

# Independent Advocacy Perth and Kinross

## CHILD PROTECTION POLICY AND PROCEDURE

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### 1. Introduction

Staff and volunteers must always be aware that the welfare and protection of children is a strict legal and moral responsibility.

The purpose of this policy is to:

- Outline the duty and responsibilities of staff and volunteers working on behalf of IAPK in relation to child protection
- Enable staff/volunteers to make informed and confident responses to specific child protection issues

The attached procedure outlines action to be taken when a child protection concern is raised/ staff and volunteers become aware of a child protection issue. It reflects National Guidance for Child Protection in Scotland.

For the purposes of this policy secondees and student placements are hereafter deemed to be staff and will comply with this policy.

### 2. Underlying Principles, Context and Legal Framework

For the purpose of this policy, a child is defined as a person under the age of 16. However, this policy also covers 17-year olds who are at risk of, or suffering, abuse through sexual exploitation.

All children have the right to protection from all forms of abuse including exploitation, neglect, physical abuse, mental abuse and sexual abuse regardless of their age, disability, gender, racial heritage, religious belief, sexual orientation or identity. The United Nations Convention on the Rights of the Child (1989) also states that children have the right to express their views on any issues or decisions affecting them and to have those views taken into consideration.

This policy reflects the principles contained within the following legislation and guidance:

- Inter-agency Child Protection Procedures
- Perth and Kinross Guidance on Child Sexual Exploitation
- The Children (Scotland) Act 1995
- The Children & Young People (Scotland) Act, 2014
- The Children's Hearing (Scotland) Act, 2011
- The Children and Young Persons (Scotland) Act 1937
- The Criminal Procedure (Scotland) Act 1995

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- Schedule 1 (as amended)
- Sexual Offences (Scotland) Act 2009
- Protection from Abuse (Scotland) Act 2001
- Criminal Justice (Scotland) Act 2003
- Prohibition of Female Genital Mutilation (Scotland) Act 2005
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- Legislation on managing adults who may pose a risk to children
- Police & Fire Reform (Scotland) 2012
- Police Act 1997
- Protection of Vulnerable Groups (Scotland) Act 2007 (PVG)
- Sexual Offences (Procedure and Evidence) (Scotland) Act 2002
- Vulnerable Witnesses (Scotland) Act 2004
- Victim and Witnesses (Scotland) Act, 2014
- Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
- The Anti-social Behaviour, Crime and Policing Act 2014
- Adoption and Children (Scotland) Act 2007
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Data Protection Act 1998
- Human Rights Act 1998
- UN Convention on the Rights of the Child
- Equality Act 2010
- Getting our priorities right 2012

This policy should be read together with the following IAPK policies:

- Adult Protection
- Confidentiality
- Client Record
- Whistleblowing
- Recruitment and Selection
- Risk assessment- Disclosures
- Ethical
- Staff Supervision
- Staff Appraisal
- Continuous Professional Development
- Anti-bullying, Harassment and Dignity
- E-mail and Data Storage
- Reporting and Reviewing Incidents and Accidents

This policy should also be read together with local guidelines for Child Protection.

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### **3. What is child protection?**

- 3.1 Child protection means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. Equally, in instances where a child may have been abused or neglected but the risk of future abuse has not been identified, the child and their family may require support and recovery services.
- 3.2 IAPK recognises the additional needs of children from minority ethnic groups and disabled children and the barriers they may face, especially around communication. We also recognise the additional barriers young carers face.
- 3.3 IAPK recognises that the mental health and wellbeing of a parent impacts of any children within the family.
- 3.4 Children are often identified as being at risk of significant harm not as a result of a one-off incident but rather because of increasing, ongoing concerns about their circumstances. These concerns may appear relatively minor in themselves but, together, trigger a need to act.

