

## **Safeguarding and Child Protection Policy**

### **Belmont House School**

#### **Overview**

Belmont House School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, governors and volunteers to share this commitment

The School's policy and procedures in relation to Safeguarding and Child Protection follows the guidelines given in the Scottish Council of Independent Schools Guidance on Wellbeing and Child Protection document published in November 2015. This document aims to support staff in safeguarding the children in their care and promoting and developing all aspects of their wellbeing.

The SCIS Guidance reflects *GIRFEC* and sets out in detail:

- the rights of children to have their wellbeing promoted and developed;
- the responsibilities of those working in independent schools;
- the role of independent schools as directing authorities under the Children and Young People (Scotland) Act 2014;
- a description of the Scottish Child Protection system and the roles of key agencies as well as schools;
- what independent schools must do to fulfil their wellbeing, safeguarding and child protection responsibilities;
- guidance on the recognition of child abuse;
- what action to be taken if child abuse is suspected;
- child protection advice in specific circumstances.

The SCIS guidance reflects changes in legislation and national policy including the Children's Hearings (Scotland) Act 2011 (implemented in 2013), the National Guidance for Child protection in Scotland 2014 and the Children and Young People (Scotland) Act 2014, which all schools in Scotland are required to comply with by August 2016. A link to the SCIS Guidance is available via Fronter and staff are encouraged to refer to this.

## Introduction

This guidance provides the framework for Safeguarding and Child Protection for Belmont House School and reflects the key messages of the SCIS Guidance. It is a summary of the key expectation of the school on all staff in terms of Safeguarding and Child Protection.

All staff should always be alert to the possibility of a pupil being maltreated. Any anxieties in this area, whether relating to home or school, should be discussed immediately with the Principal (who is the official Safeguarding Officer), Senior Vice-Principal or Vice-Principal [Head of Junior School]. However the responsibility for enquiring into allegations of child abuse rests with external agencies and teachers should not conduct such enquiries but must report suspicions immediately.

The School upholds every child's right to the care and protection that promotes their human growth and sense of personal worth and dignity. In this guidance, the School sets out its principles and procedures for putting into practice its commitment to the wellbeing of its pupils in the matter of child protection. **This guidance is addressed to all members of staff, governors and volunteers and an electronic copy of this document is given to each individual.**

Pupils are, according to their age and understanding, made aware of the School's policies on safeguarding and child protection, and are told where they can seek help and express concerns to the Safeguarding Officer if they believe a child maybe abused or is at risk of harm.

The School's Safeguarding and Child Protection Policy is available on the School Website for parents and the full text of the SCIS Guidance on Wellbeing and Child Protection is available on request from the School Office or for inspection at reception. Each member of staff also has access to a copy of this document.

The Policy is intended to assist the Principal, Senior Management Team, all School staff and Governors to apply their skills collectively and effectively to develop a shared understanding of their common objective – to support children, particularly those who are most vulnerable. It also serves as a resource for staff giving guidance on practice and key issues in child protection.

The procedures are underpinned by the School's Aims & Values and the following principles:

- At all times the needs and wellbeing of the child are paramount;
- The School aims to be a community characterised by good personal relationships between pupils and teachers; it is the professional responsibility of each teacher to initiate, foster and sustain appropriate relationships with pupils that are positive and

generous, caring and protective, and supportive and interested in the life of the individual;

- The existence of sustained good relationships between staff and pupils is the context for the trust that is a necessary precondition of any disclosure or discussion of abuse;
- Cases of alleged or suspected abuse are to be treated seriously; children who disclose abuse, or are suspected of being abused, need to be treated with sympathy and understanding; what they say needs to be received without scepticism or disbelief - staff should keep an open mind and avoid the mistake of confusing the taking of what a child says seriously with believing what the child has said;
- It is important that all staff understand and act upon their roles and responsibilities where a concern of abuse arises;
- It is not the School's role to investigate allegations or suspicions but to gather what information it has and to refer the matter to the appropriate outside agencies according to the procedures set out in this document;
- Where a case of abuse arises, the School acknowledges and accepts its role in providing appropriate support and care for the pupils, families, staff and others involved.

The School will take all reasonable measures to ensure that staff:

- Aim to get the help for children when they need it;
- Ensure children are listened to and respected;
- Share information about children when it is necessary to protect them;
- Work together to assess needs and risks, and develop plans;
- Work in partnership with the external agencies to protect children;
- Demonstrate leadership and accountability for their work and its effectiveness.

## **1. Getting it right for every child (*Girfec*)**

Getting it right for every child (*Girfec*) is the overarching framework for children services in Scotland. The core message of *Girfec* is that everyone has a responsibility to do the right thing for each child and work towards a unified approach, with less bureaucracy and more freedom to get on and respond to children. Children and young people should get the help they need, when they need it, and their welfare is always paramount.

At the heart of the *Girfec* approach is a shift towards early, proactive intervention in order to create a supportive environment and identify any additional support that may be required for a child as early as possible. *Girfec* places children's and young people's needs first, ensures

that they are listened to and understand decisions which affect them and that they get more co-ordinated help where this is required for their wellbeing, health and development. It requires that all services for children and young people - social work, health, education, police, housing and voluntary organisations - adapt and streamline their systems and practices to improve how they work together to support children and young people, including strengthening information sharing. The approach helps those facing the greatest social or health inequalities.

Child protection has to be seen in the wider context of the *Girfec* approach, the Early Years Framework and the UN Convention on the Rights of the Child and builds on the Scottish Children's Charter (2004). All children and young people have the right to be cared for, and protected from, harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met.

*Girfec* has a number of core components which can be applied in any setting and circumstance:

- a focus on improving outcomes for children, young people and their families based on a shared understanding of well-being;
- a common approach to gaining consent and sharing information where appropriate;
- an integral role for children, young people and families in assessment, planning and intervention;
- a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the wellbeing indicators;
- streamlined planning, assessment and decision-making processes that result in children, young people and their families getting the right help at the right time;
- consistent high standards of co-operation, joint working and communication, locally and across Scotland;
- a Named Person in universal services (health and education) for each child and a Lead Professional to co-ordinate and monitor multi-agency activity where necessary;
- maximising the skilled workforce within universal services to address needs and risks as early as possible;
- a confident and competent workforce across all services for children, young people and their families; and
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries.

## 2. Values and Principles

*Girfec* is underpinned by common values and principles which apply across all aspects of working with children and young people here at the School. These are:

- **promoting the wellbeing of individual children and young people:** this is based on understanding how children and young people develop in their families and communities and addressing their needs at the earliest possible time;
- **keeping children and young people safe:** emotional and physical safety is fundamental and is wider than child protection;
- **putting the child at the centre:** children and young people should have their views listened to and they should be involved in decisions which affect them;
- **taking a whole child approach:** recognising that what is going on in one part of a child or young person's life can affect many other areas of his or her life;
- **building on strengths and promoting resilience:** using a child or young person's existing networks and support where possible;
- **promoting opportunities and valuing diversity:** children and young people should feel valued in all circumstances and practitioners should create opportunities to celebrate diversity;
- **providing additional help which is appropriate, proportionate and timely:** providing help as early as possible and considering short and long-term needs;
- **working in partnership with families:** supporting wherever possible those who know the child or young person well, know what they need, what works well for them and what may not be helpful;
- **supporting informed choice:** supporting children, young people and families in understanding what help is possible and what their choices are;
- **respecting confidentiality and sharing information:** seeking agreement to share information that is relevant and proportionate while safeguarding children and young people's right to confidentiality;
- **promoting the same values across all working relationships:** recognising that respect, patience, honesty, reliability, resilience and integrity are qualities valued by children, young people, their families and colleagues;
- **making the most of bringing together each worker's expertise:** respecting the contribution of others and co-operating with them, recognising that sharing responsibility does not mean acting beyond a worker's competence or responsibilities;

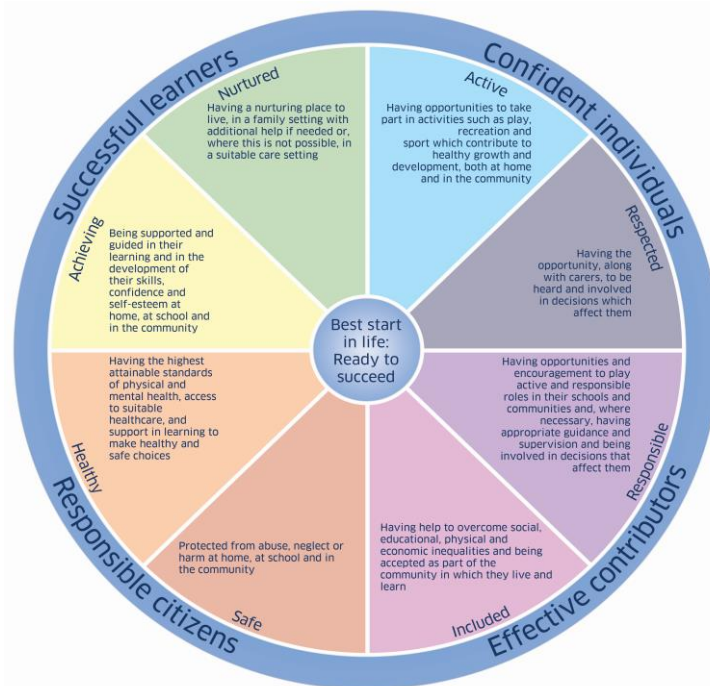
- **co-ordinating help:** recognising that children, young people and their families need practitioners to work together, when appropriate, to promote the best possible help;
- **building a competent workforce:** to promote children and young people's wellbeing, a workforce who are committed to contributing to individual learning and development and improvement of inter-professional practice.

