

Operations

Child Protection Policy

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2 Introduction

“Protecting children is everyone’s responsibility”. The child protection landscape in Scotland is ever changing and has developed considerably over the past decade, with online safety, child trafficking, child exploitation, children affected by parental alcohol and/or drug misuse, and parental mental illness, being just some of the specific issues that have become the focus of attention in recent years. The Scottish Government [National Guidance for Child Protection in Scotland 2014](#) offers advice and guidance on: overarching principles, new legislation and contemporary approaches in dealing with these issues at both a National and Local level.

The Scottish Government wants Scotland to be the best place in the world for children and young people to grow up so they become: successful learners, confident individuals, effective contributors and responsible citizens. All children and young people (including unborn babies) have the right to be cared for and protected from harm and abuse and to grow in a safe environment in which their rights are respected and their needs met. Children and young people should get the help they need, when they need it and their **safety is always paramount**.

Child protection has to be seen in the context of the wider [Getting it right for every child \(GIRFEC\)](#) approach, the [Early Years Framework](#) and the [UN Convention on the Rights of the Child](#). GIRFEC promotes action to improve the wellbeing of all children and young people in eight areas. These wellbeing indicators state that children and young people must be healthy, achieving, nurtured, active, respected, responsible, included and above all in this context **safe**. At the heart of the GIRFEC approach is an emphasis on early, proactive intervention in order to create a supportive environment and identify any additional support that may be required as early as possible.

3 Scope

This procedure applies to Kibble Education and Care Centre along with the following associated and subsidiary companies:

- Kibbleworks (KW)
- Kibble Campus Developments (KCDL)
- Kibble Construction (KCL)
- Kibble Trading Limited (KTL)

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4 Aim

Within Kibble we endeavour to maintain a culture which places the young person at the centre and works in the best interests of the child.

The aim of this policy is to provide a common basis for all staff to operate in order to ensure that the Centre consistently fulfils its purpose and function – the provision of the quality and care and education in an environment for all young people placed in Kibble.

This policy sets out Kibble Education and Care Centre’s policies and procedures around Child Protection.

5 Responsibility

Child protection is the responsibility of all who work with children and families, regardless of whether that work brings them into direct contact with children. All workers should be fully informed of the impact of adult behaviour on children and of their responsibilities to keep them safe. Social Work Services and the Police have a legal responsibility to investigate child protection concerns, but they can only do this if they are made aware of those concerns. Similarly, Children’s Reporters can only arrange for Compulsory Measures of Supervision to be put in place if children are referred to them.

All services that work with children and/or their carers are expected to identify and consider the child’s wellbeing, and to share appropriate information with others collaboratively with the child, their family and other services. Services and agencies that may previously have seen their role as being to “pass on” concerns are now expected to take a proactive approach to identifying and responding to potential risks, irrespective of whether the child in question is their “client”, “patient”, or “service user”. The role of the Named Person, as defined by the [Children and Young People \(Scotland\) Act 2014](#), is key to information sharing and the management of concerns about children. Where the role is in place the Named Person will be the single point of contact with responsibility for promoting, supporting and safeguarding the children’s wellbeing. The Act also introduces a legal duty to share information that is likely to be relevant to the Named Person functions.

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6 What is a Child?

A clear and consistent understanding of the different concepts and terminology in child protection is essential. If action to support and protect children is to be informed and effective, all stakeholders must have a clear, consistent understanding of what is meant by terms such as “child”, “child abuse”, “neglect” and “child protection”.

A child can be defined differently in different legal contexts:

In terms of Part 1 of the [Children \(Scotland\) Act 1995](#), a child is generally defined as someone under the age of 18. In terms of Chapter 1 of Part 2, a child is also defined as someone under the age of 18.

The [Children’s Hearings \(Scotland\) Act 2011](#) now contains the current provisions relating to the operation of the Children’s Hearings system and child protection orders. Section 199 states that, for the purpose of this Act, a child means a person under 16 years of age. Children who are subject to compulsory measures of supervision under the act on or after their 16th birthday are also treated as children until they reach the age of 18, or the order is terminated. Where a sheriff remits a case to the Principal Reporter under section 49(7)(b) of the [Criminal Procedure \(Scotland\) 1995](#), then the person is treated as a child until the referral is discharged, any compulsory supervision order made is terminated, or the child turns 18.

The [United Nations Convention on the Rights of the Child](#) applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child.

The meaning of a child is extended to cover any person under the age of 18 in cases concerning: Human Trafficking; sexual abuse while in a position of trust [Sexual Offences \(Scotland\) Act 2009](#) and the sexual exploitation of children under the age of 18 through prostitution or pornography [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#). Under the [Children and Young People \(Scotland\) Act 2014](#) a “child” is defined as someone who has not attained the age of 18.

Although there may be some variation in law on the legal definitions of the age of a child the priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection. The individual young person’s circumstances and age will, by default, dictate what legal measures can be applied. [The Adult Support and Protection \(Scotland\) Act 2007](#) may be applied to over 16’s where the criteria is met.

