

# Safeguarding Children's Policy & Procedures

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## Document Details and Control

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## Safeguarding Children Policies and Procedures

Safeguarding children includes promoting their welfare, preventing and protecting them from harm. It means:

- protecting them from maltreatment
- preventing impairment of health
- preventing failure to thrive

It means making sure that they are safe and cared for, and taking action to keep them healthy and that their needs are being met well.

We have listed some definitions, categories of harm (including indicators of abuse) which are found at the end of this document.

The purpose of this Safeguarding Children's Policy is to make sure that the way we work promotes the welfare of children and young people first and foremost. We will do this by responding to worries or concerns about, or raised by, those who receive a service from Grief Encounter.

## The Purpose

This policy sets out how we will make sure we embed our mission and values, as well as our statutory duties, by:

- *Working with children in a caring and respectful way*
- *Being aware of the impact of bereavement*
- *Respecting that all children have a right to be kept safe and free from harm*
- *Nurturing circumstances that are warm and welcoming*
- *Minimising risks when taking part in Grief Encounter activities*
- *Keeping children protected from harm*
- *Developing close working relationships with other organisations to keep children safe*

**This policy sets out expectations for all Staff, Volunteers, External Contractors and Trustees who work for, or on behalf of, Grief Encounter.**

It provides a clear set of expectations so that we all know what we have to do when we need to respond to any safeguarding worry or concern that suggests there may be a risk to a child or young person's health or well-being.

*Everyone who works for or on behalf of Grief Encounter has a duty to safeguard and promote the welfare of children and young people.*

*Everyone who works for or on behalf of Grief Encounter has a duty to recognise, respond and share concerns or worries about possible harm or abuse.*

*Everyone who works for or on behalf of Grief Encounter will be supported to reflect and take appropriate action in the best interests and safety of the child or young person.*

Grief Encounter Safeguarding Children Policy must be followed in line with:

- *Working Together to Safeguard Children & Young People (2018)* statutory requirements
- Local inter-agency procedures and local Safeguarding Children's Partnerships and protocols
- Grief Encounter Safeguarding and Protecting Adults at Risk Policy

## Our Vision, Mission and Objectives

Our Safeguarding Children's policy upholds our statutory duties in line with UK legislation, guidance and good practice.

Our vision, mission and objectives sets out our specific commitment to uphold the health and well-being of children, young people and families affected by bereavement, and acknowledges the unique impact that occurs when a child or young person experiences the loss of someone close in childhood.

**Our Vision** is that every bereaved child and their family in the UK receives access to quality support to help alleviate the pain caused by the death of someone close.

**Our Mission** is to be one of the UK's leading providers of high quality support services for bereaved children and their families.

**Our Objectives** are:

- To relieve some of the emotional distress caused to children by the death of a parent or significant other
- To improve the long-term emotional and psychological health and well-being of bereaved children, young people and their families
- To raise awareness of issues for bereaved children and young people and promote the value of bereavement support

## How we make sure we safeguard bereaved children, young people and families

Grief Encounter believes that safeguarding children, young people and families is paramount.

We believe that regardless of the role we play in the organisation, safeguarding is the responsibility of us all.

We all therefore commit to the making sure how we work with others keeps them safeguarded to the highest standard.

## Procedures and Practice

Grief Encounter has clearly defined procedures about what to do if safeguarding concerns or worries emerge, about actual harm or where suspected harm, including abuse, might occur. This also includes procedures to help identify actual or potential harm, as well as to respond to incidents that arise.

## Safeguarding Leads

The **Director for Clinical Services** is the **Designated Safeguarding Lead**.

The **Deputy Director** (Clinical) acts as the **Deputy Safeguarding Lead**.

Each service, team and department in the organisation has identified individuals who are designated as the safeguarding representative. These representative are called our **Grief Encounter Safeguarding Champions**.

All Grief Encounter Safeguarding Leads are members of our **Safeguarding Reference Group** along with trustee representation from our Clinical Trustee representative and our Legal Trustee representative.

All our safeguarding leads and champions work together to support and advise our staff, and those who work on our behalf, to respond to safeguarding concerns in an appropriate and timely manner that upholds standards and requirements set out in:

- Working Together to Safeguard Children (2018)
- British Association for Counselling and Psychotherapy (BACP) Ethical Framework
- National Institute for Health and Care Excellence (NICE) guidelines

This ensures that actions maintain professional standards and expectations based on respectful, responsive best practice.

## Safe Recruitment and Safe Practice Procedures

Recruitment is undertaken in line with Grief Encounter safeguarding principles:

- This includes making sure suitability checks span 5 years' work experience
- Enhanced Disclosure checks, where appropriate, are completed for all staff and those who work on our behalf
- That these are updated periodically and/or no less than every three years

## Learning Development & Training

All staff and those who work on our behalf are required to complete our mandatory e-learning safeguarding module within the first month of employment.

