

Section 6 – Safeguarding Children

Key Outcome

Children feel safe and are safe. Children understand how to protect themselves and are protected from significant harm including neglect, abuse, and accident.

(Standard 4 of National Minimum Standards for Fostering Services, 2011)

Child Protection & Safeguarding

Relevant legislation & guidance

- Children Act 1989 & 2004 & 2004
- Children Act 1989 & 2004, Guidance and Regulations, Volume 4
- DFE National Minimum Standards for Fostering 2011
- Protection of Children Act 1999
- Working Together to Safeguard Children 2013
- Laming Inquiry Report into the death of Victoria Climbié
- Kent & Medway LSCB Child Protection Procedures 2007(Purple Book) updated 2012
- Every Child Matters, 2003
- DFE guidance Safeguarding Children and Safer Recruitment in Education (2007),
- The Munro Review of Child Protection 2011
- Tackling Child Sexual Exploitation 2011
- Kent & Medway Safeguarding Children Abused through Sexual Exploitation Procedures 2013

Relevant policy, procedure & guidance

- Absences of children and young people without authority and missing persons
- Behaviour management
- Bullying
- Consultation with children, children and young people, their parents & families
- Complaints & representations
- Notification of significant events & reporting incidents
- Out of hours advice
- Risk assessment
- Whistle blowing

Policy statement

Channels & Choices is absolutely committed to providing services for children and young

people that promote and safeguard their welfare. In support of this commitment the home will:

- Ensure that the welfare and safety of children and young people is given paramount consideration in all aspects of the planning and management of services.
- Ensure that the recruitment and vetting of all foster carers, paid foster carers, students and volunteers working with children and young people is carried out rigorously in accordance with the recommendations of the Warner Report 1992, DFE guidance for safer recruitment, the requirements of The Protection of Children Act 1999, The Disqualification for Caring for Children Regulations 1991 and The Protection from Offenders Regulations 1997.
- Include the protection of children and young people as a component in induction training programmes for all new foster carers and provide child protection training for established foster carers.
- Provide regular supervision and support for foster carers to assist in the prevention and detection of harm to children and young people.
- Consult with and work in partnership with children and young people their parents and families.
- Encourage open working practices and facilitate regular scrutiny of Channels & Choices by inspectors and other legitimate professional agencies and individuals.
- Provide appropriate opportunities for children and young people and significant adults in their lives to speak to adults independent of the organisation (who themselves have been subject to rigorous selection & vetting procedures). For example, social workers or advocates.
- Provide children and young people and significant adults with clear and easily understandable information about how to complain and ensure that all such complaints are fully investigated and the outcomes fully recorded.
- Promote a homely environment where relationships between the foster carers and children are based on mutual respect and where sanctions are only used sparingly in the context of positive reinforcement and reward for good behaviour.
- Ensure that all foster carers are aware of the Local Safeguarding Children's Board child protection procedures and guidance, an up to date copy of which should be available at all times for reference in the foster carers office.
- Ensure that all foster carers know how to make a child protection referral in accordance with the procedure contained within this document.

Channels & Choices believes that the protection of children should be non-discriminatory and that all children are entitled to protection from neglect, abuse and exploitation.

Children and young people who have been harmed, or who are suspected of being harmed, will be treated with the same care and sensitivity regardless of whether the perpetrator is a parent, carer, friend or stranger.

Channels & Choices will positively encourage the challenging of views of in the spirit of

preventing harm to children and young people. Support will be given to members of foster carers, students and volunteers from all levels of the fostering team in such circumstances (see Whistle Blowing).

Information gained in the context of child protection will be passed on 'on a need to know basis' in accordance with the procedures in this document which, in turn, are consistent with the company's policy on confidentiality.

1 Child protection procedure

These procedures have been written in accordance with Kent County Council's child protection and safeguarding procedures. It sets out what foster carers must do if they have knowledge of, or suspect, or have disclosed to them or hear an allegation of harm to a child or young person. (Additional information about the procedure specifically relating to allegations of harm perpetrated by a member of foster carers is provided at Section 5 and for disclosures of sexual abuse at 3.7)

- 1.1 Make sure the young person is safe whilst you take action.
- 1.2 If there is a need for the young person to receive emergency medical attention, make sure this happens.
- 1.3 Inform the fostering manager who will in turn contact Ross Barnett (01304 361888) or Steve Davison (01304 827777) designated Child Protection Officers (CPO) to discuss your concern.
- 1.4 The CPO will organise an internal strategy discussion that will include consulting with the young person's social worker. If the young person's social worker is not available the duty social worker should be consulted. Do not leave a message.
- 1.5 The next course of action will be to deal with the situation as either:
 - a. a minor but formal complaint in which case the home's Complaints & Representation procedure will be followed
 - b. of sufficient concern to seek consultation with the local child protection team
 - c. a referral as a matter of child protection to the local child protection team
- 1.6 If the decision is made to refer as a matter of child protection, the CPO will organise contacting the child protection team (LADO) and will follow their advice and instruction
- 1.7 Agreement should be reached with the child protection team as to who will inform whom and when. Those authorities to be notified will include the Police and may include:
 - The young person's parents, if known (there are circumstances where it would be inappropriate to inform the parents immediately an allegation has been made).
 - Health Services (medical treatment or in some circumstances forensic medical evidence (with the young person's informed consent) may be sought or required.
- 1.8 If outside of office hours the Emergency Duty Team must be informed.

- 1.9 Inform, with agreement, the young person or adult who has made the initial allegation of what the next steps are to be.
- 1.10 A written report detailing the allegation, appropriate dates and times, names and designations of people contacted and information of any action or decisions taken should be completed.
- 1.11 The referral should be confirmed in writing with attachments of all relevant papers including any reports, within 24 hours or the next available working day, by fax or in person to:
 - the child protection team
 - Ofsted (using the Notification Form)
 - the Responsible individual
- 1.12 It is essential that foster carers keep copies of information exchanged, including correspondence and telephone messages. All relevant information should be recorded in the young person's file. A further copy should be sent to the Manager for monitoring purposes.
- 1.13 The local authority will, following an 'Initial Strategy' meeting, then decide if an investigation is required.
- 1.14 If, as part of any investigation it is necessary for the Police to interview a young person, it is important to ensure the young person is accompanied by a supportive adult of his or her own choice.
- 1.15 The Manager, wherever feasible, must ensure that any young person who has been abused receives any necessary counselling and support. This should always be in consultation with, and the agreement of, the Investigating Authority and Police in order not to prejudice the outcome of any criminal investigations. Where criminal proceedings are possible, it will be necessary to seek the agreement of the investigating team (who may refer to the Crown Prosecution Service) for a decision on whether formal counselling/therapy can take place prior to completion of the investigation.
- 1.16 All outcomes of investigations must be recorded in writing, held on file and sent to:
 - Ofsted
 - the Responsible individual

2. Guidance

- 2.1 In the context of Channels & Choices' Policy statement, child abuse refers to any child under 18 years who, through the wilful act, or failure to act, of parents, carers or any other adult, has suffered or is likely to suffer physical, sexual or serious emotional harm.
- 2.2 For the purposes of Channels & Choices policy, the meaning of child abuse is extended to include certain behaviours exhibited by children and young people towards other children and young people.

- 2.3 The standard of behaviour of foster carers towards children and young people demanded by Channels & Choices is obviously higher than that expected of a parent. For example, a parent may legally physically discipline a child whereas a Channels & Choices employee may not. Abuse by foster carers occurs where a member of foster carers takes advantage of his/her position of authority over a child and harms them physically, sexually or emotionally, either actively or by omission of good care.
- 2.4 In 'Working Together to Safeguard Children', the Department of Health identifies four categories of harm to children. They are: Neglect, Physical abuse, Sexual abuse and Emotional abuse:
- **Neglect** is the persistent failure to meet a child's basic physical and psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs.
 - **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. 'Munchausen's Syndrome by Proxy' may also constitute physical abuse, whereby a parent or carer feigns the symptoms of, or deliberately causes ill health in a child.
 - **Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.
 - **Emotional abuse** is the persistent emotional ill treatment 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 involve 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 ill treatment of a child, though it may occur alone.
- 2.5 Significant harm is defined in the Children Act 1989 & 2004 as ill treatment or the impairment of health and development. Development is defined in terms of physical, intellectual, emotional, social, or behavioural development. Health is taken to include physical or mental health.
- 2.6 The safety of children and children and young people forms a key part of the Children Act 2004. It introduced Local Safeguarding Children's Boards to replace Area Child Protection Committees.
- 3. Dealing with allegations of harm to children**
- 3.1 All allegations of child abuse must be treated seriously no matter what their source.
- 3.2 Whenever a foster carers receives information that a young person may be suffering or has suffered harm, the procedures set out in this document must be followed.
- 3.3 In some circumstances children and young people or adults may try to tell a foster

carers in confidence that they have been harmed or that they know of a young person who has been harmed. It is important to understand that it is not possible to give children and young people or adults guarantees of confidentiality. Foster carers should always be aware of their responsibility to report information to the relevant authority if the child is to be protected from further abuse.