7 What is an adult at risk

Adults at “risk” are defined in Section 3 of the [Adult Support and Protection \(Scotland\) Act 2007](#) as adults who are unable to safeguard their own wellbeing, property, rights or other interests, are at risk or because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

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8 What is child protection, abuse and significant harm

8.1 What is Child Protection?

“Child Protection” means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. Equally, in instances where a child may have been abused or neglected but the risk of future abuse has not been identified, the child and their family may require support and recovery services but not a Child Protection Plan. In such cases, an investigation may still be necessary to determine whether a criminal investigation is needed and to inform an assessment that a Child Protection Plan is not required.

There are also circumstances where, although abuse has taken place, formal child protection procedures are not required. For example, the child’s family may take protective action by removing the child from the source of risk. Children who are abused by strangers would not necessarily require a Child Protection Plan unless the abuse occurred in circumstances resulting from a failure in familial responsibility. For example, if a child is abused by a stranger, a Child Protection Plan may be required only if the family were in some way responsible for the abuse occurring in the first instance.

8.2 What is harm and significant harm in a child protection context?

Child protection is closely linked to the risk of “significant harm”. “Significant harm” is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family. Where there are concerns about harm, abuse or neglect, these must be shared with relevant agencies so that they can decide together whether the harm is, likely to be, significant. [The Children and Young People \(Scotland\) Act 2014](#), introduces a legal duty for a wide range of public bodies and those commissioned or contracted to them to share such concerns with a child’s Named Person. Through early and effective intervention and the sharing of wellbeing concerns it is hoped that crisis can be avoided in many cases.

In order to understand the concept of significant harm, it is helpful to look first at the relevant definitions:

“Harm” means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, “development” can mean physical, intellectual, emotional, social or behavioural development and “health” can mean physical or mental health.

Whether the harm suffered, or likely to be suffered, by a child or young person is “significant” is determined by comparing the child’s health and development with what might be reasonably expected of a similar child.

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8.3 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 failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them, or more rarely, by a stranger. Assessments will need to consider whether abuse has occurred or is likely to occur.

The following definitions show some of the ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child.

8.3.1 Physical Abuse

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

8.3.2 Emotional Abuse

Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent 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.

8.3.3 Sexual Abuse

Sexual abuse is in 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 indecent images or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

8.3.4 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, 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.

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

[National Guidance for Child Protection in Scotland 2014](#)

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9 Indicators and situations of risk

9.1 Recognising Actual or Potential Harm to a Child

If you are worried about a child:

Kibble staff across all services should be alert to signs that a child may be in need of support or protection, and know where they can get help for a child if they need it. They have a responsibility to ensure that they attend learning and development opportunities provided by the CHCP and/or the Child Protection Committee regularly.

Indicators of risk or concern about a child can arise in a number of ways, e.g., an accumulation of concerns, a single significant incident, observation of child and parent interaction, or information from a relative, other agency or a member of the public. The child may be living with or affected by: Parental Alcohol, Drug Misuse, Mental Health and Illness Disability, Domestic Abuse, Neglect.

In general, there may be indicators of risk which cause concern and could be an indication of a child being abused or neglected. The child may have: unexplained bruising or bruising in an unusual place; appear afraid, quiet or withdrawn; be afraid to go home; appear hungry, tired or unkempt; be left unattended or unsupervised; have too much responsibility for their age; be acting out in a sexually inappropriate way; be misusing drugs or alcohol; running away or self-harming.

Not all children who are abused or neglected will display these signs and equally a child may display some of these signs and symptoms for other reasons.

9.2 Child Sexual Exploitation

The sexual exploitation of children and young people under 18 includes exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities.

Exploitation can occur through use of technology without the child's immediate recognition, for example, the persuasion to post sexual images on the internet or mobile phones with no immediate payment or gain. In all cases those exploiting the child have power over them and violence, coercion and intimidation are common. These exploitative relationships are characterised in the main by the child's limited availability of choice resulting from their age, level of understanding, physical strength, social and economic situation and/ or emotional vulnerability.

Concerns of an exploitative nature should be seen in the context of child protection. Workers should be aware that children who go missing from home or their placement may be additionally vulnerable to exploitation, including sexual exploitation.

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9.2.1 Non-disclosure

It is important that practitioners are aware that young people who are victims of CSE rarely directly disclose because they often do not recognise their own exploitation. For example, a young person may believe themselves to be in an adult relationship with their abuser. Disclosure of sexual exploitation can be particularly difficult for young people; the sophisticated grooming and priming processes conducted by perpetrators and the exchange element of this form of abuse can act as additional barriers to disclosure. Examples of other reasons for non-disclosure include:

- Fear that perceived benefits of exploitation may outweigh the risks, e.g., loss of: Supply of alcohol, drugs; the relationship and associated love and attention;
- Fear of retribution or that situation could get worse;
- Fear of violence within exploitative relationship;
- Shame;
- Fear of not being believed;
- Fear of labelling, e.g., as a prostitute or gay;
- Fear of separation from family and/or threat of secure;
- Loss of control; fear of Police involvement and court proceedings

[National Guidance for Child Protection in Scotland 2014](#)

9.3 Children and young people who place themselves at risk

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

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

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

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For more information, see the sections on Problematic or harmful sexual behaviour, Under-age sexual activity and Missing children.

