Conducting social media & internet (digital presence) checks in prospective adopter assessments
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Introduction

1. This document uses the term 'digital presence checks' to refer to social media and internet checks.

2. Digital presence checks can reveal important information about a prospective adoptive parents' suitability to care for children. We therefore have a responsibility to undertake such checks as part of the assessment process.

3. These checks enable us to incorporate into our assessment information which is in the public domain. However, it is important to remember and acknowledging the limitations of digital presence checks as only public information is being reviewed, information could have been recently removed or deleted from accounts, or the applicants may have other accounts which they have not reported to the social worker. As with all aspects of an assessment, the information gathered should be treated as one piece of evidence that must be viewed and analysed within the context of all other evidence gathered. There will be rare occasions when digital presence checks unearth content which directly leads to a decision to end an assessment of a prospective adopter, however there are likely to be more occasions where inconsistencies come to light between information gathered in a digital presence check and information provided directly by applicants – these occasions should be used by the assessing social worker to explore the issue directly with the applicants and consider with a manager the meaning and importance of the inconsistency identified, and what further evidence might be needed to provide adequate reassurance.

Legislation and best practice

4. The Adoption Agencies Regulations 2005 (as amended) do not require digital presence checks to be undertaken, however Regulations 25 (5) and 30 (f) do permit the adoption agency to include 'any other information which the agency considers to be relevant'.

5. It is reasonable, proportionate, lawful, and in compliance with safeguarding best practice, for digital presence checks to be completed as part of an adoption assessment.

6. **Checks should only be undertaken once during an assessment**. Repeat viewing of open-source social media by someone working for a local authority does count as directed surveillance and will be unlawful. Checks should be repeated once each time a review is completed – for example an annual review of approval.

7. As checks can only be undertaken once during each assessment / review, it is important that the person who carries out the checks has sufficient understanding of the adoption assessment process and relevance of what they may observe or find out by undertaking the checks.

8. Extract from Office of Surveillance Commissioners (OSC) procedures & guidance document 'covert surveillance of social networking sites' (SNS):
   - *288: The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation.*
   - *288.1: Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as —open source, or publicly available. Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of open-source sites may constitute directed surveillance on a case-by-case basis and this should be borne in mind.*
   - *288.3: It is not unlawful for a member of a public authority to set up a false identity, but it is inadvisable for a member of a public authority to do so for a covert purpose without an authorisation for directed surveillance when private information is likely to be obtained. The public authority should be satisfied that there is a process in place to ensure compliance with the legislation.*
   - *288.4: A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit i.e., the person from whom consent is sought must agree (preferably in writing) on what is and is not to be done.*

Private vs public information
9. It is important to distinguish between information that is available in public areas of the internet (that is, the digital equivalent of someone speaking in a public place), and private areas of the internet that are password protected (the digital equivalent of a private letter or conversation).

10. Any digital presence checks should only be conducted to search what is already in the public domain.

11. **Staff must <u>not</u> use their own personal media accounts** to check applicants' details and any checks should be conducted via the agency social media accounts using the laptop or computer provided by the agency.

<u>Adopt London policy</u>

12. AL will undertake digital presence checks as deemed reasonable, proportionate, and lawful in respect of applicants. This is necessary to comply with safeguarding best practice.

13. Checks should be undertaken in the spirit of openness and with the understanding of the person being assessed.

14. Permission should be given in the **Registration of Interest form**, which states that applicants agree to digital presence checks being carried out.

15. As part of the assessment process, AL will undertake digital presence checks that will consist of using search engines and social media platforms to enter the name of applicants.

16. Checks will only be undertaken in relation to information held in public spaces on the internet. **Applicants will <u>not</u> be asked to provide passwords** to allow access to their private spaces.

17. If information emerges from the check that is of concern, this will be discussed with the applicant to seek their views before making any judgement about the relevance of the information for their suitability to adopt. The only exception to this is where a safeguarding matter arises. In these circumstances, the information should be discussed with a manager, and safeguarding procedures followed.

18. AL understands that some applicants may wish to participate in social networking in their personal lives, however, prospective adopters should also be aware of the potential risks involved in the use of this type of media and be mindful of the information they post and how it might be viewed when published, together with the potential impact on them and their family.

19. The agency has a responsibility to offer advice and guidance to protect applicants about the use of the internet as part of the preparations to assess their suitability to adopt. The agency and the adopters have a duty to safeguard children and young people in their care.

Any applicant associated with the agency is expected to behave appropriately and in ways that are consistent with the agency' values and policies.

20. Guidance to staff and families on staying safe online can be found here: https://www.gov.uk/guidance/think-before-you-share

Procedures for undertaking digital presence checks

21. In the Registration of Interest, we will ask prospective adopters to give consent for the agency to undertake social media and internet searches. Applicants will be asked to provide us with a list of all the social media accounts which they use, including their usernames e.g.:

Twitter handle (@...)
Facebook (profile URL e.g., www.facebook.com/firstname.surname)
Instagram handle (@...)
Any other social media accounts not listed here

22. Digital presence checks will be undertaken by the allocated / assessing social worker as part of the stage 1 process and will be discussed in more detail with the applicants during stage 2. Discussions in stage 2 should include general internet / social media guidance and safety considerations.

