

Protecting and Safeguarding children and adults at risk

Protecting and Safeguarding children and adults at risk Policy 2021

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1. Introduction

This Policy forms part of the Terms and Conditions of service, and applies to all Brightside activities involving young people under 18 years of age and/or adults at risk, and to all working on such activities, whether as an employee, volunteer, contractor working on Brightside's behalf, Leadership Team representative or otherwise.

This policy will be reviewed annually by the Senior Lead(s) for Safeguarding, with recommendations for changes signed off by the Chief Executive and reported to the Board of Trustees.

1.1 Purpose

The purpose of Brightside's Child Protection Policy is to contribute to the personal safety of all young people using the facilities and resources of Brightside, through actively promoting awareness, good practice and sound procedures.

1.2 Objectives

The following principles are in compliance with the government's [Working Together to Safeguard Children 2018](#) guide, which places the child in focus when making decisions about their lives, and the [UN Convention on the Rights of the Child](#). Brightside is committed to the general principle that **everyone who works with children has a responsibility for keeping them safe**. These principles underpin Brightside's child protection and safeguarding policy:

- The welfare of the young person is paramount
- All young people, without exception, have the right to be protected from physical and verbal harm and abuse
- All staff and volunteers who come into contact with children have a duty to remain alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- Brightside's staff and Trustees have a responsibility to report concerns about any child or adult to the relevant authority

Brightside's procedures recognise that children say they need¹:

- **Vigilance:** to have adults notice when things are troubling them
- **Understanding and action:** to understand what is happening, to be heard and understood and to have that understanding acted upon
- **Stability:** to be able to develop an ongoing and stable relationship of trust with those helping them
- **Respect:** to be treated with the expectation that they are competent rather than not
- **Information and engagement:** to be informed about and involved in procedures, decisions, concerns and plans
- **Explanation:** to be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response
- **Support:** to be provided with support in their own right as well as a member of their family
- **Advocacy:** to be provided with advocacy to assist them in putting forward their views

¹ Working Together to Safeguard Children, 2018

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- **Protection:** to be protected against all forms of abuse and discrimination and the right to special protection and help if a refugee

All policies and procedures adopted by Brightside apply to children and adults regardless of gender, ethnicity, disability, sexual orientation or religion.

Child abuse is any action by another person – adult or child – that causes significant harm to a child. The types of child abuse include:

- Domestic
- Sexual
- Neglect
- Online
- Physical
- Emotional

Brightside works with disadvantaged young people; those who might be from a poor background and therefore more likely to suffer from neglect. We also work with young people with specific learning difficulties such as Autism Spectrum Disorder, those with experience of the care system, those with a physical disability, young carers, young people growing up in single parent families, those at risk of becoming NEET (not in education, employment or training), isolated young people and those lacking parental support. Brightside's work aims to help develop young people's confidence, and therefore it is likely that a high proportion of our target groups are lacking in confidence or suffer from self-esteem issues. Added to this, a significant proportion of our work is delivered online, where the risk of grooming by others may be increased. It is therefore crucial that all staff, trustees and volunteers of Brightside adhere strictly to our child protection and safeguarding policy.

An **adult at risk** of abuse or neglect is defined as an adult who "(a) has needs for care and support (whether or not the local authority is meeting any of those needs), (b) is experiencing, or at risk of, abuse or neglect, (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it."² Whilst Brightside's work does not typically target adults at risk, it is nevertheless important to outline the different vulnerabilities and main forms of abuse that they could face:

- Physical abuse
- Sexual abuse
- Psychological abuse
- Financial or material abuse
- Neglect and acts of omission
- Discriminatory abuse

In addition, it is important that we make the distinction between adults with the capacity to make decisions and adults lacking capacity. Adults who have capacity retain the right to make their own decisions and to direct their own lives. Adults lacking capacity to make decisions, though they retain the right to be involved in decision-making as far as possible, nevertheless require decisions to be made on their own behalf, and the overall approach shifts to promoting their best interests.

² [Care Act, 2014](#)

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It is the duty of all Brightside staff to ensure all people we work with are safe from abuse and any suspicion of abuse is appropriately and promptly dealt with. Whenever possible and appropriate, Brightside will seek the individual's permission before undertaking any action on their behalf to safeguard and promote their well-being. In exceptional circumstances where a beneficiary is deemed to be at risk of significant harm or to have suffered significant harm, to be a danger to another person, confidentiality may need to be broken. The individual will be informed of our intended action, or in exceptional circumstances the action may already have been taken before the individual can be informed.

In order to honour the principles of child protection and safeguarding we will ensure that:

- Applicants for paid positions within the organisation will be made aware that the position is exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that since the position is working with children or vulnerable adults Brightside are within their rights to ask questions about a person's convictions both spent and unspent. All applicants will be interviewed prior to appointment and at least two references will be followed up.
- Any paid appointments made will be subject to at least three months' probationary period at the end of which a review of this time will be carried out by the appointee's line manager.
- Individuals providing online mentoring for young people and adults at risk are eligible for an Enhanced Disclosure due to provision made within the DBS Enhanced Eligibility regulations which make provision for the following "prescribed purpose"
"considering an individual's suitability for any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other form of electronic communication including the internet and mobile text messaging"
- This provision would only extend in relation to children and adults at risk, however ultimately the responsibility as to whether such positions fall within this category rests with the Disclosure and Barring Service (DBS). All staff and volunteers who come into contact with children will undergo an enhanced DBS check every three years.
- Where a staff member or volunteer is unable to provide required documentation to apply for DBS check due to asylum or refugee status, then such person is obliged to sign a 'Volunteer Safeguarding Agreement' provide at least two character references (i.e. an employer, lecturer, doctor) and at least one proof of identity in order to participate in the Mentoring Project/s

2. Responsibilities

2.1 There are Leadership Team three Designated Safeguarding People (DSP) for all aspects of child protection awareness and implementation of this policy. All DSPs are trained as NSPCC Designated Safeguarding Children Officers.

