

Safeguarding Children and Young People Policy and Procedure

1. Introduction

FosterTalk is an independent, not-for-profit organisation providing high quality professional advice support and information to foster carers and their families throughout the UK. FosterTalk also offers independent support to foster carers facing difficult situations, such as allegations and complaints through the Foster Carers Independent Support Service (FISS) and has delivered Fosterline England, a free helpline and interactive website for foster carers and prospective foster carers on behalf of the Department for Education since 2013.

While FosterTalk provides a confidential service to foster carers, all staff and other workers have a duty and a responsibility to promote and safeguard the welfare of children, and must take appropriate action if they become aware of any disclosures, allegations or concerns about inappropriate behaviour towards children by adults or other children and young people.

2. FosterTalk's Safeguarding Children Policy

This Policy applies to all staff, including senior managers and the board of directors, self-employed and sessional workers, and anyone working on behalf of FosterTalk Ltd.

The purpose of this policy is;

- To protect children and young people who receive FosterTalk services, including the children of adults who use our services.
- To provide staff, sessional workers and others with the overarching principles which guide our approach to safeguarding children.

FosterTalk believes that a child or young person should never be subjected to abuse of any kind. We have a duty to promote the welfare of children at all times and to keep them safe. FosterTalk is committed to working in a way that protects all children and young people with whom we come into contact.

2.1 Lead Responsibility:

Alan J Wood, Managing Director, has senior board level lead responsibility for safeguarding arrangements at FosterTalk Ltd. (Contact: 01527 836910)

Jackie Edwards, Professional Advisor, is designated professional lead for safeguarding at FosterTalk (Contact 01527 836910)

2.2 Legal Framework

This policy has been drawn up on the basis of law and guidance that seeks to protect children and with reference to the West Midlands Safeguarding Children Procedures and Working Together to Safeguard Children 2018, the Children Act 1989 and the Children Act 2004.

2.4 Definitions Used

Working Together 2018 (Appendix A) contains the following definitions which are used throughout this policy:

| | |
|--|---|
| Children | Anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection. |
| Safeguarding and promoting the welfare of children | Defined for the purposes of this guidance as: a. protecting children from maltreatment b. preventing impairment of children's health or development c. ensuring that children are growing up in circumstances consistent with the provision of safe and effective care d. taking action to enable all children to have the best outcomes |
| Child protection | Part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm. |
| Abuse | A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children 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. Children may be abused by an adult or adults, or another child or children. |
| Physical abuse | A form of abuse which 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. |
| Emotional abuse | 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 a child that they are worthless or 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 or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being |

| | |
|---------------------------|---|
| | <p>imposed on children. These may include interactions that are beyond a child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve 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.</p> |
| Sexual abuse | <p>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. They may also include 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 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.</p> |
| Child sexual exploitation | <p>Child sexual exploitation is a form of child sexual abuse. It occurs where 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 sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the 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 through the use of technology.</p> |
| Neglect | <p>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 as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:</p> <ul style="list-style-type: none"> a. provide adequate food, clothing and shelter (including exclusion from home or abandonment) b. protect a child from physical and emotional harm or danger c. ensure adequate supervision (including the use of inadequate care-givers) d. ensure access to appropriate medical care or treatment <p>It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.</p> |
| Extremism | <p>Extremism goes beyond terrorism and includes people who target the vulnerable – including the young – by seeking to sow division</p> |

| | |
|---|---|
| | <p>between communities on the basis of race, faith or denomination; justify discrimination towards women and girls; persuade others that minorities are inferior; or argue against the primacy of democracy and the rule of law in our society.</p> <p>Extremism is defined in the Counter Extremism Strategy 2015 as the vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist.</p> |
| Local authority designated officer (LADO) | <p>County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner. Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people who work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.</p> |
| Safeguarding partners | <p>A <i>safeguarding partner</i> in relation to a local authority area in England is defined under the Children Act 2004 as: (a) the local authority, (b) a clinical commissioning group for an area any part of which falls within the local authority area, and (c) the chief officer of police for an area any part of which falls within the local authority area. The three safeguarding partners should agree on ways to co-ordinate their safeguarding services; act as a strategic leadership group in supporting and engaging others; and implement local and national learning including from serious child safeguarding incidents. To fulfil this role, the three safeguarding partners must set out how they will work together and with any relevant agencies as well as arrangements for conducting local reviews.</p> |
| County Lines | <p>As set out in the Serious Violence Strategy, published by the Home Office, a term 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 the drugs and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons.</p> |

| | |
|-----------------------------|---|
| Child criminal exploitation | As set out in the Serious Violence Strategy, published by the Home Office, where an individual or group takes advantage of an imbalance of power to coerce, control, 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 the financial 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 through the use of technology. |
|-----------------------------|---|

