

What is Section 11?

Section 11 of the [Children Act 2004](#) places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Who has a duty under Section 11?

- Local Authorities and district councils that provide children's and other types of services, including children's and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services;
- NHS organisations, including the NHS Commissioning Partnership and clinical commissioning groups, NHS Trusts and NHS Foundation Trusts;
- The police, including police and crime commissioners and the chief officer of each police force in England and the Mayor's Office for Policing and Crime in London
- The British Transport Police;
- The Probation Service;
- Governors/Directors of Prisons and Young Offender Institutions;
- Directors of Secure Training Centres; and
- Youth Offending Teams/Services.

What Safeguarding Arrangements should be in place?

As set out in [Working Together to Safeguard Children 2018](#), these organisations and agencies should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

- a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children
- a senior lead with the required knowledge, skills and expertise or sufficiently qualified and experienced to take leadership responsibility for the organisation's/agency's safeguarding arrangements
- a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services
- clear whistleblowing procedures, which reflect the principles in Sir Robert Francis' Freedom to Speak Up Review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed

- clear escalation policies for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies
- arrangements which set out clearly the processes for sharing information, with other practitioners and with safeguarding partners
- a designated practitioner (or, for health commissioning and health provider organisations/agencies, designated and named practitioners) for child safeguarding. Their role is to support other practitioners in their organisations and agencies to recognise the needs of children, including protection from possible abuse or neglect. Designated practitioner roles should always be explicitly defined in job descriptions. Practitioners should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively
- safe recruitment practices and ongoing safe working practices for individuals whom the organisation or agency permit to work regularly with children, including policies on when to obtain a criminal record check
- appropriate supervision and support for staff, including undertaking safeguarding training
- creating a culture of safety, equality and protection within the services they provide

In addition, they should:

- ensure that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role
- ensure staff are given a mandatory induction, which includes familiarisation with child protection responsibilities and the procedures to be followed if anyone has any concerns about a child's safety or welfare
- ensure all practitioners have regular reviews of their own practice to ensure they have knowledge, skills and expertise that improve over time
- have clear policies in place for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:
 - behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or
 - behaved towards a child or children in a way that indicates they may pose or risk harm to children.

How can these organisations ensure they comply with Section 11?

Organisations with a duty under Section 11 can complete self-evaluation activity; against the criteria identified above. Organisations can utilise the [HSSCP Section 11 Audit Tool](#) if they wish, to assist with their self-evaluation.

Once the self-evaluation work is completed, it is best practice for organisations to action-plan for any area judged not to be meeting the required standard. Organisations can contact HSSCP for support around any of the identified criteria; should they judge this is needed.

It is recommended that organisations keep an ongoing self-assessment document that is regularly updated.

HSSCP may request submissions from their partner organisations on one or more selected criteria points from the list above; should their active learning suggest that assurance is needed.

Other Safeguarding Duties and Responsibilities

Although not named as having a duty under Section 11, other agencies and organisations are listed within Working Together to Safeguard Children 2018 as having further safeguarding duties through other statutes. These are:

- Schools, colleges and other educational providers (Section 175 of the Education Act 2002. Statutory Guidance 'Keeping Children Safe in Education' 2019)
- Early Years and Childcare (Section 40 of the Childcare Act 2006)
- Children's homes (Children's Homes Regulations;34)
- UK Visas and Immigration, Immigration Enforcement and the Border Force (Section 55 of the Borders, Citizenship and Immigration Act 2009)
- Children and Family Court Advisory and Support Service (Children Act 1989)
- Voluntary, charity, social enterprise, faith-based organisations and private sectors (The Charity Commission for England and Wales: Guidance)
- Sports Clubs / Organisations

HSSCP recommend that the above named organisations also complete regular self-evaluation activity. The [HSSCP Section 11 Audit Tool](#) can be used to assist organisations with their safeguarding self-assessment or checklist.

Schools, colleges and other educational providers can utilise the NSPCC [online audit tool](#) to assist with their safeguarding self-assessment or checklist.

Once the self-evaluation work is completed, it is best practice for organisations to action-plan for any area judged not to be meeting the required standard. Organisations can contact HSSCP for support around any of the identified criteria; should they judge this is needed.

It is recommended that organisations keep an ongoing self-assessment document that is regularly updated.

HSSCP may request submissions from any of the above organisations on selected safeguarding criteria from; should their active learning suggest that assurance is needed.