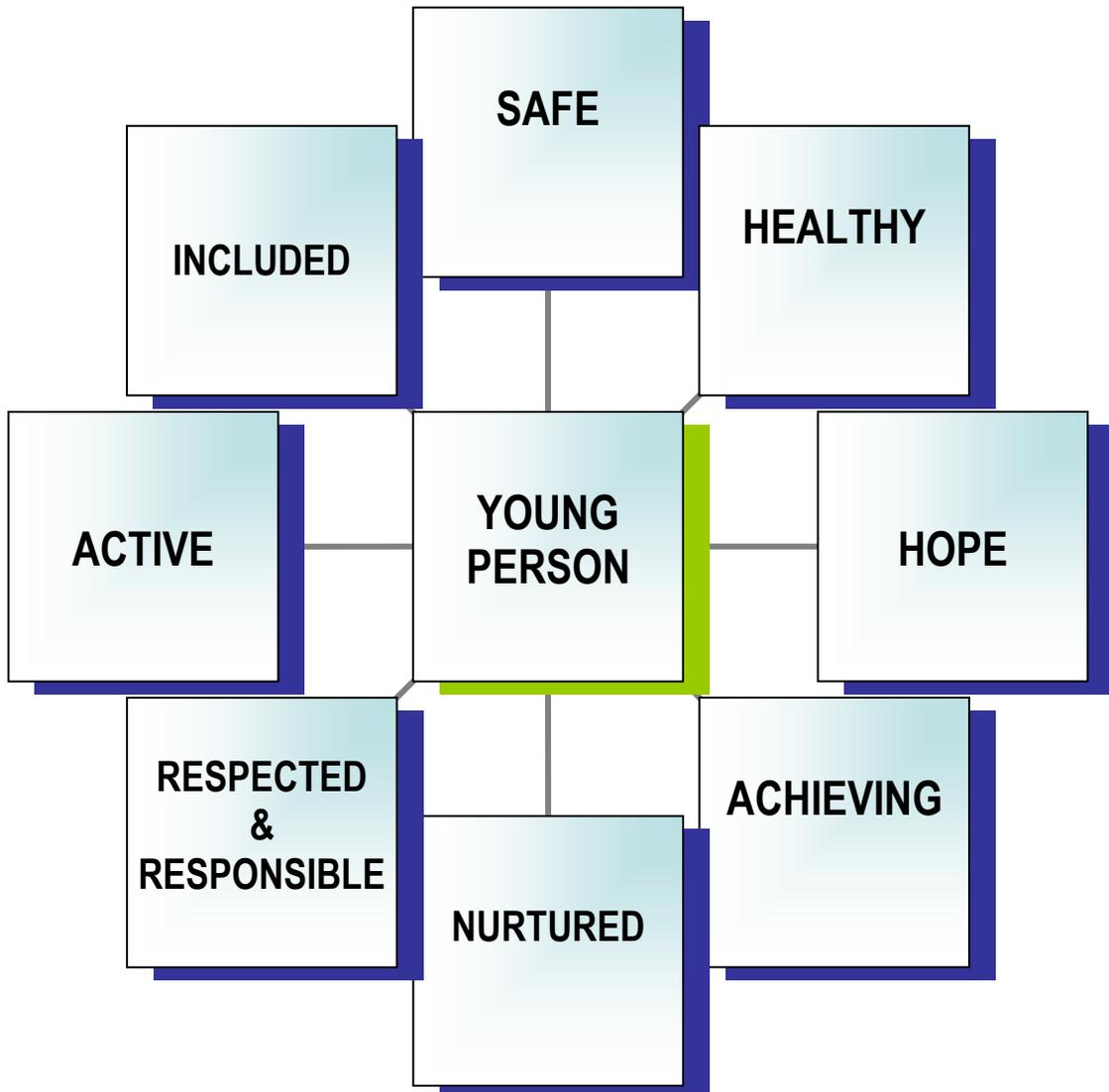


# CHILD PROTECTION POLICY



# The Good Shepherd Centre Child Protection Policy

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## Policy Statement

*“Procedures and guidance cannot in themselves protect children; a competent, skilled and confident workforce, together with a vigilant public, **can**”.* (The National Guidance For Child Protection in Scotland, 2010)<sup>(1)</sup>

All staff at The Good Shepherd Centre have the responsibility to ensure that young people accessing the service are living in a safe and nurturing environment that is free from harm. The Child Protection policy has been amended to reflect significant changes in how child protection issues are processed. The amended policy will also reflect the need to have a more robust and ‘fit for purpose’ policy that is aimed at improving awareness and confidence in those staff entrusted with the pivotal role of caring for our young people.

