

## **Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**

### **Child protection**

#### **Aim**

We are fully committed to safeguarding the welfare of children and young people and recognise our responsibility to take all reasonable steps to promote safe practice and to protect children from harm and exploitation. Staff and volunteers will endeavour to work together to encourage the development of an ethos which embraces difference and diversity and respects the rights of children and young people.



#### **We will:**

- Ensure that all workers understand their legal and moral obligations to protect children and young people from harm and exploitation.
- Develop best practice in relation to recruitment of all workers. Ensure that all workers understand their responsibility to work to standards and best practice as detailed by local multi-agency procedures, the Care Inspectorate, Scottish Social Services Council and Deafblind Scotland staff guidelines.
- Ensure that all workers understand their obligations to report care or protection concerns about a child/young person, or a worker's conduct towards a child/young person, to the organisation's designated person for child protection.
- Ensure that all procedures relating to the conduct of workers are implemented in a consistent and equitable manner.
- Ensure that the designated person understands his/her responsibility to refer any child protection concerns to the statutory child protection agencies (i.e. police and/or social work)
- Provide opportunities for all workers to develop their skills and knowledge particularly in relation to the care and protection of children and young people.
- Ensure that children and young people are enabled to express their ideas and view on a wide range of issues and have access to the organisation's Complaints procedure.
- Ensure that parents/carers are encouraged to be involved in the work of the organisation and have access to all guidelines and procedures if they want. Endeavour to keep up-to-date with national developments relating to the care and protection of children and young people.

#### **Aims of guidance**

- This guidance applies to all children and young people that Deafblind Scotland staff may come into contact with in the course of their work. This includes children and young people who are visiting people supported by Deafblind Scotland, using Deafblind Scotland premises, young workers under the age of 18 years, as well as those being directly supported by Deafblind Scotland staff.

The Deafblind Scotland policy statement can be accessed on the staff area of the website

- Note: Staff should not at any point take responsibility for children who are visiting an adult service. During any visit to the home of a Deafblind Scotland adult service user or adult service, children must remain the responsibility of their parent or carer.

This guidance aims to ensure that:

- All staff have an awareness of what 'harm' is and the potential risks to children and young people.
- Through awareness and good practice the potential risks to children, young people and staff are minimised.
- Staff and managers are aware of the immediate actions that need to be taken to protect the child or young person where concerns or risks arise.
- All staff are clear how to report their concerns appropriately.

## Section One: Awareness

### 1:1 What is harm?

The following definitions of harm are intended as a guide only and should not be considered as an exhaustive list.

- **Physical Harm**  
Actual or attempted physical injury to a child, where there is knowledge, or reasonable suspicion, that the injury was inflicted or knowingly not prevented.  
This can include hitting, shaking, squeezing, burning and biting. It also includes where a child has been intentionally given a poisonous substance, inappropriate drugs and/or alcohol or where suffocation or drowning has been attempted.
- **Sexual Harm**  
This is where a child is used by an adult or another child or young person for the purpose of meeting their own sexual needs. This may involve sexual intercourse but more often is as a result of inappropriate fondling, masturbation and/or oral sex.  
This may also include using children in the production of pornographic materials including photographs and videos.
- **Emotional Harm** This results from children being made to feel unwanted, ugly, guilty or unloved. It usually occurs over a period of time in which the child is denied love and affection. The child is also often subjected to taunting and shouting with a resulting loss of confidence and self esteem.
- **Physical Neglect and Acts of Omission**  
This occurs when a child's essential needs are not met and this is likely to cause impairment to physical health and development. Such needs include food, clothing, cleanliness, shelter and warmth. This may also include failing to provide appropriate medical care or leaving the child alone unsupervised.
- **Non – organic Failure to Thrive**  
This occurs when a child significantly fails to reach normal growth and development milestones. The more common reasons for the under development must have been medically eliminated before a diagnosis of non organic failure to thrive can be established

### 1:2 How to recognise possible indicators of Harm/Neglect

Recognising the signs and indicators of harm can be very difficult. Sometimes all you may have is a vague feeling of uneasiness about a child or a situation.

