PROTECTING CHILDREN AND YOUNG PEOPLE IN EDUCATION

Book 1 The Context

Contents

	Page
1. The Context	3
2. About the Guidelines	3
3. Aims	4
4. Who is a child?	4
5. Who are parents or carers?	4
6. What is child protection?	4
7. What is child abuse and neglect?	5
8. What is harm and significant harm in a child protection context?	6
9. What is risk in a child protection context?	6
10. Information sharing and child protection	7
11. Multi-agency working	7
12. Contact details	7

1. The Context

Every child or young person has the right to be safe and protected from any avoidable situation or acts which might result in that child:

- Being physically, sexually or emotionally harmed in any way.
- Put at risk of physical, sexual or emotional harm, abuse or exploitation.
- Having their basic needs neglected or experiencing that their needs are met in ways that are not appropriate to their age and stage of development.
- Being denied the sustained support and care necessary for them to thrive and develop normally.
- Being denied access to appropriate medical treatment.
- Being exposed to demands and expectations which are inappropriate to their age and stage of development.

Children and Young People (Scotland) Act 2014

2. About the Guidelines

These guidelines, set out in a series of three booklets, apply to all of Education employees. They also apply to all other employees, volunteers and others working with children and young people in educational establishments. This guidance will be updated as required to take account of changes in legislation and practice.

Child protection is the responsibility of all who work with children and families regardless of whether or not they come into direct contact with children. All workers must be fully informed of their responsibilities in respect of keeping children safe. All services working with children, young people and families are expected to identify and consider the wellbeing of children and to share concerns appropriately.

These guidelines are based on *National Guidance for Child Protection in Scotland 2014*. The National Guidance provides a framework within which agencies and practitioners can understand and agree processes for working together to support, promote and safeguard the wellbeing of all children.

Child Protection is part of our approach to Getting It Right For Every Child (GIRFEC), the UN Convention on the Rights of the Child and Curriculum for Excellence. Every child and young person has the right to be safe, healthy, active, nurtured, achieving, responsible, respected and included. They have the right to be listened to and to have their views taken into account. They should expect to get the help they need, when they need it and be able to access help close to where they live.

The purpose of these guidelines is to help protect the children and young people of Aberdeenshire and to build the confidence of staff to work safely with children and to take responsibility for protecting them.

3. Aims

These guidelines will assist all employees who work with children, young people and families by:

- Developing an ethos which safeguards and promotes the welfare and wellbeing of all children.
- Providing clear guidance for all staff on the roles and responsibilities involved in child protection.
- Ensuring that staff respond appropriately when abuse is identified.
- Describing the processes and procedures that all staff must follow in response to disclosure, allegation or suspicion of child abuse.
- Ensuring effective multi-agency communication, collaborative working and providing a consistent framework for practice.

4. Who is a Child?

Section 2.1 of the National Guidance for Child Protection in Scotland 2014 provides an explanation of the legal contexts in which a young person up to the age 18 may be considered as a child. These guidelines apply to children and young people up to the age of 18 who attend school or are eligible to access services. Throughout these guidelines child references to a child or children apply equally to young people.

5. Who are Parents and Carers?

A parent is defined as someone who is the genetic or adoptive mother or father of a child. A child may also have a parent by virtue of provisions in the Human Fertilisation and Embryology Act 2008.

A mother has full parental rights and responsibilities. A father has parental rights and responsibilities if he is or was married to the mother at the time of the child's conception or subsequently. A father also has parental rights and responsibilities if the child birth was registered after 4 May 2006 and he has been registered as the father of the child on the birth certificate. A parent may also have acquired rights where a Parental Responsibilities and Parental Rights Agreement exists under section 4(1) of the Children (Scotland) Act 1995.

A carer is someone other than a parent who has rights and responsibilities for looking after a child or young person. A kinship carer can be a person who is related to the child or a person who is known to the child and with whom the child has a pre-existing relationship.

6. What is Child Protection?

Child protection means protecting a child or young person from 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. Where a child requires protection, a Child Protection Plan is used to detail how a child will be kept safe. Everyone is responsible for Child Protection.

There are 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 abuse occurred in circumstances resulting from a failure in familial responsibility.

7. What is Child Abuse and Child Neglect?

Abuse and neglect are forms of maltreatment of a child or young person. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, a significant harm to a 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.

There are four primary categories of child abuse: Physical Abuse, Emotional Abuse, Sexual Abuse, Neglect.

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 inappropriate expectations on a child. It may involve causing a child to feel frightened or in danger, or exploiting or corrupting a child. 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 or young person 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 a child in looking at or in the production of indecent images or in watching sexual activities, using sexual language towards a child or encouraging a child to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child or young person'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 a child can be at serious risk from the

effects of malnutrition, lack of nurturing and stimulation. This can lead to damaging 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.