The appointed DSPs are **Laura Gray, Chief Executive Officer (CEO), Louise Jones, Head of Impact (HoI) and Chris Mattinson, Head of Programmes (HoP)**

The DSPs are responsible for:

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- ensuring that this policy is implemented throughout Brightside’s activities including liaison with staff and volunteers;
- ensuring all necessary child protection-related enquiries, procedures and investigations are carried out;
- reporting results of screening enquiries and for preserving a "need to know" levels of confidentiality and access to secure records;
- ensuring secure and confidential records relating to child protection matters;
- liaison with social services at a formal and informal level on child protection matters, likewise with the police;
- the reporting of all substantive incidents to the Leadership Team where appropriate;
- the reporting of allegations and suspicion of abuse to the appropriate authorities;
- ensuring there is adequate induction and training relating to child protection matters;
- ensuring that each activity carried out by Brightside is sound in terms of child protection as regards personnel, practices, premises and including new technologies implemented in relation to mentee experience;
- checking all incident reports made by staff and volunteers, countersigning them, and making such reference to authority as is appropriate, after consultation with the senior staff member etc. as detailed below;
- supporting staff who have been involved in a safeguarding matter where there are concerns about a child or safeguarding allegations against staff or volunteers.

2.1 **Laura Gray (CEO)** is the senior lead for safeguarding with responsibility for the strategic overview of safeguarding and operational matters. The CEO shall ensure active compliance with this policy by all, and shall work closely with the other DSP’s to ensure this, affording them every assistance to this end. The CEO is responsible for formally reviewing child protection and safeguarding policies and procedures annually, for their ongoing evaluation and improvement, and for promoting understanding and awareness of them to staff, volunteers and young people.

2.2 All staff including volunteers and part-time workers employed by Brightside, together with members of the board of Trustees of Brightside accepts and recognise their responsibilities to safeguard and promote the well-being of children and vulnerable adults with whom they come in contact, either in person or online.

3 Code of conduct (Procedures)

3.1 Working with young people in a face-to-face environment

When working directly with children the following code of practice will be adhered to:

- All children and young adults are treated with respect
- Ensure that whenever possible there is more than one adult present during activities with children and/or vulnerable adults or at least that you are within sight or hearing of others
- Respect a young person’s right to personal privacy and confront attitudes or behaviour that you do not like
- Always remember that someone else may misinterpret your actions, no matter how well intentioned
- Special caution is required when you are discussing sensitive issues with children

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- Challenge unacceptable behaviour and report all allegations/suspicions of harm or abuse

3.1.1 Relationships with children and adults at risk

- Do not spend time alone with a child or adult at risk. If this is unavoidable, reduce the risks as much as practicable. For example
 - Get appropriate permissions before you start work
 - Let somebody else know that you will be working with the young person
 - Work in an open space where other people can see you and you can see them
 - Never be alone with a child in a room with the door shut
- Do not take children or vulnerable adults alone in a car / on journeys – however short
- Do not arrange to meet children or vulnerable adults with whom you come in contact as part of the work of Brightside outside the confines of the project work
- Do not agree to escort a child to and from any activity without written permission from the local authority responsible for the child's care

NB: Foster carers cannot give written permission for a child to engage in a particular activity or to be escorted to and from such an activity. It is the responsibility of the local authority to give this permission. In circumstances where a child is not subject to a care order, but is looked after by the local authority, the written permission of birth parents should also be sought by the local authority. Brightside does not have the responsibility to gain permission from birth parents of children who are not subject to care orders – it is the responsibility of the local authority.

Never:

- Engage in rough physical games including horse-play
- Engage in sexually provocative games
- Allow or engage in inappropriate touching in any form, remember physical contact with a child may be misinterpreted
- Allow children to use inappropriate language unchallenged
- Make sexually suggestive comments about /to a child, even in fun
- Allow allegations a child makes be ignored or go unrecorded
- Do things of a personal nature for children that they can do for themselves

You must not:

- Have inappropriate physical or verbal contact with children
- Allow yourself to be drawn into attention seeking behaviour/make suggestive or derogatory remarks or gestures in front of children
- Exaggerate or trivialise child-abuse issues

3.1.2 Supervision of young people & planned activities (face to face)

Brightside will ensure, (and undertake to ensure to the best of our knowledge and our partner organisations), to make arrangements for proper supervision of young people to minimise their risk of suffering harm or abuse of any kind whilst in our care. Our code of conduct in this respect is:

- Prepare a detailed programme of activities for the children
- Welfare and safety of the children are your responsibility while they are in your care
- Children should be adequately supervised and engaged in suitable activities at all times

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- Local authority, and/or parental consent should be obtained in writing for children to participate in activities
- Carry out a 'risk assessment' of the environment where the activity is taking place
- Children must be supervised at all times by two or more adults
- Children must not be left unsupervised at any time
- Workers should know at all times where children are and what they are doing
- Dangerous behaviour by children should not be allowed
- Staff will encourage all participants to develop self-awareness and independence in making choices and in finding names for their own feelings and encourage acceptable ways to express them. This will encourage the participants to develop their self-confidence within a group setting.

