



Children's MARS Policy and Procedures

Organisational Responsibilities

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Organisational responsibilities

A range of individual organisations and agencies working with children and families have specific statutory duties to promote the welfare of children and ensure they are protected from harm. These duties apply to individual organisations and agencies and are set out below.

Section 11 of the Children Act 2004

Section 11 of the Children Act 2004 places duties on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 11 places a duty on:

- Local authorities and district councils that provide children's and other types of services including children's and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services.
- NHS organisations and agencies and the independent sector, including NHS England and Integrated Care Boards (ICB), NHS Trusts, NHS Foundation Trusts and general practitioners
- The police, including Police and Crime Commissioners and the chief officer of each police force in England and the Mayor's Office for Policing and Crime where they exist
- The British Transport Police
- The Probation Service
- Governors or directors of prisons and young offender institutions (YOIs)
- Directors of Secure Training Centres (STCs)
- Youth Offending Teams (YOTs)

These organisations and agencies should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

- a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children
- a senior board level lead with the required knowledge, skills and expertise or sufficiently qualified and experienced to take leadership responsibility for the organisation's/agency's safeguarding arrangements
- a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services
- clear whistleblowing procedures, which reflect the principles in [Sir Robert Francis' Freedom to Speak Up Review](#) and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed
- clear escalation policies for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies
- arrangements which set out clearly the processes for sharing information, with other practitioners and with safeguarding partners
- a designated practitioner (or, for health provider organisations/agencies, named practitioners. Please see Health Practitioners with Specific Duties section for more detail)

for child safeguarding. Their role is to support other practitioners in their organisations and agencies to recognise the needs of children, including protection from possible abuse or neglect. Designated practitioner roles should always be explicitly defined in job descriptions. Practitioners should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively

- safe recruitment practices and ongoing safe working practices for individuals whom the organisation or agency permit to work regularly with children, including policies on when to obtain a criminal record check
- appropriate supervision and support for staff, including undertaking safeguarding training
- creating a culture of safety, equality and protection within the services they provide

In addition:

- employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role
- staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and the procedures to be followed if anyone has any concerns about a child's safety or welfare
- all practitioners should have regular reviews of their own practice to ensure they have knowledge, skills and expertise that improve over time

People in positions of trust

Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicated they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a co-ordinated manner. Local authorities should, in addition, have designate a particular officer, or team of officers known as local authority designated officers (LADO), (either as part of local multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people who work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example, qualified social workers. Any new appointments to this role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations

about those who work with children are passed to the designated officer, or team of officers, without delay.

Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations and agencies on how to deal with allegations against people who work with children. Local authorities should also ensure that there are appropriate arrangements in place to liaise effectively with the police and other organisations and agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Employers, school governors, trustees and voluntary organisations should ensure that they have clear policies in place setting out the process, including timescales for investigation and what support and advice will be available to individuals against whom allegations have been made. Any allegations against people who work with children should be reported immediately to a senior manager within the organisation or agency. The designated officer, or team of officers, should also be informed within one working day of all allegations that come to an employers' attention or that are made directly to the police. If the person is subject to registration or regulation by a professional body or regulator, for example by the Care Quality Commission or Ofsted, the designated officer should advise on whether a referral to that body is appropriate.

If an organisation or agency removed an individual (paid worker or unpaid volunteer) from work in [regulated activity](#) with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency must make a referral to the Disclosure and Barring Service (DBS) to consider whether to add the individual to the barred list. In some circumstances, organisation and agencies will be under a legal duty to make a referral to the DBS¹.

This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

For further information see [Children's MARS Procedures for managing allegations against people who work with children](#)

Individual organisational responsibilities

In addition to these section 11 duties, which apply to a number of named organisations and agencies, further safeguarding duties are also placed on individual organisations and agencies through other statutes. The key duties that fall on each individual organisation are set out below.

Schools, colleges and other educational providers

The following have duties in relation to safeguarding and promoting the welfare of children:

¹ [Making barring referrals to the DBS](#)

- governing bodies of maintained schools (including maintained nursery schools) and colleges which includes providers of post 16 education as set out in the [Apprenticeships, Skills, Children and Learning Act 2009: 16-19 Academies, Special Post-16 institutions and Independent Training Providers](#)
- proprietors of independent schools, (including academies, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust
- management committees of pupil referral units²
- senior leadership teams

This guidance applies in its entirety to all schools.

Schools, colleges and other educational settings must also have regard to statutory guidance [Keeping Children Safe in Education](#), which provides further guidance on how they should fulfil their duties in respect of safeguarding and promoting the welfare of children in their care.

Early years and childcare

Early years providers have a duty under section 40 of the Childcare Act 2006 to comply with the welfare requirements of the early years foundation stage (EYFS)³. Early years providers must ensure that:

- they are alert to any issues of concern in the child's life
- they have and implement policies and procedures to safeguard children. This must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff. The policy must also cover the use of mobile phones and cameras in the setting, that staff complete safeguarding training that enable them to understand their safeguarding policy and procedures, have up to date knowledge of safeguarding issues, and recognise signs of potential abuse and neglect.
- they have a practitioner who is designated to take the lead responsibility for safeguarding children within each early years setting and who must liaise with local statutory children's services as appropriate. This lead must also complete child protection training.

