

Good Practice Guide to Safeguarding Children and Young People

This good practice guide provides guidance about safeguarding children and young people for Resolution's members, their Compliance Officers for Legal Practice (COLPs), and others responsible for risk and compliance.

This Good Practice Guide was revised in September 2024. The law or procedure may have changed since that time and members should check the up-to-date position.

Resolution safeguarding and child protection statement

As a community of family justice professionals, Resolution acknowledges the importance of safeguarding and promoting the welfare of children and young people.

We expect that all of our members will be committed to ensuring safeguarding practice complies with relevant legislation, regulation and appropriate best practice standards in the role that they undertake in supporting children and families. Our members should strive to ensure that appropriate protection is offered to children and young people regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity. We will support them in doing so.

We also expect that our members will ensure that the welfare and interests of children and young people are given priority in all circumstances and that they (and their parents or carers) are always treated with dignity and respect.

- Members are also referred to Resolution's safeguarding policy (Appendix below) and to the legal framework and resources referred to within that policy.
- All members should be aware of, and read, the Government's guidance on **Working together to safeguard children** ("the Working Together guidance" December 2023)

- Members should be aware this practice note relates primarily to the protection from harm, safeguarding, and promotion of the wellbeing of children and young people. Working Together is a 'living document' and is amended regularly, members should ensure that they are aware of updates and changes.
- Members are reminded that where there is domestic abuse in a home where there are children, it is also a child protection matter. Resolution's Domestic Abuse Committee produces information, guidelines and toolkits in relation to domestic abuse and members should also be aware of Resolution's other **Guides to Good Practice**, particularly: Working with Vulnerable Clients and Domestic Abuse Cases, our guidance note on Female Genital Mutilation and our **Guide to International Family Law**.

Context

- There are numerous well-documented examples of failures to safeguard children¹.
- The introduction to the Working Together guidance makes clear that:

¹ For examples see Bentley, H., O'Hagan, O, Raff, A. and Bhatti, I. (2016) How safe are our children? The most comprehensive overview of child protection in the UK 2016. London: NSPCC; <http://lx.iriss.org.uk/content/victoria-climbie-inquiry-summary-and-recommendations>

“Successful outcomes for children depend on strong partnership working between parents/carers and the practitioners working with them. Practitioners should take a child-centred approach to meeting the needs of the whole family”.

In Chapter 1 of the Working Together guidance it confirms it applies to all practitioners working with children and their families. This includes the private sector and the voluntary sector.

- Members have professional duties. For example, solicitors have a mandatory duty of confidentiality to their clients. This may – in certain circumstances – appear to conflict with the responsibilities imposed by the Working Together statutory guidance.
- It is good practice for members to consider the further steps they should be taking to play their part in helping to keep children safe, given:
 - How important it is to keep children safe
 - Regulation is based on a framework of ethical and competent practice which requires solicitors to exercise their professional judgement
 - Child protection and safeguarding is, quite rightly, high on the political and media agendas
 - Members care about the children and young people their work has an impact on
 - Any errors of judgment in this area carry a significant risk of reputational damage
- Resolution is a community of family justice professionals drawn from a range of professions and professional activities. Their commonality is the work they do with families, with parents and with children and young people. This guidance note supports Resolution’s policy in respect of safeguarding. All Members should ensure they are aware of, and work within, the particular requirements of any regulatory or governing body for their particular profession. Any concerns about conflicts between regulatory or governing body safeguarding requirements and the Resolution policy may be referred to Resolution’s Designated Safeguarding Officer in the first instance.
- If a referral or a report needs to be made, who that referral or report should be made to will depend upon the area in which the child or young person appears to live.

The meaning of safeguarding

Safeguarding and promoting the welfare of children is defined for the purposes of the Working Together guidance as:

- Providing help and support to meet the needs of children as soon as problems emerge

- Protecting children from maltreatment
- Preventing impairment of children’s mental and physical health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

At one end of the spectrum of potential harm, there is now a great deal of evidence which makes clear that even low-level mutual parental conflict affects children’s health, wellbeing, development and chances in life². At the other end of the spectrum, children and young people continue to experience very serious harm and in the worst cases lose their lives³. It is good practice for members to be alert to potential harm across this range. Information about the range of abuse is contained in the Working Together guidance at **Appendix A: Glossary** and the NSPCC provides **information about the different types of abuse**.