In 2010 the National Guidance for Child Protection in Scotland (later referred to as the guidance) was introduced that was to shape and inform how we approach the complex issue of child protection. The purpose of the guidance is stated as being ‘*a practical reference point for practitioners and agencies, it should not be regarded as exhaustive or exclusive*’.<sup>(2)</sup> The guidance is aimed at providing a standardised approach to managing child protection issues/concerns but recognises that there exist policies and procedures specific to organisations such as third sector and private sector providers of residential child care. Therefore this policy will implement elements of the guidance that are considered appropriate as a provider of care for young people but will also reflect the organisations own approach to child protection.

This policy will also incorporate documents that have had a significant influence on the production of the guidance and subsequently influenced the national framework that is the guidance for managing child protection issues.

The Good Shepherd Centre is situated within the host authority of Renfrewshire and consultation with Child Protection Officers has informed as a Local Authority they are working to the national guidance. The Good Shepherd accepts placements from all Local Authorities across Scotland and by implementing key areas and processes from the National Guidance it is envisaged that this will be suffice in meeting the requirements of managing child protection issues and/or concerns.

The organisation continues to be proactive in ensuring that all staff receives the required training that will equip them with the knowledge and confidence to implement child protection procedures in accordance with the legislative requirements.

## Key Definitions and Concepts<sup>(4)</sup>

*“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’.”<sup>(3)</sup>*

The Good Shepherd Centre’s Senior Management and Board of Managers recognise that as a provider of residential care there will be occasions when young people make allegations. Regardless of whether or not these are about the care they are receiving within the unit or allegations of something that has occurred at home, in the community or in another residential placement etc, the allegations must be managed in a robust and sensitive manner and working effectively in partnership with external agencies will be crucial in effectively managing the allegation.

Staff must have an understanding of what constitutes abuse and how it is defined along with a definition of Child Protection as this is fundamental in informing a course of action. This section will look at the key definitions and concepts of child protection as set out in the Guidance.

### **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.

### **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. 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.**

### **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.

## **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 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.

## Providing a Safe Environment- Positive Factors that can provide Safety and Security

These include;

- A safe care environment that is consistent, predictable and transparent.
- A robust risk assessment framework.
- An Individual Crisis Management Plan that is reviewed and updated frequently.
- The continued involvement of parents, referring agencies and the community.
- Clarity about staff responsibilities. Clarity about staff expectations.
- Robust Child Protection procedures and Whistleblowing Policies.
- Clarity about young peoples' expectations.
- A clear staff safe recruitment, selection and assessment policy.
- A Staff code of Practice(SSSC, GTCS and College of nursing and midwifery, BPS).
- A thorough and effective staff induction programme.
- An effective staff supervision framework and continuous staff development and training.
- The promotion of young peoples' rights.
- Care/Sentence plans which promote growth and development.
- Regular opportunities to consult with young people, social workers and parents/carers.
- A participation strategy that outlines the level and method of participation in which young people and others will have direct involvement in issues relating to the service.
- Exit interviews with young people, social workers and parents/carers.
- Access to suggestions/complaints box for parents etc should they want to alert the unit of concerns.
- Access to independent advocacy service, Children's rights, Who Cares and Care Inspectorate.
- At the point of admission young people and parents/carers will be issued with information on complaints procedures, contact numbers for advocacy services and information on Child Protection.
- Immediate notification to the Care Inspectorate of all allegations of staff misconduct and incidents of harm to young people.
- Thorough and robust disciplinary procedures to manage incidents of alleged harm by staff.