3.2 Responding to a suspicion of abuse

Through constant contact between staff and volunteers, observations of any changes in behaviour or appearance will be investigated within Brightside. The strictest confidence will be maintained.

All partner organisations will be made aware of Brightside's Child Protection and Safeguarding Policy. When working on the site of a partner organisation, Brightside staff must comply with the partner's safeguarding procedures, in addition to alerting the DSP at Brightside as appropriate.

When dealing with a local authority, if the response from them is unsatisfactory, we will follow the Safeguarding Partnerships (SP) procedure for resolving professional differences. SPs coordinate the work to safeguard children locally and monitor and challenge the effectiveness of local arrangements.

If delivering external sessions (workshops, inductions, summer schools etc.) and staff observe any changes in the child's behaviour, physical condition or appearance information will be recorded confidentially and securely. Should concerns persist this information will be recorded through detailed observations without comment or interpretation from staff, the exact words spoken by the child will be recorded, dated and timed and signed by the member of staff running the sessions. These records will be filed confidentially, separately and securely; access will be given to the Partner Co-ordinator and the Brightside DSP as appropriate. If requested these will be passed on to the relevant outside agencies.

The signs of child abuse might not always be obvious and a child might not tell anyone what is happening to them. Staff and volunteers should therefore question behaviours if something seems unusual and try to speak to the child, alone if appropriate, to seek further information.

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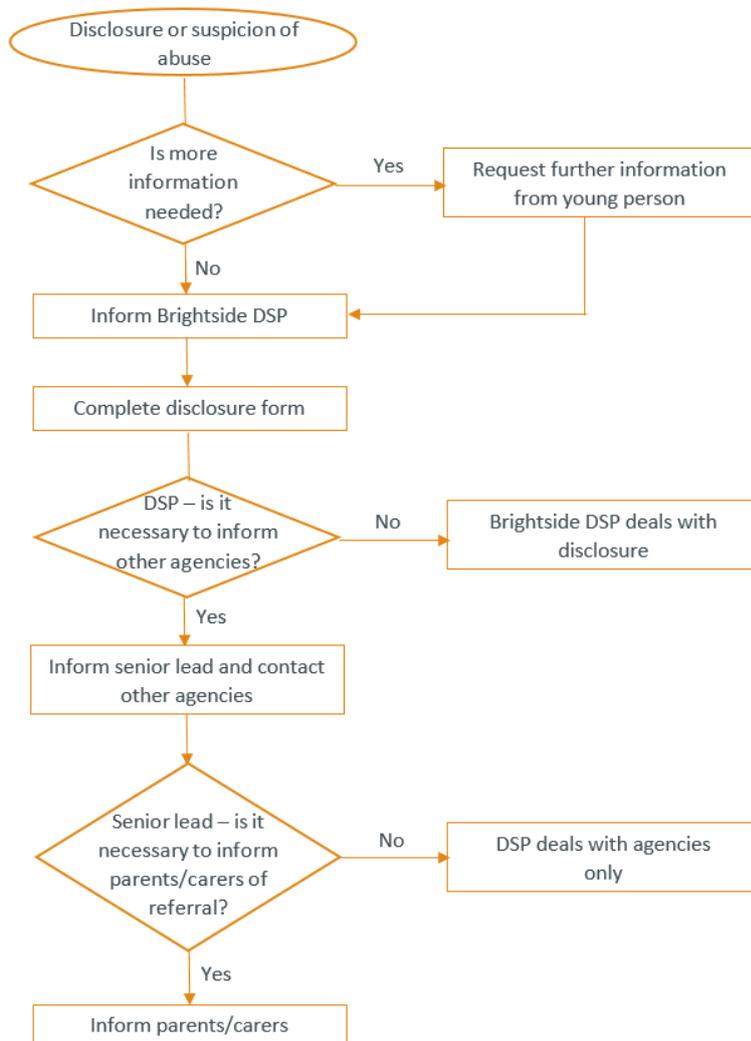


Fig 1. Reporting a disclosure or suspicion of abuse

3.3 What to do if you have concerns about a child's welfare

If a staff member has concerns about a child's welfare, they must report their concerns to the Brightside DSP immediately.

3.4 Communicating with young people online

If, through the monitoring of communications between mentors and mentees there is any suspicion of abuse, staff members must immediately report their concerns to the Brightside DSP and partner where they are the DSP as outlined in the contract of work. In addition to this escalation, the communication should be archived along with all online communications as part of the standard audit trail implemented by Brightside (see Policy statement on website security found in section 5).

3.5 Sharing contact details

Brightside volunteers and staff are not permitted to share their personal contact details with young people. In their position of trust, volunteers and staff are encouraged to remind young people

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about the professional boundaries of their mentoring relationship or otherwise. If a young person contacts a member of staff or trustee through social media, it is duty of that staff member or trustee to report it to the DSP. It is not appropriate for mentors and mentees to be in touch with each other outside of the context of their mentoring relationship.

3.6 Protecting young people's personal information

Young people's data (including their contact details) should be stored securely. When data is downloaded from the mentoring site or collected in hard copy format:

- when working on files containing young people's personal information, computers should be locked each time a staff member moves away from their desk
- hard copies of personal information should be stored in a lockable cabinet and shredded as soon as they are no longer needed
- when sending or receiving files containing young people's personal information files should be password protected and passwords sent in a separate communication to the file.
- For further information regarding data security please see the Data Protection Policy

3.6.1 Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern.