Noticeable injuries or changes in behaviour patterns can occur for a number of reasons including harm or neglect. It is very difficult, for example to determine whether or not a bruise on a child's body is as a result of an accident or as a result of harm.

Often the suspicion of harm results from identifying a pattern of injuries or behaviour over a period of time.

**General guidance** You may find the following useful to use as general guidance in helping you to recognise any possible indicators of harm or neglect: Note the position of any physical injury and whether or not it is at one of the common sites of accidental or non accidental injury.

Common sites of **accidental** injury include: forehead, crown of head, nose, elbows, hips, hands, knees, shins.

Common sites of **non-accidental** injury include: eyes, ears, cheeks, mouth (inside and out), neck, shoulders, chest, upper arms, back, inner arms, stomach, buttocks, genitals, thighs Note the position of any physical injury and whether or not it is at one of the common sites of accidental or non accidental injury.

**Bruises** which are caused by shaking or squeezing will often appear as marks which resemble the form of a finger or thumb. If you notice bruising on a child, particularly where it is at a common site for non-accidental injury, check to see if the bruise resembles the shape of a finger or thumb print.

Marks caused by a **human bite** are usually oval in shape and appear open ended. The size of the mark is a clear indicator as to whether it has been caused by a child or an adult. If you notice a mark that you think resembles a bite mark, look at the size of it. If it resembles the size of an adult mouth then it is unlikely to have been caused accidentally.

You will need to try and determine the cause of **any** bite mark to ensure that you minimise the risk of this reoccurring again in the future, regardless of the cause.

If there is a **burn** mark, you should determine whether or not there is any possibility that it was caused by a cigarette. This type of burn is rarely caused accidentally. **Regular scald** marks on the hands, feet or buttocks are also least likely to have been caused as a result of an accident. If you notice scald marks you need to investigate what caused the injury, again to ensure that you minimise the risk of this type of injury reoccurring, regardless of the cause.

Signs of **physical neglect** are often easier to identify and include a child who has obvious body odour, is inappropriately dressed, or appears cold and or hungry. These may also be accompanied by some changes in behaviour.

Recognition of **sexual harm** is usually extremely difficult as there are often no visible signs. If there are any visible signs then these are only likely to be evident if the child is seen when undressed. Indications of sexual harm are more likely to be shown through unexplained changes in the child's behaviour. For example a normally sociable confident child may become quiet and withdrawn.

**Emotional harm** is usually the most difficult to identify as there are no visible physical signs. Any indicators will be related to changes in behavior. It is therefore important to try to determine the cause of any otherwise unexplained changes in behaviour, so that the possibility of harm or neglect can be eliminated.

## Section Two: Prevention

We aim to protect the children and young people we support and the adults who work with them by providing a 'Care and Protection Framework'.

This is made up of a range of policies and procedures, which, when combined together and implemented into practice, help to keep children, young people and staff safe.

These include:

- Recruiting appropriate individuals
- Providing appropriate support and training to staff
- Attending to Health and Safety issues including carrying out risk assessments
- Putting in place codes of good practice and ensuring that they are implemented into practice
- Encouraging service users to be able to share their views on the support and care that is provided to them
- Making sure that the appropriate guidance is in place to ensure that staff are able to respond appropriately to any concerns they may have

### 2:1 Recruitment and selection

There are a number of steps that need to be taken as an integral part of any recruitment process to ensure that the individuals are appropriate to work with children and young people and that at the same time the process treats all applicants fairly and equally.

## **2:2 Staff Training and Support**

Providing the appropriate support and training to staff is essential if they are to develop the skills and knowledge that they will need to fulfil the responsibilities of their post and to provide a 'Care and Protection Framework' in practice.

