

## Safeguarding Children Policy

### 1.0 Policy statement

1.1 This policy sets out Stonewater's approach towards safeguarding children at risk from harm and abuse. It is supported by safeguarding procedures and training, and related policies, for example, Stonewater's Safeguarding Adults policy and procedure and Safer Recruitment Policy.

1.2 The Safeguarding Children Policy and procedures will:

- define Stonewater's organisational and management responsibilities, including the roles and responsibilities of contractors working on behalf of Stonewater
- detail the potential signs of abuse and neglect to children and guidance in identifying signs of abuse
- detail the processes staff will follow, including how Stonewater will ensure a multi-agency approach to reporting and dealing with safeguarding concerns and incidents

1.3 This policy is associated with other Stonewater policies such as:

- Safeguarding Adults Policy
- Domestic Abuse Policy
- Whistleblowing Policy
- Vulnerable Customers Policy
- Anti-Social Behaviour Policy

1.4 Failure to comply with this policy may result in a risk to the health and safety of customers as well as a negative reputational and financial impact to the organisation.

1.5 This policy applies to all staff and agents working on behalf of Stonewater and any person who accesses Stonewater services. This will include non-customers of Stonewater, for example attendees at estate open days or visitors to Stonewater properties.

### 2.0 Policy scope and objectives

2.1 Stonewater are in contact with children throughout their day to day activities and are required through law, their regulator and their organisational objectives to have clear policies and procedures on Safeguarding and working with local agencies. These requirements are detailed in Appendix A: Legal and Regulatory Provisions.

2.2 Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, including specific duties in relation to children in need and children suffering, or likely to suffer, significant harm, regardless of where they are found, under sections 17 and 47 of the Children Act 1989. The Director of Children's Services and Lead Member for Children's Services in local

authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.

- 2.3 Local authorities have a statutory duty to run local safeguarding children's boards. They are the lead agencies with responsibility for co-ordinating safeguarding and conducting case management and reviews. They will have expertise in handling cases of abuse, providing support and counselling to victims and assisting the police with any criminal investigations.

### **3.0 Regulatory and legal considerations**

#### **3.1 Children Act 2004**

- 3.1.1 This act created local safeguarding children boards and places duties on a range of statutory organisations. Although registered providers of housing such as Stonewater are not subject to this act, they are expected to mirror organisations that are, by:

- having a designated lead person for child safeguarding matters
- sharing information with other professionals
- having safe recruitment practices and whistleblowing procedures
- training their staff on child safeguarding
- having a clear child safeguarding policy
- having a procedure for responding to child protection concerns, including making referrals to local authorities or the police.

#### **3.2 Working together to safeguard children (March 2015)**

- 3.2.1 The statutory guidance, issued under the Children Act, on inter-agency working to safeguard and promote the welfare of children applies to statutory bodies such as the police, schools and local authorities. However, the guidance and expectations detailed in this guidance will be reflected by Stonewater throughout this policy and the procedure.

#### **3.3 Female Genital Mutilation**

- 3.3.1 Section 5b of the 2003 Female Genital Mutilation (FGM) Act outlines a mandatory reporting duty in relation to FGM. Where we have identified "known" cases of FGM in under 18 year olds we must report this to the police as part of the 2003 FGM Act. If you suspect a child is at risk of FGM, staff should follow the usual safeguarding procedures for a child at risk of abuse and consult with their manager. Advice on FGM should be sought through specialist organisations.

#### **3.4 Domestic Abuse Act 2021**

- 3.4.1 See Stonewater's Customer Domestic Abuse Policy. The Domestic Abuse Act recognises children as victims in their own right when they see/experience domestic abuse and sets out expectations of local authorities and support providers.

#### **3.5 Prevent Strategy 2011, and Revised Prevent duty guidance for England, 2021**

3.5.1 This guidance talks about specific organisations having due regard to the need to prevent people from being drawn into terrorism. Research demonstrates that children and young people are at heightened risk of being drawn into terrorism / being radicalised and so an awareness on Stonewater's part is essential.

## 4.0 Policy definitions

4.1 Stonewater will adopt the following definitions:

### 4.2 Children

4.2.1 A **child** is anyone who has not yet reached their 18th birthday and includes unborn children. Due to their immaturity and dependency on others, all children are at risk of abuse.

### 4.3 Parent

4.3.1 The term **parent** includes carers or guardians. It means, in usual circumstances, someone who is legally entitled to take decisions on behalf of the child.