[National Guidance for Child Protection in Scotland 2014](#)

9.4 Children and young people who are missing

Describing a child or young person as missing can cover a range of circumstances. In this context, the term missing also includes children who are unseen or hidden. A child, young person or family (including unborn children) can be considered as missing in different contexts: children who are missing to statutory services. This can include a child or family's loss of contact with, or their invisibility to, a statutory service, such as education (for example, home educated children, Gypsy/Traveller community), health, social services or third sector; for example, the parent may have repeated explanations for the child's absence such as playing outside or with friends and relatives; the parent may withdraw the child from services; or there is no response when calls are made to the child's home.

9.4.1 Children who are missing from home or care

This can involve a child or young person who has run away from their home or care placement, who has been forced to leave or whose whereabouts are unknown. This may be because they have been the victim of an accident, crime and/or because they have actively left or chosen not to return to the place where they are expected.

A child or young person who has run away, and cases where children/young people have been thrown out by their parents or carers, are both covered by the term runaway (though the individual circumstances and needs of the child or young person may vary considerably). Children and young people who go missing remain vulnerable to the factors that led to them going missing (for example, domestic abuse in a care environment) as well to the risks associated with being missing (for example, homelessness). The number of children classified as missing is not clear, but extreme cases can result in homelessness and sleeping rough, engaging in crime, drugs and vulnerability to sexual exploitation. Many cases are never reported to the police and few such children ever approach agencies for help.

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

9.4.2 Parental abduction

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

9.4.3 Stranger abduction

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

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9.4.4 Forced marriage

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

9.4.5 Trafficked children and young people

A child or young person may go missing due to being trafficked and later being removed from a placement. Asylum-seeking children are particularly vulnerable to vanishing. Their substitute care may feel unsafe, and many do not have a trusted adult to advocate for them.

9.4.6 Sexual exploitation

A child or young person may go missing due to sexual exploitation. Young runaways and those forced to leave or who are thrown out can include any child or young person under the age of 16, who is absent from their domicile without the reasonable authority of those responsible for or in charge of them, and who need a service either to find and return them to that place (where it is safe or in the child's interests to do so), or to:

- a) Keep them safe;
- b) Ensure an appropriate and proportionate response to their needs;
- c) Meet statutory obligations.

This can also apply to those under the age of 18 who run from substitute care. Children who go missing from home or care may do so because they are running away from a source of danger or have been forced to leave; or because they are running to something or someone. They can be at significant risk as they may need to find a safe alternative place to stay, often with few resources. This can result in begging, stealing or staying with a complete stranger.

The above circumstances are not mutually exclusive. As a result, multi-agency working is central to risk assessment and management and effective practice with missing children. Each agency needs to develop its own policies and protocols to manage risk and track missing children and local areas should consider a strategic multi-agency collaborative framework, including relevant third sector agencies and independent schools, to support individual agency procedures for responding to, and tracking, missing children. Collaborative inter-agency and cross-boundary working is crucial in missing children situations. Guidance needs to be clear on specific procedures to be followed for those missing from home and those missing from care, as agencies have specific statutory responsibilities in respect of children missing from local authority care. At Kibble we currently follow the traffic light system promoted by 'K' Division from Police Scotland.

Many single agencies already participate in national as well as local alert procedures for the early identification of missing children. Child Protection Committees should ensure that multi-agency procedures are in place, including issuing a national alert when a child or young person goes missing whose name is on the Child Protection Register or for whom child protection concerns have been raised. Single agency alert databases should be cross-referenced with partner agencies and information-sharing needs to be managed within a developed interagency data-sharing protocol.

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Child Rescue Alert is a partnership between the police, the media and the public set up to respond when a child, who is apparently under 18 years old, is feared to be in imminent danger of serious harm or death. The aim is to quickly engage the entire community via media (TV and radio) in searching for the child, offender or any specific vehicle and reporting any sightings to the police. The scheme is invoked where there is a reasonable belief that a child is in imminent danger and there is sufficient information available to enable the public to assist the police in locating the child.

If a person or agency suspects that a child has been taken by, or is under the influence of, a third party (which may include parental abduction or grooming), the police must be notified as soon as possible so they can decide whether to launch an alert. All instances of missing children or abduction must be quickly reported to the police so that appropriate decisions can be made.

[National Guidance for Child Protection in Scotland 2014](#)

9.5 Children or young people who display harmful or problematic sexual behaviour

Harmful or problematic sexual behaviour in children and young people can be difficult to identify. It is not always easy to distinguish between what is abusive and/or inappropriate and what constitutes normal adolescent experimentation. Practitioners' ability to determine if a child's sexual behaviour is developmentally typical, inappropriate or abusive will be based on an understanding of what constitutes healthy sexual behaviour in childhood as well as issues of informed consent, power imbalance and exploitation. In managing and reducing risk, the diversity of potential behaviour and motivation for such behaviour must be taken into account.

Children and young people display a wide range of sexual behaviours in terms of: the nature of behaviour; degree of force; motivation; level of intent; level of sexual arousal; and age and gender of victims. Children and young people who have displayed harmful or problematic sexual behaviour may themselves have been abused or harmed in some way. Broader developmental issues must also be taken into account, including the age of the young person, their family and background, their intellectual capacities and stage of development. Young people with learning difficulties are a particularly vulnerable and often overlooked group who may need specific types of interventions.