Staff and those who work on our behalf working directly with children, young people and families are required to attend other bespoke safeguarding training courses in line with their specific responsibilities.

The GE training provider is called EDUCARE. Their suite of e-learning also covers a range of specific topic-based learning on themes including child sexual exploitation, domestic abuse, female genital mutilation (FGM), and radicalisation.

It is the responsibility of the individual and their line manager or Clinical Counselling Manager lead to make sure that mandatory training is completed to time. Managers who supervise staff and volunteers, including those who do not work directly with children, young people and families, must ensure that safeguarding training is updated.

It is a mandatory requirement in GE that at every opportunity when staff or those who work on our behalf come together, safeguarding must be discussed as a standing agenda item to discuss safeguarding best practice, emerging issues, changes in regulation, as well as for reflection and learning.

## **Line Management Supervision, Clinical Supervision and One-to-One Meetings**

There is an expectation that all arrangements for line management supervision, clinical supervision and any other one-to-one meetings will prioritise safeguarding as a standing agenda item.

It is expected that safeguarding, as it relates to each role, will be discussed with learning progressive in all the work undertaken. This includes reflection on safe practice, managing risk and upholding professional standards and guidelines.

## **Managing Risk**

Grief Encounter has procedures in place for assessing and managing risks with regard to safeguarding children, young people and families, including vulnerable adults. The organisation has a procedure in place for reporting, recording and reviewing safeguarding concerns, and worries, including allegations and significant incidents.

## **Records**

All staff and those who work for or on behalf of Grief Encounter understand the importance of maintaining well-kept records. They know that how information is recorded as well as stored is of the utmost importance, and that where it is suspected or believed that a child, young person or vulnerable adult may be at risk of harm, objective records must be recorded in a timely and accurate manner.

The organisation has a clear policy on the management of records, confidentiality, and sharing of information, which adhere to the requirements of GDPR and the Data Protection Act 2018 (see Data Protection Policy).

All staff, and those who work for or on our behalf, are clear about what information can be shared with relevant people within and outside of the organisation. They are aware of local specialist services to go to if they are worried that someone is at risk of harm or abuse.

## Safeguarding Roles and Responsibilities

**Our Trustees** uphold the duty of care to safeguard others which includes taking necessary steps to safeguard and protect children and adults. They act in the best interests of children, young people and families to ensure that all reasonable steps are taken to prevent any harm. They fulfil the range of safeguarding duties to manage risk. This include ensuring that Grief Encounter's assets and reputation are also protected.

Trustees are also responsible for ensuring that those benefitting from or working with the organisation are not harmed in any way through contact with Grief Encounter.

Trustees must ensure that there are appropriate Safeguarding Policy and Procedures in place and implemented effectively.

**All staff including all managers and those who work for or on our behalf** are responsible for ensuring that all safeguarding and child protection concerns are addressed through respective line management structures in accordance with this Policy and associated procedures.

**Safeguarding Leads** provide additional safeguarding advice and support ensuring that policy, procedures and practice standards are upheld.

**Our Human Resources (HR) Team** is responsible for consultation and advice in relation to safeguarding issues that may concern or have implications for Human Resources, including learning and development issues.

## Statutory Guidance

A clear and consistent understanding of safeguarding concepts and terminology is essential to the work of Grief Encounter.

Staff, volunteers and contractors are required to refer to Appendix 1, which offers broad definitions of key terms, but they should also access the statutory relevant guidance and regulations listed in the links below:

[Working Together to Safeguard Children: A guide to interagency working to Safeguard and promote the welfare of children' 2018](#)

[BACP Ethical Framework for the Counselling Professions](#)

[Code of Ethics | www.basw.co.uk](#)

## Safeguarding Children Policies and Procedures

### 1. Communicating Safeguarding Responsibilities

- 1.1 All staff and those who work for or on behalf of Grief Encounter must be aware of Grief Encounter's Safeguarding Policy & Procedures, including any relevant codes of practice.
- 1.2 Staff must ensure that local contact numbers are accessible to all staff and those who work for or on behalf of Grief Encounter. These include contact details for relevant:
  - a. Local Authorities or Children's Trusts
  - b. Local Children's Social Care referral hubs
  - c. Local Emergency Duty Teams, for children and adults, and the
  - d. Local Area Designated Officer (LADO)