2.5 Who does this Policy and Procedure apply to?

This statement of policy and procedure applies to all staff employed or deployed by FosterTalk, including self-employed workers, e.g. FISS Advisors. It is about safeguarding children, that is: promoting their welfare and protecting them from harm or exploitation. It is augmented by parallel guidance in Working Together (2018) and each fostering services own Local Safeguarding Children Procedures.

FosterTalk also has a Whistleblowing Policy, which reflects the principles in Sir Robert Francis’s Freedom to Speak Up Review, under which staff can raise concerns about the behavior of workers or managers, without fear of redress.

<https://freedomtospeakup.org.uk>

All employed and self- employed staff will receive training on this policy and procedure as part of their induction to FosterTalk and safeguarding will be routinely discussed in supervision.

This policy will be reviewed annually in line with changes in policy, guidance and regulation.

FosterTalk will make this Policy available to all service users on our website at www.fostertalk.org and upon request.

3. FosterTalk Safeguarding Children Procedure

3.1 Responding to concerns about a child

Anyone who has concerns about a child’s welfare should make a referral to local authority children’s social care. This includes professionals who work with children and their families but could also be the child themselves, family members or members of the public.

The Children Act 1989 introduced the concept of significant harm as the threshold which justifies compulsory intervention in family life in the best interests of children. Section 47 of the Act places a duty on local authorities to make enquiries, or cause enquiries to be made, where it has reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm.

3.2 What should you do?

If you have concerns about a child, or a child or Foster Carer makes an allegation of abuse to you, you must share this with your line manager at FosterTalk immediately. Outside of office hours you must share this with the appropriate Local Authority Out of Hours Service, and advise your line manager at FosterTalk at business opening the next day. In an emergency you should not wait to contact managers or the duty team but should contact the appropriate emergency service, e.g. police or ambulance and seek immediate assistance. Contact details for each local authority out of hours service will be provided to workers and are also available on line.

3.3 Abuse by professionals or others working with a child or family

If abuse by a FosterTalk employee or a person working with a child or their family is alleged or suspected, the above procedure should be followed. The FosterTalk whistleblowing policy and complaints procedure may also apply.

3.4 Safeguarding Log

FosterTalk will maintain a log of all referrals made under this Safeguarding Procedure, together with the contact details of the Local Authority Designated Officer or Children's Services Team to whom they were referred and the action taken by them.

3.5 FosterTalk Referral Process:

3.5.1. The line manager at FosterTalk will discuss the concerns with the designated professional lead or managing director, who will consider whether this meets the criteria for a safeguarding referral to the Local Authority, and agree any action to be taken.

3.5.2. If the matter is considered to be a safeguarding issue, the line manager will request a written report from the worker who has reported the concerns, and will inform that worker of the action to be taken. The safeguarding concerns, discussion and agreed action will be recorded into the FosterTalk Safeguarding Log by the line manager.

3.5.3 The line manager at FosterTalk will refer the concern/allegation to the relevant fostering service and/or local authority safeguarding team within 24 hours of the issue being raised with them by the worker. A verbal referral must be followed up in writing within 24 hours. The local authority or independent fostering service will decide on the appropriate response and must inform the FosterTalk manager within 24 hours of their intended response. If no acknowledgement is received, either in writing or via a noted telephone response from the relevant independent fostering service or local authority,

within 3 working days, the line manager making the referral should contact them again and escalate their concerns if they remain dissatisfied with the response.

3.5.4 Where FosterTalk is providing contracted services to a local authority or independent fostering service, contact details for children's social care and the LADO, together with copies of the local safeguarding children procedures will be maintained on file for reference purposes by FosterTalk. All reporting will be carried out in accordance with local procedures and in partnership with the commissioning fostering service.

3.6 Who should you refer concerns to?

3.6.1 You, the worker, should report all concerns about the safety or welfare of a child to your line manager at FosterTalk immediately. In his or her absence you should speak to the Managing Director or the Professional Advisor at FosterTalk.