How safeguarding issues may arise

Safeguarding issues may arise:

- Across the economic and societal spectrum. Class, disability, culture, ethnicity, race and religion can get in the way of child protection⁴.
- In client work when:
 - Advising adult clients since information may be disclosed which causes you to be concerned a child may be at risk of harm
 - Mediating with family clients
 - Talking with children as part of a mediation process or when representing children
 - Supporting parents, children and young people through a process of separation, family change or divorce
 - In conversation with other members or non-members working within family justice

2 <https://www.jrf.org.uk/report/divorce-and-separation-outcomes-children>; <http://www.eif.org.uk/wp-content/uploads/2016/03/IPR-Exec-summary.pdf>

3 75 children under 18 were murdered in 2014/15, and a further 42 under the age of 15 died as a result of assault or “undetermined intent”; Bentley, H., O’Hagan, O, Raff, A. and Bhatti, I. (2016) How safe are our children? The most comprehensive overview of child protection in the UK 2016. London: NSPCC

4 <http://www.communitycare.co.uk/2015/12/09/social-class-get-way-child-protection-shouldnt/>

- In discussions with others (whether third party experts, other family members or any other third party)
- In discussions with colleagues about other children and young people

Working Together emphasises that whilst the children and young people affected may already be known to Children's Services or other agencies (or you believe they are), this does not absolve us from the need to assess the risks they are facing and our obligation to consider making a referral or report. It is the cumulative nature of referral, reporting and liaison between all agencies involved with children at risk that is so important and has often been lacking.

The guidelines also point out that:

"Practitioners should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. This may be when problems are first emerging (for example, persistent school absences) or where a child is already known to local authority children's social care. Sharing information about any adults with whom that child has contact, which may impact the child's safety or welfare, is also critical."

It is important to distinguish between the triggering of safeguarding concerns, any obligation to refer (or to report) those concerns to Children's Services, and where an early referral might ensure the family is properly supported and may avoid an escalation of the situation to a crisis.

Working Together is also clear that where there are concerns about a child or young person, the professional's own organisation should have appropriate safeguarding procedures in place to enable those concerns to be raised, assessed and addressed in an appropriate and proportionate way, and with the professional involved being supported and assisted with the decision-making process about what action, if any, should be taken. Without appropriate processes in place, making the "right" decision becomes more problematic.

NSPCC learning provides a wide range of resources to help organisations put these processes in place. Valuable and useful information and resources about local arrangements for safeguarding, including how and who to make a referral to also is available on local Multi-agency safeguarding hubs websites. The arrangements relevant to where the child lives will apply.

Referring or reporting concerns about a child or young person

What is essential to bear in mind is the general responsibility we all have to help keep individuals and especially any child or children safe from harm. It is therefore important to ensure that along with policy in relation to other responsibilities, you have thought

carefully about and put in place appropriate policies and guidance both internally (for staff) and for anyone who may be a potential or actual client, especially if they are a child or young person, parents or carers.

Being clear about responsibilities in relation to protection from harm from the beginning of any contact with an individual (or child or young person) is good professional practice and assists people to be clear about your role. If you latterly need to discuss a concern with them, you can refer to and remind them about your responsibility and your policy.

In a law firm, ultimate responsibility perhaps most appropriately rests with the COLP who can also act as the **Designated Safeguarding Officer** (DSO). In other practices and organisations such as mediation services, counselling practices and so on, the responsibility would usually rest with a **Designated Safeguarding Officer, who may have been appointed for that sole purpose or who undertakes the role as part of other responsibilities**. We recognise a number of our members may work or operate as sole practitioners or as consultants to other firms and practices. We suggest all our members consider how best they can comply with safeguarding requirements in line with the Working Together guidelines and their local arrangements.

If it is decided the most appropriate course of action is to make a referral or report, it is important to remind and explain to the individual who raised the initial concern with you that this is the case. In the first instance you should encourage them to refer their concern to Children's Services or the police (unless it is the case that discussing it with them could put the child at further risk of immediate harm).

If you can discuss it with them, you may be able to agree with them appropriate follow-up so you know the referral or report has been made, whilst being clear that you have a responsibility to make a referral yourself as it is important, of course, not to prevent timely protective action by you or anyone else. You may wish to make sure the person who has raised the concern is aware that if they do not make a referral themselves, they may be at risk of a later allegation that they have "failed to protect" a child.