### 2. Upholding Professional Boundaries

- 1 Professional Boundaries must be an integral part of supervision. It is an opportunity to reflect on the quality of the professional relationship established with children, young people or adults, the nature of the work and to ensure that any challenges in maintaining professional boundaries can be addressed in an appropriate manner.
- 2 Do not visit clients outside of planned work, and do not invite them to your home.
- 3 Ensure that if you live and work/volunteer within your own community, you are clear about professional boundaries when any of your own family or children has friendships with clients' children or siblings, and that this is discussed with your line manager.
- 4 Inform your line manager if you have had a previous professional or personal relationship with clients in order to agree how best to manage confidentiality and risk, and ensure that you operate in accordance with Grief Encounter's Policies and Procedures.
- 5 Bring any risk of potential breakdown of professional boundaries, however unintentional, to the attention of your line manager at the earliest opportunity.
- 9 Ensure you adjust privacy settings on your own personal social networking sites to prevent inappropriate content being shared with clients.
- 10 Do not approach clients in any social setting if they do not instigate the contact, especially where their behaviour indicates that they do not want to be recognised or indeed identified as a user of the service.
- 12 The organisation recognises that it is possible that the friends and family of staff members may become clients and, indeed, that staff members themselves may in some circumstances become clients. It is incumbent on staff members, or those who work for or on behalf of Grief Encounter, to speak to their Line Manager or Clinical Counselling Manager lead about such situations. This is to avoid any conflicts of interest, breaches of confidentiality or breach of professional boundaries.



### **All staff or those that work for or on behalf of Grief Encounter must:**

1. Discuss any potential challenges or blurring of boundaries, which may arise for any member of staff or those who work for or on behalf of Grief Encounter who live and works within the same community. Agreement should be sought as to how any such difficulties will be addressed should they arise.
2. Use the line management, and if appropriate clinical supervision, process to help reflect on their professional relationship with children, young people and adults at risk and identify if there are any warning signs that professional boundaries may be in danger of being compromised.
3. Work through with staff members sensitively, but honestly, the implications and issues where they or a member of their family is, or becomes, a client.

### **Personal Relationships and contact with GE Clients outside of work**

Declare any personal relationships with any client (s) if they begin to attend your place of work or use services you provide.

If this situation occurs, arrangements will be made for another team member to take over the case.

### **Self-disclosure of personal experiences**

It is not usual for a member of staff to self-disclose their own experiences to a client.

There may be exceptions where self-disclosure is appropriate and your professional judgement should be exercised. Boundaries relating to this must be discussed with your line manager or Clinical Counselling Manager lead.

### **Continuing a relationship after the service or piece of work is complete**

It is not normally acceptable for a member of staff to have contact with a client once the service or piece of work is complete. Any queries in this regard should be discussed within line management protocols.

### **Gifts and Hospitality**

You must not use a relationship with a client or their family for personal gain.

Gift-giving and accepting presents should only take place in line with Grief Encounter gifts and hospitality policy and should be agreed with your line manager.

### **Concern about a breach/potential breach of professional boundaries**

Any concerns about a breach or potential breach of professional boundaries by you or a colleague or external agency should be discussed with your line manager.

Where you feel unable to report the concern(s) to your line manager, you should refer them to your manager's manager.

### Line Manager

1. All potential breaches of professional boundaries must be taken seriously. The breach may not be a single event but a series of events and interactions, which together cause the individual to cross the boundary between what would be considered a professional relationship to a non-professional relationship.
2. Staff, and those who work for or on behalf of Grief Encounter must be supported to address any concerns about a breach of professional boundaries without the automatic risk of disciplinary proceedings. However, staff must be made aware of all possible consequences depending on the severity and nature of the breach including possible disciplinary action; including and up to dismissal; referral to Regulatory bodies, relevant Local Authorities, or Disclosure and Barring Service.
3. All breaches of professional boundaries are to be recorded on individual staff, or those who work for or on behalf of Grief Encounter, profiles, including any outcome of action taken. In those cases where there is found to be 'no case to answer' the outcome should still be recorded.

## Responding to safeguarding concerns

**When a child or young person discloses information to you about harm they are experiencing, or at risk of, including abuse.** *This might be in person, on the phone, via web-chat or email. It might be your own or someone else's observation of signs, symptoms of unmet need, neglect or abuse.*

*At Grief Encounter you should make a request for a 'Safeguarding Huddle' to take place immediately on the same day for support to discuss possible actions and options available, with our clinical safeguarding leads and managers. You should do this by making direct, in person, contact with your line manager or Clinical Counselling Manager lead.*

### What the person receiving the information must do:

1. Always offer reassurance, take seriously and listen to what they are saying. Never promise to keep secrets, or be persuaded by the child or family not to take action, if you are worried that a child is being harmed or is at risk of harm.
2. It is important to find out relevant information such as their age, name, mobile number, any involvement with Grief Encounter services and a brief outline of what happened to them.
3. Explain the process to the child in an age-appropriate manner: that you will need to pass this information on, to whom, the reasons why and possible actions.
  - *It is not your job to investigate, verify what is being said, or examine the child*
  - *It is not your job to try to work out whether what has been shared has or has not happened*
  - *It is not your job to try to work out why something has or has not happened*
  - *This is the statutory responsibility of the local authority/child protection services and/or the police*

4. Consult with your line manager, other responsible manager or Clinical Counselling Manager lead, as soon as possible on the same day, to agree the course of action. Do not delay as this may place a child at increased risk. You must record the incident in detail within 24 hours of being made aware.

