

## Learning and Leisure Services

# Child and Adult Protection Procedures and Guidance

Protecting children, young people and vulnerable adults from harm is a major priority for North Lanarkshire Council.

All children, young people and vulnerable adults have a right to be cared for and protected from abuse and harm in a safe environment in which their rights are respected.

It's everyone's responsibility to protect children, young people and vulnerable adults.

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Child and Adult Protection  
Procedures and Guidance*



# Contents

1. Introduction .....	3
2. Legal Issues .....	7
3. Categories of Abuse and Neglect .....	11
4. Indicators of Abuse .....	13
5. Roles and Responsibilities of Learning and Leisure Services in Protecting Children from Abuse .....	21
6. Training .....	25
7. Prevention of Child Abuse .....	27
8. Action in Response to Grounds for Concern .....	31
9. Grounds for Concern: Additional Action Guidance for the Head of Establishment/Service Manager .....	33
10. Grounds for Concern: Additional Action Guidance for all Learning and Leisure Services' Employees .....	37
11. Co-operation .....	41
12. Monitoring .....	43
13. Support .....	45
14. Learning and Leisure Services - Links with Other Child Protection Agencies .....	51
15. Adult Protection Reporting Procedures .....	55
16. Child Protection Appendices .....	71
17. References .....	87



# 1

## Introduction

- 1.1 Standards and Principles
- 1.2 Aim
- 1.3 Objectives
- 1.4 Purpose
- 1.5 Context





These procedures and guidance have been updated to reflect the restructuring of services since the previous guidance was written. For ease of reading, the term 'employee(s)' within this document refers to all members of Learning and Leisure Services. The term 'Head' or 'Manager' refers to any establishment or service head, manager or equivalent. 'Child Protection Co-ordinator' refers to the named person who has responsibility for child protection matters within each establishment/service.

### 1.1 Standards and principles

North Lanarkshire Council, Learning and Leisure Services have updated their child protection procedures and guidance in light of the new document - National Guidance for Child Protection in Scotland 2010 which replaces Safe and Well, National Guidance for Child Protection (2006).

Please refer to <http://www.scotland.gov.uk/resource/doc/334290/0109279.pdf> to view document.

Child protection has to be seen in the wider context of Getting it right for every child (GIRFEC), the Early Years Framework and the UN Convention on the Rights of the Child. All children and young people have a right to be cared for and protected from harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met.

Every child and young person has a right to be safe, healthy, active, nurtured, achieving, responsible, respected and included. Children and young people should expect to get the help they need, when they need it. Their welfare and wellbeing are paramount.

### 1.2 Aim

This guidance will assist all employees to work in a multi-disciplinary context with children, young people and their families and to ensure effective interagency communication, collaborative working and provide a consistent framework for practice. The common responsibilities of Learning and Leisure Services and other agency employees are to protect children and young people from abuse and exploitation, to respond appropriately when abuse is identified and to ensure whenever possible that all children and young people are able to exercise their right to be raised in a warm, stimulating and safe environment with the support of their families and carers.





### 1.3 Objectives

This guidance will ensure that employees:

- fulfil both pro-active and re-active responses to protect children from abuse
- co-operate and collaborate with other relevant agencies in child protection
- develop an ethos which safeguards and promotes the welfare and wellbeing of all children
- have regard to a child or young person's religious persuasion, racial origin and cultural and linguistic background
- develop learning opportunities which promote good health and safety in all aspects of the lives of children and young people
- develop skills to assist children and young people reduce their vulnerability to abuse
- improve outcomes for children and young people
- work in partnership with parents, unless concerns about the safety of a child or young person indicate this is not in the best interests of that child or young person.

### 1.4 Purpose

- to detail the role and range of responsibilities in child protection of Learning and Leisure Services and its employees
- to describe the procedures that employees should follow in response to evidence, allegation or suspicion of child abuse
- to provide guidance and support when carrying out these responsibilities and procedures.

### 1.5 Context

1.5.1 This guidance should be used in conjunction with North Lanarkshire Council's Management Circular C5, 'Child Protection'.

1.5.2 This guidance takes account of the recommendations of a number of government audits, enquiries, government legislation and relevant publications:

- "It's Everyone's Job to make sure I'm Alright" (Scottish Executive 2002)
- Vulnerable Children and Young People, Guidance Pack (Scottish Executive 2003)
- Protecting Children and Young People - The Children's Charter (Scottish Executive 2004)
- Children's Charter and a Framework for Standards (Scottish Executive 2004)
- How well are children and young people protected and their needs met? Self-evaluation (HMIE 2005)
- Getting it right for every child, GIRFEC (Scottish Executive 2006)
- The Adult Support and Protection (Scotland) Act (2007)
- Early Years and Early Intervention (Scottish Government 2008)
- Sexual Offences (Scotland) Act 2009
- How well do we protect children and meet their needs? (HMIE 2009)
- National Guidance for Child Protection in Scotland 2010 (Scottish Government)
- National Guidance. Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns (Scottish Government 2010)
- Forced Marriage, Statutory Guidance 2011 (Scottish Government)
- Children's Hearings (Scotland) Act 2011
- Getting Our Priorities Right (Scottish Government, 2013)

Useful reference documents also include:

- Lanarkshire Protocols for Working with Children and Families Affected by Substance Misuse
- Lanarkshire Vulnerable Children and Young People Good Practice Guide
- Interagency Child Protection Policies, Procedures and Guidance
- Risk Management for Children and Young People with Problematic Sexual Behaviour
- The Lanarkshire multi-agency guidance for working with non-engaging families
- Lanarkshire good practice guidance on domestic abuse and the protection of children
- Lanarkshire inter-agency guidance for child trafficking.

Further information on child protection is available on the Child Protection Scotland website at <http://www.childprotectionscotland.org>

- 1.5.3 The guidance is written from a single agency perspective drawn from the National Guidance for Child Protection in Scotland 2010. Other agencies have issued procedural guidance which details information and procedures from their perspectives. Learning and Leisure Service employees should be aware of other agency guidance and refer to it as appropriate.







# 2

## Legal Issues

- 2.1 The Legal Context of Child Abuse
- 2.2 Duty to Report
- 2.3 Confidentiality
- 2.4 Child Abuse and Neglect - The Main Elements
- 2.5 Degree of Harm
- 2.6 Criminal Liability for Harm
- 2.7 Definition of 'Child'
- 2.8 Definition of 'Parent'
- 2.9 Parental Rights and Responsibilities
- 2.10 Legal Capacity to Consent to Medical Examination and Assessment



## 2.1 *The Legal Context of Child Abuse*

- 2.1.1 In fulfilling their roles and responsibilities in child protection, employees need to be aware of the legal context of child abuse.
- child abuse is a criminal offence
  - it can involve prosecution in the Criminal Courts in pursuit of the public interest
  - child abuse is the concern of the child protection system
  - it can involve the Children's Hearing acting to protect a child in the absence of criminal prosecutions or convictions.

## 2.2 *Duty to Report*

- 2.2.1 Employees have a responsibility to report suspicions of child abuse and have a professional and contractual obligation to report such suspicions.
- 2.2.2 Employees are required to follow these Child and Adult Protection Procedures and Guidance to protect and support children and to fulfil their professional obligations to report grounds for concern about child abuse.
- 2.2.3 Where procedures as detailed in these professional guidelines are followed, employees will be fully supported by Learning and Leisure Services.
- 2.2.4 Employees are required to follow these Child and Adult Protection Procedures and Guidance and, keeping in mind, that future court action would focus on professional practice in terms of this guidance.
- 2.2.5 A child (or more probably a parent) could take action against the Local Authority for failing to act upon the child's disclosure or upon justifiable concerns, which had been expressed to an employee. Such action may conceivably be raised many years after the event.

## 2.3 *Confidentiality*

- 2.3.1 In relation to child protection procedures the main points are:
- employees must not promise to keep secret any allegations or concerns even if a child or third person requests this
  - there is no guarantee that the source of a concern can be kept confidential
  - in the interests of child protection, employees have a professional obligation to pass on information to relevant agencies
  - the sharing of such information should be on a 'need to know basis'
  - the passing of information in order to protect a child would be considered in the public interest

Further guidance on the issue of confidentiality is provided in Section 10.4 'Secrets should NOT be kept'.

## 2.4 *Child Abuse and Child Neglect – The Main Elements*

- 2.4.1 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. An act or omission can be defined as abusive or presenting future risk to the child if the following elements are present:
- there must be demonstrable damage or harm to a child or a likelihood of harm to the child (harm is defined as 'the ill treatment or the impairment of the health or development of the child')
  - the injury/state of the child must have been avoidable through action of the parents or carers responsible for that child
  - concern about potential harm or risk is linked to the action or the inaction of the parent or carer

2.4.2 It is important to note that child abuse can be perpetrated on any child regardless of age, gender, understanding, stage of development, social class, religion, race or cultural background.

## 2.5 *Degree of Harm*

2.5.1 There is no stated criteria regarding the degree of harm and likelihood of future harm to the child, which is considered significant enough for child protection procedures to be required. In general practice it is suggested that significant harm is not minor or transitory in nature. Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time.

## 2.6 *Criminal Liability for Harm*

2.6.1 Criminal liability for harm applies if a person wilfully or recklessly assaults, ill-treats, abandons or exposes the child in a manner likely to cause him or her unnecessary suffering or injury to health (mental as well as physical health).

2.6.2 A specific exception to the offence of wilful assault is when it is regarded as lawful physical punishment. There are no clear guidelines as to what the Courts would regard as lawful physical punishment but its extent has gradually been reduced by changes in the law, court judgements and changes in society's attitude towards the form and degree of adult, especially parental, administration of reasonable chastisement of children. The Criminal Justice (Scotland) Act 2003 prevents any adult from using implements, delivering blows to the head and shaking children as a physical punishment.

2.6.3 Corporal punishment of any kind is not permitted in educational establishments.

## 2.7 *Definition of 'Child'*

2.7.1 Who is a child? A child can be defined differently in different legal contexts. Within the Children (Scotland) Act 1995, a child becomes an adult at 16, however, where the young person is between the age of 16 and 18 and is subject to a supervision requirement by a Children's Hearing he/she can be viewed as a child as some young people over the age of 16 may still require intervention to protect them.

The Adult Support and Protection (Scotland) Act 2007 defines 'adults at risk' as individuals, aged 16 or over who are:

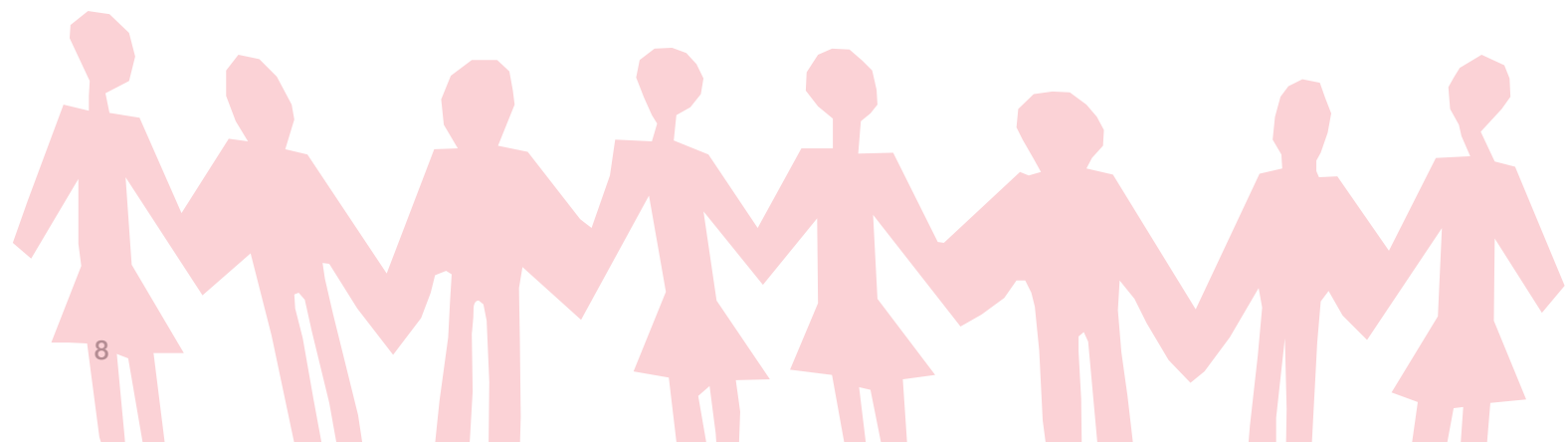
- unable to safeguard themselves,
- who are at risk of harm and
- because they are affected by learning, health or physical disability may be more vulnerable to being harmed.

It is the combination of circumstances which can make them more susceptible to harm than others.

The United Nations Convention on the Rights of the Child applies to anyone under the age of 18 unless majority is attained earlier under legislation.

Where a young person between the ages of 16 and 18 requires protection, services need to consider which legislation, if any, can be applied. This will depend on the young person's individual circumstances as well as on the particular legislation or policy framework.

The Adult Support and Protection (Scotland) Act 2007, a short introduction to Part 1 of the Act can be found in Section 15 of this guidance.



## 2.8 Definition of 'Parent'

For the purposes of the Education (Scotland) Act 1980 as amended, **'parent'** is defined as **'including guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of Section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of, a child or young person'**.

2.8.1 Specific details regarding orders relating to parental responsibilities are contained within Section 11 of the Children (Scotland) Act 1995. Among those who may have parental responsibilities are:

- the mother
- the father if married to the mother
- an unmarried father if the mother agrees and the parental responsibilities agreement is registered
- an unmarried father who applies to the Court and is granted rights and responsibilities
- both parents following divorce (but specific orders could impose limits)
- the Local Authority having obtained a 'Parental Responsibilities Order'
- a guardian legally appointed by the parent(s)
- The Family Law (Scotland) Act which came into force on 4th May 2006, grants parental rights and responsibilities to an unmarried father if he jointly, with the mother, registers the child's birth.

This does not apply retrospectively and therefore only covers the registration of children born following the commencement of the Act on 4th May 2006. (Refer to Management Circular C13).

## 2.9 Parental Rights and Responsibilities

2.9.1 Parents have rights over children in order to fulfil their responsibilities towards them, and these rights are to:

- regulate the under 16 child's residence
- direct or guide his or her development and upbringing
- maintain personal relations and direct contact with the child
- act as the child's legal representative.

2.9.2 Parents have responsibilities towards their children to:

- safeguard and promote the child's health, development and welfare
- provide the child with direction and guidance
- maintain personal relations and direct contact with the child
- act as the child's legal representative.

2.9.3 Parents are also under a responsibility to provide general guidance until their child is 18 years old.

2.9.4 In situations where employees are unsure if a parent has parental responsibilities and there is an issue about whether this individual can have access to information about a child or whether the individual can remove the child from school, employees should err on the side of caution in the child's interests and seek the necessary information that will ensure the child's safety prior to responding to request for access to information.



## 2.10 *Legal Capacity to Consent to Medical Examination and Assessment*

2.10.1 There is a legal presumption that children from twelve years upwards are able to give consent to a medical examination or assessment.

2.10.2 It could conceivably extend to children below twelve as long as the doctor or medical practitioner assesses the child to be capable of giving consent. Employees are not in a position to provide consent for a medical examination.

2.10.3 Parental consent should be sought if the child's parents have parental rights and responsibilities and the child is under 16, unless this is contrary to the safety and best interests of the child

A young child with curly brown hair, wearing a blue and white plaid shirt, dark pants, and colorful sneakers, is sitting on a white surface. The child is smiling broadly and has their hands near their face. To the left of the child is a large, green, fan-shaped sign with the word "Healthy" written in white, bold, sans-serif font. The background is plain white.

Healthy



# 3

## Categories of Abuse and Neglect

- 3.1 What is Child Abuse and Neglect?
- 3.2 Definitions of Abuse
- 3.3 Physical Abuse
- 3.4 Emotional Abuse
- 3.5 Sexual Abuse
- 3.6 Neglect



### 3.1 *What is Child Abuse and Neglect?*

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.

3.1.1. There are four primary categories of child abuse. These are:

- physical abuse
- emotional abuse
- sexual abuse
- neglect (including 'non-organic failure to thrive' also referred to as 'growth faltering').

### 3.2 *Definitions of Abuse*

While it is no longer necessary to identify a specific category of abuse when adding a child's name to the Child Protection Register, it is still helpful to consider and understand the different ways in which children can be abused. The following definitions show some of the ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child.

#### 3.3 *Physical Abuse*

Physical abuse is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child they are looking after (fabricated or induced illness).

#### 3.4 *Emotional Abuse*

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

Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

#### 3.5 *Sexual Abuse*

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child 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.

3.5.1 Under-age sexual activity involving informed consent of young people under 16 or involving informed consent of a young person under 16 with an adult who is not a relative is not in itself 'child abuse' (as defined in paragraph 2.4). However, there could be other factors which could be indicative of abuse and which could indicate that the wellbeing of the young person involved required input from agencies.

Further information can be found within the Scottish Government National Guidance on Under-age Sexual Activity.

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

### 3.6 *Neglect*

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive' or 'growth faltering', 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.



# 4

## Indicators of Abuse

- 4.1 Possible Signs of Physical Abuse
- 4.2 Checklist for Possible Signs of Physical Abuse
- 4.3 Possible Signs of Emotional Abuse
- 4.4 Possible Signs of Sexual Abuse
- 4.5 Possible Signs of Neglect
- 4.6 Indicators of Risk
- 4.7 Children with Additional Support Needs and Very Young Children
- 4.8 Physical Intervention
- 4.9 Keeping an Open Mind
- 4.10 Harm Outside the Home or in Specific Circumstances



#### 4.1 Possible Signs of Physical Abuse

- injuries, particularly if they are recurrent
- improbable excuses given to explain injuries
- refusal to explain and discuss injuries
- untreated injuries or delay in reporting them
- admission of punishment which appears excessive
- fear of parents being contacted
- fear of returning home
- fear of medical help
- arms and legs kept covered in hot weather
- withdrawal from physical contact
- self-destructive tendencies
- aggression towards others
- chronic running away.