3.6.2 Employees must have due regard to the relevant data protection principles which allow them to share personal information, as provided for in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Myth-busting guide to information sharing

Sharing information enables practitioners and agencies to identify and provide appropriate services that safeguard and promote the welfare of children.

Below are common myths that may hinder effective information sharing.

Data protection legislation is a barrier to sharing information

No – the Data Protection Act 2018 and GDPR do not prohibit the collection and sharing of personal information, but rather provide a framework to ensure that personal information is shared appropriately. In particular, the Data Protection Act 2018 balances the rights of the information subject (the individual whom the information is about) and the possible need to share information about them.

Consent is always needed to share personal information

No – you do not necessarily need consent to share personal information. Wherever possible, you should seek consent and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on. When you gain consent to share information, it must be explicit, and freely given. There may be some circumstances where it is not appropriate to

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seek consent, because the individual cannot give consent, or it is not reasonable to obtain consent, or because to gain consent would put a child's or young person's safety at risk.

Personal information collected by one organisation/agency cannot be disclosed to another

No – this is not the case, unless the information is to be used for a purpose incompatible with the purpose for which it was originally collected. In the case of children in need, or children at risk of significant harm, it is difficult to foresee circumstances where information law would be a barrier to sharing personal information with other practitioners¹⁴.

The common law duty of confidence and the Human Rights Act 1998 prevent the sharing of personal information

No – this is not the case. In addition to the Data Protection Act 2018 and GDPR, practitioners need to balance the common law duty of confidence and the Human Rights Act 1998 against the effect on individuals or others of not sharing the information.

IT Systems are often a barrier to effective information sharing

No – IT systems, such as the Child Protection Information Sharing project (CP-IS), can be useful for information sharing. IT systems are most valuable when practitioners use the shared data to make more informed decisions about how to support and safeguard a child. ²¹

3.2 Responding to a child making an allegation of abuse

If an allegation of abuse is made by a child the following procedures should be observed.

- Stay calm
- Listen carefully to what is said and keep listening
- Find an early opportunity to explain to the child that the information will need to be shared with others – do not promise to keep secrets
- Only ask questions for clarification and avoid asking questions that suggest a particular answer
- Don't promise confidentiality
- Reassure the child that they have done the right thing in telling you
- Tell them what you will do next and with whom the information will be shared
- Record in writing what was said using the child's own words, as soon as possible
- Note date, time, any names mentioned to whom the information was given and ensure that the record is signed and dated and kept safely
- Contact the person responsible for child protection in Brightside

The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is the task of the professional child protection agency (the local authority responsible for the child's care) following a referral to them of concern about a child.

Should a concern be raised about someone working with children or adults at risk, a decision should be made about whether to contact the relevant local authority, Disclosure and Barring Service, parent or carer, by the DSP and Senior Lead.

The DSP and Senior Lead will also be responsible for deciding when information should be shared without consent. Such decisions about sharing confidential information should be recorded securely by the DSP and/or Senior Lead.

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Consent should be gained from young people about the sharing of confidential information about them, unless this would jeopardise their safety and welfare. The information shared with relevant agencies should be³:

- Necessary
- Proportionate
- Relevant
- Adequate
- Timely
- Secure

3.7 Reporting and recording child protection concerns

All child protection concerns raised within the team or with the DSPs should be logged. Information gathered should include:

- Description of the concern
- Who raised it
- What action was taken (if any)
- The reason for no action being taken (if applicable)

3.8 Allegations of abuse made against a member of Brightside staff or Trustees

In the event of a child making an allegation to the responsible authority (the local authority, school or university) against a member of Brightside staff or a Trustee, the Chief Executive of Brightside or the Chief Operating Officer (in the Chief Executive's absence) will be informed by the authority. If the allegation was against the Chief Executive, the Chair of Trustees will be informed.

The person subject to the allegation will be offered guidance and support and where necessary, legal advice by the proper authority (i.e. Chief Executive, Chief Operating Officer or Chair of trustees) within Brightside, pending an enquiry. Should the allegation be escalated, the member of staff or the member of Brightside board may be suspended, pending the outcome of an enquiry.

Whistleblowing means the reporting by employees or suspected misconduct, illegal acts or failure to act within the procedures outlined in this policy. Employees and others who have serious concerns about others in relation to child protection and safeguarding should come forward and voice those concerns. Such employees are protected by law and will not be treated unfairly because of whistleblowing. A whistleblowing advice line is available through the NSPCC: 0808 800 5000, email help@nspcc.org.uk

4 Useful contact numbers

4.1 Brightside has a dedicated SafeguardingEmergency phone number, which is available out of office ours (before 9am and after 5.30pm) for any Child Protection concerns and emergencies for projects where Brightside is the safeguarding lead . The SafeguardingEmergencyPhone number is **0800 955 0158**. **Please note that this number cannot accept text messages**

³ [Information sharing, 2015](#)

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Brightside has a second Child Protection Emergency number which is text enabled for use on programmes where participants are hearing impaired or have any disability which may prevent them from reporting an incident through spoken and heard word. This number is **0203 151 9471**

One of the three DSPs be available to answer the Emergency Help Line. They will also be responsible for making sure the designated phones for this line are functioning properly and charged.

Brightside will keep written records of any child protection incidents, allegations or concerns. If a call or text message is received on the dedicated line, the DSP at Brightside shall record details of any actions taken and the contact details of anyone who was involved, as appropriate, on the form provided in Appendix 3.

If the DSP requires further information about the concern raised, the individual raising the concern may be asked fill in the form provided in Appendix 3 as well. Information should be recorded in a factual way.