23. As well as checking social media accounts, we will undertake a search engine check by entering the applicants' name. This search will likely bring up any social media accounts or other digital presence associated with that name which have not otherwise been disclosed. For more common names, other relevant terms can be included in a search engine check, for example 'Joe Bloggs London'.

24. If an applicant is self-employed or owns their own company, AL will seek permission to complete an online 'Companies House' check, and business websites will be viewed.

25. Access to social media accounts will be dependent on the privacy settings as set by the applicant. In some cases, you will be able to see lots of information and in others, access will be restricted.

26. Checks should take a **maximum of 1 hour** per applicant and in many cases will be shorter depending on access to accounts and the regularity with which applicants post.

27. Below is a guide for Facebook, Twitter and Instagram. There is a much broader range of social media platforms available, and applicants will be asked to provide details of any active social media accounts. Guidance on how to access and navigate these will be added as the need arises.

Facebook

- Entering the profile URL if provided by the applicant or conducting a Google search can find an account. This search engine can also be used: https://www.social-searcher.com/facebook-search/
- The 'About' section of a profile provides lots of basic information (education, family etc.). It also shows you other pages that the person has 'liked'.
- The 'Timeline' page is where you will find posts either written or shared by the applicant as well as photos.
- As a guide, if an applicant posts regularly (consistently more than five posts a week), then checks should span a 1-year period; if an applicant posts less regularly (less than five posts a week) then checks should span a 2-year period.
- How much you are able to see will be dependent on the privacy settings chosen by the applicant

Twitter

- An account can be found by entering the handle (@... if provided by the applicant) in the search bar on twitter.com.
- The 'Tweets' section of a profile will show you any tweet the applicant has written or shared via a Retweet.
- The 'Tweets & Replies' section of a profile will show you every Tweet written or shared by the applicant but in addition, will also show replies written to other Tweets. It is recommended to focus the profile check on this section as it shows all activity.
- The 'Media' section of a profile will show all images that an applicant has attached as part of a Tweet or a reply to a Tweet.
- The 'Likes' section of the profile will show all Tweets that the applicant has liked.
- As a guide if an applicant writes a Tweet or likes a Tweet on a consistent basis (more than 5 times per week) then the check should span a 1-year period; if an applicant writes a Tweet or likes a Tweet on a less consistent basis (less than 5 times per week) then the check should span a 2-year period.
- How much you are able to see will be dependent on the privacy settings chosen by the applicant – some Twitter profiles are protected which means you would only be able to see their activity if you 'follow' them. As per our policy, we will not 'follow' an applicant on their social media account.

Instagram

- An Instagram account can be found by entering the handle (@... if provided by the applicant) in Google.

- Many Instagram accounts are private, meaning you would only be able to see posts if you followed that account. As per our policy, we will not 'follow' an applicant on their social media account.
- For those that are viewable, you will be able to scroll down the profile and see posts but will eventually be prompted to login to an account to continue browsing. Please follow the policy in relation to using the agency's account to do this.

Business websites

28. Business websites checks will be undertaken to consider if the nature of the business or website content could give cause for concern about the applicants' suitability to be approved as an adoptive parent.

29. The assessing social worker will view business websites during stage 1 of the assessment process and will have a fuller discussion with the applicants during stage 2 in order to consider any relevant business information and how this aligns with becoming an adoptive parent.

Consideration of the information obtained during checks

30. Staff undertaking checks need to consider the information obtained and whether this has come from the applicant or from someone within their network. Information that may reasonably give cause for concern about the applicant's suitability to be approved as an adoptive parent may include:
   - Inappropriate photographs
   - Offensive language
   - Concerns about relationships, including if checks indicate a different relationship status to the one shared with the agency
   - Nature of the business and company name - is this consistent with what has been presented in the Registration of Interest and in discussion?
   - Content that is likely to cause offense to others based on race, religion, culture, disability, sexual orientation, gender.
   - Membership of groups or sharing of posts which cause concern for any of the above reasons – in this situation there should be attempts to establish whether the applicant shared the information with intention and whether they hold the same views.

31. If something found in a digital presence check raises concerns, the assessing social worker should explore further with the applicant and discuss with their line manager. Thorough conversations with applicants about information obtained in checks are essential prior to any decision being made about the implications for their suitability to adopt. Concerns regarding the safeguarding of children or vulnerable adults must be discussed with a manager and safeguarding processes followed.

<u>Recording the outcome of checks on the case recording system and in the Prospective Adopter Report</u>

32. The person who completed the digital presence checks will record the outcome of the checks on the applicants' file on the case recording system.

33. The social worker will record on the Prospective Adopter Report that 'digital presence checks have been undertaken following the agency's policy', and the outcome will be noted.