



Community Services: Education

Guidance: Child Protection in education settings in Argyll and Bute

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Argyll and Bute Council: Education Service Child Protection Guidance



Key References:

The National Risk Assessment Framework to support the Assessment of Children and Young People <http://www.gov.scot/Resource/0040/00408604.pdf>

Argyll and Bute's Child Protection Procedures (*These are called the West of Scotland Child Protection Procedures*) <http://www.proceduresonline.com/westofscotland/>

1. What is Child Protection?

- 1.1 "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. There are circumstances where, although abuse has taken place, formal child protection procedures are not required. Always discuss your concerns. Key services will make the appropriate decision based on information received.

2. What is significant harm in child protection?

- 2.1 Child Protection is predicated on the potential for a child or young person to be at risk of "significant harm". It is a complex matter and subject to professional judgement based on 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.
- 2.2 It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority. Key professionals will take a number of things into account when exercising their professional judgment. There are no absolute criteria for judging what constitutes significant harm, talking to other agencies and sharing/gathering information will be a priority.

3. Identifying child abuse

- 3.1 In order to protect children and young people from abuse, all those working around children and their families should have an understanding of child protection issues and be confident in the recognition of and response to child abuse. Each of these categories is described in Appendix 4 you should take time to read these, and to familiarise yourself with signs that may concern you in the following section. Child Protection relates to children who suffer abuse at the hands of their parents/carers, someone living in their family or any adult with whom they may come into contact.

Self-learning modules covering a range of relevant topics and the Integrated Children's Services Training Calendar are available through the links below.

<https://www.argyll-bute.gov.uk/self-learning-modules>

<https://www.argyll-bute.gov.uk/childrens-services-training>

4. The role of Education Service staff

- 4.1 The purpose of this guidance is to clearly set out the responsibility of educational establishments and services with regard to child protection and safeguarding the wellbeing of children and young people. This guidance describes the procedures for dealing with child protection concern and is set within the context that the protection of children is the responsibility of everyone.
- 4.2 Strategic co-ordination of child protection is undertaken by the Child Protection Committee chaired by an independent chair. The Argyll and Bute Child Protection Committee (ABCPC) brings together all the agencies involved in protecting children in the Local Authority Area. The Education Head of Service, Education Manager Inclusion and Integration and the Education Officer ASN and Early Intervention represent the Education Service on the Child Protection Committee. Single service responsibilities for child protection are managed through heads of establishment alongside the Education Head of Service.
- 4.3 The role of all educational staff in circumstances where there are grounds for concern that a child has been abused is to observe, report, record and co-operate with Social Services and other relevant agencies such as Police Scotland, the Scottish Children's Reporter Administration and appropriate Health personnel.
- 4.4 Child Protection Guidelines and Procedures need to be available for Education Service staff to reference at all times and should be discussed with **all** staff annually. Staff attention should be directed towards

<https://www.argyll-bute.gov.uk/publications-practice-and-guidance>

All staff have responsibility for safeguarding the wellbeing of children. The procedures should also be brought to the attention of temporary, sessional and newly appointed members of staff as they take up post; and also to volunteers working with children and young people.

- 4.5 Heads of all educational establishments must discuss the contents of this guidance with all members of staff at least annually. Child abuse can affect children of all ages regardless of background.
- 4.6 A number of appendices are attached to this guidance and include:
- Appendix 1 Summary of action required in educational establishments
 - Appendix 2 Child Protection Recording Form
 - Appendix 3 Child Protection Agency Contact List template
 - Appendix 4 What is Child Abuse and Child Neglect?

- Appendix 5 Grounds for Concern - Action Guidance for all Education employees
- Appendix 6 Grounds for concern - Action guidance for Heads of Establishments and Child Protection Coordinators
- Appendix 7 Cooperation
- Appendix 8 Support

5. Responding to concerns

- 5.1 Staff must immediately report an allegation or suspicion of child abuse to the Child Protection Coordinator/Head of Establishment if there are grounds for concern about the possibility of abuse. Any concerns about a child's wellbeing should be reported to the Head of Child Protection Coordinator/Head of Establishment immediately. If they are not available the person deputising must be contacted.
- 5.2 The Child Protection Coordinator/Head of Establishment must treat any allegation or suspicion of child abuse as a priority for urgent consideration and take action in the best interests of the child or young person. Good practice is for the Child Protection Coordinator/Head of Establishment to confirm what action had been taken and offer debriefing to the member of staff, if necessary.
- 5.3 It is not the responsibility of Education staff to investigate suspected or alleged abuse, evaluate the grounds for concern, or seek proof. The responsibility for investigating child abuse lies with the Social Work Service and Police Scotland.
- 5.4 The Child Protection Coordinator/Head of Establishment should ask the staff member to write down everything that the child has told them using the child's exact words if possible. A record of the date, time, place and people who were present should be included.
- 5.5 In deciding how to respond to a potential Child Protection Concern a Child Protection Coordinator/Head of Establishment may wish to seek advice from Social Work. This should not unduly delay any referral. If there is a doubt that the concern meets the criteria for Child Protection a Named Person should contact Social Work services to discuss the matter.
- 5.6 Heads of Establishments and services are particularly asked to note that if a child is considered to be at risk of harm, relevant information must always be shared. No criticism will ever be attached to a referral that is made in good faith, even if it requires no further action.
- 5.7 Child Protection Coordinator / Head of Establishment or the person deputising, if satisfied that there may be grounds for Child Protection concern, should then take the following action:
- (i) **Act** immediately to ensure medical treatment if a medical emergency exists. First aid and urgent removal to hospital accompanied by an appropriate member of staff should be a priority, followed by immediate notification to social services and police, as appropriate.
 - (ii) **Report** immediately to the duty senior social worker at the social work area office all cases where you have grounds for concern about child abuse.

Discuss with the duty senior social worker the action to be taken, including when and by whom parents will be informed and the child or children interviewed.

If a member of staff is alleged to be involved in child abuse then contact should be made with the Director of Community Services or the appropriate Head of Service. Decisions will then be made regarding appropriate action and the involvement of other services.

- (iii) **Record** on the same day, the grounds for concern and action taken using the Child Protection Recording Form (see Appendix 2). Send the original report and three copies as detailed on the form. Keep a copy of this information, signed and dated, in the Incident File.
- (iv) **Police** help may be required in urgent circumstances such as immediate avoidance of further abuse, immediate pursuit of an alleged abuser or avoidance of the destruction of evidence.