Alternatively, after discussing your concerns with that person, it may be that they wish you to make the referral in the first instance and give their permission for you to do so. If they are your client, and give permission, there is no issue about breaching confidentiality.

In situations where it is clear that any discussion with the individual/s who have raised or disclosed a concern would put a child at immediate risk of harm or further harm, you should refer without discussing it further and ensure that is made clear on any referral you make.

For solicitor members, a breach of client confidentiality is only likely to arise if you feel you can't discuss it with the client because of the risk of further and or immediate risk of harm, or because you have discussed it and they do not consent to you making a referral or report, or because you perceive that time is absolutely critical, that you shouldn't

delay making a report, and you are unable to speak to your client for practical reasons. In these situations, it is important to have a Safeguarding Policy in place. The NSPCC provide a template **safeguarding policy statement** and role and responsibility descriptions for **Designated Safeguarding Officers**. You should be aware of the **Guidance** provided by the SRA in relation to such situations.

Although generally not good practice, it is possible to make an anonymous referral to **the NSPCC**. For solicitors a breach of client confidentiality can occur regardless of whether confidential information is disclosed on an anonymous basis or otherwise. If, for example, an individual is told by their organisation that they must not refer in breach of client confidentiality, and yet as an individual they feel there is a serious risk of harm to a child, it is perhaps worth considering whether it would be better for an anonymous report to be made than none at all.

On occasions where you may not be clear about whether the concern you have heard should be referred or not, and having consulted with your DSO you may both feel that it would be appropriate to seek guidance. Most local authority children services now offer an opportunity to discuss concerns anonymously ahead of any referral being made but it is important to know that should they believe that the matter should be referred, they will necessarily need to take details of the individual/s involved. The NSPCC offer a similar service and are the only agency beyond the ‘safeguarding partners’ set out in Working Together who can.

The regulatory framework applicable to members

The general regulatory framework

The **Working Together to Safeguard Children 2023 statutory guidance** is a good starting point for understanding the statutory and regulatory framework, including individual and organisational obligations and responsibilities around safeguarding.

The guidance is primarily aimed at local authorities and local agencies such as the police, health and education services – the statutory ‘safeguarding partners’. These groups have statutory safeguarding duties. However it is comprehensive in setting out the current child-centred approach within a whole family focus that is the aim of government policy and legislation and the requirements for keeping children and young people safe that flow from that focus.

A child-centred approach means keeping the child in focus when making decisions about their lives and working in partnership with them and their families. Section 3 of the document also includes a series of helpful tables and flowcharts which set out the Assessment Framework and actions to be taken by the local authority on referral of a concern and depending on the type and nature of that concern.

The private sector is addressed specifically (but briefly) in Chapter Four [Organisational responsibilities] of the Guidance:

“Voluntary, charity, social enterprise (VCSE) and private sector organisation and agencies play an important role in safeguarding children through the services they deliver’ and ‘Every VCSE, faith based organisation and private sector organisation or agency should have policies in place to safeguard and protect children from harm. These should be followed and systems should be in place to ensure compliance in this. Individual practitioners, whether paid or volunteer should be aware of their responsibilities for safeguarding and protecting children from harm, how they should respond to child protection concerns and how to make a referral to local authority children’s social care or the police if necessary.” [Chapter 4, para 314]

The chapter mostly provides a non-exclusive list of services and agencies captured by Working Together and their specific responsibilities. Many listed services are those providing services directly and regularly to and with children, young people and their families or who are commissioning and providing services designed to safeguard and promote the welfare of children.

This would, for example, seem to include family mediation services, and family consultancy services, particularly those where children are seen themselves. Those organisations in particular need to give detailed consideration to the required arrangements set out in the guidance (and **see here for further guidance provided to mediation services by Resolution**).

Even in services where that is not the case, the following arrangements are recommended:

- A senior board level lead to take leadership responsibility for the organisation’s safeguarding arrangements
- Clear whistleblowing procedures, suitably referenced in staff training and related policies, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed. Useful tools are available on the **NSPCC website**
- Clear principles and processes for sharing information, within their own organisation/agency; and with others who may be involved in a child’s life, useful information can be found in Chapter 1, from paragraphs 28. of the Working Together document and in **Information sharing: advice for practitioners published by gov.uk [May 2024]**
- A designated professional lead for safeguarding, (a ‘Designated Safeguarding Officer’, DSO) to support other professionals in their organisations to recognise risks to children and young people. Designated professional roles should always be explicitly defined in job descriptions

- Appropriate supervision, safeguarding training and support for staff and the designated professional lead

Data protection and GDPR

It is important to understand the relationship between safeguarding requirements, information sharing, and data protection (including GDPR) requirements.

