

Belmont House School
Safeguarding and
Child Protection Policy
August 2023



Safeguarding and Child Protection Policy

Belmont House School

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Safeguarding and Child Protection Policy

Belmont House School

1. Overview & Introduction

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. Every child and young person enrolled at Belmont House School has the right to protection from all forms of abuse, neglect or exploitation and it is the primary and overriding responsibility of all those employed by the School to ensure that this is the case.

The School's policy and procedures in relation to Safeguarding and Child Protection follows the National Guidance for Child Protection in Scotland published in September 2021; this policy should be read in conjunction with the National Guidance. The National Guidance, while NOT statutory, does relate to statutory and other legal obligations on independent schools, and describes the responsibilities and expectations of everyone who works with, or comes into contact with, children and young people, families, and carers in Scotland. It affirms the key role of the education workforce in protecting children through the inclusion of education staff in all references to multi-agency arrangements.

This document aims to support staff in safeguarding the children in their care and promoting and developing all aspects of their wellbeing.

The National Guidance is based upon the protection of children's rights. The Getting it right for every child (*GIRFEC*) policy and practice model is the practical expression of the Scottish Government's commitment to implementation of the United Nations Convention on Rights of the Child (UNCRC) 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 National 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, the Children (Scotland) Act 2020 and United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill 2021. The relevant legislation is detailed in Appendix C of the National Guidance and link to the National Guidance is available on itslearning 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 National Guidance. It is a summary of the key expectation of the school on all staff in terms of Safeguarding and Child Protection.

It is important to stress that the majority of children's wellbeing needs will be met by their parents and carers and through the routine activity and planning within health and education, but 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 available to each individual via itslearning.**

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 National 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.

2. Getting it right for every child (*GIRFEC*) & Children and Young People (Scotland) Act 2014

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 a range of earlier legislation. 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.

2.1 Values and Principles

GIRFEC, as a strengths-based approach, seeks to realise children's rights on a day-to-day basis and is therefore underpinned by key values and principles. The following refreshed values and principles were developed together with stakeholders including children and young people from across Scotland:

- placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them
- working together with families to enable a rights respecting, strengths based, inclusive approach
- understanding wellbeing as being about all areas of life including family, community, and society
- valuing difference and ensuring everyone is treated fairly
- considering and addressing inequalities
- providing support for children, young people, and families when they need it, until things get better, to help them to reach their full potential
- everyone working together in local areas and across Scotland to improve outcomes for children, young people, and their families

Based on these principles, GIRFEC is about enhancing the wellbeing of all children and young people as well as building a flexible scaffold of support: where it is needed, for as long as it is needed. This is delivered through the core components of:

- a named person who is a clear point of contact for children, young people, and families to go to for support and advice. A named person can also connect families to a wider network of support and services so that they get the right help, at the right time, from the right people;
- a shared and holistic understanding of wellbeing and a single model of how this can be considered and supported; and,
- a single, shared and rights-based approach to planning for children and young people's wellbeing where support across services is needed, co-ordinated by a lead professional.

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.

2.2 What is a Wellbeing 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. 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.

A child or young person has a wellbeing need if their wellbeing is, or is at risk of, being adversely affected by any matter. A wellbeing concern may be identified by the child, or young person, or by anyone who knows or supports the child or young person, and can be identified for many reasons, such as (but not limited to) the following:

- a child or young person may be worried, anxious, or upset about an event/set of circumstances, including socio-economic circumstances;
- a parent/carer or family member may have noticed a change in the child or young person's behaviour, demeanour, or developmental progress;
- a parent/carer may have concerns about the impact on their child of an event or set of circumstances;
- a practitioner may have concerns for a child or young person's health, or may have noticed a change in their behaviour, demeanour, developmental progress, or level of achievement;
- a child or young person may be offending or putting themselves at risk of harm.

A wellbeing concern will arise from observation or assessment which indicates that one or more aspects of wellbeing is, or is at risk of being, adversely affected or subject to an effect by factors related to the child, or young person. Professional judgement based on experience and training and information about the child, or young person, and their circumstances, will be key to identifying wellbeing concerns. In some cases, a single observation or incident may be judged to represent a risk to wellbeing and be considered a concern. In other cases, the context of the observation or assessment, and wider knowledge of the child's general wellbeing and circumstances may either heighten or reduce the concern. The nature of the concern will be specific to the individual child, their age, stage of development and circumstances, so what represents a wellbeing concern for one child, may not be judged a concern for another child.

2.3 The Named Person

The Named Person service is a term that encompasses everything that needs to be in place in order to ensure that the Named Person functions will be delivered as specified in the Children and Young People (Scotland) Act 2014. The duty to provide a Named Person service at Belmont House School sits with the School Governors. **Section 19 of the Children and Young People (Scotland) Act 2014 requires the Named Person service to be made available through a designated, identified individual who will exercise the functions of the Named Person on behalf of the Belmont House School Governors – that individual is the School Principal, Mr Melvyn Shanks.** It is, however, noted that the Act is clear that responsibility for the exercise of these functions lies with the Governors and not with the individual. **The Named Person service at Belmont House School consists of the Principal, Mr Melvyn Shanks, who is the designated Safeguarding Officer (Child Protection Co-ordinator) for the entire School and the Vice-Principal (Junior School), Mrs Victoria Grierson; this provision also includes the Senior Vice-Principal, Mr Richard Doak, who deputises for either of the above, and Mrs Margaret Peck, Head of Nursery.**

The Named Persons should have a clear understanding of:

- Child development and pupil support needs.
- Common effects on wellbeing such as socio-economic factors, communication difficulties and disabilities.
- The principles and values underpinning the GIRFEC approach.
- Wellbeing and the use of the National Practice Model for the assessment of wellbeing.

- What may affect the wellbeing of children and young people and the potential effect on wellbeing.
- How to recognise and evaluate a wellbeing concern.
- How to respond proportionately to a wellbeing concern.
- How to work in partnership with parents or carers and take account of their views in relation to the wellbeing of their child.
- How to seek and have regard to the views of children and young people, be able to identify when speech, language or communication barriers exist and how to access appropriate support where such barriers exist.
- How to seek assistance from within and outwith Belmont House School.
- Their duties regarding information sharing including:
 - the handling, storage and recording of Named Person information;
 - the duty that the Children and Young People (Scotland) Act 2014 places on Named Person services to share information that is likely to be relevant to the functions of other Named Persons;
 - sharing where a duty of confidentiality exists;
 - sharing or not where other legal restrictions are in place;
 - sharing appropriate Named Person information at transition points.
- Appropriately recording decisions and the rationale.
- Recording and processing of wellbeing concerns and other sensitive information.
- Development and use of a chronology.
- Initiating, reviewing, and managing the Child's Plan.
- What constitutes a targeted intervention.
- Transferring management of the Child's Plan.
- Working with a Lead Professional.
- The relationship between a wellbeing concern and a child protection concern.
- The range of management and other support available to support their role.

The identified Named Person for the pupils of Belmont House School will be determined by the child's age and circumstance:

- Nursery: **Designated Health Visitors**
 There may be exceptions where a family nurse, or another health professional, will take on the role.
Mrs Margaret Peck (Head of Nursery) also has a clear function in this context.
- Junior 1-6: **Mrs Victoria Grierson** Vice-Principal (Junior School)

- **Transitus-Senior 6: Mr Melvyn Shanks Principal**

As noted above, the Named Person provision also includes the Senior Vice- Principal, Mr Richard Doak, who deputises for either of the above. The Named Persons are available to all children and are an entitlement which children and parents or carers can access if required.

The Children and Young People (Scotland) Act 2014 requires that Belmont House School must publish information about how to contact Named Persons. A phone call or conversation may well be the first form of contact with the Named Person, but the detailed procedures for sharing information relating to a child or young person's wellbeing within and between services and agencies, will be dictated by local policies and working practices.

There will be times when a child's Named Person is temporarily absent for a range of reasons, both planned and unplanned. Belmont House School has contingency arrangements in place to ensure that the Named Person function is still available in the event of the temporary absence of the Named Person. Arrangements are also in place to ensure the Named Person service is available during school holiday periods. In practice there is a proportionate approach to this, which makes provision for emergency or urgent situations, routine contacts and non-urgent matters which can be recorded and dealt with by the Named Person when school resumes. Where pupils are known to have established and on-going needs, contingency planning are in place to take account of the holiday periods. Holiday time arrangements are known to all children, young people and parents associated with the School.

2.4 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.

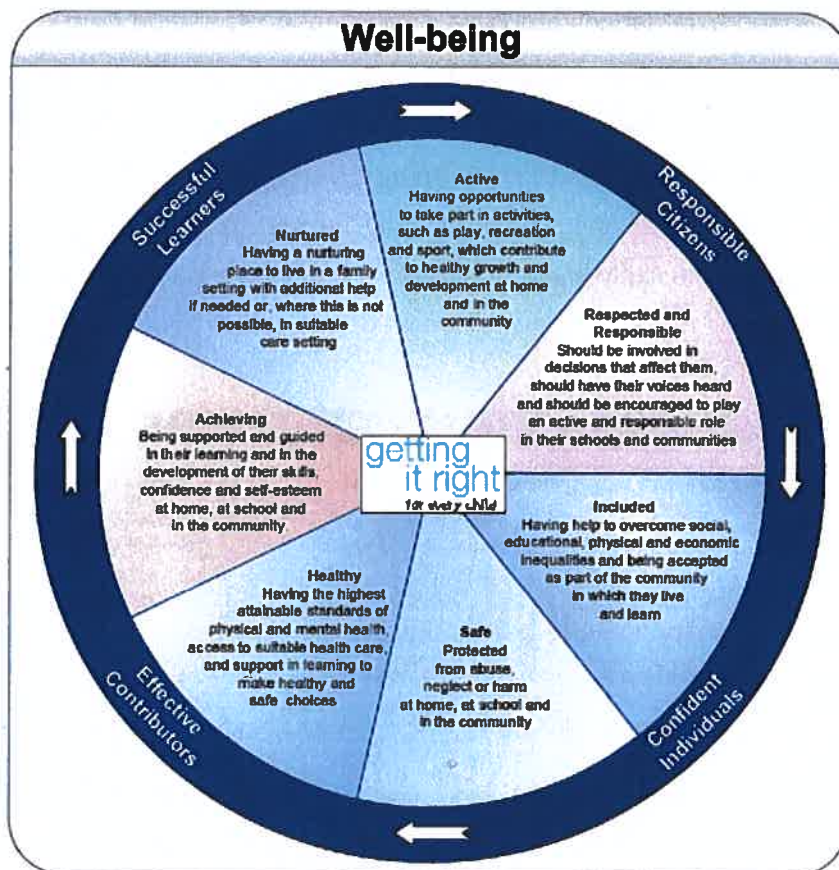
2.4.1 The Wellbeing Indicators

Seven 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 outcomes;
 - 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.



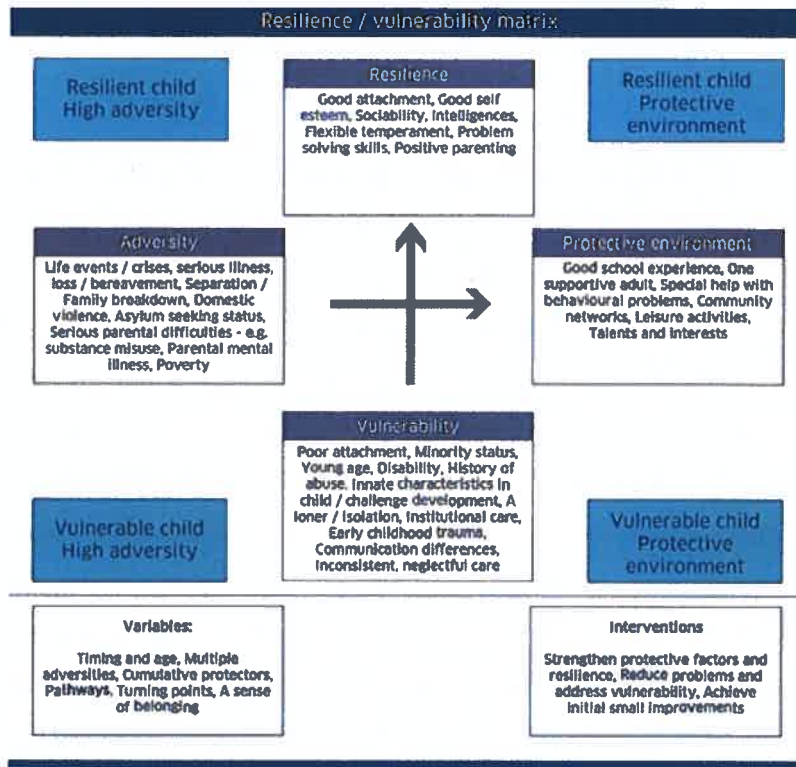
2.4.2 The Five Questions

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?

2.4.3 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.



2.4.5 The Child's Plan

The majority of pupils will not need a Child's Plan as their wellbeing needs will be met by their parents or carers and through routine activity and planning within health and education services.

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.

A Child's Plan sits within a single planning process and is aimed at addressing the issues that may be adversely affecting the child's or young person's wellbeing as a whole. The Child's Plan will set out the child's and young person's needs, the actions taken to meet these needs, who will undertake those actions and the desired outcomes. Streamlining the planning process aims to ensure that there is a single planning framework in operation across Children's Services to make good use of resources and to avoid unnecessary duplication for the child, their parents, and for professionals. The majority of pupils at Belmont House School will not need a Child's Plan as their wellbeing needs will be met by their parents or carers and through

the routine activity and planning within health and education services. Parents do not need to engage in or accept that a Child's Plan is necessary for their child.

It will be for the School to decide if a child requires a Child's Plan. There are two main considerations in reaching this decision. The first is based on an assessment of wellbeing. The child must be assessed as having a wellbeing need in terms of the definition of wellbeing within the Children and Young People (Scotland) Act 2014. This means that a judgement has been made that the child's wellbeing is currently being adversely affected by any matter or is at risk of being adversely affected. The adverse effect may be on one or more aspects of wellbeing and can arise from any factors relevant to the child. The second consideration relates to the support judged necessary to meet the identified wellbeing need.

A wide range of children may present with a wellbeing need at some points in their lives and these can most often be met by support from their family, and the support generally available within the school and health services. A Child's Plan is required only when the wellbeing need cannot be met, or fully met, without the provision of a 'targeted intervention', and it is considered that the wellbeing need can be met by one or more targeted interventions. This means that the School needs to decide that action should be taken to provide specific support which meets the definition of a targeted intervention.

The definition of a targeted intervention will be related to local context and the service design of the relevant authority. It is left to relevant authorities to consider which of their services are not made generally available and therefore meet the definition of a targeted intervention for the purposes of a Child's Plan. Where there is no agreement from the relevant authority to provide the targeted intervention requested, the relevant authority must indicate in writing the reason for the refusal.

Types of Child's Plan:

1. Single-agency Plan

Where the child's main needs lie within the Named Person's agency (health for pre-school children or Belmont House after starting school), the Named Person is expected to initiate a single agency Child's Plan and co-ordinate delivery of support where additional targeted help is needed (a targeted intervention), unless this requires a level of coordination out with the scope or capacity of the Named Person.

2. Multi-agency Plan

For a child who is receiving support from a number of different agencies, the Child's Plan will be multi-agency but will be discussed and reviewed in a single forum: the Child's Plan meeting. In these circumstances, the role of the Lead Professional is key to ensuring that support is co-ordinated across agencies, the child, young person, and family are kept informed and are actively involved in the process, and the agreed support is being taken forward in line with the plan. The Lead Professional will be the professional who is best placed to carry out that co-ordinating role and work with the family to improve outcomes for the child, or young person. The Named Person will work with the Lead Professional and should always be involved in the decision to initiate the Child's Plan, even if they do not work for the agency leading on preparation of the Plan.

Although for many children there may be an incremental approach to planning and support, moving from a single agency plan to a more complex, multi-agency plan supported by a Lead Professional, for a minority of children a sudden event or crisis might require multi-agency planning and support as a first step.

3. Child Protection Plan

This is agreed and reviewed at a Child Protection Case Conference and incorporated into the Child's Plan outlining the risk and protective factors.

4. The Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004.

The CSP should be considered as contributing to a broader framework of support for the wellbeing of the individual child and will form part of the Child's Plan.

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 (Junior School).**

Content of a Child's Plan

The Child's Plan must contain as a minimum:

- Details of the child or young person, key people such as relatives and practitioners who influence their lives.
- Dates of commencement, review, and closure of the plan.
- A summary of relevant assessments and analysis including use of the National Practice Model.
- Identified needs supported by a single agency.
- Where there are partners to the Plan, an integrated chronology of events significant and proportionate to the context of the Plan.
- The desired outcome(s) for the child or young person.
- A list of agreed actions which will address the need, who they are to be carried out by, why and by when.
- The views of the child/family.
- A record of when the desired outcome(s) has/have been achieved.
- Any compulsory measures of care, with supporting evidence as to why they are being recommended and what is to be achieved.
- In cases where there are additional statutory planning requirements such as the Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004, those requirements will be included within the plan.
- In cases involving the Children's Hearing, non-disclosure issues will be included.

2.5 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.

The Named Person will either take on the role of the Lead Professional themselves or will agree with the partners involved in supporting the child/young person who else should most appropriately take on the role of Lead Professional to manage the multi-agency Child's Plan. The School would NOT expect to assume the responsibilities of the Lead Professional, except under rare and exceptional circumstances.

2.6 Equality and Diversity

Access to, and delivery of, services under the Children and Young People (Scotland) Act 2014 and child protection should be fair, consistent, reliable, and focused on individual outcomes and enablement. Children and young people should be listened to, respected, and responded to. There should be no discrimination on the grounds of race, disability, gender, age, sexual orientation, religion or belief, gender reassignment or on the basis of pregnancy and maternity. Families from ethnic minorities may be unaware of services, and positive action is required on the part of all agencies to explain what may be available and how they may be accessed.

2.7 Reporting a Cause for 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 the Vice-Principal (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.

2.8 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 (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.

3. Child Protection, Child Abuse & Neglect

3.1 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 familial 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.

Where a child is thought to be at risk of significant harm (see definition below), 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.

3.2 What is Harm and Significant Harm in a Child Protection Context?

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.

Child protection is closely linked to the risk of significant harm. Significant harm is a complex matter and subject to professional judgement 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. There are no absolute criteria for judging what constitutes significant harm. Sometimes, a single traumatic event may constitute significant harm; more often, significant harm results from an accumulation of significant events, both acute and long standing that interrupt, change or damage the child's physical and psychological development.

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. This will depend on effective communication, including with those children who find communication difficult because of their age, impairment or particular psychological or social situation. It is important to observe what children say as well as to bear in mind that children may have a strong desire to be loyal to their parents or carers who may also hold some power over the child. 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.

3.3 Child Abuse & Neglect – Definitions

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.

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.

3.3.1 Physical Abuse

Physical abuse is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning, or scalding, drowning, or suffocating. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child they are looking after (for further information, see section 10.10 on Fabricated or Induced Illness).

The Law and Parental Chastisement

The Criminal Justice (Scotland) Act 2003 clarifies that a person may claim that an act was physical punishment carried out in exercise of a parental responsibility or of a right derived from having charge or care of the child. Courts will need to consider:

- the nature of what was done, the reason for it and the circumstances in which it took place;
- its duration and frequency;
- any effect whether physical or mental which it has been shown to have had on the child;
- the child's age;
- the child's personal characteristics including sex and state of health at the time;
- the intent of the parent or carer.

Then the court must determine that it was not something that even as part of a parental right or responsibility could be determined to be a justifiable assault.

3.3.2 Emotional Abuse

Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve the imposition of age- or developmentally inappropriate expectations on a child. It may involve causing children to feel frightened or in danger or exploiting or corrupting children. Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

3.3.3 Sexual Abuse

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child consented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or in watching sexual activities, using sexual language towards a child, or encouraging children to behave in sexually inappropriate ways.

3.3.4 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter, and clothing, failing to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from non-organic failure to thrive where they have significantly failed to reach normal weight and growth or development milestones, and where physical and genetic reasons have been medically eliminated. In its extreme form, children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

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4. Information Sharing & Recording: Wellbeing and/or Child Protection Concerns

4.1 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.

4.2 Duty to share Information with the Named Person

The Children and Young People (Scotland) Act 2014 introduces a legal duty for a wide range of public bodies and those commissioned and contracted to them to share such concerns with a child's Named Person. Through early and effective intervention and the sharing of wellbeing concerns it is hoped that crisis situations can be avoided in many cases.

The Children and Young People (Scotland) Act 2014 provides, under the information sharing duties in section 26, that a person holding information likely to be relevant to the Named Person's functions must consider what is appropriate and proportionate to share with the child or young person's Named Person. It is important to stress that if the wellbeing concern relates to child protection, the Safeguarding Officer (Child Protection Co-ordinator) should be informed immediately and the Named Person (if they are not the CPC) should subsequently be informed that a child protection concern has been raised.

4.3 Information Sharing for Child Protection: General Principles

The following general principles in relation to information sharing in the context of child protection are noted:

- 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.
- Agencies should provide clear guidance for practitioners on sharing information. This should include advice on sharing information about adults who may pose a risk to children, dealing with disputes over information-sharing and clear policies on whistleblowing.
- It is not necessary to seek consent when there is legislative requirement to share information; for example, when making a referral to the Children's Reporter, or the prevention and detection of crime.
- 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), Mrs Victoria Grierson (Vice-Principal & Head of Junior School), Mrs Margaret Peck (Head of Nursery) or Mr Richard Doak (Senior Vice-Principal).**

4.4 Confidentiality and Consent: Wellbeing and Child Protection

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

- the Children and Young People (Scotland) Act 2014;
- 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's Hearing (Scotland) Act 2011, the consent of a child and/or parents or carers 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 you have concerns about a child's wellbeing, or a child is considered to be at risk of significant 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 confidentiality can be breached if the information received concerns life-threatening situations, risk to other children, adult abusers and/or abuse by an adult in authority.

In the context of the overriding responsibilities, they have to children in their care, no member of 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 wellbeing 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.

Under Data Protection law it is perfectly acceptable and lawful for services to share information, where there is an indication that a child's wellbeing is at risk. Under such circumstances consent is not required.

4.5 Is there a Legal Duty to Report Child Abuse?

Police officers and designated local authority employees (normally social workers) have a legal duty to pass information to the Reporter if they consider that a child may need compulsory

measures of supervision. Police also have a legal duty to pass information to the Procurator Fiscal in connection with the commission of offences.

In extreme cases, for example when there are suspicions that a child might be being abused in a boarding establishment, and these are not reported to the statutory authorities, this could constitute criminal neglect. **With regard to other cases the law is not so clear. It may be that a child could take action against a teacher for failing to act upon the child's disclosure or upon justified concerns which had been expressed to the teacher. Similarly, an action could be raised against an individual, or more likely a school, for turning a blind eye to, or failing to protect a child from bullying.**

4.6 Actions for Defamation

Concerned adults are sometimes reluctant to report suspicions of abuse for fear that the person suspected will sue them for defamation if the allegation turns out to be unfounded. To be defamatory, a statement must first of all be untrue. Even if subsequently shown to be untrue, the statement will be protected by *'qualified privilege'* if it is made to the appropriate authority *'in response to a duty, whether legal, moral or social or in the protection of an interest.'*

Unjustified repetition of the allegations to other persons will not be protected by privilege. The qualification on privilege refers to statements motivated by malice. If a statement, even to the appropriate authority, can be shown to be not only untrue, but motivated by malice, then an action of defamation could be successful. Staff, parents, and governors concerned about defamation in particular circumstances are advised to seek legal advice.

