



## **FosterTalk Safeguarding Children & Young People Policy & Procedure**

### **1. Introduction**

FosterTalk is an independent, not-for-profit organisation providing high quality professional advice, support and information to foster carers, their families and fostering service staff throughout the UK. FosterTalk also offers independent support to foster carers facing difficult situations such as allegations and complaints, through the Allegations Support Team (AST).

While FosterTalk provides a confidential service to foster carers, all staff and self-employed contracted 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 Children with disabilities**

Many factors can make a child with a disability more vulnerable to abuse than a child without a disability of the same age. Safeguarding children with disabilities demands a greater awareness of their vulnerability, individuality and particular needs.

Children with disabilities are more vulnerable to abuse than children without a disability due to a number of reasons, including:

- They may have fewer outside contacts than other children.
- They may receive intimate care from a considerable number of carers, which may increase the risk of exposure to abusive behaviour and make it more difficult to set and maintain physical boundaries.
- They may have an impaired capacity to identify, resist or avoid abuse.
- They may have communication difficulties that make it difficult to tell others what is happening.
- Not all disabilities are visible, children may also face discrimination.
- They may be inhibited about complaining for fear of losing services.
- They are especially vulnerable to bullying and intimidation (see Bullying procedure).
- They are more vulnerable than other children to abuse by other children.

*Additional factors may be:*

- The child's dependence on carers could result in the child having a problem in recognising what abuse is. The child may have little privacy, a poor body image or low self-esteem.
- Carers and staff may lack the ability to communicate adequately with the child.
- A lack of continuity in care leading to an increased risk that behavioural changes may go unnoticed.
- Lack of access to 'keep safe' strategies available to others.
- Children with disabilities living away from home in poorly managed settings are particularly vulnerable to over-medication, poor feeding and toileting arrangements, issues around control of challenging behaviour, lack of stimulation and emotional support.
- Parents'/carers' own needs and ways of coping may conflict with the needs of the child.

- Some adult abusers may target children with disabilities in the belief that they are less likely to be detected.
- Signs and indicators can be inappropriately attributed to disability.
- Children with disabilities are less likely to be consulted in matters affecting them and as a result may feel they have no choice about whether to accept or reject sexual advances.

## **Indicators**

It is unacceptable for poor standards of care to be tolerated for children with disabilities, which would not be tolerated for children without a disability.

In addition to the universal indicators of abuse/neglect, the following behaviours should be considered as abusive:

- Force feeding;
- Unjustified or excessive physical restraint;
- Restraint which may be more than the minimum required which may indicate a potential deprivation of liberty;
- Rough handling;
- Persistent carrying or handling children when alternative safe methods have been identified (i.e. carrying a child upstairs when an alternative has been provided);
- Extreme behaviour modification including the deprivation of food, medication, or clothing;
- Misuse of medication, sedation, heavy tranquillisation;
- Inappropriate use of invasive procedures;
- Deliberate failure to follow medically recommended regimes.
- Non-compliance with programmes or regimes;

- Failure to address ill-fitting equipment, e.g. callipers, sleep boards which may cause injury or pain, inappropriate splinting;
- Misappropriation/misuse of a child's finances.
- Depriving the child of their liberty without due regard to their wishes and feelings
- Protection and action to be taken

It should be remembered that children with disabilities are children first and foremost, they have the same rights to protection as any other child. People caring for and working with children with disabilities need to be alert to the signs and symptoms of abuse.

Where there are concerns about a child with disabilities a referral should be made in accordance with the referrals procedure.

Children with disabilities should not be left in situations where there is a high level of neglect or other forms of abuse, because a practitioner feels that the parent, carer or service 'is doing their best'. Carers will need to be challenged in the same way as carers of children without a disability.

## **2.2 Lead Responsibility:**

Ruth Willetts, Head of Social Work and Development is designated professional lead for safeguarding at FosterTalk (Contact 0121 758 5013/07857 627011).

Jeanne James, AST Manager is deputy designated professional lead for safeguarding at FosterTalk (Contact 0121 758 5013)

## **2.3 Legal Framework & Principles**

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 2023, the Children Act 1989 and the Children Act 2004.

