



## **Children Safeguarding Policy, Guidance and Summary**

### **Policy statement and principles summary**

This policy is one of a series in Leeds Baby Bank integrated safeguarding portfolio. This policy is available on the Leeds Baby Bank website and all trustees, staff and volunteers are required to read it and confirm they have done so in writing before commencing work in Leeds Baby Bank.

### **Child protection statement**

We recognise our moral and statutory responsibility to safeguard and promote the welfare of all children. We endeavour to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice.

The procedures contained in this policy apply to all staff, volunteers and trustees and are consistent with those of Leeds Safeguarding Children Partnership (LSCP).

### **Policy principles:**

- The charities responsibility to safeguard and promote the welfare of children is of

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paramount importance

- All children, regardless of age, gender, ability, culture, race, language, religion or sexual identity, have equal rights to protection
- This charity is committed to safeguarding and promoting the welfare of children and young people and expects all trustees, staff and volunteers to share this commitment.
- All staff, volunteers and trustees have an equal responsibility to act on any suspicion or disclosure that may suggest a child is at risk of harm at home or in the community.
- All staff, volunteers and trustees will maintain an attitude of 'It could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.
- If, at any point, there is a risk of immediate serious harm to a child a referral will be made to Children's Social Care immediately. Anybody can make a referral. If the child's situation does not appear to be improving, any staff, volunteers and trustees with concerns should inform the Designated Safeguarding Lead, (who for Leeds Baby Bank is Faye Freeman) for reconsideration.
- If a member of staff, volunteer or trustee remains concerned about a child, they can discuss their concerns with safeguard leader Faye Freeman, managing partner or if not available, Chantal Nogbou – managing partner.
- Staff involved in child protection issues will receive appropriate support.
- This policy will be reviewed at least annually unless an incident, new legislation or guidance suggests the need for an interim review.

**Policy aims:**

- To provide all staff with the necessary information to enable them to meet their safeguarding and child protection responsibilities.
- To ensure consistent good practice.
- To demonstrate the charities commitment with regard to safeguarding and child protection to all.
- To contribute to the charities safeguarding portfolio.

# LEEDS BABY BANK SAFEGUARDING POLICY AND GUIDANCE

1. This document sets out what employees and volunteers must do when there are concerns that a child or young person is at risk, or has been abused. Leeds Baby Bank is required to act to safeguard children and young people from abuse and neglect.

This document is in line with the legal framework set out in The Children Act 1989 and subsequent legislation, and all associated guidance, in particular Working Together to Safeguard Children 2015.

## Definitions

Child or young person: Anyone who has not yet reached their 18th birthday.

Employees: Anyone employed by Leeds Baby Bank, including agency employees and those on secondment or placement (including internships both paid and voluntary).

Volunteers: Anyone volunteering for Leeds Baby bank, regardless of their role, including trustees.

## 2. Policy

A broad statement that **MUST** be followed

Our values

2.1 Article 19 of the UN Convention on the Rights of the Child states, 'every child should be protected from abuse'. Everyone at Leeds Baby Bank has a responsibility to make sure that children are safeguarded and protected from abuse and neglect.

2.2 This value is also reflected in our ethos to focus on severe and multiple disadvantage among the most marginalised children and young people. An important element of this is to put children and young people at the heart of our work, speaking up for them and protecting them from harm.

2.3 Families will be treated with respect and dignity.

Our commitment to safeguarding

2.4 Leeds Baby Bank makes sure that employees, volunteers and trustees are equipped to

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embed safeguarding within their day to day professional practice.

The principles and practices of safeguarding are given a high priority.

2.5 All employees and volunteers have a responsibility to safeguard and promote the well-being of children and young people at risk by being responsible for the quality, efficiency, and effectiveness of their work. They must read and understand the full suite of safeguarding policies and procedures, and be aware of their safeguarding duties. They will be supported in this through training.

#### Important legislation

2.6 There are key pieces of legislation and national guidance that set out the framework for safeguarding children, young people and adults at risk, which must be followed:

- The Children Act 1989 - The Sexual Offences Act 2003
- The Children Act 2004 - The Children and Young Persons Act 2008 - The Care Act 2014 - The Children and Family Act 2014 - Serious Crime Act 2015 - Modern Slavery Act 2015

This policy, procedure and guidance covers the following areas:

- Child protection processes and making a referral to children's social care
- Participating in statutory child protection processes
- Online safeguarding
- Complex abuse cases
- Preventing radicalisation
- Domestic abuse
- Child sexual exploitation

### 3. Procedures

Step by step instructions that MUST be followed

About abuse

### 3.1 Recognising abuse

Recognising the signs and indicators of abuse poses challenges for most professionals, especially those who are not required to respond to safeguarding concerns on a day to day basis. Guidance has therefore been provided in this document to assist with the signs and indicators.

### 3.2 Definitions of abuse

Abuse can be understood under the categories of: physical, sexual, neglect and emotional abuse. The full definitions of abuse are detailed in the guidance section of this document.

Our response

### 3.3 Responding to concerns, allegations or suspicions of abuse

If any person in Leeds Baby Bank becomes aware of the signs and indicators of abuse, suspects, or is told that a child or young person is being, has been, or is likely to be abused or neglected, they must take action as set out in this procedure.

### 3.4 The spectrum of concerns

Concerns about abuse covers a broad spectrum, from the immediate risk of serious harm (where a referral to police or other agencies would be required) to 'lower level' indicators, that may require action such as a plan for further monitoring or referral to Early Help services. It is important to understand that these indicators could form part of a wider picture, and may need to be shared with other agencies. Lower level concerns can also become more significant if they occur frequently over a period of time. It is therefore important to make an informed, professional judgement when taking action. This should be done in consultation with managers, other agencies and children and young people themselves.

