



# **Safeguarding Policy (Children)**

**FNF Both Parents Matter Cymru**

last update 21/11/22

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## **1. Mission Statement**

FNF Both Parents Matter Cymru (hereafter “the charity”) aims to ensure the safety and well-being of all people involved with the charity. This Policy contributes to this end by provision of clear expectations regarding the recognition of potential harms and the adoption of working practices and procedures which promote safety for all involved.

Our work with adults is addressed by the parallel Policy on Safeguarding Adults.

The charity does not usually work directly with children. Exceptional cases are addressed by this Policy on Safeguarding Children.

The charity engages with parents who seek support with making childcare arrangements after separating from the partner with whom their children continue to live predominantly. The charity is dedicated to helping parents and their families continue to provide the love, care and support their children need after separation. Children have the right to be properly cared for and protected from violence, abuse and neglect by their parents or anyone else looking after them (Article 19, UN Convention on the Rights of the Child). It is the policy of the charity to safeguard and promote children’s welfare and protect them from harm in the course of any work undertaken by any representatives of the charity.

In our work we may hear allegations of ongoing, or potential, harms to children. The charity’s response to such situations is addressed by this Policy.

## **2. Definitions**

### **2.1 Definition of “Child”**

A child is a person under 18 years of age.

### **2.2 Definition of a “Child at Risk”**

A “child at risk” is defined in Section 130(4) of the [Social Services and Well-being \(Wales\) Act 2014](#) as a child who,

- Is experiencing, or is at risk of, abuse, neglect or other kinds of harm; and,
- Has needs for care and support (whether or not the authority is meeting any of those needs).

## **3. Scope**

This Policy addresses the safeguarding of children whilst acknowledging that the charity does not usually work directly with children. There are three recognised situations in which the charity has a duty in regard to the safeguarding of children,

[1] Registered service users who are under 18 years old. This is rare but does occur (about one in a thousand registrants);

- [2] Social events organised by the charity, primarily for service users, often include service users' children. These are the only other occasions that charity personnel come into physical contact with children in the course of the charity's business. (Should this change this Policy will need revision);
- [3] The nature of our support to service users is such that we may hear allegations of ongoing, or potential, harms to children. The responsibilities of the charity in such circumstances are specified herein.

These obligations to safeguarding children apply to all charity personnel, staff, Trustees and volunteers.

#### **4. Safeguarding Officer**

The Safeguarding Officer under this Policy shall be the same individual as the Safeguarding Officer under the Policy for Safeguarding Adults, namely the National Manager, or, by delegation, the Assistant Manager. The responsibilities of the Safeguarding Officer are laid down in the latter Policy and shall also apply to this Policy. This subsumes the role of Child Protection Officer for the charity.

#### **5. Inclusions and Exclusions**

It must be recognised that the charity's primary purpose is to support non-resident parents after parental separation, especially with child contact problems. The impact of parental separation constitutes an Adverse Childhood Experience (ACE), in fact [the most common ACE](#). In that sense many, perhaps most, of the children involved in the charity's cases are exposed to potential harm.

In the worst cases this may involve parental alienation, which is a severe form of psychological abuse of the child and [meets many of the criteria defining controlling or coercive behaviour](#) (which is recognised as [a form of domestic abuse](#)). This further emphasises that the potential for harms to children involved in the charity's cases will be common.

Serious though the above issues may be, they form part of the charity's normal business. They should be addressed through the statutory provisions which exist to do so, principally the family courts and their ancillary services, e.g., Cafcass Cymru. The charity's normal business is typically directed through those mechanisms.

This Policy addresses potential harms to children which lie outside normal business as described above. In particular this means ongoing physical abuse, sexual abuse or neglect of children. The Special Measures that may then be called for are defined by this Policy.

#### **6. Safeguarding Principles (Children)**

All staff, Trustees and volunteers shall,

- Appreciate that safeguarding is everyone's responsibility;
- Be aware of the potential for harms to children, and be alert to their occurrence;

- Report concerns expeditiously and appropriately;
- Take action to avoid harms to children when appropriate;
- Be confident that they understand their responsibilities under this Policy and the associated Policy for Safeguarding Adults, or ask for training to that end.