**If the child is present and is at immediate risk of harm,**

Take the appropriate course of action to secure the immediate safety of the child. This could include:

- Calming angry or upset children or adults
- Contacting 999 emergency services, if necessary on their behalf
- Contacting local Emergency Duty Team for Children’s Social Care
- Seeking vital medical assistance
- Contact your manager during normal office hours and the police outside of office hours.

If you receive a telephone call from a child, please take as much detail as possible, including full name, age/ date of birth, contact details, email address, mobile number, and any involvement with Grief Encounter services.

If they say they are being harmed record a brief outline of what they tell you is happening to them. If the child is in immediate danger, advise them to call the Police; *you must also contact the Police to check that the child has referred the concern to them. If the child is not in agreement with this/not able to do this, you have a duty to call the Police and pass on any information you have.*

Remember, the only time when you would not tell the child what action you are taking, is if to do so would, in your opinion, put them in danger.

**If you are the line manager, you must:**

1. Make direct contact with the person who receives the information immediately on the same day and as soon as the risk of harm comes to your attention.
2. If your assessment is that the child is suffering, or likely to suffer, significant harm, a referral must be made to the local children’s social care duty team within 24 hours.
3. If you are aware that the child is subject to a Care Order, a Child Protection Investigation, or has a Child Protection Plan, all new incidents must still be referred to local Child Protection services and information shared accordingly.
4. If your assessment is that a referral is not needed, you must identify what course of action will be taken to respond to the concerns identified and ensure that all decisions and the reasons for them are recorded on the child’s file in accordance with Grief Encounter’s recording policy and procedure
5. If there is a disagreement between the Grief Encounter responsible manager and responsible member of staff about the need to report concerns to Children’s Social Care Child Protection services, the Clinical Services Director or the Deputy Director (Clinical) must be consulted early on, to make a final decision.
6. You must ensure all decisions and agreed actions are recorded within 24 hours.

**Working with children, young people and families where there are already existing safeguarding concerns, including Child Protection arrangements.**

If it is known that a child/young person is subject to Child Protection arrangements and is therefore deemed

to be in a high risk situation (e.g. at risk of abuse including e.g., neglect, emotional, sexual and/or physical abuse) you must consider and record any risks or/potential risks to the child or/young person and identify any actions required on the child or/young person's Record.

*Please refer to the 'glossary of definitions' at the end of this document so that you are clear about the range of things that can happen to a child or young person that would constitute such risk.*

## Referring Child Protection Concern

In accordance with the information sharing protocols- a child's need for protection is paramount. It is the responsibility of all GE employees and staff including contractors and volunteers to act. Taking steps to make a referral must include:

### What the person receiving the information must do:

1. Thinking about whether or not to tell the child and/or child's parents about the action you intend to take. It is usually best practice to do so. However, you can refer without informing the child and/or parents if you feel that to do so could place the child in danger, or at risk of further harm including prejudicing an investigation. If in doubt, you must speak to your line manager or Clinical Counselling Manager lead.
2. You must speak to your line manager or Clinical Counselling Manager lead as soon as possible on the day that concerns emerge.
3. Tell the child, (as appropriate to their age and understanding), and parent/carer, that a referral will be made, once you have agreed that to do so would not cause any further risk or harm.
4. Contact the local Children's Social Care Emergency Duty Team or the Police.
5. Share as much information as possible regarding concerns, worries and known risks. This should include information about the child, the family and the wider context.
6. Make sure it is clear with whoever you talk to from the Children's Social Care team, what the agreed next steps are, and what actions will be taken by whom and by when. You must record the full name, job title, team and direct contact number of whoever you speak to.
7. Referrals of suspected child abuse must always be confirmed by encrypted email or recorded delivery within 24 hours.
8. Inform your line manager or Clinical Counselling Manager lead as soon as possible on the same day of what has been agreed. You must record the date, time and summary of your discussion as well as all actions, decisions, and risk assessments in accordance with the Grief Encounter recording policy and procedure.
9. If you are worried that without emergency help the situation could cause immediate risk to a child's safety you must contact the police immediately on 999.

10. If you are not satisfied that the Children's Social Care team's response will adequately keep the child safe from risk, you must inform your line manager or Clinical Counselling Manager lead, as soon as possible on the same day. They will support you by making a representation from Grief Encounter.

**The Line Manager or Clinical Counselling Manager lead must also**

1. Make a record of all discussion/agreements and plans on the same date. The record must include the name, job title and team of the individual completing the record in accordance with the Grief Encounter recording policy.
2. If you disagree with the decision made by the Children's Social Care team, you must follow up your concerns in writing within 24 hours and inform your line manager or Clinical Counselling Manager lead.