Staff can expect to be supported through their induction period and programme of continuing professional development in a number of different ways, including the following:

- Attendance at organisational induction which includes sessions on: valuing people and their diversity; an introduction to the needs of people with complex support needs; communication; working with people; understanding our responsibilities; working together; your training and professional development plan.
- Attendance at a one day workshop – '*Protecting Children and Young People*'
- Having an identified person who is responsible for supporting them and who they can contact if they have any concerns.
- Having a professional development plan in place, which is reviewed and updated in accordance with agreed target dates.  
To be provided with opportunities for on shift coaching
- Where appropriate, to have the opportunity to complete the qualifications as required by the SSSC

## **2:3 The Legal Context**

All children and young people have the right to be protected from harm.

All Deafblind Scotland staff have a responsibility to ensure that the children and young people that they either have direct responsibility for or come into contact with in the course of their work, live safely and are supported to reach their full potential, free from harm or exploitation.

Staff need to be aware of the following legislation that supports the protection of children and young people. This includes:

**The Children (Scotland) Act 2020**

**Children (Equal Protection from Assault) (Scotland) Act 2019**

**The Data Protection Act 1998**

**The Age of Legal Capacity (Scotland) Act 1991**

**Social Work (Scotland) Act 1968**

**National Health Service (Scotland) Act 1978**

**The Education (Scotland) Act 1980**

**Additional Support for Learning Act 2004**

**Foster Children (Scotland) Act 1984**

**Adoption and Children (Scotland) Act 2007**

**The Police (Scotland) Act 1997**

**The Protection of Children (Scotland) Act 2003**

**The Protection of Vulnerable Groups (Scotland) Act 2007**

**The Children and Young People (Scotland) Act 2014**

**The General Data Protection Regulation 2017**

## **National guidance for child protection in Scotland**

Updated in May 2014 – the National guidance for child protection in Scotland provides the current guidance and a national framework for anyone who could face child protection issues at work. Further guidance has been published for health professionals, and protecting disabled children.

Child protection committees will have their own inter-agency child protection procedures which are based on the national guidance.

### **Getting it right for every child**

Getting it right for every child (GIRFEC) is the Scottish government's approach to making a positive difference for all children and young people in Scotland. Its principles help shape all policy, practice and legislation that affects children and their families.

It provides a consistent way for people to support and work with all children and young people in Scotland. It aims to improve outcomes for children and make sure that agencies work together to take action when a child is at risk or needs support.

GIRFEC says children should be:

Safe \* healthy \* achieving \* nurtured \* active \* respected \* responsible \* included

GIRFEC is based on 10 core components that can be applied in any setting and any circumstance. Progress is measured through a set of 8 wellbeing indicators that are the basic requirements for all children and young people to grow and develop and reach their full potential.

The GIRFEC approach is reinforced by measures in the [Children and Young People \(Scotland\) Act 2014](#) which came into force from 2015.

### **The Early Years Framework**

Published in 2008, the Early Years Framework aims to give all children a better start in life by focusing on prevention and early intervention from pre-birth to age 8.

It sets out 10 changes that need to take places over ten years to improve outcomes for children.

Underpinned by GIRFEC, the Early Years Framework is one of 3 interlinking frameworks that provide the cornerstone of the Scottish government's social policy. The other two frameworks are:

- Equally Well - focusing on health inequalities
- Achieving Our Potential - focusing on poverty and income inequality.

(Scottish Government, 2008)

## **Section Three: Responding – an outline of the actions you need to take**

### **3:1 What to do if you think a child or young person is at risk of harm.**

Your first thought needs to be for the immediate safety of the child and yourself  
**In the event of a child requiring urgent medical attention** - Call an ambulance and take the child to the nearest Accident and Emergency Department. Make sure that you inform the hospital staff of your suspicion that the child may have been injured as a result of intentional harm and request that the police and social work services are informed.

**In the event that you are concerned about the child's immediate safety or your own**  
Call the police by dialing 999 in an emergency or 101 or text using the SMS service.