4.7 Breach of Confidence

If certain conditions are met, information may be regarded as confidential, and passing it on without permission could lead to an action for breach of confidence. The law on this subject is not wholly settled, but it would seem likely that information would be regarded as confidential if:

- the information disclosed was confidential in character (not, for example, a matter of public record, such as a person's age);
- disclosure has caused or would cause actual harm to the person whose confidence was breached; and

- one could infer from the circumstances that the confider did not want the information passed on.

If all these conditions are satisfied and an action is raised for breach of confidence, it would be a defence to show that the information was passed on in pursuit of the public interest. As there is a clear public interest in the protection of children, it is difficult to envisage any such action succeeding.

The School has a clear policy on confidentiality, which takes account of legal and professional obligations, and is made known to Governors, staff, parents, and pupils (**see Appendix 2 – Policy on Confidentiality**).

4.8 Recording Information

Decision-making depends on having sufficient, succinct, accurate and accessible records. A distinction should always be made between facts, hearsay, and opinion. Wellbeing/Child Protection files are kept separate from a pupil's educational record, clearly labelled on the front as **'Confidential - GIRFEC/Wellbeing or Child Protection'** with the child's full name and date of birth. A chronology should be at the front of the file and separate sections should be kept to make for easy access to relevant reports.

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 and monitored by the Vice-Principal (Head of Junior School) or Principal. (See Appendix 9 for further information on a Chronology).

The Named Person/Safeguarding Officer (Child Protection Co-ordinator) is/are responsible for ensuring that all records are kept securely in a lockable cabinet. There are robust systems in place to ensure that individual pupil concerns are co-ordinated and shared.

Access to these files is restricted to **the Principal (Safeguarding Officer), Mrs Victoria Grierson (Vice-Principal & Head of Junior School), Mrs Margaret Peck (Head of Nursery) or Mr Richard Doak (Senior Vice-Principal).**

4.9 Storage and Retention of Records

Good information-sharing depends on the quality of record-keeping and on robust processes for storing information. All schools are required to 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. Where there are arrangements for the sharing of files or electronic information there should be clear protocols in place to support this.

Public access to information is governed by the Data Protection Act 1988 and the Freedom of Information (Scotland) Act 2002 (FOI), which came into force in 2005. The subject access provisions of the Data Protection Act 1998 give individuals the right to apply for a copy of any personal data held about them. Staff should be aware that any information they record may be the subject of a subject access request. If a member of staff receives a subject access request, they should refer this to the appropriate person within the school. FOI gives the public a right of access to information held by public authorities in Scotland, with some reservations to protect personal privacy, and does not apply to independent schools except where schools are in correspondence with public authorities. FOI is fully retrospective and applies to all information, not just information created or filed since the Act came into force.

The School is developing (Autumn Term 2023) a clear and transparent policy on the management, retention, and disposal of all records. The rights of the individual with relation to personal information which is kept on record should always be taken into consideration. A

pupil's education record should be kept for a period of 5 years after the pupil leaves school education. With regard to child protection records, The Scottish Government has clarified that the primary duty to keep Child Protection records falls to Social Work where the retention periods are outlined in the Children and Family Services Record Retention Schedule published by the Scottish Council on Archives (SCA). Schools have been advised to destroy all pupil wellbeing/child protection/guidance records 5 years after the pupil leaves school in line with the SCA Education and Skills Records Retention Schedule.

4.10 Disposal of Records

4.10.1 Education Records

A pupil's education record should be kept for a period of five years after the pupil leaves School.

4.10.2 Wellbeing/Tutor/Guidance Records

Schools have been advised to destroy all pupil wellbeing/guidance records five years after the pupil leaves school in line with the Scottish Council on Archives (SCA) Education and Skills Records Retention Schedule.

4.10.3 Child Protection Records

With regard to child protection records, the Scottish Government has clarified that the primary duty to keep child protection records falls to Social Work where the retention periods are outlined in the Children and Family Services Record Retention Schedule published by the SCA.

With regard to the retention of child protection records by a school, given the nature of historic abuse allegations which often arise long after an individual has left school, there may be individual cases where a school would wish to retain child protection records beyond the five years advised. If, for instance, a school has made a referral to Social Work but the referral is not taken further, the school would hold a record of having raised their concerns, but this record would not sit with Social Work. If the School decides to retain a file for longer than the recommended retention period, the rationale for keeping the file will be recorded.

4.11 Sharing of Information when a child or young person moves

Section 23 of the Children and Young People (Scotland) Act 2014 stipulates that when a child's Named Person service provider, i.e., a health board, local authority, or independent school, changes, the previous Named Person must share information that is likely to be relevant to any risk to the child's wellbeing, with the new Named Person. This ensures that important information is not lost due to the child moving area or making other transitions.

While the Act does not specify any timescale for telling the child or their parents or carers about changes to that service, information is expected to be communicated within 10 working days after the new arrangement is put in place, unless there is good reason for this to take longer. In some cases, there would be an expectation that this would be done more quickly e.g., transition of a child from primary to secondary school. Where a Child's Plan is in place, the legislation is specific that, with few exceptions, the area into which the child moves is responsible for the management of the plan. Concerns must be communicated to the receiving school, along with the child's education file, and a written notification provided, even where initial contact was made by other means. This notification should include information on the history of the 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. Where there is a Child Protection Plan in place, refer to Section 6.17.1 for guidance on Transfer Child Protection Case Conferences. Given the sensitive nature of the information being shared, the School will follow appropriate procedures to protect the security of the information. When a child leaves the School to move outwith Scotland then the Named Person provisions and duties no longer apply. However, the Named Person service provider must review all information held by the Named Person and consider whether the child's circumstances indicate that their wellbeing might be compromised if the information was not shared with an appropriate authority outwith Scotland. Where there are genuine concerns about a child's or young person's wellbeing, the Data Protection Act 1998 promotes lawful and proportionate information sharing, while also protecting the right of the individual to have their personal information fairly processed. In such circumstances, relevant information held about the child should be archived and retained in line with the record retention policy (please reference Section 4.9).

This is because, if the child returns to Scotland, information likely to be relevant to their wellbeing will need to be shared with the child's Named Person.

4.11.1 Transfer of Information when a child or young person leaves the School to be home-educated

Parents have the right to make the choice to home educate without seeking consent from the local authority in the following circumstances:

- the child has never attended a local authority school;
- the child has never attended a local authority school in that authority's area;
- the child is being withdrawn from an independent school;
- the child has finished primary education in one school but has not started secondary education in another; and
- the school the child has been attending has closed.

As the Children and Young People (Scotland) Act 2014 makes provision for the Named Person service to be made available to all children, local authorities have arrangements in place to identify a Named Person for those children who are home educated. Where a child leaves the School to be home educated, we will pass on the responsibility of Named Person and any information relevant to their wellbeing to the Named Person in the local authority where the pupil is resident.

5. Independent Schools: Roles & Responsibilities for Child Protection

5.1 Independent Schools

As with teachers in local authority establishments, staff in independent schools have a responsibility to ensure that the children in their care are not harmed. This applies to teachers and all other staff working with pupils from Early Years to S6.

The Children (Scotland) Act 1995 gave a statutory focus to that responsibility by placing upon the managers of independent boarding schools a duty to safeguard and promote the welfare of children resident in their schools. The Public Services Reform (General Teaching Council for Scotland) Order 2010 and the Protection of Vulnerable Groups (Scotland) Act 2007 strengthened the provisions which ensure that teachers in independent schools (as well as other persons in child care positions) meet the necessary standards to enable them to work with children. All agencies and organisations working with children and young people are expected to have child protection procedures in line with the national guidance.

5.2 The Safeguarding Officer (Child Protection Co-ordinator) (CPC)

Whilst all teaching and support staff who have contact with pupils have responsibilities towards them and should receive relevant training, **the wellbeing and protection of children and the efficient operation of the School's Child Protection procedures are facilitated by the designation of the Principal as the Safeguarding Officer (Child Protection Co-ordinator), the member of staff with responsibility for co-ordinating child protection within the School.**

The Safeguarding Officer (Child Protection Co-ordinator) 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 wellbeing and child protection procedures and any amendments to them;
- supplying new members of staff with access to a 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 an induction briefing and undergo a Child Protection Course for the 'Specific Contact Workforce'. All staff receive updated training on an annual basis;
- overseeing the planning of any curricular provision designed to give children the knowledge and skills to keep themselves safe from all forms 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 or carers in relation to child protection, for instance, by informing parents or carers of the School's policy on confidentiality;
- co-ordinating action within the school and, where relevant, in boarding accommodation in relation to specific children about whom concerns have been raised;
- delegating responsibilities to the most appropriate person, e.g., in situations where the CPC may not be the most appropriate person to support a particular child when an allegation has been made;
- ensuring the CPC receives updated training for the 'Intensive Contact Workforce' every 2 years;
- reviewing the policy at regular intervals, and every 2-3 years as a minimum;
- auditing and quality assuring child protection at regular intervals.

5.2.1 The Safeguarding Officer (Child Protection Co-ordinator) and Interface with the Named Person

At Belmont House School, these roles are carried out by the Principal, assisted by the Vice Principal (Head of Junior School), Head of Nursery and Senior Vice-Principal. Systems are in place to ensure that individual pupil concerns are co-ordinated and appropriate action taken.

5.2.2 Roles and Responsibilities – Safeguarding Team & Safeguarding Committee

Safeguarding Team:

The Principal undertakes the role of Safeguarding Officer for the School with de facto responsibility for this role in the Junior School and Nursery delegated to the Vice-Principal (Junior School) and Head of Nursery respectively. 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 | Mrs Victoria Grierson <i>Vice-Principal (Junior School)</i> |
| Safeguarding Officer – Nursery | Mrs Margaret Peck <i>Head of Nursery</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 | Mrs Victoria Grierson <i>Vice-Principal (Junior School)</i> |
| Safeguarding Officer – Nursery | Mrs Margaret Peck <i>Head of Nursery</i> |
| Assistant Safeguarding Officer | Mr Richard Doak <i>Senior Vice-Principal</i> |
| Governor | tbc |
| Chair of the Board of Governors | Mr Keith A.J. McKellar |
| External advisor: | tbc |

5.3 Non-teaching Staff

Non-teaching staff have an important role in promoting the wellbeing of children and young people and can contribute to prevention and early detection of child abuse in the course of the discharge of their daily duties

5.4 Governors

Governing bodies in all independent schools are accountable for ensuring their establishment has effective child protection policies and procedures in place and should review these regularly.

The Board of Governors of Belmont House Ltd are accountable for the wellbeing and protection of pupils and have systems in place where this is formally reported to them. In line with best practice, Belmont House School has a designated Governor with a particular responsibility for overseeing the protection and wellbeing of pupils. All Governors are members of the PVG Scheme.

5.5 Staff Training

Training in child protection is essential for everyone, including Governors, involved in managing a school or who have contact with pupils. The Principal/Safeguarding Officer (Child Protection Co-ordinator) also needs training on the law and the operation of procedures. The National Training Framework for Child Protection Learning & Development in Scotland 2012 details the competencies, knowledge and skills required by the work force.

These are divided into three levels depending on the roles and responsibilities of staff – the 'Generic Contact Workforce', the 'Specific Contact Workforce' and the 'Intensive Contact Workforce'.

All Belmont House School staff:

- 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 wellbeing and protection;
- understand what, how and when to record and share information to keep children safe, and be able to do so;
- have knowledge of other services who may play a significant role in protecting children;
- have appropriate support from managers 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.

5.6 Code of Conduct for Staff: Guidance on Interaction with Pupils

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety. The following guidance is offered as a starting point for further development through training and is incorporated into a standalone Code of Conduct issued separately to all staff and signed (see Appendix 3). 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.

5.6.1 Physical Touch

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 should 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. 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 even more important that schools make every effort to ensure that all staff who have contact with pupils are carefully selected and all appropriate checks completed.

5.6.2 One-to-One Situations

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, as 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. This may also prove difficult, especially in a boarding situation, where it might be seen as beneficial for a child to have some opportunity for one-to-one contact with an adult:

- Where one-to-one contact is appropriate, it should be timetabled and, where possible, held with others around or within earshot or view of others.
- Never have the door locked and, wherever possible, maintain a gap/barrier between you and the child.
- Another member of staff should be aware of any meeting and its purpose.
- If possible, doors should have built-in windows.
- Do not meet pupils off school premises for personal reasons or invite them to your home.

- Most one-to-one meetings will be straightforward and uneventful. But where the meeting is difficult, fraught, tense, accusatory or the pupil becomes distressed, the adult must record details and inform a senior manager of the incident.
- If in doubt about a meeting, agree that a colleague will be nearby.
- Excursions out of the school, especially residential stays, can provide opportunities for abuse. Care should be taken to ensure that there are sufficient adults to provide proper supervision and that appropriate risk assessment(s) have been carried out.

5.6.3 Physical Contact and Restraint

The following points should be noted:

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention, 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 resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.
- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or 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 cease any physical contact. All incidents of physical intervention or restraint should be logged, dated, and signed in a log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation 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).

5.6.4 'Hands on' Educational Instruction

The following points should be noted:

- 'Hands on' educational instructions / support should only be used when verbal or role-modelling is insufficient, or it is necessary for health and safety reasons. Whenever possible, this should be done within earshot, and preferably within view, of others.

- Where 'hands on' is necessary you should seek the young person's permission appropriate to their age and level of understanding and explain to them what you are about to do.

5.6.5 Verbal Remarks

The following points should be noted:

- 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.
- 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.

5.6.6 Communication via e-technology and social media

The following points should be noted:

- Any communication via e-technology with pupils should be in line with school policy, for educational purposes and approved by the senior management of the school.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting, and social media encourage casual dialogue and very often, innocent actions can easily be misconstrued or manipulated. A teacher should never share information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting.

5.6.7 Attachments

The following points should be noted:

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from your line manager.
- 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 line manager.

5.6.8 Climate and 'Whistle Blowing'

The following points should be noted:

- In working with children and 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 Safeguarding Officer (Child Protection Co-ordinator).
- If the concern is about the Safeguarding Officer (Child Protection Co-ordinator) it should be reported to the Principal and if it is about the Principal, it should be reported to the Chair of the Board of Governors.

5.6.9 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 judgement 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
-

6. Responding to Child Protection Concerns about Children/Young People

6.1 Role of staff

All education 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), Vice-Principal (Junior School) or Head of Nursery 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.

6.2 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 express 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;
- historical abuse.

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.

6.3 A Member of Staff has Concerns or a Young Person 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 recognise, respond, record and report:

- **Recognise** when the child's behaviour is a cause for concern, and
- **Respond;**
- **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, and sign and date the report on that day.
- **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 judgemental about the information given by the child.
8. Refer to the Safeguarding Officer (Child Protection Co-ordinator) in accordance with school procedures.

If the child draws back from speaking to the staff member, the child should be informed of the possibility of making a private and confidential telephone call to ChildLine on 0800 1111. ChildLine's approach is to listen to the child, discuss options and encourage the child to seek help from a trusted adult. A member of staff who is concerned about a child in these circumstances should inform the Safeguarding/Safeguarding Officer (Child Protection Co-ordinator) that the child appears to have some concerns.

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.

6.4 A Third Party expresses Concern

Research suggests that some adults see schools as a preferred contact point if they have concerns about the wellbeing or safety of a child either in the school their child attends or at another school. Parents in conflict may also share concerns about their partner with school staff. In some circumstances, therefore, School staff will find themselves receiving 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.

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:

- **Recognise** that a concern is being raised and **respond** to the person expressing the concern.
- **Record** in detail what they have seen and heard and when they did so. Actual words used should be quoted where possible. Record the behaviour and demeanour of the person expressing the concerns, where this is done in person.
- **Report** the matter to the Safeguarding Officer (Child Protection Co-ordinator).

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.

In all circumstances, the Safeguarding Officer/Safeguarding Officer (Child Protection Co-ordinator) must ensure that the information is shared with other relevant agencies (health, police, social services), so that an early assessment can be made of any potential/actual harm to the child and whether further child protection enquiries are necessary.

6.5 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).

6.6 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 **RECOGNISE, RESPOND, REPORT** and, **R E C O R D**.

- **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.

- Report to the Safeguarding Officer (Child Protection Co-ordinator) on the same day and 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 Safeguarding Officer (Child Protection Co-ordinator) (CPC) on the same day as the concerns arise.

REMEMBER – Record and Report (See Appendix 1 Cause for Concern Referral Form) on the same working day. Ideally both a paper (signed and dated) and electronic copy should be kept. It is important to ensure that both electronic and paper filing systems are safe and secure and accessible only to designated individuals. In the unlikely event of no members of the Safeguarding Team being available in person or at least contactable, staff must (without deal) refer their concern to social work or police.

6.7 Arrangements for Child Protection in the Armed Services

Family life in the armed forces is, by its very nature, different to that in civilian life. The forces control the movement of the family and families often endure long periods of separation, without extended family support. It will normally be the local authority social worker who makes the first contact to share information with the service authorities when a service family becomes the subject of child protection inquiries. Each service has its own welfare organisation, and service authorities also provide housing for their families (see Appendix 6 - Arrangements for Child Protection in the Armed Services which includes the roles and responsibilities of personnel which may be helpful).

6.8 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.

6.9 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. Guidance and advice will be sought from social services should the need arise.

The Principal (Safeguarding Officer) should collate all relevant information held by the School on the child and complete Part 2 of the Cause for Concern Referral Form (see Appendix 1), 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 relevant 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.

The Principal (Safeguarding Officer) should send a brief report of the incident in confidence to the Chair of Governors. The names of the people involved should not be disclosed in this report unless there are exceptional reasons for doing so. In the case of an allegation against a member of staff it may be appropriate to name the member of staff as the Governors are responsible for his/her employment.

6.10 Child Protection Stages

Formal child protection measures can be broadly divided into a number of different stages:

- recognising actual or potential harm to a child;
- sharing concerns and initial information-gathering;
- joint investigation/assessment;
- medical examination and assessment;
- Child Protection Case Conferences; and
- developing a Child Protection Plan.

At each stage, consideration must be given to whether emergency action is required to protect the child and to involving the child or young person and their family. Investigating services are responsible for considering, at all stages, whether the child's safety is at risk.

6.11 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 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.

6.12 Inappropriate Behaviour by Pupils

In the case of inappropriate behaviour by pupils, the School's behaviour policies and expectations 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.

6.13 The Inter-Agency referral discussion (IRD) Process

When social work or the police have received notification of a concern about a child and they have sufficient concerns that a child is possibly at risk of significant harm, they should initiate the Inter-Agency Referral Discussion Process (IRD). The core agencies engaged in the IRD process are social work, police, and health. The IRD is the first stage in the process of joint investigation following notification of a concern about a child to the social work service or the police. It will include a need to share and exchange information, to carry out assessment and to make decisions to determine any risks to the child, any siblings of that child and any other child related to the child in question. It will also identify key workers and their specific roles and responsibilities. In practice, an IRD is not a single event, but rather a series of discussions and exchanges of information between the core agencies and any other service and/or agency which may be involved with the child and/or have relevant information relating to that child. This should not preclude any other agencies or individuals becoming involved. Specifically, the School may be involved in supporting the child in part of the investigation.

6.14 Joint Investigation/Assessment

The purpose of joint investigations is to establish the facts regarding a potential crime or offence against a child and to gather and share information to inform the assessment of risk and need for that child, and the need for any protective action. Guidance published in 2011 introduced visual and audio-recording of these joint investigative interviews. The Police role is

primarily to collect evidence of an offence, interview suspected abusers, charge where appropriate, and provide reports for both the Procurator Fiscal and the Children's Reporter. The primary role of the Social Worker is to assess risk to the child, take any necessary steps to secure the protection of the child and provide appropriate advice and assistance to the family.

6.14.1 Joint Investigation Interviews (including Visually Recorded Interviews) without Parental Consent

Arrangements for the above may involve the child/young person being taken from school for a visually recorded interview (VRI) without parental consent or knowledge. It may also involve the interview-taking place in School and the School will be asked to make specific facilities available. In such cases the Principal/Safeguarding Officer will discuss with the Police and social worker who informs the parents or carers and what they are told. This is even more important if the interview is going to last beyond the school day and there is the prospect of a parent arriving at School to pick up their child or their child not arriving home on time.

6.15 Legal Measures to Protect Children at Risk

In some cases, urgent action may be required to protect a child from actual or likely significant harm. The Child Protection Order authorises the applicant (normally the local authority) to remove a child from circumstances in which he or she is at risk or retain him or her in a place of safety, while the Exclusion Order requires the removal of a person suspected of harming the child from the family home.

The local authority may also apply for a Child Assessment Order if it has reasonable cause to suspect that a child may be suffering or is likely to suffer significant harm and that those with parental responsibility are preventing an assessment of the child being undertaken to confirm or refute that concern. The Child Assessment Order requires the parents or carers to produce the child and allow any assessment needed to take place so that practitioners can decide whether they should act to safeguard the child's wellbeing. The authority may ask, or the Sheriff may direct, someone such as a GP, paediatrician, or psychiatrist to carry out all or any part of the assessment. Where the child is of sufficient age and understanding, they may refuse consent to a medical examination or treatment whether or not a Child Assessment Order is made.

6.16 Involving Children and Young People

As with all activity with children and young people, children should be helped to understand how child protection procedures work, how they can be involved and how they can contribute to decisions about their future. Taking into account the age and maturity of the child or young person, they will often have a clear perception of what needs to be done to ensure their own safety and wellbeing. Children should be listened to at every stage of the child protection process and given appropriate information about the decisions being made. Where a child is hearing-impaired or has other additional support needs, advice and support may be required to ensure that they are fully involved in what is happening.

Careful consideration needs to be given to the needs of the child or young person. They may have been groomed or controlled by explicit or implicit threats and violence and fear reprisals if they disclose. In some instances, a child or young person may believe that they are complicit in the abuse or not understand that what has happened to them is abuse.

6.17 Child Protection Case Conferences (CPCCs)

The function of all CPCCs is to share information in order to identify risks to the child collectively and the actions by which those risks can be reduced. The participants should maintain an outcome-focused approach:

- ensuring that all relevant information held by each service or agency has been shared and analysed on an inter-agency basis;
- assessing the degree of existing and likely future risk to the child;
- considering the views of the child/parents/carers;
- identifying the child's needs and how these can be met by services and agencies;
- developing and reviewing the Child Protection Plan;
- identifying a Lead Professional;
- deciding whether to place or retain a child's name on the Child Protection Register;
- considering whether a referral to the Reporter to the Children's Hearing is needed if this has not already been done.

There are four types of case conferences:

6.17.1 Types of CPCCs

1. Initial CPCC

The purpose of an initial CPCC is to allow representatives from across services to share information about a child for whom there are child protection concerns, jointly assess that information and the risks to the child and determine whether there is a likelihood of significant harm through abuse or neglect that needs to be addressed through a multi-agency Child Protection Plan. The initial CPCC should also consider whether the child is safe to remain at home or a referral to the Children's Reporter is required.

