

POLICY TITLE:	Child Protection (Scotland)
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Applies to:	All Aspris Colleagues
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Outcome:	This policy: • Aims to ensure that children and young people we work with, or who visit Aspris if for any reason are protected effectively from abuse. • Clarifies mandatory and optional training requirements. • Ensures that all colleagues are made aware of local arrangements as set out on the form provided.
Cross Reference:	AHR01 Safer Recruitment and Selection AHR07 Disclosures (incl. Disclosure and Barring Service (DBS) Disclosure Scotland) ALE03 Data Protection AOP03 Complaints AOP03B Complaints - Scotland AOP04 Incident Management, Reporting, and Investigation AOP08.1 Responding to Suspected Radicalisation AOP21 Whistleblowing (Protected Disclosure) AOP41 Professional Relationship Boundaries AOP32 Looked After Children and Previously Looked After Children (Including Promoting Educational Achievement) AH&S01 Health & Safety Policy, Organisation and Arrangements

EQUALITY AND DIVERSITY STATEMENT

Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, email AsprisGovernanceHelpdesk@Aspris.com

LOCAL ARRANGEMENTS FOR SAFEGUARDING CHILDREN

Note: This overarching policy does **not** replace the need for homes/ schools/ colleges to maintain up-to-date 'Local Procedures' (**AOP Forms 15** and **16**).

Safeguarding Children is everybody's responsibility.

CHILD PROTECTION (SCOTLAND)

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1 INTRODUCTION

- 1.1 This policy should be read in conjunction with AOP06 Safeguarding Children. *(Note: Where these documents state 'colleagues' this covers all employees/workers and volunteers)*
- 1.2 In Scotland, a child legally becomes an adult when they turn 16, but statutory guidance which supports the [Children and Young People \(Scotland\) Act 2014](#) includes all children and young people up to the age of 18. Where concerns are raised about a 16 or 17 year old, agencies may need to refer to the [Adult Support and Protection \(Scotland\) Act 2007](#), depending on the situation of the young person at risk. Section 21 of the [National guidance for child protection in Scotland](#) explains how professionals should act to protect young people from harm in different circumstances (Scottish Government, 2014/ 2021/2023).
- 1.3 The aim of the [Children and Young People \(Scotland\) Act 2014](#) is to make Scotland the best place to grow up by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector. The Act is wide ranging and includes key parts of the Getting it right for every child approach, commonly known as GIRFEC.
- 1.4 This policy sets out our commitment and intentions to be mindful and responsive in protecting children and young people in Scotland. It is essential that all colleagues understand that if they have any concerns about a child's welfare at all they must discuss these with their supervisor or a senior colleague in the first instance. Senior Management Teams at Aspris Homes/ schools/ colleges must be advised of any concerns. Colleagues should be reassured that the response will be proportionate and appropriate and that the child's welfare is paramount. The Scottish Government aim is to ensure that Scotland's child protection system puts children's wellbeing first and keeps them safe from abuse and neglect in line with **Child Protection Improvement Programme - Child protection - gov.scot (www.gov.scot)**
- 1.5 **Child Protection** - 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.
- 1.6 **Safeguarding** - This is a much wider concept than child protection and refers to promoting the welfare of children, young people and protected adults. It encompasses protecting from maltreatment, preventing impairment of their health or development, ensuring that they are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children, young people and protected adults to have the best outcome. Child protection is part of this definition and refers to activities undertaken to prevent children suffering, or likely to suffer, significant harm.
- 1.6.1 There is a distinctive approach to safeguarding in Scotland linked to Getting It Right for Every Child (GIRFEC) which promotes action to improve the wellbeing of every child and young person. Safeguarding is a golden thread that runs through the curriculum in schools/ colleges. The aim is to support the development of learner's knowledge, skills and resilience to keep themselves safe and protect themselves and to develop an understanding of the world so that they can respond to a range of issues and potential risky situations arising throughout their lives. The rights that children and young people are entitled to under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill **United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill: leaflet - gov.scot (www.gov.scot)**

2 OUR COMMITMENTS

- 2.1 If, during the course of our work, we come across a child we think has been or is at risk of harm we will try and find out more about the situation by talking to parents and other people who play a part in the child's life, unless we believe that this would cause further harm to the child.

