission's role in relation to safeguarding incidents

- 2.1** The Commission's role is to ensure that trustees are handling the incident appropriately and, where necessary, putting in place improved governance and internal controls, to prevent further harm.
- 2.2** The Commission is not responsible for dealing with incidents of actual abuse or mistreatment and it does not administer safeguarding legislation. It cannot prosecute or bring criminal proceedings although it may refer concerns on to 'lead agencies', such as police, local authorities and the Disclosure and Barring Service, as well as to specialist bodies responsible for designated areas, such as education or health and social care.

### 3 Reporting to the Commission

*What is a serious incident in respect of safeguarding?*

- 3.1** This means an adverse event, (whether actual or alleged) which results in or risks significant harm to a charity's beneficiaries, staff, volunteers or others who come into contact with the charity through its work. In this context "significant" means significant in the context of the charity, taking account of its staff, operations, finances and/or reputation.
- 3.2** The RC Group are required to make a report to the Commission if a serious safeguarding risk materialises.
- 3.2.1** This will usually be if incidents of abuse or mistreatment (alleged or actual) of beneficiaries of the charity (adults or children) which have resulted in or risk significant harm to them and:
- this happened while they were under the care of the charity
  - other incidents of abuse or mistreatment (alleged or actual) of people who come into contact with the charity through its work, which have resulted in or risk significant harm to them and are connected to the charities activities
  - breaches of procedures or policies which has put people who come into contact with the charity at significant risk of harm, including failure to carry out relevant vetting checks which would have identified that a person is disqualified in law from holding their position within the charity. This might be, for example, because they are disqualified in law, from working with children or adults)<sup>11</sup>.

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<sup>11</sup> The Commission's guidance 'Safeguarding and protecting people for charities and trustees' (25 October 2018) is available here: <https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees>

The above may include incidents in the workplace that have resulted in or risk significant harm to trustees, staff or volunteers. The RC Group are expected to make a judgment call about which incidents either individually, or as a collection, are serious in the context of the charity.

- 3.2.2 A report should always be made to the Commission where the level of harm to the victims and/or likely damage to the reputation of or public trust in the charity is particularly high.
- 3.2.3 A report should be made if the number and nature of staffing incidents indicate there are widespread or systematic issues connected to sexual harassment, abuse and/or other misconduct in the charity.
- 3.2.4 The RC Group may be alerted to alleged abuse of a beneficiary, staff member, volunteer or someone else who it comes into contact with through its work, which has occurred outside of the charity (e.g. in the family home or community) and
  - The abuse was not connected to its activities in any way
  - The person responsible for the abuse was not a trustee, staff member or volunteer.

In such incidents, the RC Group are **not** expected to report to the Commission unless it's found (or alleged) that the incident wasn't handled appropriately by our charity and this resulted in harm to the person or persons concerned. In such circumstances, a report should also, be made to the police and local authority.

The online guidance (How to report a serious incident in your charity, June 2019) provides some examples of the types of incidents that should be reported<sup>12</sup>.

### 3.3 *The process for reporting a safeguarding incident to the Commission*

**Step 1** Staff should report their safeguarding concerns or allegations by following the safeguarding policy applicable in their country.

**Step 2** Once notified of the safeguarding concern/allegation, the Head of Safeguarding will complete the serious incident notification form (appendix 1) and make a recommendation as to whether the concern/allegation warrants making a serious incident notification to the Commission.

**Step 3** The Head of Safeguarding sends the serious incident notification form to the chair of the Programme Committee safeguarding lead and the CEO for consideration and request a timely response. The urgency of reporting will depend on factors including the nature and seriousness of the incident, the potential impact on the RC Group and whether it is likely that there will be media coverage of the incident.

**Step 4** The chair of the Programme Committee (MEAL) is ultimately responsible for the decision making but they will take into account any recommendation made by the Head of Safeguarding and the view of the CEO in reaching a decision.

**Step 5** The Head of Safeguarding will then follow the recommendation of the chair of the Programme Committee (MEAL).

**Step 6a** If the decision is that no serious incident report is required, then the rationale for this must be recorded on the serious incident notification form and then the form be filed within the relevant section of the safeguarding recording system, or

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<sup>12</sup> Examples table - deciding what to report:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752170/RSI\\_guidance\\_what\\_to\\_do\\_if\\_something\\_goes\\_wrong\\_Examples\\_table\\_deciding\\_what\\_to\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752170/RSI_guidance_what_to_do_if_something_goes_wrong_Examples_table_deciding_what_to_report.pdf)

**Step 6b** If the decision is that the concern or allegation does meet one or more of the criteria (see 3.2) then the Head of Safeguarding will make that report to the Commission via its online portal.