3.6.2 As the responsibility for investigating concerns or allegations lies with the children's social care authority where the child/ren is living, that authority will have its own safeguarding procedures, which specifies the roles and responsibilities of the various agencies who must cooperate to safeguard children, such as children's social care (social services), the police, and health and education services.

3.6.3 Often more than one local authority will be involved in situations concerning children and young people looked after by an independent fostering agency (IFA). The child/young person may be the responsibility of one local authority, but resident in a second local authority. It is also possible that the alleged abuse has taken place in a third local authority area, in the past, whilst the child or young person was on a visit, attending contact or on holiday. The area local authority investigating the concerns/allegations will agree roles and responsibilities with any other local authorities involved.

3.6.4 To clarify how to make a referral in each local authority area the line manager at FosterTalk should consult that local authority's safeguarding children procedures. Please note: FosterTalk workers cannot undertake Section 47 Enquiries (a child protection investigation) under the Children Act 1989 but may be asked to provide information to any enquiry if appropriate

3.7 How do you decide if something is a safeguarding issue?

3.7.1 If you are worried about a child, it is your duty to refer this to your line manager. The discussion you have with your line manager at FosterTalk helps them to decide whether to make a referral. Ensure that you make a written record of the concerns you are raising as this will be required to be shared with the responsible local authority and will assist in decision making. This may also be required at a later stage of any S47 enquiries.

3.8 Who should be notified?

3.8.1 In most cases it will be the designated person at FosterTalk who contacts the fostering service or local authority to inform them of concerns and agree next steps.

Your responsibility is to inform your line manager at FosterTalk as soon as you have any concerns

4. Good Practice Guide – Responding to disclosures

- Listen to what the child/young person has to say, but on no account question the child/young person. Reassure them that you have listened very carefully and understand what they say.
- Explain to the child/young person that you need to let your manager know what has happened and that they will then talk to their local authority social worker about it. Ask them if there is anyone they would like to talk to themselves.
- Write down in detail exactly what the child/young person has said using the child's words as far as possible and record the time and date that you have received the information.
- Share the information with your line manager at FosterTalk immediately, or as soon as possible after the child or young person has spoken to you.
- For further advice on what to do if a child reveals abuse see NSPCC guidance at <https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/what-to-do-child-speaks-out-about-abuse/>

4.1 Where can I find out about local processes and procedures?

All local authority areas are required to publish safeguarding procedures and guidance for all relevant agencies in their geographical area, advising how to respond to a wide variety of safeguarding concerns.

FosterTalk request and hold on file a copy of the safeguarding children procedures for each fostering service for which services are being provided. These will be made available to you on request.

4.2 What happens after the referral has been made by FosterTalk?

4.2.1. Response to a referral by Local Authority

4.2.2 Once the referral has been accepted by local authority Safeguarding Team the lead professional role falls to a social worker. (Working Together, 2018)

4.2.3 The social worker should clarify with the referrer, when known, the nature of the concerns and how and why they have arisen.

4.2.4 Within **one working day** of a referral being received, a local authority social worker should acknowledge receipt to the referrer and **make a decision** about next steps and the type of response required. This will include determining whether:

- the child requires immediate protection and urgent action is required
- the child is in need and should be assessed under section 17 of the Children Act 1989

- there is reasonable cause to suspect that the child is suffering or likely to suffer significant harm, and whether enquires must be made and the child assessed under section 47 of the Children Act 1989
- any services are required by the child and family and what type of services
- further specialist assessments are required to help the local authority to decide what further action to take
- to see the child as soon as possible if the decision is taken that the referral requires further assessment

5. Action to be taken by Local Authority

5.1 Where requested to do so by local authority children's social care, practitioners from other parts of the local authority such as housing and those in health organisations have a duty to co-operate under section 27 of the Children Act 1989 by assisting the local authority in carrying out its children's social care functions.

5.2 The child and family must be informed of the action to be taken, unless a decision is taken on the basis that this may jeopardise a police investigation or place the child at risk of significant harm.

5.3 For children who are in need of immediate protection, action must be taken by the social worker, or the police or the NSPCC³² if removal is required, as soon as possible after the referral has been made to local authority children's social care (sections 44 and 46 of the Children Act 1989).

6. Immediate Protection

Where there is a risk to the life of a child or a likelihood of serious immediate harm, local authority social workers, the police or NSPCC must use their statutory child protection powers to **act immediately to secure the safety of the child**.