Health

ICBs are one of the three statutory safeguarding partners as set out in [Working Together to Safeguard Children 2023](#). NHS organisations and agencies are subject to the section 11 duties as set out above. Health practitioners are in a strong position to identify welfare needs or safeguarding concerns regarding individual children and, where appropriate, provide support. This includes understanding risk factors, communicating and sharing information effectively with children and families, liaising with other organisations and agencies, assessing needs and capacity responding to those needs and contributing to multi-agency assessments and reviews.

² Section 175, Education Act 2002 for management committees of pupil referral units, this is by virtue of regulation 3 and paragraph 19A of Schedule 1 to the [Education \(Pupil Referral Units\)\(Application of Enactments\)\(England\) Regulations 2007](#)

³ [Section 3 – safeguarding and welfare requirements in the Statutory Framework for the Early Years Foundation Stage](#)

A wide range of health practitioners have a critical role to play in safeguarding and promoting the welfare of children including: GPs, primary care practitioners, paediatricians, nurses, health visitors, midwives, public health school nurses, allied health practitioners, those working in maternity, children and young people's mental health, youth custody establishments, adult mental health, sexual, alcohol and drug services for both adults and children, unscheduled and emergency care settings, highly specialised services and secondary and tertiary care.

All staff working in healthcare settings, including those who predominantly treat adults, should receive training to ensure they attain the competences appropriate to their role and follow the relevant professional guidance⁴⁵⁶.

Within the NHS⁷:

- NHS England is responsible for ensuring that the health commissioning system as a whole is working effectively to safeguard and promote the welfare of children. It is also accountable for the services it directly commissions or delegates, including healthcare services in the under-18 secure estate (for police custody settings see below in the [policing section](#)). NHS England also leads and defines improvement in safeguarding practice and outcomes and should also ensure that there are effective mechanisms for safeguarding partners to raise concerns about the engagement and leadership of the local NHS. Each NHSE region should have a safeguarding lead to ensure regional collaboration and assurance through convening safeguarding forums
- ICBs are one of the statutory safeguarding partners and the major commissioners of local health services. They are responsible for the provision of effective clinical, professional and strategic leadership to child safeguarding, including the quality assurance of safeguarding through their contractual arrangements with all providers and agencies, including from independent providers

Health practitioners with specific duties

Detailed descriptions of roles and competencies for health practitioners with specific duties are set out in the relevant Intercollegiate Documents.

Designated health professionals

ICBs should employ, or have in place, a contractual agreement to secure the expertise of designated practitioners, such as dedicated designated doctors and nurses for safeguarding children and dedicated designated doctors and nurses for looked after children (and designated doctor or paediatrician for unexpected deaths in childhood).

In some areas, where the ICB has more than one local authority in its footprint, they may consider 'lead' or 'hosting' arrangements for their designated health professionals, or a clinical network arrangement with the number of designated doctors and nurses for safeguarding

⁴[Safeguarding children and young people: roles and competencies for health care staff](#) RCN (2019)

⁵[Looked-after children: Roles and competencies of health care staff](#) RCN (2020)

⁶[Protecting children and young people: the responsibility of all doctors](#) GMC (2018) and [Safeguarding children and young people: The RCGP/NSPCC safeguarding children toolkit for general practice](#) RCGP (2018)

⁷ Further guidance on accountabilities for safeguarding children in the NHS is available in [Safeguarding children and young people and adults at risk in the NHS: Safeguarding accountability and assurance framework](#) (2022)

equating to the size and complexity of the child population. Designated doctors and nurses, as senior professionals, clinical experts and strategic leaders, are a vital source of safeguarding advice and expertise for all relevant organisations and agencies but particularly the ICB, NHS England, and the local authority, and for advice and support to other health practitioners across the health economy. The NHS commissioners and providers should ensure that designated professionals are given sufficient time to be fully engaged, involved and included in the new safeguarding arrangements.

Named health practitioners

All providers of NHS funded health services including NHS Trusts and NHS Foundation Trusts should identify a dedicated named doctor and a named nurse (and a named midwife if the organisation or agency provides maternity services) for safeguarding children. In the case of ambulance trusts and independent providers, this should be a named practitioner. Named practitioners have a key role in promoting good professional practice within their organisation and agency, providing advice and expertise for fellow practitioners, and ensuring safeguarding training is in place. They should work closely with their organisation's/agency's safeguarding lead on the executive board, designated health professionals for the health economy and other statutory safeguarding partners.

ICBs should employ a named GP to advise and support GP safeguarding practice leads. GPs should have a lead and deputy lead for safeguarding, who should work closely with the named GP.⁸

Other organisation providing NHS services

Other public, voluntary and independent sector organisations, agencies and social enterprises providing NHS services to children and families should ensure that they follow this guidance.

Police

The police are one of the three statutory partners as set out in [Working Together to Safeguard Children 2023](#) and are subject to the section 11 duties set out above. Under section 1(8)(h) of the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner (PCC) must hold the Chief Constable to account for the exercise of the latter's duties in relation to safeguarding children under sections 10 and 11 of the Children Act 2004.