UK GDPR provides a number of bases for sharing personal information. It is not necessary to seek consent to share information for the purposes of safeguarding and promoting the welfare of a child/ren *provided* that there is an appropriate lawful basis to process any personal information required. There is a helpful ‘myth busting’ section in the Working Together guidance and further information can be found on the **ICO** website.

The guidance points out that practitioners should aim to be as transparent as possible by telling families what information they are sharing and with whom, provided that it is safe to do so.

When you do refer or report

It is also important that you are and remain aware of and conversant with what your local Multi-Agency Safeguarding Hub (MASH) expects when a referral is made, how a referral should be made and what they will do on receipt of a referral or report at least in outline. The best way to do this is to make full use of the information and resources that are available on local MASH websites. Resources may include free training in safeguarding and a designated helpline for professionals.

Most individuals are likely to be fearful that if the matter concerns their children, that their children will, eg be immediately removed from their family. It is important that wherever you are able and it is appropriate that you are open about the actions you must take, and you explain that e.g. the duties of the local authority extend to making as early an assessment as is possible in order to consider how best to help any child and their family appropriately. You should also talk with them where and when appropriate to ensure that they have a defined ‘next step’ whilst they await any contact from a safeguarding partner agency.

It is unprofessional not to be able to talk with individuals about what will happen next and increases their anxiety and fear in what will already be a difficult and frightening situation.

Profession-specific regulatory frameworks

Lawyers can become distracted in discussions about whether there is an obligation to refer or report concerns by their concerns about breaching client confidentiality.

Other professionals (notably those operating in education, health or social care), generally don’t have a professional

duty of confidentiality that overrides the duty to report or refer safeguarding concerns.

Lawyers

The **Legal Services Board** (LSB) is responsible for overseeing the regulation of all lawyers in England and Wales. There are eight separate regulators directly regulating the different types of lawyer on a day-to-day basis. Most of our lawyer members will be regulated by one of the following:

- Solicitors – regulated by the **Solicitors Regulation Authority**; which also regulates other types of individual and firms
- Barristers – regulated by the **Bar Standards Board**, the independent regulatory arm of the **Bar Council**
- Legal executives regulated by **CILEx Regulation**, the independent regulatory arm of the **Chartered Institute of Legal Executives (CILEx)**

Resolution member lawyers who work primarily with parents, children and young people subject to potential, or actual, care proceedings are very well versed in matters concerning safeguarding and child protection. Nonetheless they should consider the information set out here in relation to the requirements of the various regulators and should also consider appropriate safeguarding policy and procedures for their practice if not already in place.

Solicitors

The **SRA Standards and Regulations Code of Conduct** sets out how the mandatory principles apply to solicitors in the context of confidentiality and disclosure. Paragraph 6.3 of the Code requires that you “you keep the affairs of current and former clients confidential unless disclosure is required or permitted by law or the client consents”. This is a **mandatory** requirement, and cannot on the face of it be overridden by action in compliance with the Working Together **guidance**.

There is further **Guidance on the SRA website** which is designed to help you understand your obligations and how to comply with them (and also makes clear that the SRA ‘may have regard to it when exercising our regulatory functions’).

The guidance highlights that:

“There may be circumstances involving children or vulnerable adults where you should consider revealing confidential information to an appropriate authority. This may be where the child or adult in question is the client, and they reveal information which indicates they are suffering sexual or other abuse but refuse to allow disclosure of such information.”

And

“You are not required by law to disclose this information. You must therefore consider whether the threat to the person’s life, health or welfare is sufficiently serious

to justify a breach of the duty of confidentiality. We recognise that in practice these judgments can be difficult, particularly where the facts or risks are not clear cut. However, we support solicitors erring on the side of disclosure when faced with genuine safeguarding concerns."

