

Sharing knowledge: key considerations for safeguarding young people

Age	Safeguarding children	Safeguarding adults	Consent to receive treatment (incl. therapeutic support)	Sexual activity and sexual offences	Female Genital Mutilation (FGM)	Domestic abuse	Mental capacity and DOLS	Sharing information	Care and support needs	Being a carer	Home alone	Babysitting
0-11	<p>Legal definition of a child is anyone who has not reached their 18th birthday even if: in the armed forces, in custody in further education or living independently.</p> <p>Duty on Local Authorities to make enquiries if there is reason to believe a child is at risk of "significant harm" and to convene a child protection conference, to plan how to safeguard and promote the welfare of the child if such concerns are substantiated.</p>		<p>Consider "Gillick competency" if a child under the age of 16 wishes to receive treatment without their parents' or carers' consent.</p> <p>There is no defined set of questions, but see guidelines. Always encourage a child to tell their parent/carer ("Fraser competency applies to advice and treatment re sexual health and contraception).</p>	<p>A child under 13 does not, under any circumstances, have the legal capacity to consent to any form of sexual activity and therefore any sexual activity involving a child under 13 is a criminal offence and safeguarding issue.</p>	<p>FGM is illegal in the UK. It is also illegal for anyone to assist (from England or Wales) a non-UK person to carry out FGM outside the UK on a UK national or UK resident.</p> <p>Under the Serious Crime Act 2015 specified regulated professionals (including social workers) must submit an "FGM notification" if, in the course of his or her work the person discovers that an act of female genital mutilation appears to have been carried out on a girl who is aged under 18.</p>	<p>Domestic abuse between adults in the household is a safeguarding (children) issue and should be referred to Children's Social Care.</p>	<p>The act does not generally apply to under 16s, apart from 2 exceptions:</p> <ol style="list-style-type: none"> 1. the Court of protection can make decisions about a child's property (or appoint a deputy) if the child lacks capacity to make such decisions and is likely to still lack capacity when they reach 18. 2. Offences of ill treatment or wilful neglect of a person who lacks capacity apply to victims under 16. 	<p>The ICO says: "You may share children's personal data as long as you have a compelling reason to do so, taking account of the best interests of the child. One clear example of a compelling reason is data sharing for safeguarding purposes"</p> <p>In an emergency, you should go ahead and share data as is necessary and proportionate.</p> <p>An emergency includes:</p> <ul style="list-style-type: none"> • preventing serious physical harm to a person • preventing loss of human life; • protection of public health • safeguarding vulnerable adults or children • responding to an emergency • an immediate need to protect national security. 	<p>Children who, without provision of services by the Local Authority would be "unlikely to achieve or maintain a reasonable standard of health or development", or whose health or development is otherwise likely to be significantly impaired, or who are considered "in need" and entitled to an assessment by Children's Social Care.</p>	<p>If a local authority considers that a young carer may have support needs, it must carry out an assessment under section 17ZA of the Children Act 1989. The local authority must also carry out such an assessment if a young carer, or the parent of a young carer, requests one.</p> <p>The Young Carers' (Needs Assessment) Regulations 201518 require local authorities to look at the needs of the whole family when carrying out a young carer's needs assessment.</p> <p>Local authorities must also consider whether any of the caring tasks the child is undertaking are inappropriate. They should consider how supporting the adult with needs for care and support can prevent the young carer from undertaking excessive or inappropriate care and support responsibilities.</p> <p>Local authorities should ensure that adults' and children's care and support services work together to ensure the assessment is effective.</p>	<p>Although there is no legal age the NSPCC recommends that babies and toddlers should never be left home alone.</p> <p>Children under 12 years old shouldn't be left home alone for long.</p> <p>Although there is no legal age for leaving a child at home alone, the NSPCC recommends children under 16 should not be left alone overnight.</p> <p>Whether it is safe to leave a child home alone will depend on their individual maturity. Children should never be left in an unsafe home.</p> <p>Any concerns about children being left at home alone should be referred to Children's Social Care or the police in an emergency.</p> <p>Do not leave a child until you are confident they are safe.</p>	<p>Although there is no legal age the NSPCC recommend that children are not left with a babysitter under the age of 16.</p> <p>Any concerns about children being left with someone unsuitable should be referred to Children's Services as safeguarding.</p>
12		Not applicable		<p>A child of this age cannot consent therefore sexual activity is illegal and a child protection issue (the only difference with over 13s is that a defendant charged can use the defence that they reasonably thought the child was over 16 - this cannot be used as a defence with under 13s).</p>		<p>Domestic abuse in this age group is a safeguarding (children) issue.</p> <p>Domestic abuse between adults in the house is also a safeguarding (children) issue.</p>						