All police officers, and other police employees such as Police Community Support Officers, are well placed to identify early when a child's welfare is at risk and when a child may need protection from harm. Children have the right to the full protection offered by criminal law. In addition, to identifying when a child may be a victim of a crime, police officers should be aware of the effects of other incidents which may pose safeguarding risks to children and where officers should pay particular attention. Harm may be indirect and non-physical as, for example, in the case of some domestic abuse which may involve controlling or coercive behaviour, or economic abuse. An officer attending a domestic abuse incident should be

⁸ [Child safeguarding toolkit: introduction](#)

aware of the effect of such behaviour on any children in the household and recognise that children who see, hear or experience the effects of domestic abuse are victims in their own right, as set out in section 3 of the Domestic Abuse Act 2021.

Children who are encountered as offenders, or alleged offenders, are entitled to the same safeguards and protection as any other child and due regard should be given to their safety and welfare at all times. These children are often victims of harm, for example, children who are apprehended in possession of Class A drugs may be victims of exploitation through county lines drug dealing. Consideration should be given to the potential impact an arrest or seizure of items may have upon a child's immediate and ongoing safety and whether there is actual or likely significant harm. This might include self-harm, threats, or violence from criminal gangs to the child and their family following loss of money and/or drugs and a 'debt' can be created which is also known as debt bondage⁹.

The police will hold important information about children who may be suffering, or likely to suffer, significant harm, as well as those who cause such harm. They should always share this information with other organisations and agencies where this is necessary to protect children. Similarly, they can expect other organisations and agencies to share information to enable the police to carry out their duties. All police forces should have officers trained in child abuse investigation and safeguarding responsibilities. Officers making decisions about whether children are referred into children's social care should be confident in understanding and applying the local threshold document.

The police have a power to remove a child to suitable accommodation under section 46 of the Children Act 1989, if they have reasonable cause to believe that the child would otherwise be likely to suffer significant harm. Statutory powers to enter premises can be used with this section 46 power, and in circumstances to ensure the child's immediate protection¹⁰. Police powers can help in emergency situations, but should be used only when necessary and, where possible, the decision to remove a child from a parent or carer should be made by a court. This can include circumstances where the significant harm is from outside the home¹¹.

Restrictions and safeguards exist in relation to the circumstances and periods for which children may be taken to or held in police stations. PCCs are responsible for ensuring health commissioning in police custody settings and should always ensure that this meets the needs of individual children.

⁹ Further information on "debt bondage" can be found at [County lines offending: the Crown Prosecution Service](#)

¹⁰ Potential powers of entry include those under:

- [Police and Criminal Evidence Act 1984 \(PACE\) section 17\(1\)\(b\)](#), a constable may enter and search any premises for the purpose of arresting a person for an indictable offence
- [PACE section 17\(1\)\(e\)](#), a constable may also enter and search premises for the purpose of saving life or limb or preventing serious damage to property – in the exercise of [police protection](#) powers, if entry to premises is refused, this section may give adequate powers
- common law, where a constable has the power to enter premises to prevent or deal with a breach of the peace (which is preserved under [PACE section 17\(6\)](#))
- [Children Act 1989 section 48](#), a warrant may be obtained to search for children who may be in need of emergency protection

¹¹ A child under police protection should not be brought to a police station except in exceptional circumstances, such as a lack of immediately available local authority accommodation, and then only for a short period. [College of Policing: Police response to concern for a child](#) [College of Policing \(www.college.police.uk\)](#). Also see [College of Policing: Arrest and other positive approaches](#); [College of Policing: Protective measures and civil orders](#)

Using Civil Orders powers available to police and partners can be an effective tool to disrupt those who are targeting children for criminal purposes. The Child Exploitation Disruption Toolkit¹² lists a range of useful tools available to frontline professionals in disrupting child criminal exploitation activity. For example, Slavery and Trafficking Risk Orders, and Slavery and Trafficking Prevention Orders can place prohibitions on the offender in order to disrupt child criminal exploitation activity.

Adult social care services

Local authorities provide services to adults who are themselves responsible for children who may be in need. These services are subject to section 11 duties set out above. When staff are providing services to adults they should ask whether there are any children in the family and consider whether the children need help or protection from harm. Additional parenting support could be particularly needed where the adults have mental health problems, misuse drugs or alcohol, are in a violent relationship, have complex needs or have learning difficulties.

Local authorities services to adults must consider whether any children are providing care to the adult and whether the young carers are in need of support¹³. In such cases, or when requested by a parent or the young carer, the authority is under a duty to conduct a young carers' needs assessment under section 17ZA of the Children Act 1989.

Adults with parental responsibilities for disabled children have a right to a separate parent carer's needs assessment under section 17ZD of the Children Act 1989. Adults who do not have parental responsibility, but are caring for a disabled child, are entitled to an assessment on their ability to provide, or continue to provide, care for that disabled child under the Carer (Recognition and Services) Act 1995. That assessment must also consider whether the carer works or wishes to work, or whether they wish to engage in any education, training or recreational activities.

