

Safeguarding and Child Protection Procedure

Safeguarding children and young people is a central part of Community Foster Care's responsibility towards children/young people placed with its foster carers. Awareness of their roles and responsibilities in safeguarding, preventing and protecting children and young people from abuse and neglect is also a key area for all Community Foster Care staff, irrespective of their position within the Agency including volunteers and Trustees.

Community Foster Care must ensure that required actions are taken in any relevant situation of which Community Foster Care is aware. It is important to recognise that certain groups of children may have additional vulnerabilities because of their race; gender; age; religion; disability; sexual orientation; social background and culture. Responsibilities for safeguarding are also included in employment conditions and in the Foster Care Agreement.

The purpose of this procedure is to provide a framework and guidance for all employees and volunteers within Community Foster Care to help understand what they need to do and what they should expect of one another to safeguard children/young people. Working together focuses on the core legal requirements and in doing so seeks to empathise that effective safeguarding systems prevent and minimise the risk of abuse and neglect to all children who use Community Foster Care's services. Child protection procedures have to be followed in the event of a disclosure or suspicion of physical abuse, neglect, emotional abuse or sexual abuse of any child and suspicion of child sexual exploitation (CSE).

To ensure that all Community Foster Care staff and foster carers are up to date with their knowledge and skills regarding child protection concerns, regular mandatory training is held every two years. The designated safeguarding persons and senior staff are expected to complete safeguarding training to advanced level with the local authorities. Safeguarding training is also incorporated in the carer's induction process as well as updates in line with legislation and guidance.

This procedure is to be read in conjunction with Community Foster Care following documents:

- Child Sexual Exploitation
- Children Missing from Care
- Health and safety
- Supervision of carers
- Recording
- Complaint procedure
- Placement Disruption Policy
- Whistle blowing policy for staff and carers

In the event that any type of abuse is disclosed or staff are made aware of signs or indicators of abuse that suggest abuse may have happened, or any member of staff is concerned about the welfare or safety of any child, they must immediately discuss this with the Registered Manager or a senior member of staff. Registered Managers have the key role in ensuring child protection procedures are followed in the event of a disclosure or suspicion of physical abuse, neglect, emotional abuse or sexual abuse of any child or CSE.

In the event that an allegation is made against a foster carer, all staff must always take action which demonstrates their primary responsibility is to the safety and welfare of the child in placement and not to the foster carer.

All staff, including sessional workers and foster carers must understand what they must do if they receive an allegation or have suspicions that a person may have:

- behaved in a way that may have or has harmed a child/young person.
- possibly committed a criminal offence against a child/young person.
- behaved towards a child/young person that indicates they are unsuitable to work with children.

Legal Framework

The legal framework that underpins Community Foster Care's safeguarding policy and procedures are:

- Working together to safeguard children March 2013 which can be downloaded https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf
- The Guidance and Regulations for Fostering and Adoption 2011, the Fostering Services [Wales] Regulations 2003 pay particular attention to 'safe caring' in the light of reports such as 'people like us - the review of safeguards for children living away from home'. This has been reinforced by the death of Victoria Climbié and the vulnerability of private fostering arrangements.
- A guide to inter-agency working to Safeguard and Promote the Welfare of Children. HM Government (2010) with note to Sections 2.183 to 2.188 on voluntary and private sectors and 2.11 on Infrastructure and Governance to deliver safeguarding responsibilities and 'What to do if You're Worried a Child is Being Abused'. DoH (2006).

'Working together' provides guidance to help professionals understand what is required and what they should expect from one another to safeguard children/young people. It focuses on the core legal requirements and emphasises that effective safeguarding systems are those where:

- The Child's needs are paramount, the needs and wishes of each child should be put first so that every child receives the support they need before a problem escalates.
- All professionals who come into contact with children and families are alert to their needs and any risk of harm that individual abuser, or potential abuser may pose.
- All professionals share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and Local Authority social care.
- High quality professionals are able to use expert judgement to put the child's needs at the heart of the safeguarding system so that the right solution can be found for each individual child.
- All professionals contribute to whatever actions are needed to safeguard and promote a child's welfare and take part in regularly reviewing the outcomes for the child against specific plans and outcomes.
- Local Children's Safeguarding Boards [LSCBs] co-ordinate the work to safeguard children locally and monitor and challenge the effectiveness of local arrangements.
- When things go wrong Serious Case Reviews [SCRs] are published and transparent about any mistakes which were made so that lessons can be learned.
- Local areas innovate and changes are informed by evidence and examination of the data.