## Responding to Safeguarding Allegations against an Adult: An Allegation about the Adults who work for or on behalf of Grief Encounter

An allegation against an adult is one where information is received from any source, which alleges that an adult working for or on behalf of Grief Encounter has or may have:

- Behaved in such a way that suggests they may intend to or have already caused harm to children, young people or families, including vulnerable adults
- Committed a criminal offence against a child or adult

*This may include historical information about allegations that involve suspected harm or danger to children, young people or adults, including vulnerable adults.*

The management of an allegation against an adult will involve:

- Internal action that will involve our Grief Encounter HR department, where discussion as an employer as to whether disciplinary action will be taken, is considered. This might also involve an immediate time limited period of suspension
- An immediate referral to the relevant Local Area Designated Officer (LADO) who will complete a multi-agency assessment of risk and how this should be handled
- If there is evidence of risk of harm to a child, young person or adult, a police investigation will take place
- Assessment about the need to take action to protect a child or young person will be made in conjunction with any external investigation
- Where there is no evidence of risk of harm or danger to the child, it is usual for the LADO to suggest that the employing organisation complete an internal investigation to ascertain whether the individual's meets the threshold for disciplinary action and/or remains suitable in post

### What the person receiving the information must do:

Any staff member, or those who work for or on behalf of Grief Encounter, who has a concern about another adult working for or on behalf of Grief Encounter who works with or is in contact with a child or young person, must:

1. Inform their line manager or Clinical Counselling Manager lead immediately
2. Take action to respond to the allegation within 24 hours
3. Complete records of all discussions and agreed plans on the same day

*Remember, it is not your job to investigate the allegation.*

*Your job is to listen, make sure you have got the basic details and relevant information.*

*This is so that you can record the details about what was said and to make an informed response.*

### The Line Manager or Clinical Counselling Manager lead must also:

1. Make direct contact with the person receiving the information
2. Keep the safety of the child paramount, and follow the safeguarding procedure if they are worried about any risk of harm or abuse to a child, young person or adult
3. If it is clear that a crime has been committed, the police must be contacted urgently within 24 hours
4. Contact should then also be made urgently on the same day to the local Children's Social Care team as well as with the Local Authority Designated Officer (LADO)
5. Ascertain if there are other children who could be at risk (e.g. other children that the alleged adults comes into contact with), these details must also be shared

*It is important that you do not inform the member of staff or person who works for or on behalf of Grief Encounter, against whom the allegation has been made until a plan of action has been agreed with the relevant local authority, LADO and where necessary the police. The Designated Safeguarding Lead for Grief Encounter must sign off the final plan in consultation with the Grief Encounter Head of HR.*

6. A risk assessment should then be completed within the same 24 hours. This will need to be done with the LADO/Local Children's Service Care team and Grief Encounter Head of HR. This will help decide whether it is appropriate for the person to:
  - a. continue in their role
  - b. be placed on a period of suspension
  - c. undergo a temporary redeployment
  - d. Whether an internal or external investigation will be conducted
7. If it is agreed that an external investigation, including a police investigation, is to be completed, all staff members involved must maintain confidentiality at all times, and adhere to the multi-agency plan.
8. If the allegation is about a person who works for or on behalf of Grief Encounter, eg. a volunteer or external contractor, then a decision must be made whether it is appropriate to suspend their activities. This must be confirmed in writing.

9. The Line Manager must consult with the Grief Encounter DSL and Head of HR at all times to agree the next steps.
10. If it is agreed by the multi-agency team that the allegation does not meet the threshold for external investigation, but should undergo an investigation internal to Grief Encounter, this decision should be shared in writing with Grief Encounter, and shared with the Head of HR to hold on file.
11. Any staff member within Grief Encounter who is tasked with conducting an internal investigation must liaise with the Head of HR and the DSL so that the lines of enquiry are agreed.
12. This investigation must then follow the process set out in Grief Encounter's Disciplinary policy, and include consideration of appropriate completion timescales.
13. At all times, consideration must be given as to whether any new evidence that comes to light represents a possible crime that needs to be reported to the police.
14. Any conclusion reached with the internal investigation must be shared in writing with the Local Authority Designated Officer, with sign off from the DSL and Head of HR.