**Step 7** The Commission will send an incident report number and specify if it wants any further information or actions. The Head of Safeguarding is then responsible for all follow up and reporting back to the Commission as required by them. The Head of Safeguarding will log any further information on the Commission's portal if required to do so e.g. if new information emerges or the outcome of an investigation.

### **3.4 What to report to the Commission**

3.4.1 The Commission's SIR Guidance notes that it is important to provide enough detail in the report to give the Commission a clear picture of what happened and when, the extent of any loss or harm, how the charity is dealing with it and the planned/possible next steps. It is important to balance the fact-finding exercise with the need to report incidents promptly.

3.4.2 The SIR Guidance says that if, having submitted a report to the Commission, the charity becomes aware of any material changes to the facts reported or significant developments, the charity must inform the Commission as soon as it becomes aware of them.

3.4.3 Information to be included in the report to the Commission:

#### **Contact details**

- the individual submitting the report and their connection to RCUK;
- the charity name and its registration number
- reference number and contact details if it's been reported to other organisations such as the police or children's social care
- the authority they must report on behalf of the trustees;
- who within the RCUK trustee body is aware of the incident

#### **Incident details**

- date of the incident
- what happened
- date the charity found out about the incident
- how the charity found out about the incident
- what impact the incident has had on the charity's beneficiaries, staff, operations or reputation
- whether trustees are aware of the incident

#### **How the incident is being handled**

- which of the charity's policies or procedures relate to the incident and whether they were followed?
- what steps the charity has taken to deal with the incident
- what steps the charity has taken to prevent similar incidents?
- where applicable, the charity's media handling or press lines, including a link to press release if available
- it is not necessary to provide the names or any other personal details of any individuals involved in the incident in your initial report – the Commission will request this information if they need it.

### **3.5 Additional considerations**

RCUK may need to prepare a communications plan covering what it will say to staff, volunteers, beneficiaries, members, supporters, patrons, the public and the media. Consideration should be

given to whether it is appropriate to obtain external advice, such as legal and/or communications advice.

- 3.5.2 RCUK will review what happened and identify and take steps to prevent it from happening again – this may include strengthening internal controls and procedures, and/or seeking appropriate help from professional advisers.
- 3.5.3 Consideration must also be given to whether a serious incident should be reported to RCUK's insurers in accordance with the relevant insurance policy (if any).

In addition to making a serious incident report to the Commission, if the incident occurred in the UK, it may be necessary to inform or make reports to other relevant regulators or agencies. RCUK should report:

- crime, or suspected crime, to the police and obtain a crime reference number;
- any incidents of harm or risk of harm to children or vulnerable adults (including any concerns, suspicions or allegations) to the relevant local authority and obtain a reference number;

### 3.6 ***Confidentiality and data protection***

All serious incident reports should be marked as confidential (unless the information is already wholly available in the public domain, which is highly unlikely). In addition:

- any personal data should be removed to the greatest extent possible and, if appropriate, the risk of identification of individuals (though unnamed) should be highlighted;
- any particularly sensitive information in the report should be identified;
- any specific exemptions from disclosure (such as an exemption under the Freedom of Information Act) should be specifically referred to and relied upon; and
- the report should contain a request that it is not disclosed to third parties and that the Commission notifies the charity if it receives a request to disclose information to third parties (e.g. the media or individuals).

### 3.7 ***What happens next?***

The Commission will typically acknowledge receipt of the report. It is understood that it will assess the risk and look at how RCUK is dealing with the incident, and may take steps to verify the details, for example and where relevant, by contacting the police. The Commission may also follow up if it:

- needs more information about the incident;
- considers RCUK's needs regulatory advice and guidance;
- has to use its legal powers to protect the charity and/or the people who come into contact with the charity through its work;
- decides to request updates on future development;
- needs to monitor the charity's progress in dealing with it.
- in very serious cases the Commission may take steps to exercise its enforcement powers, for example, issuing a warning or opening a statutory inquiry into the charity, though it is rare that it would do so without some form of preliminary communication or dialogue.

