

## Child Protection Policy

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### SCOPE

Child Protection is about how we keep children safe, and about how we respond when children may have been subject to abuse or neglect. Children have a right to protection and to a timely response to concerns and significant harm. Under the Children and Young People (Scotland) Act 2014, a 'child' is defined, for the purposes of all Parts of that Act, as someone who has not yet attained the age of 18. The individual young person's circumstances and age will dictate what legal protections are available.

Abuse and neglect are forms of maltreatment. Abuse or neglect may involve inflicting harm or failing to act to prevent harm. Children may be maltreated at home; within a family or peer network; in care placements; institutions or community settings; and in the online and digital environment. Those responsible may be previously unknown or familiar, or in positions of trust. They may be family members. Children may be harmed pre-birth, for instance by domestic abuse of a mother or through parental alcohol and drug use.

This policy outlines Capability Scotland's responsibilities in protecting children and young people. All Capability Scotland staff play a role in Child Protection. There is a staffing structure for supporting you to report concerns and for Capability Scotland to take action.

Capability Scotland is committed to working in partnership with key agencies and families in line with:

- Local Authority Child Protection Procedures
- The Scottish Government's Policy and Guidance on Protecting Children
- Getting it Right For Every Child (GIRFEC)

### EXTERNAL REFERENCES

This framework is contextualised by a wide range of national legislation and strategies, regulatory frameworks and codes of practice. Whilst not necessarily referenced in the framework further information on key legislation and external documentation can be found in Appendix 9.

### International Treaties

- United Nations Convention for the Rights of the Child
- United Nations Declaration of Human Rights

- United Nations Convention on Rights of Persons with Disabilities

### **National Legislation**

- Mental Health (Care and Treatment) (Scotland) Act 2003
- Protection of Vulnerable Groups (Scotland) Act 2007
- Children (Scotland) Act 2020
- Regulation of Care (Scotland) Act 2001
- Children and Young People (Scotland Act) 2014
- Adult Support and Protection (Scotland) Act 2007
- Human Rights Act 1998
- Equality Act 2010

### **Regulations, Codes of Practice and other National Strategies**

- The National Framework for Child Protection Learning and Development in Scotland 2024
- The Promise
- Looked After Children (Scotland) Regulations 2009
- Adult Support and Protection Code of Practice
- SSSC Codes of Practice
- Health and Social Care Standards
- The Scottish Strategy for Autism
- Scottish Government – The Keys to Life
- Getting it Right for Every Child – GIRFEC
- National Guidance for Child Protection in Scotland 2021 – updated 2023

### **Appendices**

Appendix 1 - Children's Services Safeguarding and Protection Forum Remit

Appendix 3 - Child Well Being Concern Form

Appendix 4 - Body Map and Basic Assessment Chart

Appendix 5 - Safeguarding Responsibilities

Appendix 6 - Capability Scotland C&AP Referral Form

Appendix 7 - Self-Harm and Suicide Information

Appendix 8 - Types of Abuse

Appendix 9 - Introduction to legislation and links to key documents

## **1. Purpose**

Capability Scotland is committed to protecting children, and to helping parents, carers and staff to look after children and meet their needs. Capability Scotland works in partnership with other agencies that refer to us to:

- Work positively to keep children safe and well, and prevent harm

- Monitor children’s wellbeing
- Observe, report and record concerns
- Participate fully and openly to investigations of child protection concerns.

To achieve this, we will:

- Use safe recruitment practices, including requiring all staff to be a member of the Protection of Vulnerable Groups (PVG) Scheme
- Train all our staff in Child Protection procedures
- Maintain strong lines of communication between children, staff and senior managers to listen to and respond to concerns
- Ensure our practice is trauma informed
- Work closely with all relevant agencies to strengthen our systems and practice

Concerns regarding protecting children include:

- Adult to child harm – this may refer to staff or other adults in the child’s life, as well as strangers.
- Child to child harm.

Harm is any deliberate physical, emotional or sexual abuse or exploitation including directly, digitally or by neglect; and harm which may arise due to a failure to appropriately protect children. The National Framework for Child Protection Learning and Development in Scotland 2024 reflects legislative and policy positions at the time of publication. All practitioners have a responsibility to remain aware of changes to legislation, policy and practice that impact on how frontline services should respond. Learning and development professionals should ensure that materials are continually reviewed against further developments, reinforcing key strategies and good practice.

All staff concerned about a child who may have been harmed or is at potential risk of harm must follow Child Protection Referral Procedure.