#### 4.2 Checklist for Possible Signs of Physical Abuse

4.2.1 It can be difficult to determine whether injuries to a child are accidental or indicative of child abuse.

4.2.2 Consideration of the following questions may prove helpful to employees:

- Is the injury minor, superficial, treated and easily explained?
- Are the injuries typical of the development level of the child and his/her activities?
- Can the injury be explained by another cause e.g. known medical condition, skin condition, temporary illness?
- Is the explanation given by the child and/or other individuals consistent with the injury?
- Is the injury on an area of the body which could indicate cause for concern i.e. those areas of the body which are not usually damaged by everyday accident? For example, is the injury on non-bony parts of the body such as eyes, side of face, ears, mouth, neck, upper/inner arms, chest, surface of the back, genitals, buttocks, thighs, soles of feet?
- Does the injury indicate cause for concern in terms of the following:

<b>shape</b>	clear outline indicating child could not pull away from source of injury
<b>pattern</b>	finger/thumb marks cigarette burns belt buckle bite marks bald patches
<b>frequent and numerous</b>	old and new injuries at different healing stages
<b>unusual</b>	position on body not appropriate to child's age, more serious than would be expected from everyday accident.



### 4.3 Possible Signs of Emotional Abuse

- fear of parents being contacted
- admission of punishment which appears excessive
- physical, intellectual and emotional development lags
- significant decline in concentration
- sudden speech disorders
- over-reaction to mistakes
- continual self-deprecation
- fear of new situations
- inappropriate emotional responses to painful situations
- neurotic behaviour (e.g. rocking, constant hair-twisting, excessive thumb-sucking)
- self-mutilation
- extremes of passivity or aggression
- drug/solvent abuse
- chronic running away
- compulsive stealing/scavenging
- indiscriminate friendliness
- socio-emotional immaturity.

### 4.4 Possible Signs of Sexual Abuse

#### 4.4.1 Children under the age of five may:

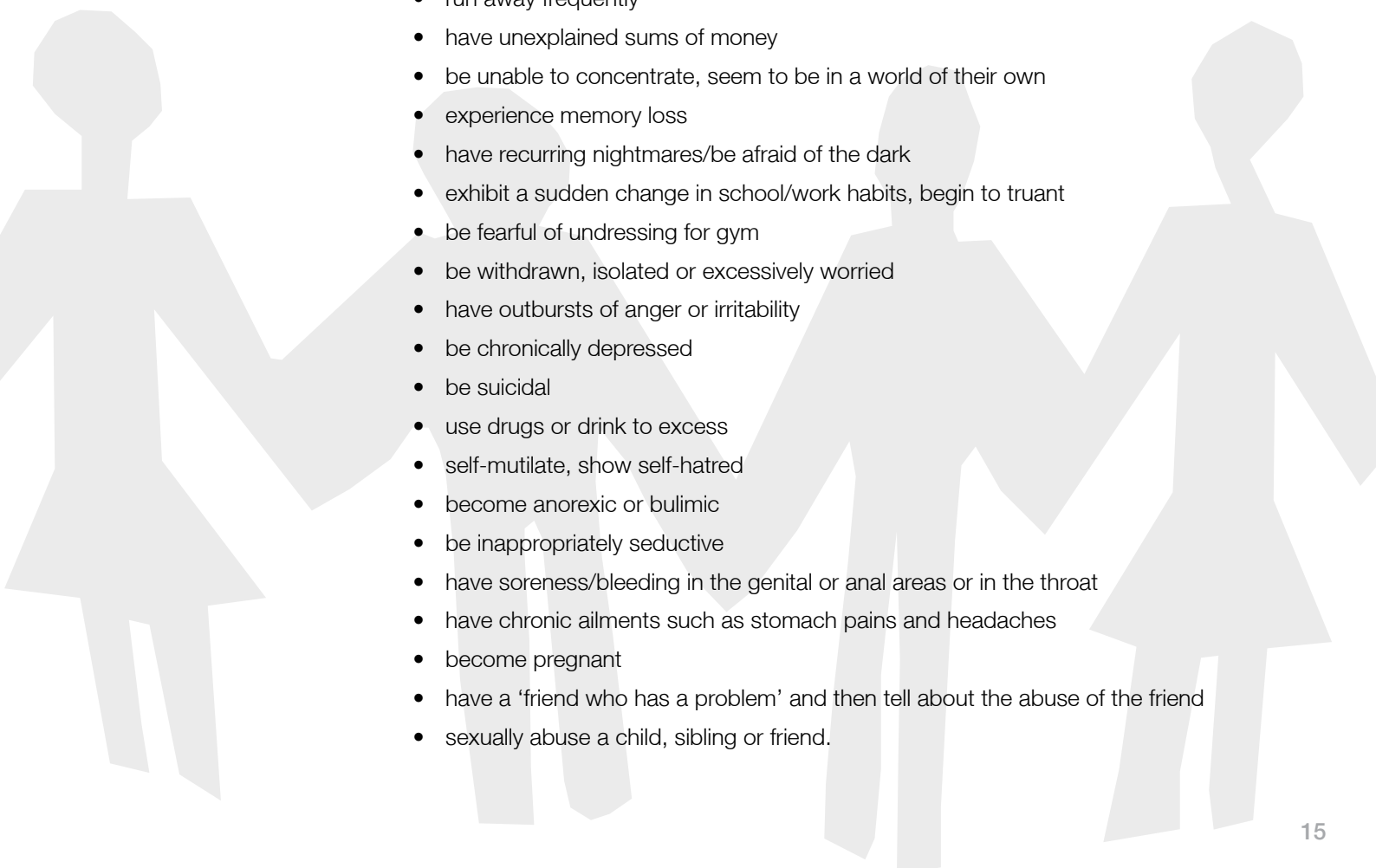
- become insecure or cling to parent in a fearful way
- show extreme fear of a particular person
- cry hysterically when their nappy is changed
- become hysterical when clothing is removed, particularly underclothes
- have some physical signs in the genital or anal areas; smell of semen, etc.
- have soreness or bleeding in the throat, anal or genital area
- regress to a much younger behavioural pattern
- stare blankly, seem unhappy, confused, sad
- become withdrawn, stop eating, have chronic nightmares; begin wetting again when previously dry
- stop enjoying activities with other children, such as stories or games, seem to be bothered or worried
- change from being happy and active to being withdrawn and fearful
- become aggressive and hurtful
- act in a sexually inappropriate way towards adults
- behave in a way sexually inappropriate to their age, being obsessed with sexual matters as opposed to normal exploration
- play out sexual acts in too knowledgeable a way with dolls or other children
- produce drawings or representations of sex organs such as erect penises
- repeat obscene words or phrases
- say repeatedly that they are bad, dirty or wicked.

#### 4.4.2 Children from the ages of five to twelve may:

- hint about secrets they cannot tell
- say that a friend has a problem
- ask if you will keep a secret if they tell you something
- seem to be keeping secret something which is worrying them
- begin lying, stealing, blatantly cheating in the hope of being caught
- have unexplained sources of money
- exhibit sudden inexplicable changes in behaviour, such as becoming aggressive or withdrawn or regressing to younger behaviour patterns
- stop enjoying previously liked activities, such as music, sports, art, scouts or guides, going to summer camp, gym club
- be reluctant to undress for gym
- become fearful of or refuse to see certain adults for no apparent reason, show dislike of a particular babysitter, relative or other adult
- having terrifying dreams
- act in a sexual way, inappropriate to their age
- draw sexually explicit pictures depicting some act of abuse
- start wetting themselves
- have urinary infections, bleeding or soreness in the genital or anal areas
- have soreness or bleeding in the throat.

#### 4.4.3 Children from age of twelve onwards may:

- be fearful about certain people like relatives or friends
- not be allowed to go out on dates or have friends round
- find excuses not to go home or to a particular place
- run away frequently
- have unexplained sums of money
- be unable to concentrate, seem to be in a world of their own
- experience memory loss
- have recurring nightmares/be afraid of the dark
- exhibit a sudden change in school/work habits, begin to truant
- be fearful of undressing for gym
- be withdrawn, isolated or excessively worried
- have outbursts of anger or irritability
- be chronically depressed
- be suicidal
- use drugs or drink to excess
- self-mutilate, show self-hatred
- become anorexic or bulimic
- be inappropriately seductive
- have soreness/bleeding in the genital or anal areas or in the throat
- have chronic ailments such as stomach pains and headaches
- become pregnant
- have a 'friend who has a problem' and then tell about the abuse of the friend
- sexually abuse a child, sibling or friend.



## 4.5 Possible Signs of Neglect

- constant hunger
- emaciation
- constant tiredness
- poor personal hygiene
- poor state of clothing
- untreated medical problems
- frequent lateness or non-attendance at school
- low self-esteem
- destructive tendencies
- neurotic behaviour e.g. rocking; constant hair-twisting; excess thumb-sucking
- limited social relationships
- chronic running away
- compulsive stealing or scavenging.

### 4.5.1 Possible Signs of Non-organic Failure to Thrive/Growth Faltering

This condition is normally identified whilst the child is an infant and physical/genetic reasons have been medically eliminated. Signs which may indicate non-organic failure to thrive are:

- significant lack of growth
- weight loss
- hair loss
- poor skin or muscle tone
- circulatory disorders

## 4.6 Indicators of Risk – specific conditions that may impact adversely on children

### 4.6.1 Domestic Abuse

Children and young people living with domestic abuse are at increased risk of significant harm.

- employees should be aware of the need to recognise that domestic abuse can have a profound impact on children, both in the short and long term
- employees need to be alert to the indicators of domestic abuse
- supporting the adult victim of domestic abuse ultimately supports the child
- risk of domestic abuse can increase at the point of separation.

In addition, it is now recognised that there is a strong connection between domestic abuse and child abuse, and indeed between cruelty to animals and child abuse.

For further information refer to:

- National Domestic Abuse Delivery Plan for Children and Young People (Scottish Government, 2008)
- Safer Lives: Changed Lives – A Shared Approach to Tackling Violence against Women in Scotland (Scottish Government, 2009)

#### 4.6.2 **Parental Alcohol and Drug Misuse**

Parental alcohol and/or drug misuse can result in sustained abuse, neglect, maltreatment, behavioural problems, disruption in primary care-giving, social isolation and stigma of children.

Alcohol and/or drug-misusing parents/carers often lack the ability to provide structure or discipline in family life. Poor parenting can impede child development through poor attachment and the long term effects of maltreatment can be complex.

'Getting Our Priorities Right' is a multi agency document raising awareness and providing a framework for intervention and support.

For further information refer to:

- The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem (Scottish Government, 2008)
- Changing Scotland's Relationship with Alcohol: A Framework for Action (Scottish Government, 2009)

#### 4.6.3 **Other Indicators of Risk**

- non-engaging families
- children and young people experiencing or affected by mental health problems
- children or young people who display harmful or problematic sexual behaviour
- female genital mutilation
- honour based violence and forced marriage
- fabricated or induced illness
- sudden unexpected death in infants and children.

Further information on the above indicators of risk can be found in Part 4 of the National Guidance for Child Protection in Scotland 2010.

Please refer to <http://www.scotland.gov.uk/Publications/2010/12/09134441/0> to view this online document.

#### 4.6.4 **Honour Based Violence/Forced Marriage/Female Genital Mutilation**

The Government regards forced marriage as a form of violence against women and, when children are involved, child abuse. It is associated with other forms of domestic abuse and 'honour-based' violence. It can happen to both men and women although most cases involve younger women and girls aged between 13 and 30. However, there is no 'typical' victim of forced marriage. Some are under 16 years old, although many are older. Some victims have a disability, some have young children and some are spouses from overseas.

There is a clear difference between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses.

In a forced marriage, one or both spouses do not (or, in the case of some adults at risk and children and young people, cannot) consent to the marriage and duress is involved. Duress can include coercion by physical, verbal or psychological means, threatening conduct, harassment, threat of blackmail, use of deception and other means. It is also 'force' to knowingly take advantage of a person's incapacity to consent to marriage or to understand the nature of the marriage.

Young people forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm.

Female Genital Mutilation (FGM) is defined by the World Health Organisation as all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for nonmedical reasons. FGM can be linked to forced marriage as it is a form of controlling women and girls and is sometimes followed by early or forced marriage. The Prohibition of Female Genital Mutilation (Scotland) Act 2005 makes it a criminal offence for a person to carry out the specified female genital mutilation procedures on another person, including children and young people. It is also a criminal offence to take someone overseas for the purposes of FGM.

It is crucial that employees understand that the individual's confidence and privacy should be respected at all times and that staff should not approach family, friends or members of the community without the express permission of the individual as this may place the individual at risk of harm and they should never be used as interpreters for the victim.

Advice on these matters can be obtained from Development Officer (Child Protection) and from Forced Marriage, Statutory Guidance 2011 (Scottish Government) available online at:  
<http://www.scotland.gov.uk/Resource/Doc/363697/0123466.pdf>

## 4.7 *Children with Additional Support Needs and Very Young Children*

4.7.1 There are additional factors to bear in mind when considering the possibility of abuse of a child with additional support needs or a very young child. Such children can be particularly vulnerable to abuse and are targeted by abusers because:

- they may have greater difficulty in understanding the boundaries of appropriate behaviour and contact
- they may have difficulty telling employees, especially if they have no method of communicating words relating to abuse
- they may have much more contact (than other children of their age) with people other than their primary carers. This may involve exposure to physical contact and care, including intimate care.
- they may live in an environment where their disability or age causes high stress levels
- they may have to be involved in intrusive medical treatments and may not always be able to differentiate between these and abusive behaviour
- their additional support needs or age mean that assumptions are often made that no one would abuse them

4.7.2 Children with additional support needs and very young children may require specific arrangements for investigative procedures. Good practice should mean that the other agencies involved would seek the advice and assistance of education employees. It would be expected that employees would respond to such requests in the best interests of the child.

## 4.8 *Physical Intervention*

4.8.1 A very small minority of children and young people with additional support needs can display challenging behaviour. It may be necessary for employees to intervene if the child/young person is at immediate risk of inflicting harm on themselves or others, or of damaging property. The physical intervention should involve the minimum physical contact necessary to protect the child/young person. If an establishment/service is aware that a child/young person is likely to behave in a manner which may require physical intervention, a challenging behaviour risk assessment should be undertaken.

4.8.2 There is a clear policy statement regarding the use of physical intervention procedures in establishments. Please refer to Management Circular C11.



#### 4.9 Keeping an Open Mind

- 4.9.1 Knowledge of the indicators of abuse is essential in order that employees can be alert to the possibility that a child or children in their care could have experiences of abuse. However, whilst employees must remain vigilant, it is important to keep an open mind. Employees have to consider that child abuse could be one of several explanations for behaviour which causes concern. If in doubt, check it out.
- 4.9.2 Be vigilant about children who are absent from school for a significant number of days, as children who have been abused are sometimes purposely kept away from educational establishments to allow injuries to heal and go undetected.
- 4.9.3 In addition, employees need to be aware that some children who have suffered or are suffering abuse do not exhibit any of the more obvious indicators and most will not spontaneously or directly tell of their abuse.

#### 4.10 Harm Outside the Home or in Specific Circumstances

Employees should refer to Part 4 of the Scottish Government's National Guidance for Child Protection in Scotland 2010 for detailed information on the many circumstances within which children and young people may be harmed outside of their homes.

This includes:

- child trafficking
- historical allegations of abuse
- internet abuse
- children looked after away from home
- young people who place themselves at risk
- missing children
- under-age sexual activity
- bullying.





# 5

## **Roles and Responsibilities of Learning and Leisure Services in Protecting Children from Abuse**

- 5.1 Role of Learning and Leisure Services
- 5.2 Role of Head of Establishment/Service Manager
- 5.3 Role of the Child Protection Co-ordinator
- 5.4 Range of Duties associated with Co-ordinator's Role
- 5.5 Child Protection Policy



## 5.1 *Role of Learning and Leisure Services*

- 5.1.1 The role of Learning and Leisure Services is to be alert and to act in the best interests of children, in co-operation with other key agencies in order to protect children from harm and abuse.
- 5.1.2 The responsibilities of the authority, establishments, services and individual employees extend to:
- training
  - prevention
  - reporting
  - inter-agency co-operation
  - supporting.
- 5.1.3 In line with accepted practice, the Executive Director of Learning and Leisure Services, who has the ultimate responsibility for child protection issues, will in almost all circumstances, delegate this responsibility to the Education Officer (Support for Learning) and the Development Officer (Child Protection) within Learning and Leisure Services.
- 5.1.4 These Child and Adult Protection Procedures and Guidance provide the necessary information and advice for all employees carrying out these responsibilities. They will be updated as required to take account of changes in legislation, policy and practice.

## 5.2 *Role of Head of Establishment/Service Manager*

- 5.2.1 The Head of Establishment/Service Manager is the key member of staff with responsibility for child protection issues.

Responsibilities include:

- ensuring that these Child and Adult Protection Procedures and Guidance are brought to the attention of all employees annually, that they have access to the guidance, are issued with the 'Child Protection and Guidance' leaflet and that a copy of the leaflet is displayed on each employee notice board
- ensuring that visiting staff, students, volunteers and temporary or newly appointed employees have access to a copy of the 'Child Protection and Guidance' leaflet and to these Child and Adult Protection Procedures and Guidance
- ensuring the guidance in these Child and Adult Protection Procedures and Guidance and the 'Child Protection and Guidance' leaflet is followed
- ensuring, as appropriate, that all employees know that there is a named child protection co-ordinator
- developing establishment policy and practice to meet national and local authority guidance
- ensuring inclusion of child protection training for self and employees
- promoting employees' development within the establishment or service
- supervising ongoing child protection work, including health and wellbeing initiatives
- ensuring detailed reports are provided timeously and that an appropriate member of staff attends child protection case conferences, reviews or children's hearings when invited
- ensuring the establishment or service contributes as agreed to child protection planning and implementation
- informing parent council, parent forum and service users of policy, procedures and initiatives and, as appropriate, including relevant information in establishment handbook
- developing links with other establishments and services and with other agencies to promote the protection of children.