## Reporting of Serious Safeguarding Incidents

1. A serious safeguarding incident is something that happens involving:
  - Sudden death of a child, young person or adult associated with Grief Encounter
  - Serious harm to child, young person or adult that required intervention by Grief Encounter staff
  - Actions of another which caused death or serious injury to child, young person or adult
  - An event or incident which did not result in serious injury, harm or illness, but had the potential to do so and only a fortunate occurrence prevented a serious outcome for a child, young person or adult
  - An incident that is serious enough that it may lead to a Child Safeguarding Practice Review
  - A situation that indicates organised crime or large scale abuse
  - An incident likely to raise concern about Grief Encounter policies or procedures
  - An incident which raises concern about possible radicalisation of anyone associated with the work of Grief Encounter

### What the Person receiving the information must do

1. Make sure they take action to secure the safety of the child, young person or adult involved. This might include calling for immediate support from emergency services.
2. Inform their line manager or Clinical Counselling Manager lead as soon as possible, on the same day.
3. If there is no response, inform any senior manager within Grief Encounter and if necessary call the Grief Encounter On-call duty number.
4. Record the details of what happened, including names, ages and contact details of all involved.

### The Line Manager or Clinical Counselling Manager lead must also:

1. Report the incident to the Grief Encounter DSL immediately on the same day.

2. Work with the DSL and Head of HR to agree the most appropriate next steps.

## Themes that may suggest that a child or young person is at risk of harm or danger.

### Child Exploitation (CE)

Some children/young people may be at higher risk of this e.g. care leavers, homeless young people. At times, these young people may lead chaotic lives and some engage in risky behaviour. However, no child or young person is ever responsible for the abuse to which they are subjected.

Indicators may include:

- Missing from home for periods of time
- Regularly missing school/education
- Appearing with unexplained gifts
- Associating with other young people involved in criminal activity
- Having older boyfriends/girlfriends

### Private Fostering

If you suspect that a child is in a private fostering arrangement (see definition section) you have a statutory duty to notify the relevant Local Authority in terms of ensuring their welfare and protection.

If such concerns arise, you should follow the Grief Encounter safeguarding procedures set out above.

### Female Genital Mutilation (FGM) – Duty to Report (2015)

- There is a mandatory duty for regulated professionals to report cases of FGM in England and Wales
- This applies where the victim is under 18 years old and has disclosed FGM directly
- This also includes where a professional believes there is possibility the girl has been cut
- This should be reported to the Police and Children's Social care department
  - This is a personal duty, which requires the person who receives the information to make a report
  - The responsibility cannot be transferred to anyone else
  - The only exception is if you know that another employee has already made a report
  - Therefore, there is no requirement to make a second referral

### The duty to report does not apply to cases of disclosure from women over the age of 18.

In these instances, you must follow local adult safeguarding procedures.

### Disclosure from someone other than the child

If other people disclose a possible case of FGM e.g. parent of friend, or you suspect that a child/adult at risk may be at risk of FGM, the duty to report will not apply. However, this remains a safeguarding concern and must include a referral to the local Social Care Department and informing a local Safeguarding Lead.



## The Prevent Duty - Counter Terrorism & Security Act 2015

The **Prevent Duty** set outs the requirement to have due regard of the need to prevent people from being drawn into terrorism.

- Radicalisation is comparable to other forms of exploitation and is therefore considered a safeguarding issue that all staff working for or on behalf of Grief Encounter must be aware of.
- The emphasis is upon supporting vulnerable children, young people, and adults.
- There is no expectation that Grief Encounter will take on a surveillance or enforcement role.
- Where a 'Prevent Concern' exists the duty promotes a multi-agency approach, where Grief Encounter will work within arrangements for Multi-Agency Safeguarding.
  
- A **Prevent Concern** does not have to be proven beyond reasonable doubt; it should be based on something that raises concerns using professional judgement
- **Extremism** is defined in the Prevent Strategy 2011 as vocal or active opposition to fundamental democratic values, including, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs
- **The Terrorism and Security Act 2015** defines terrorism as an act that endangers or causes serious violence to a person/people and/or damage to property; or seriously interferes with or disrupts an electronic system
- **Radicalisation** is defined as the process by which people come to support terrorism and violent extremism and, in some cases, to then participate in terrorist groups. Radicalisation should be considered as an 'additional vulnerability' under Working Together 2018. There is no obvious profile of a person likely to become involved in extremism or a single indicator of when a person might move to adopt violence in support of extremist ideas.
- **Indicators for vulnerability** to radicalisation can be similar to those for other forms of abuse and may particularly include:
  - Distance from cultural heritage
  - Experience of migration
  - Experience of racism and discrimination
  - Family members or friends associated with extremist groups
  - Family tensions
  - Sense of isolation and feelings of failure

It is important to note that not all individuals at risk of radicalisation and acts of terrorism are susceptible or vulnerable and they may be acting out of choice.

