

## **Fosterline Wales Factsheet**

### **The internet and the law: supporting care experienced children and young people online**

#### **About this factsheet**

This factsheet is for foster carers. It will provide an overview of the rights of children and young people (aged 17 years or younger) when they are using the internet and what the law says about being online. We know that the online world is an exciting place for children and young people, full of positive opportunities. Therefore, with the right advice and support, children and young people and their foster carers can make informed decisions about what they do online.

#### **About The Fostering Network**

[The Fostering Network](#) is the UK's leading fostering charity. We are the essential network for fostering, bringing together everyone who is involved in the lives of fostered children and young people. We support foster carers to transform children and young people's lives and we work with fostering services and the wider sector to develop and share best practice. We work to ensure all fostered children and young people experience stable family life and we are passionate about the difference foster care makes. We champion fostering and seek to create vital change, so that foster care is the very best it can be.

We have been leading the fostering agenda for more than 40 years, influencing and shaping policy and practice at every level. As a membership organisation we bring together individuals and services involved in providing foster care across the UK. We have approximately 60,000 individual members and nearly 400 organisational members, both local authorities and independent fostering providers, which cover 75 per cent of foster carers in the UK. Our views are informed by our members, as well as through research; in this way we aim to be the voice of foster care.

#### **About The Children's Legal Centre Wales**

The [Children's Legal Centre Wales](#) is a Wales-wide, bilingual service providing information and access to legal advice for children and young people.

The Centre provides legal advice and information services to children and young people; training and education on the law as it affects children and young people; and contributes to research, data analysis and evaluative studies to change and improve law, policy and practice in relation to children and young people.

The Centre also offers training and support on implementing children and young people's human rights to schools, community groups and professionals; organises conferences, workshops and seminars; and supports networks that help spread knowledge about children and young people's human rights and the law in Wales.

## Introduction

The online world is an exciting place for children and young people. There are unlimited opportunities to connect with friends, to discover and learn.

It can also be overwhelming and, despite laws which should protect children and young people while online, there are still opportunities for others to harm them, or to discover information about them which they could use in ways which are harmful or destructive. Some people use the online space to bully, harm or control.

There are some criminal laws that address some types of content and some types of online behaviour. But there are no general laws specifically or expressly to protect those under 18 years of age when online, or when using social media.

As a result of the UK's adoption of the UN Convention on the Rights of the Child (see below), the Welsh and UK governments and other agencies have a responsibility to ensure children and young people are protected from seeing and/or hearing videos, photos, written recorded content, or other materials like memes or gifs, that may harm them or cause them to become distressed. Children and young people should also be protected from the behaviour of other people, adults and other children, who might want to use social media and the internet to harm them directly, or to bully or control them, or exploit them, sexually, economically or in other ways.

By understanding the rights of children and young people, and what the law says about being online, children and young people and their foster carers can make informed decisions about what they do online.

It's important to remember that we should balance children and young people's rights to make good use of the opportunities that the internet offers, with the need to keep them safe. Understanding risk is an important part of growing up, and by supporting fostered children and young people to understand the online world, we can help them to develop, learn and grow. Allowing children and young people the authority and opportunity to make decisions about risk is part of childhood development, and part of acknowledging children and young people as active rights-holders.

The Fostering network publication [Safer Caring: A New Approach](#) publication addresses these themes.

## The UN Convention on the Rights of the Child (UNCRC)

Children and young people have human rights under the [UN Convention on the Rights of the Child](#).

Here are some examples of rights guaranteed to children and young people by the Convention, which apply when using the internet:

- The right to accurate and balanced information (see e.g. articles 9(4), 13(10 and 17).
- The right to express themselves freely – as long as they don't harm others, or unjustifiably interfere with other people's rights (article 13).
- The right to privacy and confidentiality – this has implications for how websites should collect and use information shared by children and young people (article 16).
- The right to be protected from things that can harm them or adversely affect their development – children should be kept safe from people who might try to bully or abuse them, and content that could be harmful to them (see e.g. articles 19 and 37).

## **The internet and age restrictions**

There is no general rule about how old children need to be before they can use the internet. However, social media platforms have individual rules about how old a child or young person should be to have an account.