- 'Working together', as in the Children's Acts 1989 and 2004, defines a child as 'anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout. 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 services, is in hospital or custody in the secure estate for children and young people does not change their entitlement to services or protection under the Children Act 1989 and 2004.

Safeguarding and promoting the welfare of children is defined within 'Working Together', this is based on the legislative functions to protect children set out in the Children Act 1989 and Children Act 2004 and associated regulations. Appendix A of Working Together includes a glossary with definitions of various terms:

- Protecting children from maltreatment.
- Preventing impairment of children's 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 life chances.

In meeting its responsibilities towards Safeguarding children and young people, Community Foster Care has ensured that it:

- has senior managers and staff who are committed to children and young people's welfare and safety.
- has a Safeguarding Committee monitoring and reporting to the Board of Trustees any safeguarding issues or concerns relating to child protection.
- is clear about people's responsibilities to safeguard and promote children and young people's welfare.
- has checked that there are no known reasons or information available that would prevent foster carers and staff from working with children and young people.
- has procedures for dealing with allegations of abuse against members of staff and foster carers.
- makes sure all staff and foster carers are provided with training that helps them do their job well.
- has procedures about how to safeguard and promote the welfare of children/young people.
- has agreements about working with other organisations.

In carrying out these functions, Community Foster Care's staff and carers:

- are alert to potential indicators of abuse or neglect.
- are alert to the risks of harm that individual abusers or potential abusers may pose to children.
- prioritise direct communication and positive and respectful relationships with children, ensuring the child's wishes and feelings underpin assessments and any safeguarding activities.
- share and help to analyse information so that an assessment can be made of whether the child is suffering or is likely to suffer harm, their needs and circumstances.
- contribute to whatever actions are needed to safeguard and promote the child's welfare.
- take part in regularly reviewing the outcomes for the child against specific plans.

Keeping the child in focus is of paramount importance and effective ongoing action to ensure this takes place should include:

- Developing a direct relationship with the child/young person.
- Obtaining information about the child about his or her situation and needs.
- Eliciting the child's/young person's wishes and feelings - about their situation now as well as plans and hopes for the future.
- Providing children/young people with honest and accurate information about the current situation, as seen by professionals and future possible actions and interventions.
- Involving the child/young person in decision making.
- Providing appropriate information to the child/young person about his or her right to protection and assistance.
- Inviting children/young people to make recommendations about the services and assistance they need and or available to them.
- Ensuring children/young people have access to independent advice and support in order to be able to express their views and influence decision making.
- The importance of eliciting and responding to the views and experience of children/young people is a defining feature of staff recruitment, professional supervision, performance management and the organisation's broader aims and development.

Forms of abuse

'Working Together' defines abuse and neglect as forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to prevent harm. Children may be abused in a family or in an institutional setting, by those known to them or more rarely, by a stranger for example, via the internet. They may be abused by an adult or adults, or another child or children. The following definitions are used to define particular types of harm.

Physical abuse 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 is 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 children 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 the 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 cyberbullying), 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.

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 abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Neglect is 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 care-givers).
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Child Sexual Exploitation

Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from their peers to have sex, sexual bullying, including cyber bullying and grooming for sexual activity. Technology can also play a part in sexual abuse, for example, through its use to record abuse and share it with other like-minded individuals or as a medium to access children/young people in order to groom them. A common factor in all cases is the lack of free economic or moral choices. Sexual exploitation can take many forms from a seemingly 'consensual' relationship where sex is exchanged for attention, affection, accommodation or gifts to serious organised crime and child trafficking. What marks out exploitation is an imbalance of power within the relationship. The perpetrator always holds power over the child/young person, increasing the dependence of the child/young person as the exploitative relationship develops.