Adult social care services should liaise with children's social care services to ensure that there is a joined-up approach when carrying out such assessments and in the provision of support to families where there are young carers or parent carers.

Housing services

Housing and homelessness services in local authorities and others such as environmental health organisations are subject to the section 11 duties set out above. Practitioners working in these services may become aware of conditions that could have or are having an adverse impact on children. Under Part 1 of the Housing Act 2004, authorities must take account of the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions. Housing authorities also have an important role to play in safeguarding vulnerable young people, including young people who are pregnant, leaving care or a secure establishment.

¹² The government's [child exploitation disruption toolkit](#) was updated in July 2022 to set out tools and tactics to support the use of statutory powers such as civil orders that are available to frontline safeguarding agencies

¹³ [The Care and Support \(Assessment\) Regulations 2014 Regulation 4](#)

Homelessness duty

The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas.

It added section 213B into the Housing Act 1996, which is a duty on certain public authorities to refer to a housing authority service users they consider are or may be homeless or threatened with homelessness (meaning it is likely they will become homeless within 56 days).

The duty to refer applies to all social services functions, including early help, leaving care and child protection, and is intended to increase early identification and intervention, which is critical for safeguarding against homelessness. Earlier intervention can help prevent children becoming homeless, and the possibility of them being considered 'intentionally homeless' and so not owed a long term housing duty.

Before making a referral, a public authority must:

- Have the individual's consent to the referral (although referrals without consent may be made in order to safeguard children or vulnerable adults, in accordance with local procedures)
- Allow the individual to identify the housing authority in England which they would like the notification to be made to
- Have consent from the individual that their contact details can be supplied so the housing authority can contact them regarding the referral

The referral to a housing authority must include the individual's name, contact details and the agreed reason for referral (for examples, that the individual is homeless or at risk of homelessness). Further referral information may include:

- Whether an individual is already homeless, and if not when they are likely to become homeless
- Whether the individual is at risk of rough sleeping on the date the referral is made and if so whether this is imminent
- Risk assessment information, considering risks to the individual and to others
- Key medical information where relevant

Full guidance can be found in the [Homelessness Code of Guidance](#). Further guidance on how social care and housing authorities should work together to prevent those aged 16 and 17 from becoming homeless, and how the duty to refer should operate in this context, can be found in the [Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation guidance](#).

British Transport Police

The British Transport Police (BTP) is subject to the section 11 duties set out above. In its role as the national police for the railways, the BTP can provide a useful insight beyond the geographical footprint of local authority areas. They also play an important role in safeguarding and promoting the welfare of children, especially in identifying and supporting children who

have run away, who are missing, at risk of suicide, sexual abuse or who are being exploited by criminal gangs, such as the movement of drugs through county lines drug dealing.

The BTP should carry out its duties in accordance with its legislative powers, working closely with safeguarding partners. This includes investigation offences perpetrated against children such as through the Modern Slavery Act 2015 where children have been exploited, removing a child to a suitable place using their police protection powers under the Children Act 1989 and the protection of children who are truanting from school using powers under the Crime and Disorder Act 1998.

The Prison Service

The Prison Service, including privately managed prisons, is subject to the section 11 duties set out above. Prison staff have a responsibility to initiate or follow up a child safeguarding enquiry with children's services at the earliest opportunity for all newly sentenced prisoners. If circumstances for the prisoner have changed, prison staff must make a new child safeguarding enquiry¹⁴.

The Prison Service have a responsibility to identify prisoners who present an ongoing risk to children from within custody and are assessed as a potential or confirmed 'person posing a risk to children' (PPRC)¹⁵. Where an individual has been identified as a PPRC, the relevant prison establishment should:

- inform the local authority children's social care service (in the prisoner's home area and the home area of any identified child at risk where this is different) of the prisoner's reception to prison, subsequent transfers, release on temporary licence and of release date and address of the offender
- consult with children's social care about any significant change in circumstances, including if the PPRC initiates a request to change their name
- should notify the relevant probation service or youth offending team of the offender's PPRC status. Alert the police to the release date and address¹⁶
- decide on the level of contact, if any, to be allowed between the PPRC and children based on the prison's child contact risk assessment and prevent or restrict a prisoner's contact with children where necessary. The prison's decision should take into account any risk information provided by other relevant agencies, this may include the police, probation, health and children's social care
- make referrals to the relevant children's social care department (in which the child lives) where the child is not known and there are concerns about prisoner contact
- record information children's social care have shared as required in assessments and case notes

¹⁴ [HMPPS child safeguarding policy framework](#) sets out that a child safeguarding enquiry (sometimes referred to as a safeguarding check) is an official enquiry that HMPPS staff send to local authority's children's services to request information on an individual, child or family.

¹⁵ This applies not just to adult prisons but also to all types of establishments within the secure estate for children, with the same process applying to children who pose a risk to other children. [HMP public protection manual](#)

¹⁶ If the PPRC have been released under probation supervision, the prison no longer has responsibility for them, and it falls to the relevant Probation Delivery Unit to address and manage the risk in the community. The management of an individual who presents a risk of harm to children will often be through the prisons multidisciplinary interdepartmental risk management team meetings.

