

Hutchesons' Grammar School

Wellbeing and Child Protection Policy

Policy Owner: Mrs G Fergusson, Depute Rector
Policy Approval: Mr C Gambles, Rector
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FOREWORD

Hutchesons' Grammar School *Wellbeing and Child Protection Policy* is based upon the principles that inspire and inform the 'Getting it right for every child' approach, in our primary tasks of safeguarding the children in our care, and promoting and developing all aspects of their wellbeing. This policy is particularly dependent on the Wellbeing and Child Protection Guidance provided by the Scottish Council of Independent Schools, written by Dr Susan Hamilton, and we acknowledge this debt with grateful thanks.

The *Wellbeing and Child Protection Policy* sets out:

- the rights of children to have their wellbeing promoted and developed;
- the responsibilities of those working at Hutchesons' Grammar School;
- a description of the Child Protection system at the school and the roles of key agencies;
- what the school must do to fulfil its Wellbeing and Child Protection responsibilities;
- guidance on the recognition of child abuse;
- what action to take if child abuse is suspected;
- child protection advice in specific circumstances.

Hutchesons' Grammar School *Wellbeing and Child Protection Policy* has been developed to reflect changes in legislation and national policy including the Children's Hearings (Scotland) Act 2011 (implemented in 2013), the National Guidance for Child Protection in Scotland 2014, and the Children and Young People (Scotland) Act 2014. We await further relevant guidance from Government, including proposed changes to aspects of this legislation relevant to the Named Person service and information sharing.

Within this context it must be affirmed that the principles of GIRFEC, long established as best practice in the promotion, support for and safeguarding of the wellbeing of a child or young person, remain at the heart of all wellbeing and child protection policy, procedures and ongoing practice at Hutchesons' Grammar School.

Gillian Fergusson
Depute Rector (Pastoral Care)

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INTRODUCTION

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 section 96(2) in relation to eight indicators representing the key areas that are essential to enable children to flourish. These eight indicators - safe, healthy, achieving, nurtured, active, respected, responsible and included - provide a common language for staff to identify wellbeing concerns, including those that may require a targeted intervention. Practitioners in the universal services of health and education are key to promoting, supporting and safeguarding the wellbeing of all children. At Hutchesons' Grammar School, we do this through their day to day activities and engagement with children and families. The principle is that it is everyone's job to prevent problems occurring, or to intervene to offer help to the child and/or parent/carer at the earliest opportunity. Practitioners, working with children and parents or carers, have the best chance to take early and effective action. It is important to stress that the majority of children's wellbeing needs will be met by their parents and carers and through the routine activity and planning within health and education.

Core principles, values and shared standards of practice form the foundation for effective, collaborative child protection practice. While different agencies will have differing codes of practice and responsibilities, a shared approach to values and standards will bring clarity and purpose to single agency, multi-agency and interagency working. The fundamental principles that underpin all the documents and approaches that relate to child protection, namely GIRFEC; the UN Convention on the Rights of the Child¹; and the Children's Charter² and the Framework for Standards³ represent an overlapping set of values.

Procedures and guidance cannot in themselves protect children: a competent, skilled and confident workforce, together with a vigilant public, can. Child protection is a complex system requiring the interaction of services, the public, children and families. For the system to work effectively, it is essential that everyone understands the contribution they can make and how those contributions work together to provide the best outcomes for children. Education staff are uniquely placed as there are opportunities within the context of school life for identifying concerns that a pupil may be being abused or is at risk of harm which could otherwise pass unnoticed. For advantage to be taken of these opportunities there is a need for all staff to be trained and know what actions to take when they are concerned about a child.

Education Scotland (HMIe) and the Care Inspectorate undertake a programme of inspections to determine whether children's wellbeing is adequately safeguarded, particularly in schools with residential provision. All adults who have the charge or care of children have a responsibility to ensure that the children in their care are not harmed.

¹ UN Convention on the Rights of the Child http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

² Protecting Children and Young People; The Charter, *Scottish Executive 2004*, <http://www.gov.scot/Publications/2004/04/19082/34410>

³ *Protecting Children and Young People: The Framework for Standards*, Scottish Executive, 2004 <http://www.gov.scot/Publications/2004/03/19102/34603>

This applies to all staff in schools generally, but with added force to schools with a boarding facility.

Pupils at Hutchesons' Grammar School are informed that it is legitimate for them to raise with staff concerns about their own protection and wellbeing. Parents or carers should be advised that it is legitimate for them to express concerns to the Named Person and Child Protection Co-ordinator, the Rector or a member of the Board of Governors if they feel that a child may be being abused or is at risk of harm.

GETTING IT RIGHT FOR EVERY CHILD: CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

Child protection has to be seen in the wider context of the Getting it right for every child (GIRFEC) approach. All children and young people have the right to be cared for, and protected from, harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met. At the heart of the GIRFEC approach is early, proactive intervention in order to create a supportive environment and identify any additional support that may be required for a child as early as possible. GIRFEC places children's and young people's needs first, ensures that they are listened to and understand decisions which affect them and that they get more co-ordinated help where this is required for their wellbeing, health and development. It requires that all services for children and young people - social work, health, education, police, housing and voluntary organisations - adapt and streamline their systems and practices to improve how they work together to support children and young people and their families⁴, including strengthening information sharing. **Hutchesons' Grammar School follows the principles of GIRFEC on a policy basis, as the Act is not yet a statutory requirement.**

GIRFEC has a number of core components which can be applied in any setting and any circumstance:

- a focus on improving outcomes for children, young people and their families based on a shared understanding of wellbeing;
- a common approach to gaining consent and sharing information where appropriate;
- an integral role for children, young people and families in assessment, planning and intervention;
- a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the wellbeing indicators;
- streamlined planning, assessment and decision-making processes that result in children, young people and their families getting the right help at the right time;
- consistent high standards of co-operation, joint working and communication, locally and across Scotland;
- a Named Person in school for each child and a Lead Professional to co-ordinate and monitor multi-agency planning where necessary;
- maximising the skilled workforce within universal services to address needs and risks as early as possible;

⁴ See Appendix 1 for definition of child, parent and carer

- a confident and competent workforce across all services for children, young people and their families; and
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries.

Values and Principles

GIRFEC is underpinned by common values and principles which apply across all aspects of working with children and young people. These are:

- promoting the wellbeing of individual children and young people: this is based on understanding how children and young people develop in their families and communities and addressing their needs at the earliest possible time;
- keeping children and young people safe: emotional and physical wellbeing is fundamental and is wider than child protection;
- putting the child at the centre: children and young people should have their views listened to and they should be involved in decisions which affect them;
- taking a whole child approach: recognising that what is going on in one part of a child or young person's life can affect many other areas of his or her life;
- building on strengths and promoting resilience: using a child or young person's existing networks and support where possible;
- promoting opportunities and valuing diversity: children and young people should feel valued in all circumstances and practitioners should create opportunities to celebrate diversity;
- providing additional help which is appropriate, proportionate and timely, considering short and long-term needs;
- working in partnership with families: supporting wherever possible those who know the child or young person well, know what they need, what works well for them and what may not be helpful;
- supporting informed choice: supporting children, young people and families in understanding what help is possible and what their choices are;
- respecting confidentiality and sharing information: seeking agreement to share information that is relevant and proportionate while safeguarding children's and young people's right to confidentiality;
- promoting the same values across all working relationships: recognising that respect, patience, honesty, reliability, resilience and integrity are qualities valued by children, young people, their families and colleagues;
- making the most of bringing together each worker's expertise: respecting the contribution of others and co-operating with them, recognising that sharing responsibility does not mean acting beyond a worker's competence or responsibilities;
- co-ordinating help: recognising that children, young people and their families need practitioners to work together, when appropriate, to promote the best possible help;
- building a competent workforce to promote children's and young people's wellbeing, who are committed to contributing to individual learning and development and improvement of inter-professional practice.

1. WELLBEING AT HUTCHESONS' GRAMMAR SCHOOL

1.1 What is a Wellbeing Concern?

A child or young person has a wellbeing need if their wellbeing is, or is at risk of, being adversely affected by any matter. A wellbeing concern may be identified by the child, or young person, or by anyone who knows or supports the child or young person, and can be identified for many reasons, such as (but not limited to) the following:

- a child or young person may be worried, anxious or upset about an event/set of circumstances, including socio-economic circumstances;
- a parent/carer or family member may have noticed a change in the child or young person's behaviour, demeanour or developmental progress;
- a parent/carer may have concerns about the impact on their child of an event or set of circumstances;
- a member of staff may have concerns for a child or young person's health, or may have noticed a change in their behaviour, demeanour, developmental progress or level of achievement;
- a child or young person may be offending, or putting themselves at risk of harm.

A wellbeing concern will arise from observation or assessment which indicates that one or more aspects of wellbeing is, or is at risk of being, adversely affected or subject to an effect by factors related to the child, or young person. Professional judgement based on experience and training and information about the child, or young person, and their circumstances, will be key to identifying wellbeing concerns. In some cases, a single observation or incident may be judged to represent a risk to wellbeing and be considered a concern. In other cases, the context of the observation or assessment, and wider knowledge of the child's general wellbeing and circumstances may either heighten or reduce the concern. The nature of the concern will be specific to the individual child, their age, stage of development and circumstances, so what represents a wellbeing concern for one child, may not be judged a concern for another child.

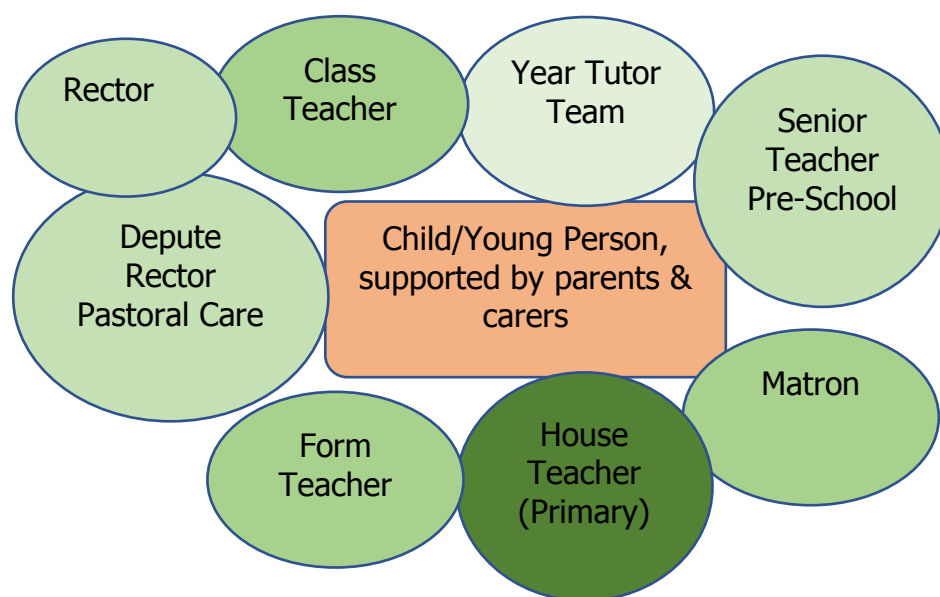
Pastoral staff in particular at Hutesons' Grammar School have a clear understanding of:

- Child development and pupil support needs.
- Common effects on wellbeing such as socio-economic factors, communication difficulties and disabilities.
- The principles and values underpinning the GIRFEC approach.
- Wellbeing and the use of the National Practice Model for the assessment of wellbeing.
- What may affect the wellbeing of children and young people and the potential effect on wellbeing?
- How to recognise and evaluate a wellbeing concern.
- How to respond proportionately to a wellbeing concern.
- How to work in partnership with parents or carers and take account of their views in relation to the wellbeing of their child.
- How to seek and have regard to the views of children and young people, be able to identify when speech, language or communication barriers exist and how to access appropriate support where such barriers exist.

- How to seek assistance from within and outwith their service.
- Their duties regarding information sharing including:
 - the handling, storage and recording of information;
 - sharing where a duty of confidentiality exists;
- Appropriately recording decisions and the rationale.
- Recording and processing of wellbeing concerns and other sensitive information.
- Initiating, reviewing and managing any plans for children and young people.
- The relationship between a wellbeing concern and a child protection concern.
- The range of management and other support available to support their role.

We recognise that the wellbeing and welfare of children and young people depends upon coordinated, positive support processes being facilitated by all adults around a child. Central to this support will be parents and families, and one key function of the Depute Rector in charge of pastoral care is to build on functions already at the heart of her role in communicating fully and frequently with parents/families regarding the wellbeing of their child.

At Hutchesons' Grammar School the network of support:



1.2 Getting it right for every child – The National Practice Model

The National Practice Model combines a set of useful tools which enable staff to assess wellbeing need and risk, and determine and assign actions which will facilitate the best possible outcomes for a child or young person. It promotes the participation of children, young people and families in gathering and interpreting information and in making decisions as central to assessing, planning and taking action.

The components of the practice model have been designed to ensure that assessment information about children and young people is recorded in a consistent way (see Appendix 2 & Appendix 3). This should help to provide a shared understanding of a child's or young person's needs and identify concerns that may need to be addressed. The

model and the tools which support it can be used by workers in adult and children's services and in single or multi-agency contexts. The main components in the practice model are:

1. The Wellbeing Indicators
2. The Five Questions
3. The My World Triangle
4. The Resilience Matrix
5. The Child's Plan

These components are intended to be used proportionately to identify and meet the child or young person's needs:

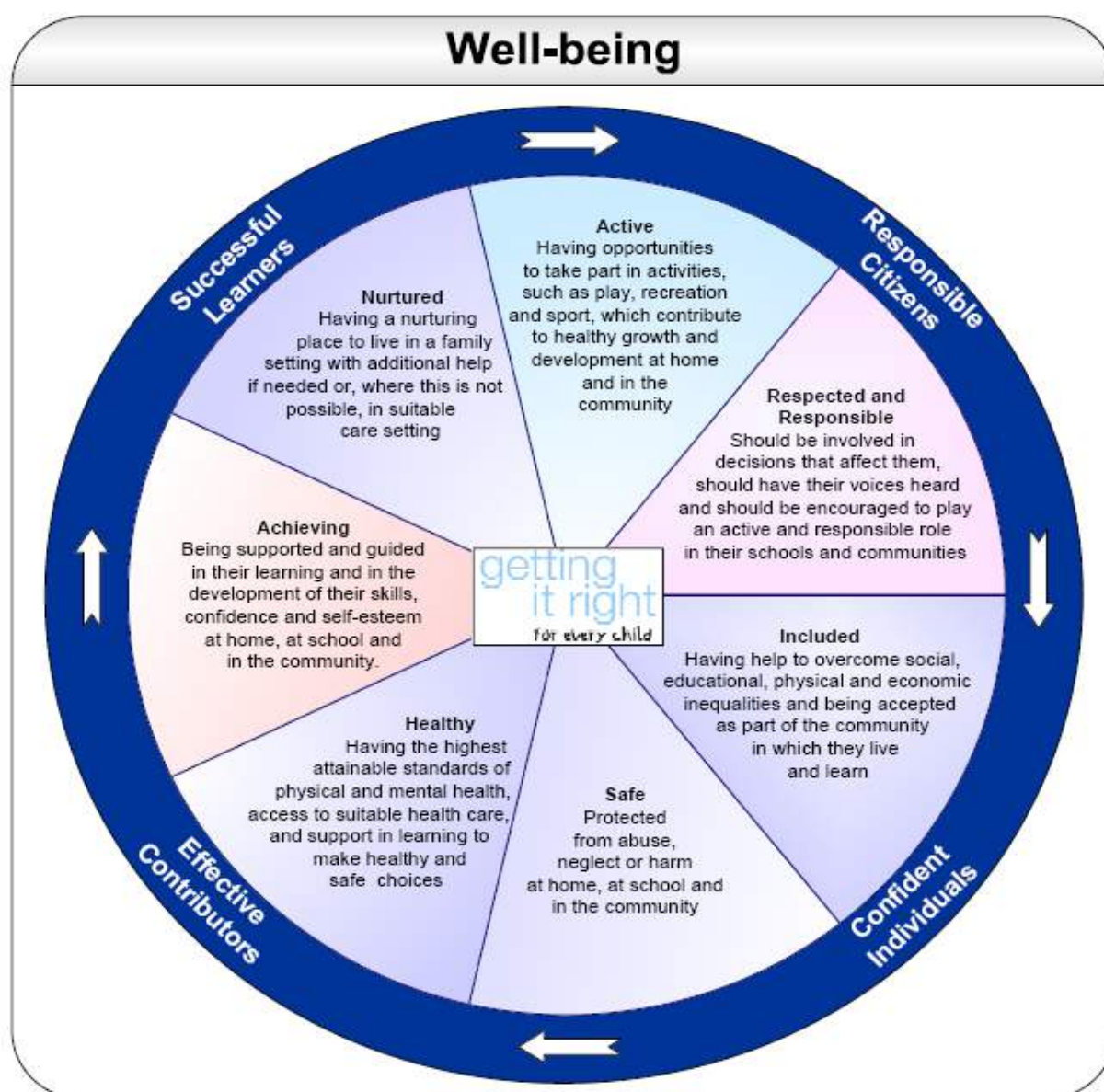
a) The Wellbeing Indicators

Seven indicators of wellbeing have been identified as areas in which children and young people need to progress in order to do well, now and in the future. These wellbeing indicators are illustrated and defined in Diagram 1.

The Wellbeing Indicators are an important part of the GIRFEC national practice model and are used at three points during the assessment and planning process:

1. To provide a context for identifying and recording concerns.
2. As a framework for:
 - analysis of further information gathered around the My World Triangle;
 - setting outcomes;
 - identifying the actions to be taken to bring about the desired outcomes.
3. To provide clear objectives against which a plan can be reviewed.

Diagram 1



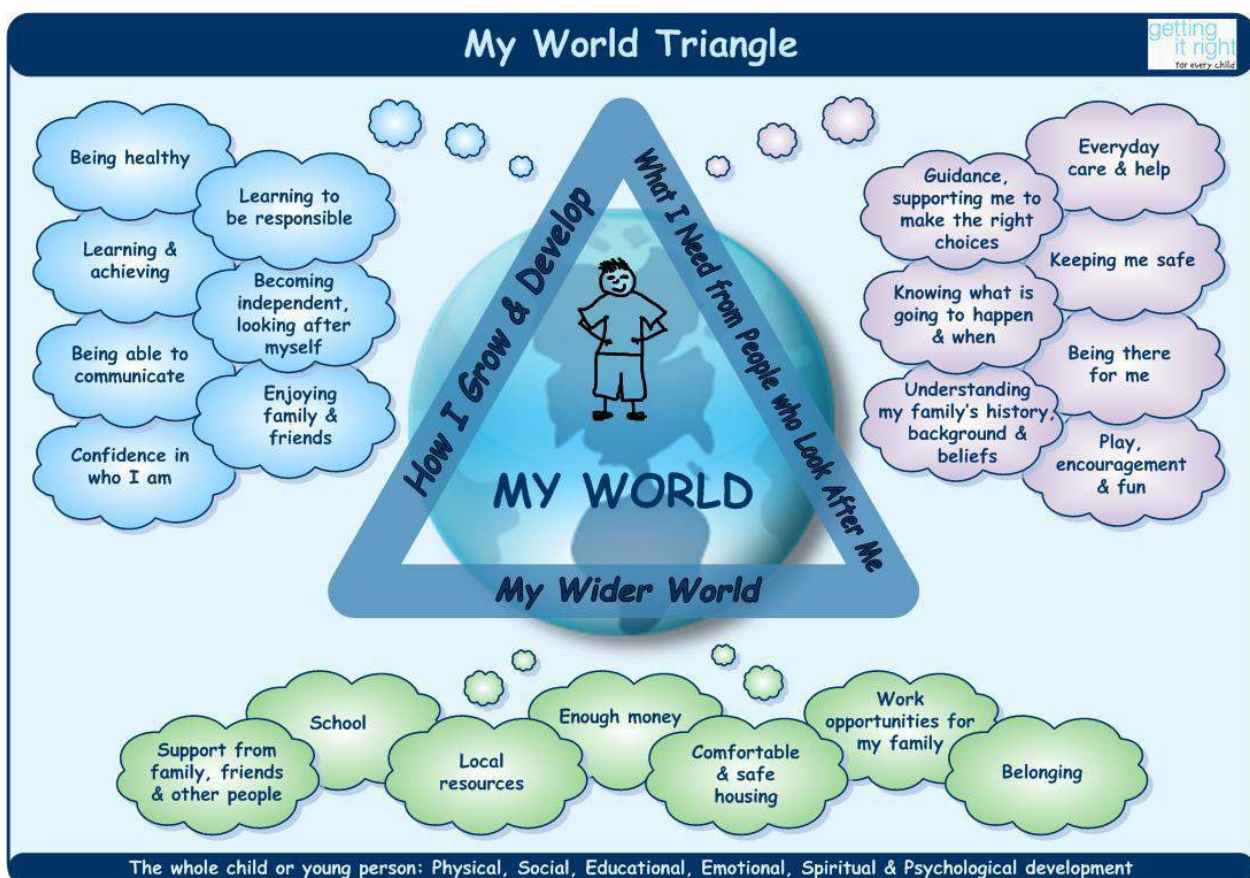
b) The Five Questions

Perhaps most significantly, policies and services are increasingly focused on the need for interventions to be outcome-focused rather than process-led. This should underpin the way in which everyone working with children and young people looks at issues of child protection. At each stage of an intervention, practitioners should ask themselves the following questions:

1. What is getting in the way of this child or young person's wellbeing?
2. Do I have all the information I need to help this child or young person?
3. What can I do *now* to help this child or young person?
4. What can the school do to help this child or young person?
5. What additional help, if any, may be needed from others?