**Once you have ensured that the child or young person is safe, your responsibility is then to report your suspicions.**

- Write down the nature of your concern and anything the child or young person may have told you using, so far as possible, the words used by the child or young person. Remember to sign and date the notes taken.
- Immediately report the grounds of your concern to the nominated Child Protection coordinator, for Deafblind Scotland.

It will then be the responsibility of the Child Protection Coordinator to pass on the information to the local social work services office and/or the police.

Contact the local social work office and ask for the child protection officer.

**In the event that you are unable to contact the Child Protection Coordinator you should report your concerns to the most senior member of staff available immediately.**

That staff member will then, in the absence of the Child Protection Coordinator, be responsible for passing on the concerns to Social Work Services and/or the police

#### **Actions to be taken by the Child Protection coordinator.**

All cases of suspected or alleged harm must be treated seriously and passed on immediately to the local social work services office. The concerns should be clearly stated including the basis for them. When the local office is closed the Emergency Social Work Service should be contacted. Appendix 2 notes the emergency contact number for your local area.

If you are unhappy with the response from Social Work services you can contact the local police office or the Children's Panel and outline your concerns to them. Contact details are noted in appendix 2.

#### **What happens next?**

It is the duty of Social Work Services to investigate matters of concern in relation to the protection of the child or young person. Where it is alleged a crime has been committed against a child the matter is likely to be investigated jointly with the Police. The investigating Social Worker/Police Officer is likely to need to speak to the person who first raised the concerns. You must cooperate fully with any enquiries or investigation.

### **What happens if you have concerns about another member of staff?**

If you have observed a member of staff acting in a way that has caused you to be concerned and feel the matter needs to be investigated you should contact, the Child Protection Coordinator, outlining your concerns and the basis for them. Your concerns will be taken seriously by the Child Protection Coordinator and will decide on an appropriate course of action. This may involve the use of the Deafblind Scotland disciplinary procedures and/or a referral to Social Work Services/Police.

### **Providing support to the child or young person**

The child or young person is likely to continue to be involved with Deafblind Scotland following the reported concerns. Links should therefore be maintained with the Social Work Services involved in the investigation to ensure the appropriate ongoing support can be offered to the child/family.

It is important as a staff member supporting the child that you:

- Continue to listen
- Reassure the child/young person
- Do not question/interrogate the child
- Do not show disbelief
- Avoid being judgemental
- Do not introduce personal or third party experience of abuse
- Avoid displaying strong emotions.

If you think that the child/young person requires additional support but is unable, for whatever reason, to speak to the identified person within Deafblind Scotland then you should contact the Care Manager to identify an appropriate independent person who can provide this support.

### **3:2 What to do if a child, young person, other staff member or carer discloses information to you.**

There may be instances where you do not suspect harm but where a child or other staff member or carer discloses information to you.

In this situation you might find it helpful to follow a few simple guidelines:

- Stay calm and try to be reassuring to the person, however difficult you are finding the situation.
- Listen carefully and do not try and press the person for further information or details.
- Never promise to keep the information a secret, however insistent the person is
- Report the disclosure to a senior member of staff or the child protection coordinator.
- Record the detail of the disclosure and pass the written record on to the person whom you have reported it to.
- Record all subsequent events in case you are asked to detail the disclosure at a later date.

Once you have collated this information you must report your concerns either to the senior staff member on shift and/or to the Child Protection Coordinator.

## **Section Four: Reporting – some guidance on the best way to collate and pass on information**

It is essential that when reporting your suspicions that you are able to give a clear, factual account of your concerns.

If your suspicions go on to be formally investigated then you may need to attend a case conference, a disciplinary meeting or in some cases where prosecution follows, a court hearing.

It is therefore essential that you keep accurate records at the time of reporting so that you can be sure of your facts if asked to recall them at any point.

### **4:1 Collating the information to pass on**

When making a referral it is important that, where possible, you have the correct information available that will outline your concerns or the allegations.