### 4.4 Abuse and neglect

4.4.1 **Abuse** or **neglect** takes many forms and can be caused by single or repeated acts or a failure to act by any other person or persons, or in the case of self-neglect, the victim themselves. The circumstances of each individual case will be considered as to not limit what constitutes abuse or neglect. However Stonewater will reference the Working Together definition for 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 (e.g. via the internet). They may be abused by an adult or adults, or another child or children.”

4.4.2 Guidance on the types of abuse and neglect is detailed in the safeguarding procedure. Stonewater will treat as a child safeguarding concern where a child is suspected to be involved in either of the following categories:

- physical abuse
- sexual abuse
- emotional or psychological abuse, or
- neglect and acts of omission

4.4.3 Other categories or specific acts of abuse and neglect may be categorised differently by other organisations and Stonewater will be aware that abuse may also include, but is not limited to, acts such as online abuse, child sexual exploitation, female genital mutilation, bullying and cyberbullying, domestic abuse, child trafficking, grooming and harmful sexual behaviour. Staff will receive training which covers the indicators of abuse and neglect, and these categories will be explored.

#### **4.5 Child exploitation**

4.5.1 We use the recognised definition for child exploitation which is:

4.5.2 'An individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child, young person (under the age of 18), or adult and exploits them

- a) Through violence or the threat of violence, and/or
- b) For the financial or other advantage of the perpetrator or facilitator and/or
- c) In exchange for something the victim needs or wants. The victim may have been exploited even if the activity appears consensual.

Exploitation does not always involve physical contact, it can also occur through the use of technology.'

#### **4.6 Safeguarding children**

4.6.1 Safeguarding children in regards to Stonewater means protecting children's right to live safely, free from abuse and neglect through Stonewater working with our partners and other organisations to prevent and stop both the risks, and the experience of, abuse or neglect, whilst at the same time making sure children's wellbeing is promoted and their preferences taken into account.

#### **4.7 Promoting welfare**

4.7.1 Safeguarding forms part of the requirement of statutory authorities to promote the overall welfare of a child by:

- 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.

4.7.2 This means that local authorities may need to take significant decisions in the best interests of a child, for example, removal from their current housing situation

#### **4.8 Children affected by exploitation and trafficking (including gangs)**

4.8.1 We recognise that children and young people are at particular risk of exploitation and trafficking. Our safeguarding children's procedures set out steps colleagues can take if they have concerns about Children or young people affected by exploitation and trafficking. It is important to understand the types of exploitation children and young people are at risk of:

- trafficking
- child sexual exploitation
- child criminal exploitation:
  - street gangs
  - peer groups
  - organised crime groups
  - county lines

- cuckooing

## **5.0 Differences and similarities between safeguarding adults and safeguarding children**

- 5.1 Stonewater's Safeguarding Adults policy covers adults and Stonewater's Safeguarding Children policy covers children. Stonewater acknowledge the universal similarities in safeguarding practice irrespective of whether the vulnerable group are adults or children. However Stonewater will remain conscious of the essential differences that exist between safeguarding children and safeguarding adults. The key difference is that adults have their own rights and responsibilities and must make their own decisions and live independent lives. This means that they have a legal right of consent and participation in progressing safeguarding concerns.
- 5.2 For children, due consideration must be given to the wishes and feelings of a child as far as reasonable before making decisions on what services to provide or action to take. However, authorities have a duty to act in the best interests of the child which may mean contradicting their wishes.

## **6.0 Safeguarding principles and commitments**

- 6.1 Stonewater will aim to protect and maintain a child's' safety and wellbeing through their approach to safeguarding children. Stonewater will achieve this by working with their partners by applying the following policy standards:

### **6.1.1 Taking a child centred approach to prevention and empowerment**

- We will place a child's needs at the forefront, which means listening, and believing what we are told, and respecting their needs and views in how we respond to ensure that every child receives the support they need before a problem escalates.
- We will ensure our customers are aware of how to report safeguarding concerns, and the support we can provide.
- Stonewater may at times house ex-offenders, and a customer may have a history of either sex offences or child abuse. Stonewater will seek to ensure that no children are living within schemes where there may be customers with a known history of either a sex offence or physical child abuse and this will be considered at lettings stage.
- Where a customer is proven to have committed a sexual offence or physical child abuse whilst living in a Stonewater property, Stonewater will consider legal action where a breach of the terms and conditions of the tenancy has occurred or other appropriate action relevant to the circumstance.