## CCTV

CCTV is in use throughout the centre and lends itself to ensuring safe practices through interactions with staff and peers. In the event of an allegation being made the CCTV recording will be analysed if the alleged event has taken place within an area that is covered by CCTV. Only Senior Management has the authority to view the footage and to take it into consideration when investigating allegations of misconduct.

## Use of FOBS.

Fobs are used to facilitate safe movement throughout the centre. Permission setting to allow access levels is set according to grade. Night shift fobs do NOT allow staff to access bedrooms. In the event that access is required an emergency sealed fob pack is used and the Night Shift

Co-ordinator will be present upon entering. There may be a slight deviation to this protocol in the event that there is a concern regarding an attempted suicide or serious self harm and there can be no time delay in accessing the bedroom therefore access without the co-ordinator may be required.

A number of areas can be identified which can reduce the risk of abuse.

These include:

- **All staff challenging secrecy and abuse and exclusiveness in relationships** – it is important to emphasise that a key factor for all staff to protect young people is in developing an environment which is open and honest and transparent in its approach. Where a member of staff knows of, or suspects, a colleague, manager, or member of the public, of being involved in the abuse against a young person in The Good Shepherd Centre, there can be no professional or ethical alternative but to report it immediately.
- **A clear policy on the use of physical intervention techniques** – The Good Shepherd Centre invests in Therapeutic Crisis Intervention(TCI) training for all staff. TCI provides a framework for the appropriate use of safe holding and the recording of incidents in which physical interventions techniques are used. The Holding Safely guidelines will also be used to inform practice when managing challenging and violent incidents.

## Principles and Standards For Child Protection

The Good Shepherd Centre embraces all principles and values that protect and uphold the rights of children and young people. This policy as with the guidance has been built on a foundation of principles and standards that can be found in key documents and approaches such as GIRFEC, National Care Standards, UN Convention on the Rights of the Child, The Children's Charter and Framework for Standards, Skinner (Another Kind of Home, 1993), Kent (Safeguarders Review, 1997) and SSSC code of conduct and GTCS code of conduct.

### **GIRFEC;**

The Good Shepherd Centre has incorporated the principles of GIRFEC and the wellbeing domains of SHANARRI are embedded into the on-line assessment and it provides the framework for all reports and intervention plans. The organisation introduced a further domain to be measured and that is HOPE. The introduction of this domain supports the guidance's use of the resilience matrix and its relationship with risk as it is believed that having HOPE is not only an important characteristic of resilience but it is a vital protective factor. "GIRFEC puts children's needs first; ensures that children are listened to and understand decisions that affect them; and ensures that they get the appropriate co-ordinated support needed to promote their well-being, health and development."<sup>(5)</sup>

### **UN Convention on the Rights of the Child;**

The Convention has undoubtedly influenced key legislation and social policies throughout the years. It has also found its principles being transferred into key working documents and frameworks for working with children and young people. The right to dignity, respect and to be treated as an individual are just some of the principles found in the Skinner Report (1993, Another Kind of Home) and The National Care standards are examples of the key documents that impact and inform practice with children and young people within a residential establishment. Some of the key principles stipulated in the convention are;

- Each child has a right to be treated as an individual;
- Each child has a right to protection from all forms of abuse, neglect or exploitation

As well as implementing key principles and legislation in our task of providing a safe and nurturing environment, the need to listen to views of young people receiving the care can never be underestimated. The organisations participation strategy outlines the commitment given to ensuring there are various methods and opportunities to seek the views of young people on key areas such as bullying and feeling safe. The Children's Charter (2004) and subsequent Framework of Standards (2004) must be embraced by all staff working in the organisation and the demands of children as outlined in the charter should and must be at the very heart of providing a safe and protected environment.

- Help us be safe<sup>(6)</sup>
- Listen to us<sup>(7)</sup>

## Legislative Framework

Staff at the Good Shepherd Centre must have a sound knowledge of the legislative framework that underpins our approach to child protection. This section will cover legislation that as a provider we must adhere to and furthermore policies and procedures must reflect current legislation so as to remain fit for purpose. Staff must be aware of the duties placed on them in terms of protecting children and young people from harm as well as the duty to be proactive in reporting areas of concern.

For the purpose of this section, only key legislation relating to the provision of care within the organisation will be mentioned however additional legislation can be found in **Appendix B**.