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

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

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

National Guidance for Child Protection in Scotland 2014

9.6 Female genital mutilation

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

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

A range of health problems, both immediate and long-term, are associated with the procedure and in some cases can lead to death. Short-term effects can include; haemorrhage and pain, shock and infection. Longer-term effects include bladder problems, menstrual and sexual difficulties and problems giving birth, and consideration should be given to this during pregnancy through anti-natal appointments. The emotional effects of female genital mutilation may include; flashbacks, insomnia, anger, difficulties in adolescence, panic attacks and anxiety. In Western cultures, the young person may also be disturbed by Western opinions of a practice which they perceive as an intrinsic part of being female.

Female genital mutilation is usually done for strong cultural reasons and this must always be kept in mind; however, cultural considerations and sensitivities should not override the professional need to take action to protect a child. Action should be taken in close collaboration with other agencies. Care should be exercised in the use of interpreters and lay advisors from the same local community as the victim. Where possible, workers with knowledge of the culture involved may be able to assist, but the welfare of the child must always be paramount. Female genital mutilation should always be seen as a cause of significant harm and normal child protection procedures should be invoked. For further information see: <http://www.legislation.gov.uk/asp/2005/8/contents>

National Guidance for Child Protection in Scotland 2014

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9.7 Online and mobile phone child safety

New technologies, digital media and the internet are an integral part of children's lives. Whether on a computer at school or at home, a games console or mobile phone, children and young people are increasingly accessing the internet whenever they can and wherever they are. This has enabled entirely new forms of social interaction to emerge, for example, through social networking websites and online gaming. These new technologies also bring a variety of risks, such as: exposure to obscene, violent or distressing material; bullying or intimidation through email and online (cyber-bullying); identity theft and abuse of personal information; and exploitation by online predators - for example, sexual grooming - often through social networking sites.

We should understand the risks that these technologies can pose to children and the resources available to minimise those risks. Children and young people need to understand the risks the internet and mobile technology can pose so that they can make sensible and informed choices. Practitioners and carers need to support young people to use the internet and mobile technology responsibly, and know how to respond when something goes wrong.

Some children and young people place themselves at risk of significant harm from their own behaviour. Concerns about these children and young people can be just as significant as concerns relating to children who are at risk because of their care environment. The main difference is the source of risk, though it should be recognised that at least some of the negative behaviour may stem from experiences of abuse.

[National Guidance for Child Protection in Scotland 2014](#)

9.8 Under-age sexual activity

Increasing numbers of young people are engaging in a range of sexual activity before the age of 16. The reasons behind this behaviour vary considerably. In some cases, the activity will be wholly consensual; in others it will happen in response to peer pressure or as the result of abuse or exploitation. Young people who are sexually active will, therefore, have differing needs, so services and practitioners must provide a range of responses.

National guidance provided by the Scottish Government covers the legal issues and advises practitioners how they can strike a balance between assuring the freedom of young people to make decisions and protecting them from activity which could give rise to immediate harm and/or longer-term adverse consequences.

The law is clear that society does not encourage sexual intercourse in young people under 16. However, it does not follow that every case presents child protection concerns and it is important that a proportionate response is made. If there are no child protection concerns, there may still be needs to be addressed either on a single agency or multi-agency basis.

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However, child protection measures must be instigated:

- if the young child is, or is believed to be, sexually active and is 12 or under;
- if the older child is currently 13 or over but sexual activity took place when they were 12 or under; and
- if information suggests that any older child has been forced or enticed to take part in sexual activities (sexual abuse including child sexual exploitation), is or has been involved in pornography or prostitution, or the other person is in a position of trust in relation to an older child.

When a practitioner becomes aware that a young person is sexually active or is likely to become sexually active, they should undertake an assessment of risks and needs so that the appropriate response can be provided. The practitioner has a duty of care to ensure that the young person's wellbeing needs are addressed and to assess whether the sexual activity is of an abusive or exploitative nature. This process may not always be straightforward, so it will require sensitive handling and the use of professional judgment. Practitioners should pay particular regard to the presence of any of the following adverse risk indicators: is the child under the age of 13 or did the sexual activity take place when the child was under 13? Did the older child understand the sexual behaviour they were involved in? Did the older child agree to the sexual behaviour at the time? Did the older child's own behaviour – for example, use of alcohol or other substances - place them in a position where their ability to make an informed choice about the sexual activity was compromised?

Was the older child able to give informed consent? (for example, mental health issues, learning disability or any other condition that would heighten the young person's vulnerability). Was the older child given a sense of affection in return, i.e., exploited by the other party?

9.8.1 The relationship

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

9.8.2 The other person

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

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9.8.3 Other factors

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

Local Child Protection Committees, in light of the national guidance, should have protocols for staff that: set out guiding principles on practice; ensure practitioners are familiar with the criteria set out in the Scottish Government guidance, Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns; and provide guidance for practitioners as to what they can or should do on the basis of their assessment.