### 3. What is a *Girfec* Concern?

A concern may be expressed about anything that affects or has the possibility of affecting the wellbeing, happiness or potential of the child. It may relate to a single event or observation, a series of events, or an attribute of the child or someone associated with them.

### 4. What is Wellbeing?

Children's wellbeing is at the heart of *Girfec*. Every child and young person at Belmont House School needs to be Safe, Healthy, Achieving, Nurtured, Active, Respected & Responsible, and Included. These wellbeing indicators are an important part in the national practice model.



These wellbeing indicators are an important part in the National Practice Model.

## **5. Getting it right for every child: The National Practice Model**

The model defines needs and risks as two sides of the same coin. It promotes the participation of children, young people and families in gathering and interpreting information and in making decisions as central to assessing, planning and taking action.

The components of the practice model have been designed to ensure that assessment information about children and young people is recorded in a consistent way by all agencies. This should help to provide a shared understanding of a child or young person's needs and identify concerns that may need to be addressed. The model and the tools which support it are used by Tutors in the Senior School and Class Teachers in the Junior School.

The components are:

- 1. The Wellbeing Indicators**
- 2. The Five Questions**
- 3. The My World Triangle**
- 4. The Resilience Matrix**
- 5. The Child's Plan.**

Tutors/Class Teachers should use these components proportionately to identify and meet the child or young person's needs:

- Use the Wellbeing indicators to identify a concern, record, share information and take appropriate action;
- Ask yourself the five questions.
- Use the *My World Triangle*, and where appropriate specialist assessments to explore known information, and where necessary gather more information about the strengths and pressures in the child's world;
- Analyse the information, using the *Resilience Matrix* to aid clarity where required;
- Summarise needs against the Wellbeing indicators;
- Agree goals and the steps required to reach these goals;
- Construct a plan and take appropriate action;
- Review the plan.

## **6. The Wellbeing Indicators**

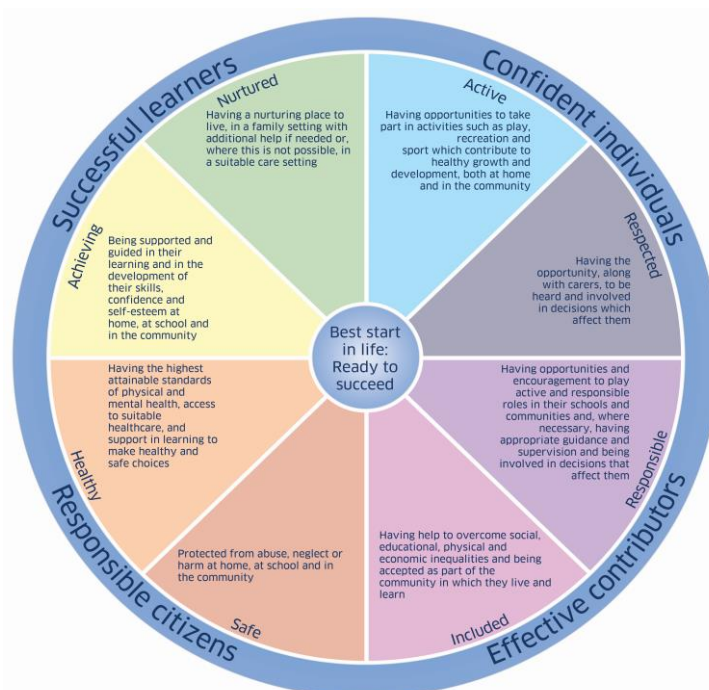
Eight indicators of wellbeing have been identified as areas in which children and young people need to progress in order to do well, now and in the future.



The wellbeing indicators are an important part of the *Girfec* National Practice Model and are used at three points during the assessment and planning process:

1. To provide a context for identifying and recording concerns
2. As a framework for:
  - analysis of further information gathered around the My World Triangle;
  - setting goals;
  - identifying the actions to be taken to bring about the desired outcomes
3. To provide clear objectives against which the plan can be reviewed.

These wellbeing indicators are illustrated and defined in the diagram below.



## 7. The Five Questions

*Girfec* states that, at each stage of an intervention, staff should ask themselves the following questions:

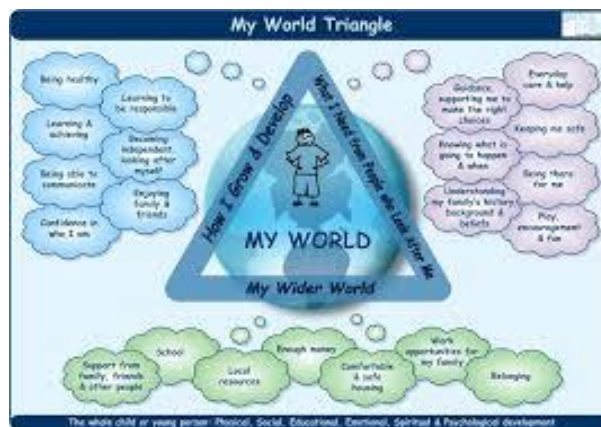
1. What is getting in the way of this child or young person's well-being?
2. Do I have all the information I need to help this child or young person?
3. What can I do now to help this child or young person?
4. What can the School do to help this child or young person?
5. What additional help, if any, may be needed from others?



## 8. The My World Triangle

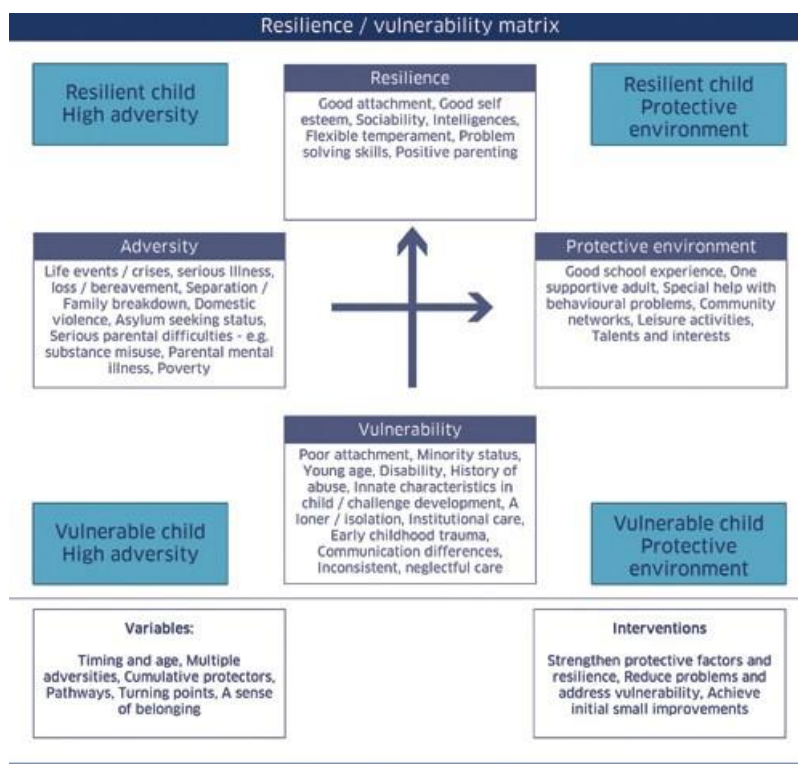
Many factors shape children's development throughout childhood. Some factors are inherent such as ability or temperament whilst others are external such as family influences, or social, economic and environmental factors. Race and culture will be important in shaping children's views about the world in which they live. Good attachments to significant adults can be a protective factor throughout life.