### 5.3 *Role of Child Protection Co-ordinator*

- 5.3.1 All establishments should have a child protection co-ordinator.
- 5.3.2 Within Educational Psychological Service, Community Information and Learning and Support Services there should be a named person for child protection.
- 5.3.3 The duties associated with the co-ordinator's role or named person will be undertaken or delegated by the Head of Establishment/Service Manager, taking account of the circumstances relating to each establishment.
- 5.3.4 It is the duty of the Head of Establishment/Service Manager to ensure that all visiting staff, students, volunteers, temporary, newly appointed and permanent employees are aware of the designated Child Protection Co-ordinator within their establishment, including his/her role and function.

### 5.4 *Range of Duties associated with Co-ordinator's Role*

- 5.4.1 The Child Protection Co-ordinator should:
  - be conversant with the information contained in these Child and Adult Protection Procedures and Guidance
  - be the point of contact for employees and other agencies on child protection matters
  - listen to and record staff or third party concerns, seeking further information if necessary
  - establish an appropriate and secure record system for child protection information
  - make child protection notifications of concern in line with these procedures and guidance
  - support their manager in the development of policy, practice and staff development to meet national and local guidance
  - attend child protection training and co-ordinators' meetings
  - support their manager in ensuring that these Child and Adult Protection Procedures and Guidance and the 'Child Protection and Guidance' leaflet are brought to the attention of all employees annually and that they have access to the guidance and a copy of the leaflet
  - co-ordinate Health and Wellbeing programmes where appropriate
  - co-ordinate support within the establishment for specific children where appropriate
  - co-operate on behalf of the establishment with inter-agency child protection support plans
  - liaise and co-operate with other establishments and external agencies where appropriate
  - be responsible for regularly updating the Child Protection Agency Contact List/Network of Support, Contact Log and Chronology of Significant Events (Appendices 5,6,7)
  - make arrangements with the Education Officer (Support for Learning) or the Development Officer (Child Protection) to ensure appropriate information is available to enable informed decisions to be made if an inter-agency child protection meeting is likely to occur during periods of school closure.



## 5.5 Child Protection Policy

- 5.5.1 The authority and its establishments and services should develop child protection policies which relate to local circumstances and encompass the responsibilities of the authority, the establishments and services and individual employees.
- 5.5.2 The child protection policy should encompass both the proactive and the reactive aims of child protection.
- 5.5.3 The policy should be regularly reviewed.
- 5.5.4 Parents and relevant professionals should be consulted regarding the development of a Child Protection Policy and informed thereafter of its contents.
- 5.5.5 Managers should ensure that other relevant policies of the service, establishment or section take account of pertinent issues in relation to child abuse to ensure consideration is given to the needs of vulnerable children.





# 6

## Training

- 6.1 Knowledge of Guidance
- 6.2 Training Issues
- 6.3 Sources of Training



## 6.1 Knowledge of Guidance

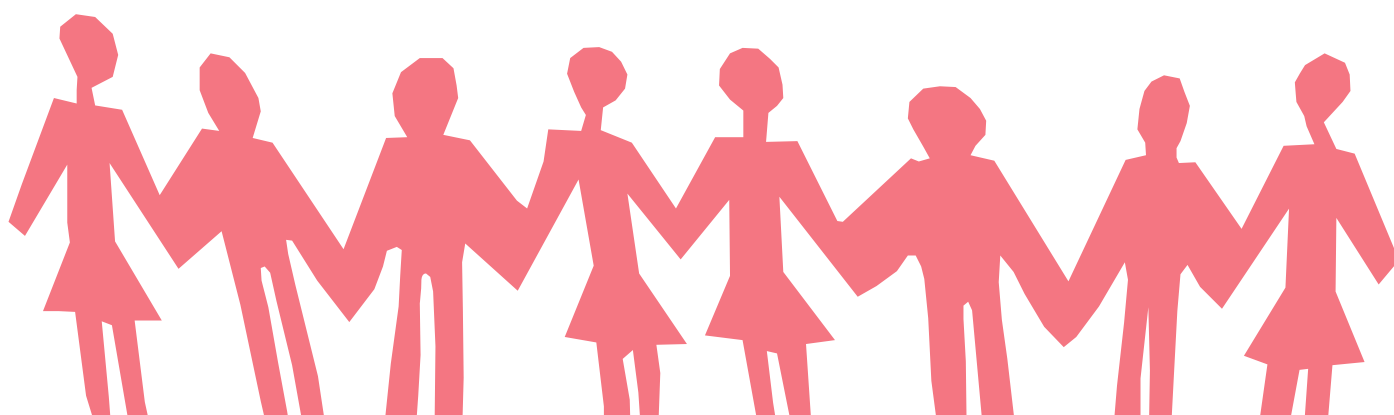
- 6.1.1 Learning and Leisure Services should provide regular opportunities for training on these Child and Adult Protection Procedures and Guidance to enable employees to carry out their roles and responsibilities as defined in the guidance.
- 6.1.2 As part of ongoing staff development, the Head of Establishment/Service Manager should aim to access appropriate training on Child and Adult Protection Procedures and Guidance for all employees through the Development Officer (Child Protection) supported by North Lanarkshire Child Protection Committee.

## 6.2 Training Issues

- 6.2.1 All staff groups require training in a range of child protection issues to enable them to carry out their responsibilities as detailed in this guidance. The detail covered in the training will depend on the level of responsibility of the staff members concerned. The training should enable all employees to feel confident that they know and understand their roles and responsibilities.
- 6.2.2 Employees from all sections should receive relevant child protection training as part of their Continuing Professional Development (CPD).  
  
Training should be seen as an ongoing, continuous process, integral to staff development.  
  
Child protection training should not be a one-off session.  
  
Such training will develop a deeper understanding of the roles and responsibilities of employees and their relationship with other lead agencies in safeguarding children.
- 6.2.3 Safeguarding children is a key role which should underpin the practice of all employees.
- 6.2.4 Training should be provided in a multi-agency as well as single agency context, in particular for issues such as agency roles and responsibilities, networking, and support for children and families.
- 6.2.5 Single or multi-agency training programmes should be part of strategic planning and should include effective ways of communicating, collaborating and co-operating with other professionals and agencies.
- 6.2.6 Multi-agency training can help professionals to understand each other's roles and procedures and can improve collaboration to ensure that action taken is in children's best interests.

## 6.3 Sources of Training

- 6.3.1 An initial FIRST STEP to Child Protection training is provided through the 'Understanding Child Protection Self Learning Pack' which has been distributed to all establishments. This booklet offers essential information on child protection issues and is suitable for employees requiring foundation knowledge. The booklet will be updated and distributed annually.
- 6.3.2 Learning and Leisure Services should identify key personnel within its own service to organise and deliver training. Any staff development must be approved by North Lanarkshire Learning and Leisure Services or North Lanarkshire Child Protection Committee.
- 6.3.3 North Lanarkshire Child Protection Committee can act as a source of advice and expertise in the provision of training, particularly multi-agency training.





Achieving

Active

Included

Respected

Responsible

Safe

Nurtured

Healthy



# 7

## Prevention of Child Abuse

- 7.1 Role of employees within Learning and Leisure Services
- 7.2 Development of a Positive and Caring Ethos
- 7.3 Key Curricular Development within Health and Wellbeing
- 7.4 Partnership with Parents and Other Professionals
- 7.5 Internet Access
- 7.6 Supervision of Internet Access
- 7.7 Monitoring and reviewing of Internet Access
- 7.8 Procedures for dealing with inappropriate use of Internet Access





## 7.1 *Role of employees within Learning and Leisure Services*

- 7.1.1 All Learning and Leisure Services employees are in the unique position of being in contact with children and young people on a daily/regular basis throughout early childhood to adulthood. Employees in this position may include additional support needs assistants, classroom assistants, support workers, librarians, museum employees as well as teaching employees, educational psychologists, play services workers, active school workers, sports development officers and community learning and development workers. All employees have a significant role in the protection of children from abuse. Their role extends beyond reacting to abuse to include prevention of abuse.
- 7.1.2 They have a responsibility as appropriate to their remit, to promote the wellbeing of all children and young people through:
- the development of a positive, caring ethos
  - the development of health and wellbeing through Curriculum for Excellence
  - participating in staff development and training
  - partnership with parents and other professionals
  - monitoring of access to interactive social media sites and information technology (ICT) via the internet.

## 7.2 *Development of a Positive and Caring Ethos*

Learning and Leisure Services and its employees should aim to create an ethos which:

- promotes the four capacities to develop confident individuals, responsible citizens, effective contributors and successful learners
- promotes values such as equality, openness, tolerance and caring
- promotes wellbeing for all
- enables children and young people to discuss concerns, including concerns about abuse, with adults they can trust.

## 7.3 *Key Curricular Development within Health and Wellbeing*

Through Health and Wellbeing within Curriculum for Excellence, children and young people should be given opportunities to develop the skills which will assist them to assert their rights, accept responsibilities and keep themselves safe. Curriculum development, staff training and planning will allow relevant employees to provide opportunities through the curriculum to meet these outcomes for children and young people.

- 7.3.1 Key issues which should be addressed when planning learning experiences which aim to promote children's health and wellbeing and assist in the prevention of child abuse are as follows:
- three key themes should underpin child protection within the curriculum: raising children and young people's awareness of risk, developing skills to keep them safe and developing their wellbeing
  - all personal safety programmes must take account of the emotional needs of all children and young people as individuals, including those who are victims or may become victims of abuse
  - all personal safety programmes should guard against causing unnecessary anxiety and fears for children and young people and should not undermine normal family relationships
  - materials should be appropriate to take account of the age, ability and understanding of the child or young person as well as cultural and religious background
  - particular consideration should be given to children and young people with additional support needs
  - there should be continuity and progression of skills, values, knowledge and understanding through the different stages and sectors within Learning and Leisure Services

- there should be sensitivity to the needs of employees who deliver the curriculum
- there should be an awareness that some employees may themselves have been abused and may find this area of work difficult

7.3.2 The NSPCC 'ChildLine Schools Service' delivers an assembly and workshop to Primary six and seven pupils across North Lanarkshire. The programme's objectives are to ensure that primary school aged children have an understanding of abuse in all its forms, know how to protect themselves from all forms of abuse and are aware of how to get help when they need it.

#### 7.4 *Partnership with Parents and Other Professionals*

Learning and Leisure Services employees should be proactive in consulting and informing parents, members of the community and relevant agency representatives of the development, maintenance and review of the personal safety programme.

This should be undertaken as appropriate in consultation with key personnel in Learning and Leisure Services. This should enable access to any related initiatives which are taking place in other services within the authority.

#### 7.5 *Internet Access*

Access to the internet, the education intranet and GLOW will promote effective learning and teaching, support continuous professional development and enhance management information systems. It is important that the internet service operates in a safe and secure environment. Therefore access must be only from the approved Internet Service Provider (ISP). North Lanarkshire Council Learning and Leisure Services has guidance for employees, children and young people on the safe use of Information and Communications Technology (ICT). All establishments and employees must adhere to these procedures. These can be found in Management Circular J3 Internet Security.

As advances are made in technology employees, children, young people and parents should be aware of the increased risks to children and young people through the use of mobile communication devices and the implications for their safety, through unsupervised internet access, message postings on social media sites, chat rooms and cyber bullying. Guidance is available for all employees in Management Circular J3a Electronic Communication Security and J6 Cyber Bullying and Misuse of Camera Phones.

Information on child exploitation and internet safety can also be found on CEOP (Child Exploitation and Online Protection) website <http://www.ceop.police.uk> and on <http://www.thinkyouknow.co.uk>



## 7.6 *Supervision of Internet Access*

All access in establishments to the internet must be through the approved ISP.

Although the ISP's filtered service blocks access to 'blacklist' sites, and provides continuous filtering of web pages/newsgroups/e-mail and the scanning of file downloads and electronic attachments, there is no guarantee of foolproof operation. Consequently, all access to the internet by children and young people must be subject to approved adult supervision. Children and young people must not be permitted unsupervised access to the internet.

## 7.7 *Monitoring and reviewing of Internet Access*

Employees need to be vigilant to protect children and young people whose use of the internet through search engines, social media sites and e-mail within Learning and Leisure establishments could render them vulnerable to abuse. This could happen through, for example, downloading pornographic images or direct online contact with abusers.

Details of all network and internet access will be recorded automatically in server logs to allow audit and the evaluation of use, for example, the contribution of internet access in the curriculum. Regular backups of all internet access logs will be made and stored.

Establishments are required to ensure that written parental consent for use of electronic mail and the internet has been obtained.

The head of establishment or service will review the use of the network and internet on a regular basis to evaluate their contribution to teaching, learning and general work of the establishment.

## 7.8 *Procedures for dealing with inappropriate use of Internet Access*

Although internet communication will be filtered by the ISP, access to unsuitable material may still be possible. Where this happens accidentally the following action to reduce the risk of repetition must be implemented

The employee involved must record details of the circumstances and inform the head of establishment or service by following standard child protection procedures as outlined in Section 8 - Action in Response to Grounds for Concern of this document.

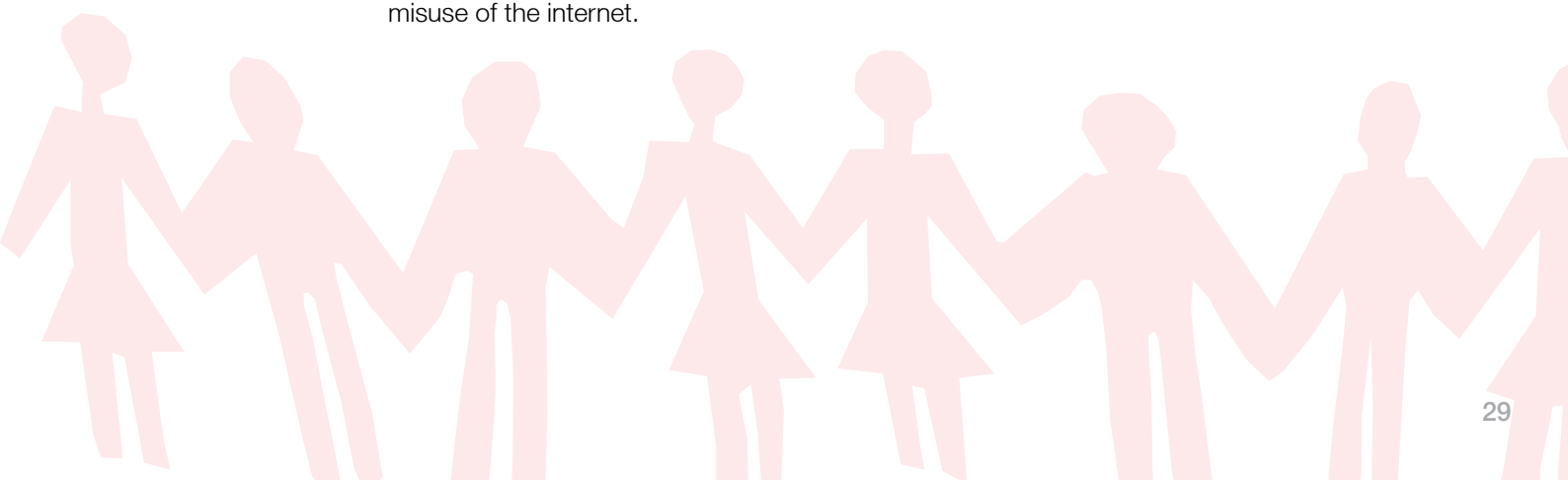
The head of establishment or service must:

- review local filtering
- inform the ISP and request appropriate adjustment to the filter policy
- immediately notify the Education Officer (Support for Learning) or Development Officer (Child Protection), if appropriate

Where deliberate and malicious inappropriate use of the internet or intranet is suspected the matter must be reported immediately to the head of establishment/service manager. Where appropriate he/she should take the following action:

- review procedures to prevent further repetition and to ensure the safety of children and young people
- make security copies of any files or logs related to the incident
- initiate a formal investigation and consider referral to formal disciplinary procedures

The head of establishment or service must maintain a record of all instances of significant misuse of the internet.







# 8

## Action in Response to Grounds for Concern

- 8.1 Role of employees within Learning and Leisure Services
- 8.2 Grounds for Concern: Action Guidance for all Employees
- 8.3 Grounds for Concern: Action Guidance for Heads/Managers



## 8.1 Role of employees within Learning and Leisure Services

- 8.1.1 The role of employees in circumstances where there are grounds for concern that a child may have been abused is to:
- observe
  - listen carefully
  - report accurately
  - record
  - co-operate with the social work department and other relevant agencies such as police, the Scottish Children's Reporter Administration (SCRA), Procurator Fiscal and appropriate medical personnel.
- 8.1.2 In such circumstances employees must keep an open mind regarding whether a child or children could have experiences of harm significant enough to initiate child protection procedures.
- 8.1.3 Employees should be in a position to respond to a child and to report concerns to the Head of Establishment/Service Manager in a manner which is in the best interests of the child. Each establishment should develop its own system to enable this. This system should be transparent, accurate and recorded and available for scrutiny.

