



FORTH VALLEY CHILD EXPLOITATION GUIDANCE

EVERY CHILD HAS THE RIGHT TO FEEL SAFE



What this document is about:

In Scotland, it is against the law for anyone to hit, smack, slap, pinch or physically punish a child. Children have the same protection from assault as adults.

What Happens if Someone Hurts a Child?

If a child tells an adult they have been hurt, or an adult sees it happen:

1. The adult must take it seriously.
2. They will talk to other professionals who can help keep the child safe.
3. Police or Social Work may be contacted.
4. The child should be listened to and supported.

The most important thing is making sure the child is safe.

Who Can You Talk To?

You can speak to:

- A parent or trusted family member
- A teacher
- A nurse or doctor
- A social worker
- A police officer
- Another trusted adult

You are never in trouble for asking for help.

Your Rights

Children have the right to:

- Be safe from harm and violence
- Be treated with respect and kindness
- Share their views and be listened to
- Get help and support when worried or upset

Adults who work with children must:

- Listen to children
- Help children feel safe
- Take worries seriously
- Get help if a child may be harmed

Remember

**It is OK to talk about worries.
You deserve to feel safe.
Adults should listen and help.
You are important.**

Help and Support

ChildLine

- Call 0800 1111 Free, private and open all day and night.

Emergency Help

- If someone is in danger, call 999.



If you need help understanding any information in this document, you have the right to access advocacy services in your local area.

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FORTH VALLEY

MULTI-AGENCY GUIDANCE

CHILDREN (EQUAL PROTECTION FROM ASSAULT) (SCOTLAND) ACT 2019

Version	Date	Author	Changes/comments
1.0	10.12.2020	Forth Valley PPP	
1.1	18.05.2022	Forth Valley PPP	Updated GIRFEC process
1.2	18.02.2026	Forth Valley PPP	Updated with UNCRC and language

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1. INTRODUCTION

On 7 November 2020, the Children (Equal Protection from Assault) (Scotland) Act 2019 (“the Act”) came into force, ensuring children have the same protection from assault as adults by removing the defence of “reasonable chastisement”.

All adults working with children and families across Forth Valley play a crucial role in implementing the Act and in ensuring children’s safety, wellbeing and rights are upheld.

This guidance sets out the processes to be followed if:

- an assault on a child by a parent or carer is witnessed; or
- such an incident is reported to a practitioner.

This 2026 refresh integrates developments since publication of the 2022 guidance, including incorporation of children’s rights into Scots law and updates to national policy and practice frameworks.

The safety, wellbeing, dignity and rights of the child must remain central to all decisions and actions.

2. CHILDREN’S RIGHTS AND UNCRC DUTIES

The United Nations Convention on the Rights of the Child (UNCRC) is now incorporated into Scots law. Public authorities must act compatibly with UNCRC requirements when delivering services affecting children.

This strengthens expectations that practitioners:

- place the child’s best interests at the centre of decision-making;
- support children to express their views and have them taken seriously;
- protect children from all forms of violence;
- ensure responses respect children’s dignity;
- record how children’s views influenced decisions.

Relevant UNCRC principles include:

- Article 3 – Best interests of the child must be a primary consideration.
- Article 12 – Children have the right to express views in matters affecting them.
- Article 19 – Children must be protected from all forms of violence.
- Article 28 – Discipline must respect child dignity.
- Article 37 – Protection from degrading punishment.

Equal Protection legislation supports Scotland’s obligations under Article 19.

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Practitioners should explain rights in an age-appropriate way and ensure children understand what is happening and why.

3. ASSESSMENT AND REPORTING - when to share information with police or social work

A parent, carer or any adult assaulting a child in any way is against the law and therefore should be reported to Police.

Assault is a crime in Scots common law and is defined as:

*“Every **attack** directed to take effect physically on the person of another is assault, whether or not actual injury is inflicted. **There must be criminal intent: an accidental injury, even although caused by a mischievous act, does not amount to assault.** “*

If any practitioner or manager witnesses such behaviour, and / or is worried or concerned about the care and protection of a child or young person, then they must, in the first instance, share that worry or concern with their Line Manager / Supervisor / Designated Child Protection Officer. Thereafter, local single service and / or multi-agency child protection procedures must be followed without any unnecessary delay.