## **7. Legislative Framework**

The [United Nations Convention on the Rights of the Child](#) (UNCRC) is an international human rights treaty which the United Kingdom has ratified. The UNCRC sets out the fundamental rights of children. Many articles within the treaty will be applicable to any organisation which works with or provides services for children. For example, the treaty sets out the right of children to be protected from exploitation, abuse and cruel treatment.

In Wales, Article 19 of the UN Convention on the Rights of the Child is further underpinned by the [Rights of Children and Young Persons \(Wales\) Measure 2011](#).

The [Children Act 1989](#) and the [Children Act 2004](#) form the statutory footing for child protection and child welfare matters in England and Wales.

The [Social Services and Well-being \(Wales\) Act 2014](#) makes further specific provisions about the role of social services and child protection matters in Wales. Within that Act the key guidance issued by the Welsh government include [Working Together to Safeguard People - information sharing to safeguard children \(2014\)](#).

Other relevant legislation and useful resources are,

- The [Protection of Children Act 1999](#)
- The [Wales Safeguarding Procedures](#)
- The [Wales Safeguarding Procedures - Children in Wales](#)
- The [Safeguarding Children: Working Together to Safeguard Children under the Children Act 2004](#) (see also the BASW guidance [Safeguarding Children: Working Together Under the Children Act 2004](#))
- The Codes of Practice issued under Section 145 of the [Social Services and Well-being \(Wales\) Act 2014](#) relevant to child protection

It would not be realistic to expect members of staff of the charity to be thoroughly conversant with all this legislation (let alone volunteers). The purpose of this Policy is to be able to convey to staff, Trustees and volunteers their safeguarding responsibilities in a manner they can understand and retain and subsequently act upon. To that end simple guidance is now provided against the three categories identified in [section 3](#).

## **8. Service User who is also a Child**

For service users who are under 18 years old, the principles of this Policy and the principles of the Adult Safeguarding Policy shall both be applied.

## **9. Children Attending Social Events Organised by the Charity**

A key part of the charity's Buddy Scheme is the organising of social events for non-resident parents (usually fathers). At many of these events, children may also be present. In these or comparable circumstances (i.e., whenever charity personnel come into physical contact with children) this Policy requires that staff, Trustees and volunteers do the following:

- Ensure that all children are accompanied by, and under the supervision of, a parent, grandparent or other authorised guardian/carer. In no event should a representative of the charity be the person principally caring for any child (unless their own);
- Behave appropriately in the presence of children (which includes avoidance of smoking or drinking alcohol or taking illicit substances);
- Ensure that other adults do likewise;
- Challenge inappropriate behaviour of other adults towards children;
- Ensure that supervision of children is appropriate to their age and/or vulnerability;
- Properly plan the event to ensure that the event is safe for children to attend. If necessary the Safeguarding Officer should be consulted for advice;
- In particular, if a venue is hired for the event, the staff organising the event shall ensure that the venue is safe for children. It is good practice to ask to see the venue's Risk Assessment, including fire safety arrangements. This will apply especially if there are pandemic restrictions in place;
- Responsibility for ensuring that children behave themselves lies with their parent or other guardian. Children often behave badly, including towards each other, e.g., fighting. This Policy is not about how to control children. Safeguarding children should not be confused with ordinary child management. It will not usually be appropriate to use safeguarding reports to address children's bad behaviour unless the situation is exceptional in some way;
- Photography: The advent of electronic images, the ability to 'doctor' photographs, and the ability to spread photographs widely via the internet, have led to concerns about the photographing of children. This should be avoided unless given express permission by the child's guardian;
- Any accidents or injuries must be reported through the internal Safeguarding reporting procedure, [section 12](#)..

## **10. Allegations of Ongoing Harms to Children (Special Measures)**

The overarching principles shall be,

- [1] The provisions of this Policy shall be invoked if, but only if, the issue identified lies outside what can be addressed by normal business (see [section 5](#));

- [2] In the event that the charity becomes privy to an allegation of ongoing harm to a child which lies outside normal business, this Policy must be invoked BUT recognising that the charity is neither empowered nor competent to investigate such claims (other than within the charity).

The rest of this section assumes an allegation of ongoing harm to a child has been reported to a representative of the charity (staff, Trustee or volunteer) and that it lies outside normal business.