### **4. Staff and Volunteer Responsibilities**

- 4.1 All staff and volunteers working on behalf of IAPK have a duty to promote the welfare and safety of children and will at all times uphold the requirement that child protection is the responsibility of all.
- 4.2 All services will hold a copy of the child protection guidelines issued by their Local Authority. All staff should read and be familiar with these guidelines
- 4.3 If an IAPK member of staff becomes aware that a child may be at risk, or that a person may be abusing a child or children, and where the child is not considered to be at immediate risk, staff will consult with their line manager/ supervisor/designated senior member of staff in the team as soon as possible that day.
- 4.4 In all cases where there is knowledge or suspicion that a child is suffering abuse or is at risk of suffering abuse a referral will be made to Social Work or the Police. In doing so staff will follow the IAPK Child Protection Procedure outlined below
- 4.5 When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without

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informed consent. Similarly, any decision not to share information should also be recorded.

- 4.6 It is the responsibility of statutory agencies to determine the significance or otherwise of the information given to them. Background information might be requested and any information that is relevant to the enquiry should be provided by IAPK staff.
- 4.7 Staff will record in full all matters relating to this concern including any observations, conversations and other relevant material. Decision-making depends on having sufficient, succinct, accurate and accessible records. Staff will make a clear distinction between facts, hearsay and opinions.
- 4.8 Managers will ensure that all staff understand and have the necessary information on how to contact the local social work services in their area of operation.
- 4.9 All teams will refer complex matters of Child Protection to a senior manager.
- 4.10 All staff will comply with the Accident and Incident Policy in terms of recording child protection matters

### **5. Disclosure of historic abuse**

On occasions, adults disclose abuse that happened to them as children. The person may be clear that they now wish to make a complaint to the police and should be advised as to how to do this. Sometimes, however, the disclosure may emerge in another context, or the adult making the disclosure may not wish to report the matter to the Police. If so, there is a responsibility on those involved with the advocacy partner to consult with Social Work or the Police when the identity is known /divulged of the alleged abuser. This is to protect children who may currently be at risk from the alleged perpetrator.

### **6. Child Sexual Exploitation**

'The sexual exploitation of children and young people is an often-hidden form of child sexual abuse, with distinctive elements of exploitation and exchange. Child sexual exploitation is defined in The National Guidance for Child Protection in Scotland (2014) and Scotland's National Action Plan to tackle Child Sexual Exploitation as a form of sexual abuse, in which a young person is manipulated or forced into taking part in a sexual act. This could be as part of a seemingly consensual relationship or in return for attention, affection, money, drugs, alcohol or somewhere to stay. The young person may think that their abuser is their friend, or even their boyfriend or girlfriend, but they will put them into dangerous situations, forcing the young person to do things they do not want to do. The abuser may be male or female; they may threaten the young person physically or

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verbally or be violent towards them. They will control and manipulate them and try to isolate them from friends and family.

Child sexual exploitation can occur through the use of technology, without the child's immediate recognition; for example, being persuaded to post sexual images on the internet or on a mobile phone, without immediate payment or gain. In all cases, those exploiting the child or young person will have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common. Involvement in exploitative relationships is characterised in the main by the child or young person's limited choice, resulting from their social, economic and emotional vulnerabilities.'

Sexual exploitation is abuse and IAPK staff and volunteers have responsibilities to respond appropriately and in line with IAPK Policy and local child protection procedures for reporting and sharing concerns.

IAPK staff should note that a 'dual approach' is key in tackling Child Sexual Exploitation. A dual approach is one where a young person must be both engaged with and supported, and there is also a focus on proactive investigation and prosecution of those involved in sexually exploiting the young person.

Staff should refer to the appendix for indicators of Child Sexual Exploitation.

### **7. Confidentiality**

7.1 IAPK recognises that confidentiality is an important factor in enabling advocacy partners to engage confidently and honestly with IAPK; this is an essential requirement of successful working relationships.

7.2 It must be made clear to all advocacy partners that concerns for the safety and well-being of a child would be a situation that gave rise to the need to share information and breach confidentiality if necessary.