Information must be shared without delay. Practitioners must consult with Social Work to determine whether Equal Protection or Child Protection processes apply.

Phone the appropriate social work team (see below) to discuss if the incident should follow Equal Protection or Child Protection processes.

Social Work Team (FALKIRK)	01324 506070
Social Work (CLACKMANNANSHIRE)	01259 450000
Social Work (STIRLING)	01786 471177
Forth Valley Out of hours Social Work	01786 470500
Police Scotland Non - Emergency Number - (24 hours)	101
In an Emergency - (24 hours)	Call 999

Professionals should confidently speak with children using open questions to understand context while avoiding investigative interviewing. You should ask open questions (Tell, Explain, Describe) to understand the circumstances and inform your risk assessment and what further action is required.

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During this assessment phase **there is a requirement to check wider than information held by your own agency, factors to consider could include:**

- Do the circumstances of the assault (regardless of any injury or distress) raise any concerns?
- Where is the child now?
- How are they now?
- Physically: do they have any known injuries or immediate health needs and do they require medical treatment?
- Emotionally: how are they right now and what do they need immediately for their reassurance/understanding?
- Communication and understanding are they able to communicate without interrupting/ without additional support for communication?
- Is the child safe now?
- If not, in your view, is there action that might be taken to make them safe?
- Are there any obvious risks or safety considerations in relation to the child?
- Has the parent or carer (to your knowledge) previously been investigated/charged/prosecuted for offences against children or offences involving domestic abuse?
- Does consideration of the full facts and circumstances raise concerns regarding the risk and safety of a child?
- Is the nature of the offence a minor isolated physical assault?

The child's voice should be sought and recorded when they are developmentally able to communicate their views. Where a child is unable to communicate their views, observations of the child's presentation, behaviour, and interactions should be carefully recorded.

If injury, head strikes, fear or distress are present, the matter should normally proceed as child protection.

Where an incident is assessed as isolated, Police Scotland should be contacted via 101 by the referring agency. If wider concerns exist, established child protection procedures must be followed and Social Work will initiate an Inter-agency Referral Discussion. Support to the family should continue in line with GIRFEC principles.

4. INVESTIGATION- role of police

Police will investigate all assaults on a child and will carry out an assessment if the crime falls into the category of Equal Protection.

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Initial attending officers are responsible for conducting an assessment of risk in relation to the child concerned or any other relevant child. Officers carry out relevant systems checks of the suspect, the child and where applicable the person with parental rights of the child.

Checks will also be carried out with the appropriate local authority Social Work as well as establishing if the child is currently or has recently been on the Child Protection Register.

Officers should then:

- Assess the circumstances of the incident and who is involved.
- Establish if there are any additional concerns for the child or involving the suspect that need to be considered.
- Obtain the identity of the relevant social worker for the child, if known.

If any child protection concerns become apparent the incident must be investigated under child protection procedures. Only cases which do not raise such concerns will be considered for a response under Equal Protection.

When assessing the assault, the following factors should also be considered:

- The nature of what has occurred and circumstances of it;
- The duration and frequency;
- Any effect (physical or mental) on the child;
- The child's personal characteristics (including health and development) at the time; and
- The child's age.

Where no additional concerns are raised from the relevant checks and the circumstances encountered do not raise any further child protection concerns, the incident meets the Equal Protection criteria.

Following investigation, where there is sufficient evidence, Police will consider their response. This includes a Recorded Police Warning if the suspect is eligible or a report to Crown Office and Procurator Fiscal Service.

For all Equal Protection incidents reported to Police, a Police Concern Report (VPD) will be created and, where appropriate, shared with partners. If this generates concerns or considerations that may not have been evident during the assessment and investigation phases of the enquiry, these should be highlighted and discussed to ensure the ongoing safety of the child and family involved.