Traumatic events and experiences, such as illness, early separation from parents or carers, or abuse or neglect can lead to disruption or delay in a child's growth or development and affect their well-being. Later experiences can either reduce or increase the effect of early damaging experiences. Based on evidence from research, the My World Triangle provides a mental map that helps practitioners, children and families explore what is happening in a child's whole world and the likely impact on their wellbeing and development.



## 9. The Resilience Matrix

The concept of resilience is fundamental to children's wellbeing. A resilience-based approach builds on the strengths in the child's whole world, drawing on what the family, community and universal services can offer. The Resilience/Vulnerability Matrix bringing together the two dimensions of vulnerability and resilience, and adversity and protective environment, provides a framework to help analysis of the strengths and pressures in the child's world. The two dimensions interact, and strengthening protective factors in the environment will help boost a child's resilience.



## 10. The Child's Plan

Where evidence suggests that a co-ordinated plan involving two or more agencies will be necessary, a 'Child's Plan' is drawn up with a particular focus on the risks to the child and the interventions needed to reduce these risks. The Child's Plan comprises a single plan of action and is managed and reviewed through a single meeting structure, even if the child is involved in several processes. The Principal and/or Vice-Principal (Head of Junior School) reviews these plans with the Tutor/Class Teacher, parents, pupil and other agencies where appropriate. **These plans are stored securely in the Principal's Study (Senior School) or the Office of the Vice-Principal (Head of Junior School).**

## 11. The Named Person

The Named Person is a professional within the universal services of health or education, depending on the age of the child. The Named Person generally across Scotland is:

- From 10 days old until entering Junior 1 (under 5s) – Health Visitor or another designated Health professional
- From Junior 1 until leaving school – Head Teacher/Depute Head Teacher or Pupil Support/Guidance staff

Here at the School the Named Persons are:

- Nursery: **Designated Health Visitors**
- Junior 1- Junior 6: **Ms Linsay McDonald** (Vice-Principal/Head of Junior School)
- Transitus-Senior 6: **Mr Melvyn Shanks** (Principal)

**The School's Named Person Service is provided by the above two members of staff and the Senior Vice-Principal, Mr Richard Doak, who deputises for either of the above.**

The Named Person is the first point of contact for children and families and for other agencies when there are concerns about a child. The Named Person is usually the person to initiate action if a child needs extra help, and is critical in supporting early intervention. The Named Person works closely with the other individuals within The Named Person Service as well as Tutors, Junior School Class Teachers and other staff as appropriate.

## **12. The Lead Professional**

When two or more agencies work together to support a child or young person and their family, a 'Lead Professional' should be nominated to co-ordinate that support. The Lead Professional should ensure that the expertise of those involved is properly integrated along with evidence gathered through specialist assessments in order to give the fullest possible picture of the child's needs and how best they can be met. The Lead Professional is also responsible for co-ordinating any actions taken to improve the outcomes for the child.

## **13. Reporting a Concern about a pupil's wellbeing?**

What should a member of staff do, if they have a concern about a pupil's wellbeing according to the *Girfec* wellbeing indicators?

- Speak to relevant Senior School Tutor or Junior School Class Teacher – the option to speak directly to Vice-Principal (Head of Junior School), Senior Vice-Principal or the Principal is also always open to all staff;
- A Cause for Concern form is completed by the Senior School Tutor or Junior School Class Teacher;
- Information to be shared with the Named Person;
- Girfec Wheel and My World Triangle used to assess risks and needs of the pupil;
- Pupil's opinion/Parent's opinion sought (where applicable);
- Pupil Plan created by Tutor/Class Teacher and Named Person;
- Weekly meetings of Tutor or Class Teacher and Named Person to assess progress.

## 14. Record Keeping

Any Cause for Concern – *Girfec* Level 2 and above – should be kept in an individual folder for each pupil which is kept separate from the pupil's educational record, clearly cross referenced, marked Confidential and held in accordance with data protection arrangements.

**These are stored securely in the Principal's Study (Senior School) or the Office of the Vice-Principal (Head of Junior School).** The Principal (Safeguarding Officer), Vice-Principal (Head of Junior School) and Senior Vice-Principal have access to these records. They should be shared with other staff on a need to know basis only.

## 15. *Girfec* and Child Protection

Where a child is thought to be at risk of significant harm, the primary concern will be for their safety and a Child Protection referral should be initiated. In child protection cases, the role of the Lead Professional will typically be taken by the local authority social worker. Where a child is believed to be at risk of significant harm, the Child's Plan is called the Child Protection Plan for as long as the risk of significant harm is deemed to last. The multi-agency group working with the child and their family is known as the core group.

## 16. What is Child Protection?

***Child protection*** means protecting a child from child abuse or neglect.

Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. Equally, in instances where a child may have been abused or neglected but the risk of future abuse has not been identified, the child and their family may require support and recovery services but not a Child Protection Plan. In such cases, an investigation may still be necessary to determine whether a criminal investigation is needed and to inform an assessment that a Child Protection Plan is not required.

There are also circumstances where, although abuse has taken place, formal child protection procedures are not required. For example, the child's family may take protective action by removing the child from the source of risk. Children who are abused by strangers would not necessarily require a Child Protection Plan unless the abuse occurred in circumstances resulting from a failure in family responsibility. For example, if a young child is abused by a stranger, a Child Protection Plan may be required only if the family were in some way responsible for the abuse occurring in the first instance or were unable to protect adequately the child in the future without the support of a Child Protection Plan.

## 17. What is Harm and Significant Harm in a Child Protection Context?

Child protection is closely linked to the risk of significant harm. 'Significant harm' is a complex matter and subject to professional judgment based on a multi-agency assessment of the circumstances of the child and their family. Where there are concerns about harm, abuse or neglect, these must be shared with the relevant agencies so that they can decide together whether the harm is, or is likely to be, significant.

Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the alleged abusive behaviour.

In order to understand the concept of significant harm, it is helpful to look at the relevant definitions:

- **Harm** means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, **development** can mean physical, intellectual, emotional, social or behavioural development and **health** can mean physical or mental health.

Whether the harm suffered, or likely to be suffered, by a child or young person is **significant** is determined by comparing the child's health and development with what might be reasonably expected of a similar child.

- There are no absolute criteria for judging what constitutes significant harm. To understand and identify significant harm, it is necessary to consider:
  - the nature of harm, either through an act of commission or omission;
  - the impact on the child's health and development, taking into account their age and stage of development;
  - the child's development within the context of their family and wider environment;
  - the context in which a harmful incident or behaviour occurred;
  - any particular needs, such as a medical condition, communication impairment or disability, that may affect the child's development, make them more vulnerable to harm or influence the level and type of care provided by the family;
  - the capacity of parents or carers to meet adequately the child's needs;
  - and the wider and environmental family context.

The reactions, perceptions, wishes and feelings of the child must also be considered, with account taken of their age and level of understanding. Steps should be taken to ensure that any accounts of adverse experiences given by children are accurate and complete, and that they are recorded fully. Where a child is thought to be at risk of significant harm, the primary concern will be for their safety.

## **18. Responding to Child Protection Concerns about Children/Young People**

- **Role of staff**

Teaching staff play a crucial role in the support and protection of children as well as the development of their wellbeing. Teachers are likely to have significant day-to-day contact with children and so are well placed to observe physical and psychological changes in a child that could indicate abuse and to contribute to the assessment of vulnerable children. Teaching staff may be the first to be aware that families are experiencing difficulties in looking after their children. Staff should be alert to signs that a child may be experiencing significant harm.

However, all staff who work and/or come into contact with our pupils and their families have a role to play in child protection. That role will range from identifying and sharing concerns about a child or young person under *GIRFEC* to making an active contribution to supporting the child or young person and their family if they are involved in child protection.

When a member of staff has reason to believe that a child's safety is compromised or they are likely to suffer significant harm, that member of staff must share these concerns with the Principal (Safeguarding Officer) or Vice-Principal (Head of Junior School) as soon as possible on the same working day as the concern arises and must complete a Cause for Concern Form and sign and date the form.

- **How Concerns may arise**

Concerns about child abuse may arise in the following circumstances:

- a member of staff has concerns arising from observation of the child's behaviour or appearance, or comments the child has made;
- a child tells a member of staff they have been abused or feels unsafe;
- a third party expresses concerns to a member of staff: this could be another pupil, a parent or guardian or member of the public;
- an anonymous allegation is received.

It is also possible that the School may be asked to cooperate in relation to a child abuse investigation which was initiated outside the School.