The procedures and guidance are to assist all Community Foster Care staff and foster carers including Trustees and volunteers when dealing with safeguarding issues where an allegation of harm has been made against a child. While these procedures are specific to Community Foster Care they should be read in conjunction with local Safeguarding Children's Board procedures (LCSB) and those which relate to those provided by the child/young person's Responsible Authority.

All employees of Community Foster Care must be aware of their responsibilities under the Local Authority procedures ie where there is reason to suspect that a child has suffered or is likely to suffer significant harm, the circumstances are investigated, the risk to the child is assessed and any necessary protective action is taken.

The following are the procedures to be followed when:

- dealing with an allegation of harm made by a child who is looked after by the Local Authority against someone outside of the foster carer's family or friends.
- dealing with an allegation of harm against another staff member, foster carer, or the carer's family or friends.
- setting out what Community Foster Care's staff should do in the case of an unexpected death of a child.

Specific Roles and Responsibilities in Safeguarding

- The Registered Responsible Individual (Chief Executive) for Community Foster Care has the overall responsibility for ensuring that standards and management systems are in place, and adhered to, to protect each child from forms of abuse, neglect, exploitation and deprivation in its fostering households as well as monitoring and promoting the quality of care available.
- Community Foster Care's Safeguarding Designated Officer is the Registered Manager for each region. They are responsible for operational fostering teams and ensuring that staff are aware of these procedures and ensure compliance.
- Registered Managers have key roles in ensuring appropriate investigation and follow up to complaints and allegations. They must identify and make accessible to staff the contact details for the Local Authority designated officer [LADO] who is responsible for providing advice, liaison and monitoring of allegations against staff and carers.
- Community Foster Care's North and South Offices must maintain up to date contact numbers for their referral areas so there is no delay in making appropriate contact.
- The Registered Manager must notify the Chief Executive without delay, of all concerns of a safeguarding or child protection nature if the concerns, suspicions or allegations are about a member of staff or a foster carer or a member of their household (if not available then the Chair of the Trustees must be notified).
- All Community Foster Care staff including Supervising Social Workers and placement Support Workers are responsible for ensuring that they keep up to date with any changes in the safeguarding children procedures. These can be accessed through the Local Authority or LSCB websites, i.e. www.swcponline, www.gloucestershire.gov.uk and www.cumbrialscb.com.
- The Local Authority Designated Officer [LADO] has a key role in dealing with concerns, complaints and allegations against carers and staff working with children.
- Child Protection enquiries are led by the Local Authority where the child is placed, however, there will be communication between that Local Authority and the child/young person's Responsible Authority, (placing authority). It is not the responsibility of Community Foster Care staff to investigate concerns.
- Local Authority children's social care has the key role in co-ordinating and carrying out an assessment and taking the lead regarding the child/young person.
- Community Foster Care's Fostering Panels have a responsibility to review the approval of any foster carers and their suitability to continue fostering or become adoptive parents following any complaint or allegation when the case is brought to Panel. The Panel Advisors will provide professional support and guidance on the process as required.
- Community Foster Care's Safeguarding Committee will also monitor all safeguarding issues as part of its governance responsibilities.

Procedure

In the event of an allegation of harm to a child/young person in the care of Community Foster Care:

- Registered Managers should be informed immediately and in their absence the Deputy Managers. The manager will inform the Chief Executive.
- Community Foster Care must report the allegation to the child's/young person's Responsible Authority, they have legal responsibility and Community Foster Care must confirm with them the child/young person's safety.
- the child's social worker must be informed immediately, within one hour, by the Registered Manager or Deputy Manager or a senior member of staff, with the incident or concerns fully discussed. An agreement must be reached on which Local Authority, (responsible or area) will lead on any inquiry.