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Uniformed response officers will deal with most Equal Protection incidents and should be the expected default policing response when a partner agency reports an Equal Protection matter to Police Scotland.

The Public Protection Unit (PPU) will continue to deal with complex cases, repeat offenders, serious offences and risk of significant harm. These incidents will likely be referred in through the Inter-agency Referral Discussion process.

For the avoidance of doubt, an Inter-agency Referral Discussion is for those children “at risk of significant harm” and is not required for incidents identified as being Equal Protection. If it is deemed that there is a risk of significant harm the Inter-agency Referral Discussion participants will consider all the known risks and establish a safety plan pending further assessment.

The overriding principles of Equal Protection should be to ensure the safety of the child and conduct a proportionate and reasonable policing and multi-agency response. It is recognised that this legislation may provide operational and ethical challenges therefore further guidance can be sought from local Public Protection Unit resources.

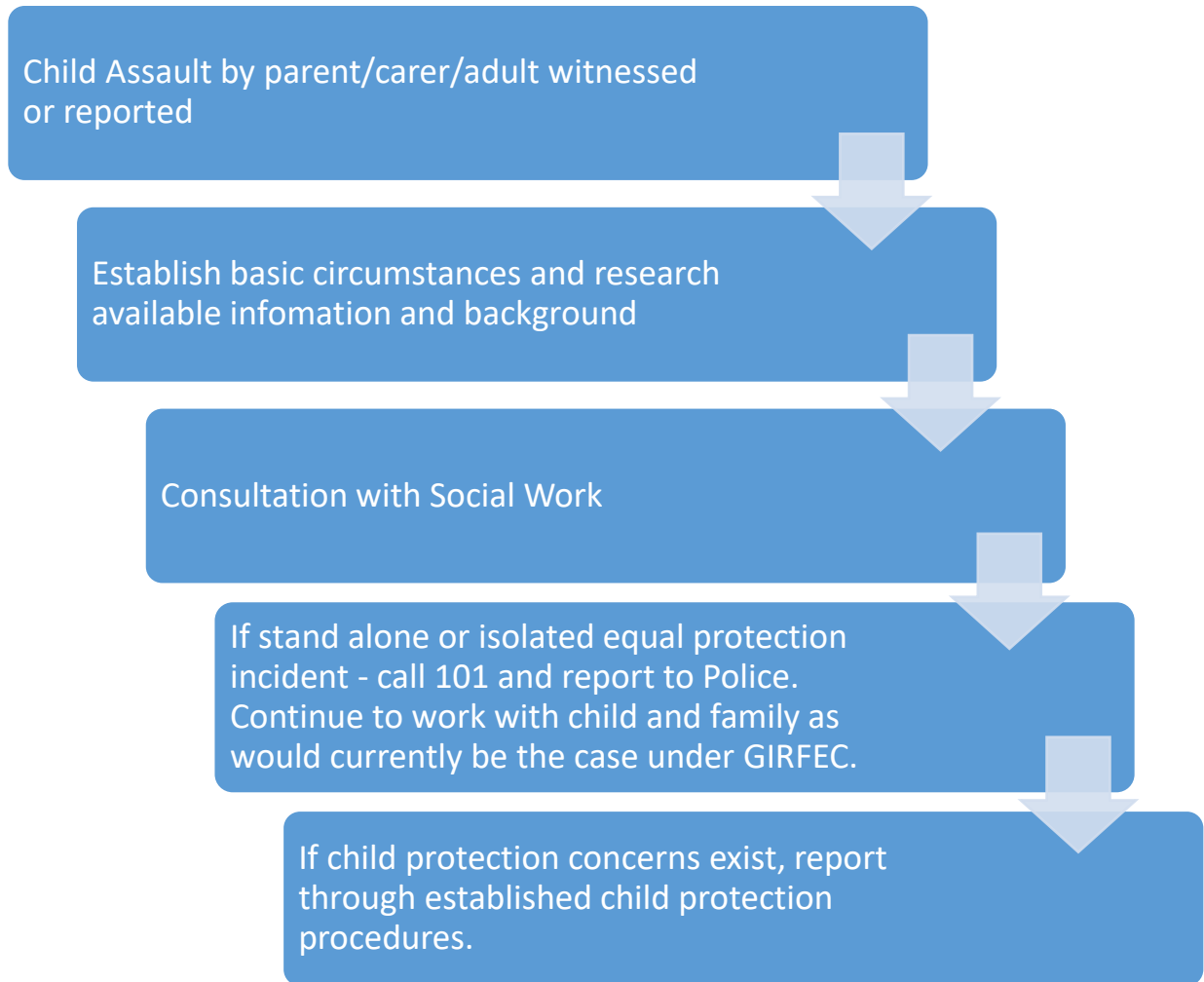
5. REVIEW OF THE GUIDANCE

The impact of the Equal Protection legislation will be subject to ongoing monitoring by all partner agencies and services as well as the wider Child Protection Committee's and will be subject to review moving forward.

It should be noted this advice is aimed at services within the wider Forth Valley Child Protection Committee's partnerships and there may be nuances or partner specific queries that should be dealt with through service leads. Any partnership issues, improvements or points requiring clarity on this guidance should be reported through the same service leads for the consideration of the Child Protection Committee.

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6. WHERE CAN PARENTS GET ADVICE AND SUPPORT?

Everyone working alongside children and families can provide advice, information and support as part of their response to an act of physical punishment. [Parent Club](#): Includes hints, tips and advice on [Coping with Being a Parent](#). Parents and carers can call [Children1st: Parentline](#) 08000 28 22 33

7. WHERE CAN CHILDREN AND YOUNG PEOPLE GET ADVICE AND SUPPORT?

Children and young people should be encouraged to speak with an adult they trust, i.e. Teacher, Nurse, Police Officer etc.

[ChildLine](#) 0800 1111

www.gov.scot/publications/physical-punishment-and-discipline-of-children-how-the-law-is-changing/