## 4. **Learning from serious incidents**

- 4.1 It is important that RCUK appropriately manages and responds to a serious incident. This includes learning from the incident and taking steps to minimise further harm in consequence of the incident and to prevent similar incidents from occurring in the future.
- 4.2 The Head of Safeguarding and lead trustee for safeguarding/chair of the MEAL Programme Committee should consider whether RCUK has taken appropriate steps to respond to a serious incident and ensure that sufficient controls and procedures are put in place to mitigate and manage

any future risks to the Charity and its beneficiaries. This should be documented and shared with the MEAL Programme Committee.

## 5. Approval and Review

**Date of procedure approval:** 14 November 2019

**Review** This procedure will be subject to review by the Programme Committee (MEAL) every two years; upon the Commission issuing updated guidance in relation to serious incident reporting, whichever occurs first, or as otherwise appropriate.

## 6. Relevant contact details

<b>Nominated trustee (Chair of programme committee):</b>	Email:	<a href="mailto:t.keene@railwaychildren.org.uk">t.keene@railwaychildren.org.uk</a>
	Telephone:	+44 (0) 7904 064840
<b>Head of Safeguarding</b>	Email:	<a href="mailto:w.tidbury@railwaychildren.org.uk">w.tidbury@railwaychildren.org.uk</a>
	Telephone:	+0044 7885 215986
<b>Group Chief Executive</b>	Email:	<a href="mailto:t.keene@railwaychildren.org.uk">t.keene@railwaychildren.org.uk</a>
	Telephone:	+0044 7904 064840



## Appendix 12: Safeguarding Checklist for Partner Organisations working with Railway Children

Railway Children are committed to promoting the safety and welfare of all children and young people as a part of its duty of care. To this end we want to be satisfied that where we have partnership arrangements that these fully include safeguarding arrangements. Therefore, please complete this form and return to [add name].

Railway Children is not responsible for quality assuring your policies and procedures. By completing and signing this document you are confirming that what you have in place is suitable and fit for purpose, complying with relevant law, guidance and best practice.

**Name of partner organisation.....**

**Name of person completing this form & job title**

.....

### Section 1: Safer staff and volunteers - recruitment, selection induction and support

You have in place	Yes or No	Additional comments
A written recruitment and selection policy and procedure which includes:		
An application form.		
A face to face interview conducted by interviewers that have relevant knowledge and experience of current safeguarding practices.		
Interview questions that draw out people's attitudes and values in relation to the perception of children and/or adults at risk (vulnerable adults).		
A request for 2 references, 2 pieces of identification and original copies of necessary qualifications before staff appointment or commencement as a volunteer.		
Different levels of recruitment and security checks commensurate with safeguarding requirements of the role.		
Criminal records checks with a process to risk assess any positive disclosures.		
Induction and support is provided for all staff/volunteers.		

### Section 2: Child and adult protection

You have in place:	Yes or No	Additional information
A written statement of your organisation's commitment to protecting all children and young people from harm. Such a policy should ensure no child is discriminated against on the grounds of race, sex, gender, culture, sexual orientation or ability, religion or belief.		
Written procedures for dealing with situations where a child or young person says they are being abused or neglected or is showing signs of harm.		

Written procedures for dealing with situations where allegations of abuse are made against staff or volunteers		
Written details about how any information regarding children and their families will be held and under what circumstances such information may be shared with other agencies.		
Mandatory training on safeguarding for new trustees/staff/volunteers within a suitable and appropriate timeframe of them joining your organisation		
Regular mandatory refresher training on safeguarding to staff and volunteers		
A nominated/designated person in your organisation with a lead responsibility for managing any safeguarding concerns or allegations and reporting regularly to the senior leadership and Board		
Information for parents of children with whom it has contact giving details of its child protection procedures and how they may make complaints if they have any concerns about the treatment of their child/ren.		

### Section 3: Code of Conduct

You have in place:	Yes or no	Additional information
A code of behaviour for staff and volunteers that sets out clear expectations of behaviour - inside and outside the workplace- and what will happen in the event of non-compliance or breach of these standards		
A policy on harassment, sexual harassment and bullying of staff or volunteers which makes the organisation's commitment to zero tolerance and a process for dealing with such concerns if they arise		
Staff and volunteers are provided with training on the code of conduct as part of their induction		

### Section 4 Risk Management

You have in place	Yes/no	Additional information
A risk register that captures any safeguarding risks in your organisation		
Regular oversight of your risk register by senior management or Board		

### Section 5: Whistleblowing

You have in place:	Yes or No	Additional information
A whistle blowing policy which protects the whistle blower from reprisals and includes clear processes for dealing with concerns raised and by whom and the timescales involved.		