The primary carer of a child may contact the prison to request a restriction on contact between the prisoner and child. Requests can be made to the HMPPS Unwanted Prisoner Contact Team, contact details are:

- email – unwantedprisonercontact@justice.gov.uk
- telephone – 0300 060 6699, Monday to Friday 9am to 4pm
- website – gov.uk/stop-prisoner-contact

A prison can also monitor a prisoner's communication (including letters and telephone calls) to protect children where it is proportionate and necessary to the risk presented.

Prison governors should ensure that there is a clear process for children's social care practitioners to engage prisoners who are involved in safeguarding or child protection procedures. This may be via face to face visits or virtual conferencing. All prisons have an Offender Management Unit (OMU) with a telephone or functional mailbox which can be found at [Prisons in England and Wales](#), this should be the first point of contact for agencies who need to contact a prisoner or OMU. Agencies or organisations who need to find a prisoner should follow the instructions outlined at [Find a Prisoner](#).

Each prison should have arrangements in place that take account of the needs of children who have parents in prison. During a prisoner's first night induction, they will be supported to make suitable care arrangements for any dependent children. Prisons can work with children's social care services and other agencies to contribute to improved outcomes for children who are impacted by parental imprisonment. The Prison Service should:

- provide facilities for children to play whilst visiting a prisoner
- ensure the visitors' area caters for the needs of children and promotes a positive and safe experience
- ask all prisoners during their initial custody screening process whether they have caring responsibilities for any children under the age of 18
- review who is looking after the dependent children of prisoners, and inform children's social care services if they have concerns about a child's safety or wellbeing

Prison staff may also use the [National Information Centre on Children of Offenders \(NICCO\) website](#) to find local services who can support children who are impacted by parental imprisonment. Further support for families can be found at [Support for families and friends of prisoners](#).

Prisons should encourage and assist prisoners to maintain relationships with their families, including children, to support their social rehabilitation wherever it is appropriate and safe to do so¹⁷.

¹⁷ This reflects the requirements of [Article 8 of the European Convention on Human Rights](#) (ECHR): respect for family life and private life. Under [section 6 of the Human Rights Act 1998](#), a public authority is obliged to act compatibly with ECHR rights, including article 8. Both the Secretary of State for Justice and governors are bound by section 6 of the Human Rights Act 1998. Prison governors must ensure that the local prison approach to the family-ties strategy is sufficient to ensure compliance with article 8 and section 6. [Strengthening Prisoners Family Ties Policy Framework](#)

Mother and baby units in prisons

Mother and baby units (MBUs) are discrete specialist accommodation, within some prisons, for female prisoners with children up to age of 18 months or above, where appropriate. Governors or Directors of prisons which have MBUs have a duty of care to the child. When a woman applies for a place on a MBU, the referral for assessment must be sent to children's social care in the mother's home area at the earliest opportunity and must include information on MBU provision and policy¹⁸.

The prison should actively engage children's social care to ensure the relevant input into processes and individual cases. Practitioners should be provided with information on the purpose, facilities and support available on the MBU. Opportunities for practitioners to visit the MBU should be offered and encouraged.

Prisons must consult children's social care on all MBU Board decisions, including decisions relating to a change in placement, and any other matters relevant to promoting the welfare and safeguarding a child¹⁹.

The Probation Service

The Probation Service is a statutory criminal justice agency that supervises adult offenders serving community sentences, or who are subject to licensed supervision following release from custody. Probation staff also deliver resettlement work in prisons, undertake pre-sentence assessments, provide advice to courts, deliver targeted interventions and work with victims. The purpose of the Probation Service is to protect the public by reducing reoffending and improve offender rehabilitation. During the course of their duties, probation practitioners will come into contact with individuals who:

- have offended against a child
- pose a risk of harm to children even though they have not been convicted of an offence against a child
- are parents or carers of children
- have regular contact with a child for whom they do not have caring responsibility

The timely communication of safeguarding concerns between the Probation Service, children's social care and other agencies is an important part of safeguarding and promoting the welfare of a child. On the day an offender is being sentenced, the courts may ask the Probation Service to provide sentencing advice and an assessment of the offender's risk. Probation staff will make child safeguarding enquiries¹⁶⁵ with children's social care about whether they have information about children which may impact on the safety of different sentencing options (for example, the use of an electronically monitored curfew at the home address). They may request a response on the same day. Probation staff should incorporate considerations about the potential impact on children of any proposal they make to the court so that they are safe and appropriate. Probation staff working in prisons and in community

¹⁸ [Pregnancy, Mother and Baby Units, and Maternal Separation of Children up to the age of two in women's prisons](#)

¹⁹ [Pregnancy, MBUs and maternal separation in women's prisons policy framework](#)

teams may also undertake child safeguarding enquiries and should request a quick response if there are concerns about an offender having contact with a child.