For Facebook, Instagram, Snapchat, TikTok, YouTube and WhatsApp, the minimum age in the UK is 13. Most of the platforms say they can delete accounts at any time and for any reason, so they might (or should) do this if they find out that someone is too young to have an account.

Content on social media isn't age restricted, but some content can be blocked by users.

- How to block messages from other users or filter spam messages:
  - A guide to blocking someone on [Instagram](#), [Snapchat](#), [TikTok](#)
- How to adjust privacy settings on social media accounts, so that only friends and relatives can see information:
  - A guide to control privacy on [Instagram](#), [Snapchat](#), [TikTok](#)
- On TikTok, you can also set up [Family Pairing](#) which allows you to work with your foster child to customise safety settings.

Here are the weblinks to the rules for some of the most popular platforms.

[Snapchat](#)  
[Instagram](#)  
[Facebook](#)  
[WhatsApp](#)  
[YouTube](#)

These are guidelines and if a user is found in breach, they may be banned from using the site or have their account suspended temporarily or permanently.

## **What sort of things would be a source of concern in a child or young person's use of social media?**

Children and young people have the right to access and contribute to social media, and to use it with different platforms in different ways (protected by both articles 13 and 15 of the UNCRC). At the same time, the UN Convention on the Rights of the Child means that children and young people should be protected from seeing or hearing things that will harm them and interfere with their development.

There are some activities which could lead to a child or young person being in a situation where they are out of their depth, groomed, bullied or put in a position where they are exploited, distressed or possibly breaking the law.

Examples include:

- Posting something that someone else created without their permission or pretending that it's something they created. Find out more [here](#).
- Posting personal information about other people – this is sometimes called 'doxing'. This can amount to harassment in some circumstances.
- Posting an image of someone that has been changed to suggest something about them that isn't true.
- Exchanging inappropriate images of themselves with someone else – sometimes called 'sexting' (see below).
- Bullying someone in any way, including leaving nasty comments and sending bullying direct messages.
- Communicating with an impostor, who is much older.
- Being hostile or aggressive based on someone's race, religion, disability, sexual orientation or transgender identity.
- Seeing examples of self-harm or suicide online may be distressing or triggering. For example, seeing the methods used may lead children and young people to try these methods for themselves.

## **What can I do if my fostered child or young person is being bullied online?**

Cyberbullying is bullying using digital technology. There isn't a specific cyberbullying law in the UK. However, certain acts of cyberbullying can be a criminal offence. This includes harassment, such as using threatening, abusive or insulting words, behaviour, writing or any visual representations in an email, WhatsApp message, Snapchat or Instagram post. Harassment can be a criminal offence under the [Protection from Harassment Act 1997](#).

Most apps and social networking sites state that bullying or abusive behaviours, such as harassment are not allowed.

If you think that your fostered child or young person is being bullied online, you should ensure that you keep a record by taking screenshots or printing any offensive or harassing messages and report any incidents to the relevant social media sites.

Where you suspect that your foster child or young person is, or has been, subject to behaviours which are criminal or could lead to criminal offending (such as grooming, being asked for inappropriate images, sexual harassment, being asked to engage in sexualised activity, being physically threatened), you should immediately report any incidents to the relevant social media sites, the police and the child or young person's social worker. You should adopt a precautionary approach and report incidents to the police even if you are uncertain or unclear if a criminal offence has been committed. The police will be best placed to investigate and decide if any offences have been committed.

Report harassment or bullying on [Instagram](#), [Snapchat](#), [TikTok](#), [Facebook](#), [YouTube](#), [WhatsApp](#).

If cyberbullying takes place between pupils at the same school, school staff have a responsibility to tackle this behaviour. All schools in Wales must have an anti-bullying policy.

- Welsh government information about [school bullying](#).
- Bullying UK, [information about cyberbullying](#).
- [Cyberbullying and online harassment factsheet](#) from West Mercia Police.
- Citizens Advice, [information about harassment](#).

## **How do I report inappropriate online activity?**

Once you are on a social media platform, there is no age restriction to what you can see. People are allowed to post what they want – and if it is offensive or upsetting to a child or young person, you can report it to the platform, which will then decide whether to take it down or not.