Where it is agreed that a child is at risk of significant harm and that their name should be placed on the Child Protection Register, those attending the CPCC are responsible for developing and agreeing a Child Protection Plan, which will be incorporated into the Child's Plan, and identifying the core group of staff responsible for implementing, monitoring, and reviewing the plan. The participants need to take account of the circumstances leading to the CPCC and the initial risk assessment.

Due to the timescales for calling an initial CPCC, there may only be time for an interim risk management plan; a more comprehensive risk assessment may still need to be carried out after the CPCC. In some instances, there will already be a multi-agency Child's Plan in place, and this will need to be considered in light of the concerns about the child.

The initial CPCC should be held as soon as possible and no later than 21 calendar days from the notification of concern being received. Where possible, participants should be given a minimum of 5 days' notice of the decision to convene a CPCC. Local guidelines should ensure there are clear arrangements in place for sharing information held by schools and ensuring education representation at meetings during school holidays. These arrangements need to be communicated effectively to staff within and across services.

2. The Pre-birth Case Conference

The purpose of a Pre-birth CPCC is to decide whether serious professional concerns exist about the likelihood of harm through abuse or neglect of an unborn child when

they are born.

3. Review CPCC

The purpose of a Review CPCC is to review the decision to place a child's name on the Child Protection Register or where there are significant changes in the child or family's circumstances.

The participants will review the progress of the Child Protection Plan, consider all new information available and decide whether the child's name should remain on the Child Protection Register.

The first review CPCC should be held within 3 months of the initial CPCC. Thereafter, reviews should take place 6-monthly, or earlier if circumstances change. Where a child is no longer considered to be at risk of significant harm and the Child Protection Plan a Child's Plan, their name should be removed from the Child Protection Register by the review CPCC. The child and their family/carers may still require ongoing support, and this should be managed through the Child's Plan.

4. Transfer CPCC

These specifically cover the transfer of information about a child where a Child Protection Plan is currently in place. Only a review CPCC can deregister a child from the Child Protection Register. Where a child and/or their family move permanently to another local authority area, the original local authority will notify the receiving local authority immediately, then follow up the notification in writing.

Where the child moves to another authority the originating authority needs to assess this change in circumstances. If there is felt to be a reduction in risk the originating authority should arrange a Review CPCC to consider the need for ongoing registration, or, if appropriate, de-registration. In such circumstances it would be best practice for an appropriate member of staff from the receiving authority to attend the review. Where the original authority considers that the risk is ongoing or even increased by the move, the receiving local authority is responsible for convening the transfer CPCC. This should be held within the timescales of the receiving local authority's initial CPCC arrangements but within a maximum of 21 calendar days.

Where a child and their family move from one Scottish authority to another, then if the child has a Child Protection Plan, the case records need to go with the child.

6.17.2 Child Protection Case Conference Participants

The number of people involved in a CPCC should be limited to those with a need to know or those who have a relevant contribution to make. All persons invited to a CPCC need to understand its purpose, functions, and the relevance of their particular contribution. This may include a support person or advocate for the child and or family. Consideration should be given to how to respond to a situation when a parent or carer refuses to allow a child or young person access to information and advocacy services in relation to child protection processes, and particularly in situations where there are issues relating to the age and development of the child or young person. CPCCs are chaired by senior staff members in Children's Services, experienced in child protection. CPCC participants need to include:

- local authority social worker(s);
- education staff where any of the children in the family are of school age or attending pre-five establishments;
- NHS staff, health visitor/school nurse/GP as appropriate, depending on the child's age, and the child's paediatrician where applicable; and
- Police where there has been involvement with the child and/or parents or carers.

Participants attending are there to represent their agency/service and share information to ensure that risks can be identified and addressed. They have a responsibility to share information and clarify other information shared as necessary.

6.17.3 Minutes

Participants should receive the Minutes within 15 calendar days of the CPCC. To avoid any unnecessary delay in actions and tasks identified, the Chair should produce a record of key decisions and agreed tasks for circulation within one day of the meeting. This should be distributed to invitees who were unable to attend and members of the core group, as well as CPCC attendees. Staff attending should thoroughly check Minutes and notify the Chair in writing of any inconsistencies and return these to the Chair in writing within the timescales.

To avoid any unnecessary delay in actions and tasks identified, the Chair should produce a record of key decisions and agreed tasks for circulation within one day of the meeting. This

should be distributed to invitees who were unable to attend and members of the core group, as well as CPCC attendees.

6.17.4 Parents/Carers and Children/Young People

Parents, carers, or others with parental responsibilities should be invited to the CPCC. They need clear information about practitioners' concerns if they are to change behaviour which puts the child at risk. In exceptional circumstances, the Chair may determine that a parent/carer should not be invited to or be excluded from attending the CPCC (for example, where bail conditions preclude contact or there are concerns that they present a significant risk to others attending, including the child or young person). Consideration should be given to inviting children and young people to CPCCs. CPCCs can be uncomfortable for children to attend and the child or young person's age and the emotional impact of attending a meeting must be considered. Children and young people attending should be prepared beforehand so that they can participate in a meaningful way, and thought should be given to making the meeting as child - and family – friendly as possible. It is crucial that the child's or young person's views are obtained, presented, considered, and recorded during the meeting, regardless of whether or not they are present. Where the child has a disability, consideration should be given to whether they will need support to express their views. Where appropriate and agreed the child should be part of the core group.

6.17.5 Provision of Reports

Reports should be produced and co-ordinated to ensure that relevant information is effectively shared with conference participants and supports good decision-making. Invitees have a responsibility to share the content of the report(s) with the child and family in an accessible, comprehensible way. Consideration needs to be given as to the most appropriate means of sharing reports with the child and family and to when it should be done. A chronology of significant events in relation to the child and their parents or carers should be part of the report.

6.17.6 Restricted Access Information

Restricted access information is information that, by its nature, cannot be shared freely with the child, parents or carers and anyone supporting them. The information will be shared with the other participants at the CPCC. Such information may not be shared with any other person without the explicit permission of the provider.

Restricted information includes:

- *sub judice* information that forms part of legal proceedings, and which could compromise those proceedings;
- information from a third party that could identify them if shared;
- information about an individual that may not be known to others, even close family members, such as medical history and intelligence reports; and
- information that, if shared, could place any individual(s) at risk, such as a home address or school which is unknown to an ex-partner.

6.17.7 Decisions

All participants at a CPCC with significant involvement with the child/family have a responsibility to contribute to the decision as to whether or not to place the child's name on the Child Protection Register. Where there is no clear consensus in the discussion, the Chair will use his or her professional judgement to make the final decision, based on an analysis of the issues raised. In these circumstances, the decision-making needs to be subjected to independent scrutiny from a senior member of staff with no involvement in the case. The local inter-agency child protection procedures should give details as to how this will be achieved, including timescales.

Local Guidance should provide clear pathways for any escalation of issues and dispute resolutions. Parents or carers will not be part of the decision making and as this is not a legal forum, they do not have a right of appeal.

6.18 Child Protection Plan

When a Child's Plan incorporates a Child Protection Plan this should set out in detail:

- the perceived risks and needs;
- what is required to reduce these risks and meet those needs; and
- who is expected to take any task forward including parents or carers and the child themselves.

Children and their families need to understand clearly what is being done to support them and why. In addition, Child Protection Plans need to identify clearly:

- the agreed outcomes for the child or young person;

- key people involved and their responsibilities, including the Lead Professional and named practitioners;
- timescales;
- supports and resources required (in particular, access to specialist assistance);
- 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. Plans should also include whether there may be a need for Compulsory Measures of Supervision. As part of this continuity, children and young people who are on the Child Protection Register should not be excluded from 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.

Participants should receive a copy of the agreed Child Protection Plan within 5 calendar days of the CPCC. It is recognised that a full comprehensive risk assessment may not be achievable within the timescales of the initial CPCC or the first core group. Therefore, it should be recognised that the early Child Protection Plan may need to be provisional until a fuller assessment can be undertaken.

6.19 Core Groups

A core group is a group of identified individuals, including the Lead Professional, the child and their parents or carers, who have a crucial role to play in implementing and reviewing the Child Protection Plan. In child protection cases, the role of the Lead Professional will typically be taken by the local authority social worker. The core group is responsible for ensuring that the plan remains focused on achieving better outcomes for the child by reducing the known risks. The initial core group meeting should be held within 15 calendar days of the initial CPCC.

The functions of a core group include:

- ensuring ongoing assessment of the needs of, and risks to, a child or young person who has a Child Protection Plan;
- implementing, monitoring, and reviewing the Child Protection Plan so that the focus remains on improving outcomes for the child. This will include evaluating the impact of work done and/or changes within the family in order to decide whether risks have increased or decreased;
- maintaining effective communication between all services and agencies involved with the child and parents or carers;
- activating contingency plans promptly when progress is not made, or circumstances deteriorate;
- reporting to Review Child Protection Case Conferences on progress; and
- referring any significant changes in the Child Protection Plan, including non-engagement of the family, to the CPCC Chair.

Consideration of the involvement of the child should take cognisance of their age and the emotional impact of attending a meeting to discuss the risks they have been placed at. Children attending must be prepared beforehand to allow them to participate in a meaningful way. It is crucial that their views are obtained, presented, and considered during the meeting.

This group should provide a less formal way for children, parents, and carers to interact with agency and service providers. The core group will report back to the CPCC on progress on the Child Protection Plan. Where a core group identifies a need to make significant changes to the Child Protection Plan, they should notify the CPCC Chair within three calendar days.

6.20 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 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. All participants at a CPCC with significant involvement with the child/family have a responsibility to contribute to the decision as to whether or not to place the child's name on the Child Protection Register.

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.

6.21 Removing a Child from the Child Protection Register

If, and when, the practitioners who are working with the child and family decide that the risk of significant harm to the child has been sufficiently reduced and the child or young person is no longer in need of a Child Protection Plan, the local authority should remove the child from the Child Protection Register. The decision to remove a child's name will be made by a Review Child Protection Case Conference at which all the relevant agencies are represented, as well as the child and their family. When a child's name is removed from the register, the child and their family must be informed.

Removal of a child's name from the register should not necessarily lead to a reduction or withdrawal of services or support to the child and family by any or all of the agencies. The risk of significant harm to the child may have receded, but the child may continue to require a range of support; this will form part of the single planning process for the child. At the point of deregistration, consideration should be given to whether a different Lead Professional should be appointed and, if so, arrangements made for the transfer to be agreed. Following deregistration, a Child's Plan will take the place of a Child Protection Plan. The Named Person will also be a key professional when a child is de-registered, is no longer looked after or is no longer the subject of a multi-agency Child's Plan. The Named Person will monitor the child's progress and ensure they are continuing to be protected and their needs are met. If the child becomes the subject of further concerns, the Named Person will complete a new referral.

6.22 Criminal Prosecution of Alleged Perpetrators of Abuse or Neglect

Decisions regarding any criminal prosecution or gathering of further evidence will be taken by the Procurator Fiscal and the police. When a decision is taken to raise criminal proceedings in which the child or children will be cited as witnesses and asked to give evidence, the relevant social worker should discuss the case with the police. The police will then advise the Procurator Fiscal accordingly, highlighting any concerns about the risk of further abuse of or interference with witnesses in the case and with any other children to whom the alleged perpetrator has access. This information is vital to assist Procurators Fiscal and the court to make informed decisions about bail and additional special conditions which may be required.

6.23 Child Witnesses

Special measures for all child witnesses cited to attend court can include: having a support person present; screens so that the child cannot see the accused; a CCTV link from within the court building or from a remote site, as appropriate; prior statements treated as evidence in

chief (criminal cases only); and evidence taken by a commissioner. Consideration should be given as to who may act as a support person for the child, particularly in cases where that person may also be called upon as a witness. The person citing the witness (e.g., the Procurator Fiscal or defence lawyer) will make an application to the court which will decide which special measures are the most appropriate. The child's own views should also feed into the decision-making process; as part of the process, schools may be asked to complete pro-
forma on the child.

7. Recruitment and Selection of Staff

7.1 Recruitment Procedures

Belmont House School has a fundamental responsibility to ensure its policies and procedures are robust alongside the PVG Scheme to ensure best practice is in place to safeguard and protect children and vulnerable adults.

The recruitment and selection procedures for any school should include:

- **Detailed job descriptions** – clear, detailed job and role descriptions and responsibilities, with person specifications and information about the School are provided. The job description contains a clear remit against which candidates' qualifications can be checked.
- **Identity checks and verification of documents** – the School asks for verification of ID (e.g., Driving Licence/Passport) and educational/professional qualifications. The School allows no unsupervised access to children before completion of all checks and these procedures are not waived for fear of causing offence to parents or friends of staff. The overriding responsibility for schools is to protect the children or vulnerable adults in their care and genuine applicants should not be deterred by being scrutinised.
- **Self Declaration** – is part of the School's Application Procedure.
- **References** – Candidates must provide full employment (and unemployment) histories, with names and addresses of present and past employers. Candidates provide the names and addresses of at least two referees of which one must be their current employer. The School will always approach an applicant's present employer and will reserve the right to approach any previous employer (or line manager) about a short-listed candidate's character and performance before interview and/or appointment. Written references are requested on the basis that referees have the job description and person specification and are encouraged to comment frankly on the short-listed candidate's strengths and weaknesses in relation to their suitability to work with children.

Where necessary, the School:

- explores any aspects of references by telephone with a current or past employer;
 - keeps a record of conversations with referees;
 - retains records of any disciplinary action/offences or concerns relating to the member of staff;
- **Appropriate PVG Membership** – A PVG Scheme check is one of a number of recruitment tools available to assess the suitability of a person to work with children.
 - **Preliminary interviews and visits** – Where possible, and relevant, there should be preliminary interviews of short-listed candidates and visits to the school to meet staff and pupils in advance of the final interview. This will enable a fuller picture to be obtained of the character and attitudes of short-listed candidates and the interaction between candidates, staff, and pupils. Interviews should include a question on child protection.
 - **Induction** – at Belmont House School this includes:
 - Code of Conduct (**See Appendix 3. This must be signed for by each member of staff.**)
 - Support and supervision.
 - Relevant Child Protection training.
 - **Trial period** – It may be possible to appoint the successful candidate on a trial basis for a defined period of time. All new appointees should be monitored, provided with a mentor (typically their immediate line manager), and given feedback on their performance.

7.2 The Protection of Vulnerable Groups (PVG) Scheme

The PVG Database is owned and populated by Disclosure Scotland. The purpose of the PVG Scheme is to keep those who might harm vulnerable groups out of the regulated workforce. It requires those who work with children, or vulnerable adults, to be registered, and aims to strike a balance between proportionate protection and robust regulation. It provides an enhanced tool to help employers make safe and balanced recruitment decisions and therefore, help them to minimise any risk to children or vulnerable adults. Employers can have confidence that, if a person is a member of the scheme, they are not unsuitable to work in that workforce. Hopefully

that will make them less risk-averse in deciding whether the individual is suitable for a particular post. However, the final decision about suitability sits with the employer.

People doing certain types of work in Scotland, known as regulated work (see Section 7.2.1), 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 is an offence for an organisation to employ an individual in regulated work if they are barred. The Scheme entails:

Continuous Updating

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.

Effective Barring

The PVG Scheme assesses the information it holds, 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.

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.

7.2.1 Assessment of Regulated Work

Regulated work is defined by four basic principles:

1. It has to be work, (paid or unpaid) i.e., not simply an arrangement between friends/family.
2. It has to be with either children/young people, or protected adults.
3. It has to be part of normal duties i.e.; the activity is reasonably anticipated and could appear on the person's job description.

4. The work has to include:

- caring for children/young people;
- teaching, instructing, training or supervising children/young people;
- being in sole charge of children/young people;
- having unsupervised access to children/young people.

The role of managing a person in regulated work is also considered to meet the definition of regulated work. Clearly most roles within schools will meet the regulated work criteria. For further guidance reference is made to the Disclosure Scotland Regulated Work Assessment Tool when deciding if a post is 'regulated'.

There are fees for PVG checks for employees doing paid regulated work which the School pays. Scottish Ministers have waived the fees for PVG checks for volunteers doing unpaid, regulated work in the voluntary sector in Scotland. This includes sports clubs/organisations. The individual receives their Scheme Record from Disclosure Scotland as does the counter-signatory on the application form.

7.2.2 PVG Scheme Check - Applicants Outside the United Kingdom

The PVG Act is Scottish legislation. Part 5 of the Police Act 1997 is UK legislation that had been amended by both the UK and the Scottish Parliaments to create a distinct Scottish version within which the disclosure system operates. Neither the Scottish nor the UK Parliaments have the legislative powers to require foreign police forces to provide information to the scheme.

The School rarely employs overseas applicants, but they would be checked to discover whether they are known to UK information sources and membership of the scheme will ensure that any new information about them is picked up and dealt with quickly.

Employers remain responsible for safe recruitment practice, including checking identity, references, background and verifying documentation prior to appointment.

The Scottish Government is working with the UK Government to improve the exchange of conviction information with other European countries and non-EU countries that provide significant numbers of overseas workers to the UK. However, many countries have different justice systems and policies on retaining conviction information and there are significant challenges in translating and interpreting any information that could be provided. This work is

therefore complex and will take some time to bring to fruition. Should the School require to obtain more information contact would be made with either the Foreign Office or the Centre for National Infrastructure (CPNI).

7.2.3 Updating PVG Scheme Records

The PVG scheme ensures that an employer is notified when the barred status of an employee changes with relation to the workforce for which the person is doing regulated work. It would therefore be necessary to repeat an employee's PVG check if the nature of their work changes regulation categories, i.e., from work with children to work with vulnerable adults. It is advisable for any School to consider whether there are aspects of an employee's role in which an offence in an area unrelated to the regulated aspect of the work (and therefore of which they would not be notified) would make the employee unsuitable to carry out a particular duty, for instance a driving offence if the member of staff is a named minibuss driver, or indeed if the School wished to be aware of offences which would bring the general suitability and integrity of an employee into question for the work in which they are involved.

It is up to schools to carry out their own risk assessment in relation to whether or not to carry out periodic update checks, but there is nothing in the PVG legislation which states that it is mandatory for an employer to carry out these checks on a regular basis. A Scheme Record Update would indicate if there were new information from the last scheme record and the School could then obtain the full scheme record to receive the details of the new information. The Care Inspectorate recommend as good practice that nurseries and schools have a policy in place, based on risk assessment, to carry out PVG Scheme record updates every 3-5 years or if an individual member of staff changes their role. Belmont House School follows this national best practice model and seeks updates on current employees every 3 years.

7.2.4 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 vulnerable person, 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 the PVG Scheme.

Schools also have the responsibility of notifying the General Teaching Council for Scotland or other relevant professional body. Schools are also encouraged to keep the Registrar of Independent Schools informed of any issues which may affect the wellbeing of pupils whether that be actions by pupils or staff.

7.3 Appointment of Governors

The School ensures that any new appointment is made under the Protection of Vulnerable Groups (PVG) Scheme and that they are registered Scheme members. The Governor may never have contact with children, a Governor is in a regulated position of trust under the Law.

7.4 Further Information on the Recruitment of Staff

Information including FAQs is available on the following websites and utilised as required:

- Disclosure Scotland <http://www.disclosurescotland.co.uk/>
- Volunteer Scotland Disclosure Services <http://www.volunteerscotland.net/disclosure-services>
- Safer Pre and Post Employment Checks - NHS Scotland
<http://www.show.scot.nhs.uk/publications/j9227/j9227.pdf>
- Safer Recruitment through Better Recruitment: Guidance in Relation to Staff Working in Social Care and Social Work Settings
<http://www.scotland.gov.uk/Publications/2007/03/13154149/0>
- General Teaching Council for Scotland
<http://www.gtcs.org.uk/registration/protection-of-vulnerable-groups/pvg-scheme-overseas-checks.aspx>

8. Allegations of Abuse against Staff

8.1 Allegations or Complaints of Abuse against Staff – where the information suggests possible Child Abuse

Any information, suggestion, allegation, or complaint against a member of staff about possible child abuse must be taken seriously and acted on. Where it is clear that the initial information suggests possible child abuse or a criminal offence against a child, the police should be asked to investigate, and the procedures outlined in this Guidance and in the school's Disciplinary Policy will be followed.

The Principal (Safeguarding Officer) will be informed immediately. The Chair of the Board of Governors should be informed by the Principal as a matter of urgency. Advice should be taken by the Principal (Safeguarding Officer) from the police before anyone is questioned. Advice should be taken from the investigating officer in the police what information (either orally or in writing) can be given, and when, to the member of staff involved in the allegation, so that best evidence is preserved.

8.2 Concerning Information about Staff that does NOT meet the Criteria at 8.1 above

If the information is unclear, the basic facts should be established using open-ended, non leading questions and a decision made as to what action the School needs to take. If you have any doubt about the status of the initial information you should follow the guidance at 8.1 and take advice from the police. If during the course of establishing the facts, it becomes evident that there is a possible allegation of abuse the guidance at 8.1 above will be followed.

Where the information does not suggest child abuse, 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. Where the allegation concerns inappropriate behaviour by a member of staff, it may be appropriate to invoke the School's staff disciplinary procedures. The member of staff should always be informed that such an allegation has been made.

When staff disciplinary procedures are being reviewed, linkages will be made between the disciplinary procedures and the child protection procedures, so that there is clarity about the purpose and justification of any particular action taken by the school management.

8.3 Precautionary Suspension

The School will have to consider the need to ensure that children are protected while an allegation is under investigation. A precautionary suspension, without prejudice to the member of staff, for the duration of the investigation, should be considered by the Principal and Chair of Governors in cases where:

- there is cause to suspect or believe a pupil or pupils are at risk of harm;
- the allegation warrants investigation by the police;
- the allegation is so serious that it might be grounds for dismissal.

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. If a decision is made to suspend the member of staff, there should be no delay in taking action, including during school holiday periods. The member of staff should be informed immediately and warned that there should be no contact with pupils for the duration of the investigation.

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 or carers 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 or carers. In this situation, legal advice should be taken about the terms of any letter to be sent to all relevant parents or carers, 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 or carers 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 consulting police, social work authorities and the Procurator Fiscal about compliance with legal requirements, consider seeking guidance from

a child and family psychiatry/psychology department about support for children, families, and staff.

Should the allegations be proven, parents or carers 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. A referral to the PVG Scheme may be appropriate in some circumstances (see Section 7.2.4).

8.4 Allegations against the Principal

In cases where the member of staff against whom the allegation is made is the Principal, the Chair of Governors should be informed as a matter of urgency. It will be the responsibility of the Governors to consider the matter and take appropriate action and follow these guidelines. Governors are advised to take independent advice on the matter to avoid any suspicions of a 'cover-up'.

8.5 Unfounded Allegations

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. Members of staff may wish to seek advice and support from their professional associations in these circumstances.

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.

8.6 Abuse of Trust

Part 5 of the Sexual Offences (Scotland) Act 2009 covers the abuse of trust offence whereby 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 schools. The School ensures that all staff, including supply teachers and student teachers, are aware of their responsibilities and boundaries of relationships with pupils.

8.7 Historical Allegations of Abuse

The term 'historical abuse' refers to allegations of abuse which took place before the victim was 16 (or 18, in particular circumstances) and which have been made after a significant time lapse. The complainant may be an adult but could be an older young person making allegations of abuse in early childhood.