### **6.1.2 Enabling our staff and taking proportionate actions**

We will ensure that safeguarding is the responsibility of everyone who works for us and works for our behalf and that staff who come into contact with children and families are alert to their needs and of any signs of abuse, including any risks abusers or potential abusers may pose to children.

Stonewater will expect that all their staff, volunteers and contractors working on behalf of Stonewater:

- are alert to concerns for welfare, and indicators of abuse and neglect
- report all cases of suspected abuse or neglect to the appropriate individual in the organisation (managers will monitor incidents, report concerns to, and liaise with the relevant local safeguarding teams as necessary)
- are vigilant about their actions so that they cannot be misinterpreted, and are aware of appropriate behaviour when working with customers (for example, appropriate boundaries of personal contact)
- are vigilant that, through the services that Stonewater provide, that failures to act (including not reporting concerns that they are alerted to) or failures to follow policy and procedures (such as an inappropriate recruitment) may also potentially constitute abuse
- complete safeguarding training and refresher training for all members of staff
- are aware of situations which may present risks and manage these (for example, if allocating a property to a registered offender, that consideration is given to the location).

We will undertake relevant disclosure and barring checks on employees that have access to, or work with children. Anyone found to have been convicted of a sex offence or abuse of a child will not be permitted to work or volunteer in a position that provides access to children under the age of 18.

Staff must comply with all policies that govern the appropriate use of IT. Access to chat rooms or news groups without expressed permission to do so is not permitted. Email must not be used to distribute pornographic material and the internet must not be used to access such material. Breaches of the policies in this respect will be regarded as gross misconduct and managed through the disciplinary procedures for staff. In the case of temporary staff or volunteers this may be regarded as a breach of contract.

### **6.1.3 Working with partners**

Stonewater will co-operate and develop strong relationships with relevant safeguarding partners to investigate allegations of harm, abuse, and neglect to a child, and take actions to safeguard the child. This includes:

- appropriately referring our safeguarding and wellbeing concerns to the relevant local authority, and/or if necessary the police
- supporting and contributing to enquiries and assessment as directed by our statutory partners after a referral is made
- taking swift action to ensure the safety of the child and taking appropriate action against the perpetrators of abuse

- participating in local safeguarding children boards; MASH, MATAC
- supporting and learning from serious case or child death reviews
- keep accurate, confidential and secure records of all safeguarding concerns and associated action
- sharing information with relevant safeguarding partners
- continuing to escalate concerns about child safeguarding where we are concerned about the response received, or if there is no response

#### 6.1.4 **Accountability and transparency**

We will ensure that our policy and processes that we put in place provides accountability and transparency in delivering safeguarding, including:

- identifying a 'Safeguarding Lead' within Stonewater to ensure that this policy and our procedures are effective, kept up-to-date, delivered in a timely manner and disseminated to all staff
- we have dedicated Safeguarding Children Leads within Stonewater who are the Head of Domestic Abuse Support and the Customer Experience Director, Wellbeing and Support - these leads will set out strategic approach around safeguarding, maintain oversight of policy and expert knowledge and provision of an annual safeguarding report to board
- we are committed to being a learning organisation and will analyse safeguarding data across the organisation, identify trends and areas for improvement and work towards an improvement and learning plan to promote best practice around safeguarding across Stonewater and to raise awareness of safeguarding matters with colleagues and customers
- we will have designated safeguarding roles within Customer Experience who are lead points of contacts for safeguarding advice, expert knowledge and to support with local authority escalation
- escalating via line management structure if a colleague feels they are not getting an adequate response from the local authority
- ensuring that all staff and agents receive suitable safeguarding training and understand their roles and responsibilities in safeguarding
- learning from incidents and case reviews, revising and improving work practices, induction, training, policy and procedure as appropriate.

### 7.0 **Recording, reporting and monitoring**

7.1 Full details on recording and reporting allegations of abuse are provided in the following:

#### 7.1.1 **Stonewater's Safeguarding Children Procedure**

- 7.1.2 When managing any allegation of abuse it is essential that information is recorded accurately and in a timely manner. In addition staff may also be called upon to complete relevant forms for the local authority, the local safeguarding team and/or the police.
- 7.1.3 The lead worker will be responsible, along with their manager for monitoring the progress of safeguarding referrals made to the local authority.
- 7.1.4 Case management reviews between colleagues and their manager will look at case progress and handling and ensure quality assurance in how we manage safeguarding cases.