- the area authority, where the child/young person is placed, must also be notified if different from the placing authority.
- the child's/young person social worker/team manager will confirm whether a strategy meeting or discussion has been initiated and whether the child/young person is aware of the allegation.
- all communication must take the form of direct verbal communication, either face to face or by telephone. Email and other written forms of information sharing should only be used to consolidate and clarify a verbal communication already made.
- meticulous record keeping must be maintained of all disclosures, meetings and discussions and should be monitored by the Registered Manager.
- there may also be occasions where an allegation occurs 'out of hours'. The member of staff or foster carer reporting the allegation must inform either the Senior Manager on back up or the Chief Executive. This must be brought to the attention of the relevant Emergency Duty Teams in the area where the allegation relates as well as to the responsible authority of the child, if the two are different.
- Ofsted must also be informed immediately (within 24 hours) in accordance with Regulation 36 of the Fostering Services (England) Regulations 2011, clearly recording the information on an Ofsted Notification form Schedule 7. A copy of which must be kept on the carer's file and on the central register.
- Community Foster Care's Senior Management will ensure that ongoing full liaison is undertaken with the child's social worker and a plan agreed for supporting foster carers through this period, should the allegation be made against them.
- Community Foster Care staff will co-operate and work in partnership with other agencies sharing information with them and providing information as requested and appropriate.
- should the child/young person need a change of placement, Community Foster Care will, in all cases, do its utmost to identify a suitable placement. Should no placements be available then the child's social worker should be informed in order that alternative arrangements can be made.
- discussions should take place between Community Foster Care and the child's social worker to identify what additional support is needed for the child and who will provide the service.
- a strategy meeting or discussion maybe convened and a representative from Community Foster Care will be expected to attend, or provide a written report.
- in a case where the allegation was made against the foster carer or member of Community Foster Care, a strategy meeting most likely will be held and a plan agreed.
- following the investigation, the outcome must be written up and maintained on the child's file. Should the incident involve a foster carer then the information should also be maintained on the foster carer's file

In the event of an allegation or suspicion arising in connection with a staff member, foster carer and the carer's own children, other members of the carer's family or friends or in relation to other children.

Children and young people have the right to make a complaint about the standard of care they receive. On occasions a complaint will constitute an allegation of abuse against a staff member, foster carer, a member of the carer's family or close friend of the carer's family. Allegations of abuse against a staff member or carer must be treated seriously and investigated thoroughly and objectively. Whilst an allegation against a staff member or carer can be distressing it must be acknowledged that some children are deliberately harmed by foster carers and some seriously.

An allegation against a staff member or foster carer may require consideration under different frameworks including the following:

- safeguarding/child protection.
- criminal investigation.
- complaints procedures.
- foster carer review procedures.
- staff disciplinary procedures

Child protection procedures always take priority over a criminal investigation and other procedures.

- An allegation against a staff member or foster carer may arise from a number of sources; including a report by the child to another person; by the child's parent/other carer; by a member of the public; from a complaint; from a foster carer review or statutory child care review or from an anonymous source. It may also be malicious in nature.
- Upon receipt of information about an allegation of abuse against a foster carer, the Community Foster Care staff member must immediately inform their Registered Manager. In the absence of the Registered Manager or Deputy Manager, or if the allegation involves their line manager, then the Chief Executive must be informed without any delay. This must also be reported to the Local Authority designated officer. (LADO)
- If the allegation involves a member of staff this must immediately be brought to the attention of the Chief Executive. If the Chief Executive is the subject of the allegation, then this must be reported to the Chair of the Trustees. It is the responsibility of the above to report to the LADO within one working day of receiving the allegation. They will need to discuss in conjunction with the Local Authority LADO any proposed action ie if suspension is required.
- The relevant Local Authority designated officer, LADO, must be informed of all allegations that come to Community Foster Care's attention which involve staff or carers where it is alleged that a person who works with children has:
 - behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or
 - behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

Procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate referral to children's social care and the police for investigation. Others may be much less serious and at first sight might not seem to warrant consideration of a police investigation, or enquiries by children's social care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up and that they are examined objectively by someone independent of the organisation concerned. Consequently, the Local Authority designated officer should be informed of all allegations that come to the employer's attention and appear to meet the criteria above, so that s/he can consult police and social care colleagues as appropriate. The Local Authority designated officer should also be informed of any allegations that are made directly to the police (which should be communicated via the police force designated officer) or to children's social care.