If it is necessary to remove a child from their home, a local authority must, wherever possible and unless a child's safety is otherwise at immediate risk, apply for an **Emergency Protection Order (EPO)**. Police powers to remove a child in an emergency should be used only in exceptional circumstances where there is insufficient time to seek an EPO or for reasons relating to the immediate safety of the child.

An **EPO**, made by the court, gives authority to remove a child and places them under the protection of the applicant. When considering whether emergency action is necessary an agency should always consider the needs of other children in the same household or in the household of an alleged perpetrator.

The local authority in whose area a child is found in circumstances that require emergency action (the first authority) is responsible for taking emergency action.

If the child is looked after by, or the subject of a child protection plan in another authority, the first authority must consult the authority responsible for the child. Only when the second local authority explicitly accepts responsibility (to be followed up in writing) is the first authority relieved of its responsibility to take emergency action.

7. Multi-agency working

Planned emergency action will normally take place following an immediate strategy discussion. Social workers, the police or NSPCC should:

- initiate a strategy discussion to discuss planned emergency action. Where a single agency has to act immediately, a strategy discussion should take place as soon as possible after action has been taken;
- see the child (this should be done by a practitioner from the agency taking the emergency action) to decide how best to protect them and whether to seek an EPO; and
- wherever possible, obtain legal advice before initiating legal action, in particular when an EPO is being sought.

For further information see:

Appendix 1 FosterTalk safeguarding procedure – flow chart

Appendix 2 Safeguarding and Data Protection.

8. Allegations or concerns about employees of FosterTalk

FosterTalk's safeguarding children policy is drafted in line with the West Midlands Safeguarding Children Procedures. Any or all such allegations will be reported to the Designated Officer / Children's Social Care Team in Worcestershire, within whose jurisdiction FosterTalk is located.

9. Referral to the Disclosure and Barring Service

If FosterTalk removes an individual (paid worker or unpaid volunteer) from working with vulnerable children or adults because of concerns that the person poses a risk of harm to children, FosterTalk will make a referral to the Disclosure and Barring Service. (This applies even if the individual has already left the services of FosterTalk.)

10. Safer Recruitment

FosterTalk operates safe recruitment procedures in relation to staff (and deployment of self-employed individuals). All relevant staff and self-employed workers have Enhanced Disclosure and Barring Service checks and the referees for successful candidates are contacted directly to verify their references.

In addition, FosterTalk

- Provides appropriate supervision and support for staff, including undertaking safeguarding training;
- ensures that 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;
- undertakes a mandatory induction for all staff, which includes information about child protection responsibilities and procedures to be followed if anyone has any concerns about a child's safety or welfare; and
- ensures that all staff have regular reviews of their practice and development

FosterTalk's Safer Working Policy and Procedure have been drafted with reference to **The West Midlands Safeguarding Children Policy** which can be found at:

<http://westmidlands.procedures.org.uk/zkpgy>

Policy Review:

This policy was reviewed in August 2018 and will be reviewed annually or sooner if required by changes in legislation and/or guidance.

Worcestershire County Council Children's Social Care Contact Details:

FosterTalk's office is situated in Worcestershire and contact details for Worcestershire Children's Social care Team are shown below:

Child at immediate risk

If you believe that a child or young person is at immediate risk from harm contact the **Police**: telephone: [999](tel:999)

If you want to refer a child or young person to Children's social care **in an emergency** please contact the Family Front Door. Staff are available Monday to Thursday 8.30am to 5.00pm and Friday 8:30am to 4:30pm. telephone: [01905 822666](tel:01905822666)

For assistance **out of office hours** (weekdays and all day at weekends and bank holidays): telephone: [01905 768020](tel:01905768020)

- please note that you will be required to follow up your verbal child protection referral in writing as per the Worcestershire Children's Social Care Procedures Manual <http://worcestershirecs.proceduresonline.com/>