- **A Member of Staff has Concerns or a Child tells of Abuse**

The suspicions of a staff member may be aroused by the presence of indicators of possible abuse or by a feeling, based on knowledge of the child, that all is not well, or by a mixture of factors.

It may be appropriate for a member of staff to make an enquiry of a child about how an obvious injury was sustained, or why the child appears upset or distressed using open-ended non leading questions. For example: 'What happened?' 'Where did it happen?' 'When did it happen?' and 'Who did it?' If the child does not respond, the matter should not be pursued further and advice should be sought.

Questioning and testing of evidence is **NOT** a matter for School staff, as this is the responsibility of the Police and social work agencies. Such an approach by staff could prejudice later investigations.

**The role of School staff is to observe, record and report:**

- Observe carefully the child's behaviour and demeanour;
- Record in detail what they have seen and heard, and when they did so.  
Signs of physical injury should be described in detail. Any comment by the child concerned, or by an adult who might be the abuser, about how the injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made;
- Report their suspicions as quickly as possible and on the same working day to the Principal (Safeguarding Officer) or Vice-Principal (Head of Junior School).

Staff should:

1. Listen sympathetically and with care;
2. Reassure the child that he/she is not to blame;
3. Not show disbelief;
4. Not give a guarantee of confidentiality;
5. Take the allegation seriously;
6. Affirm the child's feelings as expressed (don't tell the child how he/she should feel);
7. Avoid being judgmental about the information given by the child.



If the child draws back from speaking to a staff member, this should be reported to the Safeguarding Officer.

Where the concerns are expressed by another pupil, it should be remembered that reporting suspicions of abuse may be traumatic for a child and some support may be advisable.

- **A Third Party expresses Concern**

The School staff may receive external information that indicates possible child abuse. In these circumstances it is important that, as with children disclosing, staff listen carefully and sympathetically, treat the matter seriously and as soon as is practically possible on the day, record, sign and date the information. They should also explain to the person that they cannot give a guarantee of confidentiality.

If the concerns indicate that there is reasonable cause to suspect or believe a child is at risk of abuse or significant harm, the Safeguarding Officer should encourage the concerned adult to pass their concerns to social services. **In all circumstances, the Safeguarding Officer must ensure that the information is shared with other relevant agencies so that an early assessment can be made of any potential/actual harm to the child and whether further child protection enquiries are necessary.**

Where the contact wishes to remain anonymous, the member of staff should refer the concerns to the Safeguarding Officer who should explain to the referrer the actions that will be taken as set out above.

As with a direct approach, a member of staff to whom a third party expresses concern should:

- Observe the behaviour or demeanour of the person expressing the concerns, where this is done in person;
- Record in detail what they have seen and heard and when they did so. Actual words used should be quoted where possible;
- Report the matter to the Principal (Safeguarding Officer) or Vice-Principal (Head of Junior School).

Those expressing the concerns may seek from the staff member a guarantee of confidentiality. No absolute guarantee of confidentiality can be given. The information disclosed may be of such a nature that the staff member must pass it on in order to protect a child. Whilst it may be possible to a certain extent to protect the identity of the person expressing concerns, it will be easier to take action to protect the child if

that person is willing to be identified. If legal proceedings follow, it may be necessary to disclose the identity of that person.

- **An Anonymous Allegation is received**

Staff in receipt of anonymous allegations about child abuse should:

- Record in writing the words used, so far as possible, where the allegation is by telephone, or retain the paper, where it is in writing;
- Report the matter to the Principal (Safeguarding Officer) or Vice-Principal (Head of Junior School).

- **Check List for Staff**

In all cases if:

- you suspect a child may have been abused or is at risk of abuse or significant harm;
- a child discloses abuse;
- a third party expresses concerns to you;

You should **OBSERVE, RECORD and REPORT**;

- Respond without showing signs of disquiet, anxiety or shock.
- Enquire casually about how an injury was sustained or why a child appears upset;
- Confidentiality should not be promised to children or to adults;
- Observe carefully the behaviour or demeanour of the child or the person expressing concern;
- Record in detail what you have seen and heard.
- Do not interrogate or enter into detailed investigations; rather encourage the child to say what he or she wants to establish the basic facts;
- And then **REPORT** to the Principal (Safeguarding Officer) or Vice-Principal (Head of Junior School) on the same day as the concerns arise.

Remember keep contemporaneous notes and make a record of them on the same working day. If this is being done electronically it should not be saved but should be printed, signed and dated. This form should not be emailed by anyone in the School.

- **Action by Staff in Exceptional Cases**

By law, any person with concerns about a child has a right to make a report direct to the Children's Reporter. In exceptional cases, where a member of staff feels that concerns about a child are not being taken seriously, or followed through appropriately or with sufficient speed, it is perfectly legitimate for that member of staff to refer the matter directly to the Chair of Governors or the Reporter.

- **Action by the Principal (Safeguarding Officer)**

All cases of alleged or suspected abuse must be treated seriously. Some may require an urgent response. If the SO is certain, or has very good reason to suspect or believe that a child has been abused or requires protection or is at risk of significant harm, she should contact the appropriate social services stating the concerns clearly and the basis for them.

In cases where there is a high degree of suspicion, or in cases where the issues are not so clear or so urgent, the following procedure can usefully be followed in order to focus and test the strength of concerns about a child.

It should always be borne in mind that it is not the School's role to investigate the allegations or suspicions, but to gather together what information it has about a child and pass it to the social work department or police.

Children should not be subject to questioning by a variety of School staff. It would be against good investigative procedures and best evidence for children to be subject to internal investigations and thereafter re-interviewed by the social work and police authorities.

The Principal (Safeguarding Officer) should collate all relevant information held by the School on the child and complete the relevant form, sign and date it and include the reasons for the decision to make or not make a formal child protection referral to the statutory agencies. Referrals should be made in every case where there is any substantial suspicion. Proof is not required at this stage. If there is doubt about whether to refer, the social work department should still be advised of the circumstances of the allegation and the School's doubts about it. Consideration should be given to the provision of support for the child and for the member of staff who made the report.

- **Recognising Actual or Potential Harm to a Child**

Concerns about actual or potential harm to a child or young person may arise over a period of time or in response to a particular incident. They may arise as a result of

direct observation or disclosures from the child themselves, from a third party, or from concerns raised anonymously. Concerns may be relayed in the first instance through an intermediary service such as third sector helplines. Alternatively, an existing Child's Plan may act as the focus for a range of concerns.

Where staff are unsure about a child or young person's welfare, they should seek advice from the Principal (Safeguarding Officer) and the latter should act in line with local protocols. Any indicators of risk, such as domestic abuse or alcohol and/or drug misuse do not in themselves mean that a child has or is experiencing, or is likely to experience, harm. However, they should act as prompts to staff to consider how the particular risk indicator or set of indicators is impacting on a child.

Where staff have concerns about possible harm to a child, it is vital that these are shared with social work services/Police so that staff responsible for investigating the circumstances can determine whether that harm is significant. Concerns should be shared without delay as per local Guidance. Where a child is felt to be in immediate danger the Principal (Safeguarding Officer) should report, without delay, direct to the Police. Similarly, where a child is thought to require immediate medical assistance, this should be sought as a matter of urgency from the relevant health services.

- **Inappropriate Behaviour by Pupils**

In the case of inappropriate behaviour by pupils, the School's behaviour code should apply. They should establish the basic facts and parents should be informed. In more serious cases, the action set out in this guidance should be followed. Where a referral to police or social work is needed, beyond establishing the basic facts, it is not appropriate for staff to take on an investigative role. The child should not be searched or aggressively questioned. Not only can this constitute an abuse of the child and an abrogation of his/her legal rights, but it may weaken the possibility of success of future legal proceedings. Evidence will not be able to be used if it is regarded as having been unfairly or unlawfully obtained.

Staff should note that these considerations are also relevant to situations in which a child is suspected of inappropriate behaviour, for example involvement with drugs or alcohol, where there is no suspicion of abuse by another person.

## **19. The Child Protection Register**

All local authorities are responsible for maintaining a central register of all children – including unborn children – who are the subject of an inter-agency Child Protection Plan. This is called the Child Protection Register. The register has no legal status but provides an

administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan. Local authority social work services are responsible for maintaining a register of all children in their area who are subject to a Child Protection Plan, though the decision to put a child on the register will be based on a multi-agency assessment which should involve, where relevant, education staff. The local authority may have its own register or maintain a joint register with other authorities.

The Child Protection Register provides a central resource for practitioners concerned about a child's safety or care. The decision to place a child's name on the Register should be taken following a Child Protection Case Conference where there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and that a Child Protection Plan is needed to protect and support the child.