### **Duty To Protect:-**

- *The Children (Scotland) Act 1995* – this is one of the primary pieces of legislation that informs of responsibilities and duties of Local Authority as corporate parents to care and protect children and young people. The Act's overarching principle is that 'the Welfare of the child is paramount'. This principle is embedded in all approaches used within the organisation.

### **Overarching legislation**

#### *The Equality Act 2010*

Protecting children and young people and providing an environment where they can grow and develop must be free from discrimination. Discriminatory practice will not be tolerated within the organisation and practice will be accepting and inclusive.

#### *Data Protection Act 1998*

The basic principles of the Act remain relevant in terms of the conditions in which any data can be "processed" and it is the responsibility of the data controller within any organisation to ensure that the key principles set out in the Act are adhered to by all staff. Of particular note in the child protection context are those sections of the Act that relate to confidentiality, sharing of information and disclosure of sensitive information.

#### *Human Rights Act 1998*

All legislation passed by either the UK or Scottish Parliament should adhere to the principles of the European Convention on Human Rights. In so far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention. Sometimes there may be a potential conflict of interest between children and adults and a balancing of competing rights will be required.

### *UN Convention on the Rights of the Child*

Ratified by the UK Government in 1991, this Convention serves to inform all subsequent child care legislation. The rights of the child to express their views freely in all matters affecting them and to have them taken into account and the right to have the best interests of the child as a primary consideration in making decisions affecting the child are important aspects of this Convention. Conformity with the standards established by competent authorities is another requirement of the convention.

### *UN Convention on the Rights of Persons with Disabilities*

Ratified by the UK Government in 2009, the Convention stipulates that in order for disabled children to be able to realise the rights mentioned above, they need to be provided with disability and age-appropriate assistance.

## Staff Recruitment and Training

In the 1990's critical inquiry reports exposed a wide range of failings which contributed to the abuse of many young people in residential child care settings. The reports although at the time related to residential units in England and Wales, the consequences were to reach beyond any border and the findings of the reports went on to influence and inform many changes in the provision of residential child care here in Scotland. Scotland was not to be without its shame and the exposure of abuse at Kerelaw Secure Unit was to once again send out a reminder to all providers of the need to have robust measures in place that aim to eradicate abuse within residential child care.

Key themes emerged throughout the critical reports and they focused on, among other things, staff recruitment, staff training and staff supervision. These areas were considered to be contributing factors in homes where abuse had taken place.

### **Safer Recruitment**

In 2001, the then Scottish Executive (now Government) commissioned the Scottish Recruitment and Selection Consortium to develop a safer recruitment model that would be robust in its approach and would seek to ensure that only those most suitable would work with vulnerable client groups. In 2002, the Kate Skinner tool-kit was presented as a model for consideration and if accepted would be implemented by the organisations' that work with vulnerable client groups. Although under no requirement to implement this model the Good Shepherd Centre embraced it and policies and procedures reflect the use of this robust and structured approach. In 2007, The Scottish Executive delivered the "Safer Recruitment Through Better Recruitment. *Guidance in relation to staff working in social care and social work settings*"<sup>(9)</sup>. This guidance, although some 5 years after the presentation of the safe recruitment model, did endorse a robust and structured approach to recruitment of staff and the Good Shepherd Centre works to the guidance in its staff recruitment.

### PVG Scheme/Enhanced Disclosure

All new staff being employed at the Good Shepherd Centre will be expected to join the PVG scheme and applications will be completed at the point of offering the job and offers of employment will be conditional based on the employee being accepted on to the scheme. This includes external consultants such as psychologists and trauma counsellors. Existing staff will go through a process of joining the PVG scheme in accordance with the timescales stipulated by Disclosure Scotland.

### **Staff Supervision and Staff Training.**

Safeguarding children and young people cannot simply be about how we recruit it must extend to how we as an organisation train and supervise our staff on an ongoing basis. Providing Safe Care is a core function of our service provision.