## **7.2 Agency managed properties**

- 7.2.1 Agencies providing support services will be expected to have their own equivalent safeguarding policies in place. Their responsibilities in this regard will be managed through Stonewater's contractual relationship with them. Agencies are required to report safeguarding concerns to the local authority, their service regulator (e.g. Care Quality Commission) and to Stonewater.

## **7.3 Contractors and agents**

- 7.3.1 Contractors working on behalf of Stonewater and visiting homes may encounter evidence of abuse and neglect within the property. Customers may also choose to disclose incidents directly to contractors, so awareness in sensitively preserving or taking evidence and handling reports will be necessary. Contractor organisations will be expected to ensure that they comply with Stonewater's Code of Conduct for Maintenance Contractors, including:
- ensuring that staff are suitable for the capacity employed
  - ensuring that staff receive suitable training on how to deal with customers, including how to report any concerns they have
  - co-operating with Stonewater and their statutory partners regarding any concerns and allegations received
  - having systems in place that enable disciplinary action to be taken where appropriate.
- 7.3.2 Contractors should ensure that their employees are able to raise concerns where they see that a child has suffered, is suffering or potentially could suffer harm. Stonewater will support all contractors that report a concern in good faith, where there is the belief that a child has been abused, is at risk of abuse, or believe that a colleague may pose a risk to children.
- 7.3.3 When procuring relevant services/personnel safeguarding questions will be included as part of the procurement exercise where safeguarding risks may exist.
- 7.3.4 Contractors are to not knowingly enter a property alone where the sole occupant(s) is, or appears to be, under 18 years of age. Unless there has been a prior arrangement, where an appointment has been made and lone child/children is/are present, contractors are to withdraw from the premises, and advise Stonewater immediately. An appointment will be rearranged at a time where an appropriate adult is present.



- 7.3.5 Stonewater will monitor the performance of their contractors, compliance with Stonewater's Code of Conduct for Maintenance Contractors and compliance with this policy through monthly Contract Meetings.
- 7.4.3 Allegations of abuse towards a child by a member of staff, will be dealt with in line with HR procedures. If a suspected criminal activity is alleged to have taken place, the police will be notified.
- 7.4.4 If an allegation of abuse is made about a contractor, the contractor will be expected to investigate in line with their procedures. The member of contracted staff may be asked not to return to a Stonewater property while the investigation is taking place.

## **7.5 Confidentiality and information sharing**

- 7.5.1 We will respect confidentiality at all times and will not share any information given in confidence unless justified by the assessed risk to the child as required by law.
- 7.5.2 We will discuss our approach to confidentiality with the customer where there are safeguarding concerns. We will be honest and explain that information might need to be shared with other organisations in order to respond or resolve a safeguarding issue.
- 7.5.3 Decisions about what information is shared and with whom will be taken on a case by case basis. Whether information is shared with or without the parents'/child consent, the information shared should be:
- necessary for the purpose it is being shared
  - shared only with those who have a need for it
  - accurate and up to date
  - shared in a timely fashion
  - shared accurately
  - shared securely

## **7.6 Complaints**

- 7.6.1 Customers that do not feel satisfied with our service in relation to Safeguarding may wish to make a formal complaint. Stonewater has a Complaints Policy providing information about how to complain about our services. Alternatively, a customer may also wish to contact the relevant local authority safeguarding children board if they feel that Stonewater have not provided an adequate service.

## **8.0 Equality, diversity and inclusion**

- 8.1 In ensuring our work is child-centred, in line with guidance from Working Together to Safeguard Children, the Equality Act 2010 puts a responsibility on us to have due regard to the need to eliminate discrimination and promote equality of opportunity. No child(ren) should be treated any less favourably than others in being able to access effective services and support to meet their needs.