Most social media platforms have simple processes for reporting inappropriate content. Try searching for 'Report', or look through the platform's terms and conditions, or help section.

People who post inappropriate content on social media (for example, sexual or otherwise sexualised images, financial or personal details of children), or people who use social media to target a child to cause them harm or distress can be reported to the police (see above for some examples). The police will investigate if it is suspected that a criminal offence is being committed (such as grooming a child for sexual exploitation). You should adopt a precautionary approach and report incidents to the police. The police will decide if any offences have been committed.

The police will have to decide whether to track down who posted it. There can be difficulties if someone has posted something when they are in a different country to you.

What happens next may depend on the particular circumstances and you may need to seek legal advice from a solicitor.

## **What can I do if someone has access to an inappropriate picture of my fostered child or young person?**

It is an offence to make, distribute, possess or show any indecent images of anyone under the age of 18, even if the individual under 18 years old gave consent. This includes sexting where images are sent.

If you have information that somebody possesses an inappropriate picture of your fostered child or young person, you should without delay inform the child or young person's social worker (and out of hours if at the weekend). You will then agree a list of who needs to be informed and what action needs to be taken, including contacting your local police on 101 to report this, and following through with their advice and guidance.

The police and the social media company will be able to advise on whether a criminal offence may have been committed and will take appropriate action to investigate and attempt to have the image removed from all devices and social media. The child or young person should be directly involved in these activities, for them to gain appreciation of the consequences.

If the photo was circulated in school or by a school pupil, the incident needs to be referred to a designated safeguarding lead, who will carry out an investigation with the full involvement of the child or young person and their foster carer and take steps for the picture(s) to be deleted from all devices.<sup>1</sup> Every school will have a designated safeguarding lead, if you are not sure who this is, you can ask one of your foster child or young person's teachers.

If your foster child or young person has sent someone an inappropriate picture or a video of themselves, or shared it online, they can delete it from their account, but other people may already have shared it, or still be in possession of it on their device. It will then be impossible to delete items completely once they have been shared, but you can start by approaching the website or social media platform where you have seen the image and ask them to remove it.

You can report inappropriate images via [Instagram](#), [Snapchat](#) or [TikTok](#).

## **How can I support a fostered child or young person to access information about themselves online?**

The UK data protection legislation means that anyone whose information is stored on social media sites is entitled to know what details are held about them and to obtain a copy of that information.

The child or young person needs to discuss with their social worker in advance their intention to make a '[subject access request](#)' to an organisation requesting the information held about them. There may be a need to undertake a competency

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<sup>1</sup> [Keeping Children Safe in Education](#) (Statutory Guidance - this is UK Govt guidance)



assessment to confirm they understand the nature of their request. Someone with parental responsibility, or guardianship can make a request on behalf of a child (if under 12).

A subject access request means a child or young person can find out:

- What personal information an organisation holds about them.
- How the organisation is using the information.
- Who the organisation is sharing it with.
- Where the organisation got their data from.

If the child or young person is dissatisfied with the response, they can make an official complaint to the organisation or to the Information Commissioner.

For more information, see the [Information Commissioner's Office guidance](#) on making a subject access request.

### **What to do if a fostered child or young person uses a foster carer's credit card to pay for in-game features and/or access to inappropriate sites.**

If a credit card is used to open an account on behalf of the child or young person, the holder of the card will be liable for an unauthorised spend accumulated on the card. It is a necessary precaution to discuss with the social worker, or at the Looked After Child's Review, and also read the small print in advance. Agreeing usage with the child or young person and regular monitoring will ensure that the young person does not inadvertently access inappropriate sites or debit a credit card and run up a large debt in their participating on the site or in a game. Foster carers should ensure that card details are not stored or auto-fill for payments would be useful.