The DSP shall keep the individual who reported the incident informed about what Brightside has done with the information.

If for any reason the DSP at Brightside is not available to respond to the concern, the individual who wants to report the concern must avoid delay and seek advice from the local Children's Services or the Police, before informing the DSP at Brightside as soon as possible, explaining the concern and action taken.

Where Brightside is the safeguarding lead, volunteers should be made aware of the Emergency Safeguarding number during training and in written communications.

4.2 For contact details within the Social Care system, please use this link:
<https://www.gov.uk/report-child-abuse-to-local-council>

5 Policy Statement on Website Security

Brightside (which refers to 'Brightside Social Enterprise Ltd') is committed to protecting and respecting your privacy. This Privacy Notice relates to your personal information, which is any information or combination of information that could be used to identify you as an individual. This Privacy Notice explains how we collect, store and use the information you provide to us or that we otherwise collect about you – this may include some information that we have already collected when you first have the opportunity to read this Privacy Notice.

This Privacy Notice applies to your access and use of this website and Brightside's online mentoring platform (the "**Brightside Services**") and forms part of our [Terms and Conditions](#).

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As a mentor or mentee using Brightside’s online mentoring platform, when you register your online mentoring account, you will be asked to acknowledge that you have read and understood this Privacy Notice. In this Privacy Notice we refer to users of the Brightside Services (including our charity website, our online mentoring platform websites and app), as "service users".

We may update or change this Privacy Notice so please check this page from time to time and review this statement for changes. We will notify you of changes to this Privacy Notice by posting a notice on our home page for a reasonable period of time and changing the “last updated” date – in the case of significant changes, we may also contact you directly to draw your attention to the changes.

This Privacy Notice was last updated on 1st October 2020.

If you have any questions or concerns relating to this Privacy Notice, please [contact us](#). You can find details on specific areas of our Privacy Notice by clicking on the links below:

1. What kind of information we collect and why

When you use the Brightside Services, to make your visit productive and enjoyable, and to enable Brightside to provide you with the best possible services, Brightside may collect and process certain information (including personal information) that either:

- you provide to us, for example when registering for or using our online mentoring platform or to receive our newsletter or completing an online survey
- is transferred to us from the Contracted Partner(s) including, if you use our online mentoring platform, your online coordinator (being an individual holding a Disclosure and Barring Service enhanced clearance, who is authorised by Brightside and/or its Contracted Partners to implement and maintain an online mentoring programme)
- you or your mentor (if you are a mentee) or mentee (if you are a mentor) upload or post to the Brightside online mentoring platform during your (or his or her) use of the Brightside Services (including any online survey, questionnaire or form in which you may participate); or
- you or your mentor or mentee provide to us in any other way, for example by emailing us, disclosing to us by telephone or during any meeting you may have with us, your online mentor coordinator or our Contracted Partners.

This information may include the following:

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- **personal contact details**, including your name, postcode, mobile telephone number and e-mail address;
- **biographical details**, including information about your employment or education and DBS/CRB checks where applicable;
- **demographic information**, including information in relation to your age, gender, interests and hobbies;
- **sensitive information**, such as ethnicity; and
- **statistical information**, relating to your use of the Brightside Services, including course progression, messages sent or received, and number of visits to the Brightside Services,

If you are a mentee or mentor it will also include a wide range of information posted or uploaded to our mentoring platform during your and your mentor's or mentee's use of the Brightside Services. If you are a mentee, this may on occasion include some limited personal information in the categories identified as particularly sensitive by data protection law, if included in conversations and/or comments that you and your mentor upload or post to the platform – for example, information as to physical or mental health, religious or similar beliefs, political opinions, racial or ethnic origin or criminal convictions. Uploading or posting information in these categories is entirely voluntary. We do not use this information except in the provision of the Brightside Services to you.

If you do not provide the (non-sensitive) information that we request from you, we may not be able to allow you to continue to participate in our mentoring programmes.

We may also collect certain types of information automatically, including:

- your Internet Protocol (IP) address or device identifier;
- your device's operating system and browser type; and
- details of the websites visited before or after you visit our website, pages viewed and activities undertaken whilst using the Brightside Services.

2. How we use your information

Brightside may use your information for the purposes described in this Privacy Notice or as otherwise disclosed to you in the Brightside Services agreement or within the services themselves. For example, we may use your information:

- to set up a service user account so you can use the Brightside Services;
- so we can carry out the Brightside Services for you and our Contracted Partners, including:

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- for our day to day operations;
 - to meet our objectives; and
 - to comply with legal obligations;
- to communicate with you about your use of the Brightside Services, including by way of survey where applicable;
- so we can better tailor our services to you and our Contracted Partners - Brightside will always anonymise any information used for these purposes to protect your identity;
- monitoring, evaluation, research, reporting and marketing purposes in respect of the Brightside services – except as discussed below ([How we may share and disclose your information](#)). Brightside will always anonymise any information used for these purposes to protect your identity; and
- to contact you about the services in which you have expressed an interest and, also, other goods, services and features Brightside and/or the Contracted Partners believe that you will find interesting. Each time you are contacted, you will be told whom you need to inform if you do not want to be contacted again by that person.