8. 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 or young person and their family. Where there are concerns about harm, abuse or neglect, these must be shared with the relevant agencies so that they can decide together whether the harm is, or is likely to be, significant.

Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the suspected or reported abusive behaviour.

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

- *Harm* - the ill treatment or the impairment of the health or development of the child or young person, 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.

- *Significant Harm* - 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 typical child.

There are no absolute criteria for judging what constitutes significant harm. In assessing the severity of ill treatment or future ill treatment, it may be important to take account of the degree and extent of physical harm; the duration and frequency of abuse and neglect; the extent of premeditation; and the presence or degree of threat, coercion, sadism and bizarre or unusual elements. Sometimes, a single traumatic event may constitute significant harm, for example, a violent assault, suffocation or poisoning. More often, significant harm results from an accumulation of significant events, both acute and long-standing, that interrupt, change or damage the child's physical and psychological development.

It should be remembered that the threshold for referral to the Children's Reporter is not the significant harm threshold, but when it is considered that a child is in the need of protection, guidance, treatment or control and Compulsory Measures of Supervision might be necessary.

9. What is Risk in a Child Protection Context?

In the context of these guidelines, risk is the likelihood or probability of a particular outcome given the presence of factors in a child or young person's life. Risk is part and parcel of everyday life; a toddler learning to walk is likely to be at risk from some stumbles and scrapes but this does not mean the child should not be encouraged to walk. Risks may be

deemed acceptable and they may also be reduced by parents/carers or through the early intervention of universal services. Only where risks cause, or are likely to cause, significant harm to a child, would a response under child protection be required. Where a child has already been exposed to actual harm, assessment will mean looking at the extent to which they are at risk of repeated harm and at the potential effects of continued exposure over time. Consideration should also be given to the risk posed by the potential perpetrator.

10. Information Sharing and Child Protection

Sharing relevant information is an essential part of protecting children. Although those providing services to children or young people may be concerned about balancing their duty to protect children from harm and their general duty towards service users, the overriding concern must always be the safety of the child. Concerns about a child's safety will always take precedence over any public interest in maintaining confidentiality.

It should be borne in mind that a fairly minor wellbeing concern raised by one agency may, when combined with information from other agencies, point to much more serious concerns. Under present Data Protection law it is perfectly acceptable and lawful for services to share information where there is an indication that a child's wellbeing is at risk. Under such circumstances consent is not required and should not be sought as the holder of the information can rely on alternative and more appropriate conditions from schedules 2 and 3 of the Data Protection Act 1998. This has been reaffirmed through the publication of advice by the Information Commissioner.

In relation to child protection procedures and confidentiality, the main points to remember are:

- In the interests of protecting children, employees have a professional obligation to pass on information to relevant agencies.
- Employees must not promise to keep secret any allegation or concerns even if a child or third person requests this. There is no guarantee that the source of a concern can be kept confidential.

Aberdeenshire Council has worked with Aberdeen City Council, Moray Council, NHS Grampian and Police Scotland to produce a practitioner's guide, A Practitioners Guide to information sharing and confidentiality , which can be found at the GIRFEC-Aberdeenshire website www.girfec-aberdeenshire.org .

11. Multi-Agency Working

GIRFEC requires that all services for children and young people and adult services working with parents and carers of children and young people adapt and streamline their systems and practices so that, where necessary, they can work together better to support children and young people. With its emphasis on shared assessment based on common language, it facilitates information-sharing and stresses the importance of understanding risks and needs across all aspects of the child's wellbeing.

12. Contact Details in Aberdeenshire

All staff must be aware of what to do if they have a concern about the safety of a child. They must also ensure they know who the Child Protection Officer or Depute Child

Protection Officer is for each establishment they work in.

Social Work can be contacted by calling a local Social Work Office as listed below:

Social Work Office	Telephone Number
Aboyne	013398 87096
Banchory	01330 824991
Banff	01261 812001 or 01261 813180
Ellon	01358 720033
Fraserburgh	01346 513281
Huntly	01466 799600
Inverurie	01467 625555 or 01467 537555
Kemnay	01467532888
Laurencekirk	01561 376490
Maud	01771 613967
Peterhead	01779 473368
Portlethen	01224 666200 or 01224 786199
Stonehaven	01569 768390
Strichen	01771 638200
Turriff	01888 569260
Westhill	01224 849499

Or, if out of hours by calling the Social Work Out of Hours Service on **03456 081 206.**

Police Scotland can be contacted on telephone number **101.**