You should try and have the following information collated:

- Factual information about the child and their family, including family structure, date of birth, home address, details of relevant family members and who has parental responsibility.
- Information about your involvement with the child and their family.
- The source of your concerns outlining if it is something you have seen or if it is based on the concern of another person and if so whom.
- Details of exactly why you are concerned including whether this is based on the child's behaviour, an injury, or something that has been said.
- It is also helpful to have information about whether this concern has arisen following a one off incident or whether you have had growing suspicions over a period of time.
- Outline whether or not you have any evidence to support your concerns and if so you need to outline what this evidence is.
- If you are aware of who you believe to be the source of potential or actual harm then you need to note this.
- You might also find it helpful to clarify whether or not there are any other children in the family that you have concerns for.
- Make it clear whether or not you consider the child to be in need of immediate protection to prevent the possibility of any further harm.
- Finally, you should be clear if you have discussed your concerns with the parent/carer and if they are aware that you are making a referral.
- If the family have not been made aware or have refused to give agreement for you to speak to social services then you should make this clear together with the reasons for this.

**Note: Any referral made by telephone, or in person must be followed up in writing within 24 hours.**



## **Section Five: Investigation and formal proceedings**

### **5:1 Investigation**

Where there is an allegation made against a member of staff in relation to harm or neglect there may be three types of investigations dependent on the circumstances.

These are:

- A criminal investigation.
- A child protection investigation.
- A disciplinary or misconduct investigation.

The results of the police and child protection investigation may have a bearing on any disciplinary investigation.

### **5:2 Whistle-blowing**

Deafblind Scotland will fully support and protect anyone, who in good faith reports his/her concerns that a colleague is or may be harming a child.

Refer to Deafblind Scotland's whistle-blowing policy.

### **5:3 The Disciplinary Procedure**

It is standard practice in cases of suspected harm or neglect to suspend all staff members implicated in any way, until the investigation is complete. This is as a protection to both the child or young person and to the person/people who have been implicated by the allegations. If there is a decision by the police to investigate the allegations then any disciplinary investigation will be suspended until such times as the police have completed their enquiries. Where an allegation of harm has been made against a member of staff he or she will be made aware of his or her rights under employment legislation and Deafblind Scotland disciplinary procedures.

Refer to Deafblind Scotland's disciplinary and grievance policy and procedure.

### **5:4 Confidentiality**

Confidentiality must be maintained at all times. Colleagues must not discuss with each other any matter related to the allegation or event except as part of a formal investigation and any subsequent criminal or disciplinary proceedings. Please note that information will not be kept confidential where it is felt that a child or young person is at risk of harm as child protection concerns will override the organisations principles of confidentiality and any other operational priority. Failure to comply with this may affect the outcome and the fairness of any investigation and will be taken seriously. Refer to Deafblind Scotland's Data Protection policy.

## **5:5 Criminal Proceedings and the 'List' of people unsuitable to work with vulnerable groups**

All allegations of potential criminal behaviour will be reported to the police. Should the police decide to investigate the allegations then the Deafblind Scotland disciplinary process will be suspended until this is completed.

Acquittal following a police investigation does not automatically mean that the disciplinary process will also be dropped.

The standard of proof for prosecution is "beyond all reasonable doubt" whereas the standard for an internal disciplinary reflects the civil standard of "on the balance of probabilities".

The Protection of Vulnerable Groups (Scotland) Act 2007 provides for a vetting and barring scheme which aims to prevent unsuitable people from gaining access to work with children and protected adults. This act in effect repeals the Protection of Children (Scotland) Act 2003 and the Disqualified from Working with Children List with the exception of section 13 (for teachers) and section 16 (appeals against inclusion in the list following conviction of an offence against a child).

The new act will ensure that:

- Unsuitable people are barred from working with children and/or protected adults.
- People who become unsuitable can be removed from such work.
- The bureaucracy associated with multiple disclosures for individuals and organisations is reduced.
- Continuous updating of the barred list is introduced to alert employers if new information about an employee comes to light that may indicate that they are unsuitable to work with vulnerable groups.
- A Central Barring Unit is established to establish whether an individual should be placed on one or both lists.