[National Guidance for Child Protection in Scotland 2014](#)

9.9 Bullying

Bullying behaviour may include: name-calling, teasing, putting down or threatening; ignoring, leaving out or spreading rumours; physical assault; stealing and damaging belongings; sending abusive text, email or instant messages; making people feel like they are being bullied or fearful of being bullied; and targeting someone because of who they are or are perceived to be. Such behaviour can leave people feeling helpless, frightened, anxious, depressed or humiliated and can have a devastating and lifelong impact.

Bullying behaviour can take place in schools, children's services, residential services, at home and in the community, at youth groups and out-of-school care and can come from both children and adults. It is also increasingly associated with the use of the internet and mobile phone technologies, especially via social networking sites such as Facebook (so-called cyber-bullying). In essence, the behaviour is the same and requires similar prevention methods.

Bullying behaviour may be related to perceived or actual difference and involve the expression of prejudices regarding, for example, race, gender, disability and sexual orientation. It may be just one manifestation of the prejudice experienced by the child or young person, and/or may compound other difficulties in their life. With this in mind vulnerable and marginalised children and young people may be particularly at risk.

All organisations that work with children and young people should develop and implement an anti-bullying policy that provides a framework for proactive and reactive strategies for dealing with bullying. It should set out clear expectations regarding the behaviour and responsibilities of both staff and children and young people. Policies should be developed in consultation with all stakeholders, including parents and carers and children and young people.

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For more information, see the following. [respectme](#), which supports schools, authorities and communities to prevent and tackle bullying effectively through training, support for policy development and awareness raising/information provision, including cyber-bullying. [Childline](#) provides help and support for children and young people. [Parentline](#) (www.children1st.org.uk/parentline) is a national, confidential helpline providing advice and support to anyone caring for or concerned about a child.

[Cyberbullying – Safe to Learn: Embedding anti-bullying work in schools.](#)

[National Guidance for Child Protection in Scotland 2014](#)

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10 What to do

10.1 Responding to concerns

The recognition that a child may be at risk of harm or neglect and in need of protection is a multi-disciplinary responsibility. As such, all staff across agencies and services must be alert to and recognise those factors which might indicate a child needs help.

To respond proportionately to a wellbeing concern practitioners will be asked the following questions:

- What is getting in the way of this child or young person's wellbeing?
- Do we have all the information we need to help this child or young person?
- What do we do now to help this child or young person?
- What can we do to help this child or young person?
- What additional help do we need from others?

10.2 The role of the Child Protection Adviser

Kibble has three Child Protection Advisers who have responsibility across the agency: Maggie Ramsay is responsible for referrals for Open School residential units; Lesley Gray is responsible for the Safe Centre, Clyde, Mossway and Staffa; and Ruby Whitelaw is responsible for Day Services, IFS, off campus residential services, Kibble Works, Project Oskar and the Experience. Your designated Child Protection Adviser should be your first point of contact when you become aware of concerns of a child or adult protection nature.

The role of the Child Protection Adviser is one of advice, support and guidance. Your adviser will ensure that you follow procedure by signposting you to what needs to be done and they will ensure that you have made all the necessary steps to promote safety. The Child Protection Adviser is not responsible for sharing information with external agencies as this is the role of the staff member making the referral. However, they will information share within Kibble by sharing information with your designated senior manager and Jim Carle, who has overall responsibility for child protection. As you will be aware from elsewhere in this policy Kibble does not conduct any child protection investigation, and this includes the Child Protection Advisers, as only statutory agencies have that role.

Most child or adult protection concerns need to be shared with the Care Inspectorate. Your Child Protection Adviser will make sure this is done. In order to do this it is imperative that you complete the notification of concern form timeously, print this off and send a signed copy to the Child Protection Adviser. Should you be communicating via email all correspondence should be sent to child.protection@kibble.org.

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10.3 The role of the 'named person'

The [Children and Young People \(Scotland\) Act 2014 Draft Statutory Guidance](#) sets out the role of the named person and "functions are designed to promote, support and safeguard the wellbeing of the child or young person...The Named Person response to any wellbeing concerns should be proportionate, informed by the child's views and should reflect the nature of their need for additional support. The support of the Named Person comes into play if the child or parent seeks advice or support, if the Named Person identifies a wellbeing concern, or if concerns about the child's wellbeing are brought to the attention of the Named Person by others" (P37). Within Kibble the named person for the safe centre is Jim Gillespie and Neil Govan is the named person for the remainder of the services.

The guidance further states that the named person will raise matters of concern about the welfare of a child or young person with their respective authority or a service provider. Within Kibble the responsibility for this function will be co-ordinated by the Child Protection Advisers.

10.4 Role of Kibble Staff

The role of residential social work and education staff is primarily one of support and staff will not play a lead role in the investigative child protection process. "Every adult in Scotland has a role in ensuring all our children live safely and can reach their full potential. School staff provides support to children and young people in their daily work and have a vital role in helping protect them from harm" (Safe & Well, 2005: P4). Fundamentally, we are there to listen when a child or young person is disclosing an allegation of abuse. It is good practice to thank the young person for trusting staff and sharing information of such a sensitive nature. As a matter of good practice, the young person must be advised that the disclosure is not a formal interview and any information that they have offered may be used in future investigations. All young people should be reminded of the agency's confidentiality policy.

