

28<sup>th</sup> April 2019

## 1. Introduction

Guardian Saints Community Interest Company works exclusively with those organisations who are responsible for safeguarding those who are widely considered to be the most vulnerable group in our society today, young people in care. We provide a range of services to help deliver robust policy and practice regarding data protection and online safety. Our core objective is to ensure that young people in care are provided access to online services and have confidence that the protection of their sensitive information is, at the very least, equal to that of their peers. We fully support the 5 Rights Foundation principles, which underpin our core values of equal opportunities for all children regardless of their position or circumstances. The Digital Environment presents challenges in terms of equality and our experience exposes some of the different attitudes and practices of care organisations that have direct impact on the opportunities and security of young people in care.

Our submission explores two key areas of inequality concerning young people in care. Firstly, with regard to Online Safety; the right of access to information, freedom of expression and thought in a safe online environment. Second, we will examine data protection and inequality in terms of the rights to protection of privacy, identity and data processing for this vulnerable group.

## 2. Online Safety

Even in the limited geography of the United Kingdom, young people in care will experience differences of equality in their access to Digital Services. The question of 'parental responsibility' is a complex one. In some cases, the birth parents retain this function, however, in the majority of cases the Local Authority takes the role of Corporate Parent. In practice, the devolved status of local government means that each authority may have very different approaches in terms of access to Digital Services for the young people for whom they are responsible. This is further complicated as the majority of these young people are looked after in foster placements, which can be via the local authority or in the private sector (Foster carers themselves DO NOT have parental responsibility). As such, a child that moves from the care of one fostering service to another may find that they experience a difference in what they can access, who makes decisions about their access and whether this access is considered in terms of their natural age or their perceived cognitive age. The disparity of approach may lead to adverse self-esteem or, in some situations, may lead to risk taking by the child in order to gain access to services that they feel they are entitled to. This sense of entitlement may be due to factors that include but are not exclusively; previous experience, peer pressure, social pressure and a lack of attachment to the people responsible for their care.

This disparity of access is often broadened by the ultimate care givers (e.g foster carers, adopters, Special Guardians) who provide the access to services from within the home environment. Guardian Saints has conducted research into the means by which access is delivered or restricted across foster care households and the results show that access and restrictions vary widely in these



settings. This demonstrates to us that young people in care have little real prospect of equality of safe access to Digital Services even between foster placements within the same Local Authority let alone where they may move from one fostering service to another.

In terms of world-wide social care maturity, the United Kingdom provides first-world services. If the United Kingdom cannot provide acceptable levels of standardised equality of digital access, then our perception is that there are geographies in which young people in care will fare even more poorly.

Guardian Saints believes that young people in care across the world would benefit from some high-level guidance that can be adopted by social care organisations globally thus ensuring that the most vulnerable children in society can be afforded the same opportunities of access and protection when utilising internet services. As high-level guidance of this nature is absent in the United Kingdom we can only conclude that the problem is a global one.

It is important that young people in care can experience life beyond the difference of their familial circumstances; there will come a time when each of them will live independent lives. This process must not be frustrated by conditioning their right to equal and safe access to Digital Services based on their difference and by the differences of the attitudes of the care givers they are placed with.

The Internet provides opportunities for all young people and the provision of a Digital Services Charter for the social care of young people to prescribe high-level standards of safe access will set the prospect of driving equality of that safe access across social and geographic divides.

### Research Findings

The provision of access to Digital Services brings concerns from both sides of the equation. Guardian Saints has courted the views of both care givers and the young people in their care in separate surveys to understand their concerns. The results are interesting, and we provide a selection of responses here to illustrate the broad issues faced in an unregulated environment.

### Care Givers' Views (2019)

We asked care givers to rank some provided concerns related to Internet access in terms of perceived threat. Those rankings in order of significance were:

1. Cyber Bullying
2. Unplanned Contact by Birth Parents
3. Internet Addiction
4. Youth Self-Produced Sexual Imagery
5. Access to Inappropriate Sites
6. Sexual Grooming
7. Political Extremist Radicalisation



Unplanned contact by birth parents is a particular concern for care givers as it can disrupt a care placement. Other concerns are easily transferrable to young people who are not in the care of the State's social welfare services.