3.4 Department of Health guidance advises that:

'It is good general child care practice to resist being drawn into secretive and collusive relationships with children. It is essential that a relationship is built up between children and foster carers, such that children feel that they can trust foster carers to do the best thing with a disclosure of abuse' (Children Act, Regulations & Guidance, Volume 3).

'Personal information about children and families held by professionals and agencies is subject to a legal duty of confidence, and should not normally be disclosed without the consent of the subject. However, the law permits the disclosure of confidential information necessary to safeguard a child or children'. (Working Together to Safeguard Children, 1999)

3.5 Matters relating to confidentiality should be discussed with young people when they first arrive at the foster home to ensure they are clear about Channels & Choices policy.

3.6 Volume 4 of the Children Act, Regulations and Guidance gives the following advice on the disclosure of sexual abuse:

'While children may be harmed by being sexually abused they may also be further emotionally harmed if, when the problem is recognised, it is not dealt with in a sensitive way. Any foster carers who becomes aware of the possibility of child sexual abuse from disclosure should take a limited history. If a child wishes to talk about the abuse it is obviously important that the adult concerned allows the child to talk, but it should be remembered that at some future point it will be necessary for the child to be interviewed in detail. In order that the child is not forced to repeat the information it is important that the initial questioning be kept to the minimum required to get a clear picture of what has been happening. Direct leading questions should not be asked'.

If a young person makes a disclosure the matter should be reported in accordance with the procedure set out at the beginning of this document.

4. What to do when children or young people harm other children or young people

4.1 Professionals in the field of child protection have become increasingly aware that many adult perpetrators of child abuse started committing abusive acts during childhood and adolescence. This phenomenon is contrary to the conventional understanding of criminal behaviour when it is assumed that most children and young people grow out of crime as they move into adulthood. Furthermore, work with adult perpetrators appears to suggest that significant numbers suffered from abuse themselves as children. It is therefore important to recognise that when children and young people abuse other children and young people such behaviour must be treated

seriously and a referral must be made to the Social Services Department in accordance with the procedure set out at the beginning of this document. Child and adolescent perpetrators are themselves in need of help and the statutory authority's child protection procedures will need to be applied to both the victim and the abuser consistent with the guidance in 'Working Together to Safeguard Children'.

- 4.2 In forming a judgement about what constitutes child to child abuse, Department of Health guidance advises: 'A very clear distinction will need to be made between, on the one hand, behaviour that amounts to serious physical assault, intimidation and sexual assault which requires external child protection intervention and possibly criminal investigation and, on the other hand, normal childhood behaviour or sexual exploration which should be dealt with by care foster carers'.
- 4.3 In 'Working Together to Safeguard Children however, the Department of Health adds: 'foster carers should not dismiss some abusive sexual behaviour as 'normal' between children and young people and should not develop high thresholds before taking action'.
- 4.4 A professional judgement clearly has to be made which makes a distinction between normal and abnormal child and adolescent behaviour. The following factors should be taken into account when making a decision:
- The difference in age and level of maturity between the victim and perpetrator;
 - The vulnerability of the victim;
 - The seriousness of the behaviour;
 - The level of risk faced by the victim and other children and young people;
 - The persistence of the behaviour;
 - The existence or absence of informed consent.
- 4.5 Cases in which children and young people harm other children and young people may have implications for other young people. Other children and young people may have been harmed by the same young person but not told foster carers, or have known about the abuse but felt too afraid to tell anybody. The Manager will always inform the social workers of all children and young people affected or potentially affected by a reported incident of child abuse in the home.
- 4.6 Guidance about bullying is given in a separate section of this manual (see 4.3 Developing positive relationships and choosing not to bully and discriminate).
- 5. Allegations of child abuse made against employees or volunteers**
- 5.1 Channels & Choices is aware that children looked after are particularly vulnerable and may be more at risk of harm than their peers. The home also recognises that it has a dual commitment to protect children from harm and to protect employees, students and volunteers from malicious and/or mistaken allegations. Guidance offered under this heading seeks to explain this dual commitment.
- 5.2 It is the responsibility of all foster carers to ensure that the appropriate Manager is immediately informed of any allegations of child abuse that may involve other foster carers. We positively encourage foster carers members at all levels to share any

concerns they may have about more junior or more senior members of foster carers in the context of protecting children (please see policy & procedure on Whistle Blowing). All information received by Managers will be dealt with as speedily as possible in accordance with the Whistle Blowing policy & procedure, this policy & procedure and other relevant personnel policy and procedures.

Where abuse by a foster carers is known or suspected, the action to be taken should be the same as with any other known or suspected abuse (see procedure at the beginning of this document). The Manager will then contact the Area Children's Officer – Children's Safeguards Team (who fulfils the Local Authority Designated Officer (LADO) function) to agree further action to be taken in respect of the child and foster carers member.

In addition:

- Ross Barnett, responsible individual, must be advised immediately of all allegations.
- Staff, students or volunteers who suspect abuse must **not** advise or approach the foster carers concerned;
- Strict confidentiality should be observed at all times and information passed on should be on a need to know basis consistent with these procedures and guidance;
- The Manager, in consultation with the relevant social services department, and Police will take a decision on what action is needed to safeguard the child, foster carer and other young people.

- 5.3 In cases where it is suspected that a manager is in any way implicated in allegations, foster carers, students and volunteers should discuss their concern directly with the responsible Individual.
- 5.4 It is particularly important to remember that all matters of allegations against foster carers are governed by a policy of strict confidentiality. Only those who need to know should be informed about the allegation.
- 5.5 Foster carers, staff, students and volunteers who report allegations should discuss their concerns with a senior manager if they are not satisfied with the action taken under these procedures (once again refer to the Whistle Blowing policy & procedure).
- 5.6 Channels & Choices will make every effort to arrange appropriate support for foster carers, students and volunteers who are subject to investigation. This will include allocating a named Independent Social Worker..

6. Dealing with the unauthorised absence of children and young people

- 6.1 Children and young people absent from the home without authorisation are likely to be placing themselves at risk of harm and there are clear child protection implications. (See 6.17 Absences of children and young people without authority and missing persons).

7. Safeguarding Children Abused through Sexual Exploitation

The sexual exploitation of children is child sexual abuse. The sexual exploitation of children defines a broader context of abuse than formal 'prostitution'; the full spectrum

of sexually exploitative situations includes children and young people exchanging sex for accommodation, food, gifts, drugs and/or safety. KSCB and MSCB adopts the definition agreed by the National Working Group in 2012:

'The sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.'

- 7.1 Children and young people involved in sexual exploitation should be treated as the victims of abuse not criminals. If foster carers know or suspect that a child is or is at risk of being sexually exploited they should inform the registered manager immediately and they will inform the child's social worker immediately. The Manager will then complete the Kent & Medway Risk Assessment Toolkit to identify the level of risk
- 7.2 The DFE has published supplementary guidance to 'Working Together to Safeguard Children' entitled Tackling Child Sexual Exploitation 2011 which recognises the heightened risks to children who might be sexually exploited. It suggests ways of identifying those children who might be involved including the following:
 - Children and young people may have started to form friendships with older persons, either male or female;
 - Children and young people may be being picked up regularly by older persons in cars or there may be individuals loitering outside the children's home;
 - Patterns of behaviour related to drug use may suggest that a young person is exploited to raise funds to purchase drugs;
 - Children and young people may have relevant physical symptoms e.g. sexually transmitted infections.
- 7.3 The Children Act 2004 places a duty upon the Local Safeguarding Children's Board to put in place procedures to ensure the safety and welfare of children and to enable the Police to gather evidence about abusers and coercers. Managers should ensure that all foster carers at the home are familiar with the Kent and Medway Procedures 2013.
- 7.4 Once the social worker has been informed of the foster carers suspicion that a young person is being sexually exploited they will need to act in accordance with the Local Safeguarding Children's Board protocol to try to help the child remain safe.
- 7.5 If children and foster carers are feeling unsafe or threatened by the unwanted presence of individuals either loitering near the foster home or trying to make contact

by phone they should call the Police immediately.