### Section 6: Avoiding accidents and running safe activities

You have in place:	Yes or No	Additional information
An accident prevention policy and procedures.		



Up to date risk assessment of where the group meets and assessments in advance of specific activities, outings, events involving children and young people, with evidence that actions have been taken where necessary to manage risks.		
Regular checks on equipment used by children and young people carried out in accordance with health and safety guidance.		
Adult to child ratios which are appropriate and safe.		
A policy on parental consent to activities for children up to their 18 <sup>th</sup> birthday unless those young people are living away from home or being cared for by social services or other equivalent body		
Information about each person's medical and dietary needs, allergies and specific individual requirements.		
Parent/carer contact details.		
Public liability insurance with no exclusions for child or adult abuse.		

**Signature.** *I confirm that the measures listed above are in place. I also understand that if a child is at risk of harm or is harmed or there is a serious concern about the behaviour of an adult in the course of delivering services on behalf of Railway Children I will notify [insert name] at Railway Children within one working day of the concern being identified. This is for information purposes only.*

Name and job title.....

Signature and date.....

---

**For Railway Children use only:**

Form seen and approved/not approved by:

Any notes:

## Appendix 13: Railway Children Consent Form: Images and Films

If a child photographed/interviewed is under 18, sections A, B and C of this form must be completed.

If a photography subject/interviewee is over 18, only sections A and B need to be completed.

### Section A

#### For a young person to sign

**Railway Children is a charity that's trying to change things for children and young people who are forced to leave home or run away.**

**Part of our job is to make people understand the problems we see young people having to deal with, so that they will want to help.**

**Sometimes we would like to tell the stories of the young people we support, or use their photographs, to help decision-makers, donors and other adults understand what life is really like for young people.**

**If you're happy to help us, please read through this form, sign it and tick the appropriate boxes.**

**Thank you.**

**I \_\_\_\_\_ give my consent to help Railway Children in the following ways:**

Yes, you can take my photograph.

Yes, you can use my photograph in the following ways:

- ☐ writing to supporters
- ☐ talking to supporters
- ☐ emailing supporters
- ☐ In newspapers and magazines
- ☐ on the Railway Children website
- ☐ on other websites
- ☐ on social media
- ☐ when campaigning for change
- ☐ ongoing awareness raising

Yes, you can write down my story.

Yes, you can use my story in the following ways:

- ☐ writing to supporters
- ☐ talking to supporters
- ☐ emailing supporters
- ☐ In newspapers and magazines
- ☐ on the Railway Children website
- ☐ on other websites
- ☐ on social media
- ☐ when campaigning for change
- ☐ ongoing awareness raising

- ☐ I understand that you will change my name and details about my story to keep my identity safe.
- ☐ I confirm that we've talked about how you'll use my information and whether I feel safe.
- ☐ I understand that websites can be seen throughout the worlds.
- ☐ I understand I can withdraw my consent at any point

Name \_\_\_\_\_

Signed \_\_\_\_\_

Dated \_\_\_\_\_

## Section B

For a representative of Railway Children to sign

I \_\_\_\_\_ confirm that Railway Children agrees to:

- Only use images of people with their consent
- Store images and or audio/visual recordings securely in line with Data Protection Act 2018
- Use images and or audio/visual recordings as set out on the consent form, and with the aim to further the mission of Railway Children
- Never fully identify a person using personal information such as full name, address, telephone number
- Remove images and or audio/visual recordings upon written request by the person themselves. Online photographs will be removed immediately, and printed or published footage will be removed for subsequent print runs and editions

Name and job title

Signed \_\_\_\_\_

Dated \_\_\_\_\_



**Section C**

**For a parent or guardian to sign on behalf of a child under 18 years old**

I \_\_\_\_\_ give my consent to allow Railway Children to use images of / or  
information about \_\_\_\_\_ in the following ways:

Yes, you can take his/her photograph.