Staff must gather what information they can for the referral but must remember that they should not interview the young person. All information passed to staff must be believed. Our role is not to distinguish between facts or fiction as it is up to the investigating officers (external practitioners) to make these types of decisions.

All staff at Kibble Education and Care Centre have a responsibility to ensure that any concerns they have of a child protection nature are passed on to their line manager and the Child Protection Adviser.

If the local authority does not proceed with an investigation then Kibble will undertake a review of practice within 14 days.

For practice guidance refer to the West of Scotland Child Protection Consortium inter-agency child protection procedures 2016 <http://www.proceduresonline.com/westofscotland/>

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10.5 Role of the Care Inspectorate (SCSWIS)

The Social Care and Social Work Improvement Scotland (SCSWIS) is the formal name of the Care Inspectorate. In all day to day business they are known as the Care Inspectorate; however, they are referred to by their formal name (SCSWIS) in legislation.

The Care Inspectorate must be formally notified of any child protection concerns that result in staff completing a Notification of Concern form that involves either staff members or other residents. A member of the HR or Senior Management team and Child Protection adviser will complete a notification form.

10.6 Role of the Placing Authority

The placing authority is referred to, throughout these policies and procedures, as the Local Authority. The Local Authority must always be advised of any concerns staff have of a child protection nature. Kibble's notification of concern is used to highlight child care and protection concerns and it is the Local Authority who will determine whether these concerns follow the child protection route. Should police involvement be necessary this will, barring extenuating circumstances, occur following consultation with the Local Authority.

10.7 Role of the Host Authority

In circumstances where one young person has made an allegation against another young person from a different authority or a number of young people from multiple authorities, it may be necessary to ask the host authority to co-ordinate child protection proceedings. If this is deemed necessary the placing local authority would be responsible for contacting the host authority and organising this.

10.8 Role of the Police

Police involvement in a child protection incident could result from a Kibble referral or one from the Local Authority. It would be the responsibility of the host authority police to respond and not the young person's local police unless the incident was historical or happened within a young person's local community.

In the event of an incident occurring between more than one young person, staff must discuss with each Local Authority how best to proceed with the matter. Should the incident be of a serious nature or if either of the young people makes an allegation or complaint, when advised to do so, the host authority police must be contacted.

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11 Information sharing and relevant information

11.1 Information Sharing in Child Protection

Sharing appropriate information is an essential component of child protection. To secure the best outcomes for children, all practitioners, including social workers, need to understand when it is appropriate to seek or share information, how much information to share and what to do with that information. Social Workers also need to consider from and with whom information can, and should, be sought and/or shared. This applies not only between different agencies, but also within agencies. At the same time, children and their families have a right to know when information about them is being shared. Where possible, their consent should be sought, unless doing so would increase the risk to a child or others, or prejudice any subsequent investigation.

General principles apply and the safety, welfare and well-being of a child are of central importance when making decisions to lawfully share information with or about them. Children have a right to express their views and have them taken into account when decisions are made about what should happen to them. The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families. In general, information will normally only be shared with the consent of the child (depending on age and maturity). However, where there are concerns that seeking consent would increase the risk to a child or others or prejudice any subsequent investigation information may need to be shared without consent.

At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know. When gathering information about possible risks to a child, information should be sought from all relevant sources, including services that may be involved with other family members. Relevant historical information should also be taken into account. When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision not to share information should also be recorded.

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12 Making a referral

12.1 Internal reporting

If any member of Kibble staff sees or hears of something that suggests a child, young person or adult at risk is being abused or is at risk of abuse, they must report these concerns to a Child Protection Adviser and their Line Manager. If these managers are not available they must share concerns with the Duty Manager. Do not delay reporting concerns and you must remember that child protection takes priority so your concerns must be reported immediately. Ensure concerns are recorded accurately so that the appropriate steps can be taken whether the child is at immediate risk of significant harm or not.

12.2 Sharing information with the social work department

When a member of Kibble staff reports their concerns it must be remembered that they have not made a referral but raised their concerns internally. The referral does not actually occur until the information is shared with the relevant local authority social work department. It is not our responsibility to determine whether concerns meet the threshold of child protection; unless this is obvious, the Children and Families Social Worker will determine the need for further assessment. Should the young person or adult not have a designated social worker, the Duty Social Worker with the relevant local authority must be contacted. If you are unable to make contact at this level contact must be made with a Senior Social Worker or if out of hours, social work standby services. Ensure the name of the worker spoken to is recorded in the relevant section of the notification of concern form.

12.3 Referral checklist

When reporting concerns all information known about the young person and relevant others should be provided. In addition, the following should be given:

Relevant Information Checklist – Making a Referral
➤ Date and time of referral
➤ Referrer’s name, contact details and role
➤ Full name, address, age and date of birth of the person subject to the referral
➤ Name, address and age of the young person’s parents
➤ Details of other adults who may have caring responsibilities
➤ The young person or adult at risk’s whereabouts who and what is the cause for concern
➤ Who and what is giving cause for concern – describe the incident and provide as much detail as possible (when, where, perpetrator)
➤ Is the young person or adult at risk in immediate danger?
➤ Is anyone else in immediate danger? Provide details if relevant
➤ Name, address and age of anyone who may have information regarding the alleged or suspected abuse
➤ Are there any other agencies involved with the young person?
➤ Have there been previous child protection concerns?
➤ Does the young person have disabilities or special needs?
➤ Are there any cultural or religious factors that need to be considered?
➤ Are the parents aware of the concerns?