6. The response of Social Work Services

- 6.1 Effective information sharing is a key activity of each agency in order to support the assessment of whether a child is at risk of suffering from harm and to ensure that responses to concerns are considered, proportionate, well planned and executed timeously. In order to make decisions, each agency will share relevant information. This will include information on the child, any other children in the family or who may be at risk and key adults who have involvement with the child.
- 6.2 Where there are or may be concerns that a child has suffered or may be exposed to a risk of significant harm information sharing and decision making is undertaken through a formal Inter-agency Referral Tri-partite Discussion (IRTD) process.
- 6.3 Any agency which believes that a child is at risk of significant harm can request an IRTD. Where a request is received one will always be convened.
- 6.4 An IRTD is the process of joint information sharing, assessment and decision-making about child protection concerns. Professionals will consider other children who may be at risk and any potential risks to vulnerable adults, not only the child who is subject to the referral. The IRTD is not a single event, but takes the form of a process or series of discussions.
- 6.5 An IRTD will normally take place before any agency proceeds with an investigation, unless emergency measures are required to secure a child's safety. An IRTD should take place before either a Joint Investigative Interview (JII) or Joint Medical Examination takes place and continue as required to coordinate planning and decision-making until such time as the IRTD process agrees the investigation is concluded.
- 6.6 The core agencies to the IRTD are Health, Police and Social Work services; where possible the child's Named Person should also be included.
- 6.7 In most instances social work will initiate an IRTD on receipt of any referral which indicated that a child may be at risk of significant harm and a child protection investigation may be required. This will be convened as a matter of urgency.

6.8 The IRTD must be carried out as soon as practicable and in all cases within 24 hours of referral. IRTD's may be carried out face to face, by conference call, VC or tele conference to avoid delay.

6.9 Full details of the Argyll and Bute Initial Referral Tripartite Discussion (IRTD) process can be found here:

https://www.argyll-bute.gov.uk/sites/default/files/guidance_-_irtd_revision_1_may2016.pdf

7. The Child Protection Case Conference and the Child Protection Register

7.1 Following completion of an Initial Referral Tripartite Discussion (IRTD) a decision will be made recording decisions and planned outcomes on the Electronic Recording Form. If a Child Protection Case Conference is recommended then;

- Invited professionals will include agencies involved with the child or with the family and this will include the child's Named Person.
- Child Protection Coordinators/Head of Establishment are expected to co-operate fully with the Social Work Service in this matter.
- Arrangements for the continuity of the child's education should be on the agenda of the Child Protection Case Conference.
- Where the removal of a child to a place of safety makes it impractical to continue attendance at the child's current educational placement, the Named Person should discuss the child's needs with the receiving Named Person as early as possible.
- Where the child might require special arrangements the Named Person should advise the Education Manager Inclusion and Integration. The Head of Establishment or Child Protection Coordinator should advise the Social Work lead of the steps taken.
- The Social Work lead should advise the Head of Establishment of any placements made outwith the Argyll and Bute Local Authority Area.

7.2 In child protection cases the role of the Lead Professional will be undertaken by a social worker. All local authorities are responsible for maintaining a central register of all children, including unborn children, who are subject to a child protection plan. This is called a child protection register. The case conference is the forum for deciding whether the child's name should be placed on the child protection register. Any further child protection concerns or unexplained absences from education of children on the child protection register, should always be reported to the relevant children and families social work office immediately.

7.3 Children placed on the child protection register may also be referred to the Reporter to the Children's Panel and a report may be requested from the establishment or service by the reporter.

- 7.4 There can be situations which can lead to a child being difficult to trace. Staff, particularly those involved in enrolment or registration, must be alert to this where there is the slightest suspicion of child protection issues for a child who has just enrolled in an establishment, and whose background is not particularly well known. The Head of Establishment should consult with the duty team manager to find out, if possible, whether or not the child is on the child protection register under another name or in another authority area.
- 7.5 All Heads of Establishment should ensure that they have systems in place which ensure that they are aware of which children are subject of child protection within their establishment. These systems will require to be updated on receipt of changes to the child protection register and the Head of Establishment or Child Protection Coordinator must ensure that the process is familiar to key members of staff within the establishment.
- 7.6 Experience of child protection cases has emphasised the importance of all agencies involved with children likely to be subject to abuse working together and sharing information and concern. It is very important that the procedures contained in this guidance are adhered to and that any concern about children possibly subject to abuse is shared promptly with the relevant children and families team.

8. Help for children, young people and their families.

- 8.1 A child who has been abused or is at risk of abuse will require support from the beginning of a child protection investigation to beyond the close of the child protection process. Education employees who have regular, ongoing contact with children are in a position to provide appropriate support and consider any further intervention that may be required. The degree and type of support required will depend on the individual circumstances of the child and family and will be determined within Child Protection procedures.

9. Help for Education staff

- 9.1 Although staff have professional, ethical and legal duties to report their concerns or suspicions related to child protection it is recognised that there can be stressful consequences for staff. In all interactions between staff involved in the child protection process there has to be sensitivity to the possibility that some members of staff may have personal experience of child abuse. A member of staff may choose to share personal information and may require to be directed to appropriate sources of help. In these circumstances staff will be fully supported by the Council.

10. Child Protection allegations against a member of staff

- 10.1 Any suspicion or complaint that a member of staff has been involved in child abuse must be reported to the Establishment Child Protection Coordinator/Head of Establishment without delay. If the Coordinator/Head is the subject of the suspicion or complaint the report should be made to the Education Head of Service. In their absence the report should be made to the Education Manager Inclusion and Integration. Coordinators/Heads are free to take emergency action with respect to medical or police services if circumstances require this to safeguard the child (see 5.7 of this guidance).

- 10.2 Investigation and disciplinary procedures within the context of employee implications remain the responsibility of the Council and the Disciplinary Policy and Procedures should be applied. Where it is believed that an offence has taken place the Police Scotland will carry out their own investigation. While the disciplinary and criminal investigations will remain separate, every assistance should be given to the investigating police officers.
- 10.3 In such cases, the role of the social work service is to provide support to children and their families as appropriate. Professional judgement will determine whether support should be sought from the children and families social work service.

Further information is available on the Argyll and Bute Child Protection website.

<https://www.argyll-bute.gov.uk/abcpc>

Grounds for Concern Action Guidance for all Education staff

A. ALL STAFF should follow Action Steps 1 and 2 as outlined below.

(Detailed guidance for staff on these action steps is provided in Appendix 5 of the Child Protection Guidance document)

Step 1

Immediately report the grounds for concern to the Head of the establishment or to the Child Protection Coordinator for the service.

If you have direct evidence or suspicion of child abuse then the only way you can protect the child or children is to report the matter immediately. You must ensure that your ongoing involvement is in each child's best interests: you must not wait to gather evidence, nor agree to keep the information secret, nor discuss the matter with others.

Step 2

Follow the guidance given by the head or child protection co-ordinator in relation to recording your concerns, supporting the child and co-operating with subsequent actions to investigate the grounds of concern and to protect the child or children concerned.

The difference between a child or young person being protected or being harmed could be you.

Appendix 1 (Continued).

B. Heads and Child Protection Co-ordinators should follow the action points listed below in the order they judge appropriate for the particular circumstances for each case. There should be an absolute minimum of delay in moving through the Action Points.