### **10.1 Immediate Danger**

- If it is judged that a child is in immediate high risk of serious harm, action must be taken to protect the child without delay, if necessary by calling the police. Any individual may, and should, act unilaterally in such circumstances.
- The incident must then be reported to the Safeguarding Officer and an internal safeguarding report raised ([section 12](#)).
- The Safeguarding Officer shall then alert the Chair of Trustees (or any Trustee in his/her absence) of this serious safeguarding issue.
- The decision to make any external safeguarding report rests with the Board of Trustees (noting that the charity has no formal “Duty to Report” under the [Social Services and Well-being \(Wales\) Act 2014](#), see [section 7](#) of the Safeguarding Policy for Adults, but does have an obligation under charity rules to report serious safeguarding incidents to the Charity Commission if personnel of the charity are involved in a culpable capacity).

This situation is unlikely to arise other than extremely rarely in the charity’s work.

Nevertheless, it is feasible and staff, Trustees and volunteers should be aware that, in such circumstances, the life of the child may depend upon their timely action.

### **10.2 Other Allegations, Reports or Disclosures of Ongoing Child Harms**

Volunteers and staff of the charity do not usually engage directly with children, although a child’s welfare is always the paramount consideration and the welfare of children involved in the charity’s cases is always the subtext of other actions and advice by the charity. This section relates to allegations of ongoing harm to a child, or well-founded suspicions of such ongoing harm. The likely veracity of such allegations or suspicions should be judged within the context of the case in question. Where the risk of serious harm is judged to be high the following procedure shall be followed:

- [1] Any member of staff, Trustee or volunteer may raise the concern, and has a duty to do so;
- [2] The member of staff shall act without delay, but this may first involve consultation with the Safeguarding Officer to confirm the course of action if this can be done without introducing undue delay;

- [3] An internal safeguarding report shall be raised by the originator or by the Safeguarding Officer (see [section 12](#));
- [4] The Safeguarding Officer has a responsibility to make the Board of Trustees aware of all safeguarding reports raised, which may be done immediately or later depending upon seriousness.
- [5] However, if the Safeguarding Officer judges that an external safeguarding report may be required to protect the child, the Chair of Trustees (or any Trustee in his/her absence) must be notified immediately;
- [6] The decision to make any external safeguarding report rests with the Board of Trustees (noting that the charity has no formal “Duty to Report” under the [Social Services and Well-being \(Wales\) Act 2014](#), see [section 7](#) of the Safeguarding Policy for Adults, but does have an obligation under charity rules to report serious safeguarding incidents to the Charity Commission if personnel of the charity are involved in a culpable capacity).

If the Chair of Trustees (or another Trustee) decides that external reporting of the issue is required to protect the child, the following provides guidance on options:

- [7] Report to the police local to the child in question. This is unlikely to be the most appropriate course unless the risk is of immediate and serious harm, in which case it is!;
- [8] Report to the relevant Cafcass officer if they are currently involved in the case;
- [9] The Local Authority is the prime authority for dealing with child protection investigations, but in practice this is delegated via the [Social Services and Well-being \(Wales\) Act 2014](#) to the Local Safeguarding Children Boards;
- [10] Hence, reporting to the relevant Local Safeguarding Children Board (LSCB) is a further option. The directory of LSCBs in Wales is here: <https://www.childreninwales.org.uk/safeguarding/>;
- [11] Alternatively, the matter can be referred to the NSPCC (National Society for the Prevention of Cruelty to Children). The NSPCC Helpline is 0808 800 5000 or NSPCC guidance for Wales is available here <https://www.nspcc.org.uk/preventing-abuse/child-protection-system/wales/legislation-policy-guidance/>
- [12] Outside office hours, referrals can be made to the Local Authority Social Services Emergency Duty Team or the Police.

These provisions apply potentially to anyone who is in a position to impose harms on the child in question (which includes a service user as well as his/her (ex)partner and anyone else with access to the child). However, if the perpetrator is a member of staff, a Trustee or volunteer with the charity the following section applies.

## **11. Charity Personnel as Perpetrators**

If the behaviour of a colleague (staff, Trustee or volunteer) towards a child causes concern, then it is important to differentiate between cases of poor professional practice and cases that give rise to child protection concerns (including cases involving abuse of trust).



## 11.1 Minor Issues

In the case of poor professional practice without substantial harms to the child (and bearing in mind that volunteers will generally *not* be professionals) it is important not to be too draconian. The matter should be referred to the Safeguarding Officer who is likely to choose to give a gentle reminder of expected standards of behaviour. In more serious cases, the Disciplinary Procedure may be invoked. In either case an internal safeguarding report shall be produced ([section 12](#)).