If any school receives a historical allegation of abuse, it is a matter for the police to investigate. Any reasonable professional concern that a child may be at risk of harm will always over-ride a professional requirement to keep information confidential. This may be in a professional capacity such as in a school/residential setting, within a personal family setting or in the wider community.

When a report of historical child abuse is received by any agency, consideration needs to be given to the investigation of any current child protection concerns. This should include determining whether there are any children potentially still at risk from the suspected perpetrator(s).

As with all investigations into suspected or reported abuse, the agencies involved should take a measured, planned approach that balances current child protection risks with support for the individual. Multi-agency communication and collaboration is vital, and services should be proactive in ensuring they have a clear understanding of each others' roles and remits.



9. Good practice in schools to safeguard and protect the wellbeing of Children and Young People

9.1 Use of Photographs and Videos of Pupils

The School is committed to taking all reasonable steps to safeguard pupils when they are being photographed and/or videoed. They provide opportunities to celebrate school activities and pupils' achievements and are valuable for some specific educational purposes. Common sense is required when implementing this guidance and all decisions should reflect the best interests of the pupil:

- School equipment should be used for taking photographs/filming.
- No photographs or video footage should ever be permitted in areas of personal privacy by staff or pupils. e.g., changing rooms, bathrooms etc.
- If using an external agency, ensure the photographer has been appropriately checked and is accompanied by a member of school staff at all times.
- All images and videos of pupils taken for educational purposes belong to the school and should be stored in line with 9.1.4 below.

9.1.1 Notification

Parents and pupils should be informed that pupils 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

9.1.2 Permission

The following points are noted:

- Parents or carers are asked to complete a consent form that allows them to consent or to withhold consent for the photographing and videoing of all educational activities.
- Specific additional consent is sought for media and promotional use as the images will be available in the public domain.

- Where appropriate, pupils are asked for 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 is taken into account.
- Images are not shared with external agencies unless express permission is obtained from the parent and, where appropriate, the young person.
- Teachers/Coaches using videoing as a legitimate teaching and coaching aid make parents or 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 is 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 is not be put into the public domain e.g., uploaded onto YouTube.

9.1.3 Publishing on the Internet and/or Websites

The following points are noted:

- Personal information that could identify a pupil should never be included e.g., home address, e-mail address, home, and mobile phone number.
- Photographs with the full name(s) of the pupil featured are not 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 will be obtained for any school usage.
- Special care is taken in relation to vulnerable children e.g., a child where there has been domestic abuse or a child with a disability, and consideration given to whether publication would place the child at risk.

9.1.4 Storage and Use of Images

The following points are noted:

- The School ensures that all negatives, copies of videos and digital photograph files are stored in a secure place in School. In line with data protection requirements, these are not kept for any longer than is necessary having regard to the purposes for which they were taken.
- The School makes sure all copies of images, including negatives or electronic copies, are deleted when no longer needed or when the pupil leaves the School.

- The School does not use images of pupils who have left the school unless express permission has been sought. If images are kept for archives, school leavers should be informed of this.
- The School uses the image only for the purpose it was taken. It is not used for purposes that the pupil or their parent is unaware of or has not given consent to use.

9.1.5 Potential Risks

The following points are noted:

- The inappropriate use, adaptation or copying of images for use on child abuse websites (often incorrectly referred to as pornography sites).
- 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.

9.1.6 Taking Photos or Videoing in Public Places

The following points are noted:

- It is 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.
- The land or facility owner can decide whether or not photography and or videoing activities will be permitted.

9.1.7 Reporting Concerns

The following points are noted:

- Anyone behaving in a way which could reasonably be construed as inappropriate in relation to filming or photographing should be reported to the person in charge on the day. They should be approached for an explanation.
- If a satisfactory explanation is not provided, the circumstances should be reported to the Principal/Safeguarding Officer.
- 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.

9.2 The Contribution of the Curriculum to Personal Health and Safety

Through the curriculum, education practitioners have an important role in equipping children with the knowledge, skills and understanding they need to keep themselves and others safe. This could include offering advice and guidance on issues such as drugs, alcohol, under-age sexual activity, honour-based violence, forced marriage, female genital mutilation, using e-technology and bullying, including cyberbullying.

The School, as part of the PSHE Curriculum, promotes good health and protection from illness and disease. The programme includes personal safety programmes for children, appropriate to their age, to raise awareness about abuse and to give children and young people the knowledge and skills to keep themselves safe. Where appropriate, these programmes involve partnership with parents and carers.

Children and young people need to understand the risks posed by e-technology so that they can keep themselves safe. The School has curricular programmes to give children and young people knowledge and skills to use e-technology responsibly and safely and know how to respond when something goes wrong. The Child Exploitation and Online Protection Centre (CEOP) provides information and resources on child internet safety and runs a well-established education programme called 'ThinkuKnow.' <http://ceop.police.uk/>

9.3 E-Technologies - Risk Factors

New technologies, digital media and the Internet are an integral part of children's lives. Whether on a computer at School or at home, a tablet, a games console or smartphone, 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 from adults and peers, such as: exposure to obscene, violent, or distressing material; bullying, coercion or intimidation through email and online cyber-bullying, identity theft and abuse of personal information; pro-eating disorder, self-harm, or suicide sites; and sexual exploitation by online predators – for example, grooming – often through social networking sites.

The Internet does not recognise boundaries and allows the downloading and sharing, largely undetected, of images (including movies) throughout the world in seconds. The Internet also provides forums (chat rooms, news groups, etc.) where like-minded individuals can communicate anonymously. Included amongst these individuals are those who collect or trade in indecent images of children and young people.

Contact Offences

Studies have shown that in cases where individuals have downloaded or shared indecent images, they are far more likely to have also committed contact abuse offences against children and young people.

Grooming

People who sexually abuse children and young people often actively seek to befriend their victims online prior to committing any indecent act; this process is known as grooming.

On-line contact and webcam exchanges with other individuals

Young people may regularly enter into on-line conversations regarding subjects of mutual interest for educational purposes or for leisure activity – often these conversations are with peers. However, no reliable method of checking the genuineness, trustworthiness, age, or

intent of the other party exists and young people might find themselves potentially at risk, particularly where personal details are exchanged, or arrangements made to meet with people they do not know. The unsupervised use of webcams poses a further risk.

Self-generated indecent images known as 'Sexting' is defined as the use of technology to share personal sexual content from texts, partial nudity, sexual images, and videos often between partners but can be broadcast to groups e.g., by mobile phones, Skype, Facebook, Twitter, Flickr, YouTube etc. Some teenagers, who have sent photographs of themselves, or of their friends or partners, have been charged with distribution of child pornography, while those who have received the images have been charged with possession of child pornography (a child is defined as being up to the age of 18 for child pornography). In extreme cases, these images have been used by paedophiles to blackmail young people into committing further indecent acts.

Location from uploaded pictures can be easily obtained using software that can read location data stored within digital photographs. This data can be mapped to pinpoint accurately where the photograph was taken.

Instant messaging/Texting

Advances in mobile phone technology and phone networks mean that many children have unsupervised access to the Internet through mobile technology, as well as popular social networking sites such as Facebook, Twitter, YouTube, and Instagram. This allows instantaneous communication as well as the uploading of images and videos. This communication may be with individuals whose intent could pose a risk to the young person.

All those involved in the protection of children and young people should be aware of the value of digital evidence contained on computers, mobile phones, and other media (this includes media used by the victim as well as any suspect). If there is a suspicion that such equipment might be of evidential value, the following procedures should be adopted:

- Prevent further use of the computer or other equipment.
- Prevent access to the computer, other equipment, or associated media.
- Do not disconnect the power unless there is reason to believe that the computer is carrying out a task that would delete any evidence, in which case remove the power lead from the rear of the computer; do not shut the computer down in the normal

manner and do not switch off at the wall (both these actions may cause files to be deleted).

- Do not allow anyone (no matter how computer-literate they may be) to interrogate the computer - this should only be done by the police to ensure that the evidential value of the data is preserved.

9.4 Bullying

Bullying behaviour may include:

- name-calling, teasing, putting down or threatening;
- ignoring, leaving out or spreading rumours;
- physical assault;
- stealing and damaging belongings;
- making people feel like they are being bullied or fearful of being bullied; and
- targeting someone because of who they are or are perceived to be.

Such behaviour can leave people feeling helpless, frightened, anxious, depressed, or humiliated, and can have a devastating and lifelong impact. Bullying behaviour can take place anywhere and may be related to perceived or actual difference and involve the expression of prejudices regarding, for example, race, gender, disability, and sexual orientation. It may be just one manifestation of the prejudice experienced by the child or young person, and/or may compound other difficulties in their life. With this in mind vulnerable and marginalised children and young people may be particularly at risk.

The School's Behaviour Management and Anti-Bullying policies (due for review in 2023-2024) provides a framework for proactive and reactive strategies and includes cyberbullying.²⁵ It sets out clear expectations regarding the behaviour and responsibilities of both staff and children and young people. Policies have been developed in consultation with parents and carers and children and young people.

9.4.1 Cyberbullying

Cyberbullying can be defined as the use of Information and Communications Technology, particularly smartphones and the Internet, deliberately to upset someone else. However, it differs in several significant ways from face-to-face bullying: the invasion of home and personal

space; the difficulty in controlling electronically circulated messages; the size of the audience; perceived anonymity; and even the profile of the person doing the bullying and their target. The boundaries between home and school often become blurred. In many instances this will involve the school even though the cyberbullying has taken place outside the school.

Research into the extent of cyberbullying indicates that it is a feature of many young people's lives including primary school children. It also affects members of school staff and other adults; there are examples of staff being ridiculed, threatened, and otherwise abused online by pupils.

Cyberbullying, like all bullying, should be taken very seriously. Although cyberbullying is not a specific criminal offence, there are criminal laws that can apply in terms of harassment and threatening communications. Schools should contact the police if they feel that the law has been broken.

The following points are noted:

- Cyberbullying takes different forms: threats and intimidation; harassment or cyberstalking (e.g., repeatedly sending unwanted texts or instant messages); vilification/defamation; exclusion or peer rejection; impersonation; unauthorised publication of private information or images and manipulation.
- Some cyberbullying is clearly deliberate and aggressive, but it is important to recognise that some incidents of cyberbullying are known to be unintentional and the result of simply not thinking about the consequences. The instant nature of digital communication means that children have little thinking time about what they are doing. What may be sent as a joke, may not be received as one, and indeed means the sender may not see the impact of the message on the receiver. There is also less opportunity for either party to resolve any misunderstanding or to feel empathy. It is important that pupils are made aware of the effects of their actions.
- In cyberbullying, bystanders can easily become perpetrators – by passing on or showing to others images designed to humiliate, for example, or by taking part in online polls or discussion groups. They may not recognise themselves as participating in bullying, but their involvement compounds the misery for the person targeted.

It is recommended that anti-bullying policies refer to those 'bystanders' – better termed 'accessories' in this context – who actively support cyberbullying and set out sanctions for this behaviour. It is important that pupils are aware that their actions have severe and distressing consequences and that participating in such activity will not be tolerated.

Preventing Cyberbullying

- Roles and responsibilities for cyberbullying prevention work will in future be defined within the School with a named lead from the senior management team, as well as IT staff, pastoral care staff, and parents.
- Essential elements of prevention are awareness-raising and promoting understanding about cyberbullying. Awareness can be raised and understanding promoted through discussion and activity around what cyberbullying is and how it differs from other forms of bullying. At the School future activities will include staff development activities, assemblies, parents' awareness-raising meetings and addressing cyberbullying within the curriculum.
- The School records and monitors incidents of cyberbullying in the same way as all other forms of bullying, but clearly stating that it is cyberbullying rather than a face-to-face incident. We use this information to develop our policies and practices.
- Publicising reporting routes is an important element of prevention, raising awareness of the issue but also ensuring that any incidents can be stopped before they become too serious or upsetting. Make sure that pupils, parents, and staff are all aware of the different ways available to report cyberbullying incidents. In addition, all schools signpost information about external reporting routes, providing information about contacting service providers directly.
- Education and discussion around the responsible use of technologies and e-safety are key to preventing cyberbullying and helping children and young people deal confidently with any problems that might arise, whether in or out of school. Technology can have a positive role in learning and teaching practice, and there is a need for staff to be confident about ICT in order to model the responsible and positive use of technologies and to respond to incidents of cyberbullying appropriately.

Responding to cyberbullying

- The School recognises the ways in which cyberbullying differs from other forms of bullying and we reflect that in how we respond to it. In addition to considerations about the invasiveness of cyberbullying, the size of the audience, and other such factors, cyberbullying yields evidence in a way that other forms of bullying do not.
- The person being bullied will usually have examples of texts or emails received and should be encouraged to keep these to aid in any investigation. There are also

additional reporting routes available, through mobile phone companies, internet service providers and social networking sites.

- Some forms of cyberbullying involve the distribution of content or links to content, which can exacerbate, extend, and prolong the bullying. There are advantages in trying to contain the spread of these, and options here include contacting the service provider, confiscating phones, and contacting the police in relation to illegal content or an online offence.
- Advise those experiencing cyberbullying on steps they can take to avoid recurrence for example, advise those targeted not to retaliate or reply; provide advice on 'blocking' or removing people from friend lists; and ask them to think carefully about what private information they may have in the public domain.
- Take steps to identify the person responsible for the bullying. Steps can include looking at the School system and computer logs; identifying and interviewing possible witnesses; and, with police involvement, obtaining user information from the service provider.
- Once the person responsible for the cyberbullying has been identified, it is important that, as in other cases of bullying, sanctions are applied. Steps should be taken to change the attitude and behaviour of the bully, as well as ensuring access to any help that they may need. The School has existing sanctions in place for bullying behaviour, and these apply equally to cyberbullying. The School's current ICT Acceptable Use Policy is due to be reviewed in 2023-2024 and is the reference point for acceptable use of all technologies including mobiles – in this context sanctions are applied where applicable and practical. Technology-specific sanctions for pupils engaged in cyberbullying behaviour can include limiting Internet access for a period of time, for example.

Preserving the evidence

The School advises pupils and staff to try to keep a record of the abuse: particularly the date and time; the content of the message(s); and where possible a sender's ID (e.g., username, email, mobile phone number) or the web address of the profile/ content. Taking an accurate copy or recording of the whole web-page address, for example, will help the service provider to locate the relevant content.

Keeping the evidence will help in any investigation into the cyberbullying by the service provider, but it can also be useful in showing what has happened to those who may need to know, including parents, teachers, pastoral care staff, and the police.

It is always useful to keep a written record, but it is better to save evidence of bullying on the device itself:

- On mobiles, ensure the person being bullied keeps/saves any messages, whether voice, image, or text. Unfortunately forwarding messages, for example to a staff member's phone, will result in information from the original message, such as the sender's phone number, being lost.
- On instant messenger, some services allow the user to record all conversations. The user could also copy and paste, save and print these. When reporting to the service provider, or even to the police, copied and pasted conversations are less useful as evidence, as this can easily be edited. Conversations recorded/archived by the instant messaging service are better for evidence here. Conversations can also be printed out in hard copy or sections can be saved as a screen grab.
- On social networking sites, video-hosting sites, or other websites, keep the site link, print page, or produce a screen grab of the page and save it. Parents and pupils should ensure they know how to take a copy of what appears on the screen. Generally, they need to press Control and Print Screen, and then paste this into a word-processing document.
- On email, ask the person being bullied to print it; forward the message on to the staff member investigating the incident; and encourage them to continue to forward and save any subsequent messages. Preserving the whole message, and not just the text, is more useful, as this will contain 'headers' (information about where the message has come from).

Useful references in relation to bullying and cyberbullying:

- **Respect Me** supports schools, authorities, and communities to prevent and tackle bullying effectively through training, support for policy development and awareness raising/information provision, including cyberbullying: <http://www.respectme.org.uk>
- **The Anti-Bullying Network:** www.antibullying.net
- **Cyberbullying – Safe to Learn: Embedding anti-bullying work in schools**
<http://www.digizen.org/downloads/CYBERBULLYING.pdf>

9.5 Residential Visits including School Trips Abroad and Outdoor Education

Generally residential visits by Belmont House School pupils fall into the following categories, each of which has the potential for child protection issues to arise:

- outdoor education courses run by the School under the auspices of the Duke of Edinburgh's Award;
- outdoor education courses run by external centres where the children stay in accommodation provided by the centre, and are mainly under the direction of centre staff;
- field visits or trips where the school itself organises the accommodation and supervises the children throughout the visit:
- trips abroad; or
- exchange visits, for example, of a school orchestra or sports team or foreign language trip, where accommodation is provided in the homes of families not directly known to the school (it is noted that the School has NOT undertaken exchange visits for many years)

The Principal, in conjunction with the Board of Governors, carries ultimate authority and responsibility for all school trips including ensuring that appropriate risk assessments have been completed. ***Going Out There – Scottish Framework for Safe Practice in Off-Site Visits Version 3.0 (January 2021) – www.goingoutthere.co.uk – is a key resource to support preparations for school trips and is used by the School.*** School staff organising and leading such visits should be trained in leading and organising school trips and child protection.

9.5.1 Duke of Edinburgh's Award Expeditions

Belmont House School is a Directly Licensed Centre with The Duke of Edinburgh's Award and delivers many aspects of the Award – e.g. expeditions – itself.. It is the policy of The Duke of Edinburgh's Award to ensure that the welfare of all young people regardless of sex, ethnic or national origin, sexual orientation, disability, religion or beliefs, race, age or personal characteristics who are involved in DofE activities are safeguarded by protecting them from physical, sexual and emotional harm – the School has a clear responsibility in the context of DofE activities to safeguard our own children and young people through our own policies and procedures. The welfare and protection of the child is the paramount consideration.

However, when a young person does their DofE activities they may come into direct contact (i.e. not through the School as a Licensed Organisation) with other organisations and individuals such as charity shops, music instructors and sports clubs – the School will take all steps necessary to ensure that activities done with such organisations are delivered in a safe and proper manner.

9.5.2 Outdoor Education Courses

In outdoor education situations, the School has a duty to satisfy itself that the selected centre has clear Child Protection, Security and Health and Safety policies and procedures and risk assessments in place.

9.5.3 Field Trips organised by the School

Where the School organises its own trip, there is a significant burden of responsibility on the School to ensure that appropriate steps are taken to secure participants' safety and wellbeing.

The following are features of good practice at Belmont House School:

- A code of conduct is agreed with parents or carers, pupils and staff prior to departure and agreement reached on the action to be taken should it be breached;
- The Trip leader should be satisfied that the accommodation is appropriate, and in particular that the bedroom arrangements enable suitable room sharing arrangements and privacy, in terms of age and gender, and appropriately located staff bedrooms for both supervision and ease of access in case of emergency;
- Both daytime activities and evening leisure are adequately supervised.

9.5.4 Trips Abroad and Exchange Visits

In planning a trip involving home stays, schools should agree a set of standards for home stays and for supervision with the local organiser. Although there is no requirement to check host families where they are one-off visits under the PVG Scheme, schools should do everything that is reasonable, including a risk assessment, to ensure the safety and wellbeing of pupils on exchanges e.g., requiring that all host families at home and abroad complete a background information proforma produced by the School and taking up references. There should also be an expectation that provided such procedures exist, host families in other countries are appropriately checked under their government guidance or other appropriate systems such as seeking references. The UK's Centre for National Infrastructure (CPNI) (<http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>) provides details of what information is available on disclosures of criminal records, the status of that information, who can apply, whether there is a cost etc. in numerous overseas jurisdictions. Group leaders would make daily contact with all members of the group to satisfy that all is well. Pupils involved and their parents are given emergency numbers for contact should problems arise.

In countries where the legislation with regard to drugs is more lenient than in Scotland, staff should never condone young people taking drugs when they could not legally do so in Scotland.

The Code of Conduct for the trip (agreed in advance by parents, pupils, and staff) should set the expected standards of behaviour (including the rules on personal safety), whilst ensuring that pupils gain maximum cultural, social, and educational benefits.

On trips taking place during holidays, it is understandable that both staff and children should feel greater informality is appropriate. However, there is a significant difference between a more informal approach, and a failure to exercise due care. In particular:

- Young people are not permitted to wander alone in unfamiliar places.
- Staff should not fraternise or be over-familiar with pupils.
- Free time for pupils does not equate to free time for staff.

Even when all aspects have been well considered, it is still possible that a child protection incident may occur. Where it is believed abuse has/may have taken place, the school emergency contact for the trip – usually the Principal (Safeguarding Officer) – should be contacted. A referral should be made to the relevant police service in the area where the alleged offence took place.

It should be noted that particularly in relation to sexual activity, different countries have markedly different ages of consent. Contact with the parents or carers of those directly involved should be made in line with child protection procedures and usually by the Principal. Generally, it will also be more appropriate for the Principal to contact other parents or carers in line with advice from the relevant authorities, leaving the staff on the trip free to support the pupils there. Given the general availability of mobile phones, any significant delay in contacting parents should be avoided to prevent the spread of rumours.

9.6 Work Placements and Community Service

Pupils from the School are encouraged to contribute to the welfare of the community through school activities, e.g.:

- as part of a curriculum initiative, broader citizenship education;
- work experience; or
- through extra-curricular activities such as The Duke of Edinburgh's Award Scheme.

Where placements are being arranged for pupils, or where pupils themselves have arranged the placements, the School will satisfy itself that, if appropriate, the child protection policy of the organisation affords adequate protection for the pupil. Disclosure Scotland offers detailed guidance on whether those supervising children on work experience are doing regulated work with children – the advice in relation to children on work experience is at paragraphs 98-100. http://www.disclosurescotland.co.uk/disclosureinformation/guidancedocuments/PVGGuidanceChapter2RegulatedWork_000.pdf

The School will satisfy itself that:

- organisations have been assessed for their suitability, e.g., supervision of the pupil, their own staff/volunteer safety policies;
- the nature of the activity is suitable for pupil volunteers;
- any involvement with other vulnerable members of the community is safe for both them and the volunteer pupils;
- pupil volunteers are properly prepared for their placement with advice on appropriate conduct and personal safety;
- young people undertaking activities more independently have a member of staff they can contact at all times;
- there are arrangements with the host organisation to contact the school if there are difficulties or if the young person fails to arrive;
- transport arrangements to and from the placement are known by the school, the host organisation, and the parent.

If concerns remain, these should be raised with the Principal/Safeguarding Officer.

Advice is also available from:

- Volunteer Development Scotland www.vds.org.uk/information/infoenquiries.htm; or
- Disclosure Scotland www.disclosurescotland.co.uk

9.7 Volunteering and 'Buddying' by Pupils

Many children and young people are involved in activities and opportunities in school where, for example, older pupils support younger pupils or where pupils provide peer support for those with additional support needs or where bullying is being discussed within a group of young people.

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

- children and young people need support/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 is available for peer support and is discussed with the pupils;
- older pupils – even Prefects – 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.

9.8 Children Missing in Education

Where a child goes missing from education, the School should make such enquiries to try and locate the child including, where relevant, the education service within East Renfrewshire Council (ERC) and the authority where the child is resident, if different. If these are not successful, the School will make a referral to Children Missing from Education (CME) through East Renfrewshire Council. It may be necessary in some circumstances to approach CME directly. CME (Scotland) – <http://www.cmescotland.net/Pages/Home.aspx> – can assist by co-ordinating wider searches across the range of local authorities, other organisations, and outside Scotland.