(Detailed guidance for staff on these action steps is provided in Appendix 5 of the Child Protection Guidance document)

Action Points

1. Treat the grounds of concern as reported by the member of staff as a priority for action.

- Consider immediate needs of all children involved.
 - Take emergency action if required.
 - Gather information and if appropriate seek clarification (not proof).
 - Ask staff to record relevant information.
 - Store all information in a confidential Incident File
- (i) **Act** immediately to ensure medical treatment if a medical emergency exists. First aid and urgent removal to hospital accompanied by an appropriate member of staff should be a priority, followed by immediate notification to social services and police, as appropriate.
- (ii) **Report** immediately to the duty senior social worker at the social work area office all cases where you have grounds for concern about child abuse. Discuss with the duty senior social worker the action to be taken, including when and by whom parents will be informed and the child or children interviewed.

If a member of staff is alleged to be involved in child abuse then contact should be made with the Director of Community Services or the appropriate Head of Service. Decisions will then be made regarding appropriate action and the involvement of other services.

- (iii) **Record** on the same day, the grounds for concern and action taken using the Child Protection Recording Form (see Appendix 2). Send the original report and three copies as detailed on the form. Keep a copy of this information, signed and dated, in the Incident File.
- (iv) **Police** help may be required in urgent circumstances such as immediate avoidance of further abuse, immediate pursuit of an alleged abuser, avoidance of destruction of evidence.

2. Cooperate fully with all statutory agencies who may become involved.

3. Support the child or children involved as necessary and appropriate.

Appendix 2

CHILD PROTECTION RECORDING FORM

Child's name _____ **Date of birth** _____

Address

School _____

Sibling's Name(s)	Date of birth	School Attended
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Name of Parent(s)/
Guardian(s) or Carer(s)** _____

Relationship to Child _____

Address

Telephone _____

THE GROUNDS FOR CONCERN

Name of individual who reported grounds for concern to head of establishment (PRINT) _____

Signature _____

Date _____

Person contacted by the head of establishment _____

Designation _____

Date and time contacted _____

Copies of this form should be emailed password protected to the following:

- Duty Officer or Social Worker with whom the Child Protection concern was initially raised
- Social Work Practice Lead (local team Lead)
- suzanne.harper@argyll-bute.gov.uk (for onward distribution to Head of Education, Lead Officer Child Protection and Principal Educational Psychologist)
- High-UHB.ObanCPChildHealth@nhs.net for the attention of the Consultant Community Paediatrician (Responsible for Child Protection)

Appendix 3

CHILD PROTECTION AGENCY CONTACT LIST

To be completed by CP Coordinator/Head of Establishment

SOCIAL WORK	
Contact Name:	Address:
Telephone:	
POLICE	
Contact Name:	Address:
Telephone:	
CONSULTANT COMMUNITY PAEDIATRICIAN (Responsible for Child Protection)	
Contact Name:	Address:
Telephone:	
AUTHORITY REPORTER	
Contact Name:	Address:
Telephone:	
PRINCIPAL EDUCATIONAL PSYCHOLOGIST	
Contact Name:	Address:
Telephone:	
HEAD OF EDUCATION	
Contact Name:	Address:
Telephone:	

Appendix 4

1.0 WHAT IS CHILD ABUSE AND NEGLECT?

- 1.0.1 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.
- 1.0.2 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 or abuse will vary from child to child.

1.1 PHYSICAL ABUSE

- 1.1.1 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 (fabricated or induced illness).

1.2 EMOTIONAL ABUSE

- 1.2.1 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.

1.3 SEXUAL ABUSE

- 1.3.1 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 either consented or assented. 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.

1.4 NEGLECT

- 1.4.1 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, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect or, failure to respond to, a child's basic emotional needs.
- 1.4.2 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.

1.5 CHILD PROTECTION IN SPECIFIC CIRCUMSTANCES

1.5.1 DISABILITY

The definition of "Disabled Children" includes children and young people with a comprehensive range of physical, emotional, developmental, learning, communication and health care needs. Disabled children are vulnerable to the same types of abuse as their able bodied peers. Children with behavioural disorders, learning disabilities and stroke or sensory impairments are particularly at risk. Neglect is the most frequently reported form of abuse, followed by emotional abuse.

Disabled children are more likely to be dependent on support for communication, mobility, manual handling, intimate care, feeding and stroke or invasive procedures. There may be increased parental stress, multiple carers and care in different settings and there may be a reluctance amongst adults, including practitioners to believe that disabled children are abused. Disabled children are likely to be less able to protect themselves from abuse.

1.5.2 CHILD SEXUAL EXPLOITATION

Child sexual exploitation (CSE) is a form of child sexual abuse in which a person(s), of any age takes advantage of a power imbalance to force or entice a child into engaging in sexual activity in return for something received by the child and/or those perpetrating or facilitating the abuse. As with other forms of child sexual abuse, the presence of perceived consent does not undermine the abusive nature of the act.

Further guidance in relation to CSE can be found at:

https://www.argyll-bute.gov.uk/sites/default/files/cse_pract_guidance_version_2_23.05.17_2.pdf

Further information can be found at:

http://www.pkc.gov.uk/media/38176/Scottish-Government-Child-Sexual-Exploitation-Definition-and-Practitioner-Briefing-Paper/pdf/SG_CSE_Definition_Practice_Briefing_Oct_2016

1.5.3 FEMALE GENITAL MUTILATION

Female genital mutilation is a culture-specific abuse 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'. Female genital mutilation is illegal in Scotland and in the United Kingdom. It is illegal to perform or arrange to have female genital mutilation carried out in Scotland or abroad. For further and more detailed information please see;

https://www.argyll-bute.gov.uk/sites/default/files/fgm_protocol.docx

1.5.4 HONOUR-BASED VIOLENCE AND FORCED MARRIAGE

Honour-based violence is the 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 maybe 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 perceived 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;
- 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.

1.5.5 FABRICATED OR INDUCED ILLNESS

Fabricated or induced illness in children is not a common form of child abuse, but practitioners working with children should be able to understand its significance. Although it can affect children of any age, fabricated and induced illness is most commonly identified in younger children. Where concerns do exist about the fabrication or induction of illness in a child Practitioners must work together, considering all the available evidence, in order to reach an understanding of the reasons for the child's signs and symptoms of illnesses.

1.5.6 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.

1.5.7 ABUSE BY ORGANISED NETWORKS OR MULTIPLE ABUSERS

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 social networks who act together to abuse children either “on or off line”;
- Abduction - may involve internal/external child trafficking and may happen for a number of reasons;
- Institutional setting – abuse can involve children in an institutional setting or looked after children living away from home being abused by one or more perpetrators, including other young children;
- Commercial sexual exploitation

1.5.8 CHILD TRAFFICKING

Typically exposes children 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 as capable of informed consent to such activity.