## 8.2 Grounds for Concern: Action Guidance for all Employees

A	<p><b>ALL EMPLOYEES should follow Action Steps 1 and 2 as outlined below:</b></p> <p><b>Detailed guidance for employees on these action steps is provided in section 10 of the Child and Adult Protection Procedures and Guidance.</b></p>
STEP 1	<p>Immediately report your grounds for concern to the head of establishment/service manager (or the depute or Child Protection Co-ordinator in the head's absence). Where the grounds for concern are noted by a member of a support service (e.g. psychological services) and the child concerned does not attend an education establishment then the staff member should report to his/her head of service.</p> <p>If you have direct evidence of 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.</p>
STEP 2	<p>Follow the guidance given by the head/manager in relation to recording your concerns, supporting the child and co-operating with subsequent actions to investigate the grounds for concern and to protect the child or children concerned.</p>
STEP 3	<p>It is vital that recording is relevant, accurate, signed and dated as it may become a legal document. The information contained should have a clear succinct chronology of events, factual information and a summary of your response and any agreements reached.</p>
STEP 4	<p>Employees when required to attend Child Protection Case Conferences should provide an accurate report for the meeting, provide appropriate feedback to the head of establishment/service manager with regard to the outcome of the meeting, in the event that the head of establishment/service manager was not in attendance.</p>
STEP 5	<p>It is essential that there is no delay in deciding to initiate the procedures as a result of head of establishment/service manager or other senior management team absence from the establishment/service. If all else fails contact Education Officer (Support for Learning) or Development Officer (Child Protection) at Support for Learning Section, Kildonan Street on 01236 812294.</p>



### 8.3 Grounds for Concern: Action Guidance for Heads/Managers

B	<p><b>HEADS/MANAGERS should follow the action points listed below in order to judge appropriately the particular circumstances of each case. There should be an absolute minimum of delay in progressing through the action points.</b></p> <p><b>Detailed guidance for heads/managers on these action points is provided in Section 9 of the Child and Adult Protection Procedures and Guidance.</b></p>
ACTION POINTS	<p><b>Treat the grounds for concern</b> as reported by the member of staff <b>as a priority for action.</b></p> <ul style="list-style-type: none"> <li>• consider immediate needs of all children involved</li> <li>• take emergency action if required</li> <li>• gather information and if appropriate seek clarification (not proof)</li> <li>• ask employees to record, sign and date relevant information</li> <li>• initially store all information in a confidential file (unless the pupil already has a Health and Wellbeing file or a Child Protection file).</li> </ul> <p><b>Immediately report</b> a medical emergency to the medical services and administer first aid if needed before notifying your concern to the duty senior social worker.</p> <p><b>Immediately notify your concern</b> to the duty senior social worker at the social work area office. Outwith office contact hours, notify your concern to Social Work Emergency Service 0800 121 4114. 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.</p> <p>Urgent circumstances may require help from the police, e.g. immediate avoidance of further abuse, immediate pursuit of an alleged abuser, avoidance of destruction of evidence.</p> <p>If a member of staff is alleged to be involved in child abuse then immediate contact should be made with the Head of Education (Quality and Development) or Education Officer (Support for Learning).</p> <p><b>Record, sign and date</b> (on the same day) the grounds for concern and action taken using the Notification of Concern Form (Appendix 2). Send two copies of this form as indicated on the form. Keep the original copy, signed and dated, in the confidential file.</p> <p><b>Co-operate</b> fully with all statutory agencies who may become involved.</p> <p><b>Support</b> the child or children involved as necessary and appropriate.</p> <p>Following submission of a Notification of Concern, Head of Establishment/Service Manager should ensure that:</p> <ul style="list-style-type: none"> <li>• feedback is received from Social Work on the outcome of the initial notification of concern, in writing, within 7 days of the notification – contact Social Work if not received</li> <li>• this outcome is recorded on Appendix 2b and one copy submitted as indicated on the form</li> <li>• where appropriate, a Child Protection or Health and Wellbeing file is opened</li> <li>• Child Protection Agency Contact List/Network of Support, Appendix 5, is completed</li> <li>• relevant employees attend all child protection meetings, including Child Protection Case Conferences, reports are provided for meetings</li> <li>• Child Protection Case Conference form, Appendix 4 is completed immediately following a Case Conference and submitted as indicated on the form</li> <li>• all minutes and reports are filed in the pupil's Child Protection or Health and Wellbeing file</li> <li>• a chronology of significant information or events, Appendix 7, is recorded in the file and electronically on chronology on SEEMIS, once available.</li> </ul>

# 9

## **Grounds for Concern: Additional Action Guidance for the Head of Establishment / Service Manager**

- 9.1 Grounds for Concern
- 9.2 Priority for Action
- 9.3 Collating Information
- 9.4 Seeking Clarification
- 9.5 Immediate Reporting
- 9.6 Recording Concerns
- 9.7 Supporting the Child



This section provides guidance for heads/managers when following the action points detailed under section 8.3.

## 9.1 *Grounds for Concern*

9.1.1 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, behaviour, play, drawing or statement(s) causes suspicion of abuse.

Any concerns about a child's wellbeing should be reported to you immediately.

## 9.2 *Priority for Action*

9.2.1 You must treat an allegation of 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.

9.2.2 As head/manager it is your responsibility 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.

## 9.3 *Collating Information*

9.3.1 When collating information it is essential that you remember that it is the responsibility of the Executive Director of Housing and Social Work to investigate child abuse. Such an investigation, including detailed questioning of any children, will be carried out by specially trained employees, frequently in co-operation with the police and following structured procedures.

9.3.2 It is not your responsibility to:

- investigate suspected or alleged abuse
- evaluate the grounds for concern
- seek proof.

9.3.3 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 the purpose of keeping records of all statements and actions taken in the early stages.

9.3.4 All employees involved should be asked to make a written note of all relevant information and these statements should be placed in the confidential incident file. It is vital that the information is comprehensive and accurate – it might become legal evidence at a later stage.

9.3.5 When collating information you should ensure that:

- the wellbeing of the child is paramount even if this results in tensions between rights of the child and the rights of 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
- an open mind is kept regarding the information.

## 9.4 *Seeking Clarification*

9.4.1 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.

- 9.4.2 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.
- 9.4.3 Great care should be taken if the questioning for clarification is undertaken with the child 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.
- 9.4.4 The child must not be subjected to a series of interviews by different adults. If you consider that additional questioning of the child is necessary for clarification, the member of staff who was initially involved with the child should be supported in obtaining this, where possible.
- 9.4.5 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 investigation.
- 9.4.6 You should notify your concern to a member of the social work department. When doing so you need to be aware that such discussion could result in the social work department deciding to start formal investigative procedures. Should this occur you should then follow guidance in section 10.7 (Recording Concerns).

## 9.5 *Immediate Reporting*

- 9.5.1 If a medical emergency exists (Section 11.1.5), you can 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 to the social work department and police, as appropriate.
- 9.5.2 You can 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 should be taken into account.
- 9.5.3 In all cases, if you as head/manager consider that there is a possibility of abuse then the matter must be notified immediately to the duty senior social worker at the council's social work department.
- 9.5.4 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/manager
  - action to be taken by the social work department
  - accurate record keeping and feedback provided to head/manager by social work department
- 9.5.5 In circumstances where there are grounds for concern about sexual activity which may be abusive involving another pupil or pupils, the procedures outlined in 8.3 should be followed.

- 9.5.6 Circumstances where there is under-age sexual activity involving informed consent of young people under 16 or involving informed consent of a young person under 16 with an adult who is not a relative (as detailed in paragraph 3.5.1) 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 wellbeing and contact the social work department for advice.

Further information can be found within the Scottish Government National Guidance on Under-age Sexual Activity.

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

- 9.5.7 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 notification to the social work department is required. Again, err on the side of caution in terms of the wellbeing of the children involved.
- 9.5.8 Any complaint or suspicion that a child has been significantly harmed by a person unknown to the child and family should be immediately reported to the police.
- 9.5.9 Any complaint or suspicion that a member of staff has been involved in causing significant harm to a child must be reported immediately to the Head of Education (Quality and Development) or the appropriate Head of Service.

## 9.6 Recording Concerns

- 9.6.1 On the same day that the duty senior social worker is informed you must record the concerns and action taken by employees using the Notification of Concern Form (Appendix 2). The action agreed with the social work department should also be recorded.
- 9.6.2 If there is any professional difference of opinion on any matter between yourself and the duty senior social worker this should be recorded.
- 9.6.3 For all cases where you have notified a concern to the social work department, you should complete the Notification of Concern Form (Appendix 2) and send two copies to personnel as follows :
- Locality Social Work Manager at local SW area office
  - Education Officer (Support for Learning)
- Keep the original copy in the confidential incident file along with any information recorded by other staff.
- 9.6.4 Contact information for the personnel listed in Appendix 2 should be recorded on the 'Child Protection Agency Contact List/Child's Network of Support' (Appendix 5). This sheet should be regularly updated and should be immediately accessible for emergencies when reporting and recording of concerns has to be undertaken.





## 9.7 *Supporting the Child*

- 9.7.1 You must ensure that support is available to the child and member of staff as appropriate in the circumstances. This support should include advising and updating the child on what is happening/what is likely to happen next.
- 9.7.2 You must consider whether there are implications for siblings and other children. This could include a situation where the initial allegation or suspicion of abuse with regard to a specific child has been made by or involves other children for whom the establishment/service has responsibility. You should consult with the social work department regarding giving information to their parents/carers. You should decide on appropriate support for these children.
- 9.7.3 In deciding who should support a child prior to any subsequent interviews involving social worker and police, the child'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's ongoing needs.
- 9.7.4 If any child involved is detained beyond the end of the school day you should consult with the social work department regarding issues relating to informing parents/carers and getting the child home.
- 9.7.5 Where you require additional information on educational matters, there should be consultation with Education Officer (Support for Learning) or Development Officer (Child Protection).
- 9.7.6 Heads of Establishments and Service Managers have a duty of care to employees and pupils. Further information on supporting children and employees is provided in Section 13 of these procedures and guidance.





# 10

## **Grounds for Concern: Additional Action Guidance for all Learning and Leisure Services' Employees**

- 10.1 Grounds for Concern
- 10.2 Welfare Principle
- 10.3 Proof is NOT required
- 10.4 Secrets should NOT be kept
- 10.5 Notifying Grounds for Concern
- 10.6 Exceptional Circumstances
- 10.7 Recording Concerns
- 10.8 Supporting the Child
- 10.9 Co-operation



This section provides additional guidance for employees when following the steps detailed under Section 8.2.

### 10.1 *Grounds for Concern*

10.1.1 Grounds for concern can arise from a wide range of circumstances as detailed in Section 4 of these procedures and guidance 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, behaviour, play, drawing or statement(s) causes suspicion of abuse.

Any concerns about a child's wellbeing should be reported to the head/manager immediately.

### 10.2 *Welfare Principle*

10.2.1 All action 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.

10.2.2 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 a child has already suffered.

### 10.3 *Proof is NOT Required*

10.3.1 It is not necessary or indeed safe for a child that an employee waits for proof or actively gathers evidence of abuse before reporting concerns. If the employee suspects from the information available that there is the possibility of abuse then immediate action to report this to the head/manager should be taken.

10.3.2 In everyday circumstances employees do question children about injuries, behaviour, statements or emotional responses in order to help the child. Employees should continue to do this, but such questioning must stop and immediate action to report to the head/manager must be taken once the employee suspects the possibility of abuse.

10.3.3 Employees 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 wellbeing 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 and/or police investigation.

10.3.4 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.

### 10.4 *Secrets Should NOT be Kept*

10.4.1 At any time during discussion with a child (or a third party), employees should not agree to keep secret any information which implies that a child might have been subject to abuse or is at risk of future abuse.

10.4.2 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 wellbeing, it will be necessary to pass on the relevant information, initially, to the head of establishment/service manager.

10.4.3 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.

- 10.4.4 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 employees 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.
- 10.4.5 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.
- 10.4.6 As appropriate, the employee 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/manager. However, in the interest of the child's safety and wellbeing, employees must go ahead and report their concerns to the head of establishment/service manager immediately, with or without consent. In reality, explaining matters in a caring and sensitive way will normally secure co-operation.
- 10.4.7 If the child (or third party) decides to withdraw from speaking to the employee, they should be told that they can have further discussion with any employee in the future. They should be told that the head of establishment/service manager will be advised that they appear to have some concerns. As appropriate they should be given guidance on sources of support outwith the establishment/service.
- 10.4.8 Employees should be open and honest in explaining the action they plan to take. Their approach at this stage is crucial in promoting the immediate wellbeing of the child and in enabling future support plans.

## 10.5 *Notifying Grounds for Concern*

- 10.5.1 Employees must notify grounds for concern or the possibility of abuse to the head of establishment/service manager immediately, with or without the consent of the child or children concerned.
- 10.5.2 The employee should not consult with, nor share the information with anyone else other than the head of establishment/service manager or the person designated by the head/manager during the latter's absence from the establishment.
- 10.5.3 If the employee is from one of the department's support services then he/she should report the matter to the head of the establishment the child attends. If the child concerned does not attend an education establishment then the employee should report to his/her head of establishment/service manager.
- 10.5.4 On no account should employees tell a parent/carer about what has happened at this stage. Involvement of parents/carers will be determined on the advice of the social work department.
- 10.5.5 On trips or residential breaks, employees should follow the procedures as set out in these procedures and guidance and contact the head of the establishment/service. If there is an emergency or the head/manager or their delegate cannot be contacted immediately then the employee should contact the local social work department or police and other emergency services as appropriate to the circumstances.
- 10.5.6 Employees taking children on trips abroad should make immediate contact with the head/manager or a designated senior member of staff, who will co-ordinate any necessary notifications of concern to social work. If contact cannot be made with an appropriate senior manager from the establishment/service, then the Education Officer (Support for Learning) should be contacted.

## 10.6 *Exceptional Circumstances*

10.6.1 On the rare occasions when an employee is not satisfied with the head's/manager's decision in response to the grounds for concern, the employee should attempt further discussion with the head/manager. If the employee is still dissatisfied after further discussion and continues to have concerns about the possibility of abuse, the employee should consult with the Education Officer (Support for Learning) or Development Officer (Child Protection).

10.6.2 If the employee suspects that the head/manager has been involved in child abuse then this must be reported immediately to the Executive Director of Learning and Leisure Services or the appropriate depute.

## 10.7 *Recording Concerns*

10.7.1 The employee must record what has occurred as soon as possible on the same day. The head/manager 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/service manager. It may be required as part of the child protection process or as evidence for future criminal prosecution.

## 10.8 *Supporting the Child*

10.8.1 Employees have a responsibility to support a child as appropriate within an establishment/service throughout the child protection process. This will normally be in co-operation with other relevant personnel.

10.8.2 Guidance for employees involved in supporting children is contained in Section 13 of these procedures and guidance.

## 10.9 *Co-operation*

10.9.1 Following reporting and recording of concerns, employees should co-operate fully with subsequent enquiries, investigations and support plans as directed by the head of establishment/service manager and in consultation with appropriate agency representatives.

10.9.2 Co-operation could include compiling a report, attendance at case discussions, child protection conferences and reviews if agreed by the head of establishment/service manager.

10.9.3 Further guidance on co-operation is provided in Section 11 of these procedures and guidance.





# 11

## Co-operation

- 11.1 Co-operating with enquiries
- 11.2 Co-operating with an Investigative Interview
- 11.3 Communication between Agencies





## 11.1 *Co-operating with enquiries*

- 11.1.1 The local authority has a corporate responsibility for the care and protection of children. All Learning and Leisure Services' employees have a responsibility to co-operate with the enquiries of the social work department and any other statutory agency into any allegation of child abuse. This includes occasions when the initial notification of concern was not initiated by Learning and Leisure Service employees. When this occurs the head of establishment/service manager should complete Appendix 3 – 'Notification of Child Protection concerns when Learning and Leisure Services are not the source of the notification'.
- 11.1.2 This co-operation will involve providing background information on the child and family and provision of specific evidence, including reports and relevant examples of a child's work. It may also involve attendance at case discussions, child protection case conferences and review meetings. Employees should be aware that parents may have access to all reports and may attend meetings. Appendix 4, Child Protection Case Conference Form, should be completed following attendance.
- 11.1.3 Employees should assist the police in their enquiries. Should a case go to court, employees should be aware that citation as a witness or formal requests made by a court involve a legal obligation to comply.
- 11.1.4 Employees should also co-operate fully with all enquiries conducted by the Reporter, including provision of reports and attendance at any Children's Hearing, as appropriate to the circumstances. Parents/carers are given copies of reports and they and the child/children are likely to be at the hearing.
- 11.1.5 Assistance should also be offered to medical authorities as required. Employees should note that they are not in a position to provide consent to a medical examination in any circumstances (refer to section 2.10.1).
- 11.1.6 The head of establishment/service manager will be responsible for enabling the most appropriate employee to provide information and attend meetings. This will be the person who can best represent the child's interests.
- 11.1.7 Consideration should be given to determining how the child's view should be represented.

## 11.2 *Co-operating with an Investigative Interview*

- 11.2.1 Investigative interviews are now video recorded in North Lanarkshire within a dedicated suite at Motherwell Police Station. Mobile units are also in use.
- 11.2.2 At the planning stage of an investigative interview it may be agreed that the interview should take place in the establishment attended by the child. In these circumstances, it is essential that a room is allocated where video recording can take place in confidence and without any interruptions.
- 11.2.3 Social workers and police should take account of the wishes of the child when making arrangements for the interview.
- 11.2.4 In planning an investigative interview it is good practice for social workers and police to consult with Learning and Leisure employees regarding the needs of the child including the best means of communicating with the child, particularly if the child is very young or has additional support needs.
- 11.2.5 It is also good practice for consideration to be given to the availability of an appropriate employee to support the child, especially if the interview is taking place in the establishment. The employee should be available to support the child outwith the actual interview, as required.
- 11.2.6 There may be cases where, in order to ensure the child's safety the police or social workers may carry out an investigative interview without parental consent or participation and in occasional circumstances, without the parents' knowledge. The agency making this decision will record the reason for any decision to limit parents' or carers' involvement but will only proceed if the child has agreed to be interviewed.
- 11.2.7 In the event of such an interview taking place in the establishment, the Education Officer (Support for Learning) or Development Officer (Child Protection) should then be informed that such an interview has taken place.