Discuss in-app/game purchases with your foster child or young person and ensure they understand that some things cost real money and that they need to be careful about what they click on. Also make sure they know that they shouldn't make any in-game purchases without your permission. For some video games, you can set up a passkey to be required for purchases made in-game e.g. [Prevent unauthorised purchases from Microsoft Store using Xbox One](#) or [Set up "Require password at checkout" on PlayStation Store](#)

### **What should I do if my fostered child or young person is having unsupervised / unmanaged online contact with birth family members which could put the child at risk/disrupt the placement?**

The Care and Support Plan (CSP) serves as the focus of the placement for the child or young person looked after, the foster carers, family and staff to coordinate together all the activities in how the needs of the child or young person looked after are being met and who is responsible for which tasks. Any undermining of the agreed plan potentially threatens the stability of the placement, the ability of the foster carers to deliver confidentially their 24/7 care and the wellbeing of the child or young person in placement.

In addition to the CSP there will be a Contact Plan (CP) confirming the family and friends who are to be in contact with the child or young person, in which manner (e.g.

phone, text, meeting up, visits) and how often. The child or young person should be invited to initiate how they would like the list to be updated, to be confirmed at each Looked After Child's (LAC) Review.

If any individual does not keep to their part confirmed in the CP or is perceived as ignoring or undermining any aspect of the CSP, then the foster carer should record the event(s) and inform the child or young person's social worker. The social worker will need to discuss these events directly with that individual to confirm their full support and cooperation in keeping to the agreed CSP and CP.

If there is limited cooperation from that person, the matter will need to be fully aired with agreed actions at the Looked After Child's Review and Social Services will also need to consider steps to both block and mitigate such behaviours. In addition, the social worker and the foster carers will need to revise with the child or young person their online activities set out in the 'Young Person's Acceptable Digital Use Agreement' and also the 'Foster Family Digital Agreement' to re-affirm their online safety.

The 'Young Person's Acceptable Digital Use Agreement' should be signed by the foster carers, the child or young person, and the child or young person's social worker at the beginning of the placement or when they first access the internet.

A 'Foster Family Digital Agreement' should be put in place, reflecting the content of the 'Young Person's Acceptable Digital Use Agreement' and the risk assessments of any other fostered children and young people in the household. Foster carers can use this agreement to direct discussions with everybody in their home. It is designed to establish guidelines and expectations around digital use and expected behaviours. As the whole family will be engaged with this agreement then it is suggested that everybody in the home signs it.

For more information regarding these agreements, please contact Maria Boffey, Head of Operations on [maria.boffey@fostering.net](mailto:maria.boffey@fostering.net)

## **Further resources**

### **Barnardo's**

Some very helpful advice and information can be found [here](#) on the subject 'Left to their own devices: children's social media and mental health'.

### **Childline**

Childline provide telephone and online support and advice for children and young people for any issues that may be causing problems.

They can be contacted on 0800 11 11 or visit their [website](#).

### **Childnet International**

A family agreement is a great way to start a conversation with your whole family about how you all use the internet and to start a discussion around how to behave in a positive way when online. Find more information [here](#), including a pdf of an Online Safety Agreement.

### **Children's Commissioner for England**



A report from the Children's Commissioner's Growing Up Digital Taskforce can be accessed [here](#).

There is also a report on the effects of social media on 8–12 year olds, showing the way children and young people use social media and its effect on their wellbeing. Read the report [here](#).

### **Children's Commissioner for Wales**

A downloadable pdf can be found [here](#) on children's experiences of cyberbullying in Wales.

### **Children's Legal Centre Wales**

A lot of information can be found [here](#) about how the law affects children and young people in many different situations and circumstances.

### **Information Commissioner's Office**

There is some very good information available on this website, including: [Towards a better digital future](#) – Informing the Age-Appropriate Design Code. Age appropriate design – a [code of practice](#) for online services.

### **Instagram**

A parent's guide to Instagram can be found [here](#).  
Helping your teen navigate Instagram safely [here](#).

### **Mind**

When you are living with a mental health problem or supporting someone who is, access to the right information is vital. The Mind [website](#) provides information, advice and support, including advice about legal rights. They can also be contacted on 0300 123 3393.

### **NSPCC**

The NSPCC website contains a lot of information, advice and resources especially around taking care of children and young people. Their website can be accessed [here](#). They can also be contacted by telephone 0800 800 5000.