8. Child abuse and the Internet

- 8.1 The Internet is increasingly becoming the focus of investigation into the distribution of child pornography. It also carries the possibility of adults establishing contact with children and 'grooming' them for inappropriate or abusive relationships. Foster carers need to be alert to the possibility of children and young people being abused or placed at risk of abuse in this way. Please read our ESafety Policy and Guidance.
- 8.2 Normal use of the Internet for recreational and educational purposes by children and young people should be encouraged, but should be monitored at all times to ensure they are protected from harm.

Some useful websites/telephone numbers are listed below.

CEOP (Child Exploitation and Online Protection Centre): www.ceop.police.uk
e-Safety Officer, Children's Safeguards Team, Families and Social Care, Kent County Council. The e-Safety Officer is Rebecca Avery email: esafetyofficer@kent.gov.uk
 Tel: 01622 221469

Childline: www.childline.org.uk

Childnet: www.childnet.com

Children's Officer for Training & Development, Children's Safeguards Team, Families and Social Care, Kent County Council. The Children's Officer for Training & Development is Mike O'Connell email: mike.oconnell@kent.gov.uk Tel: 01622 696677

Children's Safeguards Team: www.kenttrustweb.org.uk/safeguards

Click Clever Click Safe Campaign: <http://clickcleverclicksafe.direct.gov.uk>

Cybermentors: www.cybermentors.org.uk

Digizen: www.digizen.org.uk

EiS - ICT Support for Schools and ICT Security Advice: www.eiskent.co.uk

Internet Watch Foundation (IWF): www.iwf.org.uk

Kent e-Safety in Schools Guidance: www.kenttrustweb.org.uk/esafety

Kent Public Service Network (KPSN): www.kpsn.net

Kent Safeguarding Children Board (KSCB): www.kscb.org.uk

Kidsmart: www.kidsmart.org.uk

Schools Broadband Service Desk - Help with filtering and network security:
www.eiskent.co.uk Tel: 01622 206040

Schools e-Safety Blog: www.kenttrustweb.org.uk/esafetyblog

Teach Today: <http://en.teachtoday.eu>

Think U Know website: www.thinkuknow.co.uk

Virtual Global Taskforce — Report Abuse: www.virtualglobaltaskforce.com

9. Co-operation with external agencies

- 9.1 Channels & Choices requires all foster carers, students and volunteers to co-operate with child protection agencies in the event of a child protection investigation. It is important that all the facts are established and that the full extent of any abuse is discovered so that the children and young people affected or potentially affected can

receive proper protection and help.

- 9.2 Channels & Choices also expects foster carers to be helpful in enabling children and young people to have access to approved professionals in the interests of achieving safe and open working practices. Foster carers should always be helpful to visiting social workers, independent visitors, appointed visitors and inspectors. In doing so they should ensure that children and young people are given the opportunity to speak to these people in private. They should also be allowed to contact them by telephone in private if they wish.

10. Confidentiality

- 10.1 Information relating to child protection should always be treated in accordance with the company's policy on confidentiality and only be shared on a need to know basis in accordance with these procedures.

11. Safe caring

Policy

Channels and Choices Therapeutic Fostering requires each foster home to have an agreed set of guidelines that specify the ways in which all members of the household should act and behave so that their homes are a safe place for all to live in (Saferer Caring Guidelines). This means safe for any foster child or young person, for any children of your own, for yourself and other members of your family network and for other people who share your life.

Safe caring guidelines will be drawn up by consultation between the whole family and then agreed by Channels and Choices Therapeutic Fostering's Supervising Social Worker. Foster carers are expected to review their guidelines each year or when their family circumstances change.

It is particularly important that men in the family are involved from the outset in developing the family's guidelines as most allegations are made against male carers. Safe caring family guidelines will be explained to the child or young person so that they understand the foster carer's "home rules". Individual Safer caring guidelines will also need to be drawn up for each child placed within a foster family, this should be done in consultation with the child/young person and reviewed on a regular basis.

What are safe caring guidelines?

A foster carer's safe caring guidelines are a set of "home rules" that will help you to ensure that your home is a safe place at all times.

The Fostering Network booklet *Safer Caring: A New Approach* (2012) offers practical advice that can help make a foster home a safe place for all its members. There are useful sections on strategies for safe caring and on how to work out your own safe caring family guidelines. A copy of this book will be given to each family

Safe caring will be covered in your preparation and training, in support groups and at the Foster Carers' Annual Review.

Depending on the child or young person's age and understanding, you should give them a written copy. Make sure that you make a note in your diary that you have explained the family guidelines to the child or young person and let your Supervising Social Worker know that this has happened so that they can make a record on the child's file.

Guidance

The following guidance is based on the Safe Caring Policy of Channels and Choices Therapeutic Fostering and foster carers are expected to follow it.

Channels and Choices Therapeutic Fostering seeks to recruit a wide range of foster carers including couples, single female carers, single male carers and gay and lesbian carers. Foster carers should give particular attention to their own situation to ensure that they are not putting themselves in situations that might be open to misinterpretation, allegations or risk.

The following will help you in agreeing your own Safe Caring Family Guidelines:

A. In the home

Bedroom

- a) All children and young people placed will have their own bedroom, the only exception to this being where it is agreed for same sex siblings to share a room.
- b) Bedrooms are only entered by others by invitation.
- c) Bedrooms are not generally to be used as play areas for other children. If bedrooms have to be used for activities with others, (e.g. a young person has a computer in the room) doors will be kept open at all times.

Bathroom

- a) All young people who are old enough and able to bath and wash themselves should have privacy in the bathroom.
- b) Children needing supervision should be encouraged to wear a swimming costume in the bath.

Playing

- a) Except when playing alone, doors must be left open and carers should be able to easily hear or see what is going on.
- b) Do not allow play fighting.
- c) Avoid tickling and wrestling games.

Dress

- a) Nightwear and dressing gowns should always be used, at bedtime and bath time etc.

B. Going out

Car Journeys

- a) Carers should be aware of the possible risks of being alone in a car with a foster child. It is advisable that whenever possible for the child to sit in a back seat.
- b) It is the carers responsibility to ensure that any car used to transport young people is roadworthy, insured, and appropriate car seats/seat belts fitted and used.

Babysitters

- a) Use only adults that have been agreed by Channels and Choices Therapeutic Fostering
- b) Never stay out overnight without making special arrangements with Channels and Choices Therapeutic Fostering for the care of foster children.
- c) Never arrange for fostered children to stay anywhere overnight without checking with Channels and Choices Therapeutic Fostering or the child's Social Worker.

C. General

Showing Affection

- a) Do not use hugs, kisses, cuddles etc. without first checking out that the child wants this.
- b) Teach children that they can say no to anyone who offers a cuddle, including yourself.
- c) Carers should be aware that showing physical affection towards children and young people could be misinterpreted and put them at risk. This particularly applies to male carers where a female carer is not present.
- d) Never take photographs or videos of children and young people who are undressed.
- e) Always ask a young person's permission before taking photos or videoing them.

Sex Education

- a) Never introduce discussions around sex and sexual issues without first talking to the child's Social Worker or your Supervising Social Worker. If a child starts a conversation with you about their and sexuality you should respond but keep the conversation factual and do not get into discussion about your sexuality etc.
- b) Use appropriate language.
- c) In answering questions about sexual issues, keep control of the conversation. If a young person steers the discussion into areas where you feel uncomfortable, suggest that you

will help them talk to somebody in confidence about these issues, (e.g. Brook Advisory Centre, etc.).

- d) Never refer young people for sex education/advice without the permission of the child's Social Worker.

Finally

Keep a daily diary, and note all incidents such as inappropriate behaviour or speech, worrying phone calls, and anything that make you feel uncomfortable or in any way concerned. Discuss this with your Channels and Choices Therapeutic Fostering Supervising Social Worker or child's Social Worker at the earliest opportunity.

Computers, mobile phones, the Internet and e-Safety

Opportunities provided by the Internet

The internet is available through most computers and increasingly through mobile phones and provides access to an infinite range of information, educational possibilities, fun and games and communications with friends.

There are some specialist search engines for children e.g. Yahoooligans which tend to only search among pre-selected sites judged by the provider to be child-friendly In addition, Encyclopaedia Britannica and other educational resources can be found online sometimes linked to CDs.