#### *Staff Supervision:-*

- New staff will receive formal supervision every 4 weeks until they have successfully completed the probation period (min 6 months).
- Staff who have successfully completed their probation will receive supervision every 6-8 weeks.
- Unit Managers will receive formal supervision bi-annually to coincide with the outcomes of service questionnaires looking at areas for improvement.
- Safe Care will be a standing agenda item at all supervision sessions and weekly staff meetings.

#### *Staff Training:-*

- Mandatory training on Child Protection will take place for new staff within the first 4 weeks of employment.
- Child Protection refreshers(as required)
- Staff with over 1 year experience will participate in a more robust Child Protection course aimed at experienced practitioners.
- Safe Care Training will take place within the first week of employment.
- Refresher training on Safe Care will take place as and when required.
- New staff will be trained in the 4/5 day TCI course (Therapeutic Crisis Intervention).
- Staff will receive TCI refreshers every 6 months.
- All staff will have access to copies of all policies relating to the safe care of young people.

## Roles and Responsibilities:-

Staff working in the centre will have their practice regulated by which ever discipline they are associated with i.e. social care staff=SSSC, teachers=GTC(Scotland). Regardless of the regulatory body, staff are governed by codes of practice and are required to uphold these codes in their day to day activities. Protecting children and young people from harm and providing a safe environment are expectations placed on employers and employees.

### **The SSSC Code of Practice for Employers states:-**

“As a social service employer, you must put into place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice”.(9)

“Establishing and promoting procedures for social service workers to report dangerous, discriminatory, abusive or exploitative behaviour and practice and dealing with these reports promptly, effectively and openly”(10)

### **The SSSC Code of Practice for Social Service Workers states:-**

“As a social service worker, you must promote the independence of service users while protecting them as far as possible from danger or harm”. (11)

“Using established processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitative behaviour and practice”.(12)

“ Bringing to the attention of your employer or the appropriate authority resource or operational difficulties that might get in the way of the delivery of safe care”.(13)

### **The General Teaching Council For Scotland states in the mandatory requirements for registration the role of teachers in:**

“ Providing and ensuring a safe and secure environment for all learners within a caring and compassionate ethos and with an understanding of wellbeing”.(14)

“Create a safe, caring and purposeful learning environment”. (15)

At the Good Shepherd Centre we work from the understanding that the protection of children and young people in our care is the responsibility of all **not** the few, however it is recognised that when dealing with allegations and matters relating to Child Protection there needs to be a framework in place that is robust, clear and consistent, and crucial to this, is knowing who should deal with what.

As previously stated in the early part of the policy it is accepted that organisations such as the Good Shepherd Centre will have their specific framework for Child Protection which will include role and responsibilities appropriate to our service delivery. This section will look at roles and responsibilities applicable to our organisation.

## Role of Child Protection Co-ordinator (CPC - Head of Service):-

### General Responsibilities

- Ensure that all staff in The Good Shepherd Secure/Close Support Unit are aware of the Unit's Child Protection Procedures and any amendments to them.
- Supplying new members of staff with a written copy of the procedures.
- To promote awareness within the culture of The Good Shepherd Secure/Close Support Unit of the possibility of child abuse.
- To critically analyse areas and routines within The Good Shepherd Secure/Close Support Unit.
- Organise staff training on Child Protection.
- Liaise with other agencies.
- Listening and responding to general concerns raised by young people, staff and parents in relation to child abuse.

### Specific Responsibilities

- Co-ordinating actions within the unit in relation to incidents where concerns have been raised regarding specific young people.
- Delegating responsibilities to the Child Protection Officer e.g. in situations where the CPC may not be the most appropriate person to support a particular young person or when that person is subject of the allegation.
- The Child Protection Co-ordinator will delegate to the HR Manager the task of initiating a fact finding investigation when there is a possibility that an incident **MAY** lead to Child Protection procedures being implemented. HR will also have a role if disciplinary proceedings are taken against staff whose practice may have contributed to an incident whether or not one of a child protection concern(see the policy on Disciplinary and Dismissal Procedures).

The Child Protection Co-ordinator having received all relevant information will inform the referring agency and will make available to the referring agency all relevant information held.

In the event of the allegation of abuse being made in relation to an employee within The Good Shepherd Secure/Close Support Unit the Child Protection Co-ordinator will if required, assist the referring agency in a fact finding exercise in regards to any allegation of abuse.