3.5 Responding to the child or young person when abuse is alleged, or signs and indicators are seen or heard. When responding to a disclosure of abuse from a child or young person, employees

and volunteers should:

- Listen carefully to what is said and allow the child or young person to talk at their own pace.
- Be careful not to compromise potential evidence.
- Stay calm and find an appropriate opportunity in the discussion to explain the likelihood that information will need to be shared with other responsible people. Do not promise to keep secrets.
- Call the police if you believe the child or young person is at risk of immediate significant harm.
- Only ask questions for clarification and do not ask leading questions (leading questions may elicit answers, which could compromise evidence).
- Reassure the child or young person that they have done the right thing in telling you. Tell them what you will do next and who you will inform.

As soon as possible after the discussions, make notes as a written record of what you have heard or seen. Discuss your concerns with your manager.

Where the concerns or allegations are about an adult in a position of trust within Leeds Baby Bank, follow *Managing Safeguarding Allegations or Concerns Regarding Employees or Volunteers policy, procedure and guidance*.

### 3.6 Responding to an immediate risk of harm

If an employee or volunteer believes that a child is at immediate risk of harm or abuse, they must take immediate steps to protect that child. If the law has been, or is being, broken the police must be contacted using the following steps:

- Within Leeds Baby bank unit the employee or volunteer must contact the police and then contact their line manager within two hours of the concern being raised.
- Outside of Leeds Baby Bank, the employee or volunteer must contact the police and then contact their line manager within two hours of the concern. The line manager must then consult with the safeguarding team within three hours of the incident. The safeguarding team will advise on other steps that may be required.
- If an emergency arises outside of normal working hours (i.e. between 5pm and 9am on weekdays, or on weekends and statutory holidays), all employees and volunteers must use the emergency out of hours contact number for the aforementioned managing partners to discuss the concern and notify them of the referral to the police.

### 3.7 Raising a safeguarding concern: outside of the Leeds Baby

Bank.

When an employee or volunteer outside of Leeds Baby Bank identifies concerns that a child may be at risk of abuse or neglect, they must consult with a line manager within two hours. This will always lead to the manager or safeguarding lead consulting with Leeds safeguarding team within three hours who will provide advice, guidance or instruction. Dependent on the issue, and skills and experience of the employee, the safeguarding team will make an informed decision on the level of support to be offered.

### 3.8 Raising a safeguarding concern: within the Leeds Baby Bank

When an employee or volunteer within the Leeds Baby Bank identifies concerns that a child is, or maybe, at risk of abuse, they will consult with a line manager within two hours. If there are concerns that a child is, or has been, at risk of abuse, a referral to Leeds children's services must be made by the employee, with guidance by the manager if required. If a volunteer has identified the concerns, a safeguarding lead or managing partner will be delegated to make the referral which must be carried out within one working day.

If the local authority decides there is no good reason to make a referral to children's services, this must be recorded on an incident form with the heading, 'Decision not to make a referral to social care'. This must include the reasons why this decision was reached.

### 3.9 Making a referral

A referral must be made to the local authority children's services following the Local Children's Safeguarding partnership (LSCP) procedures. This must always be confirmed in writing. The timing of such referrals must reflect the level of perceived risk of harm, but must not be longer than within one working day of identification or disclosure of harm or risk of harm. If concerns arise out of hours, referrals must be made to the local authority out of hours service.

Where practicable, concerns should be discussed with the parent, and agreement should be sought for a referral to the local authority children's social care. This applies unless the seeking of agreement is likely to place the child at risk of significant harm through either delay, or the parent's possible actions or reactions, for example, in circumstances where there has been a serious crime committed such as sexual abuse. Where a decision not to seek parental permission before making a referral to children's social care is made, the decision must be recorded and dated in the child or young person's file with reasons. This should also be confirmed in the referral to children's social care.

### 3.10 Referral responses

A local authority social worker should make a decision about the type of response that is

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required within one working day of receiving a referral, and acknowledge receipt to the referrer. If this does not occur within three working days, the employee making the referral or a managing partner must contact the local authority children's services again and, if necessary, ask to speak to a line manager to establish progress.

### Safeguarding in specific circumstances: Online safeguarding

Leeds Baby Bank recognise that the use of information technology is an essential part of life, particularly an intrinsic part of the experience of children and young people that can be greatly beneficial to all. However, technology also presents challenges in terms of responsible use, and if misused, it can be harmful.

Leeds Baby Bank has a comprehensive user policy and procedure for employees and volunteers, which applies to all users of IT systems including social media accounts and website. This also applies to contractors, temporary employees, volunteers, service users (ie children) parents/carers and partner organisations.

#### 3.11 Raising an online safeguarding concern: Children and young people

If an employee or volunteer has a safeguarding concern that a child or young person is being, or has been, subjected to physical, sexual and emotional abuse through the use of any account equipment or software linked or owned by Leeds Baby Bank which can include bullying via mobile telephones or online (internet) with verbal and visual messages, they must make a referral (see section 3.9).

It may be that an employee or volunteer has concerns about a child's online behaviour, where the behaviour does not warrant a referral to social care. In such cases, the information about the child must be shared in a supervisory discussion with a safeguard lead or managing partner, and the information added to the child's file if appropriate.

This must include a record of the basis on which a referral to children's social care is not made, and how this is to be kept under review.

#### 3.12 Raising an online safeguarding concern: Employees and volunteers

If an employee or volunteer finds or suspects that a fellow employee or volunteer is conducting online activity that is inappropriate or illegal, they must report it to their line manager, the strategic lead for safeguarding or managing partner within one hour of the concern being noted. They must not inform the employee or volunteer of the concern. The Managing Safeguarding Allegations or

Concerns Regarding Employees or Volunteers policy, procedure and guidance must also be



followed.