Yes, you can use his/her photograph in the following ways:

- ☐ writing to supporters
- ☐ talking to supporters
- ☐ emailing supporters
- ☐ In newspapers and magazines
- ☐ on the Railway Children website
- ☐ on other websites
- ☐ on social media
- ☐ when campaigning for change

Yes, you can write down his/her story.

Yes, you can use his/her story in the following ways:

- ☐ writing to supporters
- ☐ talking to supporters
- ☐ emailing supporters
- ☐ In newspapers and magazines
- ☐ on the Railway Children website
- ☐ on other websites
- ☐ on social media
- ☐ when campaigning for change

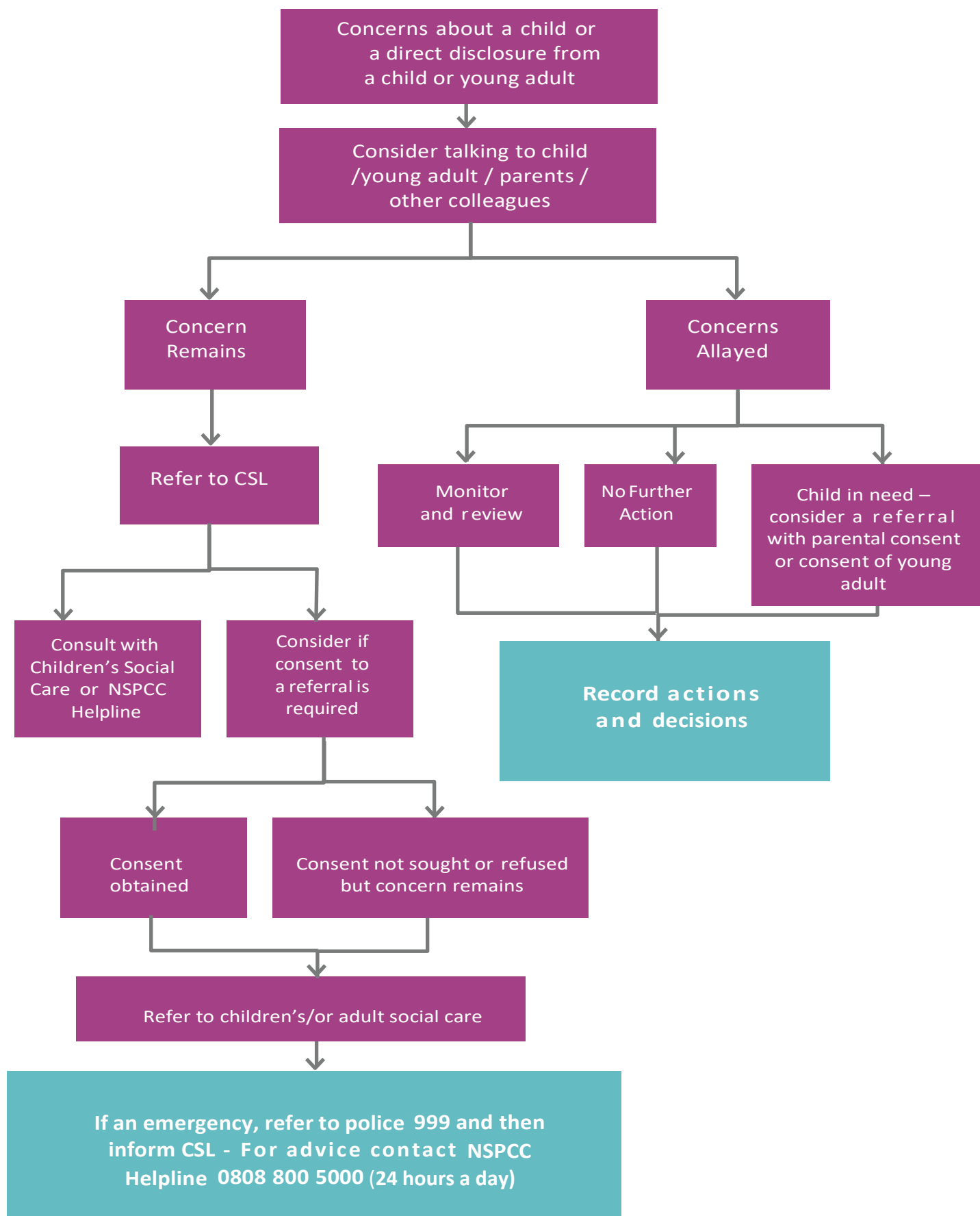
- ☐ I understand that you will change his/her name and details about his/her story to keep his/her identity safe.
- ☐ I confirm that we've talked about how you'll use his/her information.
- ☐ I understand that websites can be seen throughout the world.
- ☐ I understand I can withdraw my consent at any point