Where an allegation of abuse gives rise to a criminal or child protection investigation the Child Protection Co-ordinator will be responsible in engaging with all relevant agencies to work together as far as possible.

Each referring local authority has agency Child Protection guidelines which will set out the basis for collaborative work.

The role of the Child Protection Co-ordinator will include the monitoring and reviewing of all child abuse allegations both external and internal.

### **Role of Child Protection Officer (CPO -Designated Unit Manager):-**

- The Child Protection Officer will be the operational contact person for young people and staff.
- The Child Protection Officer will inform the Child Protection Co-ordinator immediately when there has been an allegation of abuse.
- To progress with an Investigation the Child Protection Officer will be given delegated tasks by the H.R. Manager i.e. undertaking a fact finding investigation.
- The Child Protection Officer will provide the H.R Manager with a written account of any investigation carried out, which will subsequently be presented to the Child Protection Co-ordinator for consideration.
- The Child Protection Officer will attend relevant meetings with the Host Authority to ensure that the organisation's practice and methods when managing child protection concerns is in line with their procedures.

### **Lead Professional:-**

The guidance refers to a Lead Professional. The Local Authority Social Worker will assume this role and will co-ordinate supports and if required will develop a Child Protection Plan. For the purpose of this policy it is important to point out that any allegation is immediately reported to the Lead Professional and he/she will instruct as to whether or not the organisation will have responsibility in managing the allegation(if allegation is relating to the care being received). If the Lead Professional states that they are happy for the organisation to manage it then the role of Child Protection Officer and Child Protection Co-ordinator take immediate effect, however if the Lead Professional instructs that he/she will investigate then they will implement their policy for managing the allegation.

## The Good Shepherd Centre's Practice Framework:-

This section details the action that should be taken when an allegation has been made. This section is what makes the management of allegations specific to The Good Shepherd Centre.

### Concerns and Allegations

Through day to day contact with young people within the unit, staff will build constructive and trusting relationships with young people which will be within the professional boundaries outlined in associated policies.

If a young person chooses to discuss with a worker current or historical events that would indicate that abuse or neglect may have occurred then it is important that staff should:

- Take the allegation or account of abuse seriously.
- Listen in a calm and sensitive manner
- Reassure the young person he/she is not to blame.
- Not be judgemental about information given.

Where there is suspicion that abuse has occurred staff should not enter into any detailed investigation of the symptoms or causes of a young person's distress or injury. Such an approach could prejudice a later formal investigation. The role of the staff is to **Observe, Record and Report**

**Observe:** Observe carefully the young person's behaviour, both verbal and non-verbal communicators.

**Record:** Record in detail what they have seen and heard and when they did so. Signs of physical injury should be described in detail or sketched and follow Standard Operational Procedures in respect of dealing with any injury the young person has sustained. Any comment by the young person about how the injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made.

**Report:** Report the suspicions to their line manager who will pass any details to the Child Protection Officer (CPO) and Child Protection Co-ordinator (CPC).

If the information disclosed indicates that the young person is still under threat of abuse or harm staff must act immediately to ensure the safety of the young person. Workers should inform their line manager or if he/she is not available then another senior manager should be informed.

When an allegation of abuse has been made or abuse has been disclosed the appropriate person will liaise with the placing authority. This will be the CPO, Head of Service(CPC) or Depute Heads of Service. A decision will be made in consultation with the local authority representative as to who would be the appropriate person to liaise with family /carers. The guidance places this responsibility with the Lead Professional who is the young person's Social Worker.

Where it has been identified that young people have experienced abuse or neglect appropriate supports will be offered in a way that will not impinge on any internal or legal process.

### **Allegations of abuse by other residents**

The following must be borne in mind by the person in whom the young person confided:

- The allegation must be taken seriously. The allegation must be acknowledged with the young person and he/she must be advised that it will be investigated. The allegation must be recorded as soon as possible after the young person has spoken.
- Hand written notes must be retained.
- In case of minor incidents or concerns the units' normal response should apply in that abusive behaviour is confronted immediately with the individuals involved.