## **Mental Capacity and Consent Safeguarding**

Safeguarding must respect the autonomy and independence of individuals as well as their right to family life. Once children reach the age of 16, they are presumed in law to be competent. In many respects they should be treated as adults and can give consent

for their own treatment in terms of medical procedures for example. For the purposes of safeguarding however, the young person is still classified as a child legally, and therefore all concerns must be reported whether consent is gained or not. It is incumbent on the person with the concern to attempt to seek consent and to explain their safeguarding reporting duties to the young person whether they grant consent or not. This may include an emergency situation or in interest of the public to prevent the abuse or neglect of others. The principles of the Mental Capacity Act 2005 must be followed.

In order to protect those who lack capacity and to enable them to take part as much as possible in decisions that affect them, the following five statutory principles which underpin the Mental Capacity Act, apply:

1. You must always assume a person has capacity unless it is proven otherwise
2. You must take all practicable steps to enable people to make their own decisions
3. You must not assume incapacity because someone makes an unwise decision
4. Always act, or decide for a person without capacity in their best interest
5. Carefully consider actions to ensure the least restrictive option is taken

### **Principles of the Mental Capacity Act 2005**

1. The following principles apply for the purposes of this Act.
2. A person must be assumed to have capacity unless it is established that he lacks capacity.
3. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
4. A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
5. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
6. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

### **2.4 Definitions Used**

Working Together 2023 (Appendix A) contains the following useful definitions:

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. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse, including where they see, hear, or experience its effects. Children may be abused in a family or in an institutional or extra-familial contexts 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.
Child criminal exploitation	As set out in the Serious Violence Strategy <sup>230</sup> , 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.
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.
Child sexual exploitation	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.
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.

<p>Controlling or coercive behaviour</p>	<p>Also known as coercive control, controlling or coercive behaviour is a form of domestic abuse. In 2015, the offence of controlling or coercive behaviour was introduced under Section 76 of the Serious Crime Act as a criminal offence. Controlling or coercive behaviour is included in the definition of domestic abuse in section 1(3)(c) of the Domestic Abuse Act 2021. Controlling or coercive behaviour is a pattern of abuse (on two or more occasions) that involves multiple behaviours and tactics used by a perpetrator to (but not limited to) hurt, humiliate, intimidate, exploit, isolate, and dominate the victim. It is an intentional pattern of behaviour used to exert power, control, or coercion over another person. Controlling or coercive behaviour is often committed in conjunction with other forms of abuse and is often part of a wider pattern of abuse, including violent, sexual, or economic abuse. Children can be used to control or coerce the victim, for example, by frustrating child contact and/or child arrangements, telling the children to call the victim derogatory names or to hit the victim, or by threatening to abduct the children. This pattern of abuse causes fear, serious alarm and/or distress which can lead to a substantial adverse effect on a victim's day-to-day life. This can have a significant impact on children and young people. Section 68 of the Domestic Abuse Act 2021 came into force on 5 April 2023 and removed the 'living together' requirement for the controlling or coercive behaviour offence, which means that the offence applies to partners, ex-partners or family members, regardless of whether the victim and perpetrator live together. More information about controlling or coercive behaviour, including the impact on children can be found in the Controlling or coercive behaviour: statutory guidance<sup>232</sup> and the Domestic Abuse Act 2021: statutory guidance<sup>233</sup>.</p>
<p>County lines</p>	<p>As set out in the Serious Violence Strategy<sup>234</sup> 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. This activity can happen locally as well as across the UK; no specified distance of travel is required. For further information see 'Criminal exploitation of children and vulnerable adults: county lines' guidance</p>

<p>Domestic abuse</p>	<p>The Domestic Abuse Act 2021 introduced the first ever statutory definition of domestic abuse (section 1 of the Act). The statutory definition is clear that domestic abuse may be a single incident or a course of conduct which can encompass a wide range of abusive behaviours, including a) physical or sexual abuse; b) violent or threatening behaviour; c) controlling or coercive behaviour; d) economic abuse; and e) psychological, emotional, or other abuse. Under the statutory definition, both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be “personally connected” (as defined in section 2 of the Domestic Abuse Act 2021). The definition ensures that different types of relationships are captured, including ex-partners and family members. All children can experience and be adversely affected by domestic abuse in the context of their home life where domestic abuse occurs between family members, including where those being abusive do not live with the child. Experiencing domestic abuse can have a significant impact on children. Section 3 of the Domestic Abuse Act 2021 recognises the impact of domestic abuse on children (0 to 18), as victims in their own right, if they see, hear or experience the effects of abuse. Young people can also experience domestic abuse within their own intimate relationships. This form of child-on-child abuse is sometimes referred to as teenage relationship abuse. Depending on the age of the young people, this may not be recognised in law under the statutory definition of domestic abuse (if one or both parties are under 16). However, as with any child under 18, where there are concerns about safety or welfare, child safeguarding procedures should be followed and both young victims and young perpetrators should be offered support.</p>
<p>Emotional abuse</p>	<p>The persistent emotional maltreatment of a child so 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 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>