It is essential to take timely and decisive action where child trafficking is suspected because of the high risk of the child being moved.

For further and more detailed information please see;

https://www.argyll-bute.gov.uk/sites/default/files/child_trafficking_guidance_final_2017_2.docx

1.5.9 AGE LIMIT FOR CHILD ABUSE (ALL CATEGORIES)

Just because a child does not see themselves as a victim, doesn't mean that they aren't. This is not about policing adolescent sexuality or creating victimhood where it does not exist, but about recognising that there are circumstances in which older children require protection despite their increasing age and capacity. Our statutory responsibility to protect children from abusive situations extends to all under 18s, irrespective of whether or not they recognise the need for intervention.

Adolescents, even those who can legally consent to have sex, can be victims of abuse where their experience of sexual activity occurs in situations characterised by exchange, a power differential and/or an absence of freely given, informed consent. This includes sixteen and seventeen year olds, whose potential vulnerability is recognised in a series of offences applicable to this older age group within the Sexual Offences legislation. The Sexual Offences (Scotland) Act 2009 also includes a range of sexual offences that can be used to protect young people after they turn 18 where sexual activity is non-consensual, through force or incapacity for example. This is critical – as is the issue of transition to adult services – given the frequency with which vulnerability and exposure to harm can continue into adulthood.

2. ADDITIONAL GUIDANCE

2.1 CHILD PROTECTION ALLEGATIONS AGAINST YOUNG PEOPLE

- 2.1.1 Where this is a physical abuse such as an attack or series of attacks, bullying, threatening, extortion etc., the normal disciplinary procedures of the establishment should apply. The Head of Establishment is responsible for the preliminary investigation, not the social worker. The parents/carers of the victim would normally be involved in decisions about medical treatment and possible police charges. The parents/carers of accused young people would normally be present if the police were questioning their children.
- 2.1.2 In serious cases, the police will report to the Procurator Fiscal even if parents/carers did not support charges. Similarly, in the interests of justice the police could interview accused children/young people immediately within the establishment in the presence of the Head of Establishment or their designate, although the parents should be advised of this by the police as soon as possible thereafter.
- 2.1.3 The Head of Establishment's professional judgement will also determine when other agencies should be involved and whether emergency action is necessary to safeguard a child/young person.

2.2 ALLEGATIONS OF SEXUAL ABUSE INVOLVING YOUNG PEOPLE

- 2.2.1 The circumstances of individual cases can vary widely from the possibility of rape to willing participation in intercourse and to exploratory childish activity. While different forms of action will be decided upon eventually to respond appropriately to individual cases, the initial actions of the Head of Establishment should be the same - the procedures listed in appendix 1 of this guidance should be followed, varied as appropriate as in a) or b) below. The law requires that suspected sexual abuse must be reported. It is not a discretionary matter.
- 2.2.2 Intercourse with a person under 16 years of age, below the age of consent, involves a criminal offence even when both parties appear willing.
- 2.2.3 It must also be remembered that sexual behaviour by younger children/young people is one possible sign of their sexual abuse by an adult and this itself can justify investigation.
- 2.2.4 There are two variations of the procedures which may be appropriate to sexual abuse involving other young people:
 - (a) The first is that the Head of Establishment will be more involved in the investigation as it is, at least initially, a school investigation.
 - (b) The second is the probability of earlier discussion with parents/carers, following agreement by the police and social work, where there is no suspicion of parental/carer involvement in the sexual abuse.

Further helpful information can be found here:

https://www.argyll-bute.gov.uk/sites/default/files/best_practice_protocol_-_underage_sexual_activity.pdf

2.3 CHILD PROTECTION ALLEGATIONS RELATED TO PEOPLE OUTWITH THE YOUNG PERSON'S HOUSEHOLD

- 2.3.1 Any information or suspicion should be reported to the Head of Establishment or Child Protection Coordinator immediately.
- 2.3.2 After any necessary initial enquiry the Head of Establishment or Child Protection Coordinator should report any serious physical assault allegation or every allegation of sexual assault to the police without delay.
- 2.3.3 Any emergency medical action should be taken immediately.
- 2.3.4 The young person's parents/carers should be informed as soon as possible following discussion with police and social work services.

Appendix 5

GROUNDS FOR CONCERN – ACTION GUIDANCE FOR ALL EDUCATION EMPLOYEES

This section provides further guidance for staff when following the steps detailed in Appendix 1.

1. GROUNDS FOR CONCERN

1.1.1 Education staff must immediately report to the head of establishment or Child Protection Co-ordinator if there are grounds for concern about the possibility of abuse.

1.1.2 Grounds for concern can arise from a wide range of circumstances and will generally be covered by the following circumstances:

- A child states that abuse has taken place or that the child feels unsafe
- A third party or anonymous allegation is received
- A child's appearance, behavior, play, drawing or statement(s) causes suspicion of abuse
- Any concerns about a child's welfare should be reported to the head immediately

1.2 WELFARE PRINCIPAL

1.2.1 All actions should be taken in the best interests of the child or children. Good practice which protects children requires the careful exercise of professional judgement and skill.

1.2.2 Actions to protect a child, including following child protection procedures, should as far as possible avoid causing any child undue distress or adding unnecessarily to any harm that child has already suffered.

1.3 PROOF IS NOT REQUIRED

1.3.1 It is not necessary or indeed safe for a child that a member of staff waits for proof or actively gathers evidence of abuse before reporting concerns. If the member of staff suspects from the information available that there is the possibility of abuse then immediate action to report this to the Head or Child Protection Co-ordinator should be taken.

1.3.2 In everyday circumstances education staff do question children about injuries, behavior, statements or emotional responses in order to help the child. Staff should continue to do this, but such questioning must stop and immediate action to report the Head or Child Protection Co-ordinator must be taken once the staff member suspects the possibility of abuse.

1.3.3 Staff should always make sure they use open ended questions when questioning children about any matter. Open ended questions encourage children to provide information in the order they wish to give it, with the detail they wish to provide and using their own words to describe their experiences. Direct or closed questions which put suggestions to the child should not be

used when questioning children about welfare concerns. This is most important because inappropriate or intrusive questioning is not in the child's best interests and could contaminate a subsequent social work investigation.

- 1.3.4 If there is a need for discussion with a third party who has raised concerns about a child, it is important for evidential purposes and for meeting the child's emotional needs that such discussion is not carried out within the child's hearing.