### **Staff or any person who works for or on behalf of Grief Encounter may have concerns as a result of:**

- A direct disclosure
- An observation
- An expression of concern or complaint made by another person

**If you suspect that anyone is at immediate risk or actually engaged in the planning or implementing of an act of terrorism**, take the following course of action immediately:

- Contact your line manager and consider referral to Police on 999, or
- Anti-Terrorist Hotline on 0800 789 321
- Inform the Grief Encounter Designated Safeguarding Lead

**If you suspect that a child/adult at risk may be under the influence of radicalisation or extremism but**

**not in immediate danger**, the following actions must be taken:

- Raise your concern directly with your line manager in the first instance
- Contact the Police on number 101 to discuss the next steps
- Make sure you ask to speak to officers responsible in relation to Prevent duties
- Clarify the next steps and whether/how feedback will be provided

## Information Sharing and Consent

Each individual's right to confidentiality must be respected. All personal data must be treated with care and kept securely; this means not disclosing it to others unless there is a legal reason to do so, and we have informed the subject that we will do this in the privacy notice, or we have the informed consent of the subject, or their parent or person with legal responsibility for them. Disclosing personal data to unauthorised people could place the subject at risk of harm and may be a breach of GDPR and the Data Protection Act 2018.

There are circumstances when we may share personal data without the consent of the subject. The GDPR (article 6.1.d) permits the sharing of personal data without the consent of the data subject to safeguard the data subject, or others from harm. Safeguarding concerns must always be shared with the local authority and may be shared with the police if this is necessary to protect the data subject or others. The data subject, or their parent, should be informed that the data has been shared unless this would place the individuals concerned at further risk.

Under Schedule 2 of the Data Protection Act 2018, personal data may also be shared with the police without the consent of the subject in order to prevent, detect or prosecute a crime. As a voluntary organisation we are not obliged to share data with the police but may choose to do so. The request must be in writing and specify the data required and why this is needed. The responsible manager must weigh up the impact of not sharing the data against the duty of confidentiality that we owe the subject. If we decide not to share, the police must obtain a court order to access the data. All requests to share data must be recorded, including whether or not the data was shared and the reason/s for this.

## References

- The Children Acts ([1989](#)); ([2004](#))
- [Children and Social Work Act 2017](#)
- [The United Nations Convention on the Rights of The Child \(1989\)](#)
- [BACP Ethical Framework for the Counselling Professions](#)
- [Prevent Strategy 2015](#)
- [Strategy for Dealing with Safeguarding Children and Vulnerable Adults Issues in Charities, Charity Commission \(2012\)](#)
- [Protection of Freedoms Act 2012](#)
- [The Serious Crimes Act 2015](#)
- [Modern Slavery Act 2015](#)

## Glossary and Definitions

<p><b>Definition of a Child</b> (for Safeguarding purposes)</p>	<ul style="list-style-type: none"> <li>• The Children Act 1989 &amp; 2004 and the Children Order (Northern Ireland) 1995, define a child as anyone who has not yet reached their 18th birthday.</li> <li>• The Children and Young People (Scotland) Act 2014 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a compulsory supervision requirement by the Children's Hearing can be viewed as a child.</li> <li>• The United Nations Convention on the Rights of the Child (UNCRC) applies to "all human beings under the age of 18 years unless, under the law applicable to the child, majority is attained earlier."</li> </ul>
<p><b>Safeguarding</b></p>	<p>In England, safeguarding children and promoting their welfare means:</p> <ul style="list-style-type: none"> <li>• protecting them from maltreatment</li> <li>• preventing impairment of their health and development</li> <li>• ensuring that they grow up in circumstances that provide safe and effective care, and</li> <li>• taking action to enable all children to have the best outcomes</li> </ul>
<p><b>Child Protection</b></p>	<p>Child protection is part of safeguarding and promoting welfare.</p> <p>This action refers to what happens to protect specific children who are suffering, or are at risk of suffering, significant harm.</p> <p>Alongside physical, sexual and emotional abuse and neglect this includes children affected by: domestic abuse, female genital mutilation, forced marriage, honour-based violence, 'missing' children, young runaways, and children exploited by gangs, child sexual exploitation and trafficking.</p>
<p><b>Abuse</b></p>	<p>A form of maltreatment of a child.</p> <p>Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family, by those known to them or, more rarely, by others including those on the internet), and an institutional or community setting.</p> <p>An adult or adults, or another child or children may abuse them.</p>
<p><b>Physical Abuse</b></p>	<p>A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.</p> <p>Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.</p>
<p><b>Emotional Abuse</b></p>	<p>The persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.</p> <p>It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.</p> <p>It may include not giving the child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate.</p>