Where material that appears to be inappropriate or illegal is found to be present in employees' emails, network drives or mobile devices, the line manager must inform the safeguard lead or a managing partner within one hour. They will then secure the records.

Where a manager suspects that data has been deleted prior to the reporting of the incident, the manager may request that it is recovered by a relevant organisation for any investigation. All activity concerning the incident, (including who raised it, how it came to their attention, and what steps are being taken to deal with it) must be recorded setting out dates, times and names of those involved at every stage.

Safeguarding in specific circumstances: Prevent radicalisation

This part of the procedure sets out what employees and volunteers must do when they have concerns that a child or young person is drawn into violence, or they are exposed to the messages of extremist groups that may recruit them into terrorism.

### 3.13 About the Government Counter Terrorism Strategy

The current Government Counter Terrorism Strategy is made up of four strands:

- Pursue: Aims to stop terrorist attacks in the UK and against UK interests

overseas.

- Prevent: Aims to stop radicalisation, reduce support for terrorism and violent extremism and discourage people from becoming terrorists.

- Protect: Aims to strengthen against terrorist attacks, including borders, utilities, transport, infrastructure and crowded places.

- Prepare: Aims to mitigate the impact of a terrorist incident where it cannot be stopped.

The Prevent strand is at the forefront of this strategy and most relevant to those working with children and young people. Where there has been an identification of vulnerability factors, the Prevent objectives are to:

- Challenge the ideology behind violent extremism and support mainstream voices.

- Disrupt those who promote violent extremism and support people living in the communities where they may operate.
- Support individuals who are vulnerable to recruitment, or have already been recruited by violent extremists.
- Increase the resilience of communities to violent extremism.
- Address grievances which ideologues are exploiting.
- Develop supporting intelligence, analysis and information.
- Improve strategic communications.

### 3.14 Prevent radicalisation and Leeds Baby Bank

Current legislation requires all agencies working with children and young people to play a role in preventing and deterring the possible radicalisation of children and young people, whether on grounds of religion, culture or for other ends.

Employees or volunteers may become aware of a situation or information that a violent act is imminent, or where weapons or other materials may be in the possession of a young person or member of his or her family. In this situation, a 999 call to the police must be made by the employee or volunteer as soon as it is safe to do so. They must then contact their line manager straight away for guidance and support.

If there are concerns by employees or volunteers that a child or young person is vulnerable to being drawn into terrorism, they must discuss their concerns with a line manager within one working day of the concern being noted. The following process will then be followed:

- The safeguard lead or managing partner and employees will discuss the concerns, and make a referral to the local authority children's services following the guidance in the local LSCB procedures. This must be completed within one working day of the discussion with the line manager.
- While the nature of the risk to the child or young person may raise security issues, the process must not be seen differently from dealing with the likelihood of significant harm or vulnerability due to the exposure to other influences.
- Consideration must be given to the possibility that sharing information about the concerns with the parents may increase the risk to the child, and it may therefore not be appropriate to inform the parent at the referral stage

Implementing this policy and procedure

Leeds Baby Bank makes sure that employees and volunteers are equipped to embed safeguarding within their day to day professional practice. They will be supported in this

through training.

### 3.15 Training: Employees

There are a number of training protocols for employees and volunteers of Leeds Baby Bank, depending on their roles and duties:

All employees: Must complete the course Introduction to Working Together and Working Together to Safeguard Children and Young People in the first six months of commencing employment.

Then they must also attend Update Refresher training at least every three years (delivered by the safeguarding trainer). In addition to Introduction to Working Together and Working Together to Safeguard Children and Young People training that all colleagues must complete, further specialist tailored training may be made available to make sure that employees and volunteers are up to date with the policy, procedures and expected practice (delivered by the safeguarding trainer).

All managers who have any contact with children, young people or adults who may be at risk, or who manage employees that do: Must complete the course Introduction to Working Together and Working Together to Safeguard Children and Young People in the first six months of commencing employment.

Then they must also attend Update Refresher training at least every three years (delivered by the safeguarding trainer). In addition to Introduction to Working Together and Working Together to Safeguard Children and Young People training that all colleagues must complete, further specialist tailored training may be made available to make sure that employees and volunteers are up to date with the policy, procedures and expected practice (delivered by the safeguarding trainer).

### 3.16 Training: Volunteers

There are a number of training protocols that volunteers of Leeds Baby Bank must follow:

Leeds Baby Bank Volunteers in contact with children, young people or adults at risk: Must complete the course Introduction to Working Together and Working Together to Safeguard Children and Young People in the first six months of commencing employment.

Then they must also attend Update Refresher training at least every three years (delivered by the safeguarding trainer). In addition to Introduction to Working Together and Working Together to Safeguard Children and Young People training that all colleagues must complete, further specialist tailored training may be made available to make sure that employees and volunteers

are up to date with the policy, procedures and expected practice (delivered by the safeguarding trainer).

There is also safeguarding information in the volunteer handbook (which each volunteer must receive) and they must sign the safeguarding agreement page at the end of the handbook.

#### **4. Guidance**

Recommended practice that SHOULD be followed

Types of abuse

##### **4.1 Abuse**

A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (for example via the internet). They may be abused by an adult or adults, or another child or children.

##### **4.2 Physical abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent fabricates the symptom of, or deliberately induces illness in a child.

##### **4.3 Emotional abuse**

Emotional abuse is the persistent emotional maltreatment of a child, to cause severe and persistent effects on the child's emotional development, and may involve:

- Conveying to children that they are worthless, unloved, inadequate, or valued only in so far as they meet the needs of another person.
- Imposing age or developmentally inappropriate expectations on children.
- These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child from participating in normal social interaction.
- Seeing or hearing the ill treatment of another, for example where there is domestic violence and abuse.
- Serious bullying, causing children to frequently feel frightened or in danger.
- Exploiting and corrupting children.

