



# **Child Safeguarding Procedure**

## **Procedure and Guidance for Reporting Allegations of Child Abuse and Related Risk Assessment**

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# Procedure for Reporting Allegations of Child Abuse

## 1 Introduction

The following procedures and guidelines support the College's Child Safeguarding Policy and should be read in conjunction with that policy.

The following procedures and guidelines support risk assessment related to child safeguarding and identifies the circumstances under which this risk assessment will be required.

The procedures and practice guidelines in child safeguarding apply to all College staff. These require to be followed when any member of staff is involved with a case of suspected or alleged child abuse. Categories of abuse are shown in Appendix 1.

The Designated Member of Staff will oversee the work of the Safeguarding Team. This Team can be contacted through College Reception.

West Lothian College recognises that children and young people often have a wide variety of needs that may require special consideration.

In considering this procedure it is important that professionals can clearly demonstrate, and record, that such considerations have been made. All communication must be appropriate to their level of understanding.

The College will operate in close collaboration with Social Work and Police and be guided by National Guidance for Child Protection in Scotland 2010.

The College recognises and works within the Prevent Duty Guidance: for Scotland derived from the Counter – Terrorism and Security Act (2015). This Act required the College to have “due regard to the need to prevent people from being drawn into terrorism”.

In summary any concern that any individual is being (or is at risk of being) radicalised or drawn into extremism must be reported to the Safeguarding Team, who will pass these concerns to the Police.

## 2 Diversity

Children and young people have a wide variety of needs and characteristics that may require special consideration.

These include age, race, ethnicity, religion, culture, sexual orientation, ability and social difference. It is vitally important that the diverse needs of children and young people are explicitly considered when making decisions regarding their care and protection.

Where disability or sexual orientation is a factor or for children from black and minority ethnic groups, there can be additional vulnerability that

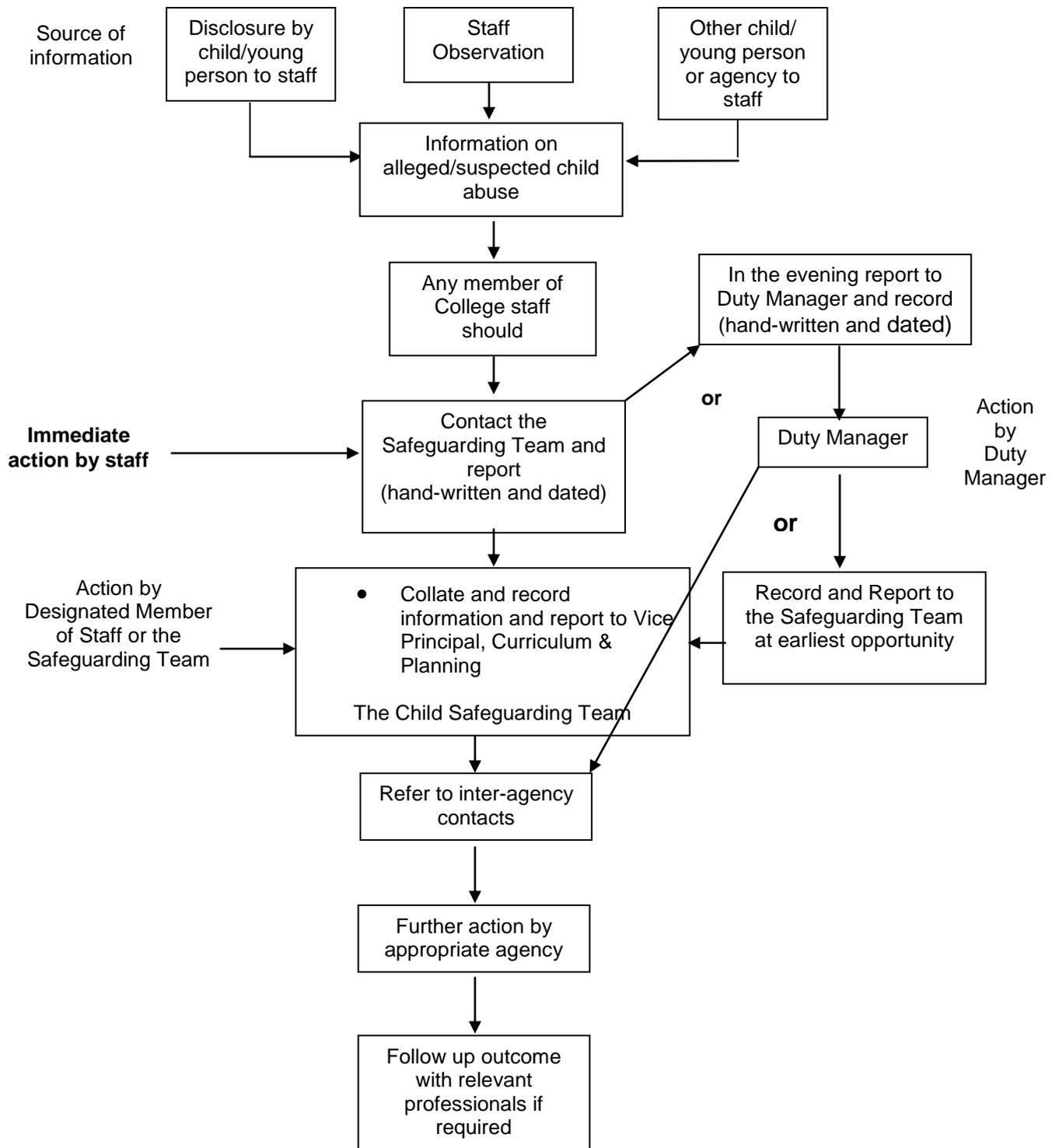
requires particular considerations. Throughout the processes contained in these procedures it is crucial that professionals clearly demonstrate and record that such considerations have been made.