We abide by applicable data protection law in our collection, use and other processing of your personal information. Generally, we can lawfully process your personal information as described in this Privacy Notice because we need to do so in order to pursue our legitimate interests, and those of our Contracted Partners, in pursuing the purposes disclosed to you in this Privacy Notice, the Brightside Services agreement or within the services themselves. However, note the following points:

- we will only contact you about services in which you have expressed an interest, or other goods, services or features Brightside and/or the Contracted Partners believe that you will find interesting
- our collection, use and other processing of information relating to health, and other personal information in the particularly sensitive categories discussed above ([What kind of information we collect and why](#)) is permitted on the special legal basis that it is necessary for the provision of the Brightside Services, which are confidential mentoring, advice or support services between your mentor, Brightside and Contract Partner(s); and
- as mentioned above, we may occasionally be required by law to disclose or otherwise process personal information.

3. How we may share and disclose your information

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Your privacy is very important to us. We will not share your personal information with anyone outside of Brightside, other than with any Contracted Partner relevant to your mentoring programme, any online coordinator relevant to your use of the Brightside Services and our service providers (so we can provide the Brightside Services to you), except in the very limited circumstances discussed below. The platform does also allow you to share personal information with your mentor / mentee and/or groups of mentors / mentees within your mentoring programme.

Some of our third party suppliers and service providers may host personal information outside the European Economic Area (“EEA”). All of our suppliers are GDPR compliant and for each supplier we have confidentiality agreements in place or rely on the use of the European Commission’s Standard Contractual Clauses (“SCCs”), which the Court of Justice of the European Union (“CJEU”) validated on July 16, 2020 as a legal mechanism for the transfer of EU personal data.

We also keep track of the academic progress of mentees after they have completed mentoring programmes, so that we can assess the effectiveness of our services and improve them for the future. In order to keep track of your academic progress, if you are a mentee, we may provide basic information about you (sufficient to allow you to be identified) to evaluation, research and other educational partners so that they can disclose information about your progress to us or otherwise assist us with monitoring and assessing your progress. We do not use these results in any way that might affect you individually, but only as part of our assessment of our mentoring programmes. If you do not wish us to use and share your information in this way please let us know (see [Contact us](#)).

In exceptional circumstances where a mentee or mentor is deemed to be at risk of significant harm or to have suffered significant harm, or to be a danger to another person, confidentiality may need to be broken. The mentee or mentor will be informed of our intended action, or in exceptional circumstances the action may already have been taken before the mentee or mentor can be informed. In addition, Brightside reserves the right to use or disclose any personal information as needed to satisfy any law, regulation or legal request, to protect the integrity of the Brightside Services, to fulfil your requests, or to cooperate in any law enforcement investigation.

4. How we keep your information safe

Your personal information will be kept on secure servers and kept confidential by Brightside and, except in the limited circumstances discussed [above](#), will only be seen by Brightside staff and, if you are a mentor or mentee, our Contracted Partners and suppliers relevant to your mentoring and your online mentoring coordinator. These parties are all contractually obliged to keep your personal information secure and confidential.

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From time to time, if you are a mentor or mentee, Brightside staff and your online mentoring coordinator may review messages and other materials posted or uploaded to the platform to protect your safety by ensuring that there is no misuse of the Brightside Services or of your mentoring relationship. Brightside and/or our Contract Partner(s) may occasionally use statements or comments made by individuals to evidence the impact of our mentoring programmes and/or for marketing purposes. We will always fully anonymise any statements or comments used in this way.

5. How long do we keep your personal information?

Every year, at the beginning of the next academic year, we will pseudonymise and archive in bulk all personal data that is 6 years old. The pseudonymisation of personal data involves separating any personal identifying information from other non-identifying user information we may hold, followed by an encryption process. The archiving of the pseudonymised datasets will remove them from the live platform to be stored on a separate secure database.

Brightside uses HEAT to help understand the impact our mentoring programmes have on the education trajectory of our beneficiaries and how this may affect longer-term social mobility. HEAT (Higher Education Access Tracker) is a secure shared database used by a variety of educational institutions to identify which outreach or widening participation activities are the most effective in preparing students for Higher Education and progressing on to employment.

Brightside's data retention policy therefore aligns directly with [HEAT's data retention policy](#). This means we will retain personal data for the same duration of time as it is retained by HEAT and delete it from our systems once it is no longer tracked by HEAT, which will typically be 15 years after a mentee graduates or when they reach 30 years of age (whichever comes first). When a mentee's personal data is deleted, we will also delete their corresponding mentor's personal data unless that mentor is still actively using the platform. The deleted data cannot be retrieved once deleted, deletion is permanent.

As part of our GDPR obligations, [upon request](#), we will delete your personal information from our systems within 3 months.

This retention policy will be reviewed each year to ensure it remains fit for purpose and compliant with relevant legislation. Further information on HEAT's Data Retention Policy can be found [here](#).

6. How we use Cookies

Cookies are small text files that are placed on your computer by the websites that you visit. There are two kinds of cookies: session cookies, which we use to store information relating to your current session on the site but which are deleted when you leave the site; and

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permanent cookies, which remain on your computer so that our site recognises you when you return. The information in a cookie may include an encrypted version of your username and a unique identifier for that session. You need to enable cookies on your web browser in order to use this site. We also use Google Analytics to provide us with statistical data on how people use this site. Google Analytics cookies are third party cookies set by Google, which include both session and persistent cookies.

Most web browsers allow some control of most cookies through the browser settings. To find out more about cookies, including how to see what cookies have been set on your device and how to manage and delete them, visit www.allaboutcookies.org.

To opt out of being tracked by Google Analytics across all websites visit <http://tools.google.com/dlpage/gaoptout>.