10. Child Protection in Specific Circumstances: Indicators of Risk

This section gives additional information on dealing with specific circumstances that may impact adversely on children. Not all the indicators set out here are common; nor should their presence lead to any immediate assumptions about the levels of risk for an individual child. Where identified, though, they should act as a prompt for all staff to consider how they may impact on a child and to refer to the Safeguarding Officer for advice. In the sections below, indicators of potential risk are considered separately but they will often – particularly for children in vulnerable circumstances – occur together. Where there are a number of risk factors in a child's life, staff should pay particular attention to the cumulative impact of these on the child.

10.1 Under-Age Sexual Activity

Relevant staff should have received training and be familiar with the criteria set out in the Scottish Government guidance, *Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns*, (Scottish Government 2010).

Any decision made by the Safeguarding Officer should be informed by this guidance and local procedures. The law continues to make clear that society does not encourage sexual intercourse in young people under 16, as it can be a cause of concern for their wellbeing. It does not follow that every case has child protection concerns and it is important to ensure that a proportionate response is made and that only appropriate cases are brought to the attention of social work and the police.

Child under 13 or where the child was under 13 when the alleged abuse took place

If the child is under the age of 13, the concerns must be passed on in accordance with local child protection procedures and this guidance.

Young people aged 13-16

Where staff in schools are aware that a young person (i.e., 13 or over) is sexually active or is likely to become sexually active this should be reported to the Safeguarding Officer. They should undertake an assessment of risks and needs in line with the GIRFEC Practice Model to ensure that the appropriate response is provided. Staff have a duty of care to ensure that the young person's health and emotional needs are addressed and to assess whether the

sexual activity is of an abusive or exploitative nature. This might mean them collecting and sharing information from within the school or from other agencies or passing on information to the service best placed to assess the young person's needs. However, in any situation, an initial assessment of risk has to be made by the Safeguarding Officer to ensure that the correct processes and people are involved so that the needs of the child and young person are effectively met. At the same time, such risk assessment must take full account of the issues of confidentiality and information sharing. The assessment process may not always be straightforward and will require sensitive handling and the use of professional judgement. This might mean seeking advice or assistance from a colleague or line manager. Where appropriate, the Safeguarding Officer should advise the young person of their intentions to speak with a colleague.

However, even if there are no child protection concerns, the young person may still have worries or be in need of support in relation to their sexual development and relationships, which will require to be addressed either on a single agency or multi-agency basis. The Safeguarding Officer should also bear in mind that there may be opportunities to discuss concerns relating to under-age sexual activity on an informal, 'hypothetical' basis – whether for general advice on procedures and processes, or to ascertain whether information they hold should be shared on a wider basis. These types of discussion can help increase knowledge and skills base and help promote the development of inter-agency relations and understanding.

Increasing numbers of young people are engaging in a range of sexual activity before the age of 16. The reasons behind this behaviour vary considerably. In some cases, the activity will be wholly consensual; in others it will happen in response to peer pressure or as the result of abuse or exploitation. Young people who are sexually active will, therefore, have differing needs, so services and practitioners must provide a range of responses. National guidance provided by the Government previously referred to covers the legal issues and advises practitioners how they can strike a balance between assuring the freedom of young people to make decisions and protecting them from activity which could give rise to immediate harm and/or longer-term adverse consequences.

Assessment of Risk Framework

This process may not always be straightforward, so it will require sensitive handling and the use of professional judgement. Practitioners should pay particular regard to the presence of any of the following adverse risk indicators:

The child

- Is the child 12 or under or did the sexual activity take place when the child was 12 or under?
- Did the older (i.e., 13 and over) child understand the sexual behaviour they were involved in?
- Did the older child agree to the sexual behaviour at the time?
- Did the older child's own behaviour - for example, use of alcohol or other substances - place them in a position where their ability to make an informed choice about the sexual activity was compromised?
- Was the older child able to give informed consent? (for example, mental health issues, learning disability or any other condition that would heighten the young person's vulnerability)
- Was the older child given a sense of affection in return i.e., exploited by the other party?

The relationship

- Was there a coercing power or any other relevant imbalance present in the relationship? (for example, differences in size, age, material wealth and/or psychological, social, intellectual, and physical development – in addition, gender, race, and levels of sexual knowledge can be used to exert power.) It should not automatically be assumed that power imbalances do not exist for two older children similar in age or of the same sex.
- Were manipulation, bribery, threats, aggression and/or coercion, involved? (for example, was the young person isolated from their peer group or was the older child given alcohol or other substances as a dis-inhibitor etc.)

The 'other person'

- Did the other person use 'grooming' methods to gain the trust and friendship of the older child? (for example, by indulging or coercing the older child with gifts, treats, money etc; by befriending the older child's family; by developing a relationship with the older child via the Internet).
- Did the other person attempt to secure secrecy beyond what would be considered usual in teenage sexual activity?
- Was the other person known by practitioners to be or have been involved in concerning behaviour towards other children and young people?

- Was the other person in a position of trust?

Other factors

- Was the older child, male or female, frequenting places used for prostitution?
- Is there evidence of the older child being involved in prostitution or the making of pornography?
- Was a young male frequenting places where men have sex with men in circumstances where additional dangers, for example, physical assault, might arise?
- Were there other concerning factors in the older person's life which may increase their vulnerability? (e.g. homelessness).
- Did the older child deny, minimise, or accept the concerns held by practitioners?

Following the assessment of risk by the Safeguarding Officer (Child Protection Co-ordinator) a decision should be taken and recorded as to the appropriate action.

Young people aged 16-18

Over the age of 16, sexual activity is legal. However, the activity may not have been consensual, or the young person might have vulnerabilities and related needs. Furthermore, the Sexual Offences (Scotland) Act 2009 states that young people under the age of 18 could be subject to a 'sexual abuse of trust' – for example, if the young person has had sexual relations with a teacher or a residential worker who has caring responsibilities for the child or for children in the institution in which the child is being cared for or taught and is over the age of 18. It is also worth noting that in cases where young people are involved in prostitution or pornography, Section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provides that it is an offence for a person to pay for the sexual services (e.g. prostitution) provided by a child under the age of 18, and sections 10-12 provide that it is an offence to cause, incite, control, arrange or facilitate the provision by a child under the age of 18 of sexual services, or their involvement in the making of pornography.

It is essential that young people between 16 and 18 do not fall through the gaps in services and that the key priority at all stages is to ensure that the young person is provided with support and protection if there is a concern. These circumstances should be taken into account to ensure that the young person gets the support required, either from child or adult protection services.

Children and young people have rights to confidentiality

In the context of under-age sexual activity, if there is a concern of a risk of harm as a result of sexual behaviour and/or relationships, this always overrides the professional requirement to keep confidentiality. In these circumstances, schools have a duty to act to make sure that the child and young person is protected. Staff are required to ensure that children and young people are informed from the outset that confidentiality is not absolute, but that every reasonable attempt will be made to discuss with them beforehand if information needs to be shared. Prior to disclosing information, attempts should be made to gain consent to passing on information. However, in individual cases it may not always be appropriate to seek consent where there is justification to share without it – for example, if not disclosing information might result in harm coming to the individual in question or compromise a subsequent police investigation. Staff should take account of a young person's or other relevant individual's views when deciding when to share information without their consent and should provide reasons and explain to them when they have shared information without consent.

It is also crucial that children and young people should be advised in advance of them potentially disclosing information they want kept confidential, how their personal information may be shared within the School and what the limits to that sharing might be. The School has a confidentiality policy which addresses this issue. (See Appendix 2)

Health Services staff

Sexual health services have long recognised that assurances of confidentiality for children and young people are essential if they are to be encouraged to seek their help and advice. Consequently, while sexual health practitioners, including qualified school nurses, are encouraged to help individuals to speak to their parents and involve them in their decision-making, ultimately, these practitioners are not required to inform the parents or carers at any stage of giving them advice or treatment.

Parents and carers have the right to be involved in an appropriate way

School staff encourage children and young people to share information with their parents or carers where it is safe to do so. This is in recognition of the responsibilities, rights, and duties of parents to direct and guide their children in the exercise of their rights, consistent with the young person's evolving capacities.

If the Safeguarding Officer has assessed that the sexual behaviour is consensual teenage sexual activity where there are no concerns of abuse or exploitation, they should:

- ask them to share it with their parents or carers;
- uphold the confidentiality rights of the young person; and
- provide practical assistance and advice as required and signpost young people to the appropriate local services (e.g., sexual health services).

If the Safeguarding Officer has assessed that the sexual behaviour is not abusive or exploitative, but that there remain concerns about the young person's behaviour e.g., their use of drugs/alcohol, the environment in which they seek sexual contacts etc, then they should:

- ask them to share it with their parents or carers;
- uphold the confidentiality rights of the young person; and
- provide practical assistance and advice as required within their own agency or, with their permission, refer them to the appropriate clinical or support services, including sexual health services.

In both these scenarios, a single-agency decision-making process is normally appropriate. Where staff are not in a position to meet the individual's immediate health needs, having due regard to consent issues, it is within the law, without parental consent or even knowledge, to provide information, make an appointment or accompany the individual to an agency which is able to meet their immediate needs.

Normally, young people would be encouraged to make such medical appointments outside school hours by themselves. Heads of schools are ultimately responsible for the whereabouts of all pupils. Where a school is considering accompanying a young person to a sexual health agency, they should have a protocol in place as to who is involved in the decision.

Recording information

The needs of the young person are the primary consideration when staff decide upon the relevant and proportionate sharing of information. Staff recording information or releasing information to other parties and persons have legal and professional duties to ensure that the information recorded is accurate, relevant, and sufficient for its purpose and that any disclosure is lawful – either through the consent of the young person concerned or where there is the potential of harm to themselves or others which outweigh lack of consent.

Where a decision is made not to share information with parents or carers, the Safeguarding Officer should ensure they record the reasons for this. In all circumstances, the Safeguarding Officer should make a record of events and decisions, in line with School and local procedures. The record should contain all essential details, the decisions taken and the reasons behind them and any subsequent action.

10.2 Domestic Abuse

Domestic abuse describes any behaviour that involves exerting control over a partner or ex-partner's life choices and that undermines their personal autonomy. It is an assault on their human rights. Although most victims are women, men can also suffer domestic abuse, and it can also occur in same-sex relationships. Children and young people living with domestic abuse are at increased risk of significant harm, through witnessing the abuse and being abused themselves. Children can also be affected by abuse even when they are not witnessing it or being subjected to abuse themselves. Domestic abuse can profoundly disrupt a child's environment, undermining their stability and damaging their physical, mental, and emotional health. Domestic abuse can have a profound impact on children, both in the short and long term.

The impact of domestic abuse on a child will vary, depending on factors including the frequency, severity, and length of exposure to the abuse and the ability of others in the household (particularly the non-abusive parent/carer) to provide parenting support under such adverse conditions. If the non-abusive parent/carer is not safe, it is unlikely that the children will be. Indeed, children frequently come to the attention of practitioners when the severity and length of exposure to abuse has compromised the non-abusing parent's /carer's ability to nurture and care for them.

The best way to keep both children and non-abusive parents or carers safe is to focus on early identification, assessment, and intervention through skilled and attentive staff in universal services. Domestic abuse is widely under-reported to the police. Given the reluctance of victims to come forward, it is crucial that staff are aware of the signs of domestic abuse and routinely make appropriate enquiries.

10.3 Parental problematic alcohol and drug misuse

Problematic parental substance misuse can involve alcohol and/or drug misuse (including prescription as well as illegal drugs). The risks to, and impacts on, children of alcohol/drug-

misusing parents and carers are known and well-researched. Alcohol and/or drug misuse during pregnancy can have significant health impacts on the unborn child.

Problematic parental alcohol and/or drug misuse can also result in sustained abuse, neglect, maltreatment, behavioural problems, disruption in primary caregiving, social isolation, and stigma of children. Parents and carers with drug or alcohol problems often lack the ability to provide structure or discipline in family life. Poor parenting can impede child development through poor attachment and the long-term effects of maltreatment can be complex. The capability of parents or carers to be consistent, warm, and emotionally responsive to their children can be undermined.

It is important that all practitioners working with parents affected by problematic drug and/or alcohol use know the potential impact that this has on children, both in terms of the impact on the care environment through direct exposure to alcohol and/or drug use, and also the potential practical and emotional challenges presented in terms of the recovery process. ERC has policies and guidance in place for the identification, assessment and management of children affected by alcohol and/or drug misuse.

10.4 Disability

The definition of 'children with a disability' includes children and young people with a comprehensive range of physical, emotional, developmental, learning, communication, and health care needs. 'Children with a disability' are defined as children in need under section 93(4) of the Children (Scotland) Act 1995. Children with a disability are not only vulnerable to the same types of abuse as their able-bodied peers, they are also more vulnerable to that abuse. Children with behavioural disorders, learning disabilities and/or sensory impairments are particularly at risk. Neglect is the most frequently reported form of abuse, followed by emotional abuse. Abuse of children with a disability is significantly under-reported.

Children with a disability are more likely to be dependent on support for communication, mobility, manual handling, intimate care, feeding and/or invasive procedures. There may be increased parental stress, multiple carers, and care in different settings (including residential); there may also be reluctance among adults, including practitioners, to believe that children with a disability are abused. Children with a disability are likely to be less able to protect themselves from abuse. Limited mobility can add to their vulnerability. In addition, the network of carers around the child is likely to be larger than for a non-disabled child, which can be a risk factor in itself. While the majority of parents or carers provide the highest standard of care

for their child, it must be acknowledged that in some cases they themselves will be perpetrators of abuse.

Children with a disability can progress into adult protection. The Protection of Vulnerable Groups (Scotland) Act 2007 recognises the vulnerability of disabled adults. Transition to adult services can be a traumatic time for children with a disability and their families. Local child protection committees should have protocols in place that reflect the complexity of transition from child to adult services.

Children can also be affected by the disability of those caring for them. Parents/carers/siblings may have additional support needs relating to physical and or sensory impairments, mental illness, learning disabilities, serious or terminal illness, or degenerative conditions. These may impact on the safety and wellbeing of their children, affecting their education, physical and emotional development. A full assessment of parents' needs, and of the support they need in order to fulfil their parenting responsibilities, should be carried out as well as an assessment of the needs of the child.

Joint working between specialist disability and child protection services will be needed. Reference is also made to *Safeguarding Disabled Children: Practice Guidance*, Department for Children, Education and Families Education, 2009. The guidance covers England and Wales but is nevertheless useful in a Scottish context.

10.5 Non-engaging Families

Evidence shows that some adults will deliberately evade practitioner interventions aimed at protecting a child. In many cases of child abuse and neglect, this is a clear and deliberate strategy adopted by one or more of the adults with responsibility for the care of a child. It is also the case that the nature of child protection work can result in parents or carers behaving in a negative and hostile way towards practitioners. The terms 'non-engagement' and 'non-compliance' are used to describe a range of deliberate behaviour and attitudes, such as:

- failure to enable necessary contact (for example missing appointments);
- refusing to allow access to the child or to the home;
- active non-compliance with the actions set out in the Child's Plan or Child Protection Plan;
- disguised non-compliance, where the parent/carer appears to co-operate without actually carrying out actions or enabling them to be effective; and

- threats of violence or other intimidation towards practitioners.

Consideration needs to be given to determining which family member(s) is, or are, preventing engagement from taking place and why. For example, it may be the case that one partner is silencing the other and that domestic abuse is a factor. Service users may find it easier to work with some practitioners than others. When considering non-engagement, practitioners should check that the child protection concerns and necessary actions have been explained clearly, taking into account issues of language, culture, and disability, so that parents or carers fully understand the concerns and the impact on themselves and their child.

If there are risk factors associated with the care of children, risk is likely to be increased where any of the responsible adults with caring responsibilities fail to engage or comply with child protection services. Non-engagement and non-compliance, including disguised compliance, should be taken account of in information collection and assessment. Non-engagement and non-compliance may point to a need for compulsory or emergency measures. In what will often be challenging situations, staff may need access to additional or specialist advice to inform their assessments and plans.

10.6 Children and Young People experiencing or affected by Mental Health Problems

Two separate but not unconnected issues should be considered in identifying, assessing, and managing the risks faced by children affected by mental health problems:

- children and young people who are experiencing mental health problems themselves;
- children and young people whose lives are affected by the mental illness or mental health problems of a parent/carer.

Children and young people experiencing mental health problems

The emotional wellbeing of children and young people is just as important as their physical health. Most children grow up mentally healthy, but certain risk factors make some more likely to experience problems than others. Evidence also suggests that more children and young people have problems with their mental health today than 30 years ago. Traumatic events in themselves will not usually lead to mental health problems, but they may trigger problems in those children and young people whose mental health is not robust. Changes, such as moving home or changing school or academic pressures, can act as triggers.

Teenagers often experience emotional turmoil as their minds and bodies change and develop. Some find it hard to cope and turn to alcohol or drugs. Over the past 15 years, the incidence of self-harm and suicide among young people has increased. For some young people, mental health problems will severely limit their capacity to participate actively in everyday life and will continue to affect them into adulthood. Some may go on to develop severe difficulties and display behaviour that challenges families and services, including personality disorders. A small number of children with mental health problems may pose risks to themselves and others. For some, their vulnerability, suggestibility, and risk levels may be heightened as a result of their mental illness. For others, a need to control, coupled with lack of insight into, or regard for, others' feelings and needs, may lead to them preying on the vulnerabilities of other children. It is imperative that services work closely together to address these issues and mitigate risks for these children and for others.

Children separated from their family may be particularly vulnerable to mental health problems, particularly where they have experienced traumatic events. These can be compounded by feelings of alienation, loneliness, disorientation and 'survivor's guilt'. Many will have no awareness of the support available to them, making it difficult for them to access services. Certain risk factors make some children and young people more likely to experience mental health problems than others. These include:

- having a long-term physical illness;
- having a parent or carer who has had mental health problems, problems with alcohol/drugs or a history of offending behaviour;
- experiencing the death of someone close to them;
- having parents who separate or divorce;
- having been severely bullied or physically or sexually abused;
- living in poverty or being homeless;
- having a learning disability;
- experiencing discrimination, perhaps because of their race, nationality, sexuality, or religion;
- acting as a carer for a relative;
- having long-standing educational difficulties; and
- forming insecure attachments with their primary carer.

Children and young people can experience a range of mental health problems, from depression and anxiety through to psychosis. While most will recover, some are left with unresolved difficulties or undiagnosed illnesses that can follow them into adult life. Child

protection is a crucial component of the service response to children and young people experiencing mental health problems. Children and young people experiencing such difficulties must have access to the right support and services and know that their issues are being taken seriously. The same is true for parents and carers who may be bewildered or frightened by their child's behaviour or concerned that they are the cause of such behaviour.

Child and Adolescent Mental Health Services (CAMHS) can provide an important resource in helping children and young people overcome the emotional and psychological effects of abuse and neglect. However, it is important that children and young people's mental health is not seen solely as the preserve of psychiatric services; the causes of mental ill-health are bound up with a range of environmental, social, educational, and biological factors. Waiting to access CAMHS should not be a justification for inactivity on the part of other agencies.

'**See Me**' is Scotland's national campaign to end stigma and discrimination associated with mental health – www.seemescotland.org.uk

Children and young people affected by parental mental health problems

It is not inevitable that living with a parent/carer with mental health issues will have a detrimental impact on a child's development and many adults who experience mental health problems can parent effectively. However, there is evidence to suggest that many families in this situation are more vulnerable. A number of features can contribute to the risk experienced by a child or young person living with a parent or carer who has mental health problems. These include:

- the parent/carer being unable to anticipate the needs of the child or put the needs of the child before their own;
- the child becoming involved in the parent/carer's delusional system or obsessional compulsive behaviour;
- the child becoming the focus for parental aggression or rejection;
- the child witnessing disturbing behaviour arising from the mental illness (often with little or no explanation);
- the child being separated from a mentally ill parent, for example because the latter is hospitalised; and
- the child taking on caring responsibilities which are inappropriate for his/her age.

There are also factors which may impact on parenting capacity including:

- maladaptive coping strategies or misuse of alcohol and/or drugs;
- lack of insight into the impact of the illness (on both the parent/carer and child); and
- poor engagement with services or non-compliance with treatment.

This list is not exhaustive. A number of other factors may need to be considered, including the attachment relationship and any instances of domestic abuse. Services involved with the parent/carer should consider the impact of these factors on the child's needs. Where concerns are identified, these should be shared with Social work.

The stigma associated with mental health problems means that many families are reluctant to access services because of a fear about what will happen next. Parents or carers may worry about being judged and that they will be deemed incapable of caring for their children. Many will therefore view asking for services or support as a high-risk strategy.

10.7 Children and Young People who display Harmful or Problematic Sexual Behaviour

Harmful or problematic sexual behaviour in children and young people can be difficult to identify. It is not always easy to distinguish between what is abusive and/or inappropriate and what constitutes normal childhood exploration or adolescent experimentation.

Practitioners' ability to determine if a child's sexual behaviour is developmentally typical, inappropriate, or abusive will be based on an understanding of what constitutes healthy sexual behaviour in childhood as well as issues of informed consent, power imbalance and exploitation. Where schools are unclear if the behaviour is inappropriate or abusive, they should always take advice.

In managing and reducing risk, the diversity of potential behaviour must be taken into account. Children and young people display a wide range of sexual behaviour in terms of: the nature of behaviour; degree of force; motivation; level of intent; level of sexual arousal; and age and gender of victims. Broader developmental issues must also be taken into account, including the age of the young person, their family and background, their intellectual capacities and stage of development. Young people with learning difficulties form a particularly vulnerable, and often overlooked, group who may need specific types of interventions.

Where abuse of a child or young person is alleged to have been carried out by another child or young person, such behaviour should always be treated seriously and be subject to a discussion between relevant agencies that covers both the victim and the perpetrator. In all

cases where a child or young person displays problematic sexual behaviour, immediate consideration should be given to whether action needs to be taken under child protection procedures, either in order to protect the victim or to tackle concerns about what has caused the child/young person to behave in such a way.

Identifying children and young people with problematic sexual behaviour raises a number of dilemmas and issues for practitioners. When children and young people engage in such behaviour throughout childhood it can be developmentally and psychologically damaging to them as well as to others. They will normally require input from youth justice workers as well as health and education services. Other practitioners may also be involved, for example criminal justice workers (including Multi-agency Public Protection Arrangements (MAPPA) on some occasions). The interface with child protection processes, and occasionally with adult protection, also needs to be considered.

All cases need to be considered on an individual basis and an appropriate, proportionate, and timely risk assessment should be carried out. The two key aims of addressing concerning sexual behaviour are risk management and risk reduction. They will be best achieved when children and young people learn to manage their sexual behaviour within the broader aim of learning to meet their needs in a socially acceptable and personally satisfying way.

Risk management covers actions taken to reduce opportunities for the concerning sexual behaviour to occur and should identify those children and young people who are most likely to commit further sexually abusive behaviour and who therefore need high levels of supervision. It should provide a robust mechanism through which concerns about a young person's problematic behaviour can be shared with relevant agencies so that appropriate risk management measures can be taken.

To manage risk effectively it is essential that:

- risk management is embedded in the systems around the child and promoted by those who supervise and monitor the child on a daily basis; and
- safety plans are drawn up in the relevant environments (for example, home, schools, and residential units).