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Staff must not interview the young person, only external colleagues trained in the interviewing of children can undertake this task.

A written referral form must be passed to your relevant Kibble Child Protection Adviser (See: IMS-SBD-OPS-006 - Protection Referral Form).

When a young person or adult is at risk of harm, information must be shared timeously. You should make them aware that you will be sharing this information but you are not asking them for consent to share.

12.4 Historical abuse

It is not unusual for young people within Kibble to disclose information about abuse from a previous placement or setting. This must be treated with the same seriousness as current risk and shared as above.

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13 Possible outcomes

13.1 Outcomes

There are a number of possible outcomes resulting from a notification of concern referral. The following chart highlights the child protection process.

Chart 1 Child care and protection concern/allegation

Risk of significant harm/protection concern is raised				
Information shared with Child Protection Adviser and Line Manager or Duty Manager				
Discussion takes place with 'named person'				
Concerns shared with Jim Carle (Executive Director) responsible for child protection				
Relevant social work department alerted by referrer (in the case of an allegation against a member of staff the manager of the unit must make the referral)				
Notification of concern form completed and submitted to CPA				
Additional information is needed. Share with Child Protection Adviser and update the department				
Range of outcomes:				
No further action	Joint Investigative interview with police and social work	Police investigation	Social work investigation	Internal Kibble investigation
If abuse or the risk of significant harm is suspected the following may occur:				
	Criminal charges	Criminal charges	Disciplinary action, training needed, organisational policy amendment, supervision	Disciplinary action, training needed, supervision, practice amendment
The care inspectorate will be updated on child protection concerns involving young people and a member of staff. SSSC may also need to be informed. When involving a member of staff a senior member of HR will take on this task.				

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14 Allegations against a member of Kibble staff

14.1 Issues of Concern

The Government published guidance on allegations about residential workers and how organisations should respond to issues of concern, refer to Scottish Government (2011) Guidance: Allegations against Residential Workers for further information.

14.2 Culture

The guidance states that “transparent, self-critical and responsive residential cultures are key to safeguarding children appropriately” (P8). A warm, respectful, nurturing, milieu creates an environment where it is less likely that minor issues are ‘translated into allegations’ resulting in child protection investigations.

Child protection procedures are designed to identify when someone is at risk of significant harm. “Complaints about physical restraint are especially challenging to evaluate” (P8) so we need to be familiar with Holding Safely, Scotland’s guidance on the use of restraint.

All Kibble staff must understand that those in their care have the right to feel safe. During recruitment the agency should “make candidates aware of the potential for allegations” (P9), the policies and procedures for reporting concerns and how to support young people to communicate concerns. Young people will be supported throughout child protection referrals by a member of their key staff, such as their key worker, an advocate from Who Cares Scotland or a Children’s Rights Officer. The young person can also identify an alternative support person of their choice.

‘Precautionary suspension’ with full pay is in no way attributing culpability but is a neutral step allowing time for information gathering.

A senior member of staff will inform a worker that an allegation has been made against them, and the nature of the concern. The organisation will need to work with partner agencies responsible for carrying out the investigation.

The following principles will be applied:

- The welfare of the child or young person is paramount
- The young person will not be stigmatised irrespective of the outcome
- Their legal guardian and carers will be kept informed
- The worker will be treated fairly

The term ‘allegation’ refers to a claim or concern that a member of staff has harmed or exposed an individual to significant harm or risk of significant harm.

When dealing with a concern raised about a member of staff the manager of the service will make the referral to the relevant social work department. All information and updates must be shared with the CPA unless they are the subject of the referral.