Some level of emotional abuse is involved in all types of maltreatment of a child, though it

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may occur alone.

#### 4.4 Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

- The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing.
- Sexual abuse includes non-contact activities, such as involving children in looking at pornographic materials (including online and with mobile phones) or in the production of pornographic materials, watching sexual activities or encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.
- Sexual abuse includes the abuse of children through sexual exploitation.

Penetrative sex where one of the partners is under the age of 16 is illegal, although prosecution of consenting partners of similar age is not usual. However, where a child is under the age of 13, it is classified as rape.

#### 4.5 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may occur during pregnancy as a result of maternal substance misuse, maternal mental ill health or learning difficulties, or a cluster of such issues. Where there is domestic abuse and violence towards a carer, the needs of the child may be neglected. Once a child is born, neglect may involve a parent failing to:

- Provide adequate food, clothing and shelter (including exclusion from the home, or abandonment).
- Protect a child from physical and emotional harm or danger.
- Ensure adequate supervision (including the use of inadequate caregivers).
- Ensure access to appropriate medical care or treatment.
- Neglect of, or unresponsiveness to, a child's basic emotional, social and educational

needs.

#### 4.6 Child sexual exploitation

The definition of child sexual exploitation is: 'A form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity, (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual.

Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology. 'Child sexual exploitation is a complex form of abuse, which can be difficult for those

working with children to identify and assess. The indicators for child sexual exploitation can sometimes be mistaken for 'normal adolescent behaviours'. It requires knowledge, skills, professional curiosity, and an assessment (to analyse the risk factors and personal circumstances of individual children) to make sure that the signs and symptoms are interpreted correctly, and appropriate support is given.

Even where a young person is old enough to legally consent to sexual activity, the law states that consent is only valid where they make a choice, and have the freedom and capacity to make that choice. If a child feels they have no other meaningful choice, are under the influence of harmful substances, or fearful of what might happen if they don't comply (all of which are common features in cases of child sexual exploitation) consent cannot legally be given, whatever the age of the child.

One of the key factors in most cases of child sexual exploitation is the presence of some form of exchange (sexual activity in return for something) for the victim and/or perpetrator or facilitator.

Where it is the victim who is offered, promised or given something they need or want, the exchange can include both tangible rewards (for example, money, drugs or alcohol) and intangible rewards (for example, status, protection or perceived receipt of love or affection). It is critical to remember

the unequal power dynamic within which this exchange occurs, and to remember that the receipt of something by a child/young person does not make them any less of a victim. It is also important to note that the prevention of something negative can also fulfil the requirement for exchange, for example a child who engages in sexual activity to stop someone carrying out a threat to harm his/her family.

Whilst there can be gifts or treats involved in other forms of sexual abuse (for example, a father who sexually abuses a child, but also buys the child toys), it is most likely referred to as child sexual exploitation if the 'exchange' is the core dynamic at play.

Where the gain is only for the perpetrator/facilitator, there is most likely a financial gain (for example money, discharge of debt, or free/discounted goods or services) or increased status, as a result of the abuse. If sexual gratification, or exercise of power and control, is the only gain for the perpetrator (and there is no gain for the child/young person) this would not normally constitute child sexual exploitation, but should be responded to as a different form of child sexual abuse.

#### 4.7 Considerations around language and CSE

The following table outlines terms that should not be used when discussing or recording issues of CSE, and includes a list of suggested alternative phrases that are more appropriate.

Inappropriate term    Alternative phrases

'Putting themselves at risk'

- 'The child may have been groomed.'
- 'The child is at an increased vulnerability to being abused and/or exploited.'
- 'A perpetrator may exploit the child's increased vulnerability.'
- 'The child is not in a protective environment.'
- 'The situation could reduce the child's safety.'
- 'The location is dangerous to children.'
- 'The location/situation could increase a perpetrator's opportunity to abuse them.'
- 'It is unclear whether the child is under duress to go missing.'
- 'There are concerns that the child may be being sexually abused.'
- 'It is unclear why the child is getting into cars.'
- 'There are concerns that there is a power imbalance forcing the child to act in this way.'
- 'There are concerns regarding others' influences on the child.'

'Sexual activity with...'

- 'The child has been sexually abused.'

- ‘The child has been raped.’
- ‘There are reports of sexual abuse.’
- ‘The child has described sexual activity; however, concerns exist that they child may have been groomed and/or coerced.’

‘Sexually active since [age under 13]’

- ‘The child has been raped.’
- ‘The child has been / may have been sexually abused.’
- ‘Concerns exist that the child may have been coerced, exploited, or sexually abused.’

‘Has been contacting adult males/females via phone or internet’

- ‘Adult males/females may have been contacting the child.’
- ‘The child may have been groomed.’
- ‘There are concerns that the adult is facilitating communication with a child.’
- ‘The child is vulnerable to online perpetrators.’
- ‘There are concerns that others may be using online technology to access or abuse the child.’
- ‘Adults appear to be using a range of methods to communicate with the child.’

‘Offering him/her drugs seemingly in return for sex’

- ‘The child is being sexually exploited.’
- ‘There are concerns that the child has been raped.’
- ‘Perpetrators are sexually abusing the child.’
- ‘The child is being sexually abused.’
- ‘The child’s vulnerability regarding drug use is being used by others to abuse them.’
- ‘The perpetrators have a hold over the child by the fact that they have a drug dependency.’

‘In a relationship with...’

- ‘The young person says that they are in a relationship with a person and there are concerns about that person’s age, the imbalance of power, exploitation and offending.’
- ‘The young person has been / is being groomed, exploited and controlled.’