Risk reduction is a planned programme of work aimed at helping the child or young person develop appropriate skills and insights to reduce their need to engage in harmful sexual behaviour. In so doing, attention will naturally be paid to improving the child/young person's psychological wellbeing. This will mean:

- ensuring that the assessment process includes means of identifying the most relevant areas for intervention with each child/young person;
- viewing individual intervention as part of a systemic approach rather than as an isolated consideration;
- designing interventions that support long-term maintenance of therapeutic change by empowering the child; and
- regularly evaluating the effectiveness of interventions.

10.8 Female Genital Mutilation

Female genital mutilation is a culture-specific abusive practice affecting some communities. It should always trigger child protection concerns. The legal definition of female genital mutilation is *'to excise, infibulate or otherwise mutilate the whole or any part of the labia majora, labia minora, prepuce of the clitoris, clitoris or vagina.'* It includes all procedures which involve the total or partial removal of the external female genital organs for non-medical reasons. There are four types of female genital mutilation ranging from a symbolic jab to the vagina to the partial or total removal of the external female genitalia.

The Prohibition of Female Genital Mutilation (Scotland) Act 2005 makes it illegal to perform or arrange to have female genital mutilation carried out in Scotland or abroad. The procedure is usually carried out on children aged between four and ten years. A sentence of 14 years' imprisonment can be imposed. There are also several options that should be considered to protect children and prevent female genital mutilation occurring including Child Protection Orders.

It is a deeply rooted cultural practice in certain African, Asian, and Middle Eastern communities. Justifications for female genital mutilation may include:

- tradition;
- family honour;
- religion;
- increased male sexual pleasure;
- hygiene; and
- fear of exclusion from communities.

A range of health problems, both immediate and long-term, are associated with the procedure. Short-term effects can include haemorrhage and pain, shock, and infection. Longer-term

effects include bladder problems, menstrual and sexual difficulties and problems giving birth. The emotional effects of female genital mutilation may include flashbacks, insomnia, anger, difficulties in adolescence, panic attacks and anxiety. In Western cultures, the young person may also be disturbed by Western opinions of a practice which they perceive as an intrinsic part of being female.

Female genital mutilation is usually done for strong cultural reasons, and this must always be kept in mind. Nevertheless, female genital mutilation should always be seen as a cause of significant harm and child protection procedures should be invoked.

10.9 Honour-based Violence and Forced Marriage

Honour-based violence is a spectrum of criminal conduct with threats and abuse at one end and honour killing at the other. Such violence can occur when perpetrators believe that a relative/community member, who may be a child, has shamed the family and/or the community by breaking their honour code. The punishment may include assault, abduction, confinement, threats, and murder. The type of incidents that constitute a transgression include:

- perceived inappropriate make-up or dress;
- having a boyfriend/girlfriend;
- forming an inter-faith relationship;
- kissing or intimacy in a public place;
- pregnancy outside marriage; and
- rejecting a forced marriage.

A forced marriage is defined as a marriage conducted without the full and free consent of both parties and where duress is a factor. Duress can include physical, psychological, financial, sexual, and emotional pressure. A clear distinction must be made between a forced marriage and an arranged marriage. An arranged marriage is one in which the families of both spouses are primarily responsible for choosing a marriage partner for their child or relative, but the final decision as to whether or not to accept the arrangement lies with the potential spouses. Both spouses give their full and free consent. The tradition of arranged marriage has operated successfully within many communities for generations.

The consequences of forced marriage can be devastating to the whole family, but especially to the young people affected. They may become estranged from their families and wider

communities, lose out on educational opportunities, or suffer domestic abuse. Rates of suicide and self-harm are high.

Some of the potential indicators of honour-based violence and forced marriage are listed below.

Education

- Absence and persistent absence from education.
- Request for extended leave of absence and failure to return from visits to country of origin.
- Decline in behaviour, engagement, performance, or punctuality.
- Being withdrawn from school by those with parental responsibility.
- Being prevented from attending extra-curricular activities.
- Being prevented from going on to further/higher education.

Health

- Self-harm.
- Attempted suicide.
- Depression.
- Eating disorders.
- Accompanied to doctors or clinics and prevented from speaking to health practitioner in confidence.
- Female genital mutilation.

Cases of honour-based violence/forced marriage can involve complex and sensitive issues and care must be taken to make sure that interventions do not worsen the situation. For example, mediation and involving the family can increase the risks to a child or young person and should not be undertaken as a response to forced marriage or honour-based violence.

Efforts should be made to ensure that families are not alerted to a concern that may result in them removing the child or young person from the country or placing them in further danger.

Cases of forced marriage may initially be reported to social work services or police as cases of domestic abuse.

Concerns may be expressed by a child or young person themselves about going overseas. They may have been told that the purpose is to visit relatives or attend a wedding. On arrival, their documents, passports, money, and mobile phones are often taken away from them. These concerns should be taken seriously, although practitioners must also be careful to avoid

making assumptions. Such cases may initially be reported to the joint Home Office/Foreign and Commonwealth Office Forced Marriage Unit.

10.10 Fabricated or Induced Illness

Fabricated or induced illness in children is not a common form of child abuse. Although it can affect children of any age, fabricated and induced illness is most commonly identified in younger children. Where concerns do exist about fabricated or induced illness in a child, a medical evaluation is always required to consider a range of possible diagnoses and a range of practitioners and disciplines will be required to assess and evaluate the child's needs and family history.

10.11 Sudden Unexpected Death in Infants and Children

Only a small number of children die during infancy in Scotland. While the majority of such deaths are as a result of natural causes, physical defects or accidents, a small proportion are caused by neglect, violence, malicious administration of substances or by the careless use of drugs.

One of the implications of Section 2 of the Human Rights Act 1998 is that public authorities have a responsibility to investigate the cause of a suspicious or unlawful death. This will help to support the grieving parents and relatives of the child and it will also enable medical services to understand the cause of death and, if necessary, formulate interventions to prevent future deaths.

Where the investigation establishes that there are child protection concerns and that other school age children in the family may be at risk of significant harm, schools should be informed and be involved in any subsequent Child Protection Case Conference.

10.12 Ritual Abuse

Ritual abuse can be defined as organised sexual, physical, psychological abuse, which can be systematic and sustained over a long period of time. It involves the use of rituals, which may or may not be underpinned by a belief system, and often involves more than one abuser.

Ritual abuse usually starts in early childhood and uses patterns of learning and development to sustain the abuse and silence the abused. The abusers concerned may be acting in concert

or using an institutional framework or position of authority to abuse children. Ritual abuse may occur within a family or community, or within institutions such as residential homes and schools. Such abuse is profoundly traumatic for the children involved. Ritual abuse can also include unusual or ritualised behaviour by organised groups, sometimes associated with particular belief systems or linked to a belief in spiritual possession.

10.13 Abuse by Organised Networks or Multiple Abusers

Several high-profile cases and investigations within residential schools and care homes have highlighted the complexities involved in investigating alleged organised abuse and supporting children. Complex cases in which a number of children are abused by the same perpetrator or multiple perpetrators may involve the following:

Networks based on family or community links

Abuse can involve groups of adults within a family or a group of families, friends, neighbours and/or other social networks who act together to abuse children either on- or off-line.

Abduction

Child abduction may involve internal or external child trafficking and may happen for a number of reasons. Children cannot consent to abduction or trafficking. For further information, see section 11.14 on Child trafficking.

Institutional setting

Abuse can involve children in an institutional setting (for example, youth organisations, educational establishments, and residential homes) or looked-after children living away from home being abused by one or more perpetrators, including other young people.

Commercial sexual exploitation

In all of these contexts, where a single complaint about possible abuse is made by, or on behalf of, a child, agencies should consider the possibility that the investigation may reveal information about other children currently or formerly, living within the same household, residential school or elsewhere. Reports of organised abuse are often made historically.

Planning Considerations

Some child protection cases are particularly complex because they can uncover, or be shown to be linked with, other cases of suspected or reported abuse. It is not unusual for such complex investigations to extend beyond the boundaries of individual services. Detailed planning at strategic level is critical to ensure a consistency of approach with clear areas of accountability and responsibility determined from the outset. Police and social work services should agree arrangements for convening planning meetings, setting up systems for sharing and updating information about the investigations progress and co-ordinating support. All relevant agencies and services should be involved in these discussions.

Parents or carers are usually entitled to the fullest possible information. In these circumstances – particularly where it may be unclear how many families are involved – decisions regarding information-sharing will be particularly complex. Agencies may need to restrict information provided to families and the public to avoid prejudicing criminal enquiries; this should be considered in the planning process. Parental involvement may need to be limited in order to safeguard the child and the reasons for this should be recorded.

10.14 Child Trafficking

Child trafficking typically exposes children (up to the age of 18) to continuous and severe risk of significant harm. It involves the recruitment, transportation, transfer, harbouring and/or receipt of a child for purposes of exploitation. This definition holds whether or not there has been any coercion or deception, as children are not considered capable of informed consent to such activity. It applies to activity within a country as well as between countries. Child trafficking can be difficult to identify. By its very nature, the activity is hidden from view, so practitioners need to be sensitive to the indicators of trafficking when investigating concerns about particular children. There are no validated risk assessment tools that can predict the risk of trafficking or definitively identify those who have been trafficked.

An indicator matrix was previously developed which set out a list of factors often associated with children who have been trafficked or who are at risk. While the presence of any factor does not provide definitive evidence, the indicators do point to the possibility of trafficking, particularly when more than one is present at the same time. The indicators may apply to both UK nationals and/or migrant children and to both boys and girls. Practitioners should keep them in mind when working with children and making an initial assessment.

The indicators do not replace child protection investigations and the presence, or otherwise, of trafficking suspicions should not preclude the standard child protection procedure being implemented.

10.15 Child Sexual Exploitation

The sexual exploitation of children and young people is an often-hidden form of children sexual abuse, with distinctive elements of exploitation and exchange. In practice, the sexual exploitation of children and young people under 18 might involve young people being coerced, manipulated, forced, or deceived into performing and/or others performing on them, sexual activities in exchange for receiving some form of material goods or other entity (for example, food, accommodation, drugs, alcohol, cigarettes, gifts, affection). Sexual exploitation can occur through the use of technology and without the child's immediate recognition.

In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion, and intimidation are often common features; involvement in exploitative relationships being characterized in the main by the child/young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability.

In some cases, the sexual activity may just take place between one young person and the perpetrator (whether an adult or peer). In other situations, a young person may be passed for sex between two or more perpetrators, or this may be organised exploitation (often by criminal gangs or organised groups).

Staff have a responsibility to follow local child protection procedures for reporting and sharing these concerns.

10.16 Children who are 'Looked After' away from home

Child protection concerns are not limited to a child's family circumstances but cover any care environment provided for children. Looked-after children present distinctive challenges to practitioners supporting children. A looked-after child may be placed with kinship carers, foster carers or in a residential school, young people's unit, or respite care service. Disabled children are over-represented in the population of looked-after children and are often placed away from home in residential care or health settings which may increase their vulnerability. The potential to abuse a position of trust may increase when children and carers are living together and

sharing a home. Whatever the case, the main consideration in responding to any concern must be the safety of the child. As with investigations into children living in the community, any looked-after child voicing a concern must be listened to and taken seriously. Equally, the carers should be treated with respect and their views also taken seriously.

Where the concern involves reports of abuse, the carer will be subject to investigation on the same basis as other individuals. While not deviating from the primary concern to ensure the safety of the child, those exploring these types of concerns will need to address a number of additional considerations. Foster and kinship carers of looked-after children provide care from their own homes and are subject to scrutiny from statutory agencies.

This can create pressure and the issues particular to foster and kinship care settings need to be understood by those responsible for exploring concerns.

Looked-after children who have had to leave the care of their parents will often exhibit complex emotions and challenging or irrational behaviour. Many will have experienced disruption in their early years and been emotionally and physically neglected or abused.

Parents of looked-after children may experience guilt, sadness, and anger. These feelings may be expressed in the form of complaints about the care and treatment that their child is receiving.

In all of the settings where looked-after children live, their earlier experiences can lead them to interpreting care in diverse ways, including feeling that they have been singled out for 'criticism' or 'punishment' unfairly. Some may have reported abuse in the past to escape from difficult situations. Some may feel guilt at being cared for away from their family and may want to blame the carer(s).

When concerns about a looked-after child are raised, it should be remembered that further disruption (for example, a sudden move into a new care environment) may damage their recovery. The consequences of removing a child must be considered alongside their safety. Placement stability should be maintained wherever safe and possible. It is vital that all concerns are rigorously investigated while treating carers consistently, fairly and with consideration. Carers should be given as much information about the concern at the earliest possible point compatible with a thorough investigation.

10.17 Children and Young People who place themselves at Risk

Some children and young people place themselves at risk of significant harm by their own behaviour. Concerns about these children and young people can be just as significant as concerns relating to children who are at risk because of their care environment. The main difference is the source of risk, though it should be recognised that at least some of the negative behaviour may stem from experiences of abuse. Where such risk is identified, as with other child protection concerns, it is important that a multi-agency response is mobilised, and a support plan identified to minimise future risk and consideration is given whether Compulsory Measures of Supervision might be required. The key test for triggering these processes should always be the level of risk to the individual child or young person and whether the risk is being addressed, not the source of risk.

While not exhaustive, the following lists the different types of concern that may arise:

- self-harm and/or suicide attempts;
- alcohol and/or drug misuse;
- running away/going missing;
- inappropriate sexual behaviour or relationships (for further information, see section 10.1 on Under-age Sexual Activity);
- sexual exploitation;
- problematic or harmful sexual behaviour;
- violent behaviour; and
- criminal activity.

10.18 Children and Young People who are missing

Describing a child or young person as **'missing'** can cover a range of circumstances. A child, young person, or family (including unborn children) can be considered as missing in different contexts:

- Children who are 'missing' to statutory services. This can include a child or family's loss of contact with, or their 'invisibility' to, a statutory service, such as education (for example, home educated children.)
- Children who are 'missing' from home or care. This can involve a child or young person who has run away from their home or care placement, who has been forced to leave or whose whereabouts are unknown. This may be because they have been the victim

of an accident, crime and/or because they have actively left or chosen not to return to the place where they are expected.

A child or young person who has run away, and cases where children/young people have been 'thrown out' by their parents or carers, are both covered by the term 'runaway' (though the individual circumstances and needs of the child or young person may vary considerably).

Children and young people who go missing remain vulnerable to the factors that led to them going missing (for example, domestic abuse) as well as to the risks associated with being missing (for example, homelessness). The number of children classified as missing is not clear, but extreme cases can result in homelessness and sleeping rough, engaging in crime, drugs, and vulnerability to sexual exploitation. Many cases are never reported to police and few such children ever approach agencies for help.

The reasons for a child's absence may not be apparent. A number of circumstances in which children or young people may be termed as missing are listed below (most are discussed in detail elsewhere in the guidance):

- **Parental abduction**

A parent may fail to return a child, or remove a child from contact with another parent, in contravention of a court order or without the consent of the other parent (or person who has parental rights). This can occur within national borders as well as across borders.

- **Stranger abduction**

A child may fail to return because they have been the victim of a crime.

- **Forced marriage**

A child or young person may go missing due to being forced into marriage abroad or within the UK.

- **Trafficked children and young people**

A child or young person may go missing due to being trafficked and later being removed from a placement.

- **Asylum-seeking children**

They are particularly vulnerable to vanishing. Their substitute care may feel unsafe, and many do not have a trusted adult to advocate for them.

- **Sexual exploitation**

A child or young person may go missing due to sexual exploitation.

- **Young runaways and those 'forced to leave' or thrown out**

This can include any child or young person under the age of 16, who is absent from their domicile without the reasonable authority of those responsible for or in charge of them, and who needs a service either to find and return them to that place (where it is safe or in the child's interests to do so), or to

- keep them safe;
- ensure an appropriate and proportionate response to their needs;
- meet statutory obligations for anyone under the age of 18 who runs away from substitute care.

Children who go missing from home or care may do so because they are running away from a source of danger or have been forced to leave; or because they are running to something or someone. They can be at significant risk as they may need to find a safe alternative place to stay, often with few resources. This can result in begging or stealing or staying with a complete stranger.

- **Vulnerable young people**

Such young people are identifiable by their criminal or risk-taking behaviour, poverty, disengagement with education, being looked after, self-harming, mental health issues and/or experience of abuse. They may take steps to escape from their situation.

- **Transition**

Young people moving from children to adult services need processes in place to manage this experience, maximising support, and minimising risk. Transition can be a difficult time for young people and their parent/carer, or carer or staff in residential care. Some express their negative emotions through high risk and sometimes offending behaviour; they may also be vulnerable to alcohol and/or drug misuse and sexual predators. These cases are very challenging to manage effectively and call for a collaborative approach that includes offender management services.

- **Home-educated children**

Where this is the result of a decision being made to educate them at home this should not, in itself, be regarded as a child protection concern.

The above circumstances are not mutually exclusive. As a result, multi-agency working is central to risk assessment and management and effective practice with 'missing children'. Guidance needs to be clear on specific procedures to be followed for those missing from home and those missing from care, as agencies have specific statutory responsibilities in respect of children missing from local authority care.

10.19 Prevent Duty Guidance for Scotland

In July 2023, the UK Government published an update to the UK's counter-terrorism strategy, **CONTEST** – the strategy is available online [here](#).

The updated strategy sets out several key developments: a domestic terrorist threat across the UK which is dominated by individuals or small groups acting outside of organised terrorist networks; a threat from Islamist terrorist groups based abroad that is persistent and has evolved; and the accelerating availability of new technologies and online platforms which provides both opportunity and risk to the UK's counter-terrorism efforts.

CONTEST 2023 sets out how the UK's counter-terrorism response will adapt to the enduring and evolving threat from terrorism. The established CONTEST framework – Prevent, Pursue, Protect and Prepare – remains the foundation on which counter-terrorism efforts are based, and the updated strategy highlights continued adaptations and improvements across the framework.

The Prevent Duty Guidance for Scotland – [Revised Prevent duty guidance: for Scotland - GOV.UK \(www.gov.uk\)](#) – revised in April 2021, places a duty under Section 26 of the Counter-Terrorism and Security Act 2015 on certain bodies, in turn listed in Schedule 6 to the Act, to have, in the exercise of their functions, “due regard to the need to prevent people from being drawn into terrorism”.

Independent schools are education specified authorities under Section 6 of the Act and are therefore required to consider Prevent activity in the same way as any local authority school in terms of governance, leadership, staff training, monitoring and enforcement. School staff have

undergone Prevent awareness training and the School has procedures in place for sharing information about vulnerable individuals in line with existing safeguarding procedures.

SCIS continues to be a member of the Prevent Board in Scotland and represent the collective interests of the Independent school sector.

11. Public bodies: Roles and Responsibilities for Child Protection

11.1 Child Protection Committees

Child Protection Committees are locally based, inter-agency strategic partnerships responsible for the design, development, publication, distribution, dissemination, implementation and evaluation of Child Protection policy and practice across the public, private and wider third sectors in their locality. Their role, through their respective local structures and memberships, is to provide individual and collective leadership and direction for the management of child protection services across Scotland. They work in partnership with their respective Chief Officers' Group and the Scottish Government to take forward Child Protection policy and practice across Scotland within the wider GIRFEC framework.

The functions of a Child Protection Committee are continuous improvement, strategic planning, public information, and communication. Under the guidance of the local Child Protection Committee all agencies that work with children and their families have a shared responsibility for protecting children and safeguarding their wellbeing. Each has a different contribution to make to this common task.

These include:

- identifying concerns;
- sharing relevant information;
- contributing to risk assessments and Child Protection Plans; and, in some instances,
- actively contributing to investigations and providing specialist advice or support.

11.2 Social Work Services

Children and Family Services have a duty to safeguard and promote the wellbeing of children in need in their area, including children with a disability, and, as far as is consistent with that duty, to promote the upbringing of children by their families by providing a range and level of services appropriate to children's needs. When the local authority receives information which suggests that a child may need compulsory measures of supervision, social work services will make enquiries and give the Children's Reporter any information they have about the child. In fulfilling the local authorities' responsibilities to children in need of protection, social work services also have several key roles. These include co-ordinating multi agency risk

assessments, arranging Child Protection Case Conferences, maintaining the Child Protection Register and supervising children on behalf of the Children's Hearing.

Where children are in need of protection and/or in danger of serious exploitation or significant harm, a registered social worker will be accountable for:

- carrying out enquiries and making recommendations where necessary as to whether or not the child or young person should be the subject of compulsory protection measures;
- implementing the social work component of a risk management plan and taking appropriate action where there is concern that a multi-agency plan is not being actioned; and
- making recommendations to a children's hearing or court as to whether the child should be accommodated away from home.

Children and Family Social Workers also either directly provide, or facilitate access to, a wide range of services to support vulnerable children and families, increase parents' competence and confidence, improve children's day-to-day experiences, and help them recover from the impact of abuse and neglect. For children in need of care and protection, social workers usually act as Lead Professional, co-ordinating services, and support as agreed in the Child Protection Plan.

11.3 Youth Justice

Youth Justice staff work with children and young people involved in offending behaviour. Such young people may need support in relation to past experiences of abuse, as well as help to manage their offending behaviour. Youth Justice staff may be asked to contribute to risk assessments as well as to support child protection plans. Youth Justice staff can also play an important role in assessing and intervening with children and young people who may present risks to others.

11.4 Criminal Justice Social Work Services

Local authorities' Criminal Justice social work services have responsibilities for the supervision and management of risk relating to adults who have committed offences against children. Criminal Justice staff may be directly involved in risk assessment, supervision, and intervention with adult offenders against children. Alternatively, through the course of their

involvement with other service users, concerns about a child's wellbeing may come to light – for example, in cases of domestic abuse or alcohol and/or drug misuse.

11.5 Police

The police have a general duty to protect the public and investigate on behalf of the Procurator Fiscal, where they believe that a criminal offence may have been committed. They will provide any information that will assist the Procurator Fiscal to decide whether a criminal prosecution should take place. The police will refer a child to the Children's Reporter if they believe that they may be in need of compulsory measures of supervision. Where relevant, the concerns should be shared with the Named Person.

In an emergency, the police have the specific power under the Children's Hearings (Scotland) Act 2011 to ensure the immediate protection of children believed to be suffering from, or at risk of, significant harm. It should be borne in mind that these measures are used in emergency situations and only last 24 hours. Where a child is removed to a place of safety, the local authority may seek a Child Protection Order to ensure the ongoing protection and wellbeing of that child.

11.5.1 Specialist Public Protection Units

Every local policing division across Scotland has a dedicated Public Protection Unit staffed by specialist officers. The police are responsible for investigation and for gathering evidence in criminal investigations. This task may be carried out in conjunction with other agencies, including social work services and medical practitioners, but the police are ultimately accountable for conducting criminal enquiries.

The police hold important information about children who may be at risk of harm or significant harm, as well as about those who cause such harm. They will share this information and intelligence with other organisations when required to protect children or help other agencies carry out early intervention in response to concerns about wellbeing.

Where appropriate, the police should attend and contribute to Child Protection Case Conferences.

Police also liaise with a number of adult services where investigations dealing with adults may impact on children. For example, they may liaise with social services on issues such as youth

justice, adult protection, children affected by parental problematic alcohol and/or drug use, anti-social behaviour, domestic abuse, and offender management.