Most children and young people will be using computers in school and may be expected to conduct research and produce homework and course work/projects using a computer.

Many young people also use the internet as a way of chatting with other people through chat rooms, newsgroups and instant messaging. The Internet is also available now on mobile phones. The use of mobile phones, particularly by younger children, should be monitored and frequent lengthy use discouraged, due to possible health risks.

Parents and foster carers should take an interest in how their child or young person uses their computer and the Internet. This can be done in a positive way asking them to show you how to use the Internet and show you the places they go on the web and how else they use the Internet.

Some local authorities provide computers and laptops to children/young people.

e-Safety

e-Safety covers issues relating to children and young people as well as adults and their safe use of the Internet, mobile phones, online gaming and other electronic communications

technologies, both in and out of school and home. It includes education for all members of the community on risks and responsibilities and is part of the 'duty of care' which applies to everyone working with children.

There are some well-known dangers in children using computers and the Internet, for example:

- excessive use leading to a neglect of homework, outdoor activities or other social activities, and heavy telephone bills
- accidentally or deliberately accessing inappropriate material and pornography
- unwittingly or otherwise making inappropriate contact with individuals who may wish to cause them harm

There are some precautions that you can take to address these dangers.

In the first place it is advisable to have your computer in a family room rather than in a bedroom where you can be aware how long your child or young person is spending on the computer and what they are using it for.

Where a computer is not in a common area, it is advisable to allow the computer to be used but to deny Internet use and to make sure that use is supervised.

Foster carers who provide mobile phones should not provide them with Internet access.

It is also advisable to stress the importance of correctly typing in addresses and to discuss and agree rules about the sorts of sites and materials it is acceptable for your child to access over the Internet.

Parental control software can help in blocking access to certain types of website, or control who your child might receive or send e-mails to/from, block access to newsgroups and chat rooms. Your Internet Service Provider (ISP) will be able to advise you on what is available. Be aware that many of these systems have shortcomings.

You need to make sure that your child or young person knows about and understands online stranger danger - adults faking an identity online - and are on their guard.

NCH (the children's charity) has produced NCH NetSmart Rules specifically designed for children/young people.

Guidance

Supervising Social Workers will complete a risk assessment for each child placed to identify any potential risk through using a computer and/or accessing electronic communications/Internet, etc. The risk assessment will account for children with additional needs:

- Some children are still developing their social understanding and may relate better to strategies used with younger children
- They are likely to find it hard to apply the same rules in different situations
- Most safety principles rely on children being able to explain what happened or ask for help
- Some children have poor recall and difficulties learning through experience.

This will result in some children having a higher level of usage than others based on age, understanding, history and behaviour.

Young people who have no experience of using home computers or accessing the Internet will be offered basic tuition to ensure they understand how to use them safely.

Any incidences of concern should be reported to your Supervising Social Worker immediately who will consider passing the information on to the Registered Manager. There will be a zero tolerance approach to any form of cyber bullying.

All home computers used by foster carers will have protection and filtering software that will restrict Internet usage to the correct age and understanding of the young person.

Channels and Choices will ensure home computers are available for all young people to use for their education, hobbies, and for fun.

Should any young person be found to be using a home computer or the Internet in an inappropriate way then this may result in their use being restricted.

All young people's personal computers will also have age restrictive protection that restricts Internet usage via a Wi-Fi router. Any misuse or inappropriate use of the computers may result in the use of personal computers only being used under supervision or being removed until trust is earned from the young person.

All computer users may only use software, DVDs, CDs, games and MP3s or any electronic devices that are both age appropriate and deemed as acceptable for the individual. The use of memory sticks should also be monitored.

Foster carers should ensure they explain Channels and Choices' computer policy to each child. An e-safety agreement should be drawn up between the child/young person and foster carer, this should be shared with the child's Social Worker and Channels and Choices Supervising Social Worker.

Foster carers should ensure, in line with Facebook and MSN Privacy guidance, that no young person aged under 13 years placed with them has any social Networking agreements.

No foster carer should have any young person under the age of eighteen years as a 'friend' on networking sites to share information with.

The computers of foster carers should be checked regularly to ensure there is no inappropriate usage or sites being accessed. If there has been any inappropriate usage it must be reported immediately to your Supervising Social Worker who will agree with you whether or not to withdraw this privilege until such time as it is agreed the young person can be trusted to use the facility appropriately.

See also Section 2.8 Diary and record keeping and confidentiality

12. Safe from accidental injury and death

Health & Safety

Channels and Choices Therapeutic Fostering has a clear responsibility in ensuring that the health and safety of children in placement is promoted. That responsibility is shared with the foster carers, the placing authorities, other professionals and the children themselves.

The initial assessment of a foster carer, as well as their ongoing supervision and support must always take health and safety issues into consideration in order to safeguard the physical health of children placed.

Health & safety issues relating to 'safe caring' issues, child protection or allegations of abuse are covered in separate Safe Caring and Child Protection Policies.

Prevention of accidents

All foster homes will be expected to meet legal housing requirements.

Just as with hygiene, all assessing Social Workers will consider, as part of their assessment of prospective foster carers, the potential for accidents in applicants' households. The Health and Safety Checklist referred to above will be used as part of the assessment process.

The Health and Safety Checklist will also be used as a tool for regular safety inspections of existing foster carers' households by Channels and Choices Therapeutic Fostering via the foster carers review process.

Safety inspections for new and prospective carers will take into account the ages of looked after children.

Products, chemicals, medications etc. which could present a hazard will be stored appropriately. If there is an increased likelihood that a child or young person will harm himself or herself, for example because they have a history of solvent abuse, potentially harmful substances must be locked away.

If firearm and/or ammunition, including air rifles and replica guns, are to be kept in a foster carer's home, this will be fully discussed with Channels and Choices Therapeutic Fostering foster carers. All firearms and ammunition will be kept in a securely locked cabinet. If a weapon requiring a licence is held, Channels and Choices Therapeutic Fostering foster carers will inspect this licence on an annual basis.

First Aid and medication

All foster carers will be expected to have a basic first aid kit.

Channels and Choices Therapeutic Fostering will provide information on local first aid courses in their area to carers and will consider providing such courses in-house.

All foster carers will be expected to store medication safely. Where there is a risk that a child or young person will harm themselves if allowed to access to medication, it will be stored in a locked cabinet.

Foster carers will only administer prescribed medication according to the prescription. Non-prescribed medication will only be administered according to the instructions on the packaging. No medication that is out of date is to be used. Advice will be given to foster carers regarding the arrangements by which they can administer non-prescribed medication.

Any medication given to a child/young must be recorded in their Health Passports and weekly recording sheet.

Consideration will need to be given to when a Young Person takes responsibility for the storage and administration of their own prescribed medication. A risk assessment/agreement will need to be completed and signed by the young person, foster carer, Social Worker and any other person with Parental Responsibility.

Fire safety

Channels and Choices Therapeutic Fostering foster carers involved in the assessment and support of foster carers will address issues of fire safety with them, including discussing the evacuation of the carers' home in the event of a fire. Carers should have a written fire plan which they can share with any child/young person. Carers will be expected to take appropriate steps to minimise the risk of fire.

If a foster carer or prospective foster carers' home appears to present a particular fire risk for any reason, the advice of the local fire rescue service may be sought.

Household pets

Channels and Choices Therapeutic Fostering foster carers involved in the assessment and support of carers will take into account any household pets and their potential impact upon

children and young people in placement. Possible health risks associated with pets will be discussed with foster carers.

Keeping any dog now deemed as dangerous by the Dangerous Dogs Act will mean that carers cannot look after children through Channels and Choices Therapeutic Fostering.

Foster carers with dogs will be asked to consider ways of introducing new foster children to their dogs.

Where the existence of household pets has a severe impact on the quality of domestic arrangements, for example because of strong smells, Channels and Choices Therapeutic Fostering foster carers will work with carers to remedy the situation. If it is not possible to do this, the carer's continued appointment will be reviewed and a decision made as to whether the household meets an acceptable standard for fostering to continue.

Car seat belts

In line with current guidance from the Department for Transport and changes due to take place with regards to seatbelts and the law, Channels and Choices Therapeutic Fostering has adopted the following policy: -

All children up to 4 feet 5 inches in height will have to use a restraint appropriate for their size and will no longer be able to use an adult seat belt alone in the front or rear seats.

Children should be seated in an appropriate front or rear facing restraint for the under 3's. A booster chair is recommended for those over 3 years but under 4 feet 5 inches in height. As a minimum a booster seat/cushion must be provided.

