



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

www.gov.uk/dhsc

Ms Amanda Hart
request-701254-9f874e94@whatdotheyknow.com

16 December 2020

Dear Ms Hart,

Freedom of Information Request Reference FOI-1274313

Thank you for your request dated 18 November in which you asked the Department of Health and Social Care (DHSC):

"Dear Department of Health and Social Care,

Thanks for your response. We only require you to provide the DHSC's main document containing the title duty of care. To be helpful, this would be a document which all staff treating children whether in hospital wards or outpatients are required to read.

If you don't have any 'duty of care' document, then kindly let us know. Additionally you may find it helpful to note that our request to the DWP for a 'duty of care' document resulted in them informing us they don't have a duty of care to anyone. Perhaps the DHSC also does not have a duty of care to anyone too.

<https://www.whatdotheyknow.com/request/695804/response/1667311/attach/3/FOI%20Reply%20template%2057824.pdf>

Please note we're only looking for recorded information. We're not asking for information to be created or for an opinion on the subject. "

Your request has been handled under the Freedom of Information Act (FOIA).

The DHSC has some of the information you have requested. As the information held by the Department is in the public domain we will, under Section 21 of the FOIA (information accessible to the applicant by other means), refer you to the published source.

The Department of Health and Social Care and NHS England and Improvement have produced a number of documents and procedures designed to keep children safe while they are in the care of the health system.

Effective safeguarding arrangements seek to prevent and protect individuals from harm or abuse. In 2018, the government set out new multi-agency arrangements for safeguarding children in the *Working Together to Safeguard Children* guidance to strengthen safeguarding arrangements locally. This recognises the key role health has to play in identifying and protecting children and

young people from harm. This guidance can be found at:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

Regarding the safety of children in the NHS, the NHS Constitution for England contains the rights, pledges and responsibilities that generally apply to *everyone* who is entitled to receive NHS services, and to NHS staff. The Health Act 2009 includes provisions related to the constitution and places a statutory duty on NHS bodies, providers of primary care services, and voluntary organisations providing NHS care in England to have regard to the constitution. The Handbook to the NHS Constitution for England also identifies situations where the NHS should aim to provide services in a manner that specifically takes account of the needs of children and can be found at: <https://www.gov.uk/government/publications/supplements-to-the-nhs-constitution-for-england/the-handbook-to-the-nhs-constitution-for-england>.

The safeguarding of children, young people and adults who are at risk is an important part of the role of NHS professionals. All healthcare staff are required to complete training on safeguarding for children and adults to ensure they understand the key principles of protecting vulnerable people. The NHS Safeguarding Accountability and Assurance Framework sets out the safeguarding roles and responsibilities of all individuals working in NHS funded care settings and NHS commissioning organisations. This can be found at: <https://www.england.nhs.uk/publication/safeguarding-children-young-people-and-adults-at-risk-in-the-nhs-safeguarding-accountability-and-assurance-framework/>.

Level 1 safeguarding training is mandatory for all staff working in the NHS, and the level of training increases if a role involves contact with children and young people. This is in keeping with independent guidance from royal colleges representing healthcare professionals, which can be found at: <https://www.rcn.org.uk/professional-development/publications/pub-007366>.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF

<https://ico.org.uk/concerns>

Yours sincerely,

Ed Franklyn
Freedom of Information Officer
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