- 2.2 Aspris is committed to protecting children. If we are concerned that a child is being or has been harmed we have a duty to notify the local area safeguarding/protection team, and they will investigate the situation and decide what will happen next. If we have been working with a family, we will continue to support them throughout any investigation (if they want us to). In reflecting on the findings of the independent care review, Aspris and practitioners are fully committed to Scotland's ambition for children and young people and The Promise. "We grow up loved, safe, and respected so that we realise our full potential." The Promise– Plan 24-30 **Home - The Promise**
- 2.3 We will deal with information about families in strict confidence unless our duties under child protection require us to make a referral to Social Work and/or Police. In cases where our homes/schools/ colleges suspect that a child is suffering or is likely to suffer harm, we will report this to the appropriate authority. The Local Authority will have responsibility to take appropriate action. However, our Home/ School/ College s will take whatever steps are practicable to protect the child.
- 2.4 As a service provider working with adults, young people and their families we will ensure that we are, at all times, familiar with the protection policies affecting these groups. In particular, we will work with the Local Authority to liaise with the personnel who are specifically equipped to ensure that children are fully protected by written procedures and professional practices.
- 2.5 In the event of concern arising because of the lack of explicit procedures, colleagues will be encouraged to work closely with relevant agencies to draft and implement action plans which can be adopted locally. The Home/ School/ College will continually develop appropriate skills and knowledge to maximise the protection of children.
- 2.6 Where a child's basic needs are not being met in a manner appropriate to his/her stage of development and he/she will be at risk of avoidable acts of omission or commission on the part of his/her parents, sibling(s), other relative(s) or a carer.
- 2.7 To define an act of omission as abusive and/or presenting future risk a number of elements can be taken into account. These include demonstrable or predictable harm to the child that must have been avoidable because of action or inaction by the parent or other carers.

3 WHAT IS CHILD ABUSE?

- 3.1 Child abuse is any action by another person, adult or child, that causes or is likely to cause significant harm to a child. It can be physical, sexual or emotional, but can just as often be about a lack of love, care and attention. An abused child will often experience more than one type of abuse, as well as other difficulties in their lives. It often happens over a period of time, rather than being a one-off event. Abuse can also occur online
- 3.1.1 **Physical Abuse** - Physical abuse is deliberately hurting a child causing injuries such as bruises, broken bones, burns or cuts. It isn't accidental - children who are physically abused suffer violence such as being hit, shaken, kicked, poisoned, burned, scalded, slapped or having objects thrown at them.
- 3.1.2 **Sexual Abuse** - A child is sexually abused when they are forced, enticed or persuaded to take part in sexual activities. This doesn't have to be physical contact and it can happen online. Sometimes the child won't understand that what's happening to them is abuse. They may not even understand that it's wrong.
- 3.1.3 **Emotional Abuse** - Emotional abuse is the ongoing emotional maltreatment or emotional neglect of a child. It is sometimes called psychological abuse and can seriously damage a child's emotional health and development. Emotional abuse can involve deliberately trying to scare or humiliate a child or isolating or ignoring them. Children who are emotionally abused are usually suffering another type of abuse or neglect at the same time but this is not always the case.

3.1.4 **Neglect** - Neglect is the ongoing failure to meet a child's basic needs and is the most common form of child maltreatment. A child may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care. A child may be put in danger or not protected from physical or emotional harm. They may not get the love, care and attention they need from their parents or their carers. Neglect is dangerous and can have serious and long-term damage. It can be anything from leaving a child home alone to the very worst cases where a child dies from malnutrition or being denied the care they need. In some cases, it can cause permanent disabilities and even death.

3.2 **Evidence of Abuse** - There will be some cases of child abuse in which a child is seen on a single occasion to have injuries which immediately arouse suspicion that they are of non-accidental origin. In these circumstances, the injuries are direct evidence of child abuse which should immediately set in train an investigation within the Local Authority's Child Protection procedures.

4 **ALLEGED PERPETRATORS**

4.1 Messages from research confirms that a person who perpetrates child abuse can be anyone including a natural parent or relative, carer, adopter, colleague, teacher, natural or foster sibling, friend, neighbour or someone unknown to them.

5 **DUTIES AND POWERS**

5.1 Aspris colleagues are responsible for making sure they meet the required standards and that nothing they do, or don't do, harms the wellbeing of children and young people who use our homes/ schools/ colleges. SSSC Codes of Practice - Scottish Social Services Council

5.1.1 **Before any conversation takes place, colleagues must ensure that children/young people are fully aware and understand that during their discussion any information shared that puts them or any other person in danger will be reported to relevant people (i.e. Manager, social worker, police.) Children and young people should be reassured that their safety and wellbeing is priority.**

5.2 Inter-agency referral discussion (IRD) involves tripartite discussion (Police Scotland, Health and Social Work) all agencies have a duty to make enquiries (or cause to be investigated) all cases of suspected child abuse.

6 **REQUIREMENTS**

6.1 **Working co-operatively with Local Authorities Social Services** - To aid communication, Home/ School/ College s will maintain a formal contact within the Local Authority to ensure that there is an understanding of accountability and anticipated procedural steps. The contact may be the coordinator of local Child Protection Committee.