- ‘Involved in CSE’ This implies there is a level of choice regarding the child being abused. A 5- year-old would never be referred to as being involved in sexual abuse for the same reasons.

The appropriate phrasing is:

- ‘The child is vulnerable to being sexually exploited’
- ‘The child is being sexually exploited.’

‘Promiscuous’ This puts the blame on the child and implies they know what may be happening, and therefore is not seen by practitioners as exploitative or abusive. This word is often used to describe female’s behaviour.

‘Prostituting themselves’

This completely misses that the child is being controlled and manipulated. Changes in legislation have meant that child prostitution is no longer an acceptable term and should never be used.

‘Boyfriend/girlfriend’ Children have been challenged in court with practitioner’s recordings where their practitioner has referred to the perpetrator as the child’s boyfriend or girlfriend.

Drug running

‘He/she is drug running’

- ‘Child criminal exploitation’ (CCE)
- ‘The child is being trafficked for purpose of criminal exploitation.’

‘Recruit/run/work’ This implies there is a level of choice or control by the child regarding their exploitation, and does not take into consideration grooming, coercion, threats or intimidation. The appropriate phrasing is:

- ‘The child is being criminally exploited.’

‘He/she is choosing this lifestyle’

Again, this implies there is a level of choice or control by the child regarding their exploitation, and does not take into consideration grooming, coercion, threats or intimidation. The appropriate phrasing is:

- ‘The child is being criminally exploited.’

‘Spending time / associating with “elders”’

- ‘The young person says that they are friends with a person and there are concerns about that person’s age, the imbalance of power, exploitation, offending.’
- ‘The young person has been groomed, exploited, controlled.’

Nb. If the ‘elder’ is under the age of 18 years old, this will need to be considered using child protection processes.

‘Offering him/her drugs seemingly in return for sex or to run drugs’

- ‘The child is being sexually/criminally exploited.’
- ‘The child is being criminally exploited through drug debt.’
- ‘There are concerns that the child has been raped.’
- ‘Perpetrators are sexually abusing the child.’
- ‘The child is being sexually abused.’
- ‘The child’s vulnerability regarding drug use is being used by others to abuse them.’
- ‘The perpetrators have a hold over the child by the fact that they have a drug dependency.’

Domestic violence and abuse

#### 4.8 Defining domestic violence and abuse

The definition of ‘domestic violence and abuse’ was updated by the Home Office in March 2013 to include the reality that many young people experience domestic abuse and violence in relationships at a young age. They may therefore be children in need or likely to suffer significant harm.

The definition from the Home Office is: ‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence and abuse between those aged 16 or over, who are or have been intimate partners or family members regardless of gender and sexuality. Domestic violence and abuse can manifest itself in a variety of ways including physical, emotional and psychological abuse. It also includes sexual and financial abuse and the imposition of social isolation. Often it will

involve a combination of these behaviours which are used by one individual to dominate another.’

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The main characteristic of domestic violence and abuse is that the behaviour is intentional, and calculated to exercise power and control within a relationship. The abuser may be a current or former intimate partner of the victim or a family member, whether a parent, child or sibling.

Domestic violence and abuse can involve women being abused by their male partner, men being abused by their female partners, men or women being abused within same sex relationships or young people abusing other family members, as well as older people in families being abused by younger relatives. Domestic violence and abuse occurs irrespective of social class, racial, ethnic, cultural, religious or sexual relationships or identity.

It covers any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by anyone aged 16 or over towards current or former intimate partners or family members, regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

#### 4.9 Defining controlling and coercive behaviour

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim.

Examples of these behaviours are:

- Psychological/Emotional abuse: Intimidation and threats (for example, against children or family pets), social isolation, verbal abuse, humiliation, constant criticism, enforced trivial routines, marked over-intrusiveness.
- Physical violence: Slapping, pushing, kicking, stabbing, damage to property or items of sentimental value, attempted murder or murder.

- Physical restriction of freedom: Controlling who the mother or children see, where they go, what they wear or do, stalking, imprisonment, forced marriage.
- Sexual violence: Any non-consensual sexual activity, including rape, sexual assault, coercive sexual activity or refusing safer sex.
- Financial abuse: Stealing, depriving or taking control of money, running up debts, withholding benefits books or bank cards.

The definition of domestic violence and abuse also includes so called 'honour'-based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to any one gender or ethnic group.

#### 4.10 Supporting those living with domestic violence

It is of note that Leeds Baby Bank cannot address all the needs of those it works with who are affected by domestic violence and abuse, whether as victims, bystanders or perpetrators. It is therefore important that employees and volunteers who identify domestic violence and abuse work

in partnership with children's social care and the police to make sure that interventions are effective to safeguard the children and adults we provide a service for.

Children who are experiencing domestic violence and abuse or conflict may benefit from a range of support and services; we must be mindful that some children who are involved in domestic violence and abuse will be at risk of significant harm.

#### 4.11 Children and mothers

All professionals should understand the following issues that children and their mothers may face, and take these into consideration when trying to help them:

- Culture: The culture among some communities means that it is often more difficult for women to admit to having marital problems. This is because a failed marriage is often seen as being the woman's fault, and she will be blamed for letting down the family's honour. In some cultures, a woman may not be in a position to divorce her husband. If the husband does not want to comply with this, he can prevent giving a religious divorce to his wife.
- Immigration status: Children and their mothers may have an uncertain immigration status, which could prevent them from accessing services. The mother may also be hesitant to take action against her partner for fear of losing her right to remain in the UK. In some cases, women have received threats of deportation from their partner or extended family if

they report domestic violence, and have had their passports taken from them.