Probation staff should make child safeguarding enquiries and share information with children's social care to inform sentencing advice and ongoing management of offenders, including the impact any offender may have on the safety or wellbeing of a child. Probation will send child safeguarding enquiries to the local authority in which the child and offender live. Each Probation Delivery Unit (PDU)¹⁶⁶ should have arrangements in place with children's social care for exchanging information. This includes responding to information sharing requests from local authorities regarding prospective foster carers and adoptive parents. If an offender who poses a risk to an identified child moves to another address which is in a different local authority, the probation practitioner should ensure the local authority where the offender lives is made aware. Probation should share the details of the offender and the identified child at risk.

The Probation Service ensures every offender undergoes a thorough risk assessment²⁰ to understand the risk they pose, and the factors related to their offending. Where appropriate this assessment will be informed by a range of agencies, which may include children's social care, police, healthcare services, housing, and other voluntary organisations. Probation practitioners will develop a sentence plan and where necessary a risk management plan (RMP) which contains any specific measures required to manage and reduce the risk of harm to children. When appropriate, the Probation Service should share risk assessments and RMPs with other organisations and agencies involved in the management of the offender's risk. Probation practitioners will also work with children's social care to ensure that RMPs align with child protection and child in need plans.

The sentence plan includes specific child safeguarding objectives for those offenders who pose a risk of serious harm to children or where there are child safeguarding concerns. Probation practitioners will also consider how a planned intervention might affect the offender's caring or parental responsibilities or contribute to improved outcomes for children known to be in an existing relationship with the offender.

Probation practitioners are experienced in working with offenders and assessing risk. Suitably qualified probation practitioners will attend child protection conferences, core group meetings and other child safeguarding meetings where required. They will provide an assessment of the offender's risk and will assess how the offender's behaviour might impact the wellbeing of children. Probation practitioners should prepare and submit reports in a timely way²¹.

The Probation Service may hold valuable information on the parents of a child who is known to children's social care and other agencies. The probation caseload is predominantly male and includes men who pose a risk to children, and men who may play a nurturing role, and have a positive impact on a child's wellbeing. These men can often go unseen¹⁶⁹ by agencies who do not ordinarily come into contact with men in the criminal justice system. This puts the

²⁰ [HMPPS risk of serious harm assessments and guidance](#) provides information regarding the specialist tools HMPPS practitioners use to assess the risk posed by an offender

²¹ [The HMPPS child safeguarding policy framework](#) sets out how probation practitioners are expected to participate in formal meetings with children's social care

Prison and Probation Service in a unique position to contribute to safeguarding work other agencies undertake with children and families.

Multi-agency public protection arrangements

Multi-Agency Public Protection Arrangements (MAPPA) is the set of arrangements through which the Police, Probation and Prison Services (known as the Responsible Authority) work together with other agencies to manage the risks posed by violent, sexual and terrorism offenders living in the community to protect the public.

MAPPA is not a statutory body but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies retain their full statutory responsibilities and obligations.

Section 325(3) of the Criminal Justice Act 2003 requires the Responsible Authority (RA) to co-operate with certain agencies, such as local authorities, including Children's Social Care. They are known as Duty to Co-operate Agencies (DTC agencies). This is a reciprocal duty, the Criminal Justice Act 2003 obliges DTC agencies to co-operate with the RA in establishing arrangements and includes co-operating with other DTC agencies. DTC agencies are required to co-operate as far as they can, consistent with the exercise of their statutory functions.

Representatives from other agencies or individuals that do not have a statutory Duty to Cooperate under MAPPA (Associate Agencies) may be included in MAPPA on a case-by-case basis where that agency or individual can contribute to the risk assessment and management of a MAPPA offender. Potential Associate Agencies covered by Working Together include:

- independent schools, academies, and free and maintained schools
- early years and childcare
- private sector healthcare
- designated health professionals
- the Children and Family Court Advisory and Support Service
- voluntary, charity, social enterprise, faith-based organisations, and private sectors.
- sports clubs/organisations
- youth services and youth work organisations

Whenever a child is discussed at a MAPPA meeting, the meeting must ensure that it considers its responsibilities to safeguard and promote the welfare of that child and how their life may be impacted by the behaviour of an offender. Where a child is managed under MAPPA the risk of harm the child presents to others must be addressed but children convicted of an offence or who are alleged to have engaged in offending behaviour are entitled to the same safeguards and protection as any other child and due regard should be given to their welfare at all times.

The purpose of sharing information about individuals (data subjects) under MAPPA is to enable the relevant agencies to work together more effectively in assessing risks and considering how to manage them in order to protect the public. Agencies should share all relevant information, so that public protection is not compromised, while respecting the rights

of data subjects, which may limit what can be shared. These rights are set out in Part 3 of the Data Protection Act 2018 and Article 8 of the European Convention on Human Rights. In summary, the principles derived require that information sharing is lawful, necessary, and proportionate.

Section 325(4) of the Criminal Justice Act 2003 provides a lawful basis for sharing information between RA and DTC agencies. It also states that all DTC agencies qualify as competent authorities when fulfilling their obligations under MAPPA. This means that all information sharing under MAPPA is governed by Part 3 of the Data Protection Act 2018, rather than UK GDPR²².