### 11.3 *Communication between Agencies*

- 11.3.1 Communication at all stages in the child protection process is a vital component of inter-agency co-operation. There should be reciprocal provision of information and feedback between agencies. If employees require specific information or feedback they should make direct contact with the agency concerned (Section 9.5.4).
- 11.3.2 In all cases of children in attendance at educational establishments, the head can expect to be advised by the area social work office of the names of those children who are on the Child Protection Register. This information should be recorded in their Child Protection File. Additional injuries to these children, suspicion of abuse or unexplained absences should always be reported to the area office of the social work department immediately.
- 11.3.3 The child protection process can break down if a child changes address or uses a new name. When there is any level of suspicion of abuse or risk of future abuse in the case of a child who has just enrolled in an establishment and whose background is not well known, the head of the establishment should consult with the duty social worker as to whether the child could be on the Child Protection Register under another name or in another local authority.
- 11.3.4 Similarly if a child about whom there are concerns, including a child who is on the Child Protection Register, changes name or address the head should advise the social work department.
- 11.3.5 If the child leaves the establishment the head should try as far as possible to confirm where the child has been enrolled and inform the social work department of this. All information/files should be securely passed to the receiving establishment as soon as possible.
- 11.3.6 The E-Care Child Protection messaging alert system exists to share information in respect of Child Protection and children at risk. It is designed to improve information sharing within and between agencies and to improve child protection practice and contribute to better safeguarding and protection of children in Lanarkshire. Establishments are required to check and respond to these alerts on a daily basis.



# 12

## Monitoring

- 12.1 Monitoring within Learning and Leisure Services
- 12.2 Children Missing from Education
- 12.3 Maintaining Records and School Transfer



## 12.1 *Monitoring within Learning and Leisure Services*

12.1.1 The Development Officer (Child Protection) has responsibility to review, monitor, identify trends, record statistics, implement points for action and report regularly to the Education Officer (Support for Learning), the Head of Education (Quality and Development) and the Child Protection Committee.

## 12.2 *Children Missing from Education*

12.2.1 If a child ceases to attend school without notification normal non-attendance procedures should be carried out. For any child for whom there are child protection concerns, unexplained non-attendance should be reported immediately to Social Work.

12.2.2 If a child's destination remains unknown after four weeks a report should be submitted to the Education Officer (Support for Learning) using Appendix 8, Children Missing from Education.

12.2.3 Support for Learning section will undertake a search through SEEMIS, liaise with housing, health, social work and police.

12.2.4 If the child is not traced through SEEMIS or other agencies, a wider search for the child will be undertaken by the Development Officer (Child Protection) who is also the CME co-ordinator and who has access to national contacts in other local authorities.

12.2.5 Once the child is found, the CME co-ordinator will pass this information to the school and relevant agencies. If a child is not found, CME Scotland will be consulted.

12.2.6 Whilst their whereabouts remain unknown, pupils deemed Missing from Education should not be removed from the school roll without consent from the Development Officer (Child Protection). For further information refer to Management Circular B1 Pupil Attendance and Absence.

## 12.3 *Maintaining Records and School Transfer*

12.3.1 Where a child protection notification of concern has been received by Social Work and has proceeded to a Case Conference but the child's name has not been placed on the Child Protection Register, the school should maintain the record in the child's Health and Wellbeing File. This information should be sent to any establishment to which the child subsequently transfers.

12.3.2 If a child's name has been placed on the Child Protection Register, a record of this fact and associated documentation from Social Work and case conferences should be securely held in the Child Protection File of the school attended. When the child changes schools, the school should :

- inform the receiving school immediately that the child is on the Child Protection Register and securely transfer all relevant records
- share the child protection plan with the receiving school
- inform the case manager in Social Work.







# 13

## Support

- 13.1 Guidance on Supporting Children
- 13.2 Response to a Child who Alleges Abuse
- 13.3 Support Needs of a Child after Reporting
- 13.4 Support for Employees
- 13.5 Appearing in Court
- 13.6 Preparation for Appearing in Court: Children's Hearing
- 13.7 Children's Hearings and How They Work
- 13.8 Sheriff Courts and Your Evidence



## 13.1 *Guidance on Supporting Children*

13.1.1 When providing support for any child, but in particular for a child where abuse or risk of abuse is an issue, employees should take account of both the need to set limits on contact and the need to protect themselves from allegations of impropriety.

13.1.2 The following list provides guidance for employees' interaction with children.

- demeaning or suggestive remarks should never be made to, or in the presence of, children
- in certain circumstances employees have to provide privacy in their contact with children but they should always consider the appropriateness of being with a child 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
- employees should always be able to justify physical contact with a child in any situation
- physical contact to comfort and reassure a child should be agreeable to both the child and the adult, should be limited, and should be appropriate to the child's gender, age, religion, racial and cultural background
- physical contact in order to provide care for a child should only involve the level of contact necessary to provide such care
- some children with additional support needs will require a higher level of physical care than other children of their age but the physical contact involved should be limited to that necessary to provide such care
- if an employee has concerns about a relationship that is developing with a child, on the part of either individual, then these concerns should be shared with a senior member of the establishment/service.

## 13.2 *Response to a Child who alleges Abuse*

13.2.1 When a child is disclosing details of abuse, (especially sexual abuse), to an employee, it is important that employees know how to respond to the child. This is in the child's best interests, not only at the time of disclosure but also in order to promote the child's future ability to survive the abuse and the aftermath of the disclosure.

13.2.2 The employee 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
- 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
- do not show disbelief
- avoid being judgemental
- do not introduce personal or third party experiences of abuse
- avoid displaying strong emotions.

### *13.3 Support Needs of a Child after Reporting*

- 13.3.1 Following the reporting of concerns, the child in question may require support from Learning and Leisure employees. In the interest of confidentiality, specific information to assist employees in supporting the child should only be shared with those employees who need to know.
- 13.3.2 It is important that a specific employee is identified as able to respond to any specific needs.
- 13.3.3 As necessary, guidance should be sought from relevant Learning and Leisure personnel or other agency representative in order to meet specific needs.
- 13.3.4 The support being offered should address the needs of the child as identified by all those involved, including parents if this is appropriate in the circumstances.

### *13.4 Support for Employees*

- 13.4.1 These Child Protection Procedures and Guidance do not require employees to make allegations or to carry out investigations but to react to their suspicions or concerns for the wellbeing of children in good faith and in terms of the guidance.
- 13.4.2 It is recognised that dealing with concerns or suspicions relating to child abuse can have stressful consequences for employees. Support for employees in these circumstances is essential not only in order to meet the needs of the employees involved in the child protection process but also to meet the ongoing needs of the children concerned.
- 13.4.3 In all interactions between employees involved in child protection there has to be sensitivity to the possibility that some employees may have personal experiences of child abuse.
- 13.4.4 An employee may choose to disclose personal experiences and may require to be directed to appropriate sources of help e.g. Welfare Officer within Learning and Leisure Services or Development Officer (Child Protection).
- 13.4.5 Employees' support is provided through:
- provision of guidance on child protection
  - training on child protection procedures and guidance and related issues
  - development of a whole school policy on child protection
  - provision of structures at authority and establishment level which ensure all employees have regular information on child protection policy, procedures and guidance
  - provision of support networks within the establishment or service, both formal and informal
  - opportunities for consultation and collaboration with colleagues in other Learning and Leisure establishments and 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.

### *13.5 Appearing in Court*

- 13.5.1 If employees need specific information or support in relation to court proceedings and processes, should they be required to give evidence in court, they should contact the Authority's Legal Services section for assistance.
- 13.5.2 Advice on these matters is available to the head of establishment/service manager by contacting the Development Officer (Child Protection).
- 13.5.3 Preparation for appearing in a court forum is part of the multi-agency training programme.

## 13.6 Preparation for Appearing in Court: Children's Hearings

13.6.1 The Children's Hearings (Scotland) Act 2011 came into force on 24th June 2013. Under this Act the local authority has a duty to make inquiries into a child's circumstances under section 60 if it is considered:

- (a) that the child is in need of protection, guidance, treatment or control, and
- (b) that it might be necessary for a compulsory supervision order to be made in relation to the child

There are 16 grounds for referral under section 67 and fuller details are available on the Scottish Government website Scottish Children's Reporter Administration: Home and at <https://www.legislation.gov.uk/asp/2011/1/contents>

13.6.2 In nearly all cases the Reporter will already have made contact with the establishment and will have asked for an educational report. What is important about your educational evidence in these 'care' cases, is that it should show that:

- Learning and Leisure Child and Adult Procedures and Guidance were followed
- efforts were made by the establishment to try and address the problems identified
- accurate records were kept at the time of the concerns and of the sources of the concerns.

In these cases more than one employee may be invited to attend, to offer an overview (of one child over time, or of a number of children in a family).

13.6.3 Section 67(o) *the child has failed without reasonable excuse to attend regularly at school*

In advance of any proceedings, schools will be asked to provide a Certificate of School Attendance under Section 86c of the Educational Scotland Act 1980. This certificate shows the child's attendance details which the head teacher may be invited to 'speak to'. This involves confirming its validity and explaining:

- the circumstances of a child's non-attendance
- the action taken by the school to address any problem.

In many cases, teachers may attend to do this, but end up not speaking to the Reporter because:

- on the day the parents agree
- there is negotiation between the Reporter and the parents which may lead to a lessening of the figures of non-attendance whilst the issue itself is not disputed.

13.6.4 The importance of accurate, efficient records of a child's attendance is vital. The

Reporter needs these if she/he is to lodge this evidence in the Sheriff Court for proof, when the onus falls on the parents/carers to prove the reasons for absences.



## 13.7 *Children's Hearings and How They Work*

13.7.1 The Scottish Government website, <http://www.childrens-hearings.co.uk> is a useful source of information, and has pages introducing children, parents and the general public to the hearings system. These give a historical/legal background, with practical information about layout and conduct of hearings.

13.7.2 What you need to remember when attending a Children's Panel Hearing:

- be prepared to wait, although diary appointments are made in good faith, things can take longer than planned
- it may be a while since the event, collect a copy of what you have said, and revise it all carefully
- refer to factual evidence which is demonstrable, and external to you as a person
- provide checklists/records of your observations
- describe facts, events as observed, don't translate them into opinion
- if you are asked for your opinion, be prepared to show what it is based on
- predict possible alternative interpretations of what you are saying
- avoid jargon, avoid hedging, respond as spontaneously as you can
- if you feel that you are not being understood, ask for some time to explain things in another way
- remember why you are there, and focus on the objective information you have about the child/young person, the positives as well as the negatives.

## 13.8 *Sheriff Courts and your Evidence*

13.8.1 In cases where the grounds for referral to the Children's Hearing are in dispute, the case is likely to be referred to the Sheriff Court for it to decide whether the grounds for referral exist. In care and protection cases the standard of proof is the **balance of probabilities**.

In the Sheriff Court your evidence will be put to the test. It is the Reporter who will lead you through the evidence, having discussed this with you beforehand. Her/his purpose is to establish the facts through questioning based on the grounds of the referral, building up a picture of the child/young person.

This part of the evidence giving is, to some degree controlled, in contrast to what can happen when other legal representatives test your evidence (see below). It is very important that you have excellent records to refer to, for these will help to establish your credibility. In most cases your name will be on a list of witnesses, and there will be precognition agents on behalf of other parties, whose task is to get knowledge in advance of the nature of the evidence all witnesses are likely to be giving.

It is normally helpful for you to co-operate with these agents' requests, but do this at your convenience/time/place, rather than theirs, and see this as a way of going through your evidence. **Ask for a copy of the precognition and check it.** Seeing the precognition agent could lead to the case being negotiated away from the proof stage.

13.8.2 ***Sheriff Courts and how they work***

Child care cases are heard in civil courts and are not open to the public. Attendance hearings are heard in the criminal court to which the general public has access. In contrast to the informality of Children's Hearings, Sheriff Courts are formal places with many court employees dressed in gowns and wigs. You will be asked to take an oath or affirm that you will tell the truth. There will be a solicitor for each, or both, parent(s), whose task, in defending parents, is to raise and cast doubt about the nature of your evidence. The court may also have appointed a safeguarder to look after the interests of the child throughout the proceedings, so there could be an additional solicitor testing your evidence.



### 13.8.3 What you need to remember when giving evidence to a Sheriff Court:

- bear in mind all the points in the previous section on Children's Hearings
- if you are not comfortable in the waiting area, find out where else you can sit
- witnesses give evidence one at a time and leave afterwards
- the Reporter is bringing the case because she/he believes the case to be sound
- when you are put on oath, this will give you and the court an idea of what your voice sounds like, whether you are loud enough
- always stick to the question you have been asked, going on could be damaging
- tell the truth – if you don't know, or can't remember, say so
- refer to notes, records, providing they were made at the time, or shortly afterwards
- try not to be too defensive or hostile, use simple devices to calm down, like asking for a drink, asking if you can sit down, or if you can have a break
- look at the person asking the question, and then address your answer to the Sheriff
- remember that the defence solicitor/counsel may attempt to discredit your evidence, so keep this in mind when being questioned.

### 13.8.4 **Other Hearings where you may be cited to give evidence**

Civil Hearings held in the Sheriff Court, where employees may be cited, cover:

- adoption proceedings
- permanence order proceedings
- residence and contact disputes
- child welfare cases
- child protection orders.



13.8.5 The Authority's Legal Services, representing the Social Work Department, may lead evidence from class teachers/assistants as well as the Heads of Establishments in permanence order cases depending on the involvement of the witness in providing necessary support and guidance to the child. Furthermore, your evidence will be considered to be of value because it is independent of the social work processes.

Legal Services' role is to advise you, as a witness, on:

- court processes and procedures; and
- what to expect when you go to court, particularly court layout and etiquette

Further guidance is also available from Witnesses in Scotland website at <http://www.witnessesinscotland.com>

In custody cases:

- avoid taking sides
- keep evidence of what you have observed in school (differences in a child/young person's behaviour/work/performance after contact visits)
- remember that you will have a continuing relationship with parents/carers after the hearing.

You may be contacted by solicitors in private cases and there would also be precognition agents (see above).

Legal Services may not be aware of these cases, or of your involvement, but would be happy to give advice and support. If a case is set down, for example, for three days, your attendance within the three days may be negotiated. In these cases your documentation will probably be lodged in court.

There may be other cases where anything in school pupil records, including confidential material, that could be used to counteract other evidence, could be recovered and lodged in court. If you are unsure about the status of your records, check with Legal Services. It is your responsibility to ensure that you are familiar with the written records lodged as your evidence.



# 14

## **Learning and Leisure Services - Links with other Child Protection Agencies**

14.1 Child Protection Committees

14.2 Social Work

14.3 Police

14.4 Reporter

14.5 Procurator Fiscal

14.6 Health Professionals



## 14.1 Child Protection Committees

Co-operation in child protection is underpinned by joint agency procedures prepared by local inter-agency Child Protection Committees (CPCs), originally established in 1991. These procedures include:

- guidance as to the circumstances in which it is likely to be appropriate to initiate child protection procedures (i.e. at what point a concern becomes sufficiently serious to require child protection enquiries or investigation)
- information as to whom a notification of concern should be made, including arrangements both for intra-agency notifications and inter-agency notifications (for example directly to the police, the social work service or the Reporter)
- the information required for child protection enquiries or investigation on behalf of the Reporter to be pursued efficiently
- how this information should be recorded, the method by which it should be communicated, and how it should be stored
- the contributions expected of representatives of individual agencies to the investigation process, child protection case conferences and child protection planning
- sufficient information about the requirements of an effective joint investigation by police and social work so that all agencies, including Learning and Leisure Services, may receive notifications of concern from members of the public without compromising any subsequent child protection enquiries or police investigation. Any professional who has regular contact with children should be able to explain to the person making the notification of concern what will happen next.

These committees have been given the strategic role of developing, promoting, monitoring and reviewing local child protection policies in a joint forum, and allowing agencies to consider sharing resources to ensure their more effective and efficient use.

Learning and Leisure Services, in common with other agencies should be represented on them at a sufficiently senior level to ensure that the CPC can effectively influence the development of local policy and practice in child protection.

CPCs also take responsibility for promoting multi agency training on child protection issues.

## 14.2 Social Work

The local authority social work services have statutory duties to protect children. Concerns from individuals and other agencies about child abuse are notified to them for assessment. Within North Lanarkshire it has been agreed that an Initial Notification of Concern Discussion will follow all Notifications of Concern. This enables social work, police and health staff to participate in discussion around the decision making process and facilitates the early sharing of information among agencies. Further information will be gathered from other agencies as appropriate. Following assessment, social work may convene an initial child protection case conference to consider whether the child's name should be placed on the Child Protection Register and how social work and other agencies should be involved in providing support for the child. The timescale for this process is 21 days from receipt of the Notification of Concern.

It is also open to other agencies, when they feel that insufficient action is being taken, to formally request social work services to convene a Child Protection Case Conference about a child for whom they have serious concerns.

When the local authority receives information which suggests that a child may be in need of compulsory measures of supervision, social work services will make enquiries and give the Reporter any information which they have been able to discover about the child. As part of their investigations, social workers will normally seek information from schools on the child's academic progress, attendance and his or her emotional stability and wellbeing.

Local authorities have a duty to safeguard and promote the wellbeing of children in need in their area and, so far as is consistent with that duty, to promote the upbringing of children by their families, by providing a range and level of services appropriate to the children's needs. Some children who have experienced abuse or neglect will need continued support from the local authority, including specialist services and counselling. Some may need to be looked after by the local authority. Where a child is so supported or looked

after, Learning and Leisure Services have a responsibility to keep social work informed of any significant developments in relation to the child. Establishments should ensure that appropriate information is made available.

### *14.3 Police*

The police have a general duty to protect the public and to investigate where they believe that a criminal offence may have been committed. In pursuit of these investigations, the police may conduct a video recorded investigative interview (refer to section 11.2). Under normal circumstances any such interview would take place with parental consent, or with the parent/carer present. However, where it has not been possible to contact the parent/carer, or where it is not appropriate because the parent/carer is suspected of abuse and it is considered necessary to interview the child immediately, the head teacher, or another appropriate adult, acceptable to the child, should be available to support the child outwith the actual interview. The police will refer the case to the Procurator Fiscal where it appears that a prosecution should be considered. The police will give the Procurator Fiscal any information which will assist him or her to decide whether a criminal prosecution should take place. The police will refer a child to the Reporter if they believe that a child may be in need of compulsory measures of supervision, or if they have committed a crime.