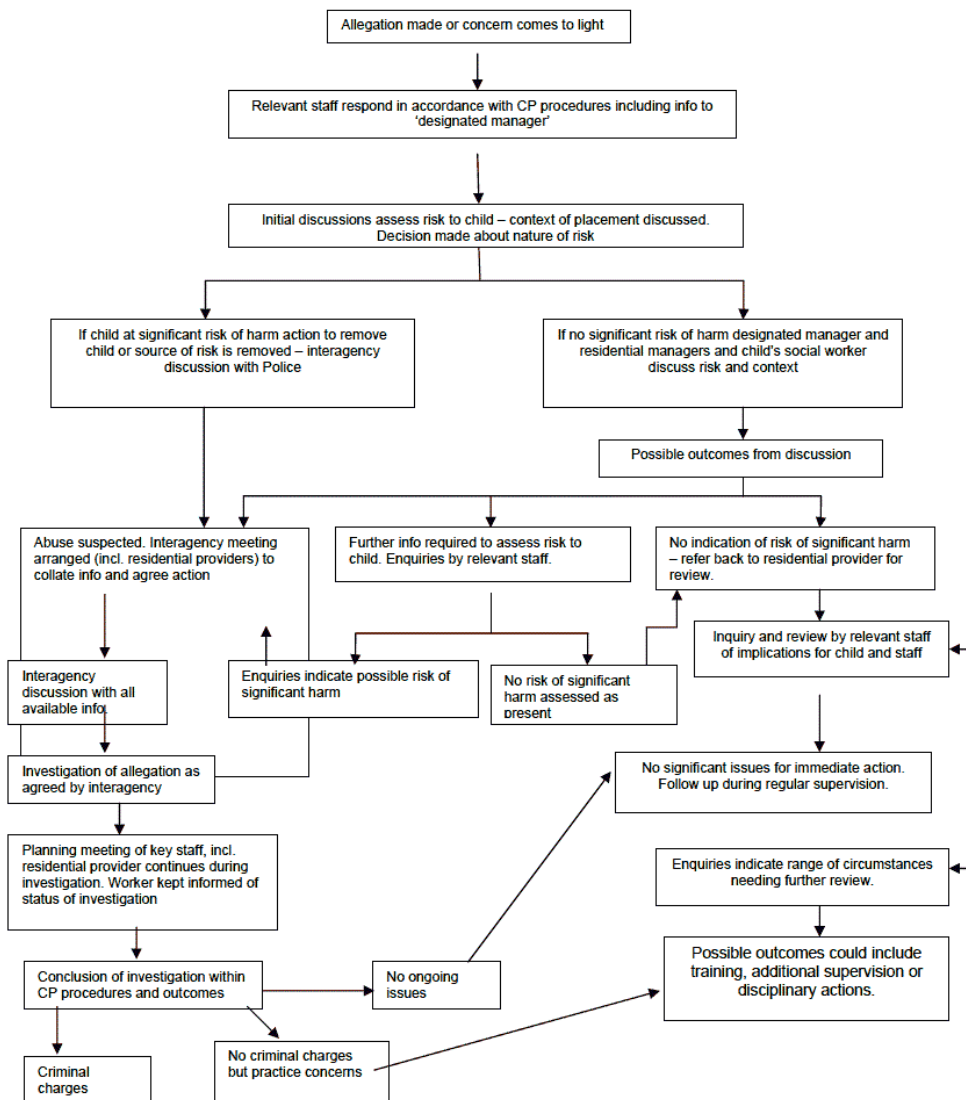
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Allegations of this nature must be shared with Jim Carle (SMT) or another member of the senior management team, in his absence. An initial assessment will be necessary regarding the best course of action to support both young people and staff. Any decision will be based on the nature of the allegation, history of the child or young person, history of the worker and person raising the concern.

Unless there are indications that a child is at immediate risk of significant harm, decisions about removing children or suspending workers should not be taken until a discussion has taken place between the child’s social worker or senior social worker/team leader and managers of the residential service” (P14).

14.3 An allegation against a Kibble employee

Chart 2: Responding to an allegation made against a Kibble worker



The Scottish Government and SIRCC (2011) Allegations against residential workers: P26

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14.4 Responsibilities of the Senior Management Team

SMT will determine the initial action to be taken involving a member of staff. Possible outcomes include:

- No immediate action
- Move staff to non-direct care role duties
- Move staff member to another unit
- Precautionary suspension

To support staff during an allegation they will receive a copy of the agency child protection procedures and those of the placing agency. Staff will be advised that they can seek legal and trade union advice and representation. A support person will be identified for the member of staff and regular updates on the case will be provided by the CPA, the support person or Jim Carle (Senior Manager). The support person must not discuss anything that would compromise the integrity of the investigation. Contact should be at least once per week. Staff must comply with any limitations placed on them regarding contact with other young people and/or staff.

If a staff member resigns during the investigation this will not affect its progress.

Child protection can be complex and demanding for staff. Everyone involved will have access to advice and support through psychological first aid, informal and formal supervision or access to external counselling services. A group debrief post investigation would evidence good practice.

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15 Useful links:

<http://www.gov.scot/Resource/Doc/346281/0115226.pdf> The Scottish Government and SIRCC (2011) Allegations Against Residential Workers, Guidance on How Agencies Should Respond

<http://www.gov.scot/Resource/0045/00450733.pdf> The Scottish Government (2014) National Guidance for Child Protection in Scotland

<http://www.gov.scot/Resource/0046/00469613.pdf> The Scottish Government (2014) Children and Young People (Scotland) Act Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96)

<http://www.proceduresonline.com/westofscotland/> West of Scotland Child Protection Consortium (2016) Inter-agency child protection procedures

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/pr-event-duty-departmental-advice-v6.pdf Department of Education (2015) Protecting children from radicalisation: The Prevent duty, Departmental advice for schools and childcare providers

<http://www.gov.scot/Publications/2011/09/28084932/0> The Scottish Government (2011) Framework for Risk Assessment Management and Evaluation (FRAME) Planning for local authorities and partners

<http://www.gov.scot/Publications/2009/01/13095148/0> The Scottish Government (2009) The Early Years Framework

http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf The UN Convention on the Rights of the Child 1989

<http://www.legislation.gov.uk/asp/2005/8/contents> The Scottish Government (2005) The Prohibition of Female Genital Mutilation (Scotland) Act

<http://www.legislation.gov.uk/asp/2011/1/contents> The Scottish Government (2011) Children's Hearings (Scotland) Act

<http://www.gov.scot/gettingitright> Getting it right for every child (GIRFEC)