## 2. Principles

### 2.1 What is a Child Protection Concern?

A Child Protection concern is any concern about a child who **may** have experienced significant harm or **be at risk** of significant harm. Remember:

- It is not your responsibility to prove harm. If you have a concern, exploring this by sharing it with senior staff is the best way to consider the situation and how to respond.
- All our children have had different experiences, different approaches to parenting and care, and have different behaviours – therefore, there is no single definition of harm. A concern might arise because of changes in behaviour or appearance, as well as what children say.

## 2.2 Significant harm

All Child Protection concerns relate to alleged or actual risk of significant harm. Significant harm is anything which negatively impacts on the health or development of a child's:

- Physical or mental health
- Social, emotional, behavioural, intellectual or physical development.

The child or young person must be given the opportunity to express their views and be listened to.

## 2.3 What kind of concern?

Discussions with your line manager, colleagues and Organisational Lead Officer will help you feel confident about the level of concern and the reporting required. The two main areas of concern may be:

- **A Child Protection concern** – significant harm or risk of significant harm from an adult to child or child to child, serious bullying, or absconding from a school or service. These should be reported immediately in accordance with the Child Protection Procedure
- **A Wellbeing Concern** – a general concern relating to a child's mental, physical and emotional wellbeing. These will be recorded and shared in accordance with good practice guidance.

**IF YOU HAVE REASON TO BELIEVE A CHILD OR YOUNG PERSON HAS SUFFERED OR IS AT RISK OF SUFFERING IMMEDIATE HARM THIS SHOULD BE REPORTED IMMEDIATELY. REFER TO THE "Child Protection Referral" PROCEDURE.**

### 2.3.1 What are common indicators of abuse?

All of the indicators below could be interlinked or any of the signs could indicate another concern, the list is not exhaustive, staff should refer to list in **Appendix 8** and their training for a comprehensive list. It is not your responsibility to interpret or 'diagnose' a concern, just to report what you observe.

## 2.4 Disabled Children

Disabled children, or children with communication impairments, learning disabilities and sensory impairments are historically more vulnerable to abuse and neglect. Incidence of abuse in disabled children is likely to be under reported. All staff should be aware of the risk this poses to children and young people we support.

## 2.5 What are our responsibilities in relation to confidentiality?

Children may share information with an adult they trust. An adult hearing a disclosure of abuse **must not** keep this to themselves, even if the child asks you to do so. Confidentiality and data protection law allows confidentiality to be breached where the information relates to harm, or the potential of harm, of an individual (whether adult or child). Any concern about a child's welfare, no matter how small, must therefore be shared with the relevant

manager. A trusted adult may support the child to come to terms with the need to share and the manager will support you to plan how to do this.

## **2.6 What are our duties in passing on concerns?**

Capability Scotland is required, by local authorities responsible for the care of children placed with us, to help them fulfil their legal duties to report Child Protection concerns. The local authority Social Work department and/or Police has the duty to decide on any action regarding the concern. The child's social worker or lead person may hold an Inter-agency Referral Discussion (IRD) to decide how to proceed. It is our duty to co-operate with social workers and police officers, including sharing information.

## **3. Wellbeing Concerns and SHANARRI indicators**

### **3.1 Context and definition**

The wellbeing of all children and young people is at the heart of 'Getting it right for every child' (GIRFEC) and is enshrined in the Children and Young People (Scotland) Act 2014. Wellbeing, under this Act, is defined in relation to eight indicators representing the key areas that are essential to enable children to flourish – safe, healthy, achieving, nurtured, active, respected, responsible and included (SHANARRI indicators).

A concern which is not of a Child Protection nature, but which might adversely affect the child is known as a 'Wellbeing Concern'. Such a concern might include, but is not limited to, the following:

- Emotional Distress
- Behaviour (lower level in class / service).
- Withdrawn over a period of time.
- Physical Health – e.g. refusing to eat or take medication.
- Family Behaviour during contact / within family home.
- Sexualised language.
- Sexualised behaviour – lower level – e.g. exposing self.

### **3.2 GIRFEC and Wellbeing concerns**

#### **Getting it right for every child (GIRFEC)**

**3.2.1** 'Getting it right for every child' is the national approach to improving the wellbeing of children and young people across services in Scotland. Initially implemented in 2006, 'Getting it right for every child' policy and guidance was further revised and updated by the Scottish Government in September 2022. It promotes a holistic approach to child welfare and protection, aiming to ensure that every child receives "the right help, at the right time, from the right people".