1.4 SECRETS SHOULD NOT BE KEPT

- 1.4.1 At any time during discussion with a child or a third party, staff should not agree to keep secret any information which implies that child might have been subject to abuse or is at risk of future abuse.
- 1.4.2 It should be explained that while every effort will be made to keep information confidential, if there is cause for concern about a child's welfare, it will be necessary to pass on the relevant information, initially to the Head of Establishment of Child Protection Co-ordinator.
- 1.4.3 It should also be explained that the information will be treated with extreme sensitivity and will only be conveyed to those professionals who are in a position to protect and support the child.
- 1.4.4 In discussion with a child, he or she should be reassured that they will be kept informed of what is happening and will be supported by staff as appropriate. Any information subsequently shared with the child should be appropriate to the child's age and stage of development and should not breach the confidentiality of any other parties involved.
- 1.4.5 If a third party is involved, he or she should be informed on a "need to know" basis that the matter is now being dealt with according to the appropriate procedures. As confidentiality must not be breached there is no need to specify which procedures. The third party can be supported by staff as appropriate
- 1.4.6 As appropriate, the member of staff to whom the information has been given, should try to seek the permission of the child or third party to pass on the information to the Head of Establishment or Child Protection Coordinator. However, in the interest of the child's safety and wellbeing, staff must go ahead and report their concerns to the Head of Establishment or Child Protection Co-ordinator immediately, with or without consent. In reality, explaining matters in a caring and sensitive way will normally secure cooperation.
- 1.4.7 If the child or third party decides to withdraw from speaking to the member of staff they should be told that they can have further discussion with any member of staff in the future. They should be told that the Head of Establishment or Child Protection Coordinator will be advised that they appear to have some concerns. As appropriate they should be given guidance on sources of support outwith the establishment. The member of staff should then discuss the matter with the Head of Establishment or Child Protection Coordinator.
- 1.4.8 Staff should be open and honest in explaining the action they plan to take. Their approach at this stage is crucial in promoting the immediate well-being of the child and in enabling future support plans.

1.5 REPORTING GROUNDS FOR CONCERN

- 1.5.1 A member of staff must report grounds for concern about the possibility of abuse to the Head of Establishment or Child Protection Coordinator immediately with or without the consent of the child or children concerned.
- 1.5.2 The member of staff should not consult with, nor share the information with anyone else other than Head of Establishment of Child Protection Co-ordinator or any person deputising for these individuals.
- 1.5.3 If the member of staff is from one of the department's support services then he/she should report the matter to the Head of Establishment or Child Protection Coordinator of the establishment the child attends. If the child does not attend an education establishment then the member of staff should report to the manager of their own service.
- 1.5.4 On no account should staff tell a parent about what has happened at this stage. Involvement of parents will be determined on the advice of Social Work.
- 1.5.5 On trips or residential breaks, staff should follow the procedures as set out in these guidelines and contact the Head of Establishment or Child Protection Coordinator. If there is an emergency or the head or head's delegate cannot be contacted immediately then the member of staff should contact the local social work or police offices and other emergency services as appropriate to the circumstances.
- 1.5.6 Staff taking children on trips abroad should make immediate contact with the Head of Establishment, Child Protection Co-ordinator or a designated senior member of staff, who will coordinate any necessary referral procedures. If contact cannot be made with an appropriate senior manager from the establishment, then the appropriate head of service in education should be contacted. Please refer to Standard Circular 3.25 for further information and guidance.

https://www.argyll-bute.gov.uk/sites/default/files/circular_3-25_school_trips.pdf

1.6 EXCEPTIONAL CIRCUMSTANCES

- 1.6.1 On the rare occasions when a member of staff is not satisfied with the Head of Establishment or Child Protection Co-ordinator's decision in response to the grounds for concern, the member of staff should attempt further discussion with them. At this point, it may be helpful to involve the Education Officer ASN in this discussion to obtain their professional opinion on the matter. If the member of staff is still unsatisfied after further discussion and continues to have concerns about the possibility of abuse, the member of staff can act as a member of the public and refer the matter to the Police, Authority Reporter or Social Work. It is advised that this action is undertaken only in extreme cases and the member of staff should inform the head of their action.

- 1.6.2 If the member of staff suspects that the Head of Establishment or Child Protection Co-ordinator has been involved in child abuse then this must be reported immediately to the appropriate Head of Service.

1.7 RECORDING CONCERNS

- 1.7.1 The member of staff must record what has occurred as soon as possible on the same day. The Head or Child Protection Co-ordinator will request this and provide guidance as necessary. The record should be dated and signed and should be kept in the confidential incident file in agreement with the Head of Establishment or Child Protection Co-ordinator. It may be required as part of the child protection process or as evidence for future criminal prosecution.
- 1.7.2 Appendix 6 Paragraphs 1.8.2 – 1.8.3 provides guidance on the recording of information.

1.8 SUPPORTING THE CHILD

- 1.8.1 Education employees have a responsibility to support a child as appropriate within an establishment or service throughout the child protection process. This will normally be in co-operation with other relevant personnel.
- 1.8.2 Guidance for staff involved in supporting children is contained in Appendix 7 of this guidance.

1.9 CO-OPERATING

- 1.9.1 Following reporting and recording of concerns, education staff should co-operate fully with subsequent inquiries, investigations and support plans as directed by the Head of Establishment or Child Protection Co-ordinator and in consultation with appropriate agency representatives.
- 1.9.2 Co-operation could involve attendance at case discussions, child protection conferences and reviews if agreed by the Head of Establishment or Child Protection Co-ordinator.
- 1.9.3 Further information on co-operating is provided in Appendix 8 of this guidance.

Appendix 6

FOUNDATIONS FOR CONCERN – ACTION GUIDANCE FOR HEADS OF ESTABLISHMENT OR CHILD PROTECTION CO-ORDINATORS

This section provides guidance for Heads / Co-ordinators when following the action points detailed in Appendix 1

1. GROUNDS FOR CONCERN

- 1.1.1 Staff must immediately report an allegation or suspicion of child abuse to you if there are grounds for concern about the possibility of abuse.
- 1.1.2 Grounds for concern can arise from a wide range of circumstances and will generally be covered by the following circumstances.
- A child states that abuse has taken place or that the child feels unsafe.
 - A third party or anonymous allegation is received.
 - A child's appearance, behavior, play, drawing or statement(s) causes suspicion of abuse.

Any concerns about a child's welfare should be reported to the Head or Child Protection Co-ordinator immediately.

1.2 PRIORITY FOR ACTION

- 1.2.1 You must treat an allegation or suspicion of child abuse as a priority for urgent consideration and take action which in your professional judgement is in the best interests of the child.
- 1.2.2 As Head of Establishment or Child Protection Coordinator, your job is to react swiftly and appropriately to an emergency situation or to a situation which causes you to have reasonable grounds for concern about child abuse.

1.3 COLLATING INFORMATION

- 1.3.1 When collating information it is essential that you remember that it is the responsibility of Social Work and Police Scotland to investigate child abuse. Such an investigation, including detailed questioning of any children, will be carried out by specially trained staff and following structured procedures.
- 1.3.2 It is **not** your responsibility to:
- Investigate suspected or alleged abuse.
 - Evaluate the grounds for concern.
 - Seek proof.
- 1.3.3 It is your responsibility to use your professional judgement and to collate information in order to be satisfied that there is a possibility of abuse. A confidential incident file should be opened for keeping records of all statements and actions taken.