Similarly, children may have had their passports taken away from them and may fear that they and/or their mother could be deported if they disclose domestic violence in the family.

- Language/literacy: Children and their mothers may face the additional challenge of engaging with services if English is not their first language.
- Temporary accommodation: Many families live in temporary accommodation. When a family moves frequently, they may face chronic poverty, social isolation, racism or other forms of discrimination, and the problems associated with living in disadvantaged areas or in temporary accommodation. These families can become disengaged from, or may have not been able to become engaged with, health, education, social care, welfare and personal social support systems.
- Recent trauma: Some recently arrived immigrant families often have a traumatic history and/or a disrupted family life, and may need support to integrate their culture with that of the host country.
- Disability: Children and/or mothers with disabilities may be especially vulnerable in situations where the abuser is also their primary carer, and some refugees may lack appropriate facilities to respond to their particular needs. The British Crime Survey consistently shows that disabled people are much more likely to experience domestic violence than non-disabled people.
- Social exclusion: Children and their families may also face additional vulnerabilities as a result of social exclusion. The British Crime Survey indicates that people who are currently on a low income and/or do not own their own home are more likely than those on a higher income and/or homeowners to have experienced incidents of domestic violence. This can include women with no recourse to public funds. Lesbian, gay, bisexual and transgender people may also be especially vulnerable, and issues such as shame, stigma, mistrust of authority (particularly the police), fear of having children taken away because of incorrect stereotyping, 'outing', etc. can lead to abuse/violence being hidden and unreported. There are also issues around safe havens for transgender people and their children, and some women's refuges may not accept men who have not fully transitioned.

#### 4.12 The Domestic Violence Disclosure Scheme (DVDS)

The DVDS, (also known as 'Clare's Law') commenced in England and Wales on 8 March 2014 and gives members of the public a formal mechanism to make enquires about an individual who they are in a relationship with, or who is in a relationship with someone they know, where there is a concern that the individual may be violent towards their partner. This scheme adds a further dimension to information-sharing about children where there are concerns that domestic violence and abuse is impacting on the care and welfare of the children in the family.

Members of the public can make an application for a disclosure, known as the 'right to ask'. Anybody can make an enquiry, but information will only be given to someone at risk or a person in a position to safeguard the victim. The scheme is for anyone in an intimate relationship, regardless of gender.

Partner agencies can also request that disclosure is made of an offender's past history where it is believed someone is at risk of harm. This is known as 'right to know'.

If a potentially violent individual is identified as having convictions for violent offences, or information is held about their behaviour which reasonably leads the police and other agencies to believe they pose a risk of harm to their partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate and necessary to do so.

#### 4.13 Recognising domestic violence and abuse

Employees may work with adults who are experiencing or have experienced domestic violence and abuse but have not disclosed this. Research suggests, for example, that women experience on average 35 incidents before reporting to the police. Employees and volunteers must therefore be alert to signs that a child or family they are working with may be experiencing domestic violence and abuse, whether as a victim or as a perpetrator.

Employees who are in contact with young people or adults who are threatening or abusive towards them need to be alert to the potential that these individuals may be similarly abusive in their personal relationships, and assess whether domestic violence and abuse is or may be occurring within the family.

Employees who are working with children and families and who have identified incidents or issues of domestic violence and abuse need to consider these incidents with regard to the types of behaviours, severity, frequency and duration.

This will indicate the length of time children may have been exposed to a traumatic and abusive situation.

#### 4.14 Effects of domestic violence and abuse

Prolonged or regular exposure to domestic violence and abuse can have a serious impact on a child's development and emotional well-being, despite the best efforts of the victim's parent/carer to protect the child. The following effects must be taken into consideration:

- Domestic violence and abuse may have a number of long term psychological and emotional impacts.
- Children may be greatly distressed by witnessing (seeing or hearing) the physical and emotional suffering of a parent or carer, or witnessing the outcome of any

assault.

- Children may be pressurised into concealing assaults, and experience the fear and anxiety of living in an environment where abuse occurs.
- Domestic violence and abuse may impact negatively on an adult victim's parenting capacity.
- Children who are exposed to domestic violence and abuse may be drawn into the abuse and themselves become victims or perpetrators.

For children living in situations of domestic violence and abuse, the effects may result in behavioural issues, absence from school, difficulties concentrating, lower school achievement, ill health, bullying, substance misuse, self-harm, running away, anti-social behaviour and physical injury.

#### 4.15 Domestic violence and abuse in pregnant women

Domestic violence and abuse during pregnancy can pose a threat to the unborn child as assaults on pregnant women often involve punches or kicks directed at the abdomen, risking injury to both the mother and the foetus. In almost a third of cases, domestic violence and abuse begins or escalates during pregnancy and it is associated with increased rates of miscarriage, premature birth, foetal injury and foetal death. The mother may be prevented from seeking or receiving anti-natal or post-natal care, further increasing the risk to both herself and her unborn child. In addition, if the mother is being abused this can affect her attachment to her child, more so if the pregnancy is a result of rape by her partner.

#### 4.16 Domestic violence and abuse in young women

Young women in the 16 to 24 age group, some of whom may be teenage mothers, are most at risk of being victims of domestic violence and abuse. Research by the University of Bristol and the NSPCC has also found that children in the 13 to 16 age group are also vulnerable to abuse within relationships (see Barter, C. et al (2009) Partner Exploitation and Violence in Teenage Intimate Relationships).

Online abuse

#### 4.17 Guidance

Tips for keeping children, young people and adults at risk safe online include:

- Talk to children and adults at risk about what they are looking at and who they are talking to online.