The key principles of 'Getting it right for every child' include:

- the importance of early identification of need, using a shared understanding of wellbeing, and early support
- the crucial role that universal services play in providing a flexible scaffold of support for all children and young people where it is needed, for as long as it is needed, including care or protection
- the importance of a co-ordinated multi-agency approach of promoting, supporting, and safeguarding the wellbeing of children and young people

### **3.2.2 What to do if you have a *wellbeing* concern about a child**

If you have any concern whatsoever, this should be recorded on a Wellbeing Concern Form **Appendix 3** and passed to the Head Teacher/ Service Manager (or those acting on their behalf) without delay. They will consider any patterns and changes around an individual which may lead to re-assessing the situation as a Child Protection concern.

The SHANNARI wellbeing indicators can be used to structure recording of a specific concern that may be raised with or by practitioners that may need further assessment or action. A concern can be an event itself, or a series of events, or attributes, which affect the wellbeing or potential wellbeing of a child or young person, for example, missing appointments for health checks. Any marks to the body, such as a bruise or scratch, should be recorded on a signed and dated body map **Appendix 4** alongside as full a description as possible. This should include location, size, colouration, depth, etc. This should be passed to the Head Teacher or Service Manager or those acting on their behalf without delay.

It is the duty of all Capability Scotland staff and volunteers to take action and report any incidents or suspicion of harm including self-harm, neglect, and exploitation. When there are concerns that a child may have experienced or may experience significant harm this must be reported in line with the Child Protection referral procedure.

### **3.3 Monitoring of wellbeing concerns**

In our schools the school's leadership team will meet as required to consider any wellbeing concerns raised in the period. For other services the child or young person's keyworker will be responsible for taking any themes or patterns for discussion to key team meetings and individual's reviews. Notes from such meetings should be recorded and where appropriate an overview will be included within the Children's Safeguarding Forum which meet on a quarterly basis, led by Deputy Director of Services.

The GIRFEC National Practice Model sets out a shared framework and approach to identification, assessment and analysis of wellbeing needs. All practitioners who work with children and families should be familiar with GIRFEC, and with the effective use of chronologies, as they form the basis for child protection assessment and planning.

## **4. Roles and responsibilities within Capability Scotland**

### **4.1 Organisational Lead Officer for Child Protection**

- The Director of Adult Services and Business Development is the Lead Officer for Child and Adult Protection.

- Name: Callum MacGregor
- Address: Capability Scotland, Vantage Point, 24 St Johns Rd, Edinburgh EH12 5HG

In absence of the Lead Officer the Deputy Director of Services will assume responsibility:

- Name: Sean Donachie
- Address: Capability Scotland, Vantage Point, 24 St Johns Rd, Edinburgh EH12 5HG

The role of the Organisational Lead Officer for Child Protection includes:

- Coordinating organisational policy, procedure and action on child protection matters
- Ensuring that all services and staff are fully aware and compliant with statute, policy and procedure relating to protection matters
- Ensuring that each relevant School/Service has a designated 'Child protection coordinator'.
- Acting as the organisational lead point of contact with statutory bodies and other organisations on protection matters
- Oversight of all registration, protection and supervision orders relating to children and adults at risk of harm or requiring statutory care and support, and ensuring appropriate organisational actions and responses
- Oversight of the organisation's wider adherence to 'Getting it Right For Every Child policy framework (GIRFEC)' in schools and children's services.
- Ensuring that child and adult protection processes are subject to regular internal audit

The Lead Officer for Child Protection must be informed of the handling of all child or adult protection concerns. They must be available to offer advice in ensuring that all actions are consistent with this policy. Where the Lead officer is not available responsibility is automatically delegated to the Deputy Director.

**In the case of Stanmore House School, it is recognised that some or all of the responsibilities above will be delegated to the Head Teacher. However, the Organisational Lead Officer will retain oversight for the purposes of organisational governance.**

#### **4.2 Designated Child Protection Coordinator (Head Teacher/Service Manager) - or person acting on their behalf:**

In the event that there are suspicions of actual or potential harm, The role of the Designated Child Protection Coordinator is to handle and follow through a Child Protection concern to conclusion, with advice and guidance from the Lead Officer throughout this process as required. This will include:

- **'Child Protection Reporting Form' must be completed on CAMI or through the Local Authority reporting format and submitted within 24 hours.** and kept updated until there is an agreed closure with investigating bodies.
- In cases where there is an immediate risk of harm the emergency services should be contacted.

- As per Capability Scotland's 'Accident and Incident Reporting' process, the submission of an 'Accident and Incident Report'
- For Registered Services, the Care Inspectorate must be informed in accordance with their e-form reporting requirements.
- All actions, including any ongoing or subsequent actions must be recorded as a timeline, allowing the timeframe, events, actions, and outcomes to be easily identified, tracked, and monitored.
- The Head Teacher/Service Manager, or person acting on their behalf, must notify their line manager as soon as practical via phone and by using the accident and incident reporting process and an email alert copied to both the Organisational Lead Officer for Child and the Improvement and Quality Manager for tracking.
- All services must maintain clear and accessible recording, to ensure that all required information contained within the above notifications can be reported accurately and without delay.