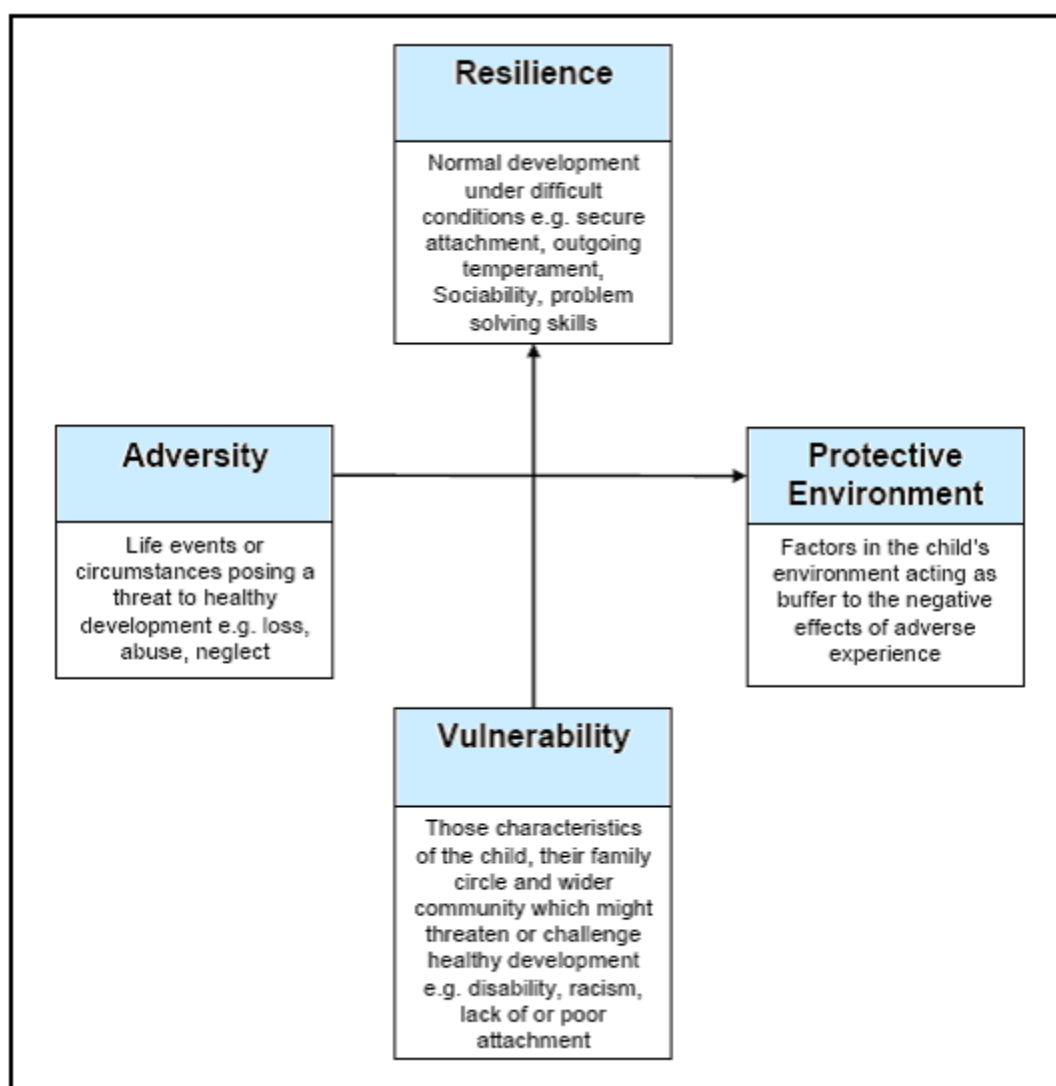
The My World Triangle

Many factors shape children's development throughout childhood. Some factors are inherent such as ability or temperament whilst others are external such as family influences, or social, economic and environmental factors. Race and culture will be important in shaping children's views about the world in which they live. Good attachments to significant adults can be a protective factor throughout life. Traumatic events and experiences, such as illness, early separation from parents or carers, or abuse or neglect can lead to disruption or delay in a child's growth or development and affect their wellbeing. Later experiences can either reduce or increase the effect of early damaging experiences. Based on evidence from research, the My World Triangle provides a mental map that helps practitioners, children and families explore what is happening in a child's whole world and the likely impact on their wellbeing and development. It is particularly useful in the Pre-school and Primary school at Huthchesons' Grammar School.



c) The Resilience Matrix

The concept of resilience is fundamental to children's wellbeing. A resilience-based approach builds on the strengths in the child's whole world, drawing on what the family, community and universal services can offer. The Resilience/Vulnerability Matrix bringing together the two dimensions of vulnerability and resilience, and adversity and protective environment, provides a framework to help analysis of the strengths and pressures in the child's world. The two dimensions interact, and strengthening protective factors in the environment will help boost a child's resilience.



d) The Child's Plan

References to a Child's Plan in this policy are not statutory. Staff at the school will only use the template of a plan to help support children and young people. The majority of pupils will not need a formal Plan as their wellbeing needs will be met by their parents or carers and through routine activity and planning within health and education services.

There are two main considerations in deciding if a child requires a plan. The first is based on an assessment of wellbeing. The child must be assessed as having a wellbeing need in terms of the definition of wellbeing; a judgement has been made that the child's wellbeing is currently being adversely affected by any matter, or is at risk of being adversely affected. The adverse effect may be on one or more aspects of wellbeing and can arise from any factors relevant to the child. The second consideration relates to the support judged necessary to meet the identified wellbeing need. A wide range of children may present with a wellbeing need at some points in their lives and these can most often be met by support from their family, and the support generally available within the school and health services. A plan is required only when the wellbeing need cannot be met, or fully met, without the provision of a 'targeted intervention', and it is considered that the wellbeing need can be met by one or more targeted interventions.

Types of plan

1. Single-agency Plan

Where the child's main needs lie within the school, staff responsible for the child (for example, the Depute Rector, or pastoral staff) are expected to initiate a single agency plan and co-ordinate delivery of support where additional targeted help is needed (a targeted intervention).

2. Multi-agency Plan

For a child who is receiving support from a number of different agencies, the plan will be multi-agency but ideally should be discussed and reviewed in a single forum. However, the current pause in GIRFEC legislation may make this difficult to coordinate.

3. Child Protection Plan

This is agreed and reviewed at a Child Protection Case Conference and incorporated into the Child's Plan outlining the risk and protective factors.

4. The Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004. The CSP should be considered as contributing to a broader framework of support for the wellbeing of the individual child and will form part of any wider plan.

Content of the plan

It must contain as a minimum:

- Details of the child or young person, key people such as relatives and practitioners who influence their lives.
- Dates of commencement, review and closure of the plan.
- A summary of relevant assessments and analysis including use of the National Practice Model.
- Identified needs supported by a single agency.
- Where there are partners to the plan, an integrated chronology of events significant and proportionate to the context of the plan.
- The desired outcome(s) for the child or young person.
- A list of agreed actions which will address the need, who they are to be carried out by, why and by when.
- The views of the child/family.
- A record of when the desired outcome(s) has/have been achieved.
- Any compulsory measures of care, with supporting evidence as to why they are being recommended and what is to be achieved.
- In cases where there are additional statutory planning requirements such as the Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004, those requirements will be included within the plan.
- In cases involving the Children's Hearing, non-disclosure issues will be included.

1.3 Assessing Wellbeing

It is the intention of the school to ensure that for all pupils, wellbeing is promoted, safeguarded and supported. These terms have the following meanings, and form the basis of an assessment:

- a) promoted – actively encouraged or further developed;
- b) safeguarded – protected from harm or damage;
- c) supported – given assistance, approval, encouragement.

Wellbeing Concerns: Assessment and Review Procedures

A vigilant regard for the wellbeing of all children and young people at the school is maintained at all times. Generally, children are happy and well, thriving in a context of challenge, responsibility, internationalism and service that promotes resilience. At times, some children/young people require support, in a variety of ways. Please refer to Appendices 4, 8 & 9 for more details. Processes have been developed to ensure that wellbeing concerns about a child/young person are recognised, reported and addressed appropriately, so that his/her wellbeing needs are assessed in a timely fashion. The school is committed to giving the child/young person appropriate control, ensuring families are involved and only relevant and proportionate information is shared, and records are kept in compliance with statutory requirements.

Wellbeing concerns are raised in a variety of ways. For example, some are shared by another school when a child/young person is first enrolled at the school; some concerns may be shared by parents or family members; some may be raised by an external agency (eg health professionals); some are recognised through observant staff or a child/young person's peers; some arise because of an event or disclosure.

Staff are trained regularly in recognising what might be a concern, based on the wellbeing indicators and pastoral experience, and in how to share concerns discreetly and appropriately. In line with the impetus of GIRFEC, early intervention is the key, to ensure wellbeing concerns are addressed before they have a serious impact on the child or young person's development, happiness, health or success, and to assure the child/young person of a positive outcome.

Initial, professional risk assessment must always be carried out to determine whether the concern sits at wellbeing or child protection. If any concerns arise that the child may be at risk of significant harm, it is essential that child protection procedures are followed **immediately** and Police and/or Social Work contacted without delay.

1.4 Responding to Wellbeing Concerns

In responding to a wellbeing concern being raised, staff at Hutchesons' Grammar School follow the process below:

- Class teachers and pastoral staff should use the "Raising a Wellbeing Concern" form (in Appendix 2) if they have a wellbeing concern.

The Depute Rector(s) discuss concerns with the Year Tutor or class teacher in the primary school, and decide whether further information should be sought, what outcomes would be beneficial, and what type and level of support is required. These concerns and recommendations may be brought to the attention of the Rector, in a weekly meeting.

- Appropriate actions are discussed and allocated, with relevant and proportionate information shared with staff. There may need to be reference made to Appendices 8 & 9.
- The Depute Rector in charge of pastoral care keeps a separate file for "Raising a Wellbeing Concern" forms, and will complete Part 2 of the forms once a decision has been made about the next steps. The team around the child, other relevant professionals and (if appropriate at this initial stage) the child and/or parents may be called on to have a meeting. This team may include pastoral staff, the Depute Rector (Pastoral), learning support staff and the school matron.
- Once any action is allocated – usually to the YT or Depute at the primary school – there should be a discussion about the wellbeing issues/proposed actions and desired outcomes with the child/young person and their parents.
- There are regular updates logged by the staff members responsible for coordinating any support, via the school's Pastoral Sharepoint. In addition, cases are discussed every two weeks at the Pastoral Senior Management meeting in Beaton Road, and weekly at Kingarth Street. Staff should review wellbeing assessments no more than 12 weeks after the first concern was raised and this should be logged also.

2. CHILD PROTECTION AT HUTCHESONS' GRAMMAR SCHOOL

2.1 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.

There are also 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 the abuse occurred in circumstances resulting from a failure in familial responsibility. For example, if a young child is abused by a stranger, a Child Protection Plan may be required only if the family were in some way responsible for the abuse occurring in the first instance or were unable to protect adequately the child in the future without the support of a Child Protection Plan.

2.2 What is child abuse and neglect?

Definition

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. For 'Signs of Possible Child Abuse' see Appendix 7.

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 (for further information, see section 9.10 on Fabricated or Induced Illness).

The Law and Parental Chastisement

The Criminal Justice (Scotland) Act 2003 clarifies that a person may claim that an act was physical punishment carried out in exercise of a parental responsibility or of a right derived from having charge or care of the child. Courts will need to consider:

- the nature of what was done, the reason for it and the circumstances in which it took place;
- its duration and frequency;
- any effect whether physical or mental which it has been shown to have had on the child;
- the child's age;
- the child's personal characteristics including sex and state of health at the time;
- the intent of the parent or carer.

Then the court must determine that it was not something that even as part of a parental right or responsibility could be determined to be a justifiable assault.

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 consented. 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, failing 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.

2.3 What is Harm and Significant Harm in a Child Protection Context?

'Harm' means the ill treatment or the impairment of the health or development of the child, 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. 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 similar child.

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 and their family. Where there are concerns about harm, abuse or neglect, these must be shared by staff at Hutchesons' Grammar School 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 alleged abusive behaviour.

There are no absolute criteria for judging what constitutes significant harm. Sometimes, a single traumatic event may constitute significant harm; 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.

To understand and identify significant harm, it is necessary to consider:

- the nature of harm, either through an act of commission or omission;
- the impact on the child's health and development, taking into account their age and stage of development;
- the child's development within the context of their family and wider environment;
- the context in which a harmful incident or behaviour occurred;
- any particular needs, such as a medical condition, communication impairment or disability, that may affect the child's development, make them more vulnerable to harm or influence the level and type of care provided by the family;
- the capacity of parents or carers to meet adequately the child's needs; and
- the wider and environmental family context.

The reactions, perceptions, wishes and feelings of the child must also be considered, with account taken of their age and level of understanding. This will depend on effective communication, including with those children who find communication difficult because of their age, impairment or particular psychological or social situation. It is important to observe what children say as well as to bear in mind that children may have a strong desire to be loyal to their parents or carers who may also hold some power over the child. Steps should be taken to ensure that any accounts of adverse experiences given by children are accurate and complete, and that they are recorded fully.

At every stage and in all contexts, staff at Hutchesons' are aware that they must report any observed or disclosed suggestion of abuse. Investigation may be necessary to determine whether a criminal investigation is needed and to inform an assessment concerning whether a Child Protection Plan is required. **Where a child is thought to be at risk of significant harm, the primary concern will be for their safety.**

3. INFORMATION-SHARING AND RECORDING: WELLBEING AND/OR CHILD PROTECTION CONCERNS

3.1 Introduction

As highlighted in the section on Core Principles, sharing appropriate information is an essential component of safeguarding children. To secure the best outcomes for children, staff need to understand when it is appropriate to seek or share information, how much information to share and what to do with that information. Staff also need to consider

from and with whom, information can, and should, be sought and/or shared. This applies not only between different agencies, but also within schools. At the same time, children and their families have a right to know when information about them is being shared. Where possible, their consent should be sought, unless doing so would increase the risk to a child or others, or prejudice any current or subsequent investigation.

3.2 Information-sharing for Wellbeing Concerns and Child Protection: General Principles

- The wellbeing of a child is of central importance when making decisions to lawfully share information with or about them.
- Children have a right to express their views and have them taken into account when decisions are made about what should happen to them.
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know.
- When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision not to share information and the rationale should also be recorded.
- It is not necessary to seek consent when there is legislative requirement to share information; for example when making a referral to the Children's Reporter, or the prevention and detection of crime.

3.3 Confidentiality and Consent: Child Protection

Privacy and confidentiality is governed by legal provisions that aim to safeguard personal information, particularly:

- the UN Convention on the Rights of the Child (1989);
- the Human Rights Act 1998;
- GDPR 2016; and
- professional codes of conduct.

The same legal provisions also provide for sharing of information for purposes such as public protection, crime prevention and crime detection. Where agencies are acting in fulfilment of their statutory duties, it is not necessary or appropriate to seek consent – for example, where a referral is made to the Reporter under the Children's Hearing (Scotland) Act 2011, the consent of a child and/or parents or carers should not need to be sought prior to the submission of a report. There is an important distinction between making the child aware that information will/may be shared and seeking their consent for that sharing.

If staff at Hutchesons' Grammar School have concerns that a child is at risk of significant harm, relevant information must always be shared. The application of this principle can be highly sensitive, particularly where children and young people make use of a service on the basis of its confidentiality. Good examples of this are helplines set up to support children and young people, such as ChildLine. Many young people need the time and

space that such confidential services can offer to talk about their problems with someone who can listen and advise without necessarily having to refer. However, on some occasions, this confidentiality can be breached if the information received concerns life-threatening situations, risk to other children, adult abusers and/or abuse by an adult in authority.

Because of the responsibilities they have to children in their care, staff should never give an absolute guarantee of confidentiality to an adult or a child. The member of staff should not be dismissive and should seek to retain the child's trust by explaining that, whilst every effort will be made to respect a desire for confidentiality, if there are serious concerns about a child's wellbeing and protection, it will be necessary for that information to be passed on to the appropriate authorities. It can be encouraging to reassure those seeking advice that the staff member will not breach the confidence without letting that person know that they intend doing so. This applies to children as well as adults.

Under Data Protection law it is perfectly acceptable and lawful for services to share information, where there is an indication that a child is at risk. Under such circumstances consent is not required. This has been reaffirmed through the publication of advice by the Information Commissioner.⁵

3.4 Is there a Legal Duty to Report Child Abuse?

Police officers and designated local authority employees (normally social workers) have a legal duty to pass information to the Reporter if they consider that a child may need compulsory measures of supervision. Police also have a legal duty to pass information to the Procurator Fiscal in connection with the commission of offences.

3.5 Actions for Defamation

Concerned adults are sometimes reluctant to report suspicions of abuse for fear that the person suspected will sue them for defamation if the allegation turns out to be unfounded. To be defamatory, a statement must first of all be untrue. Even if subsequently shown to be untrue, the statement will be protected by 'qualified privilege' if it is made to the appropriate authority 'in response to a duty, whether legal, moral or social or in the protection of an interest.'⁶ Unjustified repetition of the allegations to other persons will not be protected by privilege.

The qualification on privilege refers to statements motivated by malice. If a statement, even to the appropriate authority, can be shown to be not only untrue, but motivated by malice, then an action of defamation could be successful.

Parents and governors concerned about defamation in particular circumstances are advised to seek legal advice.

⁵ *Information Sharing Between Services in Respect of Children and Young People*, Information Commissioner's Office, letter issued 28th March 2013.

<http://www.scotland.gov.uk/Resource/0041/00418080.pdf>

⁶ Norrie, K. *Defamation and Related Actions in Scots Law* (1995)

3.6 Breach of Confidence

If certain conditions are met, information may be regarded as confidential, and passing it on without permission could lead to an action for breach of confidence. The law on this subject is not wholly settled, but it would seem likely that information would be regarded as confidential if:

- the information disclosed was confidential in character (not, for example, a matter of public record, such as a person's age);
- disclosure has caused or would cause actual harm to the person whose confidence was breached; and
- one could infer from the circumstances that the confider did not want the information passed on.

If all of these conditions are satisfied and an action is raised for breach of confidence, it would be a defence to show that the information was passed on in pursuit of the public interest. As there is a clear public interest in the protection of children, it is difficult to envisage any such action succeeding.

Hutchesons' Grammar School has a clear policy on confidentiality, which takes account of legal and professional obligations, and this is made known to Governors, staff, parents and pupils (see Appendix 5 - Policy on Confidentiality for Schools).

3.7 Recording Information

Decision-making depends on having sufficient, succinct, accurate and accessible records. A distinction should always be made between facts, hearsay and opinion.

Wellbeing/Child Protection files should be kept separate from a child's educational record, clearly labelled on the front as 'Confidential - Wellbeing/Child Protection' with the child's full name and date of birth. Separate sections should be kept to distinguish between wellbeing and child protection information. Records should include a note of:

- child's name and any other name the child has or is known by;
- child's date of birth;
- any unique identifying number: all pupils in schools in Scotland have an identity number, known as the Scottish Candidate Number (SCN);
- Raising a Wellbeing Concern Form(s) (See Appendix 2);
- dates of staff contacts with children and families;
- actions and decisions and the rationale behind them;
- outcomes of interventions;
- the Child's Plan, whether in-house, multi-agency or Child Protection Plan, where the child is assessed as being at risk of significant harm; and
- a chronology of significant events involving the child and their family/carers including who information was shared with.

Chronologies can help identify patterns of events or accumulation of concerns (or positive developments). They should be reviewed and monitored by the Child Protection Co-ordinator.

The Child Protection Co-ordinator is responsible for ensuring that records of disclosure/referral are kept securely in a lockable cabinet, for both schools. All confidential information relating to a child or young person is stored by the Child Protection Co-ordinator, including Wellbeing concerns. The records are stored in the Child Protection Co-ordinator's locked office, in a locked filing cabinet.

Access to these files should be restricted to the Child Protection Co-ordinator, the Rector and any member of staff delegated by the Rector.

Public access to information is governed by the GDPR 2016, and the Freedom of Information (Scotland) Act 2002 (FOI), which came into force in 2005. The subject access provisions of the GDPR 2016 give individuals the right to apply for a copy of any personal data held about them. Staff should be aware that any information they record may be the subject of a subject access request. If a member of staff receives a subject access request, they should refer this to the Rector. FOI gives the public a right of access to information held by public authorities in Scotland, with some reservations to protect personal privacy, and does not apply to Hutchesons' Grammar School.

A pupil's education record should be kept for a period of 7 years after the pupil leaves school education.⁷ With regard to child protection records, The Scottish Government has clarified that the primary duty to keep Child Protection records falls to Social Work where the retention periods are outlined in the Children and Family Services Record Retention Schedule published by the Scottish Council on Archives (SCA).⁸ Schools are advised to review all pupil wellbeing/child protection/guidance records 10 years after the pupil leaves school.⁹

3.8 Sharing of Information when a Child Moves

If a pupil moves from Hutchesons' Grammar School to another school, confidential Child Protection information should be transferred to the Child Protection Co-ordinator of the new school. It is expected that this be done within 10 working days after the new arrangement is put in place, unless there is good reason for this to take longer. If the information is in paper format, recorded delivery or hand delivery should be organised. If there is wellbeing information to be shared, consent should be sought from the child and family before information is shared.

If there are any electronic files to be shared, this should be done by the Child Protection Co-ordinator via the school's secure and encrypted email system, Egress.

3.9 Transfer of Information when a Child leaves an Independent School to be Home Educated

⁷ *The Pupils' Educational Records (Scotland) Regulations 2003*, http://www.legislation.gov.uk/ssi/2003/581/pdfs/ssi_20030581_en.pdf.

⁸ Scottish Council on Archives Records Retention Schedule 2.0 (August 2014) 02 Children and Family Services, 2.002 Child Protection, <http://www.scottisharchives.org.uk/scarrs/schedules>.

⁹ Scottish Council on Archives Records Retention Schedule 2.0 (August 2014) 10 Education and Skills, 10.006.006 Guidance Records, <http://www.scottisharchives.org.uk/scarrs/schedules>.

Parents have the right to make the choice to home educate without seeking consent from the local authority in the following circumstances:

- the child has never attended a local authority school;
- the child has never attended a local authority school in that authority's area;
- the child is being withdrawn from an independent school;
- the child has finished primary education in one school but has not started secondary education in another; and
- the school the child has been attending has closed.

4. HUTCHESONS' GRAMMAR SCHOOL: ROLES AND RESPONSIBILITIES FOR CHILD PROTECTION

As with teachers in local authority establishments, staff at Hutchesons' Grammar School have a responsibility to ensure that the children in their care are not harmed. This applies to teachers and all other staff working with pupils from Early Years to S6. The Public Services Reform (General Teaching Council for Scotland) Order 2010 and the Protection of Vulnerable Groups (Scotland) Act 2007 strengthened the provisions which ensure that teachers in independent schools (as well as other persons in child care positions) meet the necessary standards to enable them to work with children.

4.1 The Child Protection Co-ordinator (CPC)

Whilst all teaching and support staff who have contact with pupils have responsibilities towards them and should receive relevant training, the wellbeing and protection of children and the efficient operation of the school's Child Protection procedures will be facilitated by the designation of the Depute Rector (Pastoral) with responsibility for co-ordinating child protection within the school. The Rector and other S.M.T. staff can still be involved in discussions about Child Protection concerns.