So, before solicitors consider breaching confidentiality, it seems you need to:

- Be as sure as possible there is a risk of future harm and the threat to the child's life or health is sufficiently serious (or similarly where it relates to concerns about a vulnerable client who has indicated their intention to harm themselves).
- Be aware you are under no legal obligation to disclose (there is no reference to the Working Together guidance in the guidance on the SRA Code of Conduct). However, there is an argument that there is a statutory responsibility as is indicated in Working Together.
- Appreciate that, at best, the serious risk of future harm may mitigate regulatory action and you may still be subject to disciplinary action and are at risk of a civil action for breach of confidence.

Resolution has concerns about the 'conflict' between the provisions of Working Together and the current regulations and guidance published by the SRA. We raised these concerns with the SRA in October 2017. At that time, the SRA remained clear that the duty of confidentiality is not only a regulatory requirement imposed by them, but also a legal obligation, a fiduciary duty under common law, and one of the core professional duties set out in section 1(3)(e) of the Legal Services Act 2007.

We reproduce part of their response here because although it is not recent, the same guidance to the regulations is still in force:

"Our guidance sets out examples of situations where disclosure may be justified and as such, where we would be unlikely to take regulatory action. These are situations we understand solicitors face from time to time, and we set out the factors the individual should consider before disclosing. The example situations where we would be unlikely to take regulatory action in our guidance are focused on preventing risk of harm to the client or others.

We believe the Resolution guidance needs to be clear about the potential for conflict with our rules and that members will also need to consider their legal position based upon the particular facts of any case. If there is a conflict, our Handbook provisions would nonetheless apply, and members should be encouraged to approach us for guidance."

The SRA Professional ethics helpline for solicitors is available 10.00–12.00 and 14.00–16.00 Monday to Friday: telephone 0370 606 2577 or email: professional.ethics@SRA.org.uk

Barristers

The Bar Council provides information in its' Handbook regarding client confidentiality and especially at Rule 15.5:

"you must protect the confidentiality of each client's affairs, except for such disclosures as are required or permitted by law or to which your client gives informed consent."

The Bar Council's information does not reference the Working Together guidelines. If you are a barrister member, you should be clear about the information provided in the Rules and guidance referred to above and ensure you check regularly for updates or any supporting authority.

The Bar Council also has an **ethics helpline** which is available Monday-Friday, 09.15–17.15: telephone 020 7611 1307 or email: Ethics@BarCouncil.org.uk

Legal executives

Generally, members of CILEx who are also members of Resolution work within legal practices and firms. They are therefore subject to the regulatory framework required of the firm or practice. You should, however, ensure that you keep up to date with any information issued by CILEx in regard to regulation or guidance for CILEx members.

Paralegals

Similarly to members of CILEx, paralegals who are members of Resolution tend to work within legal practices or companies providing legal services that will be regulated accordingly. Reference should be made therefore to the applicable regulatory framework for the organisation within which you work.

Finance professionals

Resolution finance professionals are generally financial advisers, accountants, and other providers of financial advice or services such as litigation funding.

If you are within this category of members, the recommendation is that you refer to any safeguarding policy and guidance of your regulatory body, or – in the absence of any such policy and guidance – consider adopting Resolution's.

Therapeutic professionals

If you are within this category of membership (eg you offer family consultancy, counselling or any other therapeutic service to clients referred by or with lawyer members), we recommend that you refer to any safeguarding policy and guidance issued by your regulating or governing body or professional association.

Family mediators or those offering family mediation within their practice

If you are a family mediator, regardless of your profession of origin, you should ensure you follow the requirements

of the FMC Code of Practice and any guidance issued to mediators by Resolution. The FMC Code of Practice states:

“Mediators must have appropriate safeguarding policies and procedures in place.” FMC Code of Practice Rule 3.7

AND

“Mediation must be conducted as an independent professional activity and must be distinguished from any other professional role in which the Mediator may practise.” FMC Code of Practice Rule 5.1.5

If you are a child-inclusive mediator, please ensure that you hold an enhanced DBS check (EDBS) regardless of whether you see children remotely or directly. If you are self-employed, you can apply via the FMC, please see **Enhanced DBS Checks for Child-inclusive Mediators – Family Mediation Council** for further details.

Further guidance in relation to safeguarding can be found in **Resolution’s Mediation Handbook**.