### *14.4 Reporter*

On receipt of information from any source about a case which may require a Children's Hearing to be arranged, the Reporter will make an initial investigation. The Reporter may ask for information from other agencies or arrange for the local authority social work service to undertake an assessment or prepare a social background report. Generally the Reporter will seek a report from the establishment directly. In completing such reports, Learning and Leisure employees provide a full and complete picture of the child's functioning within the establishment environment. Following this investigation, and where it appears to the Reporter that a child may be in need of compulsory measures of supervision, he/she shall arrange a hearing to which a representative from the establishment may be invited. When an invitation is made, it is important that employees be released, where possible, to attend the Hearing. If the Reporter decides that a Hearing does not require to be arranged, he/she shall inform the child and any other relevant person, including the person who provided the original information. When a Hearing is not arranged, the Reporter may also, if appropriate, refer the case to the local authority so that the child and his or her family can be offered advice and guidance on a voluntary basis.

### *14.5 Procurator Fiscal*

The Procurator Fiscal, as the Lord Advocate's local representative, has a duty to investigate the circumstances of any crime or suspected crime brought to his or her attention. He or she acts in the public interest and decides whether to bring criminal proceedings. Where a matter has been referred to him/her, the Procurator Fiscal may interview witnesses. Child protection encompasses effective investigation and prosecution of offences against children. Decisions regarding criminal proceedings against adults or children are taken by the Procurator Fiscal in the public interest, which includes, but is not restricted to, the interests of the child as witness or accused. The gravity of the alleged offences and protection of the public are matters which require to be weighed but, in all actions concerning children, the Procurator Fiscal will have regard to Article 3 of the United Nations Convention on the Rights of the Child, which provides that the best interest of the child shall be a primary consideration.



## 14.6 Health Professionals

Health professionals (GPs, hospital and community-based doctors and nurses and other health care employees) are responsible for the physical and psychological wellbeing of their patients. They may be the first to see symptoms of abuse or neglect and should share information about any concerns arising from suspicions of abuse and neglect with the social work service, the police and the Reporter at an early stage. They may also share their concerns with the establishment attended by the child. Learning and Leisure employees may also seek the advice of the community paediatrician, public health nurse (health visitor) or local surgery in relation to injuries sustained by a child. However it should be noted that children and young people who are deemed 'competent' in the judgement of the doctor (generally 12 and above), may themselves give or refuse their consent to medical examination. Inter-agency plans to protect a child and provide support and assistance to families may involve close liaison between establishment and health employees to monitor the wellbeing of children.





# 15

## Adult Protection Reporting Procedures

- 15.1 Introduction and Background
- 15.2 The Responsibility of Employees
- 15.3 Help for Employees



## 15.1 Introduction and Background

15.1.1 The Council has responsibility under the Adult Support and Protection (Scotland) Act 2007 for the protection and support of adults at risk of harm within North Lanarkshire. Its employees therefore have the responsibility to ensure the welfare of all adults at risk of harm with whom they come into contact, as well as providing the highest possible standard of care for some of the most vulnerable members of our society. Learning and Leisure Services will implement the procedures outlined below to ensure the protection and support of adults at risk of harm throughout the wide range of services, activities, interest groups and facilities that the Services provides.

15.1.2 The purpose of this document is to ensure that all facilities and services have in place appropriate Adult Protection Procedures. These procedures clearly outline an individual employee's responsibility to respond to any situation where there is a concern about an adult at risk of harm, including reporting the matter to the appropriate agency.

15.1.3 This document outlines the procedures to be followed, how they should be implemented and the training and / or awareness needs of employees.

15.1.4 A copy of the introduction to part one of the Adult Support and Protection (Scotland) Act 2007 is attached to this document as **(Appendix D)** for background information.

15.1.5 An adult at risk of harm is a person aged 16 years or over who:

- **may be unable to safeguard their well being, rights, interests or their property**
- **may be harmed by other people, and**
- **because of a disability, illness or mental disorder are more at risk of being harmed than others who are not so affected.**

The presence of a particular condition may not mean an adult is an "adult at risk". Someone can have a disability but be able to safeguard their well-being etc. **All three elements** of this definition must be met for an adult to be considered "at risk". It is the whole of an adult's particular circumstances which can combine to make them more susceptible to harm than others.

15.1.6 An adult at risk of harm may be affected in different ways. Examples of types of harm include:-

1. Physical
2. Emotional/Psychological
3. Financial or Material
4. Sexual
5. Neglect
6. Discriminatory
7. Self harm

15.1.7 It is the responsibility of North Lanarkshire Council's Social Work Services to ensure that allegations concerning adult protection are investigated. All Council employees have a duty to report their concerns under the legislation. Reports go to the Locality Social Work Team where the person at risk resides **(Appendix C)** The police will be involved where it appears that a crime may have been committed, and employees may be expected to assist the police.

15.1.8 Section managers have a responsibility to ensure that all employees are made aware of the procedures. The procedures must be made known to all newly appointed employees as they take up post, including casual/seasonal employees. Employees in certain posts which have more contact with adults at risk of harm may also receive additional training where the section manager thinks this is necessary.

15.1.9 Where an allegation is made against an employee concerning any adult at risk of harm, the Adult Protection Procedures should be followed in the first instance with the normal disciplinary procedures being followed depending on the outcome of the investigation.

## 15.2 *The Responsibility of Employees*

15.2.1 Where it is known or suspected that an adult is at risk of harm and that intervention may be necessary to protect the adult, the following action must be taken:

15.2.2 Refer the incident by completing the **Adult Protection Referral Form & Actions Form [Form AP1] (Appendix A)** with as much information as you can. Then send by fax to the Locality Social Work Office or if not resident within North Lanarkshire Council the form must be sent to the appropriate Social Work Office in neighbouring councils (**Appendix C**). A copy should also be forwarded to the **DESIGNATED OFFICER**.

15.2.3 In the case of an emergency where urgent circumstances require immediate action and it is believed a crime has been committed the police should be called. Urgent circumstances could include, for example, the immediate avoidance of further harm, the avoidance of the destruction of evidence, or the need for an immediate place of safety for an adult at risk of harm. The procedure as outlined in 16.2.1 – 16.2.3 should then be followed to ensure referral is recorded and can be processed by Social Work Locality Office.

15.2.4 The responsibility of initiating an enquiry into allegations of harm of an adult at risk of harm rests with the Social Work Locality Team for the area the adult at risk of harm resides. Employees should not conduct enquiries but must report suspicions immediately using the **Form AP1 (Appendix A)**. This is to avoid contamination of evidence that could result from inappropriate investigation techniques being used.

15.2.5 If support, information or advice regarding an adult at risk of harm, whether an incident or a concern, is required employees should contact their line manager or Adult Protection Nominated Officer. A list of Adult Protection Nominated Officers (**Appendix B**).

15.2.6 The Service will hold a central register of all Adult Protection Reports monitored by the **DESIGNATED OFFICER**.

15.2.7 Designated Officer Contact details:

Bill Davidson

CLD Lifelong Learning Manager

Municipal Buildings

Kildonan Street

Coatbridge

ML5 3BT

Tel: 01236 812819

Mob: 07929 280162



### 15.3 Help for Employees

15.3.1 Employees have a duty to report their concerns or suspicions related to the abuse of an adult at risk of harm. It is recognised that there can sometimes be stressful consequences for employees involved in dealing with such cases. It should be remembered that employees are not being asked to carry out investigations, but are being asked to react to their suspicions or concerns for the wellbeing of adults at risk of harm in good faith and in terms of this document. In these circumstances employees will be fully supported by the Service.



<b>Adult Protection Referral Form &amp; Actions ( AP1)</b> <b>ALL AGENCIES</b>		
<p><b>All agencies use the AP1 with the exception of the Police who will use their own Referral Form at Appendix 8</b></p> <ul style="list-style-type: none"> <li><i>You must immediately report suspected or actual harm to your line manager and you have a legal duty to report any concerns to the Council Social Work Services if it is known or believed that a person is an adult at risk and that protective action is needed.</i></li> <li><i>All sections of <b>Part A</b> of the Referral Form require to be completed within <b>1 Normal Working Day</b> from the time of adult at risk consent or decision that there is sufficient evidence to prove a lack of capacity to consent.</i></li> </ul> <p><b>NB:</b> - If you do not have all the information required in <b>Part A</b> please do not delay and send the Referral information you have. Social Work Services will follow up on your referral and add any additional relevant and required information.</p> <p style="text-align: center;"><b>Part A</b></p>		
1. ADULT AT RISK DETAILS		
Name:		
Date of Birth:		
Social Work number:	Agency reference number:	
Address:		
Post Code:	Tel number:	
Gender:	Ethnic Origin:	Religion:
Any known communication difficulties: YES / NO		
If YES, please provide details including aids to communication that the adult may use		
<p><b>Living situation</b> e.g. lives alone, with spouse etc., type of accommodation, any known supports, caregivers their details, etc.</p>		
2. REFERRAL DETAILS		
Name of referrer:		
Address:		
Telephone number:	Email Address:	
Relationship to the adult being referred:		
<p><b>Is it suspected that a crime has been committed and have the police been informed?</b> (date &amp; time and any actions taken)</p>		

<b>Who else have you informed of this referral to Social Work Services?</b> (date & time and any actions taken)
<b>Details of the situation leading to referral?</b> (to include details of any specific incidents – dates, times, injuries, witnesses, evidence such as bruising)
<b>Do you believe the adult at risk is capable of understanding what has happened to them?</b>
<b>Have you obtained the adult at risk consent to make this referral?</b> If not please give the reason for referring without consent.
<b>What action, other than this referral, have you taken to ensure the adult at risk is now safe?</b>
<b>General practitioner</b>
Name:
Telephone No:
Address:

Other health professionals known to be involved	
Name/s:	Contact No/s:
<p><b>Details of person's physical and mental health as known to Health Professional:</b></p> <p><i>Confidentiality is important but for the purposes of allowing Councils to undertake the required inquires and investigations information to protect an adult at risk of harm relevant information should be shared. Please refer to your agencies procedures under Adult Protection Law.</i></p>	
<p><b>Adult at risk legal status at time of referral</b> e.g. MHCTA, AWI, Child Care Legislation</p>	
<p><b>Details of the alleged abuser – where known</b></p>	
Name:	
Relationship to person:	
Address:	
<p><b>Detail of any previous concern/incident</b> (to include dates, times, actions taken and outcomes)</p>	
Referrer Signature:	
Print Name:	
Date:	

<b>SECTION B</b>	
<b>ACTION TO BE TAKEN BY SOCIAL WORK SERVICES ON RECEIPT OF REFERRAL</b>	
<b>Within 5 days of receiving a written referral on Form AP1 the following actions MUST be completed by Social Work Services as the lead agency.</b>	
<b>Letter of acknowledgement to be sent immediately to referrer /organisation.</b>	
Form AP1 received ( date):- Form AP1, letter of acknowledgment sent (date):-	
<b>Referrer/Organisation to be advised in writing of the initial outcome of their referral</b>	
Advised (date):-	
<b>Referrer/Organisation to be invited to any subsequent adult protection meetings held by Social Work Services.</b>	
<b>Case Conference must be arranged within 10 days of receipt of referral to Social Work.</b>	
Invitation to Adult Protection Case Conference YES/NO (date sent):- Date of Case Conference:-	
<b>Enquire &amp; Complete any missing information not provided in Part A</b>	
Completed: (date) Reasons for non completion:-	
<b>ACTION – NO HARMFUL CONDUCT/CONCERNS</b>	
i.e. - Refer on to an appropriate agency/review existing care plan/ consider other adult legislation/ action taken and give reasons:-	
<b>ACTION – YES HARMFUL CONDUCT /CONCERNS</b>	
i.e. – Immediate Adult Protection Order sought/Investigate Further / Case Conference arranged and give reasons:-	



Note Primary Category of Referral	Note Primary Category of Referrer
Category is :-	Category is:-
<b>Codes</b> <b>A.</b> Physical Injury <b>B.</b> Sexual Abuse <b>C.</b> Physical Neglect <b>D.</b> Financial or Material Abuse <b>E.</b> Emotional /Psychological Abuse <b>F.</b> Neglect and acts of Omission by others charged with adult at risks care <b>G.</b> Self Neglect	<b>Codes</b> <b>1.</b> Social Work Statutory Employees in Council <b>2.</b> Employees at Council Residential Establishment <b>3.</b> Employees at Council Day Care Establishment <b>4.</b> Home Carer (Council) <b>5.</b> Housing in the Council <b>6.</b> Police <b>7.</b> GP/ Member of Primary Care Team <b>8.</b> Hospital Medical Employees/ Registrar/ Consultant/ /Nurse <b>9.</b> Clinical Psychologist/Psychiatrist <b>10.</b> Community Mental Health Team/Nurses/ Doctors/ MHO <b>11.</b> Substance Misuse Team <b>12.</b> Parent/Carer/ Guardian <b>13.</b> Neighbour/Friend <b>14.</b> Learning & Leisure in the Council <b>15.</b> Other ( Please Specify)
<b>All information from AP1 Form to be transferred to Councils Assessment &amp; Care Management IT Screens or held in Council Case Files. Information gained from Police Referral Form also to be recorded.</b>	<b>Date Completed :-</b>
<b>ALL QUESTIONS COMPLETED AND ACTION DECISION RECORDED ON INITIAL REFERRAL</b>	
Manager's Signature	
Print Name	Date

## Appendix B

### Learning & Leisure Services

Name/Service	Location	Email	Contact No	Mobile No
Community Learning & Development				
Bill Davidson	Lifelong Learning Manager	DavidsonB@northlan.gov.uk	01236 812819	07939280162
Liz Fergus	Youth Work Manager	FergusL@northlan.gov.uk	01236 812551	07939280169
Colin Coupar	Airdrie & North Locality Manager	CouparC@northlan.gov.uk	01236 638396	07939280239
Stewart Wright	Quality Assurance & Support Manager	WrightSt@northlan.gov.uk	01698 403841	7939280169
Fiona Campbell	Bellshill & Coatbridge Locality Manager (Temp)	CampbellFi@northlan.gov.uk	01236 638470	07535657329
Gordon Terris	Motherwell & Wishaw/ Shotts Locality Manager	TerrisG@northlan.gov.uk	01236 638370	07951079678
Sports & Outdoor Education				
Fiona Sinclair	Active Schools/ Sports Manager	SinclairF@northlan.gov.uk	01236 812288	07939284712
Schools & Early Years Establishments				
Nominated Officers	School/schools nominated officers are the same as the child protection coordinator within each establishment	As per child protection co-ordinator	As per child protection co-ordinator	As per child protection co-ordinator

## Appendix C

### Social Work Locality Offices

<b>Airdrie Area</b>	Tel 01236 757000 Fax 01236 757001 Floor 2, Coats House, Gartlea Road, Airdrie ML6 9JA
Bellshill Area	Tel 01698 346666 Fax 01698 748686 303 Main Street, Bellshill ML4 1AW
Coatbridge Area	Tel 01236 622100 Fax 01236 622137 122 Bank Street, Coatbridge ML5 1ET
Cumbernauld Area	Tel 01236 638700 Fax 01698 403080 Bron Chambers, Bron Way, North Carbrain Road, Cumbernauld G67 1DZ
Motherwell Area	Tel 01698 332100 Fax 01698 332165 Scott House, 73/77 Merry Street, Motherwell ML1 1JE
Shotts Area	Tel 01501 824700 Fax 01501 824711 169 Station Road, Shotts ML7 4BA
Wishaw Area	Tel 01698 348200 Fax 01698 348589 King's Building, King Street, Wishaw ML2 8BS

**For adults who do not reside within North Lanarkshire Council the following contacts should be used.**

East Dunbarton	Tel 0141 777 3000 Fax 0141 777 3010 Advice and Response Team The Triangle, Kirkintilloch Road, Bishopbriggs G64 2TR
Falkirk	Tel 01324 506400 (telephone referral in first instance – will give details of where to forward AP1 form)
South Lanarkshire	Tel 0303 123 1008
West Lothian	Tel 01506 282252

## The Adult Support and Protection (Scotland) Act 2007

### A short introduction To Part 1 of the Act

#### What's it all about?

The Adult Support and Protection (Scotland) Act 2007 was passed by the Scottish Parliament in February 2007 and received royal assent on 22 March 2007. Part 1 of the Act deals with the protection of adults at risk of harm. It is scheduled to come into effect in the autumn of 2008. This booklet is a brief summary of the provisions of Part 1 of the Act. You should refer to the Act itself if you need more detailed information and seek legal advice if you have any queries on its interpretation.

#### What does Part 1 of the Act do?

Part 1 introduces new measures to identify and protect individuals who fall into the category of 'adults at risk'. These measures include:

- placing a duty on councils to make the necessary inquiries and investigations to establish whether or not further action is required to stop or prevent harm occurring;
- a requirement for specified public bodies to co-operate with local councils and each other about adult protection investigations;
- a range of protection orders including assessment orders, removal orders and banning orders; and
- the establishment of multi-disciplinary Adult Protection Committees.

#### Who are 'adults at risk?'

The Act, defines 'adults at risk' as individuals, aged 16 years or over, who:

- are unable to safeguard themselves, their property, rights or other interests;
- are at risk of harm; and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than others who are not so affected.

The presence of a particular condition does not automatically mean an adult is an "adult at risk". Someone could have a disability but be able to safeguard their well-being etc. It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances which can combine to make them more susceptible to harm than others.

#### What is meant by 'harm?'

For the purposes of the Act, 'harm' includes all harmful conduct and, in particular, includes:

- conduct which causes physical harm;
- conduct which causes psychological harm (e.g. by causing fear, alarm or distress);
- unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion); and
- conduct which causes self-harm.

#### Principles Underlying the Act

The overarching principle underlying Part 1 of the Act is that any intervention in an individual's affairs should provide **benefit** to the individual, and should be the **least restrictive** option of those that are available which will meet the purpose of the intervention.