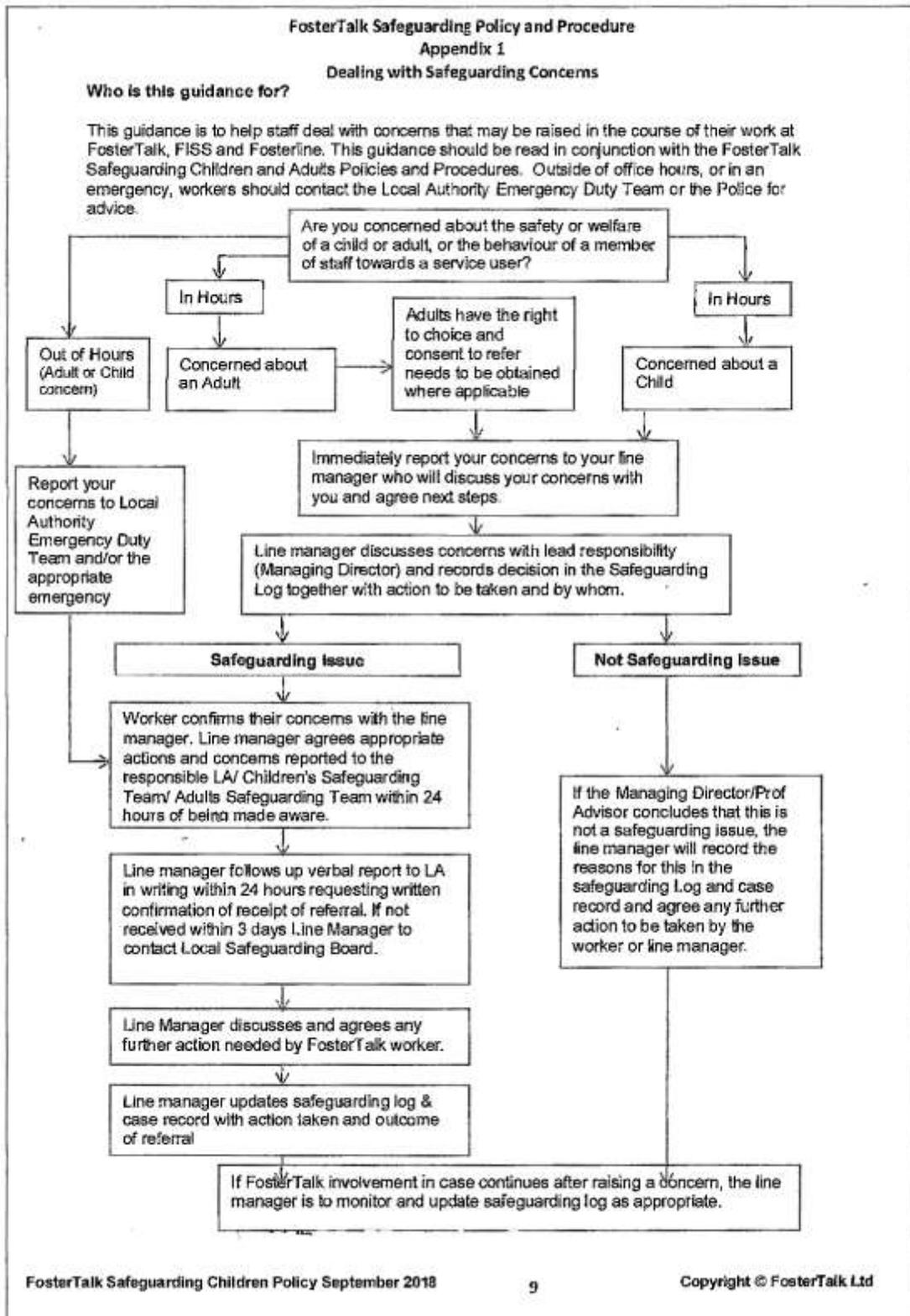
Government Guidance:

In England: Working Together to safeguard Children (July 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722305/Working_Together_to_Safeguard_Children_-_Guide.pdf

In Wales, all local authorities are covered by the “*All Wales Child Protection Procedures*” available at <http://www.childreninwales.org.uk/policy-document/wales-child-protection-procedures-2008/>

In Scotland Child Protection Procedures are available at <http://www.gov.scot/Publications/2014/05/3052/0>

In Northern Ireland Safeguarding Procedures are available at: <http://www.proceduresonline.com/sbni/>



APPENDIX 2

Safeguarding and the GDPR/ Data Protection Act 2018

The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information **without consent**
- information **can be shared legally without consent** , if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well -being.

The seven golden rules to sharing information

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk.

You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you

are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.

6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).

7. Keep a record of your decision and the reasons for it –whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Department for Education Jul 2018

[Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers \(PDF\).](#)