**Signed** \_\_\_\_\_

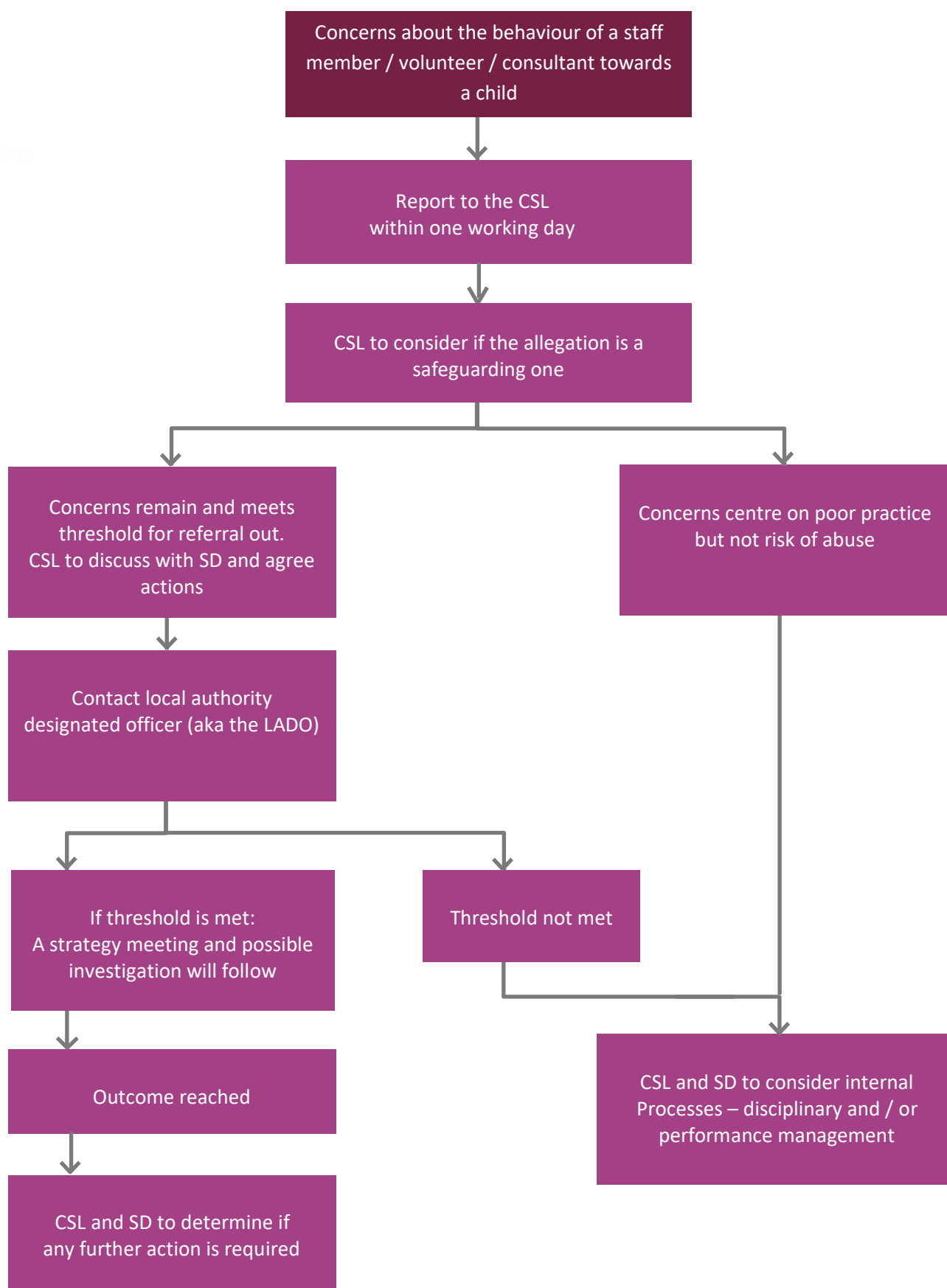
**Dated** \_\_\_\_\_



## Appendix 14a: Flowchart - Concerns About a Child or Young Adult (Non-Emergency)



## Appendix 14b: Flowchart - Safeguarding Allegation About a Staff Member, Volunteer or Consultant



### Trustee Code of Conduct

As a trustee of Railway Children, I promise to abide by the fundamental values that underpin all activities of this organisation. These are as follows.