Where concerns are of a more serious nature and abuse is suspected or witnessed then child protection procedures will be followed and a referral made to the CPO. The CPO will then inform the CPC.

Referring agencies will be informed as outlined in Standard Operations Procedures.

When staff are concerned about the safety of a young person, or are suspicious, or identify indicators of abuse, staff will pass this on to their Line Manager who will forward this to the Child Protection Officer.

### **Allegations of abuse made against staff**

Any allegation against a member of staff will be treated seriously. Where an allegation or suspicion of abuse is made against members of staff, the following procedure should be implemented:-

- The CPC or delegated person will immediately notify the area manager from the placing authority. The organisation will agree with the area manager the means by which any such concern will be investigated.
- The senior manager of the host authority should be advised of the outcome of all investigations of abuse of children in residential establishments.
- The young person's Social Worker must be advised of the allegation as soon as possible. In normal circumstances the young person's parents/carers should be advised as soon as possible by the Social Worker. Parents and the young person should be advised of their right to contact the police where this has not been done by the local authority.
- The Social Worker and /or residential key(Link) worker should offer specific support to the young person throughout this period.
- The young person's views must be taken into account regarding the investigation process and outcome.

If after careful consideration there is a decision that the allegation is unfounded, the decision to take the matter no further will be recorded, together with the reason for it and kept on file.

If further investigation is required, there is an added dimension in that the Head of Service (CPC) will have to consider the need to ensure that young people are protected while the allegation is under investigation.

The Head of Service or in the absence of the Head of Service, the Depute Heads of Service will consider whether there is a need to:

- Remove the member of staff to other duties to ensure the protection of the young person and the member of staff until the matter has been resolved.
- To suspend the member of staff, on a precautionary basis pending an investigation.

Where a member of staff has had contact with a number of children, consideration will be given to the possibility that others may have been abused. In the event of enquiries from other parents and referring agencies, they should be informed that an allegation has been made against a member of staff and that an investigation is under way. No other information will be given out.

### **Allegation against the Head of Service/Senior Manager or Child Protection Officer**

In cases where the member of staff against whom the allegation has been made is Head of Service, a Senior Manager including the Child Protection Officer a report will be provided to the External Line Manager (Chair of the Board of Managers) of The Good Shepherd Secure/Close Support Unit who will convene an extraordinary meeting within **seventy-two hours** in order to investigate the allegation. In the intervening period, the Chairperson may wish to make an interim decision to protect the interests of the young people and staff member involved.

In any allegation of abuse by staff the same procedures should be followed as for other allegations or suspicions of abuse.

## The Role of Children's Rights Officers, Advocacy Workers and Safeguarders.

At the point of admission and throughout a young person's stay they are given information on how to contact other relevant people who they may choose to confide in or report areas of concern to. Furthermore, when a young person is admitted to the unit, the Children's Rights Officer/Advocacy worker in the young person's placing authority are informed of the admission. This is not only considered to be good practice but it is fundamental in upholding the rights of young people to have access to an independent service that can provide support. It should be pointed out however, that having access to children's rights officers etc, is not only related to Child Protection as their role can serve many purposes in supporting young people.

New legislation such as The Children and Young Person's Bill (Scotland) introduced to Parliament on 17<sup>th</sup> April 2013(targeted for implementation 2014) and The Children's Hearing Act (Scotland) 2011, implemented 24<sup>th</sup> June 2013 will further ensure that children/young people are protected by law.

The Children and Young Person's Bill (Scotland) sees the introduction of what is referred to as "Named Person's". Part 4 of the Bill covers in detail this new role. When a child/young person is admitted to secure care the service provider will assume of the role of Named Person. Part 4 Section 19 subsection 5(a)

*"..... the named person considers it to be appropriate in order to promote, support or safeguard the wellbeing of the child or young person".( 16)*

There are many functions of the Named Person but for the purpose of Child Protection the element regarding safeguarding the wellbeing of the child or young person is particularly pertinent. The Act stipulates that the Named Person should discuss or raise a matter about the child/young person with the relevant authority. For the purposes of this policy reporting of concerns would be in accordance with our already stated procedure (observe, record and report to line manager)

The Children (Scotland) Act 1995 introduced the role and function of a safeguarder for the purpose of safeguarding the child's interests in the decision making process.