7. Third party sites

This Privacy Notice only relates to the Brightside Services and does not extend to your use of the internet outside this website; in particular, it does not relate to any websites to which you may link to using the hypertext connections within the Project Resources section (or any other section) of our website or the Brightside Services and Brightside is not responsible for the privacy practices of other websites.

You are encouraged to read the privacy statements of the other websites you visit from your use of the Brightside Services so you are aware of their data privacy practices.

8. Children's online privacy

Brightside recognises the importance of protecting the privacy of children. We will not knowingly collect any personal information from children under the age of eleven years. When a service user discloses personal information to us, the service user is representing to us that he or she is at least eleven years old.

9. Your data protection rights

You have the right to request a copy of the personal information that we hold about you or ask us to correct any inaccurate personal information. You can also object to our processing of your personal information, or ask us to delete the personal information we hold about you or to restrict its processing so that we keep it but only make very limited use of it. All of these rights are subject to various exceptions and conditions. If you would like a copy of all or some of your personal information, or to exercise one of your other rights, please [Contact us](#).

You can also complain to the office of the UK Information Commissioner: www.ico.org.uk.

10. Contact Us

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If you have any questions or comments about this Privacy Notice or Brightside's personal data processing or data protection practices, or wish to:

- opt out of receiving communications about services in which you have expressed an interest, or other goods, services or features Brightside and/or the Contracted Partners believe that you will find interesting;
- ask us not to disclose information about you to evaluation, research and other educational partners so that we can track your academic progress (see [How we may share and disclose your information](#)); or
- exercise the data protection rights discussed [above](#),

please contact us at dataprotection@brightside.org.uk. You should also use this email address to let us know if any of your personal data changes. Alternatively, you can write to us at the address set out below, or call us on 0203 096 8120.

6. Appendices

Appendix 1 Disclosure & Barring Services Policy

General Principles

An application for a criminal record check is only submitted to the Disclosure and Barring Service (DBS) after a thorough risk assessment has indicated that one is proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all applications forms, job adverts, and recruitment briefs will contain a statement that a Disclosure will be requested in the event of an individual being offered the position.

Brightside operates a risk assessment policy and procedures to determine if a Disclosure is required. This includes a clearly stated policy of working with children and vulnerable adults. This policy includes reference to health and safety, child protection, equal opportunities, confidentiality and special needs policies.

Brightside ensures that all those in Brightside who are involved in the appointment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. Unless the nature of the position allows Brightside to ask questions about their entire criminal record we only ask about unspent convictions as defined in the Rehabilitations of Offenders Act 1974.

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The Disclosure & Barring Service

As an organisation that uses the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust, Brightside will ensure that it complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. Brightside will also ensure that it, and its partner organisations, complies fully with their obligations under the General Data Protection Regulation (GDPR) and other relevant legislation pertaining to the safe handling, use storage, retention and disposal of Disclosure information.

Types of Disclosure

There are three types of Disclosure:

Basic Disclosure

This will contain details of convictions held in central police records which are not spent under the terms of the Rehabilitation of Offenders Act 1974 or will state if there are no such convictions. Any employer will be able to request a potential employee to apply for a basic Disclosure.

Standard Disclosure

This will contain details of spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. It will also indicate if there are no such matters on record. If an individual is applying for a position working with children, the standard Disclosure will also reveal whether the individual is barred from working with children by virtue of their inclusion on lists of those considered unsuitable to work with children maintained by the Department of Education and Employment and the Department of Health.

Enhanced Disclosure

This Disclosure will apply to a subset of those within the terms of the exception Order under the Rehabilitation of Offenders Act 1974. They will be used principally for those involved in regular caring, training, supervising or being in sole charge of those aged under 18, or of vulnerable adults and certain other matters, including certain purposes in relation to gaming and lotteries and adoption and fostering. The enhanced Disclosure will contain the same information as the standard Disclosure. It may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

Transgender applicants

The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This sensitive applications route is available for all levels of DBS check - basic, standard and enhanced. It gives transgender applicants

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the choice not to have any gender or name information disclosed on their DBS certificate, that could reveal their previous identity.

The DBS guidance that Brightside shares with staff, trustees and volunteers contains information about the sensitive applications route, including contact details, to ensure that transgender applicants are aware of this service.

Non UK applicants

The Disclosure and Barring Service cannot access criminal records which are held overseas, so for non-UK applicants an alternative criminal records check and certificate of good conduct will be required.

Applicants with asylum or refugee status

Where a staff member or volunteer is unable to provide required documentation to apply for DBS check due to asylum or refugee status, then such person is obliged to sign a 'Volunteer Safeguarding Agreement' provide at least two character references (i.e. an employer, lecturer, doctor) and at least one proof of identity in order to participate in the Mentoring Project/s

Storage & Access

Within Brightside, Disclosure information will be kept on individual electronic secure HR file with access strictly controlled and limited to those who are entitled to see it as part of their duties as DBS counter signatories.

Handling

In accordance with section 124 of the Police Act 1997, Brightside will ensure that Disclosure information is only passed to those who are authorised to receive it in the course of their duties. A record of all those to whom Disclosure and Disclosure information has been revealed will be kept and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once recruitment, training and placement of a volunteer have been completed, Brightside does not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to three years, to allow for the consideration and resolution of any disputes or complaints and any delays in placing the volunteer. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, Brightside will consult the DBS and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, Brightside will ensure that any Disclosure information is immediately and suitably destroyed by secure means, i.e. by shredding or deleting from electronic HR file. While awaiting destruction, Disclosure information will not be kept in any insecure

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receptacle (e.g. waste bin or waste sack). No photocopies or other images of the Disclosure or any copy or representation of the contents of the Disclosure will be kept. However, notwithstanding the above, a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique number of the Disclosure and the details of the recruitment decision taken.