Children over the age of 12 but who are less than 4 feet 5 inches in height will not have to comply with this policy. Channels and Choices Therapeutic Fostering would however recommend the use of a seat belt clip to ensure the belt is correctly positioned. Additionally children should travel, whenever possible, in the rear seats of the car.

13 Safe from bullying and discrimination

Anti-bullying policy

Channels and Choices Therapeutic Fostering is committed to providing a caring, friendly, safe environment in its foster carer's homes and to supporting children and young people who are being bullied.

Channels and Choices Therapeutic Fostering recognizes the particular vulnerability of looked after children and young people, including those who may be bullied because of their racial or cultural background, sexual orientation or because they have a disability.

Any incidents or disclosures of bullying will be taken seriously and allegations investigated

Action will be taken to prevent further incidents and support given to the children and young people involved in bullying.

Procedures

In the event of an incident or disclosure of bullying to a foster carer, the carer should listen carefully to what the child is saying and take their allegations seriously.

The foster carer should report the bullying to their Channels and Choices Therapeutic Fostering Supervising Social Worker or Channels and Choices Therapeutic Fostering duty Social Worker and agree what action should be taken. Discussion should include:

- notifying the child's Social Worker and parents
- action needed to resolve the situation and to support the child or young person
- involvement of the school
- whether a full investigation should be carried out
- whether the Police should be informed
- whether Child Protection procedures should be invoked

All serious incidents should be reported to the Channels and Choices Therapeutic Fostering Manager by the Channels and Choices Therapeutic Fostering Supervising Social Worker or the Channels and Choices Therapeutic Fostering duty Social Worker

All incidents of bullying will be reported to the child's Social Worker.

If the bullying involves something happening at school, contact should be made with the school to decide the appropriate course of action. It may be appropriate for the matter to be investigated under the school's anti-bullying procedures.

If the bullying involves something happening outside school or in the foster home, the Channels and Choices Therapeutic Fostering Supervising Social Worker should carry out an investigation into the bullying.

A strategy for protecting the child or young person from bullying will be drawn up, in consultation with the child or young person, in any situation where bullying has occurred or is suspected.

All instances of bullying of a child in foster care should be recorded by the foster carer in their diary and by the Channels and Choices Therapeutic Supervising Social Worker on the child or young person's file.

The Channels and Choices Therapeutic Fostering Supervising Social Worker or should

provide support to the foster carer in dealing with any instances of bullying.

Bullying - guidance for foster carers and foster carers

What is bullying?

Bullying is the use of aggression (verbal and/or physical) with the intention of hurting another person. Bullying results in pain and distress to the victim.

Bullying can be:

- Physical pushing, kicking, hitting, pinching, any form of violence or threats
- Verbal name calling, sarcasm, spreading rumours, persistent teasing
- Emotional tormenting, threatening ridicule, humiliation, exclusion from groups or activities
- Racist racial taunts, graffiti, gestures
- Sexual unwanted physical contact, abusive comments

Where does it take place?

Bullying can take place anywhere e.g. on the street, in parks and playgrounds, clubs and out of school activities and at home. Many children and young people also experience bullying via mobile phones, text messaging, the Internet and e-mail.

Bullying can also take place in foster homes involving foster children and foster carer's own children and foster carers.

Looked after children are particularly vulnerable to being the targets of bullying either at school or in their home environment, and may also be involved themselves in bullying behaviour.

Children with disabilities are at a greater risk of bullying.

Signs and symptoms

A child or young person may indicate by signs or behaviour that (s)he is being bullied. Adults should be aware of these possible signs and should investigate if a child:

- Is frightened of walking to or from school
- Does not want to go on the school or public bus
- Begs to be driven to school
- Changes their routine
- Begins truanting
- Becomes withdrawn or anxious or lacking confidence
- Starts stammering
- Harms self or attempts suicide

- Runs away
- Cries themselves to sleep at night or has nightmares
- Feels ill in the morning
- Lowering standards of schoolwork
- Comes home with clothes torn or books damaged
- Has possessions go “missing”
- Has dinner or other monies continually “lost”
- Asks for money or starts stealing money (to pay bully)
- Has unexplained cuts or bruises
- Comes home starving (money/lunch been stolen)
- Becomes aggressive, disruptive or unreasonable
- Is frightened to say what is wrong
- Gives improbable excuses for any of the above
- Is bullying other children or siblings
- Stops eating

These signs and behaviours could indicate other problems and should be investigated.

Why is it important to respond to bullying?

Bullying hurts. No one deserves to be a victim of bullying. Everybody has the right to be treated with respect. Children and young people who are bullying need to learn different ways of behaving.

Channels and Choices Therapeutic Fostering foster carers and foster carers have a responsibility to respond promptly and effectively to issues of bullying in line with Channels and Choices Therapeutic Fostering policy and procedures.

Anti-bullying policies in schools

Bullying is commonly associated with school, and all schools are required by the Department for Education to implement anti-bullying policies and procedures.

School anti-bullying policies now have to refer specifically to racial harassment with an incident book recording the names of perpetrators.

Sexual bullying is now also included with new guidelines for dealing with homophobic incidents, guaranteeing confidentiality and appropriate advice to gay and lesbian pupils.

14. Anti-discrimination - Policy in relation to meeting the racial, cultural, religious and linguistic needs of children and young people

Legislative and regulatory framework

Channels and Choices Therapeutic Fostering, in offering placements to children and young people looked after by Local Authorities, seeks to observe the legislative, regulatory and good practice requirements set out in:

- National Minimum Standards for Fostering Services (England) 2011
- The Fostering Services (England) Regulations 2011
- The UK National Standards for Foster Care 1999
- The Children Act 1989 (England & Wales)
- The Children Act 1989 (Guidance & Regulations Volume 3: Family Placements)
- The Children Act 2004 (England & Wales)
- The Childcare Act 2006 (England & Wales)
- The Protection of Children Act 1999
- The Children (Northern Ireland) Order 1995
- The Children (Northern Ireland) Order 1995 Guidance and Regulations Volume 3: Family Placements and Private Fostering
- The Children (Scotland) Act 1995
- The Children (Scotland) Act 1995 Regulations & Guidance Volume 2: Children Looked After by Local Authorities.
- The National Care Standards (Scotland): Foster Care and Family Placement Services
- The National Minimum Standards for Fostering Services (Wales)
- The Fostering Services (Wales) Regulations 2001
- Every Child Matters: Change for Children 2004
- Care Matters: Time for Change 2007

Commitment to diversity and promoting equality – foster carer recruitment, assessment and training

Channels and Choices Therapeutic Fostering is committed, by a variety of methods, to recruiting a wide range of foster carers from diverse backgrounds to meet the needs of children and young people referred for placement. The agency's recruitment policy and strategy recognises that targeted recruitment activities are sometimes required to achieve this aim.

The agency's expectation is that all foster carers, whatever their background, are able to demonstrate an understanding and sensitivity to the needs of individual children and young people. All Channels and Choices Therapeutic Fostering carers are expected to demonstrate or develop an understanding of the needs of ethnic minority children/young people, an understanding of racism and a commitment to challenge racism or discrimination and to helping a child or young person maintain or develop positive links in terms of his/her racial, cultural, religious and linguistic needs.

Channels and Choices Therapeutic Fostering pre and post-approval foster carer training contains input in relation to diversity, promoting equality and helping children and young

people combat discrimination. There is a specific focus on how foster carers, of all backgrounds, must provide care which respects each child's racial, cultural, religious and linguistic background and this is a feature of supervision of foster carers by Channels and Choices Therapeutic Fostering social work foster carers.

Requests for placements and placement decisions

Channels and Choices Therapeutic Fostering believes that the assessed needs of a child or young person should be paramount in all placement decisions. The needs of a child or young person in relation to racial origin, culture, religion and language will be thoroughly detailed and fully taken into account by Channels and Choices Therapeutic Fostering when receiving placement requests from Local Authorities. Channels and Choices Therapeutic Fostering's response will always be to try and identify a suitable 'match' in terms of a foster family whose racial and cultural origin, religion and language is the same as that of the child or young person or where as many of these placement considerations as possible can be met.

When a child or young person is referred to Channels and Choices Therapeutic Fostering for placement, every effort will be made to place him/her with a family that reflects his/her racial and cultural background. Where possible every effort will be made to enable the birth parents and/or family members to maintain regular contact with the child or young person as promoted in the Children Act 1989 (England and Wales), the Children (Northern

Ireland) Order 1995 and the Children (Scotland) Act 1995 and for the child or young person to maintain meaningful links with his/her community. It is essential that a black child or young person does not lose his/her identity, or feel that they have to 'lose' their identity by virtue of being in public care.