### **8. Staff and Volunteer Training and Development**

8.1 All staff and volunteers will receive training, appropriate to their role, during induction and throughout their time with IAPK which will enable them to:

- know the basic principles of Getting it Right for Every Child (GIRFEC)
- understand and recognise different types of harm
- know their organisation's policies and procedures in relation to child protection
- know their own responsibilities for sharing of information if they suspect harm has or is likely to occur; feel confident in recognising and reporting child protection issues

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8.2 In addition, child protection will be discussed in supervision and team meetings, appropriate to the role of each person and team, with a view to focusing on child protection, the roles and responsibilities of all staff, familiarisation with the Child Protection Policy and Guidelines. It is the responsibility of Line Managers to ensure this happens.

### **9. IAPK Recruitment procedure**

IAPK recruitment procedures take child protection into account. Procedures include:

- All applicants for posts are required to complete an application form and provide the name of 2 referees
- All references are taken up prior to a post being confirmed
- All required qualifications are shown at interview/time of appointment and are authentic
- Relevant roles require the job holder to be a member of the Protecting Vulnerable Groups (PVG) Scheme
- IAPK discharges its legal duty to refer information to Disclosure Scotland about an employee or volunteer if they believe they have or may harm a child
- IAPK will not knowingly employ a barred person in regulated activity
- The requirement for enhanced disclosure checks for all staff working directly with advocacy partners

### **10. Other Administrative Procedures**

- We will keep a record on the case management system the name of every child supported by IAPK, including relevant medical details given to us, and a contact name and number in case of emergencies.
- We will not delete any child protection records.

### **11. Responses to Concerns**

Every child, regardless of age, has at all times and in all situations a right to feel safe and protected from any situation or practice that results in a child being physically or psychologically damaged. In our organisation if we have suspicions about a child's physical, sexual or emotional wellbeing, we will take action.

#### **Where there are Concerns about a Child's Wellbeing**

- Where possible, conduct 1:1 sessions that take place at least within sight and hearing of others.
- Be aware that someone-else might misinterpret actions even if they are well intentioned.

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- Provide time for children and young people to talk to us.
- Take suitable action to stop any threatening verbal or physical behaviour on the part of the parent, carer or other person.
- Respect a child's right to personal privacy.
- Never trivialise or exaggerate child abuse issues.
- Refrain from interrogating or questioning a child other than to clarify understanding. (If the matter is to be investigated further, it will be so done by trained professionals.)
- Be honest - in that you may have to talk to someone-else who can help.
- Remain calm, no matter how difficult it is to listen to the child.
- Listen to the child - **REALLY LISTEN** - taking what they say seriously.
- Share concerns with the Chief Executive or Senior Independent Advocate who have agreed to monitor child protection issues.
- Remember to REFER not INVESTIGATE any suspicions or allegations about abuse.
- Only share concerns and seek support from those identified in the IAPK's child protection policy.

*If the situation is clearly urgent, e.g. the child is too frightened to go home or IAPK have very serious doubts about the child's safety, we will contact Perth and Kinross Social Work and Perth and Kinross Health and Social Care Partnership. If your concerns are more general about a child's welfare, then discuss these with the Chief Executive/Senior Independent Advocate, who would then make a referral to Perth and Kinross Social Work and Perth and Kinross Health and Social Care Partnership, who in turn will make the necessary arrangements. It is important that all volunteers and staff communicate concerns accurately as described below.*

- Upon suspicions being raised, or on the receipt of any information from a child, it is necessary to record what has been seen, heard or known of at the time the event occurs.
- If we have concerns, we must act - it may be the final piece of the jigsaw that is needed to protect that child, or we may prevent other children from being hurt.

### **CHILD PROTECTION POLICY APPENDIX**

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#### **What is child abuse and child 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.

#### **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 caring for.

#### **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.

#### **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.

#### **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



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also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from non-organic failure to thrive", where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature.