The CPC has both general and particular responsibilities with regard to child protection, the key points being:-

- ensuring that all staff are aware of the school's wellbeing and child protection procedures and any amendments to them;
- supplying new members of staff with a written copy of the procedures, and emphasising to them the importance of paying special attention to them;
- organising staff briefings and training on child protection: new staff should receive a briefing and Induction card/leaflet, and undergo a Child Protection Course for the 'Specific Contact Workforce'¹⁰; other staff should receive an annual update from the CPC and external updated training every 2 years;
- overseeing the planning of any curricular provision designed to give children the knowledge and skills to keep themselves safe from all forms of abuse;

¹⁰ *National Framework for Child Protection Learning and Development in Scotland*, Scottish Government. 2012. SCIS has adapted this framework for the school context – available to download on SCIS Members' website.

- liaising with other agencies, e.g. police, social work, the Children's Reporter and other government and local authority departments on general issues relating to child protection;
- listening and responding to general concerns raised by staff, pupils and parents or carers in relation to child protection, for instance, by informing parents or carers of the school's policy on confidentiality;
- co-ordinating action within the school and, where relevant, in boarding accommodation in relation to specific children about whom concerns have been raised;
- delegating responsibilities to the most appropriate person, e.g. in situations where the CPC may not be the most appropriate person to support a particular child when an allegation has been made;
- ensuring the CPC receives updated training for the 'Intensive Contact Workforce' every 2 years (the Rector, the Depute Rector (Primary) and both school Matrons also receive training at this level every 2 years);
- reviewing the policy at regular intervals, and every 2-3 years as a minimum;
- auditing and quality assuring child protection at regular intervals.
- Safeguarding Committee: the CPC has the responsibility for organising twice-yearly meeting of the Safeguarding Committee, which consists of the Governor responsible for Child Protection, the Rector, the Depute Rector (Primary), both school Matrons and an external consultant. There will be a review of high level Child Protection cases (with personal details redacted) and a discussion of wider safeguarding issues and best practice in the school.

4.2 School Matrons

School nurses have an important role in promoting the wellbeing of children and young people and can contribute to prevention and early detection of child abuse through a range of health promotion activities. These include: working with teachers on personal, social and health education; monitoring the health of the school population; liaising effectively with teachers and other practitioners; and profiling the health of the school population so that nursing services can be targeted where they are needed most. School nurses continue to monitor the development and health and wellbeing of all children who have additional health plan indicators from Pre-school onwards for as long as necessary. Where wellbeing or child protection concerns arise, the school nurse should always be informed and, where appropriate, involved to ensure the child's health needs are fully identified and met.

4.3 Governors

Governing bodies are accountable for ensuring their establishment has effective child protection policies and procedures in place and should review these regularly. Hutchesons' Grammar School has a designated Governor with a particular responsibility for overseeing the protection and wellbeing of pupils, and is a member of the Safeguarding Committee. All Governors must be members of the PVG Scheme.

4.4 Staff Training

Training in child protection is essential for everyone, including Governors, involved in managing a school or who have contact with pupils. The Rector, Child Protection Co-ordinator, the Depute Rector (Primary), and both school Matrons receive training on the law and the operation of procedures. The National Training Framework for Child Protection Learning & Development in Scotland 2012 details the competencies, knowledge and skills required by the work force.¹¹ These are divided into three levels depending on the roles and responsibilities of staff - the 'Generic Contact Workforce', the 'Specific Contact Workforce' and the 'Intensive Contact Workforce'. All staff in schools should:

- have information, advice and training to make them aware of risks to children and understand their particular responsibilities in keeping children safe;
- have ready access to appropriate, relevant and up-to-date guidance that tells them what action to take if they are concerned about a child's wellbeing and protection;
- understand what, how and when to record and share information to keep children safe, and be able to do so;
- have knowledge of other services who may play a significant role in protecting children;
- have appropriate support from managers when they are concerned about a child or when they are involved in child protection processes; and
- know who they can seek advice from if they need it.

4.5 Code of Conduct for Staff: Guidance on Interaction with Pupils

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety. The following guidance is offered as a starting point for further development through training and is incorporated into a standalone Code of Conduct issued separately to all staff and signed for (see Appendix 6).

a) Physical touch

The climate of suspicion that has developed with regard to child abuse poses a real dilemma for caring adults. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact needs a considered assessment of the situation. This does not mean that physical contact is never permissible. It does mean that adults touching children must operate within understood limits, and that contact outwith those limits must be a considered response which can be justified if necessary.

Where those limits lie will vary according to the age of the child and the role of the member of staff. A young child in a new situation may well require to be comforted and reassured. Any touching or comforting should be age appropriate, context specific, preferably done within vision of others and prompted by the needs of the child, not those of the staff.

¹¹ *National Framework for Child Protection Learning and Development in Scotland*, Scottish Government. 2012. SCIS has adapted this framework for the school context – available to download on SCIS Members' website.

One would expect the need and desirability of such contact with older pupils, especially day pupils, to be considerably less, although even in these circumstances situations could arise in which it would be a natural and human occurrence. The death of a pupil, for example, might make it natural for pupils and teachers to grieve together and touching would be neither unusual nor undesirable, so long as it was agreeable to both parties and limited.

It would be impossible to lay down rigid rules about what is, and is not, permissible. Awareness-raising through in-service training should provide opportunities for staff to explore acceptable limits through discussion of case scenarios. Common sense is a good guide, but it must be informed common sense. It is important for caring adults to understand that too generous limits which can be operated satisfactorily by some can be exploited by others with less worthy motives.

b) One-to-One Situations

Opportunities for abuse exist in all schools and in one-to-one situations particularly, e.g. tutorials, music lessons, one-to-one tuition, guidance interviews. The simplest advice would be to try, as far as possible, to avoid being alone with a child or young person. However, for some staff this is unrealistic as the context of their job is teaching in one-to-one situations, e.g. Music Instructors, pastoral support, tutorials. The following advice should be followed:

- Where one-to-one contact is appropriate, it should be timetabled and, where possible, held with others around or within earshot or view of others.
- Never have the door locked and, wherever possible, maintain a gap/barrier between you and the child.
- Another member of staff should be aware of any meeting and its purpose.
- Most doors in the school have built-in windows; if not, leave the door open.
- Staff should not meet pupils off school premises for personal reasons or invite them to their home.
- Most one-to-one meetings will be straightforward and uneventful. But where the meeting is difficult, fraught, tense, accusatory or the pupil becomes distressed, the adult must record details and inform a senior manager of the incident.
- If in doubt about a meeting, agree that a colleague will be nearby.
- Excursions out of the school, especially residential stays, can provide opportunities for abuse. Care should be taken to ensure that there are sufficient adults to provide proper supervision and that appropriate risk assessment(s) have been carried out.

c) Physical Contact and Restraint¹²

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention or restraint.

¹⁶ Some special schools will be specifically trained and certificated in the appropriate use of different methods of restraint. *Holding Safely: National guidance on the use of physical restraint in residential child care - with 2013 update* <http://www.gov.scot/Topics/People/Young-People/protecting/lac/residentialcare/Publications/Holding-Safely>

- Avoid any physical horseplay with a child, or any other actions another adult or child might misinterpret, no matter how innocent or well-intentioned the actions might be.
- Staff should always be able to justify resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.
- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or restraint. Staff should avoid restraining a child by putting their hands on a child's joints. Where possible another member of staff should be summoned to witness and give support. As soon as the child is under control, staff should cease any physical contact. All incidents of physical intervention or restraint should be logged, dated and signed in a log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation and is only permissible when certain that a child is at imminent risk of endangering themselves or others (or in extreme circumstances of inflicting damage to property).

d) 'Hands on' Educational Instruction

- 'Hands on' educational instructions / support should only be used when verbal or role-modelling is insufficient or it is necessary for health and safety reasons. Whenever possible, this should be done within earshot, and preferably within view, of others.
- Where 'hands on' is necessary you should seek the young person's permission appropriate to their age and level of understanding and explain to them what you are about to do.

e) Verbal Remarks

- Positive relationships between staff and children often involve warmth and humour but staff should be aware that there can be a narrow line between remarks which an adult perceives as fair and humorous, but which can be hurtful and embarrassing to a child.
- Salacious or demeaning remarks should never be made to or in the presence of children and young people. Remarks about a child's physical characteristics or development, or suggestive or derogatory comments could fall into this category.
- Staff should avoid making unfavourable comparisons to a child and 'picking on' particular children.

f) Communication via E-Technology and Social Media

- Any communication via e-technology with pupils should be in line with school policy, for educational purposes and approved by the senior management of the school. Please refer to the Digital Acceptable Use and the Anti-Bullying policies for more detail.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting and social media encourage casual dialogue and very often, innocent actions can easily be misconstrued or manipulated. A teacher should never share

information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting.¹³

g) Attachments

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from your line manager.
- If it seems that a young person is becoming inappropriately attached to you or to another member of staff or volunteer or adult helper, share your concerns and seek advice from your line manager.

h) Climate and 'Whistle Blowing'

- In working with children and young people, it is possible for staff, through ill-considered actions, to lay themselves open to allegations of abuse. Their best protection is to encourage a climate of openness within the classroom and school community, where pupils feel confident to point out aspects of behaviour they do not like.
- If another member of staff is seen to behave inappropriately with a child, do not ignore it but share it with the Child Protection Co-ordinator.
- If the concern is about the Child Protection Co-ordinator it should be reported to the Rector and if it is about the Rector it should be reported to the Chair of the Board of Governors.

i) Inappropriate or Abusive Behaviour

The list below is presented to show some of the ways in which inappropriate behaviour or abuse may be manifested. It is important to recognise that this list is neither definitive nor exhaustive, nor is it meant to suggest that all the actions below are in themselves abusive: they must be seen in the context of the interaction with the child and the intention of staff. Staff should bear these in mind as a way of minimising risk and encouraging good practice. Staff must always exercise professional judgement in each circumstance.

Physical	Hitting/tapping Pushing/jabbing Throwing missiles Shaking
Emotional	Inappropriate/systematic sarcasm Isolating e.g. locked room Unfavourable comparisons Threats Intimidation Scapegoating

¹³ *GTCS Professional Guidance on the Use of Electronic Communication and Social Media*
<http://www.gtcs.org.uk/web/FILES/teacher-regulation/professional-guidance-ecomms-social-media.pdf>

Systematic personal criticism

Sexual

Any sexual activity with a pupil
Inappropriate touching/comforting
Suggestive remarks or gestures
Sexual harassment
Indecent materials
Grooming a child for abuse

5. RESPONDING TO CONCERNS/ALLEGATIONS OF ABUSE ABOUT CHILDREN/YOUNG PEOPLE

5.1 Role of Education Staff

Education staff play a crucial role in the support and protection of children as well as the development of their wellbeing. Teachers are likely to have significant day-to-day contact with children and so are well placed to observe physical and psychological changes in a child that could indicate abuse and to contribute to the assessment of vulnerable children. Education staff may be the first to be aware that families are experiencing difficulties in looking after their children. Staff should be alert to signs that a child may be being abused (see Appendix 7).

All staff who work and/or come into contact with children and their families have a role to play in child protection. That role will range from identifying and sharing wellbeing as well as child protection concerns about a child or young person, to making an active contribution to supporting the child or young person and their family.

When a member of staff has reason to believe that a child's safety is compromised or they are suffering or are likely to suffer significant harm, that member of staff must share these concerns with the school's Child Protection Co-ordinator as soon as possible on the same working day as the concern arises, and must complete a Raising a Child Protection Concern Form and sign and date the form (see Appendix 3).

5.2 How Concerns may Arise

Concerns about child abuse may arise in the following circumstances:

- a member of staff has concerns arising from observation of the child's behaviour or appearance, or comments the child has made;
- a child tells a member of staff they have been abused or feel unsafe;
- a third party expresses concerns to a member of staff: this could be another pupil, a parent or carer or member of the public;
- an anonymous allegation is received;
- historical abuse (see section 8.7).

It is also possible that the school's co-operation might be sought in relation to a child abuse investigation which was initiated outside the school.

5.3 A Member of Staff has Concerns or a Child Tells of Abuse

The suspicions of a staff member may be aroused by the presence of indicators of possible abuse or by a feeling, based on knowledge of the child, that all is not well, or by a mixture of factors.

It may be appropriate for a member of staff to make an enquiry of a child about how an obvious injury was sustained, or why the child appears upset or distressed using open-ended non leading questions. For example: 'What happened?' 'Where did it happen?'

'When did it happen?' and 'Who did it? If the child does not respond, the matter should not be pursued further and advice should be sought.

Questioning and testing of evidence is not a matter for school staff, as this is the responsibility of the police and social work agencies. Such an approach by staff could prejudice later investigations. Please note that the following advice is also found on the laminated Child Protection summary card issued to all staff. The role of school staff is to **recognise, respond, report and record**:

- **Recognise** when the child's behaviour and demeanour is a cause for concern and **respond**.
- **Report** their concerns as quickly as possible and on the same working day to the Child Protection Co-ordinator.
- **Record** in detail what they have seen and heard, and when they did so. Signs of physical injury should be described in detail. Any comment by the child concerned, or by an adult who might be the abuser, about how the injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made, and sign and date the report on the day.

Staff should:

1. Listen sympathetically and with care.
2. Reassure the child that he/she is not to blame.
3. Not show disbelief.
4. Not give a guarantee of confidentiality.
5. Take the allegation seriously.
6. Affirm the child's feelings as expressed (don't tell the child how he/she should feel).
7. Avoid being judgemental about the information given by the child.
8. Refer to the Child Protection Co-ordinator in accordance with school procedures.

If the child draws back from speaking to the staff member, the child should be informed of the possibility of making a private and confidential telephone call to ChildLine on 0800 1111. ChildLine's approach is to listen to the child, discuss options and encourage the child to seek help from a trusted adult. A member of staff who is concerned about a child in these circumstances should inform the Child Protection Co-ordinator that the child appears to have some concerns.

Where the concerns are expressed by another pupil, it should be remembered that reporting suspicions of abuse may be traumatic for that child and appropriate support should be provided.

5.4 A Third Party Expresses Concern

Research suggests that some adults see schools as a preferred contact point if they have concerns about the wellbeing or safety of a child either in the school their child attends or at another school. Parents in conflict may also share concerns about their partner with

school staff. In some circumstances, therefore, school staff will find themselves receiving external information that indicates possible child abuse. In these circumstances it is important that, as with children disclosing, staff listen carefully and sympathetically, treat the matter seriously and as soon as is practically possible on the day, record, sign and date the information. They should also explain to the person that they cannot give a guarantee of confidentiality.

Where the contact wishes to remain anonymous, the member of staff should refer the concerns to the Child Protection Co-ordinator who should explain to the referrer the actions that will be taken as set out above.

As with a direct approach, a member of staff to whom a third party expresses concern should:

- **Recognise** that a concern is being raised and **respond** to the person expressing the concern.
- **Report** the matter to the Child Protection Co-ordinator.
- **Record** in detail what they have seen and heard and when they did so. Actual words used should be quoted where possible. Record the behaviour and demeanour of the person expressing the concerns, where this is done in person.

Those expressing the concerns may seek from the staff member a guarantee of confidentiality. No absolute guarantee of confidentiality can be given. The information disclosed may be of such a nature that the staff member must pass it on in order to protect a child. Whilst it may be possible to a certain extent to protect the identity of the person expressing concerns, it will be easier to take action to protect the child if that person is willing to be identified. If legal proceedings follow, it may be necessary to disclose the identity of that person.

In all circumstances, the Child Protection Co-ordinator must ensure that the information is shared with other relevant agencies (health, police, social services), so that an early assessment can be made of any potential/actual harm to the child and whether further child protection enquiries are necessary.

5.5 An Anonymous Allegation is Received

Staff in receipt of anonymous allegations about child abuse, whether that child is a pupil in the school or not, should:

- **Record** in writing the words used, so far as possible, where the allegation is by telephone, or retain the paper, where it is in writing.
- **Report** the matter to the Child Protection Co-ordinator.

5.6 Checklist for Staff

In all cases if:

- you suspect a child may have been abused or is at risk of abuse or significant harm;
- a child discloses abuse;
- a third party expresses concerns to you;

You should RECOGNISE, RESPOND, REPORT and, R E C O R D.

Respond without showing signs of disquiet, anxiety or shock.

Enquire casually about how an injury was sustained or why a child appears upset.

Confidentiality should not be promised to children or to adults.

Observe carefully the behaviour or demeanour of the child or the person expressing concern.

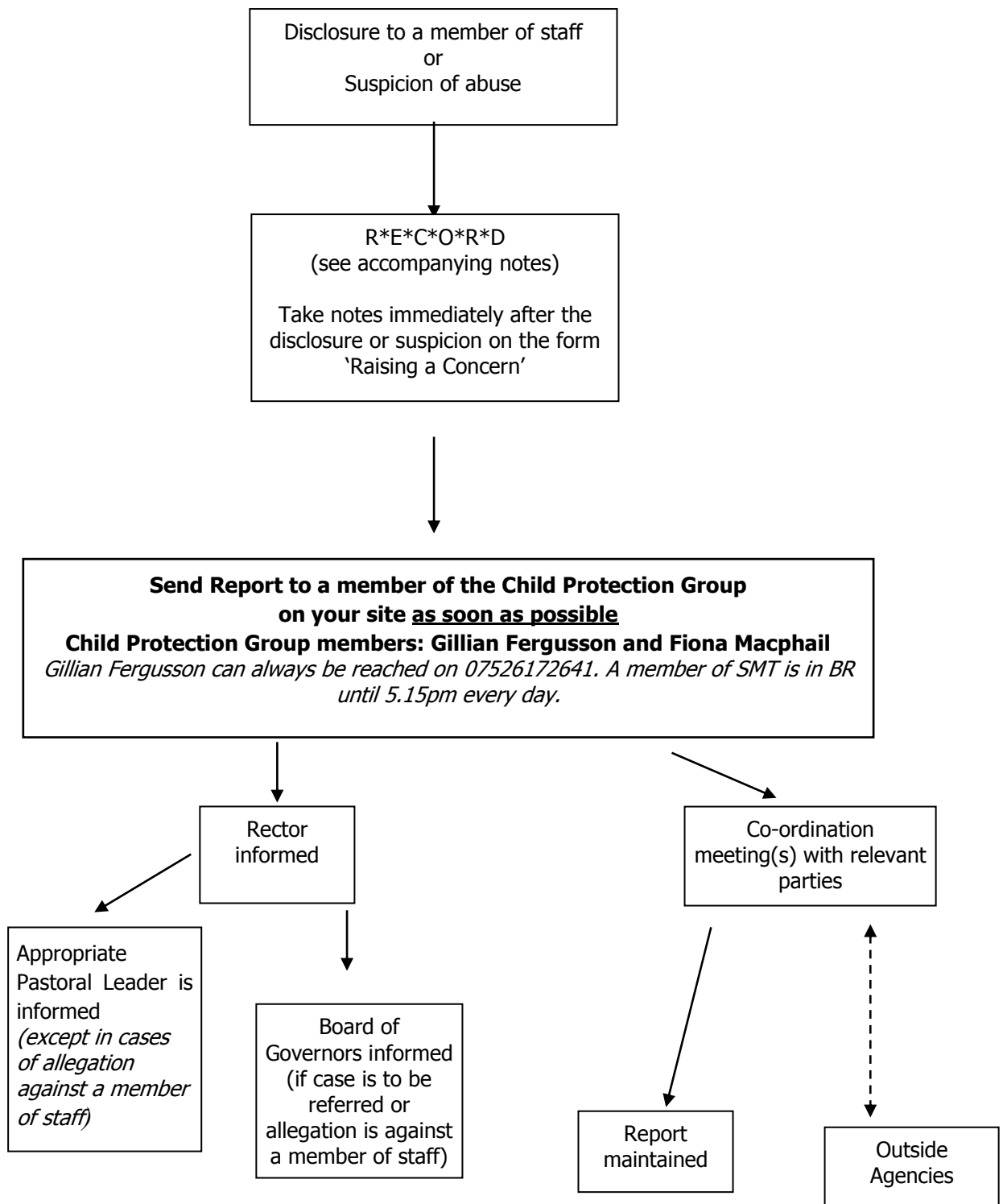
Report to the Child Protection Co-ordinator on the same day and record in detail what you have seen and heard.

Do not interrogate or enter into detailed investigations; rather encourage the child to say what he or she wants to establish the basic facts.

And then **REPORT** to the Child Protection Co-ordinator (CPC) on the same day as the concerns arise.

REMEMBER – Record and report (See Appendix 3) on the same working day. If this is being done electronically it should not be saved but should be printed, signed and dated. This form should not be emailed by anyone in the school.

PROCEDURES FLOW CHART



5.7 Action by Staff in Exceptional Cases

By law, any person with concerns about a child has a right to make a report direct to the Children's Reporter. In exceptional cases, where a member of staff feels that concerns about a child are not being taken seriously, or followed through appropriately or with sufficient speed, it is perfectly legitimate for that member of staff to refer the matter directly to the Chair of Governors, the Bursar or the Reporter.

5.8 Action by the Child Protection Co-ordinator (CPC)

All cases of alleged or suspected abuse must be treated seriously. Some may require an urgent response. If the CPC is certain, or has very good reason to suspect or believe that a child has been abused or requires protection or is at risk of significant harm, he/she should follow the relevant Child Protection Guidance (depending on where the child resides) stating the concerns clearly and the basis for them.

In cases where there is a high degree of suspicion, or in cases where the issues are not so clear or so urgent, the following procedure can usefully be followed in order to focus and test the strength of concerns about a child. It should always be borne in mind that it is not the school's role to investigate the allegations or suspicions, but to gather together what information it has about a child and pass it to the social work department or police. Children should not be subject to questioning by a variety of school staff. It would be against good investigative procedures and best evidence for children to be subject to internal investigations and thereafter re-interviewed by the social work and police authorities. Schools, and in particular the Child Protection Co-ordinator are urged to establish relationships with social work departments which will give them the confidence to seek guidance and advice when concerns arise.

The CPC should collate all relevant information held by the school on the child and complete Part 2 of the Raising a Child Protection Form (see Appendix 3), sign and date it and include the reasons for the decision to make or not make a formal child protection referral to the statutory agencies. Referrals should be made in every case where there is any substantial suspicion. Proof is not required at this stage. If there is doubt about whether to refer, the social work department should still be advised of the circumstances of the allegation and the school's doubts about it. Consideration should be given to the provision of support for the child and for the member of staff who made the report.