Channels and Choices Therapeutic Fostering embraces Regulation 11 of the Fostering Services (England) Regulations 2010, which place a specific duty on independent fostering agencies, comparable to that for Local Authorities, when making placement decisions to give due consideration to a child or young person's persuasion, racial origin and cultural and linguistic background.

Channels and Choices Therapeutic Fostering's position is that for most looked after children and young people placement within a foster family is the best means of providing care and nurture. In practice this means that a child's racial, cultural, religious and linguistic needs will not be solely determining or decisive considerations but will be balanced alongside other placement needs identified at the point of placement request.

The task of the Social Worker responsible for making any placement will be to identify 'gaps' in the match between the child or young person and foster family and to ensure that there are arrangements to compensate for these. This may involve deciding upon support specifically needed for the child or young person – for example help with identity and self-esteem, maintaining religious observance/practice, opportunities to communicate in his/her

first language and deciding how, when and by whom this support will be provided and how the provision of this support will be reviewed. For any child or young person for whom there are specific dietary requirements arising out of his/her cultural or religious background, or personal choice, then these will be fully adhered to. Additionally Channels and Choices Therapeutic Fostering supervising Social Worker will identify what additional training, support and information may be needed by the foster family to ensure that they are able to help a child develop and/or maintain a positive understanding and appreciation of his/her heritage. This work will be identified at placement agreement meetings, whether held pre or post placement.

Fostering a child/young person with special needs or a disability

You may be fostering a child or young person with a physical or learning disability or communication difficulties. The disability may not always be obvious at the time when the child or young person is placed with you e.g. dyslexia.

Policy for children and young people with disabilities

Channels and Choices Therapeutic Fostering will only offer a placement to a child or young person if they are sure that the child or young person's needs can be met.

Channels and Choices Therapeutic Fostering recognises that children and young people with disabilities have the same rights and needs as all other children and should be treated as individuals and consulted about their futures.

Channels and Choices Therapeutic Fostering ensures that whenever possible the child or young person is enabled and encouraged to take part in mainstream activities.

Channels and Choices Therapeutic Fostering ensures that each child or young person with a disability receives specific services and support to help him/her to maximise his/her potential and to lead as full as life as possible.

Placements

Channels and Choices Therapeutic Fostering will only offer a placement to a child or young person if they are sure that the child or young person's priority needs can be met. For a child or young person with a disability this will mean providing foster carers who are able to provide specialist care required and have suitable accommodation.

Making the placement

Once the placement has been agreed, the Channels and Choices Therapeutic Supervising Social Worker will discuss with the local authority Social Worker and foster carer(s) what preparation and planning needs to take place before the placement is made.

Where possible, an introductory visit or visits are arranged. This gives the child or young person an opportunity to express an informed view on the placement and to get to know the foster carer's family before moving in.

The Local Authority Social Worker may also try to bring together the Channels and Choices Therapeutic Fostering foster carers and the previous carer (parent or foster carer). Being able to share information on the child or young person's daily routines, capabilities, habits, fears, likes and dislikes will help you settle the child or young person into the placement.

This will not always be possible especially where placements are made in emergencies or at short notice.

15. Children's rights

Introduction

The key legislation enshrining the rights of all children and young people in the UK is contained in:

- The UN Convention on the Rights of the Child
- The Human Rights Act 1998
- UK Children's Legislation including the Children Act 1989, The Children Act 2004 and the 26Childcare Act 2006

The National Minimum Standards for Fostering Services 2011 and The Fostering Services (England) Regulations 2011 also set out what young people in foster care are entitled to.

The Children Act 2004 provides the legal underpinning for the transformation of children's services as set out in the *Every Child Matters: Change for Children* programme. At the heart of this are five key outcomes to be aspired to for every child in the country but which are particularly relevant to looked after children in foster care. See 4.1.

Rights are an entitlement. It is important also to recognise that children and young people also have responsibilities and should respect the rights of others.

The rights of children and young people who are looked after

A right to information

Young people have a right to see information written about themselves except for confidential information that is given by others such as Police or doctors. They have a right to see their file and should make a complaint if they are told that they cannot see their file. Channels and Choices Therapeutic Fostering and the local authority keep files on young people.

The Children Act 1989

The Act says that young people should be brought up in their own families, whenever possible. A Court must put the interests of a young person first when making decisions about him/her and social services must work together with children and young people and their families.

The Children Act 1989 is important because it gives young people protection and says that:

- Young people must be advised of their rights
- Their views must be considered
- They have the right to know what is happening and why
- They have a right to make a complaint
- Young people have a right to have their voice heard in Court
- Young people have a right to say no to being assessed or medically examined

Equal rights

Channels and Choices Therapeutic Fostering is committed to treating all young people equally and will not discriminate against a young person on the grounds of race, language, religion, culture, disability, gender or sexual orientation.

Right to education

Every young person has a right to an education suitable to his or her needs and ability. By law they have to receive some sort of education from the age of 5 to 16 years and all young people are entitled to full time education up to the age of 19. Children and young people who are fostered should be treated fairly within schools.

Children and young people who are disabled

Young people with a disability have the right to live life like any other person of a similar age. They also have the right not to be discriminated against.

Bullying

Children and young people have the right not to be bullied.

Child protection

Foster carers and foster carers at Channels and Choices Therapeutic Fostering have a

responsibility to make sure that children and young people are safe and not subjected to any form of abuse.

Decision making meetings

Children and young people have the right to access most of the information about them held by Channels and Choices Therapeutic Fostering, to express their views and to have their views taken into account. Local authorities and Channels and Choices Therapeutic Fostering should make sure that information is presented in such a way that young people can understand it. Children and young people should be encouraged to attend meetings about themselves.

Contact with family and friends

The Children Act 1989 imposes a duty on social services to promote contact between the child or young person being looked after and their family and friends. As in other decisions the child or young person's views on contact must be taken into account and they cannot be forced to have contact if they do not want it.

Privacy

Children and young people who are being looked after have certain rights to privacy. These include the right to:

- have personal belongings in a safe place
- not have that place searched unless there is a good reason for this and they are told why
- not have personal details discussed with people who do not need to know about them
- use a telephone in private (i.e. reasonable use having in mind the cost)

Making a complaint

If a young person considers that they have been unfairly treated, discriminated against or their rights ignored they can make a complaint either using the Channels and Choices Therapeutic Fostering Complaints Procedure for Children and Young People or the complaints procedure of the local authority responsible for their care depending on the nature of the complaint.

Children's Commissioner

The Government appointed the first Children's Commissioner for England in 2005 to give a national voice to all children and young people, especially the disadvantaged and the vulnerable. As at May 2013 the current Commissioner is Dr Maggie Atkinson.

Children and young people can contact the Commissioner to voice their opinions, concerns or to ask for help if they feel their needs are not being met at -

Email: info.request@childrenscommissioner.gsi.gov.uk

Telephone: 0207 783 8330

Or in writing to: 33 Greycoat Street
London
SW1P 2QF

16. Safe from crime and anti-social behaviour in and out of school

Managing behaviour of children and young people

Policy

This policy applies to all Channels and Choices Therapeutic Fostering foster carers and is constructed in accordance with Regulation 13(1) of The Fostering Services (England) Regulations 2011, which requires fostering service providers to prepare and implement a written policy on acceptable measures of control, restraint and discipline of children and young people placed with foster carers.

Positive reinforcement and negotiation should be used as the main method of discipline in managing the behaviour of children and young people in foster care i.e. noticing and praising good behaviour.

Children and young people have a right to be protected from any form of abuse. Channels and Choices Therapeutic Fostering ensures that children are aware of this right (taking into account the child's age and understanding) and enabled to seek protection from abuse.

No form of corporal punishment may be used in relation to any child or young person in foster care (FSR 2011 13(2)(a)). This includes smacking, slapping, shaking, punching, pushing and all other humiliating forms of treatment or punishment

If sanctions are applied, every effort should be made to ensure that they are clearly understood by the child and of a short-term nature and take into account the child's previous experience. Discipline should not be excessive or unreasonable. (FSR 2011 13(2)(b)).