- 8.2 Responses provided should be appropriate to the child at risk and not discriminate based on any of the protected characteristics under the Equality Act 2010.
- 8.3 All children, regardless of age, disability, sex, race, religious belief, sexual orientation or identity, pregnancy/maternity status have a right to equal protection from all types of harm or abuse.
- 8.4 Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs (e.g. non-verbal, deaf) or other issues.
- 8.5 There are some factors that can increase the vulnerability that a child or young person will be exploited by others. This can include:
- **child/individual:** looked after, learning disabilities, substance misuse, mental health problem, low self-esteem, recent loss or bereavement, social isolation, young carer, financially unsupported
  - **home/family:** adverse childhood experiences
  - **peers:** Exposed to other young people known to be exploited, exposed to or experienced peer on peer abuse
  - **schools/college:** exclusion from school or college and not in education/training or employment, exposed of experience violent crime
  - **neighbourhoods:** unsuitable accommodation (hostel / B&B), exposed to violent crime, gangs and deprivation
- 8.6 Stonewater will ensure that we address barriers to disclosure for those with protected characteristics. This will include ensuring that information on safeguarding children is available in a range of child-friendly formats in services where this is relevant, e.g. refuges, foyers, providing bespoke support dependent on the child's needs throughout a safeguarding process, this could be an advocate or an interpreter, for example.
- 9.0 **Quality assurance**
- 9.1 We will ensure that all safeguarding cases are subject to a case management review and not dealt with in isolation.
- 9.2 Colleagues who require safeguarding training will be required to do this on a three yearly basis.
- 9.3 We will use feedback from customers to better shape our responses around safeguarding and handling of safeguarding cases.

**Last issued: 22.7.2022**

**Next review date: 22.7.2025**

## **Appendix 1 – Other legislation and regulations**

### **Sex Offences Act 2003**

This act strengthened measures to protect the public from sexual offending.

Part 1 of the act:

- sets out that any sexual activity involving children under the age of 16 is unlawful, even with consent - this includes exploitation and
- provides specific protection from abusive sexual activity for those adults with an 'arrested or incomplete development of mind, psychiatric disorder and any other disability of the mind'.

### **Safeguarding Vulnerable Groups Act 2006**

This act sets out the responsibility we have for vetting and barring people working with children and vulnerable adults.

### **Children and Young Persons Act 2008**

This act sets out the statutory framework for children in care in England and Wales and to ensure that such young people receive high quality care and services that are focused on and tailored to their needs.

### **Working Together to Safeguard Children (updated March 2015)**

This is a guide to inter-agency working to safeguard and promote the welfare of children. It states that 'children are best protected when professionals are clear about what is required of them individually, and how they need to work together.'

This encourages registered providers to:

- put the child's needs at the heart of their safeguarding approach
- be alert to the risks of harm that individual abusers, or potential abusers, may pose to children
- make a referral to local authority children's social care or the police if necessary
- share appropriate information in a timely way and discuss any concerns about an individual child with colleagues and local authority children's social care; and
- contribute to whatever actions are needed to safeguard and promote a child's welfare.

### **Children Act 1989**

Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare.

Section 47 of this act requires local authorities to undertake assessments of the needs of individual children to determine what services to provide and action to take. The police, health professionals, teachers and other relevant professionals (such as registered providers) should help the local authority in undertaking its enquiries.

### **Data Protection Act 1998 (DPA)**

The DPA controls how personal and sensitive information is used by organisations, such as registered providers.

Organisations must ensure data is:

- used fairly and lawfully
- used for limited, specifically stated purposes

- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure and
- not transferred outside the UK without adequate protection.

### **Protection of Freedoms Act 2012**

Part 5 of this act created the current disclosure, vetting and barring scheme, which applies to people working with or has access to children and vulnerable adults.

The Disclosure and Barring Service is now responsible for assisting employers, such as registered providers, in England and Wales make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.

### **Gillick Competency and Frasier Guidelines**

Gillick competency and Fraser guidelines refer to a legal case which looked specifically at whether doctors should be able to give contraceptive advice or treatment to under 16-year-olds without parental consent. However, since this case, they have been more widely used to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions.

NSPCC guidance on this can be found

<https://learning.nspcc.org.uk/media/1541/gillick-competency-factsheet.pdf>

Stonewater staff would not be expected to make decisions around a child's decision making, and should always focus on child protection and wellbeing, however this guidance is useful for Stonewater staff to be aware of if they are attending Child Protection meetings or Child In Need meetings.

### **Domestic Abuse Act 2021**

The 2021 act defines domestic abuse and mitigates for children as victims of Domestic Abuse when witnessing domestic Abuse. Further guidance available in Stonewater Domestic Abuse Policy.

### **Prevent Strategy 2011, and Revised Prevent duty guidance for England, 2021**

This guidance talks about specific organisations having due regard to the need to prevent people from being drawn into terrorism. Research demonstrates that children and young people are at heightened risk of being drawn into terrorism / being radicalised and so an awareness on Stonewater's part is essential.