The Rector should send a brief report of the incident in confidence to the Chair of Governors or his or her deputy. The names of the people involved should not be disclosed in this report unless there are exceptional reasons for doing so.

In the case of an allegation against a member of staff it may be appropriate to name the member of staff as the Governors are responsible for his/her employment.

5.9 Inappropriate Behaviour by Pupils

In the case of inappropriate behaviour by pupils, the school's positive behaviour policy or anti-bullying policy should apply. They should establish the basic facts and parents or carers should be informed. In more serious cases, the action set out in this guidance should be followed. Where a referral to police or social work is needed, beyond establishing the basic facts, it is not appropriate for staff to take on an investigative role. The child should not be searched or aggressively questioned. Not only can this constitute an abuse of the child and an abrogation of his/her legal rights, but it may weaken the possibility of success of future legal proceedings. Evidence will not be able to be used if it is regarded as having been unfairly or unlawfully obtained.

Hutchesons' Grammar School is aware that these considerations are also relevant to situations in which a child is suspected of inappropriate behaviour, for example involvement with drugs or alcohol, where there is no suspicion of abuse by another person.

5.10 Child Protection Stages

Formal child protection measures can be broadly divided into a number of different stages:

- recognising actual or potential harm to a child;
- sharing concerns and initial information-gathering;
- joint investigation/assessment;
- medical examination and assessment;
- Child Protection Case Conferences; and
- developing a Child Protection Plan.

At each stage, consideration must be given to whether emergency action is required to protect the child and to involving the child or young person and their family. Investigating services are responsible for considering, at all stages, whether the child's safety is at risk.

5.11 Recognising Actual or Potential Harm to a Child

Where a child is felt to be in immediate danger the Rector/Child Protection Co-ordinator should report, without delay, directly to the police. Similarly, where a child is thought to require immediate medical assistance, this should be sought as a matter of urgency from the relevant health services.

6. RECRUITMENT AND SELECTION OF STAFF

6.1 Recruitment Procedures

Hutchesons' Grammar School needs to ensure their policies and procedures are robust alongside the PVG Scheme to ensure best practice is in place to safeguard and protect children and vulnerable adults. Our recruitment and selection procedures include:

Detailed job descriptions - Application forms are specifically designed for the post in question, together with clear detailed job and role descriptions and responsibilities, person specifications and information about the institution in which the job is based. The job description will contain a clear remit against which candidates' qualifications can be checked.

Identity checks and verification of documents – We will ask for verification of ID (e.g. Driving Licence/Passport) and educational/professional qualifications. We will not allow any unsupervised access to children before completion of all checks and these procedures will not be waived for fear of causing offence to parents or friends of staff. The overriding responsibility for schools is to protect the children or vulnerable adults in their care and genuine applicants should not be deterred by being scrutinised.

Self Declaration – this is part of the school's Application Procedure.

References - Candidates will provide full employment (and unemployment) histories, with names and addresses of present and past employers. Candidates will provide the names and addresses of at least two referees of which one must be their current employer. We will always approach an applicant's present employer and should reserve the right to approach any previous employer (or line manager) about a short-listed candidate's character and performance before interview. Written references will be requested on the basis that referees have the job description and person specification and are encouraged to comment frankly on the short-listed candidate's strengths and weaknesses in relation to their suitability to work with children.

Where necessary we will:

- explore any aspects of references by telephone with a current or past employer;
- keep a record of conversations with referees;
- pass the information to those responsible for making the appointment;
- retain records of any relevant disciplinary action/offences or concerns relating to the member of staff;

Appropriate PVG Membership - A PVG Scheme check is available to assess the suitability of a person to work with children. It will form one part of a robust recruitment and selection process.

Preliminary interviews and visits - Where possible, and relevant, there will be interviews of short-listed candidates. This will enable a fuller picture to be obtained of the character and attitudes of short-listed candidates and the interaction between candidates, staff and pupils.

Induction - This will include:

- Code of Conduct (See Appendix 6). This should be signed by each member of staff.)
- Support and supervision.
- Relevant Child Protection training.

All new appointees should be monitored, provided with a mentor and given feedback on their performance.

6.2 The Protection of Vulnerable Groups (PVG) Scheme

The PVG Database is owned and populated by Disclosure Scotland. The purpose of the PVG Scheme is to keep those who might harm vulnerable groups out of the regulated workforce. It requires those who work with children, or vulnerable adults, to be registered, and aims to strike a balance between proportionate protection and robust regulation. It provides an enhanced tool to help employers make safe and balanced recruitment decisions and therefore, help them to minimise any risk to children or vulnerable adults. Employers can have confidence that, if a person is a member of the

scheme, they are not unsuitable to work in that workforce. Hopefully that will make them less risk-averse in deciding whether the individual is suitable for a particular post. However, the final decision about suitability sits with the employer.

People doing certain types of work in Scotland, known as regulated work (see Section 7.2.1), with children, young people and/or protected adults can apply to join the PVG Scheme.

On first application for membership to the Scheme, checks will be carried out by Disclosure Scotland. Unless these checks uncover information which makes the applicant unsuitable to work with one or both of the above groups, the applicant will become a Scheme Member.

It is an offence for an organisation to employ an individual in regulated work if they are barred.

The Scheme entails:

Continuous Updating

Individual records held by the PVG Scheme will be updated automatically if new vetting information (i.e. convictions and other information held by the police) becomes known, or when a person's circumstances change.

Effective Barring

The PVG Scheme assesses the information it holds, so that individuals who are considered unsuitable on the basis of vetting information are prevented from entering the workforce, or can quickly be removed from the workforce if new information arises which makes them unsuitable.

Access to Disclosures for Personal Employers

Personal employers, such as a parent employing a tutor for their child, can request to see a PVG Scheme Membership Statement to confirm that the person is not barred.

Assessment of Regulated Work

Regulated work is defined by four basic principles:

1. It has to be work, (paid or unpaid) i.e. not simply an arrangement between friends/family.
2. It has to be with either children/young people, or protected adults.
3. It has to be part of normal duties i.e. the activity is reasonably anticipated and could appear on the person's job description.
4. The work has to include:
 - caring for children/young people;

- teaching, instructing, training or supervising children/young people;
- being in sole charge of children/young people;
- having unsupervised access to children/young people.

The role of managing a person in regulated work is also considered to meet the definition of regulated work.

Clearly most roles within schools will meet the regulated work criteria. For further guidance refer to the Disclosure Scotland Regulated Work Assessment Tool when deciding if a post is 'regulated'.¹⁴

There are fees for PVG checks for employees doing paid regulated work. Scottish Ministers have waived the fees for PVG checks for volunteers doing unpaid, regulated work in the voluntary sector in Scotland. This includes sports clubs/organisations.

The individual receives their Scheme Record from Disclosure Scotland as does the counter-signatory on the application form.

PVG Scheme Check - Applicants Outside the United Kingdom

The PVG Act is Scottish legislation. Part 5 of the Police Act 1997 is UK legislation that had been amended by both the UK and the Scottish Parliaments to create a distinct Scottish version within which the disclosure system operates. Neither the Scottish nor the UK Parliaments have the legislative powers to require foreign police forces to provide information to the scheme. Overseas applicants will be checked to discover whether they are known to UK information sources and membership of the scheme will ensure that any new information about them is picked up and dealt with quickly.

The school is responsible for safe recruitment practice, including checking identity, references, background and verifying documentation prior to appointment.

The Scottish Government is working with the UK Government to improve the exchange of conviction information with other European countries and non-EU countries that provide significant numbers of overseas workers to the UK. However, many countries have different justice systems and policies on retaining conviction information and there are significant challenges in translating and interpreting any information that could be provided. This work is therefore complex and will take some time to bring to fruition.

If schools wish to obtain more information they should contact either the Foreign Office¹⁵ or the Centre for National Infrastructure (CPNI).¹⁶ The latter site provides details of what information is available on disclosures of criminal records, the status of that information, who can apply, whether there is a cost etc. in numerous overseas jurisdictions.

Updating PVG Scheme Records

¹⁴ http://www.disclosurescotland.co.uk/disclosureinformation/pvg_training/self-assessment/index.html

¹⁵ www.fco.gov.uk

¹⁶ <http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>

The PVG scheme ensures that an employer is notified when the barred status of an employee changes with relation to the workforce for which the person is doing regulated work. It would therefore be necessary to repeat an employee's PVG check if the nature of their work changes regulation categories, i.e. from work with children to work with vulnerable adults. Hutchesons' Grammar School will consider whether there are aspects of an employee's role in which an offence in an area unrelated to the regulated aspect of the work (and therefore of which they would not be notified) would make the employee unsuitable to carry out a particular duty, for instance a driving offence if the member of staff is a named minibuss driver, or indeed if the school wished to be aware of offences which would bring the general suitability and integrity of an employee into question for the work in which they are involved.

The school will aim to carry out PVG Scheme record updates every 3-5 years or if an individual member of staff's regulated work category changes.

Referrals to the PVG Scheme

One of the key aims of the PVG Scheme is to help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour. It seeks to remove opportunities for those who may be unsuitable from moving undetected within, or across, the workforce.

Harmful behaviour is not restricted to unlawful criminal conduct. It includes other forms of conduct which may not be recognised as a criminal offence but nonetheless might result in harm, or risk of harm, to vulnerable groups such as the inappropriate use of restraint or inappropriate relationships with clients. Employers are often best placed to spot harmful behaviour; in fact, the majority of referrals to the existing Disqualified from Working with Children List have been made directly by employers.

Where an employer takes disciplinary action to remove an individual from regulated work as a result of harmful behaviour towards a vulnerable person, then they have a duty to refer the individual to the PVG Scheme so that consideration can be given to whether that individual should be barred from any kind of regulated work with vulnerable groups. Without this duty, there would be no way of preventing individuals moving undetected to other organisations where they may continue to pose a risk. A full assessment will be undertaken on referrals before a listing decision is made. Both the individual and the referring organisation will have the opportunity to make representations to the PVG Scheme.

Hutchesons' Grammar School has the responsibility of notifying the General Teaching Council for Scotland or other relevant professional body. The school will also keep the Registrar of Independent Schools and O.S.C.R. informed of any issues which may affect the wellbeing of pupils whether that be actions by pupils or staff.

6.3 Appointment of Governors

Hutchesons' Grammar School will ensure that any new appointment is made under the Protection of Vulnerable Groups (PVG) Scheme and that they are registered Scheme members. Although the Governor may never have contact with children, a School

Governor is in a regulated position of trust under the PVG Act. General Workforce level Child Protection training will be given to all Governors by the Child Protection Coordinator. If the Governor is responsible for Safeguarding, then attendance at an external Specific Workforce Child Protection training course is required.

6.4 Further Information on the Recruitment of Staff

Helpful information including FAQs can be found on the following websites:

Disclosure Scotland

<http://www.disclosurescotland.co.uk/>

Volunteer Scotland Disclosure Services

<http://www.volunteerscotland.net/disclosure-services>

Safer Pre and Post Employment Checks - NHS Scotland

<http://www.show.scot.nhs.uk/publications/j9227/j9227.pdf>

Safer Recruitment through Better Recruitment: Guidance in Relation to Staff Working in Social Care and Social Work Settings

<http://www.scotland.gov.uk/Publications/2007/03/13154149/0>

General Teaching Council for Scotland

<http://www.gtcs.org.uk/registration/protection-of-vulnerable-groups/pvg-scheme-overseas-checks.aspx>

7. MANAGING ALLEGATIONS OR CONCERNING INFORMATION ABOUT STAFF

7.1 Allegations or Complaints of Abuse against Staff - Where the Information Suggests Possible Child Abuse

Any information, suggestion, allegation or complaint against a member of staff about possible child abuse must be taken seriously and acted on. Where it is clear that the initial information suggests possible child abuse or a criminal offence against a child, the police should be asked to investigate and the procedures outlined in this Guidance and in the school's Disciplinary Policy should be followed.

The Rector and Child Protection Co-ordinator should be informed immediately. The Chair of the Board of Governors should be informed by the Rector as a matter of urgency. Advice should be taken by the Child Protection Co-ordinator and the Rector from the police before anyone is questioned. Advice should be taken from the investigating officer in the police what information (either orally or in writing) can be given, and when, to the member of staff involved in the allegation, so that best evidence is preserved.

7.2 Concerning Information About Staff that does not meet the Criteria at 7.1 above

If the information is unclear, the basic facts should be established using open-ended, non-leading questions and a decision made as to what action the school needs to take. If you have any doubt about the status of the initial information we will follow the guidance at 7.1 and take advice from the police. If, during the course of establishing the facts, it becomes evident that we have a possible allegation of abuse we will follow the guidance at 7.1 above.

Where the information does not suggest child abuse, the context of the interaction between the member of staff and pupil and the intent of the member of staff should inform the initial assessment. Where the allegation concerns inappropriate behaviour by a member of staff, it may be appropriate to invoke the school's staff disciplinary procedures. The member of staff should always be informed that such an allegation has been made.

7.3 Precautionary Suspension

The school will have to consider the need to ensure that children are protected while an allegation is under investigation. A precautionary suspension, without prejudice to the member of staff, for the duration of the investigation, should be considered by the Rector and Chair of Governors in cases where:

- there is cause to suspect or believe a pupil or pupils are at risk of harm;
- the allegation warrants investigation by the police;
- the allegation is so serious that it might be grounds for dismissal.

Where the member of staff concerned has had contact with a number of children, consideration should be given to the possibility that others may also have been abused. If a decision is made to suspend the member of staff, there should be no delay in taking action, including during school holiday periods. The member of staff should be informed immediately and warned that there should be no contact with pupils for the duration of the investigation.

In the event of a member of staff being suspended while investigations are taking place, the school should consider whether it may be advisable to inform all parents or carers of children with whom the staff member concerned has had contact. As the matter will be *sub judice* advice should be sought from the investigating officer in the police who may need to discuss the matter with the Procurator Fiscal. In the infrequent event of a second allegation being made, the school would have to consider informing all parents. If there is enough suspicion of multiple abuse to justify enquiries being made of other children and families by police and social work agencies, the school will wish to ensure that it is seen to be co-operating and responding appropriately to the legitimate concerns of parents or carers. In this situation, legal advice should be taken about the terms of any letter to be sent to all relevant parents or carers, and the terms of response to any enquiries from the press. Where the matter is *sub judice*, no letter should be sent to the parents or carers without clearing it with the investigating officer in the police who may need to clear it with the Procurator Fiscal. A delicate balance has to be maintained between openness and confidentiality, which respects rules of law about matters which are under investigation.

In cases where abuse of more than one child is suspected, the school should, after consulting police, social work authorities and the Procurator Fiscal about compliance with

legal requirements, consider seeking guidance from a child and family psychiatry/psychology department about support for children, families and staff.

Should the allegations be proven, parents or carers should be informed of the facts and of the action taken by the school. If, after police and social work investigation, there is felt to be insufficient evidence for prosecution, or where a prosecution does not result in a conviction, disciplinary action against the member of staff may still be taken, if the member of staff is considered to represent a risk to a child or children or their behaviour has caused concern. A referral to the PVG Scheme may be appropriate in some circumstances (see Section 7).

7.4 Allegations against the Rector

In cases where the member of staff against whom the allegation is made is the Rector, the Chair of Governors should be informed as a matter of urgency. It will be the responsibility of the Governors to consider the matter and take appropriate action and follow these guidelines. Governors are advised to take independent advice.

7.5 Unfounded Allegations

If after due consideration the conclusion is that the allegation is completely unfounded, the decision to take the matter no further should be recorded, together with the reasons for it, and the information placed in a confidential file. Members of staff may wish to seek advice and support from their professional associations in these circumstances.

Where the information is shown to have been a malicious allegation by a pupil (and not for example a misinterpretation of the intent of a member of staff), the school may need to take action to safeguard other staff members.

7.6 Abuse of Trust

Part 5 of the Sexual Offences (Scotland) Act 2009 covers the abuse of trust offence whereby a person aged 18 or over engages in sexual activity with a person under that age if the person aged 18 or over is in a position of trust in relation to the younger person. The definitions of when a person is in a 'position of trust' would include all staff in schools.

All staff, including exchange teachers and gap students, are aware of their responsibilities and boundaries of relationships with pupils.

7.7 Historical Allegations of Abuse

The term 'historical abuse' refers to allegations of abuse which took place before the victim was 16 (or 18, in particular circumstances) and which have been made after a significant time lapse. The complainant may be an adult but could be an older young person making allegations of abuse in early childhood.

If the school receives a historical allegation of abuse, it is a matter for the police to investigate. Any reasonable professional concern that a child may be at risk of harm will always over-ride a professional requirement to keep information confidential. This may be

in a professional capacity such as in a school/residential setting, within a personal family setting or in the wider community.

8. GOOD PRACTICE IN SCHOOLS TO SAFEGUARD AND PROTECT THE WELLBEING OF CHILDREN AND YOUNG PEOPLE

8.1 Use of Photographs and Videos of Pupils

Hutchesons' Grammar School will take all reasonable steps to safeguard pupils when they are being photographed and/or videoed. They provide opportunities to celebrate school activities and pupils' achievements and are valuable for some specific educational purposes. Common sense is required when implementing this guidance and all decisions should reflect the best interests of the pupil:

- School equipment should be used for taking photographs/filming.
- No photographs or video footage should ever be permitted in areas of personal privacy by staff or pupils. e.g. changing rooms, bathrooms and sleeping quarters.
- If using an external agency, ensure the photographer has been appropriately checked and is accompanied by a member of school staff at all times.
- All images and videos of pupils taken for educational purposes belong to the school and should be stored in line with advice below.

Notification

Parents and pupils should be informed that pupils may, from time to time, be photographed. This could be for one of the following reasons:

- (i) Educational purposes
- (ii) Video footage for performance development
- (iii) Media coverage of an event or achievement
- (iv) Promotional purposes e.g. website or publication

Permission

- Parents or carers will be asked to complete a consent form that allows them to consent or to withhold consent for the photographing and videoing of all educational activities. This consent form will be issued at time of entry to the school. Please see Appendix 11.
- Where appropriate, pupils should be asked their views. Where a child is able to provide an informed view (on the principle of other legal rights, generally a child over 12 may be deemed to have legal capacity to do so) this should be taken into account.
- Images should not be shared with external agencies unless express permission is obtained from the parent and, where appropriate, the young person.
- Teachers/Coaches using videoing as a legitimate teaching and coaching aid should make parents or carers and pupils aware that this will be part of the coaching programme. If a video is being given to a pupil to take home for their personal development, then consent should be sought from the parents of any of the other pupils shown on the video. Furthermore, in this situation pupils and parents need

to be clear that this material should not be put into the public domain e.g. uploaded onto YouTube.

Publishing on the Internet and/or Websites

- Personal information that could identify a pupil should never be included e.g. home address, e-mail address, home and mobile phone number.
- Photographs with the full name(s) of the pupil featured should not be used unless the school has parental consent in writing and parents have been informed as to how the image will be used. Where the pupil's details are already in the public domain parental permission should still be obtained for any school usage.
- Special care should be taken in relation to vulnerable children e.g. a child where there has been domestic abuse or a child with a disability, and consideration given to whether publication would place the child at risk.

Storage and Use of Images (Refer to Appendix 11)

- The school will ensure that all negatives, copies of videos and digital photograph files are stored in a secure place in school. In line with data protection requirements, these should not be kept for any longer than is necessary having regard to the purposes for which they were taken.
- The school will make sure all copies of images, including negatives or electronic copies, are deleted when no longer needed or when the pupil leaves the school.
- The school will not use images of pupils who have left the school unless express permission has been sought. If images are kept for archives, school leavers should be informed of this.
- The school will use the image only for the purpose it was taken. It will not be used for purposes that the pupil or their parent is unaware of or has not given consent to use.

Potential risks

- The inappropriate use, adaptation or copying of images for use on child abuse websites (often incorrectly referred to as pornography sites).
- The identification of children when a photograph is accompanied by significant personal information that will assist a third party in identifying the child. This has, and can lead to, children being groomed.
- The identification and locating of children in inappropriate circumstances which include:
 - Where the child has been removed from his/her own family for their own safety.
 - Where there are restrictions on contact with one parent following a separation e.g. in domestic abuse cases.
 - Where the child may be a witness in criminal proceedings.
 - Where there is a custodial dispute and possible threat to the child of being taken out of the country.

Taking Photos or Videoing in Public Places

- It is not an offence to take appropriate photographs in a public place even if asked not to do so.
- No one has the right to decide who can, and cannot, take images on public land.
- The land or facility owner can decide whether or not photography and or videoing activities will be permitted.

Reporting Concerns

- Anyone behaving in a way which could reasonably be construed as inappropriate in relation to filming or photographing should be reported to the person in charge on the day. They should be approached for an explanation.
- If a satisfactory explanation is not provided, the circumstances should be reported to the Child Protection Co-ordinator/Rector.
- If anyone has concerns about the immediate safety of a child relating to the recording of images then it should be reported to the police. This action should only be taken if you believe someone is acting unlawfully or putting a child at risk of significant harm.

8.2 The Contribution of the Curriculum to Personal Health and Safety

Through the curriculum, teachers have an important role in equipping children with the knowledge, skills and understanding they need to keep themselves and others safe. This could include offering advice and guidance on issues such as drugs, alcohol, under-age sexual activity, honour-based violence, forced marriage, female genital mutilation, using e-technology and bullying, including cyberbullying. Huthesons' Grammar School has a P.S.E. programme in place in both schools to facilitate this. Where appropriate, these programmes involve partnership with parents and carers. The Child Exploitation Online Protection Centre (CEOP)¹⁷ has excellent resources available and the school aims to have members of staff trained as a CEOP Ambassadors or equivalent.

8.3 E-Technologies - Risk Factors

New technologies, digital media and the Internet are an integral part of children's lives. Whether on a computer at school or at home, a tablet, a games console or smartphone, children and young people are increasingly accessing the Internet whenever they can and wherever they are. This has enabled entirely new forms of social interaction to emerge, for example, through social networking websites and online gaming. But these new technologies also bring a variety of risks from adults and peers, such as: exposure to obscene, violent or distressing material; bullying, coercion or intimidation through email and online cyber-bullying, identity theft and abuse of personal information; pro-eating disorder, self-harm or suicide sites; and sexual exploitation by online predators – for example, grooming – often through social networking sites.