Serious Violence Duty

The Serious Violence Duty was introduced as part of the Police Crime Sentencing and Courts Act 2022 and requires specified authorities namely police, Justice (Probation and YOTs), Fire and Rescue Service, Health (ICBs) in England, and Local Health Boards in Wales, and local authorities to work together to prevent and reduce serious violence²³. This includes identifying the kinds of serious violence that occur in the area, the causes of that violence (so far as it is possible to do so), and to prepare and implement a strategy for preventing, and reducing serious violence in the area.

The Duty also requires the specified authorities to consult relevant authorities, namely educational, prison and youth custody authorities for the area in the preparation of their strategy. The Duty takes a multi-agency approach to understand the causes and consequences of serious violence, focusing on prevention and early intervention, and informed by evidence. It does not require new multi-agency structures and encourages the use of existing local structures and partnerships to prevent and reduce serious violence and ultimately improve community safety and safeguarding.

The Duty provisions commenced on 31 January 2023 and local partners will then have to publish their first serious violence strategy by 31 January 2024 and then review it as appropriate. Statutory guidance to support authorities in meeting the Duty requirements was published in December 2022²⁴.

Children's homes

The registered person of a children's home, including Secure Children's Homes, must have regard to the [Guide to the Children's Home Regulations, including the quality standards](#) (April 2015), in interpreting and meeting the regulations. The Guide covers the quality standards for children's homes which set out the aspirational and positive outcomes that we expect homes to achieve, including the standard for the protection of children. The registered person is responsible for ensuring that staff continually and actively assess the risks to each child and

²² [Multi-agency public protection arrangements \(MAPPA\): guidance](#)

²³ [Police, Crime, Sentencing and Courts Act 2022 Section 13](#) makes clear that violence is not limited to physical violence against the person. It provides that, for the purposes of the duty, violence includes domestic abuse, sexual offences, violence against property and threats of violence but does not include terrorism.

²⁴ [Serious Violence Duty statutory guidance](#)

the arrangements in place to protect them. Where there are safeguarding concerns for a child, their placement plan, agreed between the home and their placing authority, must include details of the steps the home will take to manage any assessed risks on a day to day basis.

In addition to the requirements of this standard, the registered person has specific responsibilities under regulation 34 to prepare and implement policies setting out:

- arrangements for the safeguarding of children from abuse, neglect and exploitation
- clear procedures for referring child protection concerns to the placing authority or local authority where the home is situated if appropriate
- specific procedures to prevent children going missing and take action if they do

Each home should work with their local safeguarding partners to agree how they will work together and with the placing authority, to make sure that the needs of the individual children are met.

The secure estate for children

Governors, managers, directors and principals of the following secure establishments are subject to the section 11 duties set out above.

- secure training centres
- young offender institutions

Each centre holding those aged under 18 should have in place an annually reviewed safeguarding children policy. The policy is designed to promote and safeguard the welfare of children and should cover all relevant operational areas as well as key supporting processes, which will include issues such as child protection, risk of harm, restraint, separation, staff recruitment and information sharing. A manager should be appointed and will be responsible for implementation of this policy²⁵.

Each centre should work with their local safeguarding partners to agree how they will work together and, with the relevant YOT and placing authority (the Youth Custody Service) to make sure that the needs of individual children are met.

Youth Offending Teams

YOT's are subject to the section 11 duties as set out above. YOTs are multi-agency teams responsible for the supervision of children subject to pre-court interventions and statutory court disposals²⁶. They are therefore well placed to identify children known to relevant organisations and agencies as being most at risk of offending and the contexts in which they may be vulnerable to abuse, and to undertake work to prevent them offending or protect them from harm. YOTs should have a lead officer responsible for ensuring safeguarding is embedded in their practice.

²⁵ Detailed arrangements on the safeguarding children policy, the roles of the safeguarding children manager and the safeguarding children committee, and the role of the establishment in relation to the safeguarding partners arrangements can be found in [Prison Service Instruction \(PSI\) 08/2012 'Care and Management of Young People](#)

²⁶ The statutory membership of the YOTs is set out in [section 39\(5\) of the Crime and Disorder Act 1998](#)

Under section 38 of the Crime and Disorder Act 1998, local authorities must, within the delivery of youth justice services, ensure the 'provision of persons to act as appropriate adults to safeguard the interests of children detained or questioned by police officers'.

UK Visas and Immigration, Immigration Enforcement and the Border Force

Section 55 of the Borders, Citizenship and Immigration Act 2009 places upon the Secretary of State a duty to make arrangements to take account of the need to safeguard and promote the welfare of children in discharging functions relating to immigration, asylum, nationality and customs. These functions are discharged on behalf of the Secretary of State by UK Visas and Immigration, Immigration Enforcement and the Border Force, which are part of the Home Office. The statutory guidance '[Every Child Matters: arrangements to Safeguard and Promote Children's Welfare](#)' and other guidance relevant to the discharge of specific immigration functions set out these arrangements.

Children and Family Court Advisory and Support Service

The responsibility of the Children and Family Court Advisory and Support Service (Cafcass), as set out in the Children Act 1989, is to safeguard and promote the welfare of individual children who are the subject of family court proceedings. This is through the provision of independent social work advice to the court.