This is supported by a set of guiding principles which, together with the overarching principle, must be taken account of when performing functions under Part 1 of the Act. These are:

- the wishes and feelings of the adult at risk (past and present);
- the views of other significant individuals, such as the adult's nearest relative; their primary carer, guardian, or attorney; or any other person with an interest in the adult's well-being or property;
- the importance of the adult taking an active part in the performance of the function under the Act;
- providing the adult with the relevant information and support to enable them to participate as fully as possible;
- the importance of ensuring that the adult is not treated less favourably than another adult in a comparable situation; and
- the adult's abilities, background and characteristics (including their age, sex, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

## **What duties and powers does the Act contain?**

### ***Inquiries***

The Act places a duty on councils to make inquiries about an individual's well-being, property or financial affairs where the council knows or believes that the person is an adult at risk and that it may need to intervene to protect him or her from being harmed.

### ***Independent Advocacy and other support services***

The council has a duty to consider providing appropriate services, including independent advocacy, to support adults where an intervention under the Act is considered to be necessary.

### ***Investigations***

In order to make inquiries, the Act authorises council officers to carry out visits, conduct interviews or require health, financial or other records to be produced in respect of an adult at risk. The Act also allows a health professional (e.g. doctor or nurse) to conduct a medical examination. However, a person is not obliged to answer any questions put to them in an interview, and must be informed of their right to refuse to be examined before a medical examination is carried out.

### ***Co-operation***

The Act requires the following public bodies to co-operate with local councils and with each other, where harm is known or suspected:

- the Mental Welfare Commission for Scotland
- the Care Commission
- the Public Guardian
- all councils
- chief constables of police forces
- the relevant Health Board
- any other public body or office holder that Scottish Ministers specify

The public bodies or officers must advise the relevant council if they know or believe that a person is an adult at risk and that action needs to be taken in order to protect that person from harm.

### **Protection orders**

Part 1 of the Act allows a council to apply to the sheriff for a protection order. This can take one of three forms:

- an assessment order
- a removal order
- a banning or temporary banning order.

The sheriff may grant an order only if satisfied that certain criteria are met.

### **Assessment order**

This allows a council officer to take the adult from a place visited by the officer in the course of their investigations to conduct a private interview and for a health professional to conduct a medical examination in private. An application for an assessment order can only be made where it is necessary to establish if the person is an adult at risk and, if so, to establish whether further action is required to protect them from harm. An assessment order will only be necessary where it would not be possible to carry out a private interview or medical examination within the place being visited. Assessment orders are valid for up to seven days, but the assessment itself should be undertaken in the shortest time possible. It should be borne in mind that the assessment order does not have the power to detain the adult at risk in the place they are taken to and that the adult may choose to leave at any time.

### **Removal order**

This authorises a council officer to remove an adult at risk to a specified place where there is a likelihood of serious harm if they are not moved. This type of order may be varied or recalled by the sheriff where this is justified by a change in facts or circumstance of the case. Removal orders are effective up to a maximum of seven days. Again, a removal order does not authorise the adult's detention therefore the adult may leave the place they have been removed to if they wish.

### **Banning order**

This bans the subject of the order from being in a specified place, for up to six months. It can only be granted where an adult at risk is being, or is likely to be, seriously harmed by another person and the sheriff is satisfied that banning the subject of the order from the place will better safeguard the adult at risk's well-being or property than by moving the adult. The sheriff can also grant a temporary banning order pending the determination of a full banning order.

## **When might these measures be appropriate?**

The fact that council officers will be given powers to visit and make inquiries where it is believed an adult may be at risk of harm should allow early intervention where necessary, with the emphasis on prevention of harm. By virtue of the power to get through the door for a visit, it may become clear what support or other actions would be beneficial for an individual's particular situation, for example, by providing practical or emotional support or by taking measures under Adults with Incapacity or Mental Health legislation. It is anticipated that protection orders will be used sparingly. In most situations, and in line with the guiding principles of the Act, other less restrictive measures will be sufficient to protect the person concerned. However, in those circumstances where firmer action is required, this legislation puts in place sufficient powers to ensure those who need support or protection can have it.

## **Undue pressure**

A sheriff must not make a protection order if the sheriff knows that the affected adult at risk has refused to consent to the granting of the order, unless the sheriff reasonably believes that the affected adult at risk has been unduly pressurised to refuse consent and there are no steps which could reasonably be taken with the adult's consent which would protect the adult from harm.

An example of undue pressurise is where it appears that harm is being, or is likely to be, inflicted by a person in whom the adult at risk has confidence and trust, and that the adult at risk would consent if the adult did not have confidence and trust in that person. Another example of undue pressure would be where the adult is afraid of or being threatened by another person. However, this does not authorise a council officer or a health professional or other council nominee to ignore a refusal by a person to consent to participation in an interview, or a medical examination.

## **What safeguards are in place to protect the rights of individuals?**

- The principles underlying the Act emphasise the importance of striking the balance between an individual's right to freedom of choice and the risk of harm. These must always be taken into account when an intervention under Part 1 of the Act is being considered.
- A sheriff must not make a protection order if they know that the affected adult at risk has refused to consent to the granting of the order, except where the adult at risk is found to be under undue pressure to refuse to consent. The adult is still entitled to refuse to be medically examined or interviewed.



- Applications for all protection orders will be heard before a sheriff, unless the sheriff decides that by not holding a hearing the adult will be protected from serious harm and that it will not prejudice any other person affected by the application.
- The adult at risk may apply for a banning order to ban a person from a specified place (e.g. their home).
- The relevant parties may appeal against the granting of, or refusal to grant, a banning or temporary banning order.
- Statements expressed in advance about an individual's preferred care or treatment must be taken into account in line with the guiding principles.

### **Adult Protection Committees**

Part 1 of the Act creates an obligation on councils to establish multiagency Adult Protection Committees. These committees are responsible for overseeing local adult protection polices in their area and will each produce a biennial report on the exercise of the Committee's functions. They will also provide advice and information to those involved in adult protection work.

#### **Membership**

Councils are responsible for appointing the convener and committee members. While they may also appoint members to the Committee based on their relevant knowledge and skills, each committee must include nominated representatives from the relevant Health Board and police force. The Care Commission also has the option to nominate a representative. Committee procedures must also allow representatives of the following bodies to attend meetings:

- the Mental Welfare Commission for Scotland;
- the Public Guardian
- the Care Commission (where a representative has not already been nominated to be a member)
- any other public body or office holder that Scottish Ministers may specify by order

### **More Information about the Act**

To keep up to date with progress on implementation of Part 1 of the Act, you can sign up to receive a copy of the quarterly newsletter. Please contact:

#### **Adult Protection Legislation Team**

2 East Rear, St Andrew's House, Regent Road, Edinburgh EH1 3DG

Telephone: 0131 244 3633

Email: [ASPunit@scotland.gsi.gov.uk](mailto:ASPunit@scotland.gsi.gov.uk)

Website: [www.scotland.gov.uk/topics/health/care/VAUnit](http://www.scotland.gov.uk/topics/health/care/VAUnit)

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**Employees Awareness Pamphlet  
Adult Protection: Awareness and Procedures**

## **Introduction**

The Council has a duty to make inquiries to establish whether action is required where it is known or believed that an adult is at risk of harm. Where an office holder in a public body knows or believes that a person is an adult at risk, the office holder must report the facts and circumstances.

It is therefore the responsibility of all employees in Learning & Leisure Services to protect adults at risk of harm from all forms of abuse and discrimination, and to ensure that they are treated equally regardless of age, gender, race, culture, religion, language or ability.

This document tries to ensure that all employees in the Service is aware of Adult Protection issues, the forms it can take, its recognition and the steps to take in its prevention.

## **Who is an adult at risk of harm?**

### *Who are 'adults at risk?'*

The Act, defines 'adults at risk' as individuals, aged 16 years or over, who

- **are unable to safeguard themselves, their property, rights or other interests;**
- **are at risk of harm; and**
- **because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than others who are not so affected.**

The presence of a particular condition does not automatically mean an adult is an "adult at risk". Someone could have a disability but be able to safeguard their well-being etc. It is important to stress that **all three elements** of this definition must be met. It is the whole of an adult's particular circumstances which can combine to make them more susceptible to harm than others.

## **What is Harm?**

'Harm' includes all harmful conduct and, in particular, includes:

- conduct which causes physical harm;
- conduct which causes psychological harm (e.g. by causing fear, alarm or distress);
- unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion); and
- conduct which causes self-harm.

## **Categories of Harm**

Harm can take many forms and in practice categories frequently overlap. The following have been recognised as the main categories. The list is not exhaustive and should be used as a tool in conjunction with professional judgement when considering an individual's specific circumstances.

### **1. Physical**

This involves actual or attempted injury to an adult. Examples include:

- Physical assault e.g. punching, pushing, slapping, tying down, giving food or medication forcibly or covertly.
- Use of medication other than as prescribed.
- Inappropriate restraint e.g. using bedrails to prevent someone getting out of bed or locking doors to keep people in.

**2. Emotional/Psychological**

This results in mental distress for the adult at risk of harm. Examples include:

- Threats of harm, swearing, shouting, bullying, humiliation.
- Manipulation or the prevention of the use of service or facilities, which would aid or enhance life experience.
- Isolation or sensory deprivation.

**3. Financial or Material**

This involves the exploitation of the resources and belongings of an adult at risk of harm and can be by paid or unpaid carers. Examples include:

- Theft or fraud
- Pressure to hand over or sign over property or money
- Misuse of money, property or resources e.g. spending an adult at risk of harm's benefit without their agreement or buying inappropriate goods that the adult will not benefit from.

**4. Sexual**

This involves sexual activity where the adult at risk of harm cannot or does not give their consent. Examples include:

- Incest.
- Rape, indecent assault e.g. inappropriate touching.
- Acts of gross indecency.
- Any sexual activity that a person does not understand or want

**5. Neglect**

This involves severe exposure of a person to danger, or failure to fulfil their basic needs whether on a single occasion or on a persistent basis. Examples

- Denial of food, sleep, clothing.
- Failure to provide warmth, shelter, medical treatment.
- Failure to provide for psychological wellbeing.
- Denial of medication.

**6. Discrimination**

This involves treating someone less favourably because of race, religion, sexual orientation or disability. Examples include:

- Verbal abuse.
- Offering services of an inferior nature.
- Denial of access to additional communication needs/support.
- Denigration of culture or religion.
- Failure to respect differences and resulting needs.

**Responding to Incidents or Concerns**

Being a victim of harm can be devastating and the sooner action is taken to prevent further harm, the better. If you recognise any of the above signs of harm occurring within your working environment please follow the procedure outlined below:

**The Adult Protection Referral Form & Actions (AP1)**

This is used in all incidents whether a serious incident or a concern an employee may have about an adult at risk of harm. The purpose of this form is to report the incident to the Social Work Locality Office for action or in the case of a concern to report to the **DESIGNATED OFFICER** to monitor and report if there is a recurrent problem, or an accumulation of minor incidents, which are causing concern.

Your Social Work Locality Office to report any such incidents is:

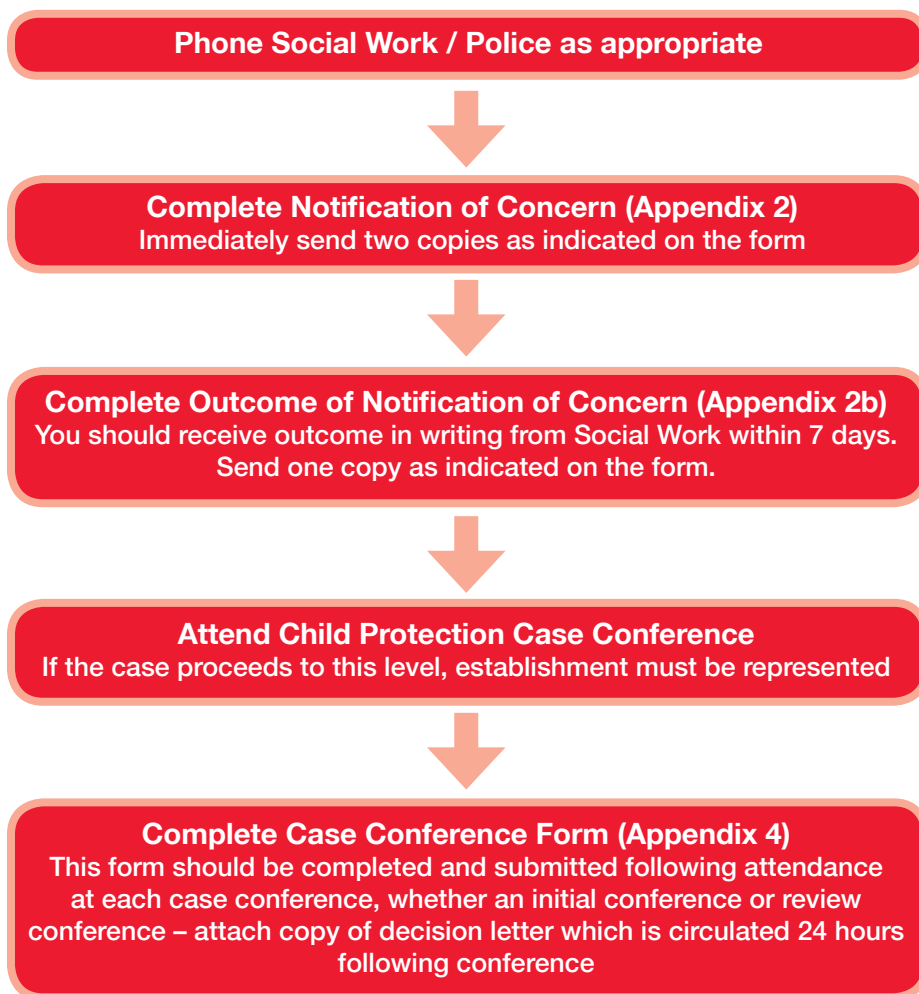
.....

The Social Work Locality Office may convene a case conference as a result of a report being made. Employees should note that they might be asked to attend any such conference and/or assist the police or medical authority in their enquiries.

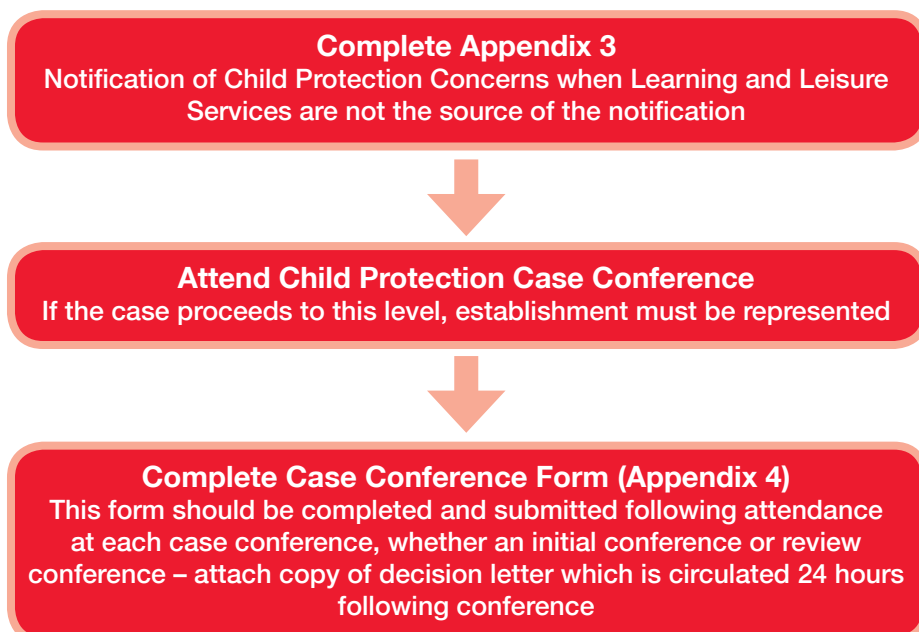
*It is important to remember that the protection of adults at risk of harm in our community is the responsibility of everyone.*

*Essential Paperwork*

1. *Concern identified under Child Protection*



2. *Another agency informs establishment of a Child Protection concern. This would also apply to children starting nursery or transferring from another local authority and who are already involved in the Child Protection process.*



# 16

## Appendices

Appendix 1 Management Circular C5

### Essential Paperwork

Appendix 2 Notification of Concern

Appendix 2b Outcome of Notification of Concern

Appendix 3 Notification of Child Protection concern when Learning and Leisure Services are not the source of the notification

Appendix 4 Child Protection Case Conference Form

Appendix 5 Child Protection Contact List/Network of Support

Appendix 6 Contact Log

Appendix 7 Chronology of Significant Events

Appendix 8 Children Missing from Education

Appendix 9 Reporting Procedures within Community Information and Learning (CIL)





## 1 Introduction

1.1 The aim of this circular is to assist all Learning and Leisure Services employees in working in a multi-disciplinary context with children and their families. The shared responsibilities of Learning and Leisure Services and other agency employees are to protect children from abuse and exploitation, to respond appropriately when abuse is identified, and to ensure whenever possible that all children are able to exercise their right to be raised in a warm, stimulating and safe environment with the support of staff, their families and carers.

### 1.2 **The circular takes account of research, best practice and recommendations following child protection investigations.**

The procedures outlined must be followed meticulously at all times by all employees, and should be implemented in conjunction with Child and Adult Protection Procedures and Guidance which is available in every establishment.

## 2 Role of the Head of Establishment/Service Manager

2.1 The head of establishment/service manager is the key employee with responsibility for all child protection issues.

2.2 These responsibilities include the following:

- (1) Ensuring that the North Lanarkshire Child and Adult Protection Procedures and Guidelines are brought to the attention of all employees on an annual basis, that employees have access to the guidance, are issued with the Child Protection Action Guidance leaflet and that a copy of the leaflet is displayed on each employee noticeboard.
- (2) Ensuring that the guidance in the Child and Adult Protection Procedures and Guidance and Child Protection Action Guidance leaflet is followed.
- (3) Ensuring that all employees know there is a named child protection co-ordinator in the establishment/service.
- (4) Developing establishment policy and practice to meet national and local authority guidance.
- (5) Ensuring child protection training for all employees.
- (6) Supervising child protection work, including Health and Wellbeing development initiatives.
- (7) Informing the Parent Council and all parents/carers of Child and Adult Protection Procedures and Guidance initiatives as appropriate, including the provision of relevant information in the establishment handbook.
- (8) Developing links with other Learning and Leisure Services establishments and agencies, to promote the protection of children.