When placing a child on the register, it is no longer necessary to identify a category of registration relating to the primary type of abuse and neglect. Instead, the local authority should ensure the child's name and details are entered on the Register, as well as a record of the key areas of risk to the child. The following are the 12 areas of concern identified by Scottish Government for the recording and classification of abuse. Although these are presented as discrete definitions, in practice there can be overlap and interaction between areas of concern, and the abuse experienced by a child or young person, may not always be affected by just one factor. Children and young people may be assessed and registered as at risk due to more than one area at any time, and the area of risk may change over time.

The specific concern categories are:

- Domestic Abuse
- Parental Alcohol Misuse
- Parental Drug Misuse
- Non-Engaging Family
- Child Affected by Parental Mental Health Problems
- Child Placing Themselves at Risk
- Sexual Abuse
- Child Exploitation
- Physical Abuse
- Emotional Abuse
- Physical Neglect
- Other

The local authority should inform the child's parents or carers and, where the child has sufficient age and understanding, the child, orally and in writing, about the information held on the Register and who has access to it.

## **20. Key Definitions and Concepts**

### **Definition of a Child**

A child can be defined differently in different legal contexts. In particular, the law is not consistent in its classification of young people aged 16 to 18. Sometimes they are seen as adults and at other times as children.

Section 93(2)(a) and (b) of the Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.

The United Nations Convention on the Rights of the Child applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child. The duty under the Children and Young Persons (Scotland) Act 1937 Act applies only to those under 16, while the welfare duty set out in the Children (Scotland) Act 1995 in relation to children in residential schools applies up to 18. The School works on the basis that we have responsibilities for the welfare of young people from 16 to 18. Pupils aged 18 or over are legally adults.

For the purposes of criminal procedures, the special measures available to children who are arrested or detained under Section 15 of the Criminal Procedure (Scotland) Act 1995 apply only up to the age of 16.

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 criminalises the taking, possessing and distribution of indecent images of children up to the age of 18.

The Adult Support and Protection (Scotland) Act 2007 states a child can be someone over 16 when certain criteria are met. Adult and child protection interact in numerous ways. Although the differing legal definitions of the age of a child can be confusing, the priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection e.g. a pupil who is over 16 may fit into the category of vulnerable adult and therefore be referred into adult protection procedures. Therefore education staff have a responsibility for the welfare and protection of all young people under 18, and particularly those who are 'looked after', who are subject to supervision arrangements, or who have additional support needs. The protective interventions that can be taken will depend on the circumstances and legislation relevant to that child or young

person. The individual young person's circumstances and age will, by default, dictate what legal measures can be applied.

## **21. What is Child Abuse and Child Neglect**

### **Definition**

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. Assessments will need to consider whether abuse has occurred or is likely to occur.

While it is not necessary to identify a specific category of abuse when adding a child's name to the Child Protection Register, it is still helpful to consider and understand the different ways in which children can be abused. The following definitions show some of the ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child.

### **Types of Abuse**

Abuse can be:

- physical abuse, for example beating or punching;
- emotional abuse, for example rejection and denial of affection;
- sexual abuse, for example sexual assault or encouraging a child to view pornographic material;
- neglect, for example failure to provide appropriate care including warmth or medical attention

### **Signs of Abuse**

Possible signs of abuse include (but are not limited to):

- the pupil says s/he has been abused or asks a question which gives rise to that inference;
- there is no reasonable or consistent explanation for a pupil's injury; the injury is unusual in kind or location; there have been a number of injuries; there is a pattern to the injuries;
- the pupil's behaviour stands out from the group as either being extreme model behaviour or extremely challenging behaviour; or there is a sudden change in the pupil's behaviour;



- the pupil asks to drop subjects with a particular teacher and seems reluctant to discuss the reasons;
- the pupil's development is delayed;
- the pupil loses or gains weight;
- the pupil appears neglected, e.g. dirty, hungry, inadequately clothed;
- the pupil is reluctant to go home, or has been openly rejected by his/her parents or carers.

## **22. Child Protection Plan**

When a Child's Plan (under *Girfec*) is converted into a Child Protection Plan, children and their families need to understand clearly what is being done to support them and why. In addition, a Child Protection Plan needs to identify clearly:

- the key people involved and their responsibilities, including the Lead Professional and named practitioners;
- the perceived risks and needs;
- what is required to reduce these risks and meet those needs;
- who is expected to take any tasks forward including parents/carers and the child;
- timescales;
- the agreed outcomes for the child or young person;
- the longer term needs of the child and young person;
- the process of monitoring and review; and
- any contingency plans.

Responsibility is shared for the Child Protection Plan. Each person involved should be clearly identified, and their role and responsibilities set out. To preserve continuity for the child and their parent(s)/carer(s), arrangements should be made to cover the absence through sickness or holidays of key people. All Child Protection Plans, where there are current risks, should have specific cover arrangements built in to make sure that work continues to protect the child. As part of this continuity, children and young people who are on the Child Protection Register should not be excluded from the School unless there is a multi-agency discussion to identify risk factors and strategies to address these. Any interventions should be proportionate and clearly linked to a desired outcome for the child. Progress can only be meaningfully measured if the action or activity has had a positive impact on the child.

## 23. Information Sharing and Recording

### Introduction

Sharing appropriate information is an essential component of child protection and care activity. To secure the best outcomes for children, staff need to understand when it is appropriate to seek or share information, how much information to share and what to do with that information. Staff also need to consider from, and with whom, information can, and should, be sought and/or shared. At the same time, children and their families have a right to know when information about them is being shared. Where possible, their consent should be sought, unless doing so would increase the risk to a child or others, or prejudice any subsequent investigation.

### Information Sharing for Child Protection: General Principles

- The safety, welfare and wellbeing of a child are of central importance when making decisions to lawfully share information with or about them.
- Children have a right to express their views and have them taken into account when decisions are made about what should happen to them.
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.
- In general, information will normally only be shared with the consent of the child (depending on age and maturity). However, where there are concerns that seeking consent would increase the risk to a child or others, or prejudice any subsequent investigation, information may need to be shared without consent.
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know.
- When gathering information about possible risks to a child, information should be sought from all relevant sources, including services that may be involved with other family members. Relevant historical information should also be taken into account.
- When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision not to share information should also be recorded.

**Child Protection Concerns should only be shared with the Principal (Safeguarding Officer), Ms Linsay McDonald (Vice-Principal & Head of Junior School) or Mr Richard Doak (Senior Vice-Principal).**

## 24. Confidentiality and Consent

Privacy and confidentiality is governed by legal provisions that aim to safeguard personal information, particularly:

- the UN Convention on the Rights of the Child (1989);
- the Human Rights Act 1998;
- the Data Protection Act 1998; and
- Professional codes of conduct.

The same legal provisions also provide for sharing of information for purposes such as public protection, crime prevention and crime detection. Where agencies are acting in fulfilment of their statutory duties, it is not necessary or appropriate to seek consent – for example, where a referral is made to the Reporter under the Children (Scotland) Act 1995, the consent of a child and/or parents should not need to be sought prior to the submission of a report. There is an important distinction between making the child aware that information will/may be shared and seeking their consent for that sharing.

If a child is considered to be at risk of harm, relevant information must always be shared. The application of this principle can be highly sensitive, particularly where children and young people make use of a service on the basis of its confidentiality. Good examples of this are helplines set up to support children and young people, such as ChildLine. Many young people need the time and space that such confidential services can offer to talk about their problems with someone who can listen and advise without necessarily having to refer. However, on some occasions, this contract of confidentiality can be suspended if the information received concerns life-threatening situations, risk to other children, adult abusers and/or abuse by an adult in authority. Because of the responsibilities they have to children in their care, staff should never give an absolute guarantee of confidentiality to an adult or a child. The member of staff should not be dismissive and should seek to retain the child's trust by explaining that, whilst every effort will be made to respect a desire for confidentiality, if there are serious concerns about a child's safety and protection, it will be necessary for that information to be passed on to the appropriate authorities. It can be encouraging to reassure those seeking advice that the staff member will not breach the confidence without letting that person know that they intend doing so. This applies to children as well as adults.

## **25. Record Keeping – All *Girfec* and Child Protection Records**

Records should include note of:

- child's name and any other name the child has or is known by;
- child's date of birth;
- any unique identifying number; all pupils in schools in Scotland have an identity number, known as the Scottish Candidate Number (SCN);
- details of the cause for concern(s);
- dates of staff contacts with children and families;
- the child's views and emotional well-being;
- actions and decisions and the rationale behind them;
- outcomes of interventions;
- the Child's Plan (or Child Protection Plan, where the child is assessed as being at risk of significant harm); and
- a chronology of significant events involving the child and their family/carers.