The Internet does not recognise boundaries and allows the downloading and sharing, largely undetected, of images (including movies) throughout the world in seconds. The

¹⁷ The Child Exploitation and Online Protection Centre (CEOP) provides information and resources on child internet safety and runs a well-established education programme called 'ThinkuKnow.' <http://ceop.police.uk/>

Internet also provides forums (chat rooms, news groups, etc.) where like-minded individuals can communicate anonymously. Included amongst these individuals are those who collect or trade in indecent images of children and young people.

- *Contact Offences* - Studies have shown that in cases where individuals have downloaded or shared indecent images they are far more likely to have also committed contact abuse offences against children and young people.
- *Grooming* - People who sexually abuse children and young people often actively seek to befriend their victims online prior to committing any indecent act; this process is known as grooming.
- *On-line contact and webcam exchanges with other individuals* - Young people may regularly enter into on-line conversations regarding subjects of mutual interest for educational purposes or for leisure activity - often these conversations are with peers. However, no reliable method of checking the genuineness, trustworthiness, age or intent of the other party exists and young people might find themselves potentially at risk, particularly where personal details are exchanged or arrangements made to meet with people they do not know. The unsupervised use of webcams poses a further risk.
- *Self-generated indecent images known as 'Sexting'* is defined as the use of technology to share personal sexual content from texts, partial nudity, sexual images and videos often between partners but can be broadcast to groups e.g. by mobile phones, Skype, Facebook, Twitter, Flickr, YouTube etc. Some teenagers, who have sent photographs of themselves, or of their friends or partners, have been charged with distribution of child pornography, while those who have received the images have been charged with possession of child pornography (a child is defined as being up to the age of 18 for child pornography). In extreme cases, these images have been used by paedophiles to blackmail young people into committing further indecent acts. Please refer to Appendix 12, the Self-Generated Indecent Images Protocol.
- *Location from uploaded pictures* can be easily obtained using software that can read location data stored within digital photographs. This data can be mapped to pin-point accurately where the photograph was taken.
- *Instant messaging/Texting* - Advances in mobile phone technology and phone networks mean that many children have unsupervised access to the Internet through mobile technology, as well as popular social networking sites such as Facebook, Twitter, YouTube and Instagram. This allows instantaneous communication as well as the uploading of images and videos. This communication may be with individuals whose intent could pose a risk to the young person.

All those involved in the protection of children and young people should be aware of the value of digital evidence contained on computers, mobile phones and other media (this includes media used by the victim as well as any suspect). If there is a suspicion that such equipment might be of evidential value the following procedures should be adopted:

- Prevent further use of the computer or other equipment.
- Prevent access to the computer, other equipment or associated media.
- Do not disconnect the power unless there is reason to believe that the computer is carrying out a task that would delete any evidence, in which case remove the

power lead from the rear of the computer; do not shut the computer down in the normal manner.

- Do not allow anyone (no matter how computer-literate they may be) to interrogate the computer - this should only be done by the police so as to ensure that the evidential value of the data is preserved.

8.4 Bullying

Bullying behaviour may include:

- name-calling, teasing, putting down or threatening;
- ignoring, leaving out or spreading rumours;
- physical assault;
- stealing and damaging belongings;
- making people feel like they are being bullied or fearful of being bullied; and
- targeting someone because of who they are or are perceived to be.

Such behaviour can leave people feeling helpless, frightened, anxious, depressed or humiliated, and can have a devastating and lifelong impact.

Bullying behaviour can take place anywhere and may be related to perceived or actual difference and involve the expression of prejudices regarding, for example, race, gender, disability and sexual orientation. It may be just one manifestation of the prejudice experienced by the child or young person, and/or may compound other difficulties in their life. With this in mind vulnerable and marginalised children and young people may be particularly at risk.

Hutchesons' Grammar School has an Anti-Bullying policy in place, which also includes cyberbullying.

8.5 Residential Visits Including School Trips Abroad and Outdoor Education

Generally school residential visits fall into the following four categories, each of which has the potential for child protection issues to arise:

- trips abroad;
- exchange visits, for example, of a school orchestra or sports team or foreign language trip, where accommodation is provided in the homes of families not directly known to the school;
- outdoor education courses run by external centres where the children stay in accommodation provided by the centre, and are mainly under the direction of centre staff; or
- field visits or trips where the school itself organises the accommodation and supervises the children throughout the visit.

The Rector, in conjunction with the Board of Governors, carries ultimate authority and responsibility for all school trips including ensuring that appropriate risk assessments have been completed. *Going Out There – Scottish Framework for Safe Practice in Off-Site Visits*

(2013)¹⁸ is a key resource to support preparations for school trips. Staff and their deputies organising such visits should be trained in leading and organising school trips and child protection.

Trips Abroad and Exchange Visits

In planning a trip involving home stays, Hutchesons' Grammar School will agree a set of standards for home stays and for supervision with the local organiser. Although there is no requirement to check host families where they are one-off visits under the PVG Scheme, schools should do everything that is reasonable, including a risk assessment, to ensure the safety and wellbeing of pupils on exchanges e.g. requiring that all host families at home and abroad complete the Host Family Stay Information Form (Appendix 10).

There should also be an expectation that provided such procedures exist, host families in other countries are appropriately checked under their government guidance or other appropriate systems such as seeking references. More information can be obtained from the Centre for National Infrastructure (CPNI).¹⁹

Group leaders should make daily contact with all members of the group to satisfy that all is well. Pupils involved and their parents should be given emergency numbers for contact should problems arise. In countries where the legislation with regard to drugs and alcohol is more lenient than in Scotland, staff should never condone young people taking drugs and alcohol when they could not legally do so in Scotland. The Code of Conduct for the trip (agreed in advance by parents, pupils and staff) should set the expected standards of behaviour (including the rules on personal safety), whilst ensuring that pupils gain maximum cultural, social and educational benefits.

Outdoor Education Courses

In outdoor education situations, the school has a duty to satisfy itself that the selected centre has clear Child Protection, Security and Health and Safety policies and procedures and risk assessments in place.

Field Trips Organised by the School

Where the school organises its own trip, there is a significant burden of responsibility on the school to ensure that appropriate steps are taken to secure participants' safety and wellbeing. The following are features of good practice:

- A code of conduct should be agreed with parents or carers, pupils and staff prior to departure and agreement reached on the action to be taken should it be breached;
- The organiser should be satisfied that the accommodation is appropriate, and in particular that the bedroom arrangements enable suitable room sharing arrangements and privacy, in terms of age and gender, and appropriately located staff bedrooms for both supervision and ease of access in case of emergency;
- Both daytime activities and evening leisure should be adequately supervised.

¹⁸ www.goingoutthere.co.uk

¹⁹ <http://www.cpn.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>

On trips taking place during holidays, it is understandable that both staff and children should feel greater informality is appropriate. However, there is a significant difference between a more informal approach, and a failure to exercise due care. In particular:

- Young people should not be permitted to wander alone in unfamiliar places.
- Staff should not fraternise or be over-familiar with pupils.
- Free time for pupils does not equate to free time for staff.

Even when all aspects have been well considered, it is still possible that a child protection incident may occur. Where it is believed abuse has/may have taken place, the school emergency contact for the trip/Child Protection Co-ordinator should be contacted. A referral should be made to the relevant police service in the area where the alleged offence took place. It should be noted that particularly in relation to sexual activity, different countries have markedly different ages of consent. Contact with the parents or carers of those directly involved should be made in line with child protection procedures. Generally, it will be more appropriate for the Rector/Child Protection Co-ordinator to contact other parents or carers in line with advice from the relevant authorities, leaving the staff on the trip free to support the pupils there. Given the general availability of mobile phones, any significant delay in contacting parents should be avoided to prevent the spread of rumours but advice from Senior Management/Governors will always be sought before communication with parents or any other agencies.

8.6 Work Placements and Community Service

Increasingly young people are being encouraged to contribute to the welfare of the community through school activities:

- as part of a curriculum initiative;
- as part of the school's planning for citizenship education; or
- through extra-curricular activities such as The Duke of Edinburgh's Award Scheme.

Where placements are being arranged for pupils, or where pupils themselves have arranged the placements, the school should satisfy themselves that, if appropriate, the child protection policy of the organisation affords adequate protection for the pupil. Disclosure Scotland offers detailed guidance on whether those supervising children on work experience are doing regulated work with children.²⁰

The school will endeavour to check that:

- organisations have been assessed for their suitability, e.g. supervision of the pupil, their own staff/volunteer safety policies;
- the nature of the activity is suitable for pupil volunteers;
- any involvement with other vulnerable members of the community is safe for both them and the volunteer pupils;

²⁰http://www.disclosurescotland.co.uk/disclosureinformation/guidancedocuments/PVGGuidanceChapter2RegulatedWork_000.pdf. The advice in relation to children on work experience is at paragraphs 98-100.

- pupil volunteers are properly prepared for their placement with advice on appropriate conduct and personal safety;
- young people undertaking activities more independently have a member of staff they can contact at all times;
- there are arrangements with the host organisation to contact the school if there are difficulties or if the young person fails to arrive;
- transport arrangements to and from the placement are known by the school, the host organisation and the parent.

If concerns remain, these should be raised with the school's Child Protection Co-ordinator.²¹

8.7 Volunteering and 'Buddying' by Pupils

Many children and young people are involved in activities and opportunities in school where, for example, older pupils support younger pupils or where pupils provide peer support for those with additional support needs or where bullying is being discussed within a group of young people.

Staff should bear in mind the following issues when making arrangements for such activities:

- children and young people need training for their role in helping other pupils;
- children and young people should be aware of the limits of their role in helping other pupils and know how and when to seek help from a member of staff;
- guidance should be in place for peer support and should be discussed with the pupils;
- older pupils should not be left to supervise younger children without adult support;
- one-to-one 'buddying', paired reading or tutorial support between pupils should take place in view of staff;
- pupils, especially younger pupils, should know that they can speak to a member of staff if they feel uneasy about the situation or about their relationship with another pupil.

8.8 Children Missing in Education

Where a child goes missing from education, the school will make such enquiries to try and locate the child including, where relevant, the education service within their local authority and the authority where the child is resident, if different. If these are not successful, the school should make a referral to Children Missing from Education (CME) through their local authority. It may be necessary in some circumstances to approach CME directly. CME (Scotland) can assist by co-ordinating wider searches across the range of local authorities, other organisations and outside Scotland. Further details can be found at <http://www.cmescotland.net/Pages/Home.aspx> .

²¹ Schools can also obtain advice from Volunteer Development Scotland www.vds.org.uk/information/infoenquiries.htm or Disclosure Scotland www.disclosurescotland.co.uk.

All pupils in schools in Scotland have an identity number, known as the Scottish Candidate Number (SCN). This enables key information to be shared between schools and should help to improve record-sharing when pupils transfer from one school to another where the S2S system is in use. It should also benefit the Children Missing from Education (CME) project, by helping to track children who have disappeared from the education system.

9. CHILD PROTECTION IN SPECIFIC CIRCUMSTANCES: INDICATORS OF RISK

This section gives additional information on dealing with specific circumstances that may impact adversely on children – as Adverse Childhood Experiences increase, so too do the risk of experiencing a range of health conditions in adulthood. Not all the indicators set out here are common; nor should their presence lead to any immediate assumptions about the levels of risk for an individual child. Where identified, though, they should act as a prompt for all staff to consider how they may impact on a child and to refer to the Child Protection Co-ordinator for advice.

In the sections below, indicators of potential risk are considered separately but they will often – particularly for children in vulnerable circumstances – occur together. Where there are a number of risk factors in a child's life, staff should pay particular attention to the cumulative impact of these on the child.

9.1 Under-Age Sexual Activity

All Child Protection Co-ordinators (CPCs) should have received training and be familiar with the criteria set out in the Scottish Government guidance, *Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns*, (Scottish Government 2010). Any decision made by the CPC should be informed by this guidance and local procedures.

The law continues to make clear that society does not encourage sexual intercourse in young people under 16, as it can be a cause of concern for their wellbeing. It does not follow that every case has child protection concerns and it is important to ensure that a proportionate response is made and that only appropriate cases are brought to the attention of social work and the police.

Child under 13 or where the child was under 13 when the alleged abuse took place

If the child is under the age of 13, the concerns must be passed on in accordance with local child protection procedures and this guidance.

Young people aged 13-16

Where staff in schools are aware that a young person (i.e. 13 or over) is sexually active or is likely to become sexually active this should be reported to the Child Protection Co-ordinator. He/she will undertake an assessment of risks and needs in line with the GIRFEC Practice Model to ensure that the appropriate response is provided; this will include carrying out a Risk Assessment (see Appendix 4). Staff have a duty of care to ensure that the young person's health and emotional needs are addressed and to assess whether the sexual activity is of an abusive or exploitative nature. This might mean them collecting and

sharing information from within the school or from other agencies, or passing on information to the service best placed to assess the young person's needs. However, in any situation, an initial assessment of risk has to be made by the Child Protection Co-ordinator to ensure that the correct processes and people are involved so that the needs of the child and young person are effectively met. At the same time, such risk assessment must take full account of the issues of confidentiality and information sharing.

The assessment process may not always be straightforward and will require sensitive handling and the use of professional judgement. This might mean seeking advice or assistance from matron and the Rector. Where appropriate, the Child Protection Co-ordinator should advise the young person of their intentions to speak with a colleague.

However, even if there are no child protection concerns, the young person may still have worries or be in need of support in relation to their sexual development and relationships, which will require to be addressed either on a single agency or multi-agency basis.

The Child Protection Co-ordinator should also bear in mind that there may be opportunities to discuss concerns relating to under-age sexual activity on an informal, 'hypothetical' basis - whether for general advice on procedures and processes, or to ascertain whether information they hold should be shared on a wider basis. These types of discussion can help increase knowledge and skills base, and help promote the development of inter-agency relations and understanding.

Increasing numbers of young people are engaging in a range of sexual activity before the age of 16. The reasons behind this behaviour vary considerably. In some cases, the activity will be wholly consensual; in others it will happen in response to peer pressure or as the result of abuse or exploitation. Young people who are sexually active will, therefore, have differing needs, so services and practitioners must provide a range of responses. National guidance provided by the Government previously referred to covers the legal issues and advises practitioners how they can strike a balance between assuring the freedom of young people to make decisions, and protecting them from activity which could give rise to immediate harm and/or longer-term adverse consequences.

Young people aged 16-18

Over the age of 16, sexual activity is legal. However, the activity may not have been consensual or the young person might have vulnerabilities and related needs. Furthermore, the Sexual Offences (Scotland) Act 2009 states that young people under the age of 18 could be subject to a 'sexual abuse of trust' – for example, if the young person has had sexual relations with a teacher or a residential worker who has caring responsibilities for the child or for children in the institution in which the child is being cared for or taught and is over the age of 18. It is also worth noting that in cases where young people are involved in prostitution or pornography, Section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provides that it is an offence for a person to pay for the sexual services (e.g. prostitution) provided by a child under the age of 18, and sections 10-12 provide that it is an offence to cause, incite, control, arrange or facilitate the provision by a child under the age of 18 of sexual services, or their involvement in the making of pornography.

It is essential that young people between 16 and 18 do not fall through the gaps in services and that the key priority at all stages is to ensure that the young person is provided with support and protection if there is a concern. These circumstances should be taken into account to ensure that the young person gets the support required, either from child or adult protection services.

Children and young people have rights to confidentiality

In the context of under-age sexual activity, if there is a concern of a risk of harm as a result of sexual behaviour and/or relationships, this always overrides the professional requirement to keep confidentiality. In these circumstances, schools have a duty to act to make sure that the child and young person is protected. Staff are required to ensure that children and young people are informed from the outset that confidentiality is not absolute, but that every reasonable attempt will be made to discuss with them beforehand if information needs to be shared. Prior to disclosing information, attempts should be made to gain consent to passing on information. However, in individual cases it may not always be appropriate to seek consent where there is justification to share without it – for example, if not disclosing information might result in harm coming to the individual in question or compromise a subsequent police investigation. Staff should take account of a young person's or other relevant individual's views when deciding when to share information without their consent, and should provide reasons and explain to them when they have shared information without consent.

It is also crucial that children and young people should be advised in advance of them potentially disclosing information they want kept confidential, how their personal information may be shared within the school and what the limits to that sharing might be. It is essential that schools have a confidentiality policy which addresses this issue. (See Appendix 5)

School Matron

Sexual health services have long recognised that assurances of confidentiality for children and young people are essential if they are to be encouraged to seek their help and advice. Consequently, while sexual health practitioners, including qualified school nurses, are encouraged to help individuals to speak to their parents and involve them in their decision-making, ultimately, these practitioners are not required to inform the parents or carers at any stage of giving them advice or treatment.

Our school matron could give the young person confidentiality under Section 2(4) of the Age of Legal Capacity (Scotland) Act 1991 and not share this with school staff. However, he/she would have to breach the young person's confidentiality if they assessed the young person of being at risk of significant harm and report to the school's Child Protection Co-ordinator or again if they had doubts share the information on a hypothetical basis to preserve confidentiality.

Parents and carers have the right to be involved in an appropriate way

Staff should encourage children and young people to share information with their parents or carers where it is safe to do so. This is in recognition of the responsibilities, rights and

duties of parents to direct and guide their children in the exercise of their rights, consistent with the young person's evolving capacities.

If the Child Protection Co-ordinator has assessed that the sexual behaviour is consensual teenage sexual activity where there are no concerns of abuse or exploitation, he/she should:

- ask them to share it with their parents or carers;
- uphold the confidentiality rights of the young person; and
- provide practical assistance and advice as required and signpost young people to the appropriate local services (e.g. sexual health services).

If the Child Protection Co-ordinator has assessed that the sexual behaviour is not abusive or exploitative, but that there remain concerns about the young person's behaviour e.g. their use of drugs/alcohol, the environment in which they seek sexual contacts etc, then he/she should:

- ask them to share it with their parents or carers;
- uphold the confidentiality rights of the young person; and
- provide practical assistance and advice as required within their own agency or, with their permission, refer them to the appropriate clinical or support services, including forensic or sexual health services.

In both these scenarios, a single-agency decision-making process is normally appropriate. Where staff are not in a position to meet the individual's immediate health needs, having due regard to consent issues, it is within the law, without parental consent or even knowledge, to provide information, make an appointment or accompany the individual to an agency which is able to meet their immediate needs.

Normally, young people would be encouraged to make such medical appointments outside school hours by themselves. The Rector is ultimately responsible for the whereabouts of all pupils within school hours.

Recording information

The needs of the young person are the primary consideration when staff decide upon the relevant and proportionate sharing of information. Staff recording information or releasing information to other parties and persons have legal and professional duties to ensure that the information recorded is accurate, relevant and sufficient for its purpose and that any disclosure is lawful – either through the consent of the young person concerned or where there is the potential of harm to themselves or others which outweighs lack of consent.

Where a decision is made not to share information with parents or carers, the Child Protection Co-ordinator should ensure they record the reasons for this. If they have any doubt they should share their concerns/dilemma with the Rector/Matron.

In all circumstances, the Child Protection Co-ordinator should make a record of events and decisions, in line with school and local procedures. The record should contain all essential details, the decisions taken and the reasons behind them and any subsequent action.

9.2 Domestic Abuse

Domestic abuse describes any behaviour that involves exerting control over a partner or ex-partner's life choices and that undermines their personal autonomy. It is an assault on their human rights. Although most victims are women, men can also suffer domestic abuse, and it can also occur in same-sex relationships. Children and young people living with domestic abuse are at increased risk of significant harm, through witnessing the abuse and being abused themselves. Children can also be affected by abuse even when they are not witnessing it or being subjected to abuse themselves. Domestic abuse can profoundly disrupt a child's environment, undermining their stability and damaging their physical, mental and emotional health. Domestic abuse can have a profound impact on children, both in the short and long term.²²

The impact of domestic abuse on a child will vary, depending on factors including the frequency, severity and length of exposure to the abuse and the ability of others in the household (particularly the non-abusive parent/carer) to provide parenting support under such adverse conditions. If the non-abusive parent/carer is not safe, it is unlikely that the children will be. Indeed, children frequently come to the attention of practitioners when the severity and length of exposure to abuse has compromised the non-abusing parent's /carer's ability to nurture and care for them.

The best way to keep both children and non-abusive parents or carers safe is to focus on early identification, assessment and intervention through skilled and attentive staff in universal services. Domestic abuse is widely under-reported to the police. Given the reluctance of victims to come forward, it is crucial that staff are aware of the signs of domestic abuse and routinely make appropriate enquiries.

9.3 Parental Problematic Alcohol and Drug Misuse

Problematic parental substance misuse can involve alcohol and/or drug misuse (including prescription as well as illegal drugs). The risks to, and impacts on, children of alcohol/drug-misusing parents and carers are known and well-researched. Alcohol and/or drug misuse during pregnancy can have significant health impacts on the unborn child. Problematic parental alcohol and/or drug misuse can also result in sustained abuse, neglect, maltreatment, behavioural problems, disruption in primary caregiving, social isolation and stigma of children. Parents and carers with drug or alcohol problems often lack the ability to provide structure or discipline in family life. Poor parenting can impede child development through poor attachment and the long-term effects of maltreatment can be complex. The capability of parents or carers to be consistent, warm and emotionally responsive to their children can be undermined.²³

It is important that all practitioners working with parents affected by problematic drug and/or alcohol use know the potential impact that this has on children, both in terms of the impact on the care environment through direct exposure to alcohol and/or drug use,

²² *National Domestic Abuse Delivery Plan for Children and Young People*, Scottish Government, 2008

²³ *Getting our Priorities Right: Updated Good Practice Guidance for working with Children and Families affected by Substance Misuse*, Scottish Government, 2012

and also the potential practical and emotional challenges presented in terms of the recovery process.

The identification, assessment and management of children affected by alcohol and/or drug misuse is an important part of the school's Child Protection duties.

9.4 Disability

The definition of 'children with a disability' includes children and young people with a comprehensive range of physical, emotional, developmental, learning, communication and health care needs. 'Children with a disability' are defined as children in need under section 93(4) of the Children (Scotland) Act 1995. Children with a disability are not only vulnerable to the same types of abuse as their able-bodied peers, they are also more vulnerable to that abuse. Children with behavioural disorders, learning disabilities and/or sensory impairments are particularly at risk. Neglect is the most frequently reported form of abuse, followed by emotional abuse. Abuse of children with a disability is significantly under-reported.