1.3.4 All staff involved should be asked to make a written note of all relevant information and these statements should be placed in the incident file. It is vital that the incident file be comprehensive and accurate as it might be used for legal evidence at a later stage.

1.3.5 When collating information you should ensure that:

- The welfare of the child is paramount even if this results in tensions between the rights of the child and rights of the parents.
- A future investigation is not contaminated by the information gathering process.
- All information concerning the child and the circumstances is treated as confidential.
- The sharing and discussion of information is on a “need to know” basis.
- You keep an open mind regarding the information.

1.4 SEEKING CLARIFICATION

1.4.1 You may be uncertain as to whether the grounds for concern indicate that there is a possibility that a child has been abused or is at risk of abuse. In such circumstances further questions for clarification of the suspicion may be asked but should not be carried out in order to obtain proof.

1.4.2 For clarification purposes it is appropriate to ask an open question of whoever is making the allegation, e.g. “Could you tell me more?” Such questioning is intended to encourage the speaker to give an accurate account of what has happened, in their own words and without pressure and suggestion.

1.4.3 Great care should be taken if the questioning for clarification is undertaken with the child or young person who may be the subject of abuse. Open ended questions must be used to enable the child to give the information they have, in the order they wish to give it, with the detail they wish to provide and using their own words to describe their experiences.

1.4.4 The child or young person must not be subjected to a series of interviews by different adults. If you consider that additional questioning of the child or young person is necessary for clarification, the member of staff who was initially involved with the child or young person should be supported in obtaining this, where possible.

1.4.5 Consideration should be given as to whether the member of staff should talk to the child or young person alone or with another appropriate adult.

1.4.6 The purpose of any such questioning is to determine whether grounds exist for reasonable suspicion. At the point where reasonable suspicion is established, questioning should stop and the matter should be reported on. Further questioning runs the risk of contaminating the Social Work or Police Scotland investigation.

1.4.7 Initially, in attempting to decide how to respond to the grounds for concern, you may decide to seek advice from relevant education colleagues. In deciding whether or not to proceed in reporting your concerns to Social Work you should err on the safe side in terms of ensuring the child’s care and protection.

1.4.8 You may decide to seek advice from a member of Social Work rather than immediately reporting to the duty senior social worker. When doing so you need to be aware that such discussion could result in Social Work deciding to start formal investigative procedures. Should this occur you should then follow the relevant procedure on recording concerns detailed in this guidance.

1.5 IMMEDIATE REPORTING

1.5.1 If a medical emergency exists, you must act immediately to ensure medical treatment. First aid and urgent removal to hospital accompanied by an appropriate member of staff would be a priority, followed by immediate notification of Social Work and Police, as appropriate.

1.5.2 Where it is known or strongly suspected that a child or young person has been the victim of violence or exposed to immediate physical risk, then a formal child protection referral must be made immediately.

1.5.3 You must also immediately contact the police when there are urgent circumstances such as the immediate avoidance of further abuse, the immediate pursuit of an alleged abuser, the avoidance of the destruction of evidence and/or the need for Emergency Child Protection Measures.

1.5.4 In all cases, if you as Head or Child Protection Co-ordinator consider that there is a possibility of abuse then the matter must be reported immediately to the duty senior social worker at the local area Social Work office.

1.5.5 In discussion with the duty senior social worker the following matters should be covered:

- Details of the grounds for concern.
- Reporting the matter to the police and/or local health authority.
- Consideration of whether there are implications for siblings and other children.
- Immediate support needs of child/children involved.
- How and when parents will be informed.
- Further action to be taken by the Head/Co-ordinator.
- Action to be taken by Social Work.

1.5.6 In circumstances where there are grounds for concern about sexual activity which may be abusive involving another pupil or pupils the procedures outlined in 5.7 and Appendix 1 should be followed.

1.5.7 Circumstances where there is sexual activity involving informed consent of children under 16 or involving informed consent of a child under 16 with an adult who is not a relative may or may not need social work action or support. You should err on the side of caution in such cases in terms of the child's welfare and contact Social Work for advice.

1.5.8 When there are concerns about physical or emotional harm and there are indicators that this may have been carried out by another pupil or pupils, then you have to make a judgement as to when such matters are at a level of such severity that referral to Social Work is required. Again, err on the side of caution in terms of the welfare of the children involved.

- 1.5.9 Any complaint or suspicion that a child or young person has been significantly harmed by a person unknown to them and their family should be immediately reported to the police.
- 1.5.10 Any complaint or suspicion that a member of staff has been involved in causing significant harm to a child or young person must be reported immediately to the appropriate Head of Service. Decisions will then be made regarding involvement of other agencies.

1.6 RECORDING CONCERNS

- 1.6.1 On the same day that the duty senior social worker is informed you must record the concerns and action taken by staff using the Child Protection Recording Form in Appendix 2. Then action agreed with Social Work should also be recorded.
- 1.6.2 If there is any difference of opinion on any matter between yourself and the duty senior social worker this should be recorded.
- 1.6.3 A copy of this report and subsequent reports, as well as minutes of Child Protection Conferences and monitoring meetings, should be kept in the confidential Incident File. The key features of the report as recorded in the Child Protection Recording Form are that it should be:
- Accurate
 - Objective
 - Concise
 - Immediate
 - Dated
 - Signed
 - Confidential

1.7 MONITORING – WHEN?

- 1.7.1 A careful, pre-planned system of monitoring over time is likely to produce a better outcome for a child or young person than a hasty, ill-prepared intervention. Systematic and effective monitoring is a continuous process and requires time and perseverance.
- 1.7.2 Where there are grounds for concern about child abuse, staff should take immediate action to report these concerns as detailed in Section 8 of these guidelines. It would not be appropriate to monitor in such circumstances solely within the establishment. Additional guidance relating to the immediate action to follow is detailed in Sections 9 and 10 of these guidelines.
- 1.7.3 Monitoring may be identified as appropriate at any stage during the child protection process, in particular to provide ongoing information whilst the formal investigation is undertaken by Community Services: Social Work and the police. Monitoring may also be one outcome of the child protection process.
- 1.7.4 Monitoring may be highlighted as a role for education staff in the child protection plan. This will be agreed by agencies as part of multi-agency collaboration to protect a child whose name is placed on the child protection register.

1.7.5 In all circumstances the child protection monitoring process should be undertaken by education staff following consultation and agreement with other professionals.

1.7.6 The decision to monitor any subsequent actions should be made on the basis of the level of concern about the risk to the children. The principle that the child's welfare is paramount should always be followed.

1.8 MONITORING – HOW?

1.8.1 Monitoring observations should be recorded in a notebook used specifically for the purpose of monitoring that child. It should be kept confidential and in a secure place. It may be kept with the incident file held by the Head of Establishment.