Chronologies can help identify patterns of events or accumulation of concerns (or positive developments). These should be reviewed by the Vice-Principal (Head of Junior School) or Principal.

## **26. Storage and Retention of Records**

Staff should be clear that all *Girfec* files and Child Protection files are stored securely in the Principal's Study (Senior School) or the office of the Vice-Principal (Head of Junior School). Tutors and Junior School class teachers have clear procedures for recording and handling personal information, including managing the interface between electronic and manual records. Procedures should also be in place for the storage, retrieval, retention and disclosure of information. All staff should understand their responsibilities with regard to recording, storing and sharing information.

## **27. Sharing of Information when a child moves**

Where there is a change in a child's circumstances and they move to another school or local authority, the School is responsible for forwarding any information that it holds regarding concerns. When involvement with the family has recently commenced or terminated, the details of the concerns should be passed on to the receiving area as quickly as possible.

The use of Scottish Candidate Numbers (SCN) should enable key information to be shared between schools and help to improve record-sharing when pupils transfer from one school to another.

Concerns must be communicated to the receiving school and both the child's educational and child protection file should be forwarded to the receiving school with a written notification provided, even where initial contact was made by other means. This notification should include information on the history of the original school's involvement with the child and their family and the identified risks, including the most recent intervention plan and any progress made.

Where the case history is lengthy and/or significant, where practical, a face-to-face meeting between relevant staff from both schools should be considered as a follow up to the written referral.

## 28. Roles and Responsibilities for Child Protection

### Safeguarding Team:

The Principal undertakes the role of Safeguarding Officer for the School with de facto responsibility for this role in the Junior School delegated to the Vice-Principal (Head of Junior School). The Senior Vice-Principal fulfils the role of Assistant Safeguarding Officer for the whole School.

Safeguarding Officer – Senior School	Mr Melvyn Shanks <i>Principal</i>
Safeguarding Officer – Junior School	Ms Linsay McDonald <i>Vice-Principal (Head Junior School)</i>
Assistant Safeguarding Officer	Mr Richard Doak <i>Senior Vice-Principal</i>

### Safeguarding Committee:

Safeguarding Officer – Senior School	Mr Melvyn Shanks <i>Principal</i>
Safeguarding Officer – Junior School	Ms Linsay McDonald <i>Vice-Principal (Head Junior School)</i>
Assistant Safeguarding Officer	Mr Richard Doak <i>Senior Vice-Principal</i>

### Governor

to be appointed

Chair of the Board of Governors	Dr Kenneth Cunningham CBE [ <a href="mailto:chairman@belmontschool.co.uk">chairman@belmontschool.co.uk</a> ]
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## **29. Recruitment & Selection of Staff & Good Practice Advice**

### **The Protection of Vulnerable Groups (PVG) Scheme**

The Protection of Vulnerable Groups (PVG) Scheme was established by the Protection of Vulnerable Groups (Scotland) Act 2007. Legislation came into effect on 28th February 2011. At the heart of the Act is the creation of a PVG Scheme Membership which is designed to prevent unsuitable people being recruited into, or remaining in, regulated work with children or protected adults. The PVG Scheme is designed to create a fair and consistent system that will help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour. It requires those who wish to work with children, or vulnerable adults, to be registered.

The PVG Database is owned and populated by Disclosure Scotland.

- The School will take reasonable measures to ensure we practice safer recruitment for checking the suitability of staff and volunteers to work with children and young people;
- Ensure that we carry out all necessary checks.

### **Eligibility to Join the Scheme**

People doing certain types of work in Scotland, known as regulated work, with children, young people and/or protected adults can apply to join the PVG Scheme.

On first application for membership to the Scheme, checks will be carried out by Disclosure Scotland. Unless these checks uncover information which makes the applicant unsuitable to work with one or both of the above groups the applicant will become a Scheme Member.

It will be an offence for an organisation to employ an individual in regulated work if they are barred, thus the need for Scheme membership as part of the School's recruitment process.

### **Improvements to the present Disclosure Checking Provisions**

The new Scheme improves on the current provisions in the following ways:

1. Continuous Updating – the current enhanced disclosure provides a point in time snapshot of an individual's criminal history. The new scheme will have a memory and individual records held by the PVG Scheme will be updated automatically if new vetting information (i.e. convictions and other information held by the police) becomes known, or when a person's circumstances change. This will replace the need for a person to have multiple disclosures and will make it quicker and easier for organisations to check on an individual's suitability to do regulated work.
2. Effective Barring - in a change to the existing system the PVG Scheme won't just collect and disclose vetting information. It will also assess it, so that individuals who

are considered unsuitable on the basis of vetting information are prevented from entering the workforce, or can quickly be removed from the workforce if new information arises which makes them unsuitable.

3. Access to Disclosures for Personal Employers - personal employers, such as a parent employing a tutor for their child, can request to see a PVG Scheme Membership Statement to confirm that the person is not barred.

### **Appointment of Governors**

The School must and will ensure that any new appointment is made under the Protection of Vulnerable Groups (PVG) Scheme and that they are registered Scheme members.

### **Appointment of Safeguarding Officers (SO)**

Whilst all teaching and support staff who have contact with pupils have responsibilities towards them and should receive some basic training, the protection of children and the efficient operation of the School's child protection procedures will be facilitated by the designation of a senior member of staff with special responsibility for co-ordinating child protection within the School.

The Principal undertakes the role of Safeguarding Officer for the School with de facto responsibility for this role in the Junior School delegated to the Vice-Principal (Head of Junior School). The Senior Vice-Principal fulfils the role of Assistant Safeguarding Officer for the whole School.

The Safeguarding Officer has both general and particular responsibilities with regard to child protection, the key points being:

- ensuring that all staff are aware of the School's child protection procedures and any amendments to them;
- supplying new members of staff with a written copy of the procedures, and emphasising to them the importance of paying special attention to them;
- organising staff briefings and training on child protection: new staff should receive a briefing and a Level 1 Basic Awareness course; other staff should receive updated training every 2-3 years;
- overseeing the planning of any curricular provision designed to help children to protect themselves from the risk of abuse;
- liaising with other agencies, e.g., police, social work, the Children's Reporter and other government and local authority departments on general issues relating to child protection;



- listening and responding to general concerns raised by staff, pupils and parents/guardians in relation to child protection, for instance, by informing parents of the School's policy on confidentiality;
- co-ordinating action within the School in relation to specific children about whom concerns have been raised;
- delegating responsibilities to the most appropriate person, e.g. in situations where the SO may not be the most appropriate person to support a particular child when an allegation has been made;
- ensuring the SO receives regular updated Level 4 training;
- reviewing the policy at regular intervals;
- auditing and quality assuring child protection at regular intervals.

### **30. Staff Training**

Training in child protection is essential for everyone involved in managing the School or who has contact with pupils.

They require to:

- have information, advice and training to make them aware of risks to children and understand their particular responsibilities in keeping children safe;
- have ready access to appropriate, relevant and up-to-date guidance that tells them what action to take if they are concerned about a child's safety or welfare;
- understand what, how and when to record and share information to keep children safe, and be able to do so;
- be given information, advice and training to help them understand key child protection processes and their roles and responsibilities;
- have knowledge of other services who may play a significant role in protecting children;
- have appropriate support from pastoral staff when they are concerned about a child or when they are involved in child protection processes; and
- know who they can seek advice from if they need it.

### **31. Guidance on Interaction with Pupils**

Allegations about improper behaviour by staff towards pupils must always be taken seriously and at least a preliminary investigation made. Staff should always be wary of allowing situations to develop which could lead to allegations of impropriety.

#### **Interaction with Pupils**

The climate of suspicion that has developed with regard to child abuse poses a real dilemma for caring adults. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact needs a considered assessment of the situation. This does not mean that physical contact is never permissible. It does mean that adults touching children must operate within understood limits, and that contact outwith those limits must be a considered response which can be justified if necessary.

Where those limits lie will vary according to the age of the child and the role of the member of staff. A young child may well require to be comforted and reassured. Any touching or comforting should be age appropriate, context specific, preferably done within vision of others and prompted by the needs of the child, not those of the staff.

One would expect the need and desirability of such contact with older pupils, to be considerably less, although even in these circumstances situations could arise in which it would be a natural and human occurrence. The death of a pupil, for example, might make it natural for pupils and teachers to grieve together and touching would be neither unusual nor undesirable, so long as it was agreeable to both parties and limited.