- Remind them of the importance of not talking to or accepting friend requests from people they don't know in real life.
- Remind them that people might not be who they say they are online. It is very easy for people to set up accounts with fake names, identities and photos to make us all believe that they are someone they are not.
- Encourage them to keep all personal information such as passwords, phone numbers, friends, school address details, etc. private.
- Warn them that the things they write and the photos they post online might be accessed by people other than their friends if they don't keep their accounts private.
- Talk to parents and carers about setting parental controls and privacy settings so that they can see and control what their child or adult at risk is doing online via their device.
- Highlight the risks of meeting in person people they only know through online contact. Meeting such contacts in real life can pose many risks, and children and adults at risk should be encouraged to be open and honest with a trusted adult if someone is asking to meet up with them in real life.

#### 4.18 Impact of online abuse

The impact on a child of ICT-based sexual abuse is similar to that for all sexually abused children. However, it has an additional dimension of there being a visual record of the abuse. ICT-based sexual abuse of a child constitutes significant harm through sexual and emotional abuse.

#### 4.19 Considerations of online abuse

Employees and volunteers working with children, adults and families should be alert to the possibility that:

- A child may already have been/is being, abused and the images distributed on the internet or by mobile telephone.
- An adult or older child may be grooming a child for sexual abuse, including for involvement in making abusive images. This process can involve the child being shown abusive images.
- An adult or older child may be viewing and downloading child sexual abuse images.

#### 4.20 Legislation against online abuse

The Serious Crime Act 2015 introduced an offence of sexual communication with a child. This applies to an adult who communicates with a child and the communication is sexual, or if it is



intended to elicit from the child a communication which is sexual and the adult reasonably believes the child to be under 16 years of age. The Act amended the Sex Offences Act 2003 so it is now an offence for an adult to arrange to meet with someone under 16 having communicated with them on just one occasion (previously it was on at least two occasions).

The UK legislates against the production, distribution and possession of abusive images of children (also known as child pornography). It is an offence to take, permit to be taken, make, possess, distribute or advertise indecent images (photographs or pseudo-photographs) of children as stated by the Protection of Children Act 1978

England and Wales and amended by the Criminal Justice and Public Order Act 1994.

An indecent image of a child is a visual record of the sexual abuse of a child, either through sexual acts by adults, other children (or which involves bestiality), or children posed in a sexually provocative way. It is a serious offence to seek out images of child abuse. The making of (including the voluntary downloading of) and possession of such images carry maximum sentences of ten and five years respectively.

The UK laws which relate to child abuse images are:

- Protection of Children Act 1978 (England and Wales) as amended by the Criminal Justice and Public Order Act 1994
- Racial and Religious Hatred Act 2006
- Communications Act 2003
- Civic Government Act 1982 (Scotland)
- Sexual Offences Act 2003: Key Changes (England and Wales)
- Memorandum of Understanding: Section 46 Sexual Offences Act 2003

Radicalisation and prevent guidance

#### 4.21 Definition of extremism

The Government defines extremism as: 'The vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist'.

## 4.22 Radicalisation in children and young people

Children and young people can be radicalised in different ways:

- They can be groomed either online or in person by people seeking to draw them into extremist activity. Older children or young people might be radicalised over the internet or through the influence of their peer network. In this instance, their parents might not know about this or feel powerless to stop their child's radicalisation.
- They can be groomed by family members who hold harmful, extreme beliefs, including parents/carers and siblings who live with the child and/or person(s) who live outside the family home, but have an influence over the child's life.
- They can be exposed to violent, anti-social, extremist imagery, rhetoric and writings, which can lead to the development of a distorted world view in which extremist ideology seems reasonable. In this way, they are not being individually targeted but are the victims of propaganda which seeks to radicalise.

A common feature of radicalisation is that the child or young person does not recognise the exploitative nature of what is happening and does not see themselves as a victim of grooming or exploitation.

The harm children and young people can experience ranges from a child adopting or complying with extreme views, which limits their social interaction and full engagement with their education, to young children being taken to war zones and older children being groomed for involvement in violence.

## 4.23 Leeds Baby Bank 's responsibilities

This practice guidance summarises the responsibility of professionals and volunteers to intervene effectively to prevent the grooming of children for involvement in extremist activity.

For many, this will mean being alert to the ways in which young people can become vulnerable to radicalisation, the indicators that they are being radicalised and knowing how to report these concerns. For others who have more specific safeguarding responsibilities, it will involve complex work to support victims and disrupt and prosecute perpetrators. For everyone, it will involve questioning attitudes and beliefs that may get in the way of recognising that children are being radicalised and providing the consistent, determined non-judgemental support they and their families need.

Legislation summary

There are a number of key pieces of legislation which set out the framework for all agencies working with children. These are:

#### 4.24 The Children Act 1989

This act is the foundation on which the protection of children is based. Of paramount importance throughout is the 'welfare of the child'. In essence, this means that the need to protect children comes before everything else, and this principle needs to be at the forefront of all of our work. This may at times cause problems and raise questions for employees and volunteers. However, the principle remains that the protection of children from abuse overrides all other considerations, including confidentiality.

#### 4.25 The Children Act 1989

This act introduced the concept of significant harm as the threshold which justifies compulsory intervention in family life in the best interest of children. The salient points of the act, which employees and volunteers need to be familiar with, are:

- Section 17 It shall be the general duty of every local authority: - To safeguard and promote the welfare of children within their area who are in need. - So far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.
- Section 20 Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of: - There being no person who has parental responsibility for them. - Their being lost or having been abandoned. - The person who has been caring for them being prevented (whether permanently or not, and for whatever reason) from providing them with suitable accommodation or care.
- Section 47 where a local authority has either:
  - Been informed that a child who lives, or is found, in their area is the subject of an emergency protection order, or is in police protection. - A reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer significant harm. The authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.
- Section 31 (9): - 'Harm' means the ill-treatment or the impairment of health or development, including for example, impairment suffered from seeing or hearing the ill-treatment of another. -

‘Development’ means physical, intellectual, emotional, social or behavioural development.  
- ‘Health’ means physical or mental health - ‘Ill-treatment’ includes sexual abuse and forms of ill-treatment that are not physical.