With young children in particular, the consequences may be life-threatening within a relatively short period of time.

### **Bullying**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

- Bullying is an unacceptable form of behaviour through which a child/young person or groups feel threatened, abused or undermined by another individual or group.
- Bullying is behaviour that can be defined as a repeated attack of a physical, psychological, social or verbal nature by those who are able to exert influence over others.
- Bullying can take many forms. It may include physical aggression, intimidation, threatening, extorting, pressurising, name-calling or teasing.
- Less obvious examples, such as ignoring or excluding someone, are also regarded as bullying, and their possible effects should not be minimised.
- Bullying can cause stress and can affect a child's health.

### **Indicators of Child Sexual Exploitation**

Possible indicators of sexual exploitation, which workers should be aware of are as follows:

- Staying out late or episodes of being missing overnight or longer;
- Multiple callers (unknown adults/older young people);
- Evidence of/ suspicion of physical or sexual assault; disclosure of assault followed by withdrawal of an allegation;
- Unplanned pregnancy and/or Sexually Transmitted Infections (STIs);
- Peers involved in sexual exploitation;
- Drugs/alcohol misuse;
- Isolation from peers/social networks;
- Exclusion or unexplained absences from school or college;
- Relationships with controlling adults;
- Entering/leaving vehicles driven by unknown adults;

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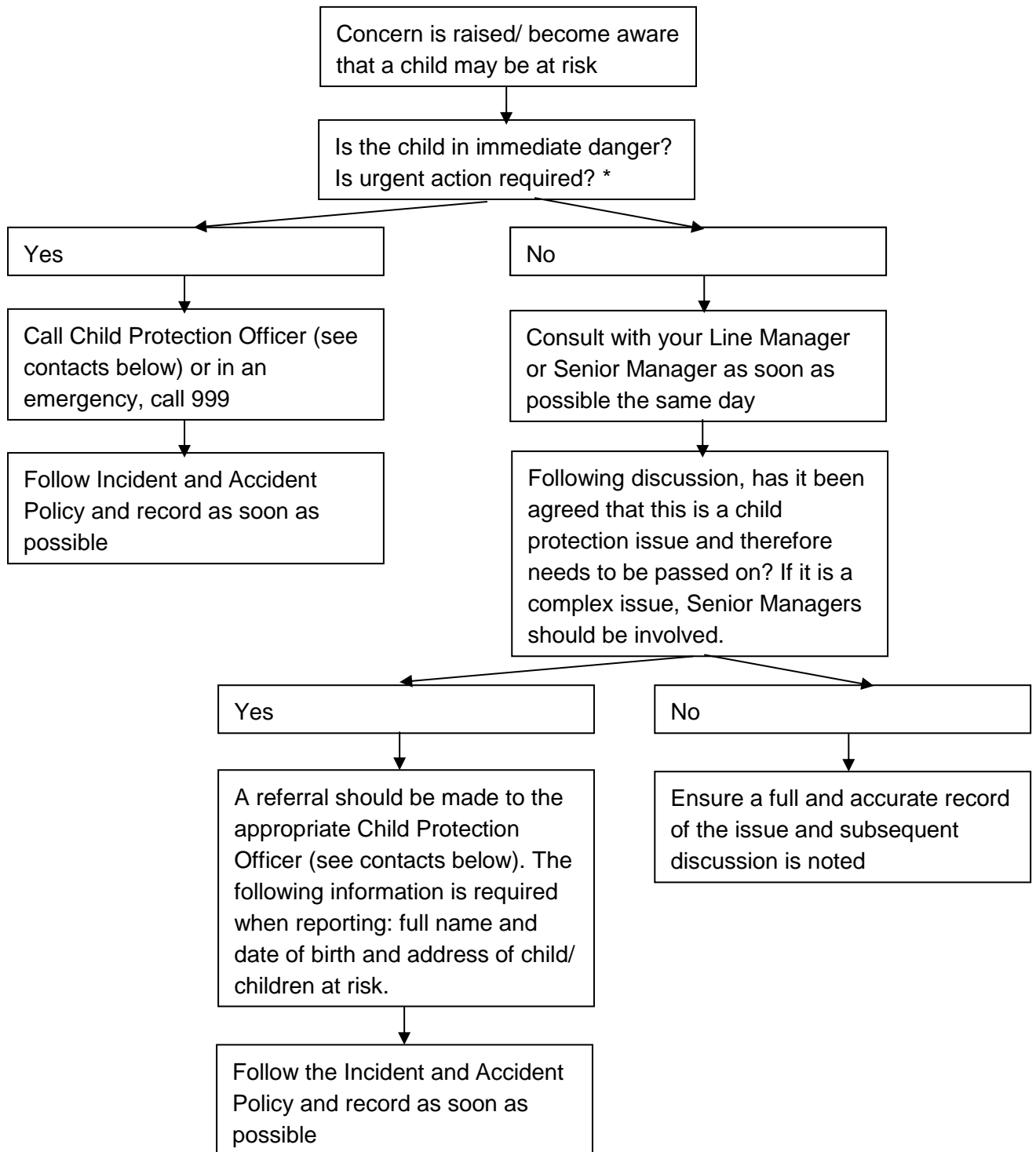
- Unexplained amounts of money, expensive clothing or other items;
- Frequenting areas known for adult prostitution;
- Children under 13 years asking for sexual health advice;
- Concerning use of the internet/mobile phone.