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Equal Protection - poster for children and young people



Equal Protection - Q&A for children and young people

APPENDIX 1 – Practitioner’s Aide-Memoire and related links

Practitioners must continue to:

- ensure the welfare of all children and young people remains paramount
- keep all children and young people safe and protected from harm, abuse and any physical chastisement, punishment and / or discipline – keeping children safe and protected in everyone’s job
- be aware that a parent, carer or any other person with parental rights, responsibilities or any other person providing a caring role to children and young people, can no longer argue that physical chastisement or punishment is reasonable
- be aware that all forms of physical chastisement, punishment and / or discipline of a child or young person is an assault and is unlawful – including, but not limited to, smacking; skelping; spanking, slapping, hitting or pinching
- be aware that the Law has not changed but the Act has removed the legal defence of “reasonable chastisement”
- remain professionally curious and assertive and remember that they continue to have the authority to question and challenge such behaviour
- be alert to recognising and responding quickly to any physical abuse, chastisement or punishment of a child or young person; in particular by a parent or person in charge of them
- follow their own single service and / or multi-agency child protection procedures – local child protection arrangements have not been changed and must be followed
- remember that doing nothing is no longer an option – so act quickly and report any such concern to your Line Manager / Supervisor / Designated Child Protection Officer/Social Work/Police
- be aware that the Police will respond to and investigate all Equal Protection incidents / complaints / reports, brought to their attention, which meet the criteria and where appropriate, they will deal with it in terms of the Lord Advocate’s Guidelines, specified above, and will do in partnership with partner agencies

Legislation defining certain offences against children:

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[Children \(Equal Protection from Assault\) \(Scotland\) Act 2019 \(legislation.gov.uk\)](#)

Equal Protection and National Guidance for Child Protection in Scotland 2021 (see 4.136 to 4.160)

Guidance Documents:

[Forth Valley Inter-Agency Child Protection Guidance \(Updated Dec 2025\)](#)

[National Guidance for Child Protection in Scotland \(2021, updated 2023\)](#)

[FV GIRFEC Refresh Guidance March 2025](#)

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