#### Our values

- **Integrity:** We will always act with integrity in everything we do, acting in the best interests of our beneficiaries at all times.
- **Bravery:** We are not afraid to push the boundaries, try new things or challenge the status quo in order to change the world for children living on the streets.
- **Innovation:** We are constantly reviewing our work to find new and improved ways of doing the best for our beneficiaries. We push ourselves to deliver sector-leading work in the interests of children living on the streets.
- **Effectiveness:** Our work is constantly judged on results and impact and then assessed to ensure maximum return on investment both in our programme outputs and financially. Every penny of donors' money is invested with care and attention to detail.

Additionally, I agree to the following points.

#### Law, mission, policies

I will act within the governing document of Railway Children and abide by the policies and procedures of the organisation.

I will not break the law or go against charity regulations in any aspect of my role of trustee.

I will support the objects and mission of Railway Children and act as their guardian and champion.

I will develop and maintain an up-to-date knowledge of Railway Children and the contexts in which it operates

#### Conflicts of interest

I will always strive to act in the best interests of the organisation as a whole and not as a representative of any group, considering what is best for Railway Children and its present and future beneficiaries.

I will declare any conflict of interest, or any circumstance that might be viewed by others as a conflict of interest as soon as it arises.

I will submit to the judgment of the board and do as it require regarding potential conflicts of interest.

#### Person to person

I will not break the law, go against charity regulations or act in disregard of organisational policies in my relationships with fellow trustees, staff, volunteers, members, service recipients, contractors, or anyone I come into contact within my role as trustee.

I will strive to establish respectful, collegial, and courteous relationships.

#### Protecting the organisation's reputation

I will not make public comments about the organisation unless authorised to do so.

Any public comments I make about Railway Children will be considered and in line with organisational policy, whether I make them as an individual or as a trustee.

When I am speaking as a trustee of this organisation, my comments will reflect current organisational policy even when these do not agree with my personal views.

When speaking as a private citizen I will strive to uphold the reputation of the organisation and those who work in it.

I will respect organisational, board and individual confidentiality.







### Personal gain

I will not personally gain materially or financially from my role as trustee, unless specifically authorised to do so, nor will I permit others to do so as a result of my actions or negligence.

I will use organisational resources responsibly. I will document expenses and seek reimbursement according to procedure.

I will not accept gifts or hospitality without the prior consent of the chair.

### In the boardroom

I will strive to embody the principles of leadership in all my actions and live up to the trust placed in me by Railway Children.

I accept my responsibility to ensure that Railway Children is well run and will raise issues and questions in an appropriate and sensitive way to ensure that this is the case.

I will abide by board governance procedures and practices.

I will strive to attend all board meetings, giving apologies ahead of time to the chair if unable to attend.

I will study the agenda and other information sent me in good time prior to the meeting and be prepared to debate and vote on agenda items during the meeting.

I will honour the authority of the chair and respect his or her role as meeting leader.

I will engage in debate and voting in meetings according to procedure, maintaining a respectful attitude toward the opinions of others while making my voice heard.

I will accept a majority board vote on an issue as decisive and final.

I will maintain confidentiality about what goes on in the boardroom unless authorised by the chair or board to speak of it.

### Enhancing governance

I will participate in induction, training, and development activities for trustees.

I will continually seek ways to improve board governance practice.

I will strive to identify good candidates for trusteeship and appoint new trustees on the basis of merit.

I will support the chair in his/her efforts to improve his/her leadership skills.

I will support the chief executive in his/her executive role and, with my fellow board members, seek development opportunities for him/her.

### Leaving the board

I understand that substantial breach of any part of this code may result in my removal from the trustee board.

Should procedures be put in motion that may result in my being asked to resign from the board, I will be given the opportunity to be heard. In the event that I am asked to resign from the board, I will accept the majority decision of the board and resign at the earliest opportunity.