1.8.2 The child protection monitoring record should provide a concise, chronological, objective, unbiased account and should not state any opinions. Each entry should be made on the day to which it refers and should be dated and signed.

1.8.3 A standard outline should be adopted for the monitoring record as detailed in paragraphs 1.9.2 - 1.9.4 of this Appendix. However, this can be modified to take account of particular circumstances, the specific needs of the child and the level of professional concern.

1.8.4 The child protection monitoring record may contain a series of incidents depending on the length and intensity of the monitoring period. However care should be taken not to extend the monitoring period indefinitely. A decision has to be made, involving relevant personnel, as to when to terminate the monitoring process.

1.8.5 On termination of the monitoring process the child protection monitoring record should be kept in a safe place for 5 years and should remain within the custody of the education service.

1.8.6 The standard outline of the Child Protection Monitoring Record can also be used when completing the Child Protection Recording Form (see Appendix 2) which is part of the action guidance procedure.

1.8.7 Monitoring is best carried out by the member of staff who has most contact with the child, knows the child best or is best placed to make systematic recordings. At the primary or pre-school stage this is likely to be the class teacher or child's key worker. In secondary schools this is most likely to be the Named Person in collaboration with subject teachers.

1.8.8 A planned and recorded monitoring process enables staff to contribute more effectively at child protection conferences and to provide reports on children which will better assist in the protection planning.

1.8.9 A planned monitoring record enables other professionals to have a clearer understanding of the role of education staff. As a result, expectations are realistic and misunderstandings which can arise between professionals may be reduced.

- 1.8.10 In general practice it is desirable for education staff to contact parents in order that they can work together to promote a child's welfare. However, when monitoring is being undertaken as part of a child protection process the decision to involve parents will be taken in consultation with social workers and police.
- 1.8.11 Activities planned for the purpose of monitoring must be appropriate, balanced and open ended to avoid influencing the child's behaviour. The child or young person should be observed in both structured and unstructured settings as children's behaviour can vary according to the circumstances in which they find themselves.

1.9 MONITORING – WHAT?

1.9.1 A child protection monitoring record may include sections as detailed below.

1.9.2 Section A – Record of the Child's Behaviour

As appropriate to the circumstance a monitoring record should be kept and include details of:

- The actual incident/behavior
- Where it took place
- When it took place
- With whom it took place
- Its duration
- Its intensity
- Its frequency
- The sequence of events
- How the child's behavior related to the behavior of others
- Specific questions/behaviours that were used to elicit the child's response
- The child's view or explanation

1.9.3 The information could be detailed under the following headings:

- Attendance
- Behaviour
- Language
- Social Interactions
- Drawings/Writing/Statements
- Physical Indicators
- Contact with parents

Examples of the child or young person's work can be included as appropriate.

1.9.4 Section B – The Monitoring Process

As appropriate to the circumstances this section may include details of:

- Planning meeting
- Time scale of monitoring
- Individuals involved
- Action plan

- Review date
- Decision as to when to involve parents
- Decision to continue/discontinue monitoring
- Decision on whether to instigate child protection procedures or to re-contact Community Services: Social Work for further consultation
- Decision regarding storing of the child protection monitoring record

1.9.5 For all cases where you have contacted Social Work according to 5.7 procedures, you should complete the child protection recording form (Appendix 2) and send the form and copies to the personnel listed at the bottom of the form.

1.9.6 The personnel listed on the child protection recording form are:

- Duty Officer or Social Worker with whom the Child Protection concern was initially raised
- Social Work Practice Lead (Local Team Lead)
- Suzanne.harper@argyll-bute.gov.uk Admin Officer (for onward distribution to Head of Education, Lead Officer Child Protection and Principal Educational Psychologist)
- High-UHB.ObanCPChildHealth@nhs.net for the attention of the Consultant Community Paediatrician (responsible for Child Protection)

1.9.7 Contact information for the personnel listed in Appendix 1 should be recorded on the child protection agency contact list in Appendix 3. This sheet should be regularly updated and should be immediately accessible for emergencies when reporting and recording of concerns has to be undertaken.

1.10 CO-OPERATING

1.10.1 Following reporting and recording of concerns, education staff should co-operate fully with subsequent inquiries, investigations and support plans as directed by the Head of Establishment or Child Protection Co-ordinator and in consultation with appropriate agency representatives

1.10.2 Co-operation could involve attendance at case discussions, child protection conferences and reviews if agreed by the Head of Establishment or Child Protection Co-ordinator.

1.10.3 Further information on co-operating is provided in Appendix 7 of this guidance.

1.11 SUPPORTING THE CHILD

1.11.1 You must ensure that support is available to the child or young person and member of staff as appropriate in the circumstances. This support should include advising and updating the child or young person on what is happening/what is likely to happen next.

1.11.2 You must consider whether there are implications for siblings and other children or young people. This could include a situation where the initial allegation or suspicion of abuse with regard to a specific child or young person has been made by or involves other children and young people for whom the establishment has responsibility. You should consult with Social Work regarding giving

information to their parents/guardians. You should decide on appropriate support for these children and young people.

- 1.11.3 In deciding who should support a child or young person and be present during any subsequent interviews involving social workers and police, the child or young person's view should be given due consideration. There should also be consideration of issues relating to the gender of the adult and the adult's willingness and ability to respond to the child or young person's ongoing needs.
- 1.11.4 If any child or young person involved is detained beyond the end of the school day you should consult with Social Work regarding issues relating to informing parents or guardians and getting the child or young person home.
- 1.11.5 Where you require additional information on educational matters, there should be consultation with appropriate members of the Education Central Team
- 1.11.6 Further information on supporting children and staff is provided in Appendix 8 of this guidance.

Appendix 7

CO-OPERATION

1. INTERAGENCY CO-OPERATION

- 1.1 The quality of links between education staff and other agencies is a vital factor in determining the quality of care and support available to a child. Staff at authority, establishment and service levels should be pro-active in establishing close regular contact with the local department of Social Work, Police Scotland, the Scottish Children's Reporter, Administration and Health personnel.
- 1.2 Where support for a child or young person and family is being provided by other agencies, education staff should expect to be kept informed and should be able to consult with these agencies regarding any implications for the meeting of the child's educational, social and emotional needs.
- 1.3 Equally, when such support is being provided by other agencies, in particular for those children who are very young or have additional support needs, education staff should be available for consultation to give advice to these other agencies.
- 1.4 Supportive action to be undertaken by education staff should be agreed in most instances as part of a multi-agency child protection plan discussed at a child protection conference or review.
- 1.5 In circumstances where a child or young person's case does not reach a case discussion or a child protection conference, but where staff consider that there is a need for specific educational support to be provided, then staff should consult with appropriate education personnel regarding meeting the child's needs.