Section 41(1)(a) Safeguarding child's interests in proceedings.(17)

*(a) shall consider if it is necessary to appoint a person to safeguard the interests of the child in the proceedings.*

The Children Hearing (Scotland) Act 2011 sees the role of safeguarder remain unchanged however what the new Act does do is provide regulation of safeguarders which until now have never been regulated. The Act stipulates key areas such as training and recruitment into the commissioning of a safeguarder. The regulation of this service will hopefully lead to more professional and suitable person(s) being tasked with the role of safeguarding children/young people.

## Conclusion

This policy should conclude with how it started. The message contained in the National Guidance is intended for all whether working with children and young people or not.

“ Procedures and guidance cannot in themselves protect children; a competent, skilled and confident workforce, together with a vigilant public, **can**”. (The National Guidance For Child Protection in Scotland, 2010)

The senior management fully appreciate that Child Protection issues can present as unclear and complex but one thing that should be and always will be straightforward is the need to raise the concern and allow for a process to be followed in accordance with best practice.

## Appendix A

- (1) Page 3, *The National Guidance For Child Protection in Scotland. The Scottish Government(2010)*
- (2) Page 3, *The National Guidance For Child Protection in Scotland. The Scottish Government(2010)*
- (3) Page 6, *The National Guidance For Child Protection in Scotland. The Scottish Government(2010)*
- (4) Page 11-14, *The National Guidance For Child Protection in Scotland. The Scottish Government(2010)*
- (5) Page 21, *The National Guidance For Child Protection in Scotland. The Scottish Government(2010)*
- (6) *The Children's Charter(2004)*
- (7) *The Children's Charter(2004)*
- (8) *Safer Recruitment Through Better Recruitment. Guidance in relation to staff working in social care and social work settings(Scottish Executive, 2007)*  
<http://www.scotland.gov.uk/Publications>
- (9) *Scottish Social Services Council. Codes of Practice for Employers of Social Service Workers. 2009. Code 4*
- (10) *Scottish Social Services Council. Codes of Practice for Employers of Social Service Workers. 2009. Code 4(4:2)*
- (11) *Scottish Social Services Council. Codes of Practice for Social Service Workers. 2009. Code 3*
- (12) *Scottish Social Services Council. Codes of Practice for Social Service Workers. 2009. Code 3(3:2)*
- (13) *Scottish Social Services Council. Codes of Practice for Social Service Workers. 2009. Code 3(3:4)*
- (14) *The General Teaching Council For Scotland. The Standards for Registration: mandatory requirements for Registration with the General Teaching Council for Scotland. 2012. Section 1.*
- (15) *The General Teaching Council For Scotland. The Standards for Registration: mandatory requirements for Registration with the General Teaching Council for Scotland. 2012. Requirement 3.2.1.*

*(16) The Children and young Person's Bill(Scotland)*

*(17) The Children(Scotland) Act 1995*

*(18) The Children's Hearing (Scotland) Act 2011*

### Police (Scotland) Act 1967

The Police (Scotland) Act 1967 lays down the general functions and jurisdiction of the police in Scotland, in that it is the duty of constables of a police force to guard, patrol and watch so as to:

- (i) prevent the commission of offences;
- (ii) preserve order; and
- (iii) protect life and property.

In addition, it is the duty of the constables of a police force, where an offence has been committed, whether within or outwith the police area for which the police force is maintained, to take all such lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purposes of bringing the offender, with all due speed, to justice.

### Social Work (Scotland) Act 1968

Although amended many times over the years, this legislation provides the primary mandate for social work intervention in Scotland. It is the legislation that creates the duty under section 12 to “promote social welfare”. While this has been added to by the Children (Scotland) Act 1995 to specify “children in need”, the overarching mandate remains that it is the duty of the local authority to ensure that such services are made available across their jurisdiction as could be considered consistent with this duty.

## Appendix C

### **Further Reading**

National Guidance, Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns, Scottish Government, 2010

The Children's Hearing Act (Scotland) 2011

Children and Young Person's Bill (Scotland)

Protecting Children and Young People: Framework for Standards, Scottish Executive, 2004