Extra-familial harm	<p>Children may be at risk of or experiencing physical, sexual, or emotional abuse and exploitation in contexts outside their families (see glossary definition of extra-familial contexts). While there is no legal definition for the term extra-familial harm, it is widely used to describe different forms of harm that occur outside the home. Children can be vulnerable to multiple forms of extra-familial harm from both adults and/or other children. Examples of extra-familial harm may include (but are not limited to): criminal exploitation (such as county lines and financial exploitation), serious violence, modern slavery and trafficking, online harm, sexual exploitation, child-on-child (nonfamilial) sexual abuse and other forms of harmful sexual behaviour displayed by children towards their peers, abuse, and/or coercive control, children may experience in their own intimate relationships (sometimes called teenage relationship abuse), and the influences of extremism which could lead to radicalisation.</p>
Extra-familial contexts -	<p>Extra-familial contexts include a range of environments outside the family home in which harm can occur. These can include peer groups, school, and community/public spaces, including known places in the community where there are concerns about risks to children (for example, parks, housing estates, shopping centres, takeaway restaurants, or transport hubs), as well as online, including social media or gaming platforms.</p>

Extremism	<p>Extremism is defined in the Prevent strategy as the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces.</p>
Financial exploitation	<p>Financial exploitation can take many forms. In this context, we use the term to describe exploitation which takes place for the purpose of money laundering. This is when criminals target children and adults and take advantage of an imbalance of power to coerce, control, manipulate or deceive them into facilitating the movement of illicit funds. This can include physical cash and/or payments through financial products, such as bank and cryptocurrency accounts.</p>
Kinship care	<p>Kinship care is any situation in which a child is being raised in the care of a friend or family member who is not their parent. The arrangement may be temporary or longer term. The following are all types of kinship care arrangements however this list is not exhaustive: a. Informal kinship care arrangements (not approved foster care) including: i. A private family arrangement in which a close family member who does not hold parental responsibility, raises the child and • the local authority has had no major</p>

	<p>role in making the arrangement for the child • where a Family Court has not made an order in respect to the care of the child. ii. Where a child under the age of 16 is being provided with accommodation for less than 28 days by an individual in their own home who is not a close relative iii. Where a 16 or 17 year old is being provided with accommodation by an individual who is not a close relative in their own home b. A private fostering arrangement in which someone who is not a close relative of the child looks after the child for 28 days or more (as per section 66(1)(a) and (b) of the Children Act 1989) c. Where a ‘lives with’ child arrangements order has been granted in respect of the child, in favour of someone who is a friend or family member but is not the child’s parent. d. Where a special guardianship order has been granted appointing a friend or family member as the child’s special guardian. e. Where a child is a ‘looked after child’ by virtue of either an interim or final care order or being accommodated by the local authority (usually under section 20 of the Children Act 1989) and each of the following apply (this may be described as ‘kinship foster care’ or ‘family and friends foster care’): i. The child is being cared for by a friend or family member who is not their parent, and ii. The friend or family member is approved as a local authority foster carer on a temporary basis or following full assessment. Where an adoption order has been granted in respect of the child and, prior to the making of the order, the adopter was a friend or family member.</p>
<p>Local authority designated officer (LADO)</p>	<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>
<p>Maltreatment</p>	<p>All forms of physical and/or emotional ill-treatment, sexual abuse, neglect, or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.</p>

Neglect	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: • provide adequate food, clothing, and shelter (including exclusion from home or abandonment) • protect a child from physical and emotional harm or danger • ensure adequate supervision (including the use of inadequate caregivers) • ensure access to appropriate medical care or treatment • provide suitable education It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs
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.
Safeguarding and promoting the welfare of children	Defined for the purposes of this guidance as: • protecting children from maltreatment, whether the risk of harm comes from within the child’s family and/or outside (from the wider community), including online • preventing impairment of children’s mental and physical health or development • ensuring that children are growing up in circumstances consistent with the provision of safe and effective care • taking action to enable all children to have the best outcomes
Safeguarding partners	A safeguarding partner in relation to a local authority area in England is defined under the Children Act 2004 as: (a) the local authority, (b) an integrated care board 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 3 safeguarding partners must set out how they will work together and with any relevant agencies as well as arrangements for conducting local reviews.
Sexual abuse	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

	<p>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>
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## 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. AST 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 (2023) and each fostering service’s Local Safeguarding Children Procedures.