Recruitment of ex-offenders

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Brightside complies fully with the code of practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Brightside can only ask an individual to provide details of convictions and cautions that Brightside are legally entitled to know about. We can only ask an individual about convictions and cautions that are not protected.

Brightside is committed to the fair treatment of its staff, potential staff, volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

Interviews

At interview, or in separate discussions, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteering role.

Other Responsibilities

Brightside and its partner organisations undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment or voluntary position.

Having a criminal record will not necessarily bar them from working or volunteering with Brightside. This will depend on the nature of the position and the circumstances and background of the offences.

It is an offence for someone to apply for, offer to do, accept or do any work with children (paid or unpaid) if disqualified from working with children. Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. In addition, the following may also be searched:

- Protection of Children Act (POCA) List
- Protection of Vulnerable Adults (POVA) List
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99)

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An enhanced Disclosure will also check information held on the applicant by local police forces.

Disqualification can arise from inclusion on lists of those considered unsuitable to work with children or who are barred from employment in the education sector held by the Department of Health and the Department for Education. In addition, the courts can disqualify those convicted of serious offences of a sexual or violent nature from working with children by imposition of a disqualification order. It is an offence knowingly to offer a disqualified person work with children or to allow them to continue in such work.

Brightside recommends that partner organisations should have an appropriate Disclosure policy in place; otherwise they may open themselves to legal challenge under the Human Rights Act 1998 on the grounds that the organisation failed to protect their clients (mentees, students, pupils etc.) sufficiently from abuse of known offenders.

Appendix 2 - definitions of abuse and potential signs of abuse

Abuse is any action by another person that causes significant harm to a child or adult at risk. An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. It often happens over a period of time, rather than being a one-off event. And it can increasingly happen online. The NSPCC estimates that over a half a million children are abused in the UK each year. They outline the types of abuse as:

Type of abuse	Children who are victims of this abuse may:
Domestic abuse – children who witness domestic abuse	Become aggressive Display anti-social behaviour Suffer from depression or anxiety Not do as well at school – due to difficulties at home or disruption of moving to and from refuges
Sexual abuse - when they are forced or persuaded to take part in sexual activities Child sexual exploitation – a type of sexual abuse in which children are sexually exploited for money, power or status	Avoid being alone with people, such as family members or friends Seem frightened of a person or reluctant to socialise with them Show sexual behaviour that is inappropriate for their age Use sexual language or know information that you wouldn't expect them to
Neglect – the ongoing failure to meet a child's basic needs	Have poor appearance and hygiene, unwashed or inadequate clothes Seem hungry or turn up to school without lunch money Have health and development problems such as untreated injuries, medical and dental issues, recurring illnesses or infections or poor language, communication or social skills Have housing and family issues, for example living in an unsuitable home environment, or they may have taken on the role of carer for other family members
Online abuse – any type of abuse that happens on the web, whether through social networks, playing online games or using mobile phones Bullying and cyberbullying – at school, at home or online.	Spend lots, much more or less time online, texting, gaming or using social media Be withdrawn, upset or outraged after using the internet or texting Secretive about who they are talking to and what they are doing online or on their mobile phone Have lots of new phone numbers, texts or email addresses on their phone, laptop or tablet

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Usually repeated over a long period of time	
Physical abuse – deliberately hurting a child causing injuries such as bruises, broken bones, burns or cuts	<p>Bruises Burns or scalds Bite marks Fractures or broken bones Other injuries or health problems</p>
Emotional abuse – maltreatment or neglect. Sometimes called psychological abuse	<p>Use language, act in a way or know about things that you wouldn't expect them to know for their age Struggle to control strong emotions or have extreme outbursts Seem isolated from their parents Lack social skills or have few, if any, friends</p>
Female genital mutilation (FGM) – the partial or total removal of external female genitalia for non-medical reasons	<p>Not know what's going to happen. But she may talk to you about:</p> <ul style="list-style-type: none"> • A long holiday abroad or 'going home' to visit family • Relative or cutter visiting from abroad • A special occasion or ceremony to 'become a woman' or get ready for marriage • A female relative being cut – a sister, cousin or older female relative
Child trafficking – where children are recruited, moved or transported and then exploited, forced to work or sold	<p>Spend a lot of time doing household chores Rarely leave their house, and have no freedom of movement or time for playing Be orphaned or living apart from their family Live in substandard accommodation</p>
Grooming – online or in the real world, by a stranger or someone they know – for example a family member, friend or professional	<p>Be very secretive Have older boyfriends or girlfriends Go to unusual places to meet friends Have new things such as phones they can't afford or won't explain Have access to drugs or alcohol ⁴</p>

⁴ NSPCC, 2017

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Date of disclosure/ incident/ concern:		Location of disclosure/ incident/ concern:	
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Action taken by person(s) above:	
Date of Brightside notification:	Name of Child Protection Officer (Brightside):
Action taken by Child Protection Officer (Brightside):	
Notes of feedback between Child Protection Officer and the person who raised this child protection concern, including date of feedback:	

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Appendix 4 STAFF MEMBER ACKNOWLEDGEMENT

To be signed by Brightside employees, interns, s and trustees.

I confirm that I have read and understood Brightside's Child Protection Policy and will act in accordance with it

I am connected with this organisation in my capacity as a

Member of staff

Trustee

Signature:

Print name:

Date: