

Safeguarding children: Effective strategies for prevention and response



Organisations working with children know safeguarding is a priority, but too many are still blindsided by revelations of abuse.

When allegations arise, legal obligations are often engaged, and there are strong moral and organisational reasons to meet and exceed these. By doing so, organisations can promote early identification of concerns, effective investigation, and appropriate remediation. This minimises impact to an organisation and, most importantly, harm to others.

In this note, we have drawn together key considerations to plan for and deliver an effective timely response to emerging concerns.

Who knew?

The #TheyKnew campaign is crowdfunding to seek justice through the courts for victims of child sexual abuse and exploitation. This reflects two common questions after a scandal: 'Who knew?' and 'Who will be accountable?'

Candour and cooperation

Candour is mandated in an increasing number of areas, through legislation and regulators, with sanctions for non-compliance. The anticipated Hillsborough Law will expand this further. Where not mandated, failure to demonstrate candour following an organisational failing can lead to significant harm in areas such as reputation and recruitment, impacting an organisation's ability to pursue its business.

First to know

Legal obligations or legal action should not be the first prompt for investigation. Investment in culture, systems and investigation creates an opportunity to reduce or avoid harm; support justice and remediation; and contain the impact on an organisation and its people.

Speak up culture

Staff in delivery teams are typically best placed to identify concerns. New staff may offer fresh perspectives. Staff at all levels and of all experience need to be engaged in an effective 'speak up' culture. This requires clear routes and protections for whistleblowing, emphasis on the value of speaking up whenever concerns arise, and commitment to acting on reports.

Escalation and coordination

Effective escalation and coordination processes ensure concerns do not get 'stuck' within local teams and that trends can be identified. Barriers can include such things as performance systems that penalise identification of concerns, and inconsistent reporting systems.

Investigation

A 'speak up' culture should not require a high evidential barrier for a report, so effective informal and formal investigation processes are needed. Staff should understand investigation does not equate to blame but is about best practice for all. Clear division is needed

between informal investigation and formal investigation, where disciplinary or regulatory consequences may arise.

Where evidence emerges of very serious or wide-ranging harm, early consideration should be given to a bespoke investigation format with terms of reference, a transparency strategy, and possible independent investigator. In relation to public bodies, a locally led inquiry may be appropriate.

In all cases, thought must be given to any possible regulatory, police or coroner investigation, with coordination to ensure these processes are properly supported.

Notifications

Insurers, regulators, customers, relevant office holders, boards and others may need to be informed. Clear understanding of thresholds for notification is important and may require guidance or engagement with relevant third parties. It is best to establish thresholds as part of planning work, rather than after the event.

Information sharing

Organisations may have a duty or power or otherwise wish to share information, such as with DBS or another known employer of an individual. This is generally possible for safeguarding purposes, but the detail is important. The ICO has guidance here:

A 10 step guide to sharing information to safeguard children >

Risk reduction and remediation

Early identification of risk can support early actions to reduce risk or remediate harm which has occurred. Proactive consideration or remediation, where relevant, can support early intervention and better outcomes.

How can we help?

With experts in <u>HR</u>, <u>employment</u>, investigations, inquiries, <u>data</u>, redress, we regularly support clients through the most complex and challenging of incidents.

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