All communication with children and/or families must be appropriate to their level of understanding.

# Procedure for Reporting Allegations of Child Abuse

## All College Staff

### 3 Flow chart for Managing Alleged/Suspected Abuse



**NB:** Referrals should be made if there is any doubt as to whether or not this should be done. Social Work/Police will advise.

## **Guidance Notes for Staff – Allegations of Child Abuse**

### **4 Disclosure of Abuse and Contact with Extremism**

Incidents of suspected abuse can be disclosed in a variety of ways:

- Directly by child or young person.
- Staff observation.
- By another pupil/person/or agency (third party disclosure).
- By letter or phone call, with or without the name of the informant (third party disclosure).

### **5 Initial Responses to Child or Young Person**

- A guarantee of confidentiality must not be given to the child/young person.
- Any initial questioning or discussion must be limited to establishing the basic facts.
- The member of staff questioning the child should not introduce either personal experiences of abuse or those of other children.
- The child or young person must be told that the Safeguarding Team will have to be informed.
- The matter must be referred to the Safeguarding Team immediately or, in the evening, to the Duty Manager.
- The facts must be recorded as accurately as possible in the child's/young persons own words, dated and signed on the same day. If requested the record must be passed to the Police to ensure the 'best evidence' is available for the child/young person. A photocopy must be kept, by the Safeguarding Team.
- The member of staff must also record, date and sign a statement when concerns are passed to the Safeguarding Team or Duty Manager.
- This information must not be shared with any person without the permission of the Safeguarding Team.

## 6 Action on Third Party Disclosures

Considerable care should be taken when managing third party disclosures by:

- A child/young person in College about a child/young person in College.
- A child/young person in College about a child/young person in a school.
- Another person or agency, by letter or phone call, with or without the name of the informant.

It should be recognised that it may also be traumatic for another child/young person to report abuse. The Safeguarding Team should therefore take this into account at all stages of decision making.

## 7 Action and Information on Alleged Abuse in the Community

For **any** child/young person in the community, where the information suggests abuse, direct immediate referral should be made to the Safeguarding Team.

## 8 Action by Designated Member of Staff, the Safeguarding Team or Duty Manager

The Safeguarding Team/Duty Manager must treat all cases of alleged or suspected abuse as matters of urgency.

- Following disclosure by a child/young person the relevant member of staff must treat the information confidentially, whilst recognising that matters disclosed will have to be the subject of communication with other agencies.
- The Safeguarding Team/Duty Manager should contact the Department of Community Child Health/the local Children and Families Team in the Social Work Department or the Police.
- The Safeguarding Team should ensure that support is available to the member of staff who received the disclosure.
- Children should not be subjected to repeated interviews. **It is not the responsibility of College staff to investigate these matters.**
- Should the member of the Safeguarding Team feel he/she requires additional information from the child/young person. The team member should exercise judgement as to who should seek this information.

- The Duty Manager should report to the Safeguarding Team as soon as possible any actions taken during evening duty.