Children with a disability are more likely to be dependent on support for communication, mobility, manual handling, intimate care, feeding and/or invasive procedures. There may be increased parental stress, multiple carers and care in different settings (including residential); there may also be reluctance among adults, including practitioners, to believe that children with a disability are abused. Children with a disability are likely to be less able to protect themselves from abuse. Limited mobility can add to their vulnerability. In addition, the network of carers around the child is likely to be larger than for a non-disabled child, which can be a risk factor in itself. While the majority of parents or carers provide the highest standard of care for their child, it must be acknowledged that in some cases they themselves will be perpetrators of abuse.

Children with a disability can progress into adult protection. The Protection of Vulnerable Groups (Scotland) Act 2007 recognises the vulnerability of disabled adults.

Children can also be affected by the disability of those caring for them. Parents/carers/siblings may have additional support needs relating to physical and or sensory impairments, mental illness, learning disabilities, serious or terminal illness, or degenerative conditions. These may impact on the safety and wellbeing of their children, affecting their education, physical and emotional development. A full assessment of parents' needs, and of the support they need in order to fulfil their parenting responsibilities, should be carried out as well as an assessment of the needs of the child. Joint working between specialist disability and child protection services will be needed. For more information, see the *Safeguarding Children with a disability: Practice Guidance*.²⁴

9.5 Non-engaging Families

²⁴ *Safeguarding Disabled Children: Practice Guidance*, Department for Children, Education and Families Education, 2009. The guidance covers England and Wales, but is nevertheless invaluable for all practitioners in Scotland.

Evidence shows that some adults will deliberately evade practitioner interventions aimed at protecting a child. In many cases of child abuse and neglect, this is a clear and deliberate strategy adopted by one or more of the adults with responsibility for the care of a child. It is also the case that the nature of child protection work can result in parents or carers behaving in a negative and hostile way towards practitioners. The terms 'non-engagement' and 'non-compliance' are used to describe a range of deliberate behaviour and attitudes, such as:

- failure to enable necessary contact (for example missing appointments);
- refusing to allow access to the child or to the home;
- active non-compliance with the actions set out in the Child's Plan (or Child Protection Plan);
- disguised non-compliance, where the parent/carers appears to co-operate without actually carrying out actions or enabling them to be effective; and
- threats of violence or other intimidation towards practitioners.

Consideration needs to be given to determining which family member(s) is, or are, preventing engagement from taking place and why. For example, it may be the case that one partner is silencing the other and that domestic abuse is a factor. Service users may find it easier to work with some practitioners than others. When considering non-engagement, practitioners should check that the child protection concerns and necessary actions have been explained clearly, taking into account issues of language, culture and disability, so that parents or carers fully understand the concerns and the impact on themselves and their child.

If there are risk factors associated with the care of children, risk is likely to be increased where any of the responsible adults with caring responsibilities fail to engage or comply with child protection services. Non-engagement and non-compliance, including disguised compliance, should be taken account of in information collection and assessment. Non-engagement and non-compliance may point to a need for compulsory or emergency measures. In what will often be challenging situations, staff may need access to additional or specialist advice to inform their assessments and plans.

9.6 Children and Young People Experiencing or Affected by Mental Health Problems

Two separate but not unconnected issues should be considered in identifying, assessing and managing the risks faced by children affected by mental health problems:

- children and young people who are experiencing mental health problems themselves; and
- children and young people whose lives are affected by the mental illness or mental health problems of a parent/carers.

Children and young people experiencing mental health problems

The emotional wellbeing of children and young people is just as important as their physical health. Most children grow up mentally healthy, but certain risk factors make some more likely to experience problems than others. Evidence also suggests that more children and young people have problems with their mental health today than 30 years ago. Traumatic

events in themselves will not usually lead to mental health problems, but they may trigger problems in those children and young people whose mental health is not robust. Changes, such as moving home or changing school or academic pressures, can act as triggers. Teenagers often experience emotional turmoil as their minds and bodies change and develop. Some find it hard to cope and turn to alcohol or drugs. Over the past 15 years, the incidence of self-harm and suicide among young people has increased.

For some young people, mental health problems will severely limit their capacity to participate actively in everyday life and will continue to affect them into adulthood. Some may go on to develop severe difficulties and display behaviour that challenges families and services, including personality disorders. A small number of children with mental health problems may pose risks to themselves and others. For some, their vulnerability, suggestibility and risk levels may be heightened as a result of their mental illness. For others, a need to control, coupled with lack of insight into, or regard for, others' feelings and needs, may lead to them preying on the vulnerabilities of other children. It is imperative that services work closely together to address these issues and mitigate risks for these children and for others.

Children separated from their family may be particularly vulnerable to mental health problems, particularly where they have experienced traumatic events. These can be compounded by feelings of alienation, loneliness, disorientation and 'survivor's guilt'. Many will have no awareness of the support available to them, making it difficult for them to access services.

Certain risk factors make some children and young people more likely to experience mental health problems than others. These include:

- having a long-term physical illness;
- having a parent or carer who has had mental health problems, problems with alcohol/drugs or a history of offending behaviour;
- experiencing the death of someone close to them;
- having parents who separate or divorce;
- having been severely bullied or physically or sexually abused;
- living in poverty or being homeless;
- having a learning disability;
- experiencing discrimination, perhaps because of their race, nationality, sexuality or religion;
- acting as a carer for a relative;
- having long-standing educational difficulties; and
- forming insecure attachments with their primary carer.

Children and young people can experience a range of mental health problems, from depression and anxiety through to psychosis. While most will recover, some are left with unresolved difficulties or undiagnosed illnesses that can follow them into adult life. Child protection is a crucial component of the service response to children and young people experiencing mental health problems. Children and young people experiencing such difficulties must have access to the right support and services, and know that their issues are being taken seriously. The same is true for parents and carers who may be

bewildered or frightened by their child's behaviour or concerned that they are the cause of such behaviour.

Child and Adolescent Mental Health Services (CAMHS) can provide an important resource in helping children and young people overcome the emotional and psychological effects of abuse and neglect. However, it is important that children and young people's mental health is not seen solely as the preserve of psychiatric services; the causes of mental ill-health are bound up with a range of environmental, social, educational and biological factors. Waiting to access CAMHS should not be a justification for inactivity on the part of other agencies.

'See Me' is Scotland's National campaign to end stigma and discrimination associated with mental health.²⁵

Children and young people affected by parental mental health problems

It is not inevitable that living with a parent/carer with mental health issues will have a detrimental impact on a child's development and many adults who experience mental health problems can parent effectively. However, there is evidence to suggest that many families in this situation are more vulnerable. A number of features can contribute to the risk experienced by a child or young person living with a parent or carer who has mental health problems. These include:

- the parent/carer being unable to anticipate the needs of the child or put the needs of the child before their own;
- the child becoming involved in the parent/carer's delusional system or obsessional compulsive behaviour;
- the child becoming the focus for parental aggression or rejection;
- the child witnessing disturbing behaviour arising from the mental illness (often with little or no explanation);
- the child being separated from a mentally ill parent, for example because the latter is hospitalised; and
- the child taking on caring responsibilities which are inappropriate for his/her age.

There are also factors which may impact on parenting capacity including:

- maladaptive coping strategies or misuse of alcohol and/or drugs;
- lack of insight into the impact of the illness (on both the parent/carer and child); and
- poor engagement with services or non-compliance with treatment.

This list is not exhaustive. A number of other factors may need to be considered, including the attachment relationship and any instances of domestic abuse. Services involved with the parent/carer should consider the impact of these factors on the child's needs. Where concerns are identified, these should be shared with Social work.

²⁵ www.seemescotland.org.uk

The stigma associated with mental health problems means that many families are reluctant to access services because of a fear about what will happen next. Parents or carers may worry about being judged and that they will be deemed incapable of caring for their children. Many will therefore view asking for services or support as a high-risk strategy.²⁶

9.7 Children and Young People who Display Harmful or Problematic Sexual Behaviour

Harmful or problematic sexual behaviour in children and young people can be difficult to identify. It is not always easy to distinguish between what is abusive and/or inappropriate and what constitutes normal childhood exploration or adolescent experimentation. Practitioners' ability to determine if a child's sexual behaviour is developmentally typical, inappropriate or abusive will be based on an understanding of what constitutes healthy sexual behaviour in childhood as well as issues of informed consent, power imbalance and exploitation. Where staff at the school are unclear if the behaviour is inappropriate or abusive, they should always take advice.

In managing and reducing risk, the diversity of potential behaviour must be taken into account. Children and young people display a wide range of sexual behaviour in terms of: the nature of behaviour; degree of force; motivation; level of intent; level of sexual arousal; and age and gender of victims. Broader developmental issues must also be taken into account, including the age of the young person, their family and background, their intellectual capacities and stage of development. Young people with learning difficulties form a particularly vulnerable, and often overlooked, group who may need specific types of interventions.

Where abuse of a child or young person is alleged to have been carried out by another child or young person, such behaviour should always be treated seriously and be subject to a discussion between relevant agencies that covers both the victim and the perpetrator. In all cases where a child or young person displays problematic sexual behaviour, immediate consideration should be given to whether action needs to be taken under child protection procedures, either in order to protect the victim or to tackle concerns about what has caused the child/young person to behave in such a way.

All cases need to be considered on an individual basis and an appropriate, proportionate and timely risk assessment should be carried out.

The two key aims of addressing concerning sexual behaviour are risk management and risk reduction. They will be best achieved when children and young people learn to manage their sexual behaviour within the broader aim of learning to meet their needs in a socially acceptable and personally satisfying way.

Risk management covers actions taken to reduce opportunities for the concerning sexual behaviour to occur and should identify those children and young people who are most likely to commit further sexually abusive behaviour and who therefore need high levels of

²⁶ For further information refer to *The Mental Health of Children and Young People: A framework for promotion, prevention and care*, Scottish Executive, 2005.

supervision. It should provide a robust mechanism through which concerns about a young person's problematic behaviour can be shared with relevant agencies so that appropriate risk management measures can be taken.

To manage risk effectively it is essential that:

- risk management is embedded in the systems around the child and promoted by those who supervise and monitor the child on a daily basis; and
- safety plans are drawn up in the relevant environments (for example, home, schools, and residential units).

Risk reduction is a planned programme of work aimed at helping the child or young person develop appropriate skills and insights to reduce their need to engage in harmful sexual behaviour. In so doing, attention will naturally be paid to improving the child/young person's psychological wellbeing. This will mean:

- ensuring that the assessment process includes means of identifying the most relevant areas for intervention with each child/young person;
- viewing individual intervention as part of a systemic approach rather than as an isolated consideration;
- designing interventions that support long-term maintenance of therapeutic change by empowering the child; and
- regularly evaluating the effectiveness of interventions.

9.8 Female Genital Mutilation

Female genital mutilation is a culture-specific abusive practice affecting some communities. It should always trigger child protection concerns. The legal definition of female genital mutilation is 'to excise, infibulate or otherwise mutilate the whole or any part of the labia majora, labia minora, prepuce of the clitoris, clitoris or vagina.'²⁷ It includes all procedures which involve the total or partial removal of the external female genital organs for non-medical reasons. There are four types of female genital mutilation ranging from a symbolic jab to the vagina to the partial or total removal of the external female genitalia.

The Prohibition of Female Genital Mutilation (Scotland) Act 2005 makes it illegal to perform or arrange to have female genital mutilation carried out in Scotland or abroad. The procedure is usually carried out on children aged between four and ten years. A sentence of 14 years' imprisonment can be imposed. There are also several options that should be considered to protect children and prevent female genital mutilation occurring including Child Protection Orders.

It is a deeply rooted cultural practice in certain African, Asian and Middle Eastern communities. Justifications for female genital mutilation may include:

- tradition;
- family honour;

²⁷ Prohibition of Female Genital Mutilation (Scotland) Act 2005

- religion;
- increased male sexual pleasure;
- hygiene; and
- fear of exclusion from communities.

A range of health problems, both immediate and long-term, are associated with the procedure. Short-term effects can include haemorrhage and pain, shock and infection. Longer-term effects include bladder problems, menstrual and sexual difficulties and problems giving birth. The emotional effects of female genital mutilation may include flashbacks, insomnia, anger, difficulties in adolescence, panic attacks and anxiety. In Western cultures, the young person may also be disturbed by Western opinions of a practice which they perceive as an intrinsic part of being female.

Female genital mutilation is usually done for strong cultural reasons and this must always be kept in mind. Nevertheless, female genital mutilation should always be seen as a cause of significant harm and child protection procedures should be invoked.

10.9 'Honour'-based Violence and Forced Marriage

'Honour'-based violence is a spectrum of criminal conduct with threats and abuse at one end and honour killing at the other.²⁸ Such violence can occur when perpetrators believe that a relative/community member, who may be a child, has shamed the family and/or the community by breaking their honour code. The punishment may include assault, abduction, confinement, threats and murder. The type of incidents that constitute a transgression include:

- perceived inappropriate make-up or dress;
- having a boyfriend/girlfriend;
- forming an inter-faith relationship;
- kissing or intimacy in a public place;
- pregnancy outside marriage; and
- rejecting a forced marriage.

A forced marriage is defined as a marriage conducted without the full and free consent of both parties and where duress is a factor. Duress can include physical, psychological, financial, sexual and emotional pressure. A clear distinction must be made between a forced marriage and an arranged marriage. An arranged marriage is one in which the families of both spouses are primarily responsible for choosing a marriage partner for their child or relative, but the final decision as to whether or not to accept the arrangement lies with the potential spouses. Both spouses give their full and free consent. The tradition of arranged marriage has operated successfully within many communities for generations.

The consequences of forced marriage can be devastating to the whole family, but especially to the young people affected. They may become estranged from their families and wider communities, lose out on educational opportunities, or suffer domestic abuse.

²⁸ *The honour is ours*, Association of Chief Police Officers (ACPO) Honour Based Violence (HBV) Strategy (2008)

Rates of suicide and self-harm are high. Some of the potential indicators of honour-based violence and forced marriage are listed below.

Education

- Absence and persistent absence from education.
- Request for extended leave of absence and failure to return from visits to country of origin.
- Decline in behaviour, engagement, performance or punctuality.
- Being withdrawn from school by those with parental responsibility.
- Being prevented from attending extra-curricular activities.
- Being prevented from going on to further/higher education.

Health

- Self-harm.
- Attempted suicide.
- Depression.
- Eating disorders.
- Accompanied to doctors or clinics and prevented from speaking to health practitioner in confidence.
- Female genital mutilation.

Cases of honour-based violence/forced marriage can involve complex and sensitive issues and care must be taken to make sure that interventions do not worsen the situation. For example, mediation and involving the family can increase the risks to a child or young person and should not be undertaken as a response to forced marriage or honour-based violence. Efforts should be made to ensure that families are not alerted to a concern that may result in them removing the child or young person from the country or placing them in further danger.

Cases of forced marriage may initially be reported to social work services or police as cases of domestic abuse.

Concerns may be expressed by a child or young person themselves about going overseas. They may have been told that the purpose is to visit relatives or attend a wedding. On arrival, their documents, passports, money and mobile phones are often taken away from them. These concerns should be taken seriously, although practitioners must also be careful to avoid making assumptions. Such cases may initially be reported to the joint Home Office/Foreign and Commonwealth Office Forced Marriage Unit.

9.10 Fabricated or Induced Illness

Fabricated or induced illness in children is not a common form of child abuse. Although it can affect children of any age, fabricated and induced illness is most commonly identified in younger children. Where concerns do exist about fabricated or induced illness in a child, a medical evaluation is always required to consider a range of possible diagnoses and a range of practitioners and disciplines will be required to assess and evaluate the child's needs and family history.

9.11 Sudden Unexpected Death in Infants and Children

Only a small number of children die during infancy in Scotland. While the majority of such deaths are as a result of natural causes, physical defects or accidents, a small proportion are caused by neglect, violence, malicious administration of substances or by the careless use of drugs.

One of the implications of Section 2 of the Human Rights Act 1998 is that public authorities have a responsibility to investigate the cause of a suspicious or unlawful death. This will help to support the grieving parents and relatives of the child and it will also enable medical services to understand the cause of death and, if necessary, formulate interventions to prevent future deaths.

Where the investigation establishes that there are child protection concerns and that other school age children in the family may be at risk of significant harm, schools should be informed and be involved in any subsequent Child Protection Case Conference.

9.12 Ritual Abuse

Ritual abuse can be defined as organised sexual, physical, psychological abuse, which can be systematic and sustained over a long period of time. It involves the use of rituals, which may or may not be underpinned by a belief system, and often involves more than one abuser. Ritual abuse usually starts in early childhood and uses patterns of learning and development to sustain the abuse and silence the abused. The abusers concerned may be acting in concert or using an institutional framework or position of authority to abuse children. Ritual abuse may occur within a family or community, or within institutions such as residential homes and schools. Such abuse is profoundly traumatic for the children involved. Ritual abuse can also include unusual or ritualised behaviour by organised groups, sometimes associated with particular belief systems or linked to a belief in spiritual possession.

9.13 Abuse by Organised Networks or Multiple Abusers

Several high profile cases and investigations within residential schools and care homes have highlighted the complexities involved in investigating alleged organised abuse and supporting children. Complex cases in which a number of children are abused by the same perpetrator or multiple perpetrators may involve the following:

- *Networks based on family or community links*
Abuse can involve groups of adults within a family or a group of families, friends, neighbours and/or other social networks who act together to abuse children either on- or off-line.
- *Abduction*
Child abduction may involve internal or external child trafficking and may happen for a number of reasons. Children cannot consent to abduction or trafficking. For further information, see section 11.14 on Child trafficking.
- *Institutional setting*

Abuse can involve children in an institutional setting (for example, youth organisations, educational establishments and residential homes) or looked-after children living away from home being abused by one or more perpetrators, including other young people.

- *Commercial sexual exploitation*

In all of these contexts, where a single complaint about possible abuse is made by, or on behalf of, a child, agencies should consider the possibility that the investigation may reveal information about other children currently or formerly, living within the same household, residential school or elsewhere. Reports of organised abuse are often made historically.

Planning considerations

Some child protection cases are particularly complex because they can uncover, or be shown to be linked with, other cases of suspected or reported abuse. It is not unusual for such complex investigations to extend beyond the boundaries of individual services. Detailed planning at strategic level is critical to ensure a consistency of approach with clear areas of accountability and responsibility determined from the outset. Police and social work services should agree arrangements for convening planning meetings, setting up systems for sharing and updating information about the investigations progress and co-ordinating support. All relevant agencies and services should be involved in these discussions.

Parents or carers are usually entitled to the fullest possible information. In these circumstances – particularly where it may be unclear how many families are involved – decisions regarding information-sharing will be particularly complex. Agencies may need to restrict information provided to families and the public to avoid prejudicing criminal enquiries; this should be considered in the planning process. Parental involvement may need to be limited in order to safeguard the child and the reasons for this should be recorded.

9.14 Child Trafficking

Child trafficking typically exposes children (up to the age of 18) to continuous and severe risk of significant harm. It involves the recruitment, transportation, transfer, harbouring and/or receipt of a child for purposes of exploitation. This definition holds whether or not there has been any coercion or deception, as children are not considered capable of informed consent to such activity. It applies to activity within a country as well as between countries.

Child trafficking can be difficult to identify. By its very nature, the activity is hidden from view, so practitioners need to be sensitive to the indicators of trafficking when investigating concerns about particular children. There are no validated risk assessment tools that can predict the risk of trafficking or definitively identify those who have been trafficked. However, an indicator matrix²⁹ has been developed which sets out a list of factors often associated with children who have been trafficked or who are at risk. While

²⁹ Contained within the Child Trafficking Assessment Form <http://www.gov.scot/Topics/archive/law-order/humantraffick/ChildTraffickingForm2>

the presence of any factor does not provide definitive evidence, the indicators do point to the possibility of trafficking, particularly when more than one is present at the same time. The indicators may apply to both UK nationals and/or migrant children and to both boys and girls. Staff should keep them in mind when working with children and making an initial assessment. The indicators do not replace child protection investigations and the presence, or otherwise, of trafficking suspicions should not preclude the standard child protection procedure being implemented.

9.15 Child Sexual Exploitation

The sexual exploitation of children and young people is an often hidden form of child sexual abuse, with distinctive elements of exploitation and exchange. In practice, the sexual exploitation of children and young people under 18 might involve young people being coerced, manipulated, forced or deceived into performing and/or others performing on them, sexual activities in exchange for receiving some form of material goods or other entity (for example, food, accommodation, drugs, alcohol, cigarettes, gifts, affection). Sexual exploitation can occur through the use of technology and without the child's immediate recognition.

In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are often common features; involvement in exploitative relationships being characterized in the main by the child/young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability.

In some cases, the sexual activity may just take place between one young person and the perpetrator (whether an adult or peer). In other situations a young person may be passed for sex between two or more perpetrators or this may be organised exploitation (often by criminal gangs or organised groups).

Staff have a responsibility to follow local child protection procedures for reporting and sharing these concerns.

9.16 Children who are 'Looked After' away from Home

Child protection concerns are not limited to a child's family circumstances, but cover any care environment provided for children. Looked-after children present distinctive challenges to practitioners supporting children. A looked-after child may be placed with kinship carers, foster carers or in a residential school, young people's unit or respite care service. Disabled children are over-represented in the population of looked-after children and are often placed away from home in residential care or health settings which may increase their vulnerability. The potential to abuse a position of trust may increase when children and carers are living together and sharing a home. Whatever the case, the main consideration in responding to any concern must be the safety of the child. As with investigations into children living in the community, any looked-after child voicing a concern must be listened to and taken seriously. Equally, the carers should be treated with respect and their views also taken seriously.

Where the concern involves reports of abuse, the carer will be subject to investigation on the same basis as other individuals. While not deviating from the primary concern to ensure the safety of the child, those exploring these types of concerns will need to address a number of additional considerations. Foster and kinship carers of looked-after children provide care from their own homes, and are subject to scrutiny from statutory agencies. This can create pressure and the issues particular to foster and kinship care settings need to be understood by those responsible for exploring concerns.

Looked-after children who have had to leave the care of their parents will often exhibit complex emotions and challenging or irrational behaviour. Many will have experienced disruption in their early years and been emotionally and physically neglected or abused. Parents of looked-after children may experience guilt, sadness and anger. These feelings may be expressed in the form of complaints about the care and treatment that their child is receiving.

In all of the settings where looked-after children live, their earlier experiences can lead them to interpreting care in diverse ways, including feeling that they have been singled out for 'criticism' or 'punishment' unfairly. Some may have reported abuse in the past to escape from difficult situations. Some may feel guilt at being cared for away from their family and may want to blame the carer(s).