FosterTalk also has a Whistleblowing Policy, under which staff can raise concerns about the behaviour of workers or managers, without fear of redress.

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 bi-annually as standard and in line with any national changes in policy, guidance and legislation.

FosterTalk will make this policy available to all service users on our website at [www.fostertalk.org](http://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.

If you are told the matter has already been reported, you are still duty bound to report the information. Working Together (2023) states:

“...practitioners should not assume that someone else will pass on information that they think may be critical to keep a child safe. If a practitioner has concerns about a child’s

welfare or safety, then they should share the information with local authority children's social care and/or the police." (para. 31).

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 a disclosure 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 (i.e. where the child lives presently) and if different (and known), the authority from which the child has been placed. If the abuse is alleged to have taken place in a different authority to these, that authority must also be notified (see point 3.6 iii below) and advise your line manager at FosterTalk at business opening the next day. If the concern is regarding a child placed within an independent fostering service, the out of hours duty worker within that organisation should also be informed so that they can invoke the safeguarding procedure within that organisation.

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 are available online.

### **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:**

- i The line manager at FosterTalk will discuss the concerns with the designated professional safeguarding lead, who will consider whether this meets the

criteria for a safeguarding referral to the Local Authority, and agree any action to be taken.

- ii 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.
- iii The line manager at FosterTalk will direct the appropriate worker to 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, or make the referral themselves if appropriate. A verbal referral must be followed up in writing to the receiving service within 24 hours. The local authority and the independent fostering service (where applicable) 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, 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.

### **3.6 Who should you refer concerns to?**

- i You, the worker, should report all concerns about the safety or welfare of a child to your line manager at FosterTalk immediately. In their absence you should speak to the Head of Social Work or Operations Director at FosterTalk.
- ii 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, the police, and health and education services.
- iii 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, for example, 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.

- iv 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?**

- i 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?**

- i 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-dochild-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?**

Local authority children's social care has the responsibility for clarifying the process for referrals in their area. This includes specific arrangements for referrals in areas where there are secure youth establishments. As well as protocols for practitioners working with children and families, contact details should be signposted clearly so that children, parents, other family members and community partners<sup>76</sup> are aware of who they can contact if they wish to make a referral, require advice or support.

Feedback should be given by local authority children's social care to the referrer on the decisions taken. Where appropriate, this feedback should include the reasons why a case may not meet the statutory threshold and offer suggestions for other sources of more suitable support.

Practitioners should always follow up their concerns if they are not satisfied with the local authority children's social care response and should escalate their concerns in line with local procedures if they remain dissatisfied.

#### **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 NSPCC<sup>32</sup> 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 Birmingham, within whose jurisdiction FosterTalk is located.

## **9. Guidance for Staff and contractors on appropriate internet and social media use**

This is guidance that relates specifically to helping professionals put safeguards in place to minimise the risk of any allegations of professional misconduct related to the use of digital, social media or interactive technology.

You should always be mindful not to put yourself in a situation that may comprise you or be misinterpreted either by the child or young person, their friend, parent or carer, other professionals or any other person. This includes both personal and professional situations. It should be remembered that careless and inappropriate action in a personal setting, whether intended or not, could have significant implications for your professional life. Ill-judged comments made on social media may reflect poorly on your professional integrity.

There are few professionals who have allegations of professional misconduct related to digital and interactive technology made against them, or who are the victims of cyberbullying from children, young people, their friends or families. However, the impact of either an allegation or cyberbullying can be significant, both personally and professionally. Taking a few steps to be pro-active in minimising any risk to yourself, whilst you may think it unnecessary, is worth taking to avoid future complications.