	<p>It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing participating in normal social interaction. It may involve seeing or hearing the ill treatment of another.</p>
<b>Sexual Abuse</b>	<p>Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.</p> <p>The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing.</p> <p>They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).</p> <p>Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.</p>
<b>Neglect</b>	<p>The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.</p> <p>Neglect may occur during pregnancy as a result of maternal substance abuse.</p> <p>Once a child is born, neglect may involve a parent or carer failing to:</p> <ul style="list-style-type: none"> <li>• provide adequate food, clothing and shelter (including exclusion from home abandonment);</li> <li>• protect a child from physical and emotional harm or danger;</li> <li>• ensure adequate supervision (including the use of inadequate care-givers); or</li> <li>• ensure access to appropriate medical care or treatment.</li> </ul> <p>It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.</p>
<b>Domestic Abuse and Violence</b>	<p>Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.</p> <p>The abuse can encompass, but is not limited to: emotional, financial, physical, psychological, or sexual behaviours. From December 2015, coercive or controlling domestic abuse is a crime punishable by up to 5 years in prison, under section 76 of the Serious Crimes Act 2015.</p> <p>This relates to a purposeful pattern of behaviour, which takes place over time, in order for one individual to exert power, control, or coercion over another.</p>
<b>Online Safety</b>	<p>The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:</p> <ul style="list-style-type: none"> <li>• <b>Content:</b> being exposed to illegal, inappropriate or harmful material; for example pornography, fake news, racist or radical and extremist views.</li> <li>• <b>Contact:</b> being subjected to harmful online interaction with other users; for example commercial advertising as well as adults posing as children/ young adults and;</li> <li>• <b>Conduct:</b> personal online behaviour that increases the likelihood of, or causes, harm for example making, sending and receiving explicit images or online bullying.</li> </ul>
<b>Sexting</b>	<p>This is the act of sending sexually explicit messages (including text/photos/videos), primarily between mobile phones.</p>

<p><b>Child Sexual Exploitation (CSE)</b></p>	<p>Sexual exploitation of children and young people under 18 involves exploitative situations, where young people 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.</p> <p>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.</p>
<p><b>Female Genital Mutilation (FGM)</b></p>	<p>Female Genital Mutilation (FGM) is a safeguarding issue, illegal in England and Wales under the FGM Act 2003 ("the 2003 Act").</p> <p>It is a form of child abuse and violence against women and girls.</p>
<p><b>Regulated Profession</b></p>	<p>A regulated profession is one, which is governed by a professional organisation or regulatory body to ensure that professionals meet the required standards of practice and competence for that occupation.</p>
<p><b>Prevent Concern</b></p>	<p>Children and young adults can be vulnerable to exposure to or involvement with groups or individuals who advocate intimidation as a means to a political or ideological end.</p> <p>These groups can include those promoting "violence from extreme right-wing or other ethnic or religious organisations".</p>
<p><b>Extremism</b></p>	<p>Defined in the Prevent Strategy 2011 as vocal or active opposition to fundamental values, including democracy, the rule of law, individual liberty, and mutual respect and tolerance of different faiths and beliefs</p>
<p><b>Terrorism</b></p>	<p>Defined by the Terrorism Act 2000 as: an act that endangers or causes serious violence to a person/people and/or damage to property; or seriously interferes with or disrupts an electronic system.</p>
<p><b>Radicalisation</b></p>	<p>Defined as the process by which children and young people come to support terrorism and violent extremism and, in some cases, to then participate in terrorist groups.</p>
<p><b>Trafficking and Modern Slavery</b></p>	<p>The United Nations defines trafficking in children and adults as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability, or the giving or receiving of payments to achieve the consent of a person having control over another for the purposes of exploitation.</p> <p>Modern slavery is a complex crime that takes a number of different forms. It encompasses slavery, servitude, forced and compulsory labour and human trafficking.</p>
<p><b>Gang Exploitation</b></p>	<p>There are a number of areas in which young people are put at risk by gang activity both through participation in and as victims of gang violence.</p> <p>Gang activity can also be used as the means through which children and young people are sexually exploited and/or trafficked.</p>
<p><b>County Lines</b></p>	<p>Child Criminal Exploitation is common in county lines and occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young</p>

	<p>person under the age of 18.</p> <p>The victim may have been criminally exploited even if the activity appears consensual.</p> <p>Exploitation does not always involve physical contact; it can also occur through the use of technology.</p> <p>Criminal exploitation of children forced to work on e.g., cannabis farms or to commit theft.</p>
<b><i>Young Carer</i></b>	<p>A young carer is a person under 18 who provides or intends to provide care for another person (of any age, except generally where that care is provided for payment, pursuant to a contract or as voluntary work).</p>
<b><i>Private Fostering</i></b>	<p>Private fostering falls within safeguarding as it relates to the legal status, wellbeing and protection of children under 16 years, or under 18 years if disabled, who reside for more than 28 days in the care of someone who is not a parent, close relative or someone with parental responsibility.</p>
<b><i>Allegation</i></b>	<p>An allegation is information, which comes to light from any source which suggests that an employee or volunteer has behaved in a way that has harmed, or may have harmed, or had the potential to harm a child or adult at risk.</p>



# gr'ef encounter

supporting bereaved children & young people

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GriefEncounter

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