## 9 Risk Assessment Procedure: Learners & Applicants with Significant Offending Histories.

Practice in this area will be guided by:

- The need for high level confidentiality.
- A balance between the presumed right to study and the right to study safely.
- An acknowledgement that the College is an open, educational environment which caters for learners under 16 and adults who may be vulnerable.
- The premise that the statutory authorities have the resources and expertise to address this type of risk assessment.

It is noted that not all learners are subject to disclosure or PVG procedures therefore the College is not aware of all learners offending histories. This policy will be followed where College staff are made aware that a learner/applicant;

- Has a history of significant violence, particularly in the recent past.
- Has been convicted or charged with crimes of violence or of a sexual nature or where the College is alerted to a history of exploitative or abusive behaviour.

## 10 Procedure

Where College staff are alerted that a learner/applicant has a history of behaviour which gives cause for concern in relation to significant violence or sex crimes, **the situation will be referred to Designated Staff Member, as a matter of urgency.**

Where the individual is attending College, consideration will be given to whether or not this attendance needs to be suspended pending risk assessment this decision will be made by the Designated Staff Member.

**The Designated Member of Staff will:**

- Inform the Vice Principal, Curriculum & Planning.
- Liaise with statutory authorities and coordinate a risk assessment, by the statutory authorities.
- Provide the Vice Principal, Curriculum & Planning with the risk assessment. The Designated Member of staff and Vice Principal, Curriculum & Planning will take a recommendation to the College Principal for final decision.
- The Designated Member of Staff will communicate the outcome of this process to the learner/applicant and/or their representative and coordinate any required Cross College action.

NB: Please see the PVG (student) Policy and Procedure for guidance on students with an offending history or being considered for location on a 'banned' list and placement experience.

## **Appendix 1**

### **Definitions/and Concepts**

#### **Who is a child?**

A child can be defined differently in different legal contexts.

Section 93(2)(a) and (b) of the Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.

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.

Although the differing legal definitions of the age of a child can be confusing, 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. For example, the Adult Support and Protection (Scotland) Act 2007 can be applied to over-16s where the criteria are met. This further heightens the need for local areas to establish very clear links between their Child and Adult Protection Committees and to put clear guidelines in place for the transition from child to adult services. Young people aged between 16 and 18 are potentially vulnerable to falling 'between the gaps' and local services must ensure that processes are in place to enable staff to offer ongoing support and protection as needed, via continuous single planning for the young person.

Where a young person between the age of 16 and 18 requires protection, services will need to consider which legislation, if any, can be applied. This will depend on the young person's individual circumstances as well as on the particular legislation or policy framework. Special consideration will need to be given to the issue of consent and whether an intervention can be undertaken where a young person has withheld their consent.

This guidance is designed to include children and young people up to the age of 18. However, as noted above, the protective interventions that can be taken will depend on the circumstances and legislation relevant to that child or young person.

#### **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.

While it is not necessary to identify a specific category of abuse when adding a child's name to the Child Protection Register (for further information, see the section on the **Child Protection Register**), it is still helpful to consider and understand the different ways in which children can be abused. 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.

### **Potential Involvement of Children in Criminal Activity**

College staff working with students should be alert to the possibility of them being drawn or forced into criminal activity.

Concerns should be reported immediately to the Safeguarding Team.

The College is committed to co-operation with statutory agencies, including the Police, in the prevention of terrorism and criminal activity generally.

#### **Staff must report any situation to the Safeguarding Team where they are concerned that:**

- A child/young person may be forced into a marriage or removed from the United Kingdom for this purpose.
- A child/young person has been, or may be subjected to genital mutilation or removed from the United Kingdom for this purpose.
- A child/young person being drawn into extremism\* directly or by electronic means (see below).
- A child/young person is being drawn into drug use.
- A child/young person is being forced into or encouraged to engage in prostitution, or any other criminal activity.
- A child/young person is being prepared for, or drawn into (groomed) an abusive relationship directly or by electronic means (e.g. mobile phone, email, text, and internet).
- A child/young person is being given access to pornography or encouraged to contribute inappropriate images of themselves.

\*The Government has defined extremism in the Prevent strategy as: “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces”.

College staff will not investigate any situation of concern but will refer matters directly to Police Scotland and inform the school involved when appropriate (as directed by the police).

In light of the organised serial abuse of children in Rotherham, colleagues are asked to be alert to any reports of children/young people being coerced or forced into sexual activity or abuse. Any such concerns must be recorded and reported to the Safeguarding Team and then Police Scotland as a matter of urgency.