Appendix 8

SUPPORT

1. SUPPORT FOR CHILDREN AND YOUNG PEOPLE

- 1.1 A child or young person who has been abused or is at risk of abuse will require support from the beginning of a child abuse investigation to beyond the close of the child protection process.
- 1.2 Education staff who have regular, ongoing contact with children and young people are in a key position to provide general support. Taking account of gender, race, religious and cultural issues, they should aim to meet a continuum of need, through personal guidance and the development of a supportive school ethos.
- 1.3 The degree and type of support required will depend on the individual circumstances of the child or young person and family and is best determined within a multidisciplinary forum involving education staff.
- 1.4 When providing support for children and young people, staff need to be aware of the specific needs of the child as a person and not purely as a child who has been abused.
- 1.5 Any support plan as agreed in a multi-agency forum should take account of the needs of the individual child or young person within the context of an establishment or service ethos which supports and values all children and young people.
- 1.6 The support provided by education staff could include child protection monitoring, provision of support for learning, attendance monitoring, pastoral care and guidance, access to medical support and psychological services, protection from bullying and harassment.

2. GUIDANCE ON STAFF INTERACTION WITH CHILDREN AND YOUNG PEOPLE

- 2.1 When providing support for any child or young person, but in particular for a child or young person where abuse or risk of abuse is an issue, staff should take account of both the need to set limits on contact and the need to protect themselves from allegations of impropriety.
- 2.2 The following list provides guidance for staff interaction with children and young people:
 - Demeaning or suggestive remarks should never be made to or in the presence of children or young people.
 - In certain circumstances staff have to provide privacy in their contact with children or young people but they should always consider the appropriateness of being with a child or young person on their own, especially if this involves being out of earshot or vision of a colleague.

- Supervision on trips, including residential excursions, should always be in accordance with recommended local authority procedures as laid out in management guidance (see Standard Circular 3.25).
- Staff should always be able to justify physical contact with a child or young person in any situation.
- Physical contact to comfort and reassure a child or young person should be agreeable to both the child/young person and the adult, should be limited, and should be appropriate to the child or young person's gender, age, religion, racial and cultural background.
- Physical contact in order to provide care for a child or young person should only involve the level of contact necessary to provide such care.
- Some children and young people with additional support needs will require a higher level of physical care than other children and young people of their age but the physical contact involved should be limited to that necessary to provide such care.
- Physical contact involving restraint should involve the minimum of force necessary to protect a child or young person who is at imminent risk of inflicting harm to self or others or is at risk of damaging property.
- If one member of staff has to use physical restraint then another member of staff, where possible, should be summoned to witness and assist.
- If a member of staff has concerns about a relationship that is developing with a child or young person, on the part of either individual, then these concerns should be shared with a senior member of staff.

3. RESPONSE TO A CHILD WHO ALLEGES ABUSE

3.1 When a child or young person is disclosing details of abuse, especially sexual abuse, to a member of staff, it is important that staff know how to respond to the child or young person. This is in the child or young person's best interests not only at the time of disclosure but also in order to promote the child or young person's future ability to survive the abuse and the aftermath of the disclosure.

3.2 The member of staff should respond in the following manner:

- Listen with care.
- Treat the allegation in a serious manner.
- Re-assure the child that he or she is right to tell.
- Affirm the child's feelings as expressed by the child or young person.
- Do not give a guarantee of confidentiality or secrecy.
- Do not ask leading questions.
- Ask open ended questions which seek to clarify information already given.
- Do not interrogate the child or young person.
- Do not show disbelief.
- Avoid being judgmental.

- Do not introduce personal or third party experiences of abuse.
- Avoid displaying strong emotions.

4. SUPPORT THE NEEDS OF A CHILD OR YOUNG PERSON AFTER REPORTING

- 4.1 Following the reporting of concerns, the child or young person in question may require continuing support from education staff. In the interest of confidentiality, specific information to assist staff in supporting the child should only be shared with those staff who need to know.
- 4.2 It is important that a specific member of staff is identified as able to respond to any specific needs which may arise.
- 4.3 As necessary, guidance should be sought from relevant Education personnel or other agency representative in order to meet specific needs.
- 4.4 The support being offered should address the needs of the child or young person as identified by all those involved, including the parents if this is appropriate in the circumstances.
- 4.5 The support provided by education staff should aim over time to meet the following needs of the child or young person:
- To be treated as “normal” (i.e. as a whole child or young person and not solely as a child or young person who has been abused).
 - To be safe.
 - To be with adults who are dependable.
 - To be given the opportunity to express and explore feelings.
 - To develop a sense of self-worth.
 - To develop a sense of belonging.
 - To form positive and appropriate relationships.
 - To learn the boundaries of relationships.
 - To learn behaviour appropriate to different relationships.
 - To be provided with learning opportunities to promote potential across all areas of development.

(The above list is adapted from training materials provided by Maureen Saunders who is co-author of Out in the Open 1990)

5. WELFARE SUPPORT FOR STAFF

- 5.1 This child protection guidance does not require staff to make allegations or to carry out investigations but to react to their suspicions or concerns for the well-being of children and young people in good faith and in terms of the guidance.
- 5.2 It is recognised that dealing with concerns or suspicions relating to child abuse can have stressful consequences for staff. Support for staff in these circumstances is essential not only in order to meet the needs of the staff involved in the child protection process but also to meet the ongoing needs of the children and young people concerned.

- 5.3 In all interactions between staff involved in child protection there has to be sensitivity to the possibility that some members of staff may have personal experiences of child abuse.
- 5.4 A member of staff may choose to disclose personal experiences and may require to be directed to appropriate sources of help.

6. STAFF SUPPORT WITHIN AN ESTABLISHMENT

- 6.1 When agreeing the support to be offered to a child or young person, consideration should be given to the support needs of staff who are required to implement the support whilst also meeting the needs of those other children and young people who are their responsibility.
- 6.2 It is the responsibility of the Head of Establishment in liaison with the Child Protection Co-ordinator, as appropriate, to arrange staff support. Care must be taken to ensure that staff are protected from unacceptable levels of stress.
- 6.3 Staff support is provided through:
- Provision of guidelines on child protection.
 - Training on child protection guidelines and procedures and related issues.
 - Development of a whole school policy on child protection.
 - Inclusion of child protection in the development planning process.
 - Provision of structures at authority and establishment level which ensure all staff have regular information on child protection policy, procedures and guidelines.
 - Provision of support networks within the establishment or service, both formal and informal.
 - Opportunities for consultation and collaboration with colleagues in all services.
 - Access to authority staff support or counselling services.
 - Opportunities for consultation and collaboration with other agencies.
 - Access to outside support in specific cases, which could include contact with their trade union or professional association.

7. APPEARING IN COURT

- 7.1 Staff need specific support in relation to court proceedings should they be required to give evidence in court. The council's legal services will ensure that members of staff are offered the necessary preparation and support.
- 7.2 Advice on these matters is available to the Head of Establishment through the appropriate Education Head of Service.
- 7.3 Preparation for appearing in court could form part of an interagency training programme.