Family and Child Consultants

If you practice in either of these roles, we recommend that you refer to any safeguarding policy and guidance issued by your regulating or governing body or professional association. As set out below, it is essential you are aware of – and content with – any safeguarding arrangements in place for clients of other Resolution members. You should also discuss and agree safeguarding requirements with members you work with and you/they should hold an appropriate level of DBS check (which should be at EDBS level) if you/they work directly with children and young people and you/they should ensure that information is available to any parent/s or carers or Resolution member you will be working with.

Inter and multi-disciplinary practice

If you work in an inter or multi-disciplinary way with lawyer, mediator, therapeutic or financial professional members, you should ensure you have properly clarified for yourselves and with any clients applicable safeguarding arrangements. You should also be aware of and conversant with the Department for Education **Information Sharing Advice for Safeguarding Practitioners**.

If you work with a professional who is suitably qualified to see children and young people directly (eg a mediator trained in Child Inclusive mediation) or a ‘Child Consultant’ or an ISW, you should be aware of – and content with – their qualifications to do so and with their procedures for safeguarding, including that they hold an enhanced DBS check. You should also make them aware of how you work. It is also important to set out your safeguarding arrangements with your clients.

If you are working collaboratively, please be aware of your individual responsibilities in regard to safeguarding and in respect of keeping vulnerable adults safe from harm.

You should be and remain aware of the principles and framework which apply for collaborative working, together with your overall regulatory responsibilities as a practising solicitor.

Further information is set out in the **Collaborative Practice Handbook**.

If you are providing a ‘one lawyer/two clients’ service or as a Resolution Together provider, please be aware of your continuing duty and responsibility to adhere to regulation as it applies to you. Full information in respect of the regulatory requirements is set out in the **Resolution Together Principles, Standards and Guidance documents** on the Resolution website.

International issues

Where there is more than one jurisdiction involved, issues of international law and practice arise. Increasingly, children and young people live international lives, sharing their time between parents in different countries, or moving frequently between countries with one or both parents.

There is no legal duty to report or to act in the area of child protection and safeguarding in the UK, but that is not the case in other jurisdictions. For example, South Australia introduced mandatory reporting 48 years ago⁵.

It is essential you are aware that in other jurisdictions, not only is there no legal duty to report, there is an absolute prohibition on reporting in breach of client confidentiality.

It is therefore good practice to seek appropriate advice or assistance in the relevant jurisdictions when concerns arise about a child or young person with an international background.

We also need to be mindful of the risk of child abduction (both from and to this jurisdiction) and consider carefully whether the particular circumstances give rise to safeguarding concerns. To the extent that child abduction constitutes or may constitute an unlawful act, it is likely to be regarded as a child protection and safeguarding matter by the welfare agencies irrespective of the presence, or absence, of wider safeguarding concerns. Resolution members who are specialist accredited in child abduction matters can be searched for via **Find a law professional** (choose advanced search function).

Abuse in the home, online abuse and grooming

Following the pandemic and as technology continues to advance, key organisations working with child abuse

5 “Mandatory reporting child abuse: the English experience (or rather, lack of it)” [2017] JPIL 85, Jonathan Wheeler.

and safeguarding matters have raised concerns about the increased reporting of abuse (including coercive and controlling behaviours) and violence towards children and between adults, online abuse and incidents of grooming. Please be mindful that the experience of events such as the pandemic, cost of living crisis etc, has major and far-reaching effects for families and may provide a catalyst for abusive behaviours, escalation of abuse in all forms and/or family relationship breakdown or separation.

It is known that online abuse, cyber-bullying, grooming, sexting, child pornography etc can be difficult to detect or identify and parents may have been unaware that their child/ren are being abused by remote or online means. For any parent or carer who is concerned or if you are concerned about a child, the **Child Exploitation and Online Protection Command (CEOP)** has Child Protection Advisers who can assist and take a report if needed. There is also information for private sector organisations and for professionals and other useful resources available on the CEOP website.

Please also remember that domestic abuse of whatever kind where there are children of the family or children in the care of or in frequent or regular contact with an adult where there is risk of, or actual abuse of any kind is a child protection matter, and you should act accordingly.