It is stressed, in the interests of clarity that protection of the Individual person is a greater consideration than confidentiality and/or data protection when action is being considered.

## **Appendix 2**

### **The Role of Education (ELBEG Procedures)**

#### **Education**

Members of staff in education establishments are well placed to receive disclosures of abuse or to observe matters that may cause concerns over a child's health and well-being.

All education establishments will have robust structures and procedures in place to deal with staff concerns about the safety, well-being and protection of children.

- Each education establishment shall have a Designated Member of Staff (DMS) for child protection matters. (The College also has a team).
- Any member of staff with any concern about whether a child has suffered, is suffering or is likely to suffer abuse shall immediately report the concerns to the Designated Member of Staff.
- In the absence of the Designated Member of Staff, the staff member with concerns will not delay but will pass their concerns to a Senior Manager.
- Where the DMS or Senior Manager is not available, staff will not delay but will immediately pass their concerns to one of the Core Agencies.
- The member of staff will make a signed and dated written record of their concerns including when the matter was passed to the Designated Member of Staff/Senior Manager.
- The Designated member of Staff, or Senior Manager, will collate all available information and be responsible for ensuring a Child Protection Referral is made to the Core Agencies.
- Education establishments will ensure records of disclosure/referral are kept securely, not routinely accessed with Pupil Progress Records, but forwarded along with Pupil Progress Records if the child moves education establishment.

## Section 2: The Equality Impact Assessment Process

### Phase 1: Screening and Prioritisation

The first phase of the Equality Impact Assessment (EIA) is to screen the policy, practice, strategy etc to establish if it has an impact upon anyone because of a protected characteristic (age, disability, ethnicity, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).

A single EIA should be conducted and recorded for each individual policy, practice, strategy etc.

Please complete the following:

<b>Name of policy/ practice/strategy/ decision</b>	<b>Named individual responsible for policy/practice/strategy/ decision</b>	<b>Name of person conducting initial EIA</b>
<b>Child Safeguarding Procedure &amp; Guidance</b>	<b>G Hotchkiss</b>	<b>G Hotchkiss</b>

### Supporting notes to help in the completion of Phase 1

- Consider impact in terms of the protected characteristics and other groups who may experience disparities in opportunity.
- Make use of existing knowledge, experience, research and consultation.
- Caution is needed not to consider a policy or practice 'equality neutral' just because no evidence of adverse impact exists (e.g. you might find little research exists with regard to equality areas such as sexual orientation).
- When thinking about positive impact consider ways to tackle discrimination, promote equality of opportunity and promote good community relations.

**Q1. Given the aims of the proposed policy, practice, strategy, decision is it likely that there will be a negative impact on one or more of the groups named above. Or is it clear at this stage that it will be equality neutral?**

<b>Protected Characteristic</b>	<b>Impact (explain)</b>
Age	Neutral
Disability	Neutral
Gender reassignment	Neutral
Pregnancy and maternity	Neutral
Race	Possible Negative Impact
Religion or belief	Possible Negative Impact
Sex	Neutral
Sexual orientation	Neutral

Comments:

**The risk factor is that terrorism is seen to be related to race and/or religion with particular reference to Islam.**

**Q2. For which groups are there likely to be a negative impact? What is this impact likely to be, and what plans could be built in to address negative impacts and to add measures which promote a positive impact at this stage?**

Protected Characteristic	Impact (explain)
Age	N/A
Disability	N/A
Gender reassignment	N/A
Pregnancy and maternity	N/A
Race	Potential for stigma and discrimination
Religion or belief	“ “ “ “ “ “
Sex	N/A
Sexual orientation	N/A

Comments:

Clear briefings that terrorism is not a product of Islam. This is an opportunity to refute any stereotyping and support the positive image of the Islamic community.

**Q3. At this stage, how could the policy, project, strategy, decision etc promote positive impacts for any of the groups named above?**

See Q2

**Q4. Is a full impact assessment required? ~~YES~~ / NO (use box to explain rationale behind decision)**

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<b>Signature of named individual responsible for policy</b>	<b>Signature of individual responsible for carrying out initial impact assessment (if different from previous)</b>	<b>Date of completion of initial impact assessment</b>
<i>G Hotchkiss</i>		<i>31/08/16</i>

***In the event of a full impact assessment being required this document must be attached and used as part of that process***