13-15			<p>Over 16 the Mental Capacity Act applies to decisions to consent to treatment.</p>	<p>From age 16 a child can consent to sexual activity under certain circumstances (having the age and understanding to be able to make the choice to take part or not take part at that time, being able to make the choice freely and without constraint).</p> <p>It is a criminal offence for an individual in a position of trust to engage in sexual activity with an under 18, even if the young person has ostensibly given their consent.</p> <p>There are also offences related to "familial" sexual activity.</p>		<p>Domestic abuse in this age group is a safeguarding (children) issue. For 16&17 year olds use the specific young people's DASH-RIC checklist (and guidance) and refer to MARAC if it meets the threshold (consent not needed).</p> <p>Domestic abuse between adults in the household is also a safeguarding (children) issue.</p>	<p>Parts of the act apply to over 16s who should be assumed to have full legal capacity to make decisions for themselves unless it can be shown that they lack capacity to make the decision at the time it needs to be made.</p> <p>There may be some overlap with the Children Act 1989 (see S.12.6-12.25 of the Mental Capacity Act code of practice).</p> <p>Under 18s cannot make a Lasting Power of Attorney or Advance Decision to Refuse Treatment.</p>					
16-17										<p>The Care Act says that Local authorities must also assess the needs of young carers as they approach adulthood.</p> <p>For instance, many young carers feel that they cannot go to university or enter employment because of their caring responsibilities. Transition assessments and planning must consider how to support young carers to prepare for adulthood and how to raise and fulfil their aspirations.</p> <p>Young carers' assessments should include an indication of how any care and support plan for the person(s) they care for would change as a result of the young carer's change in circumstances. For example, if a young carer has an opportunity to go to university away from home, the local authority should indicate how it would meet the eligible needs of any family members that were previously being met by the young carer.</p>	<p>Although there is no legal age the NSPCC recommends that children over 16 shouldn't be left alone frequently for long periods or multiple nights. Whether it is safe to leave a child home alone will depend on their individual maturity.</p>	<p>Any concerns that a child is being put at risk of significant harm by someone babysitting for them should be referred to Children's Social Care as a safeguarding concern.</p>
18-25	Not applicable	<p>Adult Social Care will only accept safeguarding referrals for adults who meet the definition of being an "adult at risk" (Care Act 2014).</p> <p>Any safeguarding concerns should be dealt with via safeguarding adults procedures, even if the individual is still receiving a service from Children's Social Care (e.g. a young person in a residential educational setting, or receiving support up until the age of 25 having left foster or local authority care).</p>		<p>There are various sexual offences which apply to adults, including specific offences related to sexual activity with an adult whose capacity to choose whether to agree (or to communicate their decision) is impeded by mental disorder.</p>	<p>FGM is illegal in the UK. It is also illegal for anyone to assist (from England or Wales) a non-UK person to carry out FGM outside the UK on a UK national or UK resident.</p>	<p>Domestic abuse will only be accepted by Adult Social Care as a safeguarding referral if the person meets the definition of "adult at risk". In other cases seek support from the police or other agencies with consent of the individual.</p> <p>Use the DASH-RIC checklist and refer to MARAC if meets the threshold (consent not needed in high risk cases).</p>	<p>Adults should be assumed to have capacity to make decisions for themselves unless it can be shown that they lack capacity to make the decision at the time it needs to be made.</p> <p>The framework of the Deprivation of Liberty Safeguards (DoLS) applies to over 18s.</p>	<p>The ICO says "In an emergency, you should go ahead and share data as is necessary and proportionate. An emergency includes:</p> <ul style="list-style-type: none"> • preventing serious physical harm to a person • preventing loss of human life; • protection of public health • safeguarding vulnerable adults or children • responding to an emergency • an immediate need to protect national security. 	<p>Local authorities must undertake an assessment for any adult with an appearance of need for care and support (unless they refuse an assessment - in which case mental capacity must be considered). If the individual is eligible for services they may be asked to contribute towards the cost of these, depending on their financial circumstances.</p>	<p>Where an individual provides or intends to provide care for another adult and it appears that the carer may have any level of needs for support, local authorities must carry out a carer's assessment.</p> <p>Carers' assessments must seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself, which includes both the practical and emotional support the carer provides to the adult.</p> <p>Care Act statutory guidance acknowledges that a carer may require a safeguarding response because they: witness abuse or neglect, experience intentional or unintentional harm from the adult they are trying to support or from professionals and organisations they are in contact with or because they unintentionally or intentionally harm or neglect the adult they support on their own or with others.</p>	<p>Leaving an adult with care and support needs at home alone could constitute neglect if by doing so it meant:</p> <ul style="list-style-type: none"> • ignoring their physical emotional or physical care needs, • failure to provide access to appropriate health, care and support or educational services or, • lack of access to the necessities of life, such as medication, adequate nutrition and heating. 	Not applicable