6.2 The Home/ School/ College will have information available to all colleagues about the referral process and contact details for social services in their Local Authority

7 **TRAINING**

7.1 Access to relevant inter-agency child protection training will be available to all colleagues.

7.2 It is the responsibility of Senior Management Teams to ensure that senior colleagues have the training necessary to effectively carry out the local Child Protection procedures.

7.3 Training Plans will include training for all colleagues. Supervision and Development Reviews should identify training needs and particular attention must be paid to Child Protection training.

7.4 **Information to Colleagues** - All colleagues will be made aware of this Child Protection Policy and managers will ensure induction includes all aspects of the child protection policy and

procedure. They must then receive opportunities in work meetings / supervision or other in-Home/ School/ College training contexts to discuss child protection.

8 PROCEDURE TO BE FOLLOWED FOR ANY CHILD FOR WHOM THERE IS CONCERN

- 8.1 When any colleague believes they have witnessed possible evidence of child abuse in the Home/ School/ College or during their work away from the Home/ School/ College, they must inform the most senior colleague/ DSO immediately.
- 8.2 Faced with information which is possible evidence of child abuse, the Manager or senior colleague / DSO should determine the following.
- (a) **Is the situation an emergency?** - In an emergency situation where there is an immediate danger to a child the police should always be first point of contact
 - (b) **Is there a concern that needs further discussion?** - If they are unsure and wish to have an initial discussion about a matter to see what might be done then they should contact the child's / Young Person's named Social Worker or Duty Worker for social work. Where it is suspected that a child is at risk of harm and resides out with the area, contact should be made to the local authority area in which the child resides. Contact information for that local authority will be provided by the local Social Work team
 - (c) **What will be discussed?** - There should be discussion about whether an investigation in accordance with local child protection procedures is necessary. The Local Authority will consider what investigation to carry out and this may be discussed with the referrer. Reference should be made to the child protection procedures. If the discussion with the Local Authority results in the decision that an investigation is required by Social Work, the Home/ School/ College will make appropriate resources available where relevant

9 RECORDING AND DOCUMENTATION

- 9.1 Referrals of possible child abuse to the Local Authority made verbally must always be confirmed in detail in writing by the next working day. The report/referral should contain details of the evidence received by the Home/ School/ College (including cumulative evidence) with appropriate dates, times, action taken and the names and designations of people contacted, together with any outcome known at that stage.
- 9.2 It is essential that all records are stored appropriately. It is vital that all colleagues observe good practice in administrative and clerical matters. Good practice requires that copies of all correspondence and messages should be kept and immediately placed on the MIS system. Relevant administrative colleagues should be informed when an actual or potential case of child abuse is being dealt with.
- 9.3 Whatever the outcome of the Social Work investigation, written confirmation of the Local Authority action should always be sought by the Manager. If this is not forthcoming, the Manager should write formally stating his / her understanding of the position.
- 9.4 Aspris Children Home/ School/ College expects all colleagues to comply with this Policy.

10 REFERENCES

- 10.1 The United Nations Convention on the Rights of the Child
Children (Scotland) Act 1995 – includes definition of a child in Part 1
Criminal Procedure (Scotland) 1995
Scottish Executive (2004) Protecting Children and Young People: Framework for Standards
Scottish Executive (2004) Protecting Children and Young People: The Charter
Prohibition of Female Genital Mutilation (Scotland) Act 2005
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Adult Support and Protection (Scotland) Act 2007 – may be applied to over 16 years (in some cases)
Adult Support and Protection (Scotland) Act 2007- Code of Practice (revised 2014)

Operational

Sexual Offences (Scotland) Act 2009
Children's Hearings (Scotland) Act 2011 – Child Protection Orders
Children and Young People (Scotland) Act 2014
Scottish Government (2014) The Early Years Framework
Scottish Government (2014) [Children's advocacy guidance](#)
Scottish Government (2015) [Getting it right for looked after children and young people: early engagement, early permanence and improving the quality of care.](#)
Scottish Government (2016b) [National action plan to prevent and tackle child sexual exploitation](#)
Independent Care Review (2020) [Care review reports](#)
The Promise Scotland **Plan 24-30**
Scottish Government (2022a) [Getting it right for every child \(GIRFEC\)](#)
Scottish Government (2022b) [Keeping the promise implementation plan](#)
Scottish Government (2023a) [National guidance for child protection in Scotland 2021 – updated 2023](#)
Scottish Government (2023b) [Advancing children's rights in law](#)

Associated Forms:

AOP Form: 70F Safeguarding Supervision Record
AOP Form: 89 Scottish residential care 2024 Safeguarding Quality Assurance Audit

APPENDIX 1

ASPRIS INTERNAL SAFEGUARDING / CHILD PROTECTION PROCEDURE

The following flowchart details actions that **must** be taken following suspicion that a child has been physically / sexually / emotionally abused or shows signs of neglect.