It would be impossible to lay down rigid rules about what is and is not permissible. Awareness-raising through in-service training will provide opportunities for staff to explore acceptable limits through discussion of case scenarios. Common sense is a good guide, but it must be informed common sense. Child abusers often seek to gain the trust and confidence of children by seeming to care and then exploiting that trust. It is important for caring adults to understand that too generous limits which can be operated satisfactorily by some can be exploited by others with less worthy motives. The difficulty in laying down clear limits makes it all the more important that the School makes every effort to ensure that all staff who have contact with pupils are carefully selected.

The following guidance is offered to all staff as a starting point for further development through training.

## **Opportunities**

Opportunities for abuse exist in all schools, and in one-to-one situations, e.g., tutorials, music lessons, one-to-one tuition, guidance interviews, sick rooms. The simplest advice would be to try, so far as possible, to avoid being alone with a child or young person. However, for some staff this is unrealistic as the context of their job is teaching in one-to-one situations, e.g. Music Instructors. Where one-to one contact does happen, it should be timetabled, arranged sensibly and, where possible, with others or within earshot or vision of others. All classroom and office doors have built-in vision panels and doors should also be left open if necessary.

Excursions out of the School, especially residential stays, can provide opportunities for abuse. Care will be taken to ensure that there are sufficient adults to provide proper supervision and that a risk assessment has been carried out.

## **32. Physical Contact and Restraint**

- Physical contact should only be for the purpose of care, instruction, health and safety or restraint;
- Avoid any physical horseplay with a child, or any other actions another adult or child might misinterpret, no matter how innocent or well-intentioned the actions might be;
- Staff should always be able to justify resort to physical contact in any situation;
- Where possible initial responses should be to deescalate and divert before considering restraint. Staff should avoid restraining a child by putting their hands on a child's joints. Where possible another member of staff should be summoned to witness and give support. As soon as the child is under control, staff should let go of any physical contact. All incidents of restraint should be logged, dated and signed in a log kept for that purpose;
- The nature of the contact should be limited to what is appropriate and proportionate;
- The use of physical restraint on a child should involve the absolute minimum (reasonable) force necessary and is only permissible when certain that a child is at imminent risk of endangering themselves or others (or in extreme circumstances of inflicting damage to property).

## **33. Verbal Remarks**

Salacious or demeaning remarks should never be made to or in the presence of children and young people. Remarks about a child's physical characteristics or development, or

suggestive or derogatory comments could fall into this category. Staff should avoid making unfavourable comparisons to a child and 'picking on' particular children. Positive relationships between staff and children often involve warmth and humour but staff should be aware that there can be a narrow line between remarks which an adult perceives as fair and humorous, but which can be hurtful and embarrassing to a child.

### **34. Attachments**

In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person is at risk of being construed as unprofessional behaviour, seek advice and support from your Safeguarding Officer. If it seems that a young person is becoming inappropriately attached to you or to another member of staff or volunteer or adult helper, share your concerns and seek advice from your Safeguarding Officer.

### **35. Meetings**

As far as possible, staff should avoid unnecessary one-to-one meetings with pupils, although it is recognised that such meetings are an inherent part of Scholl life. Where it is necessary to discuss something of a confidential nature or, for example, to provide individual tuition etc., then if possible, such interviews/sessions should take place in a room with visual access or the door open and with another adult in an adjacent area or within earshot. Never have the door locked and, where possible, maintain a gap/barrier between you and the child and allow free access to the door. Another member of staff should be aware of the meeting and its purpose.

### **36. Climate and "Whistle Blowing"**

In working with young people, it is possible for staff, through ill-considered actions, to lay themselves open to allegations of abuse. Their best protection is to encourage a climate of openness within the classroom and School community, where pupils feel confident to point out aspects of behaviour they do not like.

If another member of staff is seen to behave inappropriately with a child, do not ignore it but share it with the Principal (Safeguarding Officer). If the concern is about the Principal it should be reported to the Chair of the Board of Governors.

### **37. Inappropriate or Abusive Behaviour**

The list below is presented to show some of the ways in which inappropriate behaviour or abuse may be manifested. It is important to recognise that this list is neither definitive nor exhaustive nor is it meant to suggest that all the actions below are in themselves abusive; they must be seen in the context of the interaction with the child and the intention of staff. Staff should bear these in mind as a way of minimising risk and encouraging good practice. Staff must always exercise professional judgment in each circumstance.

- Physical
- Hitting/tapping
- Pushing/jabbing
- Throwing missiles
- Shaking
- Emotional
- Inappropriate/systematic sarcasm
- Isolating e.g. locked room
- Unfavourable comparisons
- Threats
- Intimidation
- Scapegoating
- Systematic personal criticism
- Sexual
- Any sexual activity with a pupil
- Inappropriate touching/comforting
- Suggestive remarks or gestures
- Sexual harassment
- Indecent materials
- Grooming a child for abuse

Staff should make sure to understand the issues of boundaries and safety when working with children and young people.

### **38. Use of Photographs and Video of Pupils**

Staff should take all reasonable steps to safeguard pupils when they are being photographed and/or videoed. They provide opportunities to celebrate the School activities, pupils' achievements and for specific educational purposes. Common sense is required when implementing this guidance. All decisions should reflect the best interests of the pupil.

- **Notification**

Parents and pupils should be informed they may, from time to time, be photographed. This could be for one of the following reasons:

- Educational purposes
- Video footage for performance development
- Media coverage of an event or achievement
- Promotional purposes e.g. website or publication

- **Permission**

- Specific consent should be sought for the 3<sup>rd</sup> and 4<sup>th</sup> points immediately above.
- Where appropriate, pupils should be asked their views. Where a child is able to provide an informed view (on the principle of other legal rights, generally a child over 12 may be deemed to have legal capacity to do so) this should be taken into account.

- **Publishing on the Internet and/or Websites**

- Personal information that could identify a pupil should never be included e.g. home address, e-mail address, telephone number of a pupil.
- Photographs with the full name(s) of the pupil featured should not be used unless the School has parental consent in writing and parents have been informed as to how the image will be used. Where the pupil's details are already in the public domain parental permission should be obtained for any School usage.
- Special care should be taken in relation to vulnerable children e.g. a child involved in domestic abuse or a child with a disability, and consideration given to whether publication would place the child at risk.

- **Filming as an educational/coaching aid**

- PE Staff/Coaches using videoing as a legitimate coaching aid should make parents/carers and pupils aware that this will be part of the coaching programme.
- If a video is being given to a pupil to take home for their personal development, then consent should be sought from the parents of any of the other pupils shown on the video. Furthermore, in this situation pupils and parents need to be clear that this material should not be put into the public domain e.g. uploaded onto YouTube.
- Particular care is required in areas where personal privacy is important e.g. changing rooms, toilets or bedrooms on residential trips. No photographs or video footage should ever be permitted in such areas of personal privacy by staff or pupils.

- **Use of images and information**

- Images should not be shared with external agencies unless express permission is obtained from the parent and, where appropriate, the young person.

- **Potential risks**

- The inappropriate use, adaptation or copying of images for use on child abuse websites.
- The identification of children when a photograph is accompanied by significant personal information that will assist a third party in identifying the child. This has, and can lead to, children being groomed.
- The identification and locating of children in inappropriate circumstances which include:
  - Where the child has been removed from his/her own family for their own safety;
  - Where there are restrictions on contact with one parent following a separation e.g. in domestic abuse cases;
  - Where the child may be a witness in criminal proceedings;
  - Where there is a custodial dispute and possible threat to the child of being taken out of the country.



- **Use of Photographs and Video of Pupils**

- It's not an offence to take appropriate photographs in a public place even if asked not to do so.
- No one has the right to decide who can, and cannot, take images on public land or a private facility.
- The land or facility owner can decide whether or not photography and or videoing activities will be permitted.
- Anyone behaving in a way which could reasonably be construed as inappropriate in relation to filming or photographing should be reported to a member of the SMT. They should be approached for an explanation.
- If a satisfactory explanation is not provided, the circumstances should be reported to the Safeguarding Officer/Principal.
- If anyone has concerns about the immediate safety of a child relating to the recording of images then it should be reported to the police. This action should only be taken if you believe someone is acting unlawfully or putting a child at risk of significant harm.

### **39. Technologies, Digital Media and the Internet**

Technologies, digital media and the internet are an integral part of children's lives. Whether on a computer at the School or at home, a games console or mobile phone, children and young people are increasingly accessing the internet whenever they can and wherever they are. This has enabled entirely new forms of social interaction to emerge, for example, through social networking websites and online gaming. But these new technologies also bring a variety of risks, such as:

- exposure to obscene, violent or distressing material;
- cyber bullying;
- identity theft and abuse of personal information; and
- exploitation by online predators – for example, sexual grooming – often through social networking sites.