Actions to consider

1. Think about how, in practice, safeguarding issues may come to light within your organisation or in your day-to-day practice; the practicalities that may arise as a result, and who needs to be involved in working out what, if anything, is required.
2. Consider how the **Working Together guidance** should apply in your organisation and put the appropriate processes and steps in place, including clear allocation of responsibilities to named individuals, and arranging appropriate regular training.
3. Ensure you are familiar with the arrangements published on your local Multi Agency Safeguarding Hub (MASH) website. If you are in a metropolitan area, you may have more than one local MASH covering the area.
4. Develop an appropriate safeguarding policy for your organisation. There are resources and guidance available to assist you on the **NSPCC** website. You can also find resources and information on the Multi-Agency Safeguarding (**MASH**) websites which you can find for the child's locality by entering the nearest town, city, borough or county followed by 'multi-agency safeguarding hub' (or simply MASH) into an internet search.
5. Many local Hubs and/or the local authority who is responsible for them offer access to training and familiarisation opportunities for professionals who work

with families. Content on the local Hub websites is likely to include a statement of the authority's commitment to safeguarding (see Resolution's safeguarding and child protection statement at the top of this document), what procedures are in place for making a referral or report and the procedures in place to support the published policy/ies and information about what actions will be taken to ensure the safety and well-being of children and young people and their families.

It is good practice to:

- Ensure you are alert to the potential risk of harm to children and young people in the work you do and more widely
- Be familiar with your firm's, service's or practice's safeguarding policy and procedures and, in the event that there is no policy, to put one in place or suggest to those responsible that one is required.
- Be ready, when needed in accordance with the relevant safeguarding policy, to make an appropriate referral or report via the Local Authority Children's Services, the police (where it's particularly urgent), or the NSPCC. Many MASHs will have a referral form on their website.
- Access appropriate support, supervision and training to equip you with dealing with these challenges.

Useful resources

- **Working Together to Safeguard Children**
- **Resolution Guides to Good Practice**
- NSPCC – **Types of Child Abuse**
- NSPCC – **Safeguarding and child protection self-assessment tool**
- NSPCC – **Report Abuse**
- **CEOP Safety Centre** – concerns in respect of online sexual abuse or exploitation of children and young people
- NSPCC – **Writing a Safeguarding Policy**
- Report child abuse – **GOV.UK (www.gov.uk)**
- Bar Council – **Ethics and Practice Hub**
- Department for Education – **Information Sharing Advice for Safeguarding Practitioners**
- **Multi-agency safeguarding hubs**
- **Reunite international** – a free advice line service in respect of threatened or actual child abductions

Appendix: Resolution safeguarding policy

This policy applies to everyone working for, or on behalf of, Resolution on a paid or volunteer basis. Resolution commends it to the organisation's wider membership who may adopt it, adapted as required, for use directly in their organisations and practice.

This policy relates primarily to the protection from harm, safeguarding of, and promotion of the wellbeing of children and young people. Resolution's Domestic Abuse Committee produces information, guidelines and toolkits in relation to domestic abuse. Members should also be aware of **Resolution's Good Practice Guides**, particularly those in relation to Working with Vulnerable Clients, Domestic Abuse Cases and Female Genital Mutilation.

The purpose of this policy is:

- To protect children and young people when concerns about their safety and welfare come to the attention of Resolution.
- To provide everyone working or volunteering for, and on behalf, of Resolution with the overarching principles that guide our approach to safeguarding and child protection.
- To put in place procedures to be followed when concerns about children and young people arise.

Resolution believes children and young people should never experience abuse of any kind. We all have a responsibility to promote the welfare of children and young people and to keep them safe. We are committed to conducting ourselves and our work in a way that protects them.

What does safeguarding mean?

Safeguarding and promoting the welfare of children is defined for the purposes of HM Government's Working Together publication as:

- Protecting children from maltreatment
- Preventing impairment of children's mental and physical health or development
- Ensuring children grow up in circumstances consistent with the provision of safe and effective care; and
- Taking action to enable all children to have the best outcomes.

Legal framework

This policy has been drawn up on the basis of law and guidance that seeks to protect children, as referred to in **Working Together**. Working Together is statutory guidance aimed primarily at organisations and public bodies within the health, policing, social and education sectors that commission or provide services for children and families.

However, the guidance makes clear that safeguarding children is everyone's responsibility. Whilst the allocation of responsibility to the voluntary and private sectors is advisory rather than mandatory, Resolution takes its responsibilities for safeguarding children and young people seriously, and is committed to complying with the Working Together guidance and to recommending to members they should also comply whenever possible.

Reference should also be made to the government's **Information Sharing Advice for Safeguarding Practitioners**.