## 3 Role of the Child Protection Co-ordinator

3.1 The duties associated with the co-ordinator's role will be undertaken or delegated by the head of establishment/service manager, taking account of local circumstances.

These responsibilities include:

- Being familiar with the information contained in the Child and Adult Protection Procedures and Guidance.
- Supporting the head of establishment/service manager in ensuring that the contents of the Child Protection Action Guidance leaflet are brought to the attention of all employees annually and that employees have access to the guidance and a copy of the leaflet.

- Co-ordinating Health and Wellbeing education programmes for pupils.
- Co-ordinating support within the establishment for specific children/young people.
- Co-operating on behalf of the establishment/service with inter-agency child protection support plans.
- Liaising with other establishments and external agencies.
- Being responsible for updating the Child Protection Agency Contact List/Network of Support, Contact Log and Chronology of Significant Events (Appendices 5,6,7) in the Child and Adult Protection Procedures and Guidance.

#### 4 *Grounds for Concern*

Grounds for concern about the safety and wellbeing of a pupil can arise from a wide range of circumstances and will generally be covered by the following events:

- a child/young person states that abuse has taken place or that he/she feels unsafe
- a third party or anonymous allegation is received
- a child's/young person's appearance, behaviour, play, drawing or statement arouses suspicion of abuse
- a child/young person reports an incident of abuse which occurred some time ago
- employees witness abuse

#### 5 *Responding to Grounds for Concern: Guidance for all Learning and Leisure Services Employees*

- 5.1 Any grounds for concern should be reported immediately to the head of establishment/service manager. Where the grounds for concern are noted by a member of an external service and the child/young person concerned does not attend a Learning and Leisure Services establishment, then the employee should report the issue to his/her head of service. On no account should employees tell a parent/carer about what has happened at this stage.
- 5.2 If there is direct evidence or suspicion of child abuse the matter must be reported immediately. The employee should not wait to gather evidence, nor agree to keep the information secret or discuss the matter with others.
- 5.3 Employees must follow the guidance given by the head of establishment/service in relation to recording concerns, supporting the child/young person, co-operating with subsequent actions to investigate the grounds for concern and protecting the child or children concerned.
- 5.4 All information recorded must be relevant, accurate, signed and dated as it may be needed for legal purposes at a later stage. The information should include a clear, succinct chronology of events, all relevant factual information and a summary of the employee response and any agreements reached.
- 5.5 When attending child protection case conferences, employees should provide an accurate report for the meeting and provide appropriate feedback to the head of establishment/service manager in relation to the outcome of the meeting.
- 5.6 It is essential that there is no delay in initiating protection procedures even where the child protection co-ordinator/head of establishment/service manager is absent from the establishment. In this circumstance, staff should contact the Education Officer (Support for Learning) or Development Officer (Child Protection) at Learning and Leisure Services headquarters.

#### 6 *Responding to Grounds for Concern: Additional Guidance for Heads of Establishment/Service Managers*

- 6.1 Heads of establishment/service managers should treat notification from employees of grounds for concern as a priority for action. The following steps should be taken:
  - consider the immediate needs of all children/young people involved
  - take emergency action if required

- gather and ensure clarity of information offered by staff in relation to incident
  - ask staff to record, sign and date relevant information
  - store all information in a confidential incident file
- 6.2 Heads/Managers/CP Co-ordinators should immediately notify the duty senior social worker at the social work area office all cases where there are grounds for concern about child abuse. A medical emergency should be reported immediately to the Medical Services and, if required, first aid should be administered before reporting the incident to the duty senior social worker.
- 6.3 Urgent circumstances may require help from the police, for example to immediately avoid further abuse, to ensure the immediate pursuit of an alleged abuser or to avoid destruction of evidence.
- 6.4 The grounds for concern and action taken should be recorded, signed and dated (on the same day) using the Notification of Concern form (Appendix 2 of Child and Adult Protection and Guidance). Two copies should be sent immediately as indicated on the form. The copy retained in the establishment should be stored in the confidential incident file.
- 6.5 Heads of establishment/service managers should co-operate fully with all statutory agencies who may become involved.
- 6.6 The child or children involved should be supported as appropriate.
- 6.7 The Child Protection Case Conference form, Appendix 4, should be completed after attending a Case Conference and returned to the Development Officer (Child Protection) at Learning and Leisure Services Headquarters in Kildonan Street.

## 7 *Exceptional Circumstances*

- 7.1 When an employee is not satisfied with the head of establishment's/service manager's decision in responding to the grounds for concern the employee should discuss the matter with him/her. If the employee is still dissatisfied and continues to have concerns about the possibility of abuse, the employee should consult the Education Officer (Support for Learning) or the Development Officer (Child Protection).
- 7.2 If an employee, including the head of establishment/service manager, is alleged to be involved in child abuse then this must be reported immediately to the Executive Director of Learning and Leisure Services or an available Head of Service.

## 8 *Supporting the Child*

- 8.1 Throughout the child protection process, Learning and Leisure Services employees have a responsibility to support the child/young person appropriately within the establishment or service. This will normally be in co-operation with other relevant personnel.
- 8.2 During any disclosure of abuse by a child/young person the employee should respond in a sensitive and supportive manner. The following strategies should be adopted:
- listen with care
  - treat the allegation in a serious manner
  - reassure the child that he or she is right to tell
  - affirm the child's/young person's feelings as expressed by them
  - 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/young person
  - do not show disbelief
  - do not be judgmental
  - do not introduce personal or third party experiences of abuse
  - do not display strong emotions

## 9 Co-operating with Agencies involved in Child Protection Process

- 9.1 Following reporting and recording of concerns, employees should co-operate fully with subsequent investigations and support plans as directed by the head of establishment/ service manager and in consultation with the appropriate agency representatives. This may include attendance at case discussions, child protection conferences and reviews.

## 10 Missing Children

- 10.1 If a child/young person stops attending school without notification and normal non-attendance procedures have failed to locate their whereabouts after 4 weeks, the Education Officer (Support for Learning) should be notified using Appendix 8 of Child and Adult Protection Procedures and Guidance with as much information on the child/young person and their family as possible.
- 10.2 If a child/young person stops attending school but the name of a forwarding school has been given, and the receiving authority for that school fails to request records after 4 weeks, the head of establishment should notify the Education Officer (Support for Learning) using Appendix 8 of Child and Adult Protection Procedures and Guidance
- 10.3 In such circumstances, the Education Officer (Support for Learning) or designated officer will liaise with the relevant colleagues in Housing and Social Work Services, and NHS Lanarkshire.

## 11 Maintaining Records and School Transfer

- 11.1 Where a Notification of Concern has been received by Social Work and has proceeded to a Case Conference but the child's/young person's name has not been placed on the Child Protection Register, the establishment should maintain the record in the child's Health and Wellbeing File. This information should be sent to any establishment to which the child/young person subsequently transfers.

If a child's/young person's name has been placed on the Child Protection Register, a record of this status and associated documentation from Social Work and case conferences should be securely held in the child's/young person's confidential Child Protection File in the establishment which he/she continues to attend. When the child/young person changes establishment, the establishment which the child/young person is leaving should:

- inform the receiving establishment immediately that the child/young person is on the Child Protection Register and transfer all relevant records
- share the child's/young person's child protection plan with the receiving establishment
- inform the case manager in Housing and Social Work Services

## 12 Internet Access

- 12.1 All staff need to be vigilant to protect children/young people whose use of the internet and online services could render them vulnerable to abuse. Advice on internet security, electronic communication security, cyber bullying and misuse of camera phones is included in management circulars J3, J3a and J6.

## 13 Employee Support

Dealing with child protection issues can have stressful consequences for employees. Learning and Leisure Services have a duty of care to all employees. Support or support for unaccustomed tasks can be accessed through the Education Officer (Support for Learning) or Staff Welfare Officer.

This management circular is a guideline and not a substitute for the Child and Adult Protection and Guidance document, a copy of which is available to employees.

<b>NOTIFICATION OF CONCERN (CHILD PROTECTION)</b>			
This form should be completed following initial notification of concern being passed verbally to Police or Social Work as your follow up in writing.			
<b>Agency details</b> (the agency completing Notification of Concern)	Name:		
	Address:	Agency and Designation:	
		Tel No:	
		Fax:	
		Email:	
In relation to this Notification of Concern please detail:			
Date of initial verbal discussion:			
Details of person with whom discussion took place (Police/Social Work employee and locality)			
Details of the advice given at this time			
Has the parent(s)/carer(s) been advised that concerns have been shared?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Child for whom you are notifying concern			
Name: <i>(including Forename and Surname)</i>	Home Address:	Current Address:	DOB:
			Unique Identifier:
			CHI:
			SEEMIS:
Name of Establishment attended:		Contact Person:	Person's Contact Details:
Is this child/young person looked after at home or away from home?			
Please advise of any communication needs: <i>e.g. English as an additional language/hearing impairment</i>			
<b>Family Details</b>			
Parent 1	Name:	Address:	Unique Identifier:
			DOB:
Parent 2	Name:	Address:	Unique Identifier:
			DOB:
Other Carer 1	Name:	Address:	Unique Identifier:
			DOB:
Other Carer 2	Name:	Address:	Unique Identifier:
			DOB:

<b>Siblings</b>			
	<b>1</b>	<b>2</b>	<b>3</b>
Name			
Address			
DOB			
Unique Identifier			
Name of Establishment			
	<b>4</b>	<b>5</b>	<b>6</b>
Name			
Address			
DOB			
Unique Identifier			
Name of Establishment			
Summarise your current concerns, including child's views and parent's views if known and any other information relating to child's circumstances. <i>(Attach any single agency assessments/plans/chronologies if available)</i>			
Please tick which category is relevant to your Notification of Concern.		Physical Injury	<input type="checkbox"/>
		Physical Neglect	<input type="checkbox"/>
		Sexual Abuse	<input type="checkbox"/>
		Emotional Abuse	<input type="checkbox"/>
What are the family, you or your agency currently doing to support this child?			
Are you aware of actions from any other agency being taken to support child/family currently, or in the past?			



Are you aware of any previous Notifications of Concern (Child Protection)? If so, please provide details of any outcome that you are aware of.		
Is the Named Person aware of the Notification of Concern?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the Lead Professional aware of the Notification of Concern (where applicable)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Named Person details	Name:	
	Address:	
	Agency and Designation:	
	Tel No:	
	Email:	
	Fax:	
Lead Professional details	Name:	
	Address:	
	Agency and Designation:	
	Tel No:	
	Email:	
	Fax:	
Date form completed		

**Send copies of this Notification of Concern immediately to:**

Copies to:	Date sent:
Locality Social Work Manager at local SW area office	
Education Officer, Support for Learning*	

*\* Education Officer is located in NLC Learning & Leisure, Support for Learning Section, Municipal Buildings, Kildonan Street, Coatbridge, ML5 3BT*

*Appendix 2b*

**Outcome of Notification of Concern**

Please complete and return this form **immediately** you receive feedback on the outcome of your Notification of Concern. If you have not received written feedback within 7 days, please contact Social Work to ascertain the outcome.

Establishment	
Pupil's Name	
Date of Birth	
Date of Original NOC	

Social Work Department should advise on outcome of Notification of Concern in writing within 7 days of receiving notification. Please indicate outcome as follows:	
No Further Action	
Case Discussion	
Case Conference	
Request for Assistance to Reporter	
Child Protection Order	
Child Assessment Order	
Exclusion Order	
Date of feedback from Social Work	

**The establishment must send one copy of this form, immediately, as follows:**

- copy to Development Officer (Child Protection), Learning and Leisure Services, Support for Learning Section, Municipal Buildings, Kildonan St, Coatbridge, ML5 3BT

Date sent: .....

Appendix 3

**Notification of a Concern from another Agency**

Local Authority notification of Child Protection concerns when Learning and Leisure Services are **not** the source of the notification i.e. another agency or individual has notified the establishment of the concerns.

*(Also use this form if a child starts nursery or transfers into your school from another authority and is already involved in the CP process).*

Establishment	
Head of Establishment	
Contact Number	

Child's Name		
Date of Birth		
Address (including postcode)		
Siblings Names	Siblings Dates of Birth	
Previous Schools / Nurseries Attended		
Name of Parent / Carer		

Social Work:	
Area Team	
Social Worker	
Senior Social Worker	
Source of Notification (i.e. SW/Health/Police/Other)	
Date you were notified	
Details of Concern:	

<b>Action Taken by Agencies and/or Outcome of Concern if already known, (e.g. Case Conference, Child Protection Order or No Further Action etc.)</b>	
Establishment	
Social Work	
Other Agencies	
Signed	Date

*Please submit this form as soon as you are notified of the concern to Development Officer (Child Protection), Support for Learning Section, Learning and Leisure Services, Kildonan St, Coatbridge ML5 3BT*

*Appendix 4*

**Child Protection Case Conference Outcome**

To be completed following every Child Protection Case Conference, attached to case conference decision letter (which is circulated by Social Work 24 hours following conference), then sent to:

Development Officer, (Child Protection) Support for Learning Section,  
Municipal Buildings, Kildonan Street, Coatbridge ML5 3BT

Date of Original Referral			
Date of Initial Case Conference		Placed on CP Register?	Yes/No
Date of Review Case Conference		Date of Deregistration	

Head of Establishment		Family Surname	
Establishment		Child/children's Surname	
		Family Address	
Telephone Number			
		Telephone Number	

Child/children's Name(s)	DOB	Establishment

Address (if different from above)

Significant Others' Names	Address	Relationship to Child

<b>Outcome of Conference</b>	
On Child Protection Register? (delete as appropriate) Yes / No	
<b>Category</b>	
Physical injury <input type="checkbox"/>	Sexual abuse <input type="checkbox"/>
Physical neglect <input type="checkbox"/>	Emotional abuse <input type="checkbox"/>
Planned Educational actions following child protection case conference:	
Request for Assistance to Reporter? (delete as appropriate) Yes / No	
Review Date:	
Name & designation of person who attended Case Conference:	
Signature:	Date:







Appendix 7

**Chronology Of Significant Events**

Date of Birth	Child's Name		
Appropriate Unique Identifier	CHI	SEEMIS	MYSWIS/SWIS+

	Descriptor of Significant Event	Source of Information	Action Taken	Signature
Date:				
Time:				
Date:				
Time:				
Date:				
Time:				
Date:				
Time:				
Date:				
Time:				

Appendix 8

**Children Missing from Education**

REASON FOR REPORT	
Child's Name	Date of Birth
School	
Class	
Address	
Previous School	
Number of Previous Schools	
Name of Parent/Guardian	
Address (if different from above)	

ATTENDANCE					
Please attach printout for this session if available					
Last 4 Weeks		This Session		Last Session	
Possible	Absences	Possible	Absences	Possible	Absences

Please give any known reasons for absences (e.g. illnesses, late-coming, holiday, exclusion, truancy, other unauthorised absence)	
Give number of absences attributable to each category, if known, and describe any pattern of absences	
Concerns	
Action to date e.g. Home contact attempted, Attendance Officer, Emergency Contacts etc.	
Head Teacher's Signature	Date

Head Teachers should refer to Management Circular B1, Pupil Attendance and Absence, Appendix D, before submitting this form to Development Officer (Child Protection), Support for Learning Section.

**Reporting Procedures within Community Information and Learning (CIL)**

- Notification of Concern (Child Protection)
- Immediate Action
- Contact Duty Social Worker or Police (If out of office hours contact social work standby 0800 121 4114)
- Inform Line Manager A.S.A.P
- Submit Notification of Concern (Appendix 2) as indicated on the form to Social Work and a copy to Education Officer (Support for Learning) Learning & Leisure Services

***Exception***

When a child is in School or Nursery provision and an employee of CIL has a concern regarding a pupil, they should notify the Head Teacher or the School/Nursery Child Protection Co-ordinator rather than going directly to the Police or Social Work.

They should also inform their Line Manager of the concern and submit a Notification of Concern to the Education Officer (Support for Learning), Learning & Leisure Services.

# 17

## References



## References

- Adult Support and Protection (Scotland) Act (2007)
- Children (Scotland) Act, 1995
- Children's Hearings (Scotland) Act 2011
- Criminal Justice (Scotland) Act 2003
- HMIE (2005). How well are children and young people protected and their needs met? Self-evaluation
- HMIE (2009). How well do we protect children and meet their needs?
- Prohibition of Female Genital Mutilation (Scotland) Act 2005
- Scottish Executive (2002). "It's everyone's job to make sure I'm alright"
- Scottish Executive (2003). Vulnerable Children and Young People, Guidance Pack
- Scottish Executive (2004). Protecting Children and Young People - The Children's Charter
- Scottish Executive (2004). Children's Charter and a Framework for Standards
- Scottish Executive (2006). Getting it right for every child, GIRFEC
- Scottish Government (2008). A New Approach to Tackling Scotland's Drug Problem
- Scottish Government (2008). Early Years and Early Intervention
- Scottish Government (2008). National Domestic Abuse Delivery Plan for Children and Young People
- Scottish Government (2009). Changing Scotland's Relationship with Alcohol: A Framework for Action
- Scottish Government (2009). Safer Lives: Changed Lives – A Shared Approach to Tackling Violence against Women in Scotland
- Scottish Government (2010). National Guidance for Child Protection in Scotland 2010.  
Available at: <http://www.scotland.gov.uk/resource/doc/334290/0109279.pdf>
- Scottish Government (2010). National Guidance. Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns.  
Available at: <http://www.scotland.gov.uk/Resource/Doc/333495/0108880.pdf>
- Scottish Government (2011). Forced Marriage, Statutory Guidance 2011.  
Available at: <http://www.scotland.gov.uk/Resource/Doc/363697/0123466.pdf>
- Scottish Government (2013). Getting Our Priorities Right
- Sexual Offences (Scotland) Act 2009

**Further information on Child Protection is available on the Child Protection Scotland website at:**  
<http://www.childprotectionscotland.org>

**North Lanarkshire Child and Adult Protection Procedures and Guidance, August 2013**