Remember: as a professional working with children and young people, or their families, you may be vulnerable to have an allegation made against you or being the victim of cyberbullying. Sometimes this is a result of communication or a situation being misconstrued (and this also relates to communications with adults, friends and colleagues). Other times this may be an act of revenge taken against you for an incident that has resulted through your professional practice. It may also be that someone, through having complex needs of their own, may develop an unhealthy interest in you as a person.

Therefore the following steps are recommended to all professionals, who work with children, young people or their families.

### **Ten Steps to Minimise Professional Risk**

1. As a professional you should fully appreciate that the onus is upon you and not the child or young person to distance yourself from any potentially inappropriate situation;
2. Review all content about yourself on social networking sites, such as Facebook, Instagram etc. Particularly consider removing any personal information or photographs. These could be manipulated and used against you;
3. Do not give personal information such as email addresses or mobile telephone numbers to anyone who is, or has been, a service user or is a member of their family;
4. If you wish to keep in contact with any child or young person under the age of 18, or their family, who has been a user of your service, ensure that you only use work emails or telephone numbers to communicate with them;
5. If there is any incident, related to this guidance, which involves a child, young person or their family, that causes you concern, report it immediately to your line manager. Document it as soon as possible, according to your workplace procedures;
6. Ensure you adhere rigidly to the Acceptable Use Policy of your workplace. If you breach any part of the AUP, report it immediately as per your workplace procedures;
7. Do not access any illegal or inappropriate websites on your personal computer or mobile phone. This includes illegal or inappropriate images of children, certain types of pornography or extremist websites. It is illegal to access or download material that promotes or depicts criminal behaviour;
8. Be very careful when liaising with others in contact / web cam internet sites (for example chat rooms, message boards, social networking sites and newsgroups).

Avoid inappropriate communication with individuals under 18, or with who you may be in a position of trust. Avoid inappropriate communication with those who you do not know. Adults can pose as children using interactive technology; likewise some children can pose as adults;

9. Use your common sense and professional judgement and expertise at all times to avoid circumstances which are, or could be, perceived to be of an inappropriate nature. This relates particularly to social networking sites and mobile phone technology. This includes communications you make which are directed at or seen by friends, colleagues, other professionals or the wider public;
10. Remember, digital and interactive technology may be the virtual world, but it has an impact on our real world. Do not treat people any differently through electronic communication than you would on a personal basis.

### **Guidance for Acceptable Use**

#### **All staff should:**

- Demonstrate honesty and integrity, and uphold public trust and confidence in respect of anything placed on social networking web sites.
- Ensure that any content shared on any social networking web site, at any time, would be deemed as appropriate i.e. staff are personally responsible for ensuring that any privacy settings meet this requirement.
- Ensure appropriate language is used, at all times, for any comments placed on social networking sites.
- Ensure that any comments and/or images, at any time, could not be deemed as defamatory or in breach of any relevant legislation.

#### **Staff must not**

- Have contact with children or young people where there is a relationship developed as part of their 'professional' role on any social networking website
- Use social networking sites as forum to make derogatory comments which could bring FosterTalk into disrepute, including making comments about children and young people, parents, other staff members or the wider community. Any breaches of this policy could result in disciplinary action and may result in your dismissal.

### **10. 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.)

### **11. 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:

<https://westmidlands.procedures.org.uk/>

#### **Policy Review:**

**This policy was reviewed in December 2023 and will be reviewed bi-annually or sooner if required by changes in legislation and/or guidance.**

#### **Birmingham Children's Trust Contact Details:**

FosterTalk's office is situated in Birmingham and contact details for Birmingham Children's Trust 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 Children Advice and Support Service. Staff are available Monday to Thursday 8.45am to 5.15pm and Friday 8:45am to 4:15pm. Telephone: [0121 303 1888](tel:01213031888)

For assistance **out of office hours** (weekdays and all day at weekends and bank holidays): telephone: [0121 675 4806](tel:01216754806)

You can also make referrals Online: <https://www.birminghamchildrenstrust.co.uk/report-a-concern>

**Government Guidance:**

**In England:** Working Together to safeguard Children (July 2023)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722305/Working Together to Safeguard Children - Guide.pdf](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/waleschild-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/>

Policy Reviewed Date ...March 2024 & Uploaded to Sharepoint for all staff

Name .....Ruth Willetts

Position .....Head of Social Work.....