The legal framework enables local agencies to work together to provide early help – recognised to be more effective in promoting the welfare of children than reacting later. Resolution is mindful of the benefit of assisting to identify children and families who would benefit from early help, as well as the need to refer children for whom a formal assessment of the risks they face may be required. Further information about this is provided in the Working Together guidance.

This policy should be read alongside our other human resources policies and procedures

We recognise that:

- The Children Act refers to the paramount importance of a child's welfare
- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity have a right to equal protection from all types of harm or abuse
- Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues that may affect them, and the impact of parental conflict
- Working in partnership for children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

How may safeguarding concerns about children and young people arise?

Concerns may arise in different circumstances, including:

- During telephone calls or other communications from adult members of the public or from members to Resolution Central Office or to staff members (and potentially from a child or young person).
- As part of complaints made by members of the public, members of Resolution, or other third parties to Resolution in respect of services delivered by members.
- During the course of investigations into complaints arising from services delivered by members.

How we seek to keep children and young people safe

- By valuing, listening to and respecting them and being alert to issues that may arise in respect of them.
- Appointing a Designated Safeguarding Officer (DSO) for children and young people and a deputy DSO, generally of the Resolution staff team, and a Safeguarding Board Member (SBM), a member of the National Committee.
- Adopting this safeguarding policy and procedures.
- Developing and implementing other existing and new policies and related procedures when needed.
- Providing effective management for those who work for or on behalf of Resolution.
- Recruiting staff and volunteers safely and appropriately.
- Recording and storing information professionally and securely
- Sharing information about safeguarding good practice with all those who work or volunteer for (or on behalf of) Resolution and with our members.
- Using our safeguarding procedures to share concerns and relevant information with agencies that need to know, involving children, young people, parents, families and carers appropriately.
- Using our procedures to manage any allegations against those who work for and on behalf of Resolution appropriately.
- Creating and maintaining an anti-bullying environment, in line with our bullying and harassment policy.
- Ensuring we review and update our grievance and whistleblowing policies and procedures to maintain their efficacy.
- Ensuring we provide a safe physical environment for any children, young people, staff and volunteers, by applying health and safety measures in accordance with the law and regulatory guidance.
- If, following these discussions, concerns remain they in should be discussed with the family of the child, unless:
 - A family member might be responsible for abusing the child.
 - Someone may be put in danger by the family being involved.
 - Informing the family might interfere with a criminal investigation.
 - If any of these apply, discussions with the family should only take place after this has been agreed with the local authority children's social care department or the police in the case of a criminal investigation or where there has been a need to make an urgent referral to them.
- If there is still uncertainty about the concerns, the DSO, Deputy DSO or Safeguarding board member can discuss these concerns with the children's social care department where the child is resident. Alternatively the DSO, Deputy DSO or Safeguarding Board Member can discuss the concerns – without disclosing the identity of the child or family – with the NSPCC helpline.
- If concerns remain the DSO refers to the local authority children's social care department and confirms in writing within 48 hours.
- If no concerns remain, no further child protection action is needed. The staff member and their line manager should then discuss to ensure the staff member is well supported.
- If we are concerned a child or young person requires immediate protection and urgent action then we will make that referral to the local authority children's services or children's social care department immediately.
- When reaching a decision about what action to take we will use the NSPCC procedure for children at possible risk of abuse and the NSPCC form for reporting abuse of a child in conjunction with our own knowledge, experience and expertise.

Procedures when a safeguarding concern arises

We will:

- Listen to and make a note of the concern raised (using the template reporting form).
- Raise the concern as a matter of priority (the same day, or if later in the day and impractical to do so the following day) with their line manager. The DSO, Deputy DSO or Safeguarding Board Member should also be involved in these discussions.
- Resolution line managers, the DSO, Deputy DSO and Safeguarding Board Member will ensure there is appropriate liaison with, support for and information given to the staff member or volunteer who has raised the concern, and any third party involved.
- The information gathered in compliance with this policy shall be stored securely on Resolution's server in a password protected folder. The DSO, Deputy DSO and Safeguarding Board Member will have access to these files.

Contact details

Designated Safeguarding Officer:

Name:

Phone/email:

Deputy Designated Safeguarding Officer:

Name:

Phone/email:

Safeguarding Board Member:

Name:

Phone/email:

Review of the policy

We are committed to reviewing this policy on an annual basis.