Following a risk assessment, there is a range of circumstances in which the police may consider that the need to protect children and vulnerable adults will not be met by disclosing such information to the local authority or other agencies alone. Any decision to disclose to further third parties is made carefully on a case-by-case basis, in consultation with any other relevant agencies and considering a wide range of factors.

11.5.2 Multi-Agency Public Protection Arrangements

Multi-agency Public Protection Arrangements (MAPPA) are a set of arrangements established by statute. They require authorities and others to establish jointly arrangements for assessing and managing risks posed by high-risk offenders and apply to registered sex offenders and restricted patients. MAPPA is not a statutory body in itself, but a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a co-ordinated manner. The responsible authorities are local authorities, the police, Scottish Prison Services, and health services, but the duty to co-operate extends to other services including the third sector (such as those providing housing services). Multi-agency consideration must be given to managing high-risk sex offenders and their levels of contact with children, both within the family and within the community in general.

11.5.3 Sex Offenders in the Community or people posing a risk to schools

Where concerns or suspicions are raised that a named individual or individuals living in the community, or a parent, may present a risk of significant harm to children, it is vital that information is properly evaluated, risks considered, and action (if any) is proportionate, and advice sought.

Where the information is concerned with one individual only, but no child is named and concerns are that a risk may be present to children in general within the school or the community, there should exist a detailed protocol between the police and local authorities for handling such matters. In general, these protocols will reflect the necessity for sharing of information between relevant agencies on a 'need to know' basis, with a view to arriving at an agreed plan to deal with the circumstances and risk.

In all these situations, the matter should be referred to the Safeguarding Officer (Child Protection Co-ordinator). In the first instance, it is likely that the risk will be assessed between the social work department and the police. However, other local authority departments may require to be involved in planning any action as a result of this assessment (for example, housing, education, leisure, and recreation) and a risk assessment meeting may be required involving a representative from the School.

Where wider notification requires to be considered, in exceptional cases, a decision will be made by the police and local authority, who will take into account the need to know on balance with other issues such as the potential for breaching of confidentiality and potential public disorder.

11.6 Health Services

Health practitioners who see children and families have a duty of care to consider the wellbeing of their patients and to work with statutory agencies when there are concerns about the risk to the wellbeing of a child. They may be the first to be aware that families are experiencing difficulties in caring for their children and should always share their concerns with the Named Person, social work services, the police or Children's Reporter at an early stage. Where relevant, appropriately trained paediatricians are involved in the planning of child protection investigations at the Inter-agency Referral Discussion (IRD) stage (see Section 6.13 for details of the IRD). Their responsibility is to ensure appropriate decisions about the wider health needs of the child and whether or not a medical examination is required.

11.6.1 Health Visitors

Health visitors play a pivotal role in promoting the wellbeing of children and can contribute to the prevention and early identification of child abuse through a range of health promotion activities. A health visitor will become a child's Named Person (or, in some cases, their Lead Professional), normally until the child starts full-time primary education. Health visitors provide a consistent, knowledgeable, and skilled point of contact for families, assessing children's development and planning with parents and carers to ensure their needs are met. As part of a universal service, they are often the first to be aware that families are experiencing difficulties in looking after their children and can play a crucial role in providing support.

11.6.2 General Practitioners

The role of the general practitioner (GP) and the practice team in child protection can be critical in detecting potential concerns since they will often regularly engage with children and families. Their role includes prevention, early recognition and detection of concerns, assessment and ongoing care and treatment.

11.6.3 Child and Adolescent Services

Child and Adolescent Services have an active role to play in identifying concerns about children and young people. Child and Adolescent Mental Health Services (CAMHS) may become aware of children and young people who have experienced, or are at risk of, abuse and/or neglect, and are well placed to carry out assessments and provide support. In some cases, adults and older young people may disclose abuse experienced some time ago. CAMHS staff can help implement Child Protection Plans, providing therapeutic support to help children recover from the impact of abuse or neglect, build resilience, and develop helpful strategies for the future.

11.7 Scottish Children's Reporter Administration

The Children's Hearing (Scotland) Act 2011 came into force in June 2013 and updated previous legislation. It is the role of the Children's Reporter to decide if a child requires Compulsory Measures of Supervision. A referral must be made when it is considered that a child is in need of protection, guidance, treatment, or control and that a Compulsory Measure of Supervision might be necessary. Children can be referred to the Reporter by anyone. On receipt of the referral, the Reporter will conduct an investigation, involving an assessment of the evidence supporting the ground for referral, the extent of concerns over the child's wellbeing and behaviour and the level of co-operation with agencies, which all leads to a assessment of the need for compulsory measures of supervision.

In making this assessment, the Reporter will rely on information from other agencies, most commonly social work, and education services, although healthcare staff may also be asked to contribute. If the Reporter decides that there is sufficient evidence to necessitate supervision measures, the child will be called to a Children's Hearing. The investigation can take place at the same time as a criminal investigation or criminal court case, but the focus will remain on the needs and wellbeing of the child or young person.

11.7.1 Children's Hearings Scotland

Scotland has a unique child protection system based on the Children's Hearing System (or Children's Panel). Procedures are more informal, and standards of proof are less rigorous than in the criminal courts. Children's Hearing cases generally require only to be proved 'on the balance of probability' as opposed to the higher standard of 'beyond reasonable doubt' applicable to criminal cases. This means that the Children's Hearing can take action to protect a child even when no prosecution is initiated, or no conviction obtained. The law sets out certain conditions, known as 'grounds for referral', one of which has to be satisfied before a Children's Hearing can consider a case. These include situations in which a child is thought to have been abused or neglected.

A Children's Hearing is a lay tribunal made up of a panel of three specially trained volunteers from the local community. The Hearing decides on a course of action that it believes is in the child's best interests, based on the Child's Plan with input from professionals, and would include reports from a social worker and, where appropriate, from the child's school.

Medical, psychological, and psychiatric reports may also be requested. The Hearing discusses the child's circumstances fully with the parents, the child or young person themselves and other relevant representatives and professionals (most commonly the social worker) before reaching a decision.

Supervision Orders are the most common form of compulsory supervision made by Children's Hearings. Supervision orders vary, although the most common involve supervision at home by a social worker. In other cases, a child could be required to live away from home, for example with foster carers, in a local authority home or in a residential school. It is the statutory responsibility of local authorities to implement supervision orders. Where there is no requirement for compulsory measures of supervision, children and young people can be dealt with in a number of ways, including voluntary measures.

Even where the Reporter has concluded that evidence is sufficient, there may not be a requirement for compulsory intervention, for example because the incident is entirely out of character, there are no other significant concerns about the child and the parental response has been both appropriate and proportionate to the incident. In other circumstances, compulsion may not be needed because the child and family have accepted that there is a problem and are already working with agencies such as restorative justice or social services.

The Reporter also has a role as a legal agent in the Sheriff Court. First, if the child or relevant person denies the grounds for referral at the Hearing, or if the child is too young to understand the grounds, the matter will require to go to court for the grounds to be established before the Sheriff. It is the Reporter's responsibility to lead the evidence in court and seek to have the grounds established. Second, if the Hearing's decision is appealed, the Reporter will go to court to conduct the appeal on the Hearing's behalf.

The Children's Hearing (Scotland) Act 2011 gives children and their parents (or, strictly speaking, their 'relevant persons', which is limited to persons who have parental responsibilities or parental rights, under the said Act) both a right and a duty to attend the Children's Hearing. The Act creates an appealable process whereby those not within specific definition can acquire 'relevant person status' by proving to the pre-hearing panel 'significant involvement in the upbringing of the child'. 'Relevant persons' who fail to turn up can be fined. Children who fail to attend or are unlikely to turn up can be made the subject of a warrant to ensure that they are kept in a place of safety and brought before the hearing. Children's Hearings can release the child or 'relevant person' from the obligation of attending in some circumstances.

Even if they are exempted from the obligation of attendance, both child and 'relevant person' have a right to attend the Hearing. In the child's case, this right is absolute. In the 'relevant person's' case, the Hearing is entitled to exclude that person from any part of the Hearing if their presence is causing distress to the child, or if the Hearing feel this is necessary to allow the child to express his or her views to them. In this case, the Hearing must subsequently explain to the 'relevant person' what has taken place in their absence.

In addition to their responsibilities to attend, 'relevant persons' have rights to receive sensitive information about a child who is brought before a Children's Hearing and have full rights to participate in decision-making and to challenge decisions. It is important that parents and 'guardians' appointed by them are aware of the potential implications of the appointment.

11.8 Procurator Fiscal Services

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecuting service, independent of the police and the courts. They are legally qualified civil servants who receive reports about crimes from the police and others and then decide what action to take in the public interest including whether or not, to prosecute. COPFS are also responsible for the investigation of sudden or suspicious deaths and complaints against the police.

In child protection matters the police carry out a criminal investigation and submit a report to the local Procurator Fiscal. The Procurator Fiscal considers this report and decides whether criminal proceedings should take place. In considering the public interest, Procurators Fiscal will take a number of factors into account, including the interests of the victim, the accused, and the wider community. This can involve competing interests and will vary with every case.

As a result, assessment of the public interest involves careful consideration of all factors. Following such careful consideration, the Procurator Fiscal may decide to commence proceedings, offer an alternative to prosecution, or take no action. In cases that a jury will consider, the Procurator Fiscal will gather and review all evidence before Crown Counsel makes the final decision on whether to prosecute. If there is enough evidence, the Procurator Fiscal will then decide what action is appropriate: whether to prosecute, offer an alternative to prosecution or to take no action in the case. In cases that will be considered by a jury, the Procurator Fiscal will interview witnesses and gather and review forensic and other evidence before Crown Counsel makes the final decision on whether to prosecute.

11.9 Scotland's Commissioner for Children and Young People (SCCYP)

The SCCYP³⁴ was set up in 2004 to promote and safeguard the rights of children and young people living in Scotland. A key role for the Commissioner is to ensure that adults keep the promises made in the UN Convention on the Rights of the Child. The Commissioner has powers to require persons or organisations to attend a public investigation if there are serious concerns about the safety of children.

Key Documents

Children and Young People (Scotland) Act 2014, Scottish Government, March 2014

<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

Children and Young People (Scotland) Act 2014 Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96), Scottish Government, February 2015

<http://www.gov.scot/Publications/2015/02/1851>

Children and Young People (Scotland) Act 2014 - GIRFEC Q&A for Practitioners, Scottish Government, December 2014

<http://www.gov.scot/Topics/People/YoungPeople/gettingitright/publications/practitionersq-and-a>

A Guide to Getting it Right for Every Child, Scottish Government, June 2012

<http://www.gov.scot/Resource/0042/00423979.pdf>

Getting it Right for Every Child Practice Briefings

<http://www.gov.scot/Topics/People/Young-People/gettingitright/publications/practicebriefings>

Getting it Right for Every Child: A Guide to Evaluating Wellbeing in Schools and Nurseries, Scottish Government, March 2014

<http://www.gov.scot/Topics/People/Young-People/gettingitright/resources/practicaltools/self-evaluation/downloads>

Information Sharing Between Services in Respect of Children and Young People, Information Commissioner's Office, letter issued 28th March 2013.

<http://www.gov.scot/Resource/0041/00418080.pdf>

National Guidance for Child Protection in Scotland, Scottish Government, Updated 2014

<http://www.gov.scot/Publications/2014/05/3052>

Child Protection Guidance for Health Professionals , Scottish Government, 2013

<http://www.gov.scot/Resource/0041/00411543.pdf>

National Framework for Child Protection Learning and Development in Scotland, Scottish Government, 2012

http://www.gov.scot/Topics/People/Young-People/protecting/child_protection/nationalframework-cp-learning-2012

Protection of Vulnerable Groups (PVG) (Scotland) Act 2007

<http://www.gov.scot/Publications/2011/08/04111811/1>

SCIS Framework for Child Protection Learning and Development (adaptation of National Framework for Child Protection Learning and Development in Scotland for the school context) – available on the members' area of the SCIS website.

Cyberbullying – Safe to Learn: Embedding anti-bullying work in schools, Department for Children, Schools and Families, 2007

<http://www.digizen.org/downloads/CYBERBULLYING.pdf>

Getting our Priorities Right: Updated Good Practice Guidance for working with Children and Families affected by Substance Misuse, Scottish Government, 2012

<http://www.gov.scot/Publications/2012/07/9484/0>

Going Out There - Scottish Framework for Safe Practice in Off-site Visits, Education Scotland/HSE, 2013

<http://www.goingoutthere.co.uk/>

National Guidance for Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns, Scottish Government, 2010

<http://www.gov.scot/Resource/Doc/333495/0108880.pdf>

Prevent Duty Guidance: for Scotland, HM Government & The Scottish Government, 2015,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417941/Prevent_Duty_Guidance_for_Scotland.pdf

Protecting Children and Young People: The Charter, Scottish Executive, 2004

<http://www.gov.scot/Publications/2004/04/19082/34410>

Protecting Children and Young People: The Framework for Standards, Scottish Executive, 2004

<http://www.gov.scot/Publications/2004/03/19102/34603>

Safeguarding Disabled Children: Practice Guidance, Department for Children, Education and Families Education, 2009

<https://www.gov.uk/government/publications/safeguarding-disabled-children-practiceguidance>

The Mental Health of Children and Young People: A framework for promotion, prevention and care, Scottish Executive, 2005

<http://www.gov.scot/Publications/2005/10/2191333/13337>

Useful Websites

| | |
|--|---|
| Association of Chief Police Officers | http://www.acpo.police.uk/ |
| Anti Bullying Network | www.antibullying.net/ |
| Centre for National Infrastructure (CPNI) | http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/ |
| Child Exploitation and Online Protection Centre (CEOP) | http://ceop.police.uk/ |
| Disclosure Scotland | www.disclosurescotland.co.uk |
| European Convention on Human Rights (ECHR) | http://www.echr.coe.int/Documents/Convention_ENG.pdf |
| Foreign and Commonwealth Office | www.fco.gov.uk/en/ |
| GIRFEC page on Scottish Government website | http://www.gov.scot/Topics/People/Young-People/gettingitright |
| Getting it right for every child – website for young people | www.wellbeingforyoungscots.org |
| Respect Me | http://www.respectme.org.uk/ |
| Scottish Children's Reporter Administration | http://www.scra.gov.uk/home/index.cfm |
| SEE me Scotland | www.seemescotland.org.uk/ |
| The Convention on the Rights of the Child (UN Convention) 1989 | http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/ |
| ThinkuKnow, Child Exploitation and Online Protection Agency | http://www.thinkuknow.co.uk/ |
| Volunteer Development Scotland | www.vds.org.uk/information/infoenquiries.htm |

Appendices

Appendix 1 – Key Definitions

1.1 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.

- Under the Children and Young People (Scotland) Act 2014 a child is defined for the purposes of all parts of that Act, as someone who has not attained the age of 18.
- The welfare duty set out in the Children (Scotland) Act 1995 in relation to children in residential schools applies up to the age of 18. Schools should work on the basis that they have responsibilities for the welfare of young people from 16 to 18. Pupils aged 18 or over are legally adults.
- In terms of Part 1 of the Children (Scotland) Act 1995 (which deals with matters including parental rights and responsibilities), a child is generally defined as someone under the age of 18. In terms of Chapter 1 of Part 2 of the Act (which deals with support for children and families and includes local authorities' duties in respect of looked-after children and children 'in need'), a child is also defined as someone under the age of 18.
- The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age. However, this section also provides some exceptions to that general rule. Subsection (2) provides that for the purposes of referrals under section 67(2)(o) (failure to attend school), references in the Act to a child include references to a person who is of school age. 'School age' has the meaning given in section 31 of the Education (Scotland) Act 1980 as older than 5 and younger than 16. Additionally, children who turn 16 during the period between when they are referred to the Reporter and a decision being taken in respect of the referral, are also regarded as 'children' under the Act.
- Children who are subject to compulsory measures of supervision under the Children's Hearings (Scotland) Act 2011, on or after their 16th birthday, are also treated as children until they reach the age of 18, or the order is terminated (whichever event occurs first).

- Where a sheriff remits a case to the Principal Reporter under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995, then the person is treated as a child until the referral is discharged, any compulsory supervision order made is terminated, or the child turns 18.
- 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 meaning of 'a child' is extended to cover any person under the age of 18 in cases concerning: human trafficking; sexual abuse while in a position of trust (Sexual Offences (Scotland) Act 2009) and the sexual exploitation of children under the age of 18 through prostitution or pornography (Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

The Adult Support and Protection (Scotland) Act 2007 states a child can be someone over 16 when certain criteria are met. Following the implementation of the Children and Young People (Scotland) Act 2014, similar to child protection interventions, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan. Special consideration will need to be given to the issue of consent and whether an intervention can be undertaken where a young person has withheld their consent. 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.

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 services.

Therefore education staff have a responsibility for the wellbeing 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.

1.2 Definition of a Parent and Carer

1.2.1 Parent

'A parent' is defined as someone who is the genetic or adoptive mother or father of a child. A child may also have a parent by virtue of provisions in the Human Fertilisation and Embryology Act 2008. A mother has full parental rights and responsibilities. A father has parental rights and responsibilities if he is or was married to the mother at the time of the child's conception or subsequently, or if the child's birth has been registered after 4 May 2006 and he has been registered as the father of the child on the child's birth certificate⁴⁶. A father or, where relevant, a second female parent by virtue of the Human Fertilisation and Embryology Act 2008 may also acquire parental responsibilities or rights under the Children (Scotland) Act 1995 by entering into a formal agreement with the mother or by making an application to the courts.

The Children (Scotland) Act 1995 clarifies who has parental responsibilities and rights for their children. In the event of divorce, both parents will continue to exercise responsibilities and rights for the benefit of their children; both parents would normally have equal rights, unless there was a court order removing such rights, to information on their children's education.

Under the Children and Young People (Scotland) Act 2014 'parent' has the same meaning as in the Education (Scotland) Act 1980 (the 1980 Act). Section 135(1) of the 1980 Act states that 'parent' includes a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has the care of a child or young person.

Although the legal term used throughout the Children and Young People (Scotland) Act 2014 is 'parent' in the singular, where both parents, or more than one individual, have parental rights and responsibilities, liability to maintain the child or have the care of a child, the expectation would be that both are consulted and involved in decisions and activities aimed at supporting the child. There will be exceptions to this, however, related to the interests of the child's wellbeing, or their rights in relation to confidentiality.

Parental rights are necessary to allow a parent to fulfil their responsibilities, which include looking after their child's health, development and wellbeing, providing guidance to their child, maintaining regular contact with their child if they do not live with them and acting as their child's legal representative. In order to fulfil these responsibilities, parental rights include the right to have their child live with them and to decide how a child is brought up.

1.2.2 Carer

A carer is someone other than a parent who has rights/responsibilities for looking after a child or young person. 'Relevant persons' have extensive rights within the Children's Hearing system, including the right to attend Children's Hearings, receive all relevant documentation and challenge decisions taken within those proceedings. A carer may be a 'relevant person' within the Children's Hearing system.

A 'kinship carer' can be a person who is related to the child or a person who is known to the child and with whom the child has a pre-existing relationship. ('Related' means related to the child either by blood, marriage or civil partnership). Regulation 10 of the Looked-After Children (Scotland) Regulations 2009 provides that a local authority may make a decision to approve a kinship carer as a suitable carer for a child who is looked after by that authority under the terms of section 17(6) of the Children (Scotland) Act 1995. Before making such a decision the authority must, so far as reasonably practicable, obtain and record in writing the information specified in Schedule 3 of the Regulations and, taking into account that information, carry out an assessment of that person's suitability to care for the child. Local authorities have to provide necessary support to kinship carers to offer protection and care for the child or young person.

Other duties placed on local authorities by the 2009 Regulations are designed to ensure that they do not make or sustain placements that are not safe or in the child's best interests and that placements are subject to regular review. Informal kinship care refers to care arrangements made by parents or those with parental responsibilities with close relatives or, in the case of orphaned or abandoned children, by those relatives providing care. A child cared for by informal kinship carers is not 'looked after.' The carer in such circumstances is not a foster carer, nor is assessment of such a carer by the local authority a legal requirement.

Private fostering refers to children placed by private arrangement with a person(s) who are not close relatives. 'Close relative' in this context means mother, father, brother, sister, uncle, aunt, grandparent, of full blood or half blood or by marriage. Where the child's parents have never married, the term will include the birth father and any person who would have been defined as a relative had the parents been married.

1.2.3 Other Adults who have Charge or Care of Children

Any person who is over 16 years of age, and who has parental responsibilities, charge or care of a child under 16, has certain responsibilities with regard to that child's welfare, and can be

held criminally liable for failure to meet them.

Section 27 of the Children and Young Persons (Scotland) Act 1937 identifies those persons who would be regarded as having 'charge or care.' Those presumed to have 'charge' of a child include 'a person to whose charge a child or young person is committed by any person who has parental responsibilities in relation to him.' Those presumed to have 'care' include 'any other person having actual possession or control of a child or young person.' The Head and staff of day and boarding schools would fall within the definition of those having 'charge' or 'care' of a child. The Governors might also be regarded as having 'charge' to the extent that they are responsible for ensuring that the school environment is adequate to protect children from foreseeable suffering or harm. There is also a common law duty of care on any person who has day-to-day care or control of children, to protect and safeguard their wellbeing. With increasing awareness of the vulnerability of children to abuse by other children and by staff, it is incumbent upon those in charge of children to ensure that procedures are in place which protect children, facilitate early identification of abuse where it has occurred and ensure that action is taken. This applies particularly to those services where children are in residential care.

Criminal liability arises under Section 12 of the Children and Young Persons (Scotland) Act 1937 if the adult 'wilfully assaults, ill-treats, neglects, abandons, or exposes him in a manner likely to cause him unnecessary suffering or injury to health'. This includes mental as well as physical health. It applies whether or not any harm actually occurred. It is sufficient that it was 'likely' to occur. If this 'likelihood was obviated by the action of another person', an offence might still have been committed. The offence applies not only to those who actually neglect or assault children, but also to those who 'caused or procured' the offence.

1.2.4 'In Loco Parentis' and Delegation

Although the phrase 'in loco parentis' is frequently heard, and has been referred to judicially in relation to chastisement of children, it is not a concept that has any great history in Scottish law. Those who take over the charge of a child certainly undertake responsibilities and this may give them some limited and temporary powers, which can be enlarged by specific delegation by the parent. However, the fact that they may be in the position of a parent, does not give them all the rights of a parent.

The Children (Scotland) Act 1995 states that children should be consulted and that parents should so far as practicable, consider their children's views before taking any major decisions

which would affect them. Children over 12 are presumed in law to be old enough to express views, depending on their level of understanding, other known facts and circumstances.

Section 5 of the Act states that, where a person has care or control of a child but does not have parental responsibilities, that person can do what is necessary to safeguard the child's health, development and welfare. The Act specifically says that this provision does not apply to a person who has care or control of a child in a school. This means that, whilst schools have responsibilities towards children, they cannot rely on the general authority given by Section 5 to fulfil their responsibilities. They need to have authority delegated by the parent.

The position of schools is strengthened by section 3(5) of the Act which puts the 'delegation' of parental responsibilities onto a proper legal footing. The Act provides that a person who has parental responsibilities or rights in relation to a child shall not abdicate those responsibilities, but may arrange for some or all of those responsibilities to be carried out by someone else on his/her behalf. This means that, if a parent has delegated responsibility to a 'guardian', the school can feel confident in accepting the 'guardian's' authority for action consistent with the welfare of the child which is within the scope of that delegation. In most instances parents, unless they or a member of their family are involved in allegations of abuse, should be informed of concerns about their children, involved in discussions and advised of action taken.