### **40. Digital Safety**

Children and young people need to understand the risks posed by digital technology so that they can keep themselves safe and make sensible and informed choices. The School must provide information for young people and children on internet safety. Pupils must be given

the knowledge and skills to use the digital technology responsibly and safely and know how to respond when something goes wrong.

#### **41. Allegations of Abuse against Staff**

Any information, suggestion, allegation or complaint against a member of staff about possible child abuse must be taken seriously. The Principal/Safeguarding Officer should be informed immediately and the Principal should inform the Chair of Governors.

- **Establishing the Facts – Unfounded Allegations**

Any information which may suggest inappropriate behaviour or an allegation of abuse against a member of staff should be tested for any basis of fact. The basic facts should be established (not investigated). Where the information does not suggest a criminal offence, the context of the interaction between the member of staff and pupil and the intent of the member of staff should inform the initial assessment; if after due consideration the conclusion is that the allegation is completely unfounded, the decision to take the matter no further should be recorded, together with the reasons for it, and the information placed in a confidential file. This is securely stored in the Principal's Study.

The member of staff should always be informed that such an allegation has been made. Members of staff may wish to seek advice and support from their professional associations in these circumstances.

The initial communication with the parents of the child concerned should be to the effect that information has come to light that may suggest an allegation of inappropriate behaviour and that it is/has been investigated. Where the information is shown to have been a malicious allegation by a pupil - and not, for example, a misinterpretation of the intent of a member of staff, the School may need to take action to safeguard other staff members.

- **Establishing the Facts – Where the Information Suggests Possible Child Abuse**

Where it is clear that the initial information suggests a criminal offence this guidance should be followed and advice taken by the Principal/Safeguarding Officer and the Police before anyone is questioned. Inter-agency child protection procedures and the School's disciplinary procedures should be invoked and the Police asked to investigate. If the position is unclear, the basic facts should be established using open non-leading questions and a decision made as to what action the School needs to take. Should there be reasonable cause to suspect or believe that a child is at risk

of being abused, has been abused or groomed by a member of staff or volunteer, the same procedures should be followed as for other allegations or suspicions of abuse. If there is any doubt the Principal should seek advice from the statutory agencies.

There is an added dimension in that the School will have to consider the need to ensure that children are protected while the allegation is under investigation. The Principal and Chair of Governors will need to consider whether they should:

- remove the member of staff from access to children;
- implement a precautionary suspension, without prejudice to the member of staff, for the duration of the investigation.

Where the member of staff concerned has had contact with a number of children, consideration should be given to the possibility that others may also have been abused. In the event of inquiries being made by other parents, they should be informed that an allegation of possible misconduct has been made against a member of staff, and that it is being investigated. As the matter is likely to be 'sub judice', no further information should be given without first taking legal advice and/or advice from the Police.

In the event of a member of staff being suspended while investigations are taking place, the School should consider whether it may be advisable to inform all parents of children with whom the staff member concerned has had contact. As the matter will be 'sub judice' advice should be sought from the investigating officer in the police who may need to discuss the matter with the Procurator Fiscal. In the infrequent event of a second allegation being made, the School would have to consider informing all parents. Experience has shown that, once rumours and misinformation start to circulate, a lack of openness can lead to a loss of trust between parents and the School and a breakdown in relationships. If there is enough suspicion of multiple abuse to justify enquiries being made of other children and families by Police and social work agencies, the School will wish to ensure that it is seen to be co-operating and responding appropriately to the legitimate concerns of parents and guardians.

In this situation, legal advice should be taken about the terms of a letter to be sent to all relevant parents/guardians, and the terms of response to any enquiries from the press. Where the matter is 'sub judice', no letter should be sent to the parents without clearing it with the investigating officer in the Police who may need to clear it with the Procurator Fiscal. A delicate balance has to be maintained between openness and confidentiality, which respects rules of law about matters which are under investigation.

In cases where abuse of more than one child is suspected, the School should, after consultation with Police, social work authorities and the Procurator Fiscal about compliance with legal requirements, consider seeking guidance from a child and family psychiatry/psychology services about support for children, families and staff.

Should the allegations be proven, parents should be informed of the facts and of the action taken by the School. If, after Police and social work investigation, there is felt to be insufficient evidence for prosecution, or where a prosecution does not result in a conviction, disciplinary action against the member of staff may still be taken, if the member of staff is considered to represent a risk to a child or children or their behaviour has caused concern.

- **Abuse of Trust**

The Sexual Offences (Amendment) Act 2000 introduced the offence of the Abuse of a Position of Trust which is now covered in Part 5 of the Sexual Offences (Scotland) Act 2009, where a person aged 18 or over engages in sexual activity with a person under that age if the person aged 18 or over is in a position of trust in relation to the younger person. The definitions of when a person is in a 'position of trust' would include all staff in the School.

The School should ensure that all staff, including supply teachers and student teachers, are aware of their responsibilities and boundaries of relationships with pupils.

- **Allegations against the Principal or Safeguarding Officer**

In cases where the member of staff against whom the allegation is made is the Safeguarding Officer or Principal, a report should be made to the Chair of Governors, as advised above. It will be the responsibility of the governors to consider the matter and take appropriate decisions as well as following the principles in this guidance.

- **Referrals to the PVG Scheme**

One of the key aims of the PVG Scheme is to help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour. It seeks to remove opportunities for those who may be unsuitable from moving undetected within, or across, the workforce.

Harmful behaviour is not restricted to unlawful criminal conduct. It includes other forms of conduct which may not be recognised as a criminal offence but nonetheless

might result in harm, or risk of harm, to vulnerable groups such as the inappropriate use of restraint or inappropriate relationships with clients. Employers are often best placed to spot harmful behaviour. In fact the majority of referrals to the existing Disqualified from Working with Children List have been made directly by employers. Where an employer takes disciplinary action to remove an individual from regulated work as a result of harmful behaviour towards a child or vulnerable adult, then they have a duty to refer the individual to the PVG Scheme so that consideration can be given to whether that individual should be barred from any kind of regulated work with vulnerable groups. Without this duty there would be no way of preventing individuals moving undetected to other organisations where they may continue to pose a risk. A full assessment will be undertaken on referrals before a listing decision is made. Both the individual and the referring organisation will have the opportunity to make representations to Disclosure Scotland.

The School will also have the responsibility of notifying the General Teaching Council of Scotland or other professional body.

- **Inappropriate Behaviour by Staff**

Where the allegation concerns inappropriate behaviour by a member of staff, it may be appropriate to invoke the School's staff disciplinary procedures. This might be appropriate where there are no child protection concerns.

## **42. Residential Visits including School Trips Abroad and Outdoor Education**

The School residential visits fall into the following four categories, each of which has the potential for child protection issues to arise:

- trips abroad;
- exchange visits;
- outdoor education courses; or
- field visits or trips where the School itself organises the accommodation and supervises the children throughout the visit.

Staff organising such trip should be trained in Child Protection (preferably beyond Level 1/Basic Awareness and Response).

### **43. Pupils in Leadership Roles**

S6 pupils can be involved in activities and opportunities in School where, for example, they support younger pupils or where pupils provide peer support for those with additional support needs. S6 pupils are also involved in leadership roles e.g. extra-curricular activities/clubs, House activities, charity events etc.

Staff should bear in mind the following issues when making arrangements for such activities:

- children and young people need training for their role in helping other pupils;
- children and young people should be aware of the limits of their role in helping other pupils and know how and when to seek help from a member of staff;
- guidance should be in place for peer support and should be discussed with the pupils;
- older pupils should not be left to supervise younger children without adult support;
- one-to-one 'buddying', paired reading or tutorial support between pupils should take place in view of staff;
- pupils, especially younger pupils, should know that they can speak to a member of staff if they feel uneasy about the situation or about their relationship with another pupil.
- all S6 pupils working with younger pupils will be trained at Level 1 Child Protection (Basic Awareness and Response).

### **44. Contacts**

The following numbers may be useful:

East Renfrewshire Council Social Services:

Clarkston 0141 577 4000

Barrhead 0141 577 8300

Glasgow City Council Social Work Services: 0141 287 0555

Out of Hours Standby Social Work Service 0800 811 505

Strathclyde Police – Family Protection Unit 0141 532 4900

Child Line: 0800 1111

NSPCC: 0808 800 5000

## 45. Appendices