A Cafcass officer has a statutory right in public law cases to access local authority records relating to the child concerned and any application under the Children Act 1989. That power has also extends to other records that relate to the child and the wider functions of the local authority, or records held by an authorised organisation that relate to that child.

Where a Cafcass officer has been appointed by the court as a child's guardian and the matter before the court related to specified proceedings, they should be invited to all formal planning meetings convened by the local authority in respect of the child. This includes statutory reviews of children who are accommodated or looked after, child protection conferences and relevant adoption panel meetings.

The armed services

Local authorities have the statutory responsibility for safeguarding and promoting the welfare of the children of service families in the UK²⁷. In discharging these responsibilities:

- where a local authority requires input from the Ministry of Defence in relation to safeguarding reviews or have been informed of an allegation against a serving person of a safeguarding nature that requires LADO or equivalent involvement, they should notify te Ministry of Defence²⁸ to promote timely information sharing

²⁷ The Ministry of Defence (MOD) is responsible for providing safeguarding support and promoting the welfare of the children of armed forces personnel and the children of civilians working with the armed forces when those groups are based overseas. The MOD contact is through the armed forces families safeguarding policy team at People-AFFS-Safeguarding-Mailbox@mod.gov.uk

²⁸ The MOD contact is through the armed forces families safeguarding policy team at People-AFFS-Safeguarding-Mailbox@mod.gov.uk

- local authorities should ensure that the Ministry of Defence is made aware of any service child who is the subject of a child in need or child protection plan and whose family is about to move overseas
- each local authority with a United States (US) base in its area should establish liaison arrangements with the base commander and relevant staff. The requirements of English child welfare legislation should be explained clearly to the US authorities, so that the local authority can fulfil its statutory duties.

Channel Panels

The Counter-Terrorism and Security Act 2015 contains a duty on specified authorities in England, Wales, and Scotland to have due regard to the need to prevent people from being drawn into terrorism.

Children can be vulnerable to the influences of extremism which could lead to radicalisation. Channel panels, established under the Counter-Terrorism and Security Act 2015, arrange for support for individuals who have been assessed as vulnerable to being drawn into terrorism²⁹.

The Children Act 1989 promotes the view that all children and their parents should be considered as individuals and that family structures, culture, religion, ethnic origins, and other characteristics should be respected.

When providing support to an individual on the Channel programme, local authorities and their partners should consider how best to align assessments under the Children Act 1989 to safeguard and promote the welfare of the child.

Links should be established between Channel panels and other statutory partners, including safeguarding partners and YOTs.

Voluntary, charity, social enterprise, faith-based organisations and private sectors

Voluntary, charity, social enterprise (VCSE) and private sector organisations and agencies play an important role in safeguarding children through the services they deliver. Some of these will work with particular communities, with different races and faith communities and deliver via health, adult social care, housing, prisons and probation services. They may as part of their work provide a wide range of activities for children and have an important role in safeguarding children and supporting families and communities.

Like other organisations and agencies who work with children, they should have appropriate arrangements in place to safeguard and protect children from harm. Many of these organisations and agencies as well as many schools, children's centres, early years and childcare organisations, will be subject to charity law and regulated either by the Charity Commission or other 'principal regulators'. Charity trustees are responsible for ensuring that

²⁹ [Channel duty guidance: protecting people susceptible to radicalisation](#) and [Prevent duty guidance](#)

those benefitting from, or working with, their charity, are not harmed in any way through contact with it. The Charity Commission for England and Wales provides guidance on charity compliance which should be followed. Further information on the Charity Commission's role in safeguarding can be found on the [Charity Commission's page on gov.uk](#).

Some of these organisations and agencies are large national charities whilst others will have a much smaller local reach. Some will be delivering statutory services and may be run by volunteers, such as library services. This important group of organisations includes youth services not delivered by local authorities and district councils.

All practitioners working in these organisations and agencies who are working with children and their families are subject to the same safeguarding responsibilities, whether paid or a volunteer.

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.

Every VCSE, faith-based organisation and private sector organisation or agency should have in place the arrangements described above. They should be aware of how they need to work with the safeguarding partners in a local area. Charities (within the meaning of section 1 Charities Act 2011), religious organisations (regulation 34 and schedule 3 to School Admissions) and any person involved in the provision, supervision or oversight of sport or leisure are included within the relevant agency regulations. This means if the safeguarding partners name them as a relevant partner they must cooperate. Other VCSE, faith-based and private sector organisations not on the list or relevant agencies can also be asked to cooperate as part of the local arrangements and should do so.

Sports clubs/organisations

There are many sports clubs and organisations including voluntary and private sector providers that deliver a wide range of sporting activities to children. Some of these will be community amateur sports clubs, some will be charities. All should have the arrangements described above in place and should collaborate to work effectively with the safeguarding partners as required by any local safeguarding arrangements. Paid and volunteer staff need to be aware of their responsibilities for safeguarding and promoting the welfare of children, 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.

All National Governing Bodies of Sport, that receive funding from either [Sports England](#) or [UK Sport](#), must aim to meet the [Standards for Safeguarding and Protecting Children in Sport](#).