Reference: The Edinburgh and Lothians Inter Agency Child Protection Procedures Appendix C (page 82) notes alerting signs of child abuse and child protection in specific circumstances. See also <https://www.pkc.gov.uk/childprotection> for a full range of advice and contacts.

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## CHILD PROTECTION PROCEDURE

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\* This can include not only as a result of a one-off incident but rather because of increasing, ongoing concerns about their circumstances. These concerns may appear relatively minor in themselves, but together, trigger a need to act.

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### CHILD PROTECTION CONTACTS

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The following list child protection telephone numbers for nearby local authorities. Staff can also contact **Police on 101 (or in an emergency 999)** or contact any health professional.

<p><b>Dundee City</b></p> <ul style="list-style-type: none"><li>• 01382 307999 (24 hr)</li></ul> <p><a href="https://www.dundeeprotectschildren.co.uk/">https://www.dundeeprotectschildren.co.uk/</a></p>
<p><b>Fife</b></p> <ul style="list-style-type: none"><li>• 03451 551503 Office hours</li><li>• 03451 550099 Out of Hours number</li></ul> <p><a href="http://www.fifechildprotection.org.uk/minisites/index.cfm?fuseaction=page.display&amp;pageid=29853D84-65BF-00F7-D1CDAF02638BF0FF&amp;siteID=AA73CD9C-E7FE-C7EA-06436BFC786E1C8E">http://www.fifechildprotection.org.uk/minisites/index.cfm?fuseaction=page.display&amp;pageid=29853D84-65BF-00F7-D1CDAF02638BF0FF&amp;siteID=AA73CD9C-E7FE-C7EA-06436BFC786E1C8E</a></p>
<p><b>Perth and Kinross</b></p> <ul style="list-style-type: none"><li>• 01738 476768 Child Protection Duty Team - (24 hours)</li></ul> <p><a href="http://www.pkc.gov.uk/article/17673/Are-you-worried-about-a-child-or-young-person-">http://www.pkc.gov.uk/article/17673/Are-you-worried-about-a-child-or-young-person-</a></p>
<p><b>Stirling</b></p> <ul style="list-style-type: none"><li>• 01786 471 177 (office hours)</li><li>• 01786 470 500 (out of hours)</li></ul> <p><a href="https://my.stirling.gov.uk/social-care-health/childcare-family-care/child-protection/">https://my.stirling.gov.uk/social-care-health/childcare-family-care/child-protection/</a></p>