Policy review due March 2026

# APPENDIX 1

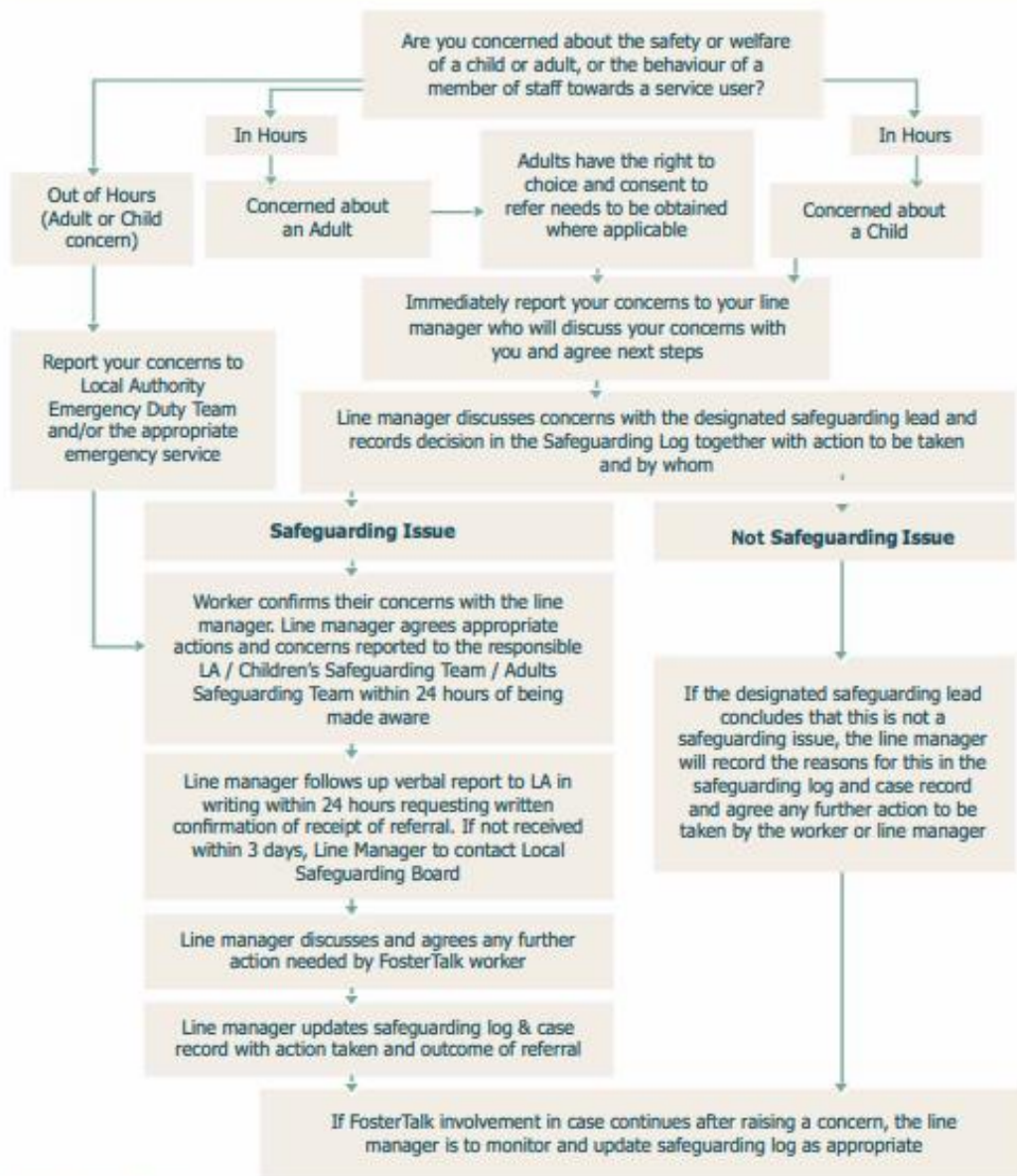
## FOSTERTALK SAFEGUARDING POLICY AND PROCEDURE



### Appendix 1: Dealing with Safeguarding Concerns

**Who is this guidance for?**

This guidance is to help staff deal with concerns that may be raised in the course of their work at FosterTalk and Fosterline. This guidance should be read in conjunction with the FosterTalk Safeguarding Children and Adults Policies and Procedures. Outside of office hours, or in an emergency, workers should contact the Local Authority Emergency Duty Team or the Police for advice.



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## 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 \(PDF\)](#).