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Appendix 2: Cause for Concern Forms – Parts 1 & 2

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Cause for Concern Form – Part 1

PART 1: To be completed by the person who has the concern

- The purpose of this form is to pass on wellbeing concerns about a child/young person where these are unable to be met by parents and/or through the routine support systems in your school.
- This form should be either handwritten or completed electronically and passed onto the Named Person as soon as possible.
- It should be kept in a secure place, separate from the pupil's Educational records, in accordance with Data Protection requirements.
- **If you have any doubts as to whether you have a wellbeing or child protection concern, you should take advice from The Child Protection Coordinator.**

1. Child/Young Person's Details

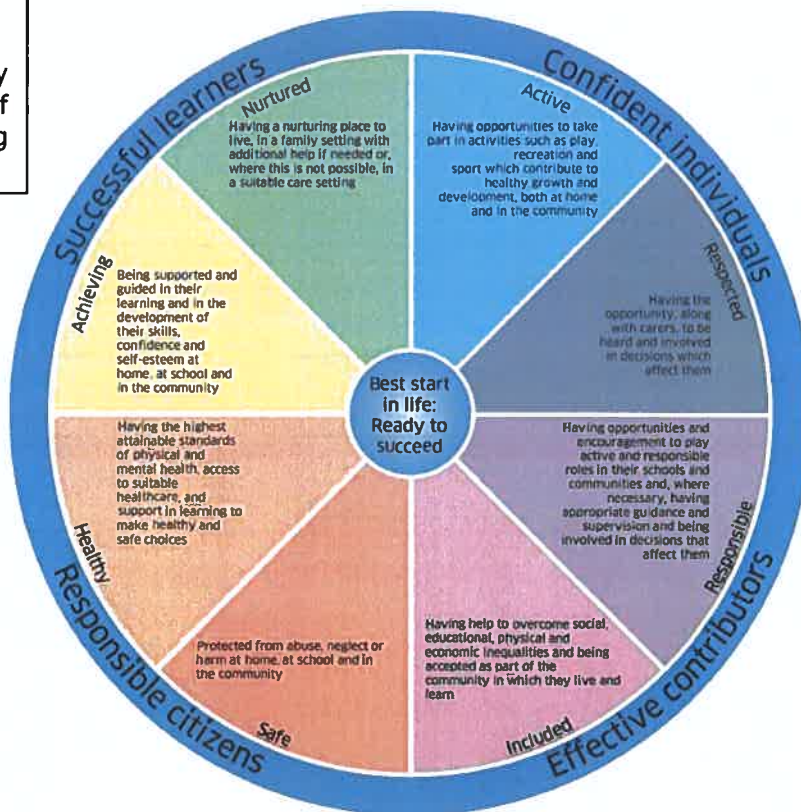
| | | |
|------|---------------|--------------------|
| Name | Date of Birth | Year group / Class |
|------|---------------|--------------------|

2. Person recording the concern

| | |
|------|------------------|
| Name | Role/Designation |
|------|------------------|

3. Area of Concern

Please ✓ any relevant areas of the Wellbeing Wheel.





4. **Description of concern(s). Use the heading(s) you have ticked on the Wellbeing Wheel to record the details below. If appropriate include any action taken to address the issue. Include dates when action was taken.**

Signed: _____

Date: _____

Name: _____

Time: _____

Role/Designation: _____



Cause for Concern Form – Part 2

PART 2: To be completed by the Named Person

1. Have there been previous wellbeing concerns?

Yes No Don't know
if Yes, please summarise with dates.

2. Has this concern been shared with the child/young person?

Yes No
(If Yes what is the child/young person saying about the concern? Note the date when the concern was shared. If No, please explain why not e.g. child too young.)

3. Has this concern been shared with the child/young person's parents/carers?

Yes No
(If Yes, what was the parent's response? Note the date when the concern was shared.

It does not have to be the Named Person who discusses the concern with the parent or carer, but agreement should be reached about who is the most appropriate person within the school to do this and the parents or carer's views recorded here.

4. Has the concern been shared with anyone else?

Yes No
If Yes, please specify:



5. What action is being taken in relation to this concern(s)? Please tick the appropriate box.

- Continue to monitor
- Carry out an Assessment of Need (an In-house School Assessment)
- Call a Child's/Young Person's Planning Meeting (Multi-agency Meeting)
- Discuss with Lead Professional (if allocated)
Contact name & telephone number: _____
- Initiate child protection procedures
- Other – please give details

6. Feedback given to the referrer. Yes

Name: _____ Role/Designation _____

Date: _____

Name of Named Person: _____

Signed: _____

Date: _____

Time: _____

Appendix 3: Belmont House School Policy on Confidentiality

The policy of the School is to work in partnership with parents and carers in order to promote the wellbeing of children and young people. The School also aims to build up relationships of trust with pupils. Pupils, parents and carers should feel able to raise with the school concerns about safety and wellbeing in the knowledge that these matters will be dealt with sensitively.

Children and young people have a right to privacy under the European Convention on Human Rights (ECHR) & United Nations Convention on the Rights of the Child (UNCRC); children have the same rights to confidentiality as adults. This includes supporting them to have as much control over their situation as possible, in the context of their stage of development and level of understanding. The School will operate on the presumption that anything imparted in confidence will be treated in confidence. This is subject to four qualifications:

- Anything imparted 'in confidence' to one member of staff or person approached as an associate of the School, may be shared with a restricted number of colleagues if that person feels in need of support and guidance from them.
- If serious concerns are raised about the safety, wellbeing or protection of a child, in line with the School's Safeguarding and Child Protection Procedures, staff are required to pass that information on to the Child Protection Co-ordinator and/or Named Person for consideration as to appropriate action including whether it should be shared with the appropriate authorities. In these circumstances, the person approached would not, except in an emergency, breach the confidence without letting the pupil seeking assistance know that he/she intended doing so and as a matter of good practice seek their consent to pass on the information as well as seeking their views.
- Where there are concerns that a pupil may be at risk of significant harm, advice will always be taken from the statutory authorities. Sharing information that is relevant and proportionate about children who are at risk of harm, is fundamental to keeping children safe.
- The School must pass on information when legally obliged to do so, for example, by a court of law.

Pupils must feel able to share concerns with staff. There may be a conflict of interests when a pupil consults a member of staff about a problem and does not want that information to be shared with their parents or carers. While staff will always encourage and support pupils to share the information with parents and carers, there may be circumstances in which any

pressure to pass the information on could not be in the pupil's best interests and result in the pupil keeping the problem to him or herself or not sharing concerns in the future.

Confidentiality is of fundamental importance to many children and young people who experience difficulties in their lives. The debates surrounding children's right to confidentiality are not new. ChildLine was set up specifically to provide children with a confidential space, after the 1986 Childwatch study uncovered the extent of abuse in the UK and the numbers of children who suffered in silence, unable to tell adults or seek help.

Fears around lack of confidentiality deter some vulnerable young people from accessing services, leaving them at increased risk of harm. Children may choose to contact ChildLine services, where they can communicate at their own pace and retain control of what happens in the majority of cases. Furthermore, '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.' (National Guidance on Child Protection for Scotland 2014, Paragraph 100.)

There is also evidence from young people's sexual health services that confidentiality is the crucial factor in young people accessing services. In Scotland, the 'National Guidance – Under Age Sexual Activity: meeting the needs of children and young people and identifying child protection concerns' (Scottish Government, 2010) provides guidance for setting up protocols for practitioners around assessing needs and risk when working with young people under 16 who may be at risk of harm through early sexual activity. The guidance while advising practitioners to ask young people to share information with their parents or carers establishes an overriding principle that the confidentiality rights of children and young people should be upheld, unless there is a child protection concern.

Parents should be reassured that, whenever possible, it is the aim of the School to act in the best interests of the child and to encourage the fullest possible involvement and consultation with parents. The following is a draft sample statement on confidentiality which the School will issue to pupils.

Confidentiality Statement for Pupils

Staff in school want you to feel that you are happy and getting the best of the opportunities that the school provides during the time you are with us. We hope that you feel able seek help if you are concerned or worried about anything. We are here to help and support you.

We hope this information will help you understand the responses you can expect from staff and the various options you have for getting the help you need when you need it.

At the heart of the Children and Young People (Scotland) Act 2014 is the wellbeing of all children and young people in Scotland. This is known as Getting it right for every child (GIRFEC) and covers children and young people up to the age of 18. Wellbeing, under this Act, is defined in relation to eight indicators representing the key areas that are essential to enable children and young people to flourish. These are that children and young people should be:

- safe;
- healthy;
- achieving;
- nurtured;
- active;
- respected;
- responsible and
- included.

For the majority of children and young people, these needs will be met by their parents or carers or the routine support provided by the school. For pupils who need extra support every school has a Named Person whose job it is to organise additional help for pupils. Where this happens, your consent and your views will be taken into account. The Named Person should also tell you if they need to share the information, who they are sharing it with and why.

Even when a young person has left school before reaching 18, the local authority where they live must provide a Named Person. If you find yourself in a situation where:

- you have something important to talk to staff about
- you are worried about things that are happening to you
- you need help or you need to know how to seek help

the staff are there to listen and to help – they will try to do what they can.

The School's response is that anything you say in confidence will be treated in confidence unless there are concerns about your safety or protection. This would need to be shared with others, but staff would tell you first. They should also tell you who they are sharing it with and why.

You may have concerns that you do not want to share with staff or your parents or carers. If you are worried about confidentiality:

- You can tell staff using a *hypothetical* concern and seek advice e.g. perhaps asking “*I know someone who*” or “*What if this was happening to someone, what should they do.....?*”
- If you are still unsure about talking to a member of staff, you can phone ChildLine on 0800 1111; the call is free and will not show up on your phone bill. ChildLine will help you work out what to do next.

Appendix 4 Staff Code of Conduct: Guidance on Interaction with Pupils

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety.

4.1 Physical Touch

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 in a boarding situation 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.

It is expected that the need and desirability of such contact with older pupils, especially day pupils (clearly our context), 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 is impossible to lay down rigid rules about what is, and is not, permissible. Awareness-raising through in-service training should 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. 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 schools make every effort to ensure that all staff who have contact with pupils are carefully selected and all appropriate checks completed.

4.2 One-to-One Situations

Opportunities for abuse exist in all schools, especially boarding 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, as 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, interviews with pupils, some AH classes. This may also prove difficult, especially in a boarding situation, where it might be seen as beneficial for a child to have some opportunity for one-to-one contact with an adult.

The following guidance/advice should be noted by all staff:

- Where one-to-one contact is appropriate, it should be timetabled and, where possible, held with others around or within earshot or view of others.
- Never have the door locked and, wherever possible, maintain a gap/barrier between you and the child.
- Another member of staff should be aware of any meeting and its purpose.
- If possible, doors should have built-in windows – almost all room doors in the School have visibility panels therefore do NOT arrange a one-to-one meeting in any location which does not have this provision.
- Do not meet pupils off school premises or invite them to your home.
- Most one-to-one meetings will be straightforward and uneventful. But where the meeting is difficult, fraught, tense, accusatory or the pupil becomes distressed, the adult must record details and inform a senior manager of the incident.
- If in doubt about a meeting, agree that a colleague will be nearby.
- Excursions out of the school, especially residential stays, can provide opportunities for abuse. Care should be taken to ensure that there are sufficient adults to provide proper supervision and that appropriate risk assessment(s) have been carried out.

4.3 Physical Contact and Restraint

The following guidance/advice should be noted by all staff:

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention 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 resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.
- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or 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 cease any physical contact. All incidents of physical intervention or restraint should be logged, dated and signed in a log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation 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).

4.4 'Hands on' Educational Instruction

The following guidance/advice should be noted by all staff:

- 'Hands on' educational instructions / support should only be used when verbal or role-modelling is insufficient or it is necessary for health and safety reasons. Whenever possible, this should be done within earshot, and preferably within view, of others.
- Where 'hands on' is necessary you should seek the young person's permission appropriate to their age and level of understanding and explain to them what you are about to do.

4.5 Verbal Remarks

The following guidance/advice should be noted by all staff:

- 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.
- 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.

4.6 Communication via E-Technology and Social Media

The following guidance/advice should be noted by all staff:

- Any communication via e-technology with pupils should be in line with school policy, for educational purposes and approved by the Senior Management Team.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting and social media encourage casual dialogue and very often, innocent actions can easily be misconstrued or manipulated. A teacher should never share information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting.

4.7 Attachments

The following guidance/advice should be noted by all staff:

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from your line manager.
- 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 line manager.

4.8 Climate and 'Whistle Blowing'

The following guidance/advice should be noted by all staff:

- In working with children and 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 Child Protection Co-ordinator.
- If the concern is about the Child Protection Co-ordinator then it should be reported to the Principal and if it is about the Principal it should be reported to the Chair of the Board of Governors.

4.9 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 judgement 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

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Appendix 5 – Signs of Possible Child Abuse

It is important to remember that lists such as the one below are neither definitive nor exhaustive. The information has to be used in the context of the child's whole situation and in combination with a range of other information related to the child and his/her circumstances.

These are general indicators that the child may be troubled though not necessarily about abuse. The child may have some of these problems or none at all. It is the combination, frequency and duration of signs that will alert you to a problem. Try to notice all changes in usual behaviour.

There can be an overlap between all the different forms of child abuse, and all or several can co-exist.

5.1 Physical Abuse

Signs of possible physical abuse:

- Unexplained injuries or burns, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to discuss injuries
- Untreated injuries, or delay in reporting them
- Excessive physical punishment
- Arms and legs kept covered in hot weather
- Fear of returning home
- Aggression towards others
- Running away

When considering the possibility of non-accidental injury it is important to remember that the injuries may have occurred for other reasons, e.g. genuine accidents or medical disorders.

5.2 Physical Neglect

Signs of possible physical neglect:

- Constant hunger
- Poor personal hygiene
- Constant tiredness

- Poor state of clothing
- Frequent lateness and/or unexplained non-attendance at school
- Untreated medical problems
- Low self-esteem
- Poor peer relationship
- Stealing

5.3 Non-Organic Failure to Thrive

Signs of possible non-organic failure to thrive:

- Significant lack of growth
- Weight loss
- Hair loss
- Poor skin or muscle tone
- Circulatory disorders

5.4 Emotional Abuse

Signs of possible emotional abuse:

- Low self-esteem
- Continual self-deprecation
- Sudden speech disorder
- Significant decline in concentration
- Socio-emotional immaturity
- 'Neurotic' behaviour (e.g. rocking, head banging)
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running away
- Indiscriminate friendliness

5.5 Sexual Abuse

Not all children are able to tell parents or carers that they have been assaulted. Changes in behaviour may be a signal that something has happened. It is important to remember that in sexual assault there may well be no physical or behavioural signs.

Signs of possible sexual abuse:

- Behavioural
 - Lack of trust in adults or over familiarity with adults
 - Fear of a particular individual
 - Social isolation – withdrawal or introversion
 - Sleep disturbance (nightmares, irrational fears, bed wetting, fear of sleeping alone, needing a nightlight)
 - Running away from home
 - Girls taking over the mothering role
 - Reluctance or refusal to participate in physical activity or to change clothes for activities
 - Low self-esteem
 - Drug, alcohol or solvent abuse
 - Display of sexual knowledge beyond child's years
 - Unusual interest in the genitals of adults or children or animals
 - Expressing affection in an age inappropriate way, e.g. 'French kissing'
 - Fear of bathrooms, showers, closed doors
 - Abnormal, sexualised drawing
 - Fear of medical examinations
 - Developmental regression
 - Poor peer relations
 - Inappropriate or sexually harmful behaviours
 - Compulsive masturbation
 - Stealing
 - Psychosomatic factors, e.g. recurrent abdominal pain or headache
 - Having unexplained/abundance of sums of money and/or possessions
 - Sexual promiscuity

- Physical/Medical
 - Sleeplessness, nightmares, fear of the dark
 - Bruises, scratches, bite marks to the thighs or genital areas
 - Itch, soreness, discharge, unexplained bleeding from the rectum, vagina or penis
 - Pain on passing urine or recurrent urinary infection
 - Stained underwear
 - Unusual genital odour

- Anxiety/depression
 - Eating disorder, e.g. anorexia nervosa or bulimia
 - Discomfort/difficulty in walking or sitting
 - Pregnancy - particularly when reluctant to name father
 - Venereal disease, sexually transmitted diseases
 - Soiling or wetting in children who have been trained
 - Self-mutilation/suicide attempt
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Appendix 6 – Consent to Medical Examination and Treatment

The law on consent to medical examination and treatment was changed in 1991 with the introduction of the Age of Legal Capacity (Scotland) Act. Section 2 (4) states that any child under 16 has a right to consent or to refuse consent (refusal given under The Children (Scotland) Act 1995) to his or her own examination or treatment.

A child under 16 can also give valid consent:

“Where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment.”

The decision about competence is entirely one for the doctor or other medical practitioner to make. If the child is assessed as being able to give his or her own consent, then it is the child's consent that must be obtained. Parents and their delegates no longer have any right to make decisions on behalf of a competent child. Where a child cannot give consent, the consent of a person holding parental responsibility would normally be required.

Who has Parental Responsibilities?

If a child's parents are, or have been, married to each other, both of them have parental responsibility and either parent can give consent. If the parents have not been married to each other, only the mother has automatic parental responsibilities including the right to consent.

The Children (Scotland) Act 1995 also allows unmarried parents to enter into a 'parental responsibility agreement' which, when registered, gives the father full parental responsibility. The Family Law (Scotland) Act 2006 amended section 3 of The Children (Scotland) Act 1995 by extending parental rights and responsibilities to those unmarried fathers, who after 4 May 2006, register the birth of their child jointly with the mother. In addition, the Act allows consent to be given by those who have care or control of a child but do not have formal parental responsibility. This consent is effective only if the proposed treatment or procedure is 'reasonable in all the circumstances to safeguard the child's health, development and welfare'.

It would not be effective if either:

- the child was competent to consent; or
- the person knew that the parent would refuse consent.

Those with day-to-day care and control may be legally competent (if anyone with parental responsibilities could not be found) to give consent – this consent is only to **safeguard** the child’s health. The parental responsibility is **safeguard and promote** the child’s health.

Other individuals may have obtained parental responsibility by court order. If the child is 'accommodated and looked after' by the local authority, the authority can give consent only if it has obtained a 'parental responsibilities order' from the court, or consent is authorised by conditions attached to various orders and warrants from the court or the Children’s Hearing.

Even in these circumstances, no examination or treatment can take place in the face of a refusal of consent by a competent child.

In an emergency situation, medical staff are advised that they may act without parental consent where it is necessary to save the child’s life or avoid serious impairment of health. Schools should not assume that they have authority to authorise any medical examination or treatment unless authority has been delegated to them. Where parents have appointed a 'guardian' to make such decisions on their behalf, the guardian’s authority should be sought for medical procedures.

Schools would not normally have authority to authorise medical examination for the purpose of gathering evidence for legal proceedings. Even where schools have a written delegation authority from the parent to authorise medical examination or treatment, care must be taken following any allegation of abuse to ensure that examinations for medical and forensic reasons are co-ordinated, and evidence safeguarded. Unless there is some urgent medical ground for examination, the school should NOT instruct one, but should refer the matter to the police or social work department who will ensure that local inter-agency child protection guidance is followed.

Appendix 7 – Chronology and Chronology Guidelines

7.1 What is a Chronology?

'A chronology is not an assessment, nor is it an end in itself. It is a tool which professionals in a range of disciplines can use to help them understand what is happening in the life of a child or young person.' (Practice Guidelines - Chronologies Improving Practice in Scotland, Social Work Inspection Agency 2010)

The strength of chronologies lies in the reporting of facts, times and dates of significant events in a child's life. A chronology is not a substitute for good recording and a good chronology relies on good recording. Review and analysis of a chronology are essential to effective assessment. A chronology that is not reviewed serves little purpose.

7.2 Why do we need a Chronology?

Developing and analysing chronologies are essential to help identify patterns of behaviour/risk or concerns that may be preventing a child from achieving positive outcomes and ensures timeous action to protect the wellbeing of children. An accurate chronology can assist the process of assessment and review.

7.3 Compiling a Chronology

There should be a front sheet with essential information about contacts. This is not a function of a chronology but it is a useful reference sheet.

In summary, there are five key elements to compiling all chronologies:

- Deciding on the purpose of compiling a chronology in the context of the assessment of the child using professional judgement;
- Identifying the key events to be recorded;
- Making sure that what is recorded is accurate and in date order;
- Recording facts and events in the person's life;
- Putting the child at the centre and taking account of their perspective and the significance of events for them.

7.4 Who should have a Chronology?

Every child or young person who has a Single (In-house School Plan) or Multi-agency Plan should have an up to date chronology and specifically children referred to the Reporter, children who are on the Child Protection Register, Looked After at home and Looked after and Accommodated.

7.5 Who should we share a Chronology with?

Chronologies are part of recording, and should be available to the child they are about appropriate to their age and level of understanding, unless there are justifiable legal reasons for withholding this information. The chronology should be shown to, and discussed with, their parents unless there are justifiable legal reasons for withholding this information.

Sharing chronologies with young people and their parents is not solely to check accuracy, but can be part of working together. Reviewing a chronology can help identify where a young person has succeeded, for example, improving attendance.

7.6 How much information should a Chronology contain?

Chronologies should contain sufficient detail, but should not be a substitute for recording in the file, for example, a chronology should not contain details of every contact with the child or young person, but may include details of the contacts that were missed.

7.7 Who should write the Chronology?

The Named Person or the Child Protection Coordinator in conjunction with the person supplying the information, usually a Junior School Class Teacher or Senior School Tutor.

7.8 Examples of significant events that could be included in an Education Chronology

- Dates of birth, life changes e.g. separation, divorce, bereavement, birth of sibling, new partner, foster placements
- Child's performance, behaviour, attainment or achievements
- Attendance patterns i.e. <80% or consistent pattern of improved attendance
- Significant allergies or illness

- Evidence of bullying, discrimination
- Positive progress
- Any recorded concerns about the child's wellbeing
- Single Agency Plan (In-house School Plan) in place
- Request for assistance to specialist pupil support services
- Identified additional support needs
- Co-ordinated Support Plan
- Physical and mental health and wellbeing of parents / carers
- Individualised Educational Programme
- Discussion at multi-agency support meeting
- Multi-agency Plan in place
- Communication with parents
- Family circumstances e.g. re housing, custodial sentence
- Referral from the police
- Transitions
- Episodes of exclusion or re integration
- Children's Hearing, Review Hearing
- Looked After at Home, Looked After and Accommodated
- Child Protection Referral, Registration, Case Conference or Core Group Meeting
- A missing child or a missing family
- Request for assistance received from another agency
- Significant periods of hospital education or home tuition
- Episodes of parental aggression or violence towards child or staff
- Domestic abuse incident
- Parental or sibling substance misuse
- Changes in professional staff or nursery, school or educational services
- Any other relevant low level concerns
- Parent withdraws consent to share information
- Change of school
- Failure to receive records
- Transfer of records

7.9 School Chronology Template (please see over)