The following sanctions are unacceptable and should not be used:

- corporal punishment
- deprivation of food or drink
- withholding of medication, medical or dental treatment
- intentional deprivation of sleep
- the use of disrespectful or abusive language

- requiring child or young person to wear distinctive or inappropriate clothing
- restriction or refusal of visits or communications
- imposition of fines
- intimate physical searches
- the use of accommodation to physically restrict the liberty of any young person

Physical restraint should not be used as a form of punishment and should only be used where it is necessary to prevent likely injury to the child or other persons or likely serious damage to property (FSR 2011 13(2)(c)).

Threats of physical punishment should not be used and foster carers/carers should not seek to control a child or young person's behaviour by physical intimidation

A record should be kept by foster carers of the use of any sanctions or punishments.

Foster carers should notify their Supervising Social Worker or the duty Social Worker immediately in the event of any breach of this policy who should in turn notify the Director or senior member of foster carers. If appropriate, an independent investigation will be carried out.

All foster carers and foster carers have access to the Agency's Guidelines for Appropriate Control and Discipline which includes acceptable and unacceptable sanctions and guidance on the use of physical restraint.

The Agency expects foster carers to work within this policy and will support them when exercising their judgment in accordance with the policy. In addition, carers are given training, support and supervision in managing children's behaviour.

Guidance

Foster Carers are entrusted with the care of vulnerable children and young people, and as such are trusted to use discipline appropriately. The Children Act 1989 and associated Regulations and Guidance, state that foster carers may not use physical punishment with children and Channels and Choices Therapeutic Fostering support this stance. It is Agency policy therefore that corporal punishment may not be used at any time for foster children. Foster carers are also advised to consider whether they should use this form of discipline with their own children.

The following are some of the reasons why we believe children should **not** be physically chastised:

- Children may be in the "looked after system" because they have been physically abused, thus any form of physical punishment may remind them of this abuse.
- Hitting or smacking a child for inappropriate behaviour merely teaches them it is acceptable for adults to use violence against children. It does not teach a child to behave in a more acceptable way.

- A policy of no physical punishment protects carers from unfounded allegations of abuse.

We recognise, however, that having stated in accordance with the law that foster carers must not physically chastise children in their care, we have a responsibility to advise carers of acceptable methods of discipline which they can use. These include:

- 'Time out' for periods to allow a child to calm down.
- 'Grounding' i.e. not allowing a child to undertake a particular activity (although not being allowed contact with birth family is not an acceptable punishment).
- 'Docking' of some of the pocket money to pay for breakages, etc.
- Withdrawal of special treats, e.g. sweets, a favourite television programme, etc. or other sanctions that are age appropriate.

Most foster carers will have a great deal of experience of working with children and will have worked out their own ways of disciplining them. If in doubt about a particular punishment, carers should not hesitate to discuss this with the child's Social Worker and/or their Supervising Social Worker.

The following guidance (Guidelines for Appropriate Control & Discipline) has been written to advise and assist foster carers on an aspect of fostering which can be very difficult and where discussion and consultation with your Supervising Social Worker is advisable.

It offers advice on the care and control of children and provides some examples of acceptable sanctions and punishments that may be used together with a list of those which are unacceptable.

If you have any questions or concerns about this policy, please contact your Supervising Social Worker in the first instance.

Physical restraint

The law states that any physical interaction should be consistent with the legal obligations and responsibilities of care agencies and the rights and protection afforded to people within the law.

The policy of Channels and Choices Therapeutic Fostering therefore is that physical restraint should never be used as a means of punishment or as a matter of course and should be avoided wherever possible.

Foster carers, however, have a legal and moral duty to protect young people in their care and to promote their welfare. This means that in situations physical restraint may have to be used where:

- a) there is a clear or perceived risk that a young person is likely to harm him/herself or others,

or

- b) There is a likelihood of serious damage to property and consequent risk to the safety of the young person and others.

Foster carers need to note the following points carefully and ask for clarification if they feel it is necessary:

1. Physical restraint means holding a child or young person in a way that avoids any pain or injury to the young person. This excludes hitting, punching and the use of any instruments or equipment e.g. rope.
2. Physical restraint is taught to Channels and Choices Therapeutic Fostering foster carers as part of its training course "Team Teach". The training, and course workbook, specifically states that restraint should never be undertaken on a child lying in the face down, or prone, position.
3. Physical restraint should only be applied with the minimum force required to ensure the safety of the child or young person or others.
4. Physical restraint should be a last resort.
5. If the foster carer feels it is not possible to restrain a child safely then no attempt should be made to control him/her without further help.
6. Other children should not be asked to assist in restraining a child.
7. Ideally, a second adult should be present whenever possible, even when one adult is able to restrain a child or young person safely.
8. Once a child or young person has calmed, allow recovery time and later explain why the restraint was necessary.

NB:

1. The foster carer should contact their Supervising Social Worker or the Duty Social Worker immediately following any need to physically restrain a child.
2. The foster carer should record the incident as soon as practicable.
3. The Supervising Social Worker or in his/her absence, another Channels and Choices Therapeutic Fostering colleague should visit the home, speak to both the child or young person and the foster carer. A report of the incident will be prepared and submitted to the child's Social Worker as soon as possible.
4. Foster carers should also contact their Supervising Social Worker for support themselves.

Foster carers need to be mindful of the fact that any form of restraint is open to question and discretion and they can be challenged on their use of it by the child, the persons with parental responsibility, and/or the Social Services Department.

Therefore, foster carers need to be clear that they strictly observe the above guidelines.

Inappropriate use of restraint could lead to the foster carers being considered unsuitable for future placements or, in an extreme case, being charged with assault.

Children who Run Away or go missing from home or care

Relevant legislation & guidance

- Children Act 1989 & 2004 & 2004
- The Fostering Services Regulations 2011
- National Minimum Standards for Fostering
- Children Missing from foster and residential care and from home (KCC, Medway and Kent Police joint protocol) 2006
- DFE Statutory Guidance on children who run away or go missing from home or care 2014

Related policy & guidance

- Child protection & safeguarding
- Placement planning
- Risk assessments & risk taking

Policy statement

Going absent without permission can be a feature in any child or young person's life when they feel unable to cope with a situation. Channels & Choices recognises that many Looked After children are potentially at additional risk of going absent without permission because of uncertainty in their lives, previous experiences and being separated from family, friends and significant others. Channels and Choices is therefore committed to:

- empowering children and young people to find alternatives to absconding by creating a good atmosphere within the home
- providing them with advice about the consequences of going absent without permission
- ensuring that foster carers are aware of their whereabouts at all times and
- ensure children and young people are kept safe at all times both within and outside of the foster home.

To this end, the Supervising Social Worker and the foster carers will carry out, in accordance with National Minimum Standards, risk assessments where there are known or identified risks.

Guidance

This guidance and the following procedures have been written in accordance with the agreed protocol between Kent County Council, Medway Council and Kent Police.

These should be followed by foster carers on all occasions when children and young people go absent without permission unless a young person has been placed by another local authority or borough and they have requested a different procedure/protocol be followed.

At the beginning of any placement and in particular those placements where children and young people are known to have a history of this behaviour it is important that there is an agreed, detailed protocol for identifying, informing and managing such situations in the Placement Agreement Plan. This is especially important if any such agreed actions are, in any way, contrary to the following guidance and procedure. A risk assessment should be completed on these occasions.

Children and young people who go 'missing' from the home invariably place themselves and others at risk; as well as cause a great deal of worry and concern to foster carers. Children and young people go missing for a variety of reasons and under many different circumstances, often closely associated to their backgrounds and reasons for entering the care system. It is essential, therefore, that every 'missing' episode is considered seriously and professionally managed.

Some children and young people will absent themselves from the foster home, either on purpose or unwittingly, for a short period but then return. Often, in these circumstances the foster carers may be aware of the young person's likely whereabouts. This kind of behaviour is more like 'testing the boundaries' and is common with teenagers. It would not necessarily be considered as missing or absconding.

Channels and Choices follow the joint protocol between Kent Police, KCC and Medway Council; Children Missing from Foster and Residential Care and away from Home 2006. For all incidents and before we report workers must decide if the child falls under the 'unauthorised absence' or 'missing child' category:

Definitions as listed within the Document are:

1. Unauthorised absence

Clearly some children absent themselves for a short period and then return, with their whereabouts known to the carer. Sometimes children stay out longer than agreed, either on purpose to test boundaries, or accidentally. To cover these situations the category of 'unauthorised absence' should be considered. Examples of situations where unauthorised absence will apply are:

- Running away after a dispute with a member of foster carers
- Failing to return on time
- Staying at a known location with a friend.