When concerns about a looked-after child are raised, it should be remembered that further disruption (for example, a sudden move into a new care environment) may damage their recovery. The consequences of removing a child must be considered alongside their safety. Placement stability should be maintained wherever safe and possible. It is vital that all concerns are rigorously investigated while treating carers consistently, fairly and with consideration. Carers should be given as much information about the concern at the earliest possible point compatible with a thorough investigation.

9.17 Children and Young People who Place Themselves at Risk

Some children and young people place themselves at risk of significant harm by their own behaviour. Concerns about these children and young people can be just as significant as concerns relating to children who are at risk because of their care environment. The main difference is the source of risk, though it should be recognised that at least some of the negative behaviour may stem from experiences of abuse. Where such risk is identified, as with other child protection concerns, it is important that a multi-agency response is mobilised and a support plan identified to minimise future risk and consideration is given whether Compulsory Measures of Supervision might be required. The key test for triggering these processes should always be the level of risk to the individual child or young person and whether the risk is being addressed, not the source of risk.

While not exhaustive, the following lists the different types of concern that may arise:

- self-harm and/or suicide attempts;
- alcohol and/or drug misuse;
- running away/going missing;
- inappropriate sexual behaviour or relationships (for further information, see section 11.1 on Under-age Sexual Activity);

- sexual exploitation;
- problematic or harmful sexual behaviour;
- violent behaviour; and
- criminal activity.

9.18 Children and Young People who are Missing

Describing a child or young person as 'missing' can cover a range of circumstances. A child, young person or family (including unborn children) can be considered as missing in different contexts:

- Children who are 'missing' to statutory services. This can include a child or family's loss of contact with, or their 'invisibility' to, a statutory service, such as education (for example, home educated children.)
- Children who are 'missing' from home or care. This can involve a child or young person who has run away from their home or care placement, who has been forced to leave or whose whereabouts are unknown. This may be because they have been the victim of an accident, crime and/or because they have actively left or chosen not to return to the place where they are expected.

A child or young person who has run away, and cases where children/young people have been 'thrown out' by their parents or carers, are both covered by the term 'runaway' (though the individual circumstances and needs of the child or young person may vary considerably). Children and young people who go missing remain vulnerable to the factors that led to them going missing (for example, domestic abuse) as well as to the risks associated with being missing (for example, homelessness). The number of children classified as missing is not clear, but extreme cases can result in homelessness and sleeping rough, engaging in crime, drugs and vulnerability to sexual exploitation. Many cases are never reported to police and few such children ever approach agencies for help.

The reasons for a child's absence may not be apparent. A number of circumstances in which children or young people may be termed as missing are listed below (most are discussed in detail elsewhere in the guidance):

- *Parental abduction*
A parent may fail to return a child, or remove a child from contact with another parent, in contravention of a court order or without the consent of the other parent (or person who has parental rights). This can occur within national borders as well as across borders.
- *Stranger abduction*
A child may fail to return because they have been the victim of a crime.
- *Forced marriage*
A child or young person may go missing due to being forced into marriage abroad or within the UK.
- *Trafficked children and young people*
A child or young person may go missing due to being trafficked and later being removed from a placement.
- *Asylum-seeking children* are particularly vulnerable to vanishing. Their substitute care may feel unsafe, and many do not have a trusted adult to advocate for them.

- *Sexual exploitation*

A child or young person may go missing due to sexual exploitation.

- *Young runaways and those 'forced to leave' or thrown out*

This can include any child or young person under the age of 16, who is absent from their domicile without the reasonable authority of those responsible for or in charge of them, and who needs a service either to find and return them to that place (where it is safe or in the child's interests to do so), or to

(a) keep them safe;

(b) ensure an appropriate and proportionate response to their needs;

(c) meet statutory obligations for anyone under the age of 18 who runs away from substitute care.

Children who go missing from home or care may do so because they are running away from a source of danger or have been forced to leave; or because they are running to something or someone. They can be at significant risk as they may need to find a safe alternative place to stay, often with few resources. This can result in begging or stealing or staying with a complete stranger.

- *Vulnerable young people*

Such young people are identifiable by their criminal or risk-taking behaviour, poverty, disengagement with education, being looked after, self-harming, mental health issues and/or experience of abuse. They may take steps to escape from their situation.

- *Transition*

Young people moving from children to adult services need processes in place to manage this experience, maximising support and minimising risk. Transition can be a difficult time for young people and their parent/carer, or carer or staff in residential care. Some express their negative emotions through high risk and sometimes offending behaviour; they may also be vulnerable to alcohol and/or drug misuse and sexual predators. These cases are very challenging to manage effectively and call for a collaborative approach that includes offender management services.

- *Home-educated children*

Where this is the result of a decision being made to educate them at home this should not, in itself, be regarded as a child protection concern.³⁰

The above circumstances are not mutually exclusive. As a result, multi-agency working is central to risk assessment and management and effective practice with 'missing children'.

³¹ Guidance needs to be clear on specific procedures to be followed for those missing from home and those missing from care, as agencies have specific statutory responsibilities in respect of children missing from local authority care.

9.19 Prevent Duty Guidance: for Scotland³²

³⁰For further information, see the *Home Education Guidance*, Scottish Government, 2007 <http://www.gov.scot/resource/doc/207380/0055026.pdf>

³¹ Schools should check what protocols their local Child Protection Committee has in place.

³² *Prevent Duty Guidance: for Scotland*, HM Government & The Scottish Government, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417941/Prevent_Duty_Guidance_for_Scotland.pdf

This guidance is on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism. Independent schools should be willing to undertake *Prevent* awareness training and would be expected to have robust procedures in place for sharing information about vulnerable individuals in line with existing safeguarding procedures.

KEY DOCUMENTS

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Children and Young People (Scotland) Act 2014 Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96), Scottish Government, February 2015
<http://www.gov.scot/Publications/2015/02/1851>

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<http://www.gov.scot/Topics/People/YoungPeople/gettingitright/publications/practitioners-q-and-a>

A Guide to Getting it Right for Every Child, Scottish Government, June 2012
<http://www.gov.scot/Resource/0042/00423979.pdf>

Getting it Right for Every Child Practice Briefings
<http://www.gov.scot/Topics/People/Young-People/gettingitright/publications/practice-briefings>

Getting it Right for Every Child: A Guide to Evaluating Wellbeing in Schools and Nurseries, Scottish Government, March 2014
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<http://www.gov.scot/Resource/Doc/333495/0108880.pdf>

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<http://www.gov.scot/Publications/2004/03/19102/34603>

Protection of Vulnerable Groups (PVG) (Scotland) Act 2007
<http://www.gov.scot/Publications/2011/08/04111811/1>

Safeguarding Disabled Children: Practice Guidance, Department for Children, Education and Families Education, 2009
<https://www.gov.uk/government/publications/safeguarding-disabled-children-practice-guidance>

The Mental Health of Children and Young People: A framework for promotion, prevention and care, Scottish Executive, 2005
<http://www.gov.scot/Publications/2005/10/2191333/13337>

USEFUL WEBSITES

Association of Chief Police Officers

<http://www.acpo.police.uk/>

Anti Bullying Network

www.antibullying.net/

Centre for National Infrastructure (CPNI)

<http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>

Child Exploitation and Online Protection Centre (CEOP)

<http://ceop.police.uk/>

Disclosure Scotland

www.disclosurescotland.co.uk

European Convention on Human Rights (ECHR)

http://www.echr.coe.int/Documents/Convention_ENG.pdf

Foreign and Commonwealth Office

www.fco.gov.uk/en/

GIRFEC page on Scottish Government website

<http://www.gov.scot/Topics/People/Young-People/gettingitright>

Getting it right for every child – website for young people

www.wellbeingforyoungscots.org

Respect Me

<http://www.respectme.org.uk/>

Scottish Children's Reporter Administration

<http://www.scra.gov.uk/home/index.cfm>

SEE me Scotland

www.seemescotland.org.uk/

The Convention on the Rights of the Child (UN Convention) 1989

<http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/>

ThinkuKnow, Child Exploitation and Online Protection Agency

<http://www.thinkuknow.co.uk/>

Volunteer Development Scotland www.vds.org.uk/information/infoenquiries.htm

APPENDIX 1

KEY DEFINITIONS

1. Definition of a Child

'A child' can be defined differently in different legal contexts. In particular, the law is not consistent in its classification of young people aged 16 to 18. Sometimes they are seen as adults and at other times as children.

- 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 attained the age of 18.
- The welfare duty set out in the Children (Scotland) Act 1995 in relation to children in residential schools applies up to the age of 18. Schools should work on the basis that they have responsibilities for the welfare of young people from 16 to 18. Pupils aged 18 or over are legally adults.
- In terms of Part 1 of the Children (Scotland) Act 1995 (which deals with matters including parental rights and responsibilities), a child is generally defined as someone under the age of 18. In terms of Chapter 1 of Part 2 of the Act (which deals with support for children and families and includes local authorities' duties in respect of looked-after children and children 'in need'), a child is also defined as someone under the age of 18.
- The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age. However, this section also provides some exceptions to that general rule. Subsection (2) provides that for the purposes of referrals under section 67(2)(o) (failure to attend school), references in the Act to a child include references to a person who is of school age. 'School age' has the meaning given in section 31 of the Education (Scotland) Act 1980 as older than 5 and younger than 16. Additionally, children who turn 16 during the period between when they are referred to the Reporter and a decision being taken in respect of the referral, are also regarded as 'children' under the Act.
- Children who are subject to compulsory measures of supervision under the Children's Hearings (Scotland) Act 2011, on or after their 16th birthday, are also treated as children until they reach the age of 18, or the order is terminated (whichever event occurs first).
- Where a sheriff remits a case to the Principal Reporter under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995, then the person is treated as a child until the referral is discharged, any compulsory supervision order made is terminated, or the child turns 18.
- 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.
- The meaning of 'a child' is extended to cover any person under the age of 18 in cases concerning: human trafficking; sexual abuse while in a position of trust (Sexual Offences (Scotland) Act 2009) and the sexual exploitation of children under the age of 18 through prostitution or pornography (Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

The Adult Support and Protection (Scotland) Act 2007 states a child can be someone over 16 when certain criteria are met. Following the implementation of the Children and Young People (Scotland) Act 2014, similar to child protection interventions, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan. 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. 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.

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 e.g. a pupil who is over 16 may fit into the category of vulnerable adult and therefore be referred into adult protection procedures services. Therefore education staff have a responsibility for the wellbeing and protection of all young people under 18, and particularly those who are 'looked after', who are subject to supervision arrangements, or who have additional support needs. The protective interventions that can be taken will depend on the circumstances and legislation relevant to that child or young person.

2. Definition of a Parent and Carer

2.1 Parent

'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, or if the child's birth has been registered after 4 May 2006 and he has been registered as the father of the child on the child's birth certificate³³. A father or, where relevant, a second female parent by virtue of the Human Fertilisation and Embryology Act 2008 may also acquire parental responsibilities or rights under the Children (Scotland) Act 1995 by entering into a formal agreement with the mother or by making an application to the courts.

The Children (Scotland) Act 1995 clarifies who has parental responsibilities and rights for their children. In the event of divorce, both parents will continue to exercise responsibilities and rights for the benefit of their children; both parents would normally have equal rights, unless there was a court order removing such rights, to information on their children's education.

Under the Children and Young People (Scotland) Act 2014 'parent' has the same meaning as in the Education (Scotland) Act 1980 (the 1980 Act). Section 135(1) of the 1980 Act states that 'parent' includes a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has the care of a child or young person.

³³ The Family Law (Scotland) Act 2006

Although the legal term used throughout the Children and Young People (Scotland) Act 2014 is 'parent' in the singular, where both parents, or more than one individual, have parental rights and responsibilities, liability to maintain the child or have the care of a child, the expectation would be that both are consulted and involved in decisions and activities aimed at supporting the child. There will be exceptions to this, however, related to the interests of the child's wellbeing, or their rights in relation to confidentiality.

Parental rights are necessary to allow a parent to fulfil their responsibilities, which include looking after their child's health, development and wellbeing, providing guidance to their child, maintaining regular contact with their child if they do not live with them and acting as their child's legal representative. In order to fulfil these responsibilities, parental rights include the right to have their child live with them and to decide how a child is brought up.

2.2 Carer

A carer is someone other than a parent who has rights/responsibilities for looking after a child or young person. 'Relevant persons' have extensive rights within the Children's Hearing system, including the right to attend Children's Hearings, receive all relevant documentation and challenge decisions taken within those proceedings. A carer may be a 'relevant person' within the Children's Hearing system.

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. ('Related' means related to the child either by blood, marriage or civil partnership). Regulation 10 of the Looked-After Children (Scotland) Regulations 2009 provides that a local authority may make a decision to approve a kinship carer as a suitable carer for a child who is looked after by that authority under the terms of section 17(6) of the Children (Scotland) Act 1995. Before making such a decision the authority must, so far as reasonably practicable, obtain and record in writing the information specified in Schedule 3 of the Regulations and, taking into account that information, carry out an assessment of that person's suitability to care for the child. Local authorities have to provide necessary support to kinship carers to offer protection and care for the child or young person. Other duties placed on local authorities by the 2009 Regulations are designed to ensure that they do not make or sustain placements that are not safe or in the child's best interests and that placements are subject to regular review.

Informal kinship care refers to care arrangements made by parents or those with parental responsibilities with close relatives or, in the case of orphaned or abandoned children, by those relatives providing care. A child cared for by informal kinship carers is not 'looked after.' The carer in such circumstances is not a foster carer, nor is assessment of such a carer by the local authority a legal requirement.

Private fostering refers to children placed by private arrangement with a person(s) who are not close relatives. 'Close relative' in this context means mother, father, brother, sister, uncle, aunt, grandparent, of full blood or half blood or by marriage. Where the child's parents have never married, the term will include the birth father and any person who would have been defined as a relative had the parents been married.

2.3 Other Adults who have Charge or Care of Children

Any person who is over 16 years of age, and who has parental responsibilities, charge or care of a child under 16, has certain responsibilities with regard to that child's welfare, and can be held criminally liable for failure to meet them.

Section 27 of the Children and Young Persons (Scotland) Act 1937 identifies those persons who would be regarded as having 'charge or care.' Those presumed to have 'charge' of a child include 'a person to whose charge a child or young person is committed by any person who has parental responsibilities in relation to him.' Those presumed to have 'care' include 'any other person having actual possession or control of a child or young person.'

The Head and staff of day and boarding schools would fall within the definition of those having 'charge' or 'care' of a child. The governors might also be regarded as having 'charge' to the extent that they are responsible for ensuring that the school environment is adequate to protect children from foreseeable suffering or harm. There is also a common law duty of care on any person who has day-to-day care or control of children, to protect and safeguard their wellbeing. With increasing awareness of the vulnerability of children to abuse by other children and by staff, it is incumbent upon those in charge of children to ensure that procedures are in place which protect children, facilitate early identification of abuse where it has occurred and ensure that action is taken. This applies particularly to those services where children are in residential care.

Criminal liability arises under Section 12 of the Children and Young Persons (Scotland) Act 1937 if the adult 'wilfully assaults, ill-treats, neglects, abandons, or exposes him in a manner likely to cause him unnecessary suffering or injury to health'. This includes mental as well as physical health. It applies whether or not any harm actually occurred. It is sufficient that it was 'likely' to occur. If this 'likelihood was obviated by the action of another person', an offence might still have been committed. The offence applies not only to those who actually neglect or assault children, but also to those who 'caused or procured' the offence.

2.4 'In Loco Parentis' and Delegation

Although the phrase 'in loco parentis' is frequently heard, and has been referred to judicially in relation to chastisement of children, it is not a concept that has any great history in Scottish law. Those who take over the charge of a child certainly undertake responsibilities and this may give them some limited and temporary powers, which can be enlarged by specific delegation by the parent. However, the fact that they may be in the position of a parent, does not give them all the rights of a parent.

The Children (Scotland) Act 1995 states that children should be consulted and that parents should so far as practicable, consider their children's views before taking any major decisions which would affect them. Children over 12 are presumed in law to be old enough to express views, depending on their level of understanding, other known facts and circumstances.

Section 5 of the Act states that, where a person has care or control of a child but does not have parental responsibilities, that person can do what is necessary to safeguard the

child's health, development and welfare. The Act specifically says that this provision does not apply to a person who has care or control of a child in a school. This means that, whilst schools have responsibilities towards children, they cannot rely on the general authority given by Section 5 to fulfil their responsibilities. They need to have authority delegated by the parent.

The position of schools is strengthened by section 3(5) of the Act which puts the 'delegation' of parental responsibilities onto a proper legal footing. The Act provides that a person who has parental responsibilities or rights in relation to a child shall not abdicate those responsibilities, but may arrange for some or all of those responsibilities to be carried out by someone else on his/her behalf. This means that, if a parent has delegated responsibility to a 'guardian', the school can feel confident in accepting the 'guardian's' authority for action consistent with the welfare of the child which is within the scope of that delegation. In most instances parents, unless they or a member of their family are involved in allegations of abuse, should be informed of concerns about their children, involved in discussions and advised of action taken.

APPENDIX 2

Hutchesons' Grammar School WELLBEING CONCERN FORM – PART 1

PART 1: To be completed by the person who has the concern

- The purpose of this form is to pass on wellbeing concerns about a child/young person where these are unable to be met by parents and/or through the routine support systems in your school.
- This form should be either handwritten or completed electronically and passed onto the Named Person as soon as possible.
- It should be kept in a secure place, separate from the pupil's Educational records, in accordance with Data Protection requirements.
- **If you have any doubts as to whether you have a wellbeing or child protection concern, you should take advice from your child protection co-ordinator.**

1. Child/Young Person's Details

Name	Date of Birth	Year group / Class
------	---------------	--------------------

2. Person recording the concern

Name	Role/Designation
------	------------------

3. Area of Concern

Please ✓ any relevant areas of the Wellbeing Wheel.

--

4. Description of concern(s). Use the heading(s) you have ticked on the Wellbeing Wheel to record the details below. If appropriate include any action taken to address the issue. Include dates when action was taken.

Signed: _____ **Date:** _____

Name: _____ **Time:** _____

Role/Designation: _____

Hutchesons' Grammar School
WELLBEING CONCERN FORM – PART 2

PART 2: To be completed by the Depute Rector (Pastoral)

1. Have there been previous wellbeing concerns?

Yes ☐ No ☐ Don't know ☐

if Yes, please summarise with dates.

2. Has this concern been shared with the child/young person?

Yes ☐ No ☐

(If Yes what is the child/young person saying about the concern? Note the date when the concern was shared. If No, please explain why not e.g. child too young.)

3. Has this concern been shared with the child/young person's parents/carers?

Yes ☐ No ☐

(If Yes, what was the parent's response? Note the date when the concern was shared.)

4. Has the concern been shared with anyone else?

Yes ☐ No ☐

If Yes, please specify:

5. What action is being taken in relation to this concern(s)? Please tick the appropriate box.

- ☐ Continue to monitor
- ☐ Carry out an Assessment of Need (an In-house School Assessment)
- ☐ Call a Child's/Young Person's Planning Meeting (Multi-agency Meeting)
- ☐ Initiate child protection procedures
- ☐ Other – please give details

6. Feedback given to the referrer. Yes ☐

Name: _____ Role/Designation _____

Date: _____

Name of Depute Rector: _____

Signed: _____

Date: _____

APPENDIX 3

Hutchesons' Grammar School CHILD PROTECTION CONCERN FORM – PART 1

PART 1: To be completed by the person who has the concern.

- If a member of staff knows or suspects that a child/young person has been, is being or is at risk of being harmed, this form must be completed and the concern must be passed onto the Child Protection Co-ordinator as soon as possible and on the same working day.
- This form should be either handwritten or completed electronically, provided it is signed and dated in writing on the day. Do not delay in completing the form if you do not have all the information.
- It should be kept in a secure place, separate from the pupil's Educational records, in accordance with Data Protection requirements.

1. Child/Young Person's Details

Name	Date of Birth	Year group / Class
------	---------------	--------------------

2. Person recording the concern

Name	Role/Designation
------	------------------

3. Details of concern (The member of staff must record the facts as accurately as possible, using the child's own words.)

4. Did the child/young person express a view?

Name: _____

Role/ Designation: _____

Date: _____

Time: _____

CHILD PROTECTION CONCERN FORM PART 2

PART 2: To be completed by the Child Protection Co-ordinator

Name of Child Protection Co-ordinator: _____

Date Concern Form Received: _____ Time: _____

You should now open a child protection file and chronology.

1. Have there been previous child protection concerns?

Yes ☐ No ☐

If yes, give details:

2. Is the child currently on the Child Protection Register?

Yes ☐ No ☐

If yes, the concern should be referred on the day to the allocated social worker or their senior.

Name of social worker: _____ Date contacted: _____ Time: _____

3. Did you as Child Protection Co-ordinator speak to the child/young person e.g. to establish basic facts?

Yes ☐ No ☐

4. Was this concern shared with anyone else?

Yes ☐ No ☐

If Yes, please specify:

The decision about who shares what with the parents is taken following advice from one of the statutory agencies involved in the Inter-agency Referral Discussion.

5. Does the concern involve any of the following types of abuse/ risk factors?

- | | | |
|--|-----------------------------|------------------------------|
| 1. Sexual abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2. Physical abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 3. Emotional abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 4. Physical neglect | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 5. Domestic Abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 6. Parental alcohol and/or drug misuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 7. Disability | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 8. Non-engaging family | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 9. Child affected by parental mental health problems | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 10. Child with mental health problems | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 11. Child displaying problematic sexual behaviours | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 12. Female genital mutilation | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 13. Honour-based violence or forced marriage | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 14. Fabricated or induced illness | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 15. Sudden, unexpected death of a child | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 16. Child exploitation | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 17. Child placing themselves at risk | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 18. Being radicalised or vulnerable to the messages of terrorism/extremism | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 19. Other (please specify) | No <input type="checkbox"/> | Yes <input type="checkbox"/> |

6. What action is to be taken in relation to this concern(s)? Please tick the appropriate box.

- ☐ Discuss with Lead Professional (if allocated and available on the day)
Contact name & telephone number: _____
- ☐ Initiate child protection procedures
- ☐ Carry out an Assessment of Need (In-house School Assessment)
- ☐ Call a Child's/Young Person's Planning Meeting

7. If child protection procedures are initiated, record details of the discussion with social work services/police or other statutory agency as per your local Inter-agency guidelines

Date: _____ Time: _____ Name of contact: _____

Details of discussion

Outcome of discussion

8. If the referral goes to an IRD and is being investigated and assessed by the statutory agencies, the Child Protection Coordinator should record details of his/her further involvement in the case and further communication from the statutory agencies involved.