## 11.2 Major Issues

If the issue falls into the category of Ongoing Harm (Special Measures) as in section 10, then the following procedure applies,

- [1] If it is judged that a child is in present and immediate risk of serious harm, action must be taken to protect the child without delay, if necessary by calling the police;
- [2] Since the perpetrator is an officer or volunteer with the charity, the charity must prevent this adult having any further contact with the child in question or any other child, if necessary by suspending them pending investigation;
- [3] If [2] is beyond the charity's power then the provisions of [section 10.2 items \[7\] to \[12\]](#) must be deployed;
- [4] The Safeguarding Officer shall conduct an investigation internal to the charity (only) to attempt to ascertain the veracity of the allegations, including interviewing the accused person. It is important that guilt is not assumed and that the matter is approached from the perspective of gathering of facts;
- [5] If the allegations appear likely to be valid, or cannot be confidently dismissed, a safeguarding report shall be raised and communicated to the Chair of Trustees (or any Trustee in his/her absence);
- [6] The escalation of such an internal safeguarding report to an external report to relevant authorities (usually social services or the police) shall be decided by the Chair of the Board of Trustees (or any Trustee in his/her absence);
- [7] Serious safeguarding incidents [must be reported to the Charity Commission if the incident occurred "within" the charity](#), i.e., during execution of the charity's work.

## 11.3 Criminal Offences

The Policy shall be that if the charity becomes aware of a criminal offence committed by any member of staff, trustee or volunteer against any victim in the execution of the charity's business, reporting the matter to the police shall be obligatory. The Safeguarding Officer is responsible for bringing such cases to the attention of the Trustees. The Trustees alone shall be responsible for making any required reports to the police. By preference, the offender should be encouraged to self-report instead. Serious offences are likely to lead to termination of employment. A safeguarding report must be raised and must be copied to the Charity Commission.



## **12. Internal Safeguarding Reports / Record Keeping**

When any instance of harm occurs, outwith normal business, so that this Policy is invoked, the Safeguarding Officer shall be responsible for ensuring that a written report is lodged in the corresponding case in Caseworker.mp. However, any member of staff, trustee or volunteer may author the report. As a minimum the report shall cover,

- The names of the individuals involved;
- The name of the person writing the report;
- The nature of the harm identified;
- The date, time and location of the incident;
- How the issue came to the charity's notice, who reported the issue to whom, and when;
- What action was taken by the charity;
- The outcome or status at the time of writing;
- Any other information of importance according to circumstances.

The report must be copied to the Safeguarding Officer. Actions to be taken upon the raising of a safeguarding report are addressed in **section 18.2** of the Safeguarding Policy for Adults.

## **13. Recruitment**

Recruitment of paid staff or unpaid Trustees and volunteers shall follow the same recruitment directive as in the Safeguarding Policy for Adults. In particular see **sections 8.4 and 9** of that Policy, which require Basic DBS checks. This subsumes the guidance of the Welsh Government's Code of Practice [Safe from Harm: Safeguarding Children in Voluntary and Community Organisations in Wales \(2007\)](#). Note also the charity's Policy on Employment of Ex-Offenders.

## **14. Responsibilities**

The responsibilities of staff, Trustees, volunteers and the Safeguarding Officer are as specified in the Policy for Safeguarding Adults **section 18**.

In particular, the Board of Trustees is ultimately responsible for safeguarding in the charity. It is a key part of their governance role. Only the Board of Trustees (or the Chair for them) shall authorise a safeguarding report to be made to authorities outside the charity, and must so report to the Charity Commission in the case of serious incidents within the charity. This is without prejudice to any individuals taking immediate protective action in cases of immediate serious danger.

## **15. Communication and Training**

The Trustees and the Safeguarding Officer as their agent shall ensure that this Policy is promulgated to all staff, Trustees and volunteers and that all are trained in the contents of this

Policy and their responsibilities under this Policy, both via the induction process and via periodic training thereafter.

Communication of safeguarding issues outside the charity falls under the governance duty of the Board of Trustees, subject to the advice of the Safeguarding Officer (see sections 18.1 and 18.2 of the Safeguarding Policy for Adults).

**This Policy was last reviewed and approved by the charity on 9 December 2022.**