The responsibility for managing this type of absence lies with the foster carers of the residential home/educational setting or the foster carer. An unauthorised absence must be

kept under regular review. It is important to consider whether the circumstances of the disappearance would now render the child at risk of harm, for example:

- The child requires medication at a set time or
- Weather conditions have severely deteriorated.

If there is reason to believe a risk has materialised, or the child has not returned within **six hours**, serious consideration must be given to reporting them as **missing** to the police. Six hours should be regarded as the maximum period; in many cases a shorter period may be more appropriate.

2. Missing child

Where a child's location or reason for absence is unknown and/or there is concern for the child because of their vulnerability, or there is a potential danger to the public, the child shall be deemed to be missing and the police informed immediately.

The majority of children at Channels and Choices will fall under the missing child category due to their age and vulnerability.

When deciding whether a young person should be considered 'missing' the appropriate response should be determined by carrying out a risk assessment of each incident and determine whether any risk factors are immediately obvious, for example:

- The age of the young person
- Time of day/night
- The legal status of the young person
- Previous behaviour and history
- The emotional needs of the young person e.g. whether there has been any variation in their mood or whether they have expressed any intention to harm themselves or others
- Whether the young person has any physical/learning difficulties
- Whether the young person has any serious health problems (e.g. diabetes or epilepsy) and requires regular medication
- Behaviour of the young person as influenced by peer groups or others
- Whether the young person is perceived as running to/running from someone/something
- The risk of offending
- The risk that the young person may be targeted for sexual exploitation
- Previous history of going missing
- Possible location of young person
- Information specific to young person (e.g. special interests, history of substance abuse, special confidantes, self-care skills)
- The young person requires medication at a set time
- Weather conditions.

Procedure

- 1.1 Foster carers are to risk assess the situation and decide if the situation falls under either; Unauthorised Absence or Missing Child. A missing child will be reported to the Police, Manager and Social Worker/OOH team immediately along with any risk factor details ie serious health condition, age of child, physical/learning difficulty etc.
- 1.2 Check premises and outside areas associated with the address.
- 1.3 Ask other residents/foster carers/ known associates if they know of their whereabouts
- 1.4 Attempt to contact the child on their mobile phone.
- 1.5 If a young person becomes absent whilst on an external activity, the foster carers will arrange an initial search in the area the young person went absent followed by notifying the Manager, local Police, SW or OOH team.
- 1.6 Complete a risk assessment to determine whether the young person is considered vulnerable or at risk of harm.

2. Reporting the young person as missing to the Police

- 2.1 If, after taking the measures outlined above, the young person's whereabouts are still unknown and you have not already done so then inform the Manager, they will inform the placing social worker (or the person on call and the emergency out of hours duty team if out of office hours) by telephone and agree the next course of action.
- 2.2 The fostering team Supervising Social Worker/OOH's Worker will confirm the conversation with the social worker in an email or fax and place a copy on the young person's file.
- 2.3 Telephone the Police on 101 The Police will request the following information when a report of a missing child is initially made to them:

- Name
- Age
- A description of the young person and their clothing
- Family address
- Location missing from
- Circumstances under which the young person is missing
- Is the behaviour out of character?
- Details of any vehicle or transport used
- Name, address and telephone number of person reporting.

Further questions will be asked to assist the Police to make an initial assessment of the report.

Accurate information is essential to ensure the Police place the correct priority on the incident. Any factor that may indicate an increased risk to the young person or public must be communicated to the Police immediately.

2.3 A Police Officer will attend all reports of missing children and young people. They will require further information to assist the investigation of the missing person, including:

- Known acquaintances and addresses frequented
- Any previous history of absconding and circumstances of where found
- The names and addresses of the young person's GP and dentist
- Details of when the young person was last seen and with whom
- A recent photograph
- Mobile phone number of young person.

The attending patrol will record this information.

All reports of missing children and young people will be subject to a risk assessment by the Police. This is a subjective risk assessment and determines the appropriate level of investigation. It is an ongoing process and will be reviewed throughout the investigation. Police have three categories for risk:

a) High Risk

The risk posed is immediate and there are grounds for believing the young person is in danger through their own vulnerability; or may have been the victim of a serious crime; or the risk posed is immediate and there are substantial grounds for believing the public is in danger.

b) Medium Risk

The risk posed is likely to place the young person in danger or they are a threat to themselves or others.

c) Low Risk

There is no apparent threat of danger to either the young person or the public

2.4 The Police will carry out a search at the location where the young person was last seen.

3. Recording

3.1 Complete an Incident Report Form and send to the fostering manager/SSW for the family.

4. When a young person remains missing

4.1 Even after reporting a young person missing, it should be recognised that each foster carer is responsible for children and young people in their care at all times and this responsibility is not absolved when they have reported a young person missing to the Police.

4.2 Agreement should be reached with the social worker as to what further action may be appropriate e.g. foster carers searching the local area on a regular basis.

4.3 If the young person is still missing after 24 hours, The agency will contact the placing social worker again to provide an update on the situation and agree future management of the situation.

5. Informing other children and young people

Should a young person's absence continue after the matter has been reported to the Police, foster carers should make arrangements to inform any other children in the foster home. In this way, distressing rumours may be avoided and additional information may be gained regarding the missing young person's whereabouts. Any relevant information should be passed to the Police immediately.

6. Informing the media

Police and social services will make a joint decision, bearing in mind the legal status of the young person, on when to use the media. Police have the responsibility to advise the media after consultation with social services who will consult with parents and/or significant others.

7. On return to placement

7.1 When a young person returns to the foster home, foster carers must advise:

- a) The Police if they are not already aware
- b) The social worker concerned or the Out of Hours Service as appropriate

If there are any allegations of abuse, or a suggestion that the child has been a victim, or a perpetrator of any crime, the police should consider child protection procedures where appropriate. Due consideration must be given to the securing of evidence and possible forensic examination.

All children will be interviewed by a police officer when found. In some cases, circumstances may dictate this interview will be carried out before the child is returned, e.g. if there are concerns that the child ran away due to circumstances relating to their placement.

If the police decide it is inappropriate for an officer to conduct the interview, the responsible Individual will complete the interview. The interview should happen as soon as is practicable and **in all cases within 72 hours**.

A written record will be made of all unauthorised absences and passed to all relevant authorities/ parties.

6.18 Offending and the role of the Appropriate Adult

Getting into trouble with the Police

If the young person you are fostering gets in to trouble with the Police, you should immediately inform your Supervising Social Worker or the Channels and Choices Therapeutic Fostering duty Social Worker.

If the young person needs to be questioned by the Police, you may be asked to sit in on the interview (see below). You are not delegated to give consent or to sign any forms for your foster child or young person.

A young person can be detained for up to 24 hours without charge, having had their detention reviewed by the Police Review Officer. They can only be held for longer than 24 hours in the most serious cases and the consent of a Superintendent or a Court is required. The young person has the right to see a Solicitor in private. In most cases, it is likely that the young person would be returned to their foster home (assuming there is no reason why the placement cannot continue).

Appropriate Adult

Under the Police and Criminal Evidence Act (PACE) 1984, all young people under the age of 17 and those over 17 with mental health problems and learning difficulties must have an appropriate adult present when they are being questioned by the Police. This will usually be their parent or other person with parental responsibility.

If the young person is accommodated they should, where practicable, be accompanied by their own parent. If the young person is subject to a Care Order or the parent is unable or unwilling to accompany the young person, the local authority Social Worker or foster carer may sit in on the interview as appropriate adult.

Guidance for foster carers who may be asked to act as an Appropriate Adult

You are not there simply as an observer of what happens in the Police Station. The role of the appropriate adult is to:

- Give support and advice to the young person
- Facilitate communication between the Police and young people
- Ensure Police interviews are conducted fairly and properly
- Ensure that the young person understands his/her rights (including the right to see a Solicitor) and to protect his/her rights
- Check on welfare issues

You have the right to see the young person in private before the interview commences or during the interview process.

Legal advice

You may consider whether legal advice from a Solicitor is required. You may speak to the young person before deciding whether legal advice should be requested.

You can speak to a Solicitor at the Police station at any time, day or night. It will cost nothing whether you speak to the Solicitor in private, on the telephone or if the Solicitor comes to the Police Station.

Even if the young person for who you are attending says that they do not want legal advice, you have the right to ask for a Solicitor if you feel that to do so would be in their best interests.

If you want a Solicitor, you should ask the Custody Officer.

You should ask the Police about the offence they are investigating.

You should not act as an appropriate adult if you have received admissions from the young person before attending the Police Station.