Head Teachers will have overall responsibility for coordinating all aspects of Child Protection and Wellbeing monitoring within schools. Service Managers will coordinate with local authority partner agencies to ensure proper monitoring of wellbeing concerns as well as.

### 4.3 Everyone

All employees and volunteers (including Trustees) must have a comprehensive understanding of their Child Protection responsibilities and should attend initial training and refreshers appropriate to their job role as set out in the **Safeguarding Framework**.

When there are concerns that a child may have experienced or may experience significant harm, and these concerns relate to the possibility of abuse or neglect, then the Child Protection Referral Procedure should be followed without delay. For more information of roles and responsibilities see **Appendix 5**.

## 5. Allegations Against Staff

Capability Scotland is committed to working from a children's rights perspective, where concerns are listened to, and responded to, positively. Central to this is an approach where trusting relationships are encouraged and nurtured. At the same time, we recognise that our staff provide care and education to children who have a complex range of issues as a result of early years trauma.

Within this context, allegations against staff are investigated in a way which takes account of the situations in which children are looked after. It is acknowledged that a child may make an allegation, which subsequently turns out to be unsubstantiated, as a way of drawing attention to worries or unhappiness they may have about their care which they struggle to

communicate, or due to previous trauma. It is therefore important that all children are aware of the opportunity to receive independent advice or advocacy by Who Cares? Scotland or a local authority Children's Rights Officer.

In considering any allegation against a staff member the relevant Capability Scotland Policies and Procedures will be referred to by the Service Manager/Head Teacher/Head of Schools/Investigating Officer, in general the following principles apply:

- The welfare of the child is paramount.
- Adults about whom there are concerns should be treated fairly and honestly.
- Consideration will be given as to whether an allegation should be investigated as a Child Protection concern, depending on the circumstances in question.
- Decisions should be made as quickly as possible (taking into account the need for a thorough and comprehensive investigation) in consultation with Social Work and / or Police and informed by the needs of children.
- The staff member should be kept informed throughout the investigation and reasonable endeavours made to complete the investigation within indicative timescales.

## **6. Quality Assurance and record retention**

### **6.1 Monitoring and Quality Assurance**

The Improvement and Quality Manager will monitor the management of Child Protection activity to ensure:

- The safety of the child or young person was addressed appropriately and timeously, and that contact was immediate and effective
- Staff operated in line with local authority and regulatory requirements
- That the basis of staff concerns, and their assessments were fully relayed to the local authority or HSCP
- Any telephone contact was followed up in writing no later than 24 hours from the referral
- Child Protection and Safeguarding Reports are collated and shared with the Executive Team on a monthly basis

**All services supporting children and young people are required to keep a register of any child who has an active protection order in place or who is on a local authority Child Protection Register. This register should be reviewed monthly and submitted to the Improvement and Quality Manager.**

In addition, the Children's Safeguarding Forum as specified in the Safeguarding Framework will be subject to internal audit and compliance with their role as detailed in Appendix 1.

## 6.2 Updating Care Plans, Risk Assessments and Ongoing Care

It is essential that Care and Support Plans or Individual Education Plans (schools) are reviewed and updated in accordance with any assessments and actions that may arise from a Child Protection concern. This should include measures to ensure a child or young person's ongoing safe care, and protection needs, and any additional support they may require. Consideration must be given to the sensitivity of concerns and how changes in support are recorded.

These must be agreed by all relevant stakeholders, including evidence of their involvement and agreement detailed in our records.

All Capability Scotland staff and volunteers who are responsible for providing direct support to the child or adult must read and sign acknowledgement of their understanding of any changes in the care and support being provided and their duties and responsibilities in that regard.

## 6.3 Storing Information

Each child or young person for whom there are concerns relating to child and adult protection and safeguarding should have a designated Folder, with the content categorised as follows:

1. Introduction
2. Chronology
3. Wellbeing Concern Forms & Body Maps
4. Minutes of LAC Reviews
5. Correspondence
6. Other

Folders should be stored in the appropriate section of the individual's CAMI file. The Head Teachers, Service Manager or those who have delegated responsibility, should have access to these.

## 6.4 Record Retention

Capability Scotland is required to retain a significant volume of customer or learner data to ensure it is able to comply with its obligations. This can mean records are maintained for the lifetime of the customer and significant time periods thereafter (e.g. 100 years after birth). Staff should presume that Customer records must be preserved in line with the Record Retention Schedule. **Refer to Record Management Policy.**