#### 4.26 The Children Act 2004

The Children Act 2004 was a direct result of the findings by Lord Laming into the death of Victoria Climbié. The salient points of the act, which employees and volunteers need to know, are:

- Section 10, which embodies: - The need for co-operation between local authorities and all agencies working with children

to improve their well-being. - The duty of local authorities to take account of the views, wishes and feelings of children

and young people involved in child protection investigations and when providing services to children in need.

- Section 11, which states: - Each person and body to whom this section applies (this includes local authorities, the NHS

and the police) must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. - Any services provided by another person pursuant to arrangements made by the person or

body in the discharge of their functions are provided having regard to that need (this would include voluntary agencies). LSCBs were established under this legislation.

#### 4.27 The Sexual Offences Act 2003

This act is split into two parts, the first devoted to sexual offences, creating new offences and widening the scope of existing ones, and the second covering offenders, with an emphasis on the protection of vulnerable individuals. The act makes changes to the following:

- Rape and consent
- Child sex abuse
- Prosecutions of persons under 18
- How the law affects those who advise children
- Abusive parents and carers
- Sexual offences involving the internet and ‘grooming’
- Monitoring convicted sex offenders

There are a series of new offences and protections under the act, which

include:

- Trafficking persons for the purposes of sexual exploitation
- The prevention of children being abused through prostitution and pornography
- The protection of adults with a mental disorder from sexual abuse
- A new offence of voyeurism

#### 4.28 Children and Young Persons Act 2008

The purpose of this act is to extend the statutory framework for children in care in England and Wales and to make sure that they receive high quality care and services, which are focused on, and tailored to, their needs. It will be for the Secretary of State for Children, in conjunction with other relevant ministers, to decide how and when the provisions are enacted.

#### 4.29 Working Together to Safeguard Children 2015

Working Together sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people in accordance with the Children Act 1989 and the Children Act 2004. It is important that all those working to safeguard children and young people understand fully their responsibilities and duties as set out in primary legislation and associated guidance.

#### 4.30 Safeguarding Disabled Children: A Practice Guide (published July 2009)

This document sits alongside Working Together and offers guidance to LSCBs and practitioners from all disciplines working with disabled children.

#### 4.31 Single Assessment

The Early Help Assessment for Children and Young People is one element of integrated frontline service delivery. The Social Care Single Assessment, which forms the early help assessment, replaced the Common Assessment Framework, although some local authorities may still refer to their early help assessments. The early help assessment is a shared assessment for use across children's services. It aims to help the early identification of children and young people's emerging needs, and promote coordinated service provision to meet them. The assessment is family based, which means that each child's needs/strengths can be captured within one assessment.

#### 4.32 Children and Family Act 2014

This act created changes to the law to give greater protection to vulnerable children, better

support for children whose parents are separating, a new system to help children with special educational needs and disabilities, and help for parents to balance work and family life. The act introduced changes to:

- Adoption and contact
- Family Justice systems and processes
- Children and young people in England with Special Educational Needs or Disabilities (SEND)
- Childcare changes
- Welfare of children
- The Children's Commissioner

The reforms for children in care have now been implemented, including giving children the choice to stay with their foster families until their 21st birthday. From 1 September 2014, Statements of Special Education Needs and Learning Disability

Assessments were replaced by Education, Health and Care Plans (EHCP). The plans aim to make sure that all the support that a child or young person with SEND, not just their education is agreed in one place. These plans will support young Policy owner: people up to 25 years old if they are still in education or training, and would benefit from a plan.

#### 4.33 The Care Act 2014 Part 1

Part 1 of the Care Act pulls together threads from over a dozen different acts in a single, modern framework for care and support for adults. It prioritises individual wellbeing for adults, and care and support over the age of 18 years, with a particular focus on person-centred practice and outcomes, putting people more in control of their care and support.

The intended outcome of the legislation is that people's well-being, needs and goals are prioritised so that individuals will no longer feel like they are battling against the system to get the care and support they need. For disabled young people aged 18 to 25 years, there will be an impact from both the Care Act and the Children and Families Act 2014. The act:

- Is outcomes-focused
- Includes a duty to promote well-being
- Promotes control by the individual over day to day life

#### 4.34 Serious Crime Act 2015

The Serious Crime Act gives effect to a number of legislative proposals in the Serious and Organised Crime Strategy. In doing so, it builds on current law to make sure that the National

Crime Agency, the police and other law enforcement agencies have the powers they need effectively and relentlessly to pursue, disrupt and bring to justice serious and organised criminals. In addition, the act includes provisions to strengthen the protection of vulnerable children and others, including to tackle FGM and domestic abuse.

#### 4.35 Modern Slavery Act 2015

In brief, the term 'modern slavery' encompasses: human trafficking, slavery, sexual and criminal exploitation, forced labour and domestic servitude. The current offences for which are spread across several pieces of legislation.

The Modern Slavery Act 2015 is intended to provide the police with stronger legal powers to stamp out modern slavery, ensuring that the perpetrators receive suitably severe punishment, while enhancing the protection of, and support for, all victims.

The new act consolidates and updates the existing criminal legislation on human trafficking, slavery, forced labour and domestic servitude and increases the maximum custodial sentence for the most serious offences from 14 years to life. In addition, the legislation creates the post of Anti-Slavery Commissioner and places a duty on specified public authorities, including local authorities, to report potential victims of trafficking to the National Crime Agency. This act can now be used to support victim of child sexual exploitation.