### Looked After Young People's Views (2018)

A common perception is that young people resist controlled access to Digital Services and want to have completely open access to the Internet. We asked young people in care:

*"If you could improve something about the Internet and being online, what would it be and why?"* The sample but typical answers below (transcribed verbatim) provided a view that we found enlightening:

*"Safer search engines"*

*"To make it safer because the Internet is a dangerous place"*

*"I would improve snap chat by taking off the map tracker because it's dangerous"*

*"Social media companies to take more responsibility for inappropriate content on their sites"*

*"I would improve the security of the Internet and allow the police to access everyone's Internet usage, because in the modern day paedophiles can get in contact with children quite easily"*

*"That when you go social media you would have to be on a certain age to go on it and also more security online and safety"*

*"I would like no bullying online as there is enough in real life. I also do not like the fake people online who use the Photoshop apps to look like someone that they actually are not. I do not like the body confidence apps that change people as people believe that is what they look like and try and be like them, when actually its all fake"*

Far from demanding open and free access, young people seem acutely aware of the dangers that are present on the Internet and want to be protected so that they can enjoy a safe online experience.

### 3. Data Protection

The second core area of Guardian Saints' work in relation to young people in care is in the context of Data Protection. Our experience lies within the protection of Special Categories of Personal Information belonging to this group of young people in the United Kingdom. The United Kingdom is subject to the European General Data Protection Regulation, which is enacted in statute by the Data Protection Act 2018. We provide data protection services for Independent Fostering Agencies advising how the rights of data subjects are met through the complex activities of processing their data.



When a young person becomes looked after by the State, they will become the legal responsibility of a Local Authority who may recruit the services of foster carers directly or they may use the services of an independent fostering agency (IFA) or provider (IFP); these agencies have a specific legal purpose and are regulated by the Office for Standards in Education, Children's Services and Skills (Ofsted). Data protection in the UK is regulated by the Information Commissioner's Office (ICO) – for the purposes of the GDPR, they are the Supervisory Authority.

Both regulatory bodies perform their functions within complex frameworks; however, the pool of their resources will naturally favour the majority. This means that the needs of young people in care with reference to data protection are under-represented in relation to the complexity of processing and the sensitivity of the information under control.

In terms of data protection for young people, there has been much work in the context of personal information management by Internet Information Services such as social media. During the start of 2019, the onus of care of information published online and managed by social media companies begins to rest with the corporations that provide these digital platforms. This allocation of responsibility is welcome as a grey area begins to come into focus. It also mirrors some of the comments we have received from young people when courting their opinion on such matters.

The approach to Data Protection for the Special Categories of Personal Information belonging to young people in care is less clear and yet to reach maturity. As with the provision of equality of access to Digital Services highlighted in section 2 above, Local Authorities enjoy a large degree of autonomy in relation to how they perform their duties.

The treatment of personal information belonging to young people in care varies greatly as does the interpretation and application of the data protection legislation itself. A cynical analysis could well conclude the current situation indicative of organisations implementing the GDPR in a way that best protects the organisation over and above protecting the rights of the data subjects themselves. Reputations appear to trump responsibilities.

Young People in care are under state care for several reasons. These reasons will include extremely sensitive issues; they may have been subjected to neglect, sexual and/or physical abuse for example. They may be cared for under a court order where their birth parents are precluded from contact with them or where that contact is strictly controlled and/or limited. The records of these types of information are treated very differently across the UK. Although the GDPR is enacted across Europe, the implementations can vary significantly across the UK alone.

Guardian Saints would welcome a global charter to outline a high-level standard of protection for information belonging to young people in care. Authorities, care agencies and care givers must adopt clear good-practice and processes to ensure the personal information belonging to this particularly vulnerable group of young people is protected adequately, and this should continue as they leave the care system and move into adult life and independence.



#### 4. Conclusions

The Internet has provided an excellent tool to amplify the voices of minorities for over two decades. The issue we find with young people in care is that although clearly a minority, they are minority with a particularly quiet voice. It is imperative that we amplify that voice and shout on their behalf.

The circumstances of their position in society is no fault of their own and when we look at the two core issues we have identified in this paper, whilst the question of equality of access is something that can be addressed at a care provider/giver level, the matter of data protection is more complex for this group. They have no control; they have no voice.

We would suggest that some consideration is afforded to young people in care within the scope of the 5 Rights agenda. In order for them to leave the care system and more easily attain equal opportunity in society, the equality needs to start whilst within the care system and not when they exit as care leavers. Many care leavers achieve remarkable things in life, and this is in spite of their disadvantage. With Digital Services becoming an increasingly greater part of everyone's working and social-lives, the importance of inclusion and equality for this group becomes ever more relevant.

Guardian Saints would recommend that a specific role is commissioned within the 5 Rights team to provide a voice for young people in care and that the role is to be filled by a care experienced young person.

Yours sincerely

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