Should I resign from the board I will inform the chair in advance in writing, stating my reasons for resigning. Additionally, I will participate in an exit interview.

Signed:

Name:

Date:



## **Honorary Officers**

### **Honorary Officers: key roles**

#### **1. Chair of the Board of Trustees**

##### **Purpose**

1. To provide strategic leadership to Railway Children in collaboration with the Chief Executive and the Board of Trustees.
2. To inspire the Board, Chief Executive, and those within and outside of Railway Children through the promotion of the organisation's vision, mission and values.
3. To oversee development and delivery of the charitable aims through the strategic plan, as agreed by the Board.

##### **Specific responsibilities**

To Chair the board by:

- Ensuring that the board makes clear decisions on strategy, policy, financial stewardship, and risk exposure
- Monitoring the implementation of the board decisions
- Planning the annual cycle of meetings with the Chief Executive
- To monitor the performance of the board, its members, and the Chief Executive.
- To develop the board and to ensure that members are properly inducted and supported.
- On behalf of the Board to supervise and appraise the Chief Executive and delegate to the Chief Executive the management of the organisation.

##### **Person specification**

- Commitment to Railway Children's vision, mission and values and a way of working that demonstrates this.
- A proven track record of leading a large organisation in the public, voluntary or commercial sectors such as Chair or Chief Executive
- A good understanding of the social, economic, and political context in which Railway Children works and a willingness to further develop this understanding.
- A sound understanding of safeguarding and how to promote a culture that protects anyone that comes into contact with the charity from harm.
- Able to effectively Chair and generatively manage a diverse Board of Trustees
- Understanding and ability to promote effective governance practices in the context of a registered UK charity
- Excellent networking with a record of achievement and willingness to engage with contacts for the benefit of Railway Children
- Highly credible, a natural communicator and 'people person'. Able to inspire audiences (staff, supporters etc) with clear and compelling messages about Railway Children
- Ability and willingness to represent the charity and to play an ambassadorial role with policy makers, supporters, and others
- Confidence and ability to provide support to trustees and to evaluate the performance of the Board
- Ability to provide support and guidance to the Chief Executive and to work collaboratively in developing and implementing the strategy and monitoring performance of the organisation
- Independence of thought and judgement with a willingness to accept and promote democratically made decisions of the Board.
- Time and enthusiasm to dedicate to the role of Chair.
- Previous experience as a trustee of a charity
- Willingness to travel outside the UK to visit Railway Children programmes

## 2. Honorary Treasurer

### Purpose

1. To govern Railway Children in line with its charitable objectives and to maintain oversight of the organisation's financial affairs on behalf of the Board of Trustees.
2. To provide guidance to the Board of Trustees, Chief Executive, Finance Director, and other Directors on financial stewardship of the organisation.

The Honorary Treasurer is accountable to the Board of Trustees.

### Specific responsibilities

- To oversee Railway Children's compliance with statutory requirements relating to the accounts of a company limited by guarantee and a registered charity before these are presented to the Board of Trustees.
- To oversee the presentation and content of Railway Children's organisational budgets, management accounts and long-term forecasts to ensure these are appropriate to a company and a charity.
- To be a sounding board for the Finance and IT and to work in partnership with the Executive.
- To draw any major financial concerns to the attention of the Board of Trustees and Chief Executive
- To support the review of the reserves and risk management policies.
- To meet with the external auditor without the Finance Director at least once annually
- To present the accounts to the Annual General Meeting

### Person specification

- Experience of financial management in a large organisation at senior level and in a decentralised international organisation
- Experience of overseeing risk management – preferably in a not-for-profit organisation
- Understanding of the management and legal requirements of a UK registered charity
- Prepared to make difficult and demanding recommendations to the board
- Good coaching and mentoring skills to support the Finance Director
- Previous experience as a trustee of a charity

## 3. Company Secretary

- To advise on:
  - company and charity law
  - the company's governing documents subject to seeking specialist legal advice from the charity's solicitors as appropriate
- To oversee the maintenance of statutory registers (of members, directors, etc.) required by company law, and the relevant statutory notifications to Companies House
- To execute the constitutional requirements for General Meetings of the company, including the process for appointing trustees
- To advise on governance
- To assist in the arrangements for the induction of trustees
- To assist and advise on the constitutional requirements for meetings of the Board and its committees



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Registered charity number 1058991

**children** RAILWAY  
Fighting for street children