In those situations involving Community Foster Care's staff, the Chief Executive should inform the accused person about the allegation as soon as possible after consulting the Local Authority designated officer. Where it involves foster carers this will involve the relevant Registered Manager and LADO. However, where a strategy discussion is needed, or it is clear that police or children's social care may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he should be advised to seek support from that organisation

- If an allegation has been made against a foster carer they should be advised to contact The Fostering Network or BAAF. Community Foster Care will provide the foster carer with independent support employed outside of the Agency if required. But as their Supervising Social Worker and/or Placement Support Worker may be required to attend strategy meetings and share information about the foster carer, they will not be their support workers until the outcomes of the investigation are known.
- The Supervising Social Worker from Community Foster Care must attend strategy meetings as required and share relevant information with those involved in the child protection investigation. The foster carer does not attend.
- If there are recorded previous allegations, suspicions or concerns about the foster carer, these must be shared at the strategy meeting.
- If, during a strategy meeting, other children within the carer's household are considered to be affected, the manager responsible for that meeting must take steps to notify the appropriate Local Authorities. The Community Foster Care worker must inform their manager at the earliest opportunity.
- The minutes and decisions of the strategy meeting will be recorded in writing and distributed as soon as possible after the meeting. However, the Community Foster Care Social Worker attending the meeting must record in writing any decisions that affect Community Foster Care the foster carer and confirm them with the person chairing the meeting.
- The Community Foster Care worker must notify their Registered Manager of any decisions immediately or as soon as practicable so that the necessary actions can be implemented, eg suspension of use of the carer.
- Responsibility for suspension of a foster carer rests with the Registered Manager but the Chief Executive must be informed immediately.
- Once a decision has been made to continue or initiate a child protection investigation, the foster carer will be informed at a time decided at the strategy meeting. The meeting will also decide who should inform the carer about the investigation. The investigating team or officers will usually inform the foster carer but consideration should be given to whether or not the Supervising Social Worker needs to be present.
- Throughout the course of any enquiries or investigation under S 47, Children Act, 1989, Community Foster Care's Supervising Social Worker must maintain clear, chronological written records. This record will be important if reporting at a later date to the Fostering Panel or in relation to any subsequent investigations.
- Should an investigation not be initiated it could be considered that the matter will be dealt with through a complaints procedure or, for example, by further training.
- Senior Management will ensure that once an outcome of the child protection procedures has been reached, in accordance with Regulation 36 of the Fostering Services (England) Regulations 2011, an updated Ofsted Notification is completed, sent to Ofsted and filed.

A child protection investigation should be completed within the recommended timescales but there may occasionally be delay, for example, if further enquiries are required regarding other children with whom the carer has contact, including their own.

The most likely possible outcomes from an S47 investigation are:

- the investigation team considers that the allegation is not substantiated.
- the investigation team considers that there is insufficient evidence or information to warrant a criminal prosecution.
- that there is sufficient evidence to warrant a prosecution.
- that the foster carer is suspended and that their approval is reviewed as quickly as possible by the Fostering Panel.
- that action is required in order to protect children in the placement.
- that action is required in order to protect other children. This may include the carer's own children.

Support for staff subject to an allegation

It is the responsibility of the relevant Registered Managers or Chief Executive within Community Foster Care to keep the person who is the subject of the allegations informed of the progress of the case and arrange to provide appropriate support to the individual while the case is ongoing. If the person is suspended, the Registered Manager or Chief Executive will also make arrangements to keep the individual informed about developments in the workplace and to maintain contact with them. If the person is member of a union or professional association s/he should be advised to contact that body at the outset. Reference to the relevant disciplinary processes outlined in the Employee Handbook should also be made.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. The police will not normally provide any information to the press or media which might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional circumstances where the police might depart from that rule, for example to trace a suspect, the reasons should be documented and partner agencies consulted beforehand. The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.