### **Papyrus HOPELINEUK**

Papyrus is a suicide prevention charity. HOPELINEUK provides a safe space to talk through anything happening in your life that could be impacting on a person's ability to stay safe. Advisers want to work with people to understand why these thoughts of suicide might be present.

There is plenty of information on their website [papyrus-uk.org/hopelineuk](http://papyrus-uk.org/hopelineuk) and the HOPELINEUK telephone number is 0800 068 4141.

### **Samaritans**

If someone is having a difficult time or is worried about someone else, the Samaritans are there to help. They can be contacted in a number of ways, including via their [website](#).

They can be reached by phone, free at any time, from any phone - 116 123.

By email - [jo@samaritans.org](mailto:jo@samaritans.org)

By letter - FREEPOST, Samaritans Letters

There is also a self-help app - find out more information [here](#).

There is specific information [here](#) on how to talk about self-harm and suicidal feelings safely.

### **Snapchat**

A parent's guide to Snapchat can be found [here](#).

### **Social Care Wales**

A downloadable [pdf](#) – Using social media responsibly: Guidance for social care professionals registered with Social Care Wales.

### **TikTok**

A guardian's guide to TikTok can be found [here](#).

### **UK Safer Internet Centre**

This [website](#) promotes the safe and responsible use of technology for young people.

### **Welsh Government**

There is a lot of information on the Welsh Government website, [Hwb](#).  
[Resources](#) and guidance for parents and carers about keeping safe online.  
[A-Z](#) of keeping safe online.  
[Social media](#) platforms.  
Ways to [get involved](#).  
[Support](#) with online issues.  
Online [safety action plan](#) for children and young people in Wales 2019.

## **Resources from The Fostering Network**

There is some excellent information on our website about this subject.

### **Safer Caring: a new approach (by Jacky Slade)**

This book by The Fostering Network includes a chapter on [Safer Caring in a Digital World](#). It is essential reading for all foster carers.

There is also an updated [supplementary resource](#) on this topic.

### **Factsheets**

The Fostering Network in Wales has also produced a number of [factsheets](#), including one - [Fostering in a digital world](#).

Here are links to some others.

[Building Resilience](#)

[Alcohol](#)

[Care leavers – accommodation and support](#)

[Data Protection](#)

[Fostering unaccompanied asylum seeking children and young people](#)

[LGBT foster carers](#)

[The mental health of looked after children](#)

[St David's Day Fund](#)

[The Social Services and Well-being \(Wales\) Act 2014](#)

[The sons and daughters of foster carers](#)

## When I am ready

### **How The Fostering Network can help**

The Fostering Network offers advice, information and support. Our expertise and knowledge are always up-to-date and available through our vital member helplines, publications, training and consultancy.

#### **Advice**

##### Fosterline Wales

Call us on 0800 316 7664 from 9.30am - 12.30pm Monday to Friday.

If you call outside this time, please leave a message and someone will call you back as soon as possible.

You can email us at:

[Fosterlinewales@fostering.net](mailto:Fosterlinewales@fostering.net)

#### **Support and resources**

Our website is an essential source of information, while our online community brings together foster carers for peer support and advice. Members can log in to share their experience and get advice from other foster carers. Our online community is a safe and secure area to discuss foster care matters.

[thefosteringnetwork.org.uk](http://thefosteringnetwork.org.uk)

#### **Training and consultancy**

Wherever you are in your fostering career, as a foster carer, social worker or manager, The Fostering Network has a range of [training](#) designed to meet your development needs.

For more information contact our learning and development manager, Sarah Mobedji at [sarah.mobedji@fostering.net](mailto:sarah.mobedji@fostering.net)

### **How to contact the Children's Legal Centre Wales**

The Children's Legal Centre is based at Swansea University. It provides online advice and information for children and young people about their rights, in Wales and in general.

The Children's Legal Centre includes information about specific issues (for example, on asylum, on being arrested and for disabled children and young people), as well as resources and blogs about children's human rights.

Please email: [Childrenslegalcentre@swansea.ac.uk](mailto:Childrenslegalcentre@swansea.ac.uk)

#### **Contact us**

If you would like more information please contact

Maria Boffey, Head of Operations on [maria.boffey@fostering.net](mailto:maria.boffey@fostering.net)

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