9. Child placed on the Child Protection Register

Yes ☐ No ☐

If Yes, indicate the date:

10. Child removed from the Child Protection Register Date:

11. Following deregistration was the child/young person made the subject of a Child's Plan?

Yes ☐ No ☐

Name: _____ **Date:** _____ **Time:** _____

Role/ Designation: _____



APPENDIX 4

Hutchesons' Grammar School

Under-Age Sexual Activity Risk Assessment

Introduction

The Scottish Government's National Child Protection Guidance and *Getting it right for every child* (GIRFEC) approach provides a national framework for the promotion of the welfare and safety of children and young people. Hutchesons' Grammar School's Child Protection Policy provides a local context but the aim of this guidance is to identify specific protocols which ensure the appropriate support is provided in terms of under-age sexual activity. This is intended to be supplementary to these other frameworks.

When we are working with children and young people and we become aware of situations where under-age sexual activity has taken place, we have a duty to consider the impact of this on the child or young person, and whether this behaviour is indicative of a wider child protection concern. Child Protection concerns arise in those circumstances when there is a strong likelihood or risk of significant harm to a child, arising from abuse or neglect. To act effectively, we should make a judgement about what information is needed to make an assessment, based on the principles of GIRFEC and an initial assessment of risk has to be made by us to ensure that the correct processes and people are involved so that the needs of the child/young person are met.

Key Points for Consideration

Engaging in sexual activity under the age of 16 is illegal

The Sexual Offences (Scotland) Act 2009 maintains that the legal age for sexual intercourse is 16; any sexual activity between an adult and a child/young person constitutes a criminal offence.

Sexual activity involving young people aged over-16 may involve a criminal offence if there is a sexual abuse of trust, for example between a young person and a teacher, doctor or someone in a position of power over the young person.

In cases involving sexually explicit images, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 provides that it is an offence to involve a young person under the age of 18 in the making of pornography.

A balance should be struck between assuring the freedom of young people and protecting them from activity which could give rise to immediate harm and/or longer term adverse consequences. Whilst society does not encourage sexual activity between young people, it does not follow that every case has child protection concerns and it is important to ensure that a proportionate response is made. It should be noted that the risk assessment also applies to those young people who are over 16 and sexually active, where further help may be required.

ASSESSMENT OF RISK: Under-Age Sexual Activity

Stage 1: Gathering Information

- *What is getting in the way of this child's or young person's well-being?*
- *Do I have all the information I need to help this child and young person?*
- *What can I do now to help this child and young person?*
- *What can my agency do to help this child or young person?*
- *What additional help, if any, may be needed from others?*

Stage 2: Use the Indicators of Potential Risks

Analysis of information and understanding of the impact on the young person, and what is required to reduce risks

Indicators of Potential Risks

The Child or Young Person

Is the child under the age of 13 or did the sexual activity take place when the young person was under 13?

Yes No N/A

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Did the young person understand the sexual behaviour they were involved in?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Did the young person agree to the sexual behaviour at the time?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Did the young person's own behaviour (e.g. the use of alcohol or other substances - place them in a position where their ability to make an informed choice about the sexual activity was compromised)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Is the child under the age of 13 or did the sexual activity take place when the young person was under 13?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Was the young person able to give informed consent (e.g. mental health issues, Learning disability, or any other condition that would heighten the young person's vulnerability)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

The Relationship

Was there a coercing power or any other relevant imbalance present in the relationship (e.g. differences in age, size, psychological, social intellectual and physical development - in addition, gender, race, and levels of sexual knowledge can be used to exert power)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Were manipulation, bribery, threats, aggression and/or coercion involved (e.g. was the young person isolated from their peer group, or was the young person given alcohol or other substances as a dis-inhibitor)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

The Other Person

Did the other person use 'grooming' methods to gain the trust and friendship of the young person (e.g. by indulging or coercing with gifts, treats, money etc; by befriending the young person's family; by developing a relationship with the young person via the internet)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Did the young person attempt to secure secrecy beyond what would be considered usual in teenage sexual activity? ☐ ☐ ☐

Was the young person known by the practitioner to be or have been involved in concerning behaviour towards other children and young people? ☐ ☐ ☐

Was the other person in a position of trust? ☐ ☐ ☐

Other Factors

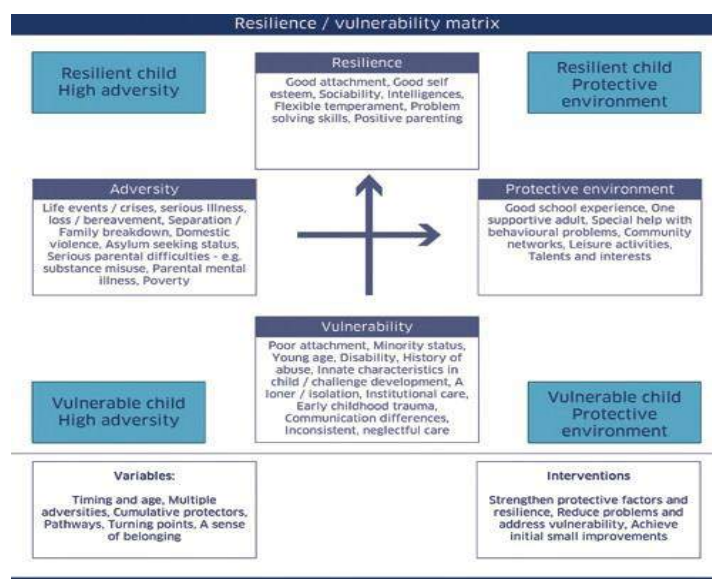
Was the young person, male or female, frequenting places used for prostitution? ☐ ☐ ☐
Is there evidence of the young person being involved in prostitution or the making of pornography? ☐ ☐ ☐

If male, was the young man frequenting places where men have sex with men in circumstances where additional dangers (e.g. physical assault might arise)? ☐ ☐ ☐

Were there other concerning factors in the young person's life which may increase their vulnerability (e.g. homelessness)? ☐ ☐ ☐

Did the young person minimise or accept the concerns held by practitioners? ☐ ☐ ☐

Please use the Resilience Matrix to plot the factors influencing the life of the young person



Management of risk and intervention

Are child protection procedures being initiated? Yes ☐ No ☐

Reason for Decision

Alternative support if no child protection concerns, and if so, what support? Yes ☐

Member of Staff: _____

Date: _____

Child Protection Co-ordinator: _____

Date: _____



APPENDIX 5

CONFIDENTIALITY POLICY

The policy of the school is to work in partnership with parents and carers in order to promote the wellbeing of children and young people. The school also aims to build up relationships of trust with pupils. Pupils, parents and carers should feel able to raise with the school concerns about safety and wellbeing in the knowledge that these matters will be dealt with sensitively.

Children and young people have a right to privacy under the European Convention on Human Rights (ECHR) & United Nations Convention on the Rights of the Child (UNCRC); children have the same rights to confidentiality as adults. This includes supporting them to have as much control over their situation as possible, in the context of their stage of development and level of understanding. The school will operate on the presumption that anything imparted in confidence will be treated in confidence. This is subject to four qualifications:

- i. Anything imparted 'in confidence' to one member of staff or person approached as an associate of the school, may be shared with a restricted number of colleagues if that person feels in need of support and guidance from them.
- ii. If serious concerns are raised about the safety, wellbeing or protection of a child, in line with the school's 'Wellbeing and Child Protection Procedures', staff are required to pass that information on to the Child Protection Co-ordinator and/or Named Person for consideration as to appropriate action including whether it should be shared with the appropriate authorities. In these circumstances, the person approached would not, except in an emergency, breach the confidence without letting the pupil seeking assistance know that he/she intended doing so and as a matter of good practice seek their consent to pass on the information as well as seeking their views.
- iii. Where there are concerns that a pupil may be at risk of significant harm, advice will always be taken from the statutory authorities. Sharing information that is relevant and proportionate about children who are at risk of harm, is fundamental to keeping children safe.
- iv. The school must pass on information when legally obliged to do so, for example, by a court of law.

Pupils must feel able to share concerns with staff. There may be a conflict of interests when a pupil consults a member of staff about a problem and does not want that information to be shared with their parents or carers. While staff will always encourage and support pupils to share the information with parents and carers, there may be circumstances in which any pressure to pass the information on could not be in the pupil's best interests and result in the pupil keeping the problem to him or herself or not sharing concerns in the future.

Confidentiality is of fundamental importance to many children and young people who experience difficulties in their lives. The debates surrounding children's right to confidentiality are not new. ChildLine was set up specifically to provide children with a confidential space, after the 1986 Childwatch study uncovered the extent of abuse in the UK and the numbers of children who suffered in silence, unable to tell adults or seek help. Fears around lack of confidentiality deter some vulnerable young people from accessing services, leaving them at increased risk of harm. Children may choose to contact ChildLine services, where they can communicate at their own pace and retain control of what happens in the majority of cases. Furthermore, 'many young people need the time and space that such confidential services can offer to talk about their problems with someone who can listen and advise without necessarily having to refer.' (National Guidance on Child Protection for Scotland 2014, Paragraph 100.)

There is also evidence from young people's sexual health services that confidentiality is the crucial factor in young people accessing services. In Scotland, the 'National Guidance - Under Age Sexual Activity: meeting the needs of children and young people and identifying child protection concerns' (Scottish Government, 2010) provides guidance for setting up protocols for practitioners around assessing needs and risk when working with young people under 16 who may be at risk of harm through early sexual activity. The guidance while advising practitioners to ask young people to share information with their parents or carers establishes an overriding principle that the confidentiality rights of children and young people should be upheld, unless there is a child protection concern.

Parents should be reassured that, whenever possible, it is the aim of the school to act in the best interests of the child and to encourage the fullest possible involvement and consultation with parents.

Confidentiality for Pupils

Staff in school want you to feel that you are happy and getting the best of the opportunities that the school provides during the time you are with us. We hope that you feel able seek help if you are concerned or worried about anything. We are here to help and support you. We hope this information will help you understand the responses you can expect from staff and the various options you have for getting the help you need when you need it.

In Scotland, wellbeing is defined in relation to eight indicators representing the key areas that are essential to enable children and young people to flourish. These are that children and young people should be:

safe;	healthy;	achieving;
nurtured;	active;	respected;
responsible	included.	

For the majority of children and young people, these needs will be met by parents or carers or the routine support provided by the school. For pupils who need extra support we have staff whose job it is to organise additional help for pupils. Where this happens, your consent and your views will be taken into account.

If you find yourself in a situation where:

- you have something important to talk to staff about
- you are worried about things that are happening to you
- you need help or you need to know how to seek help

The staff are there to listen and to help - they will try to do what they can.

The school's response is that anything you say in confidence will be treated in confidence unless there are concerns about your safety or protection. This would need to be shared with others, but staff would tell you first. They should also tell you who they are sharing it with and why.

You may have concerns that you do not want to share with staff or your parents or carers. If you are worried about confidentiality:

- You can tell staff using a hypothetical concern and seek advice e.g. What if you were 15 and such and such was happening to you what should you do? or I know someone who
- If you are still unsure about talking to a member of staff, you can phone ChildLine on 0800 1111; the call is free and will not show up on your phone bill. ChildLine will help you work out what to do next.



APPENDIX 6

Code of Conduct for Staff

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety.

1. Physical Touch

The climate of suspicion that has developed with regard to child abuse poses a real dilemma for caring adults. This is true in all schools but especially so in boarding situations where schools take a pride in fostering a family atmosphere. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact needs a considered assessment of the situation. This does not mean that physical contact is never permissible. It does mean that adults touching children must operate within understood limits, and that contact outwith those limits must be a considered response which can be justified if necessary.

Where those limits lie will vary according to the age of the child and the role of the member of staff. A young child in a boarding situation may well require to be comforted and reassured. Any touching or comforting should be age appropriate, context specific, preferably done within vision of others and prompted by the needs of the child, not those of the staff.

One would expect the need and desirability of such contact with older pupils, especially day pupils, to be considerably less, although even in these circumstances situations could arise in which it would be a natural and human occurrence. The death of a pupil, for example, might make it natural for pupils and teachers to grieve together and touching would be neither unusual nor undesirable, so long as it was agreeable to both parties and limited.

It would be impossible to lay down rigid rules about what is, and is not, permissible. Awareness-raising through in-service training should provide opportunities for staff to explore acceptable limits through discussion of case scenarios. Common sense is a good guide, but it must be informed common sense. It is important for caring adults to understand that too generous limits which can be operated satisfactorily by some can be exploited by others with less worthy motives. The difficulty in laying down clear limits makes it all the more important that schools make every effort to ensure that all staff who have contact with pupils are carefully selected and all appropriate checks completed.

2. One-to-One Situations

Opportunities for abuse exist in all schools, especially boarding schools, and in one-to-one situations, e.g. tutorials, music lessons, one-to-one tuition, guidance interviews, sick

rooms. The simplest advice would be to try, as far as possible, to avoid being alone with a child or young person. However, for some staff this is unrealistic as the context of their job is teaching in one-to-one situations, e.g. Music Instructors. This may also prove difficult, especially in a boarding situation, where it might be seen as beneficial for a child to have some opportunity for one-to-one contact with an adult.

- Where one-to-one contact is appropriate, it should be timetabled and, where possible, held with others around or within earshot or view of others.
- Never have the door locked and, wherever possible, maintain a gap/barrier between you and the child.
- Another member of staff should be aware of any meeting and its purpose.
- If possible, doors should have built-in windows.
- Do not meet pupils off school premises or invite them to your home.
- Most one-to-one meetings will be straightforward and uneventful. But where the meeting is difficult, fraught, tense, accusatory or the pupil becomes distressed, the adult must record details and inform a senior manager of the incident.
- If in doubt about a meeting, agree that a colleague will be nearby.
- Excursions out of the school, especially residential stays, can provide opportunities for abuse. Care should be taken to ensure that there are sufficient adults to provide proper supervision and that appropriate risk assessment(s) have been carried out.

3. Physical Contact and Restraint

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention or restraint.
- Avoid any physical horseplay with a child, or any other actions another adult or child might misinterpret, no matter how innocent or well-intentioned the actions might be.
- Staff should always be able to justify resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.
- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or restraint. Staff should avoid restraining a child by putting their hands on a child's joints. Where possible another member of staff should be summoned to witness and give support. As soon as the child is under control, staff should cease any physical contact. All incidents of physical intervention or restraint should be logged, dated and signed in a log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation and is only permissible when certain that a child is at imminent risk of endangering themselves or others (or in extreme circumstances of inflicting damage to property).

4. 'Hands on' Educational Instruction

- 'Hands on' educational instructions / support should only be used when verbal or role-modelling is insufficient or it is necessary for health and safety reasons. Whenever possible, this should be done within earshot, and preferably within view, of others.

- Where 'hands on' is necessary you should seek the young person's permission appropriate to their age and level of understanding and explain to them what you are about to do.

5. Verbal Remarks

- Positive relationships between staff and children often involve warmth and humour but staff should be aware that there can be a narrow line between remarks which an adult perceives as fair and humorous, but which can be hurtful and embarrassing to a child.
- Salacious or demeaning remarks should never be made to or in the presence of children and young people. Remarks about a child's physical characteristics or development, or suggestive or derogatory comments could fall into this category.
- Staff should avoid making unfavourable comparisons to a child and 'picking on' particular children.

6. Communication via E-Technology and Social Media

- Any communication via e-technology with pupils should be in line with school policy, for educational purposes and approved by the senior management of the school.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting and social media encourage casual dialogue and very often, innocent actions can easily be misconstrued or manipulated. A teacher should never share information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting.

7. Attachments

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from your line manager.
- If it seems that a young person is becoming inappropriately attached to you or to another member of staff or volunteer or adult helper, share your concerns and seek advice from your line manager.

8. Climate and 'Whistle Blowing'

- In working with children and young people, it is possible for staff, through ill-considered actions, to lay themselves open to allegations of abuse. Their best protection is to encourage a climate of openness within the classroom and school community, where pupils feel confident to point out aspects of behaviour they do not like.
- If another member of staff is seen to behave inappropriately with a child, do not ignore it but share it with the Child Protection Co-ordinator.
- If the concern is about the Child Protection Co-ordinator then it should be reported to the Rector and if it is about the Rector it should be reported to the Chair of the Board of Governors.

9. Inappropriate or Abusive Behaviour

The list below is presented to show some of the ways in which inappropriate behaviour or abuse may be manifested. It is important to recognise that this list is neither definitive nor exhaustive, nor is it meant to suggest that all the actions below are in themselves abusive: they must be seen in the context of the interaction with the child and the intention of staff. Staff should bear these in mind as a way of minimising risk and encouraging good practice. Staff must always exercise professional judgement in each circumstance.

Physical	Hitting/tapping
	Pushing/jabbing
	Throwing missiles
	Shaking
Emotional	Inappropriate/systematic sarcasm
	Isolating e.g. locked room
	Unfavourable comparisons
	Threats
	Intimidation
	Scapegoating
Sexual	Systematic personal criticism
	Any sexual activity with a pupil
	Inappropriate touching/comforting
	Suggestive remarks or gestures
	Sexual harassment
	Indecent materials
	Grooming a child for abuse

I confirm that I have read the above Code of Conduct. I have been informed of the school's Wellbeing and Child Protection policy and of my responsibility to take advice from the appropriate member of staff (Depute Rector (Pastoral)/Child Protection Co-ordinator) if I have a wellbeing and/or child protection concern about a pupil.

Signed:

Name (printed):

Role:

Date:

APPENDIX 7

SIGNS OF POSSIBLE CHILD ABUSE

It is important to remember that lists such as the one below are neither definitive nor exhaustive. The information has to be used in the context of the child's whole situation and in combination with a range of other information related to the child and his/her circumstances.

These are general indicators that the child may be troubled though not necessarily about abuse. The child may have some of these problems or none at all. It is the combination, frequency and duration of signs that will alert you to a problem. Try to notice all changes in usual behaviour.

There can be an overlap between all the different forms of child abuse, and all or several can co-exist.

1. PHYSICAL ABUSE

Signs of possible physical abuse:

- Unexplained injuries or burns, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to discuss injuries
- Untreated injuries, or delay in reporting them
- Excessive physical punishment
- Arms and legs kept covered in hot weather
- Fear of returning home
- Aggression towards others
- Running away

When considering the possibility of non-accidental injury it is important to remember that the injuries may have occurred for other reasons, e.g. genuine accidents or medical disorders.

2. PHYSICAL NEGLECT

Signs of possible physical neglect:

- Constant hunger
- Poor personal hygiene
- Constant tiredness
- Poor state of clothing
- Frequent lateness and/or unexplained non-attendance at school
- Untreated medical problems
- Low self-esteem
- Poor peer relationship
- Stealing

3. NON-ORGANIC FAILURE TO THRIVE

Signs of possible non-organic failure to thrive:

- Significant lack of growth
- Weight loss
- Hair loss
- Poor skin or muscle tone
- Circulatory disorders

4. EMOTIONAL ABUSE

Signs of possible emotional abuse:

- Low self-esteem
- Continual self-deprecation
- Sudden speech disorder
- Significant decline in concentration
- Socio-emotional immaturity
- 'Neurotic' behaviour (e.g. rocking, head banging)
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running away
- Indiscriminate friendliness

5. SEXUAL ABUSE

Not all children are able to tell parents or carers that they have been assaulted. Changes in behaviour may be a signal that something has happened. It is important to remember that in sexual assault there may well be no physical or behavioural signs.

Signs of possible sexual abuse:

(i) Behavioural

- Lack of trust in adults or over familiarity with adults
- Fear of a particular individual
- Social isolation - withdrawal or introversion
- Sleep disturbance (nightmares, irrational fears, bed wetting, fear of sleeping alone, needing a nightlight)
- Running away from home
- Girls taking over the mothering role
- Reluctance or refusal to participate in physical activity or to change clothes for activities
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's years

- Unusual interest in the genitals of adults or children or animals
- Expressing affection in an age inappropriate way, e.g. 'French kissing'
- Fear of bathrooms, showers, closed doors
- Abnormal, sexualised drawing
- Fear of medical examinations
- Developmental regression
- Poor peer relations
- Inappropriate or sexually harmful behaviours
- Compulsive masturbation
- Stealing
- Psychosomatic factors, e.g. recurrent abdominal pain or headache
- Having unexplained/abundance of sums of money and/or possessions
- Sexual promiscuity

(ii) Physical/Medical

- Sleeplessness, nightmares, fear of the dark
- Bruises, scratches, bite marks to the thighs or genital areas
- Itch, soreness, discharge, unexplained bleeding from the rectum, vagina or penis
- Pain on passing urine or recurrent urinary infection
- Stained underwear
- Unusual genital odour
- Anxiety/depression
- Eating disorder, e.g. anorexia nervosa or bulimia
- Discomfort/difficulty in walking or sitting
- Pregnancy - particularly when reluctant to name father
- Venereal disease, sexually transmitted diseases
- Soiling or wetting in children who have been trained
- Self-mutilation/suicide attempts



Suicide Intervention Protocol

APPENDIX 8

Suicide is complicated and tragic but it is often preventable. Knowing the warning signs for suicide and how to get help can help save lives and this protocol is aimed at helping staff feel more secure about what to do. Young people might think about suicide for different reasons. Talking to someone about their suicidal thoughts does not make them more likely to end their life.

Step One – Observation: Signs that a young person may have suicidal thoughts or intentions

<i>Feelings</i>	<i>Thoughts</i>	<i>Behaviour/actions</i>
e.g. Anger Despair Guilt Hopelessness Shame Disconnected	e.g. I won't be needing those things I just can't take it anymore I wish I were dead Everyone will be better off without me Nobody can help me There is no point	e.g. Giving away possessions Loss of interest in hobbies Impulsivity Reckless behaviour Recent suicide attempt Extreme behaviour change Changes in patterns of attendance/lates Isolating themselves from friends Self-harming behaviours

Step Two – Response: You need to engage the young person by:

<i>Observing</i>	<i>Responding</i>	<i>Listening</i>
Recognise signs Be open Respond to your instincts	Take it seriously Be natural/yourself Talk to the young person	Indicate your concerns – cite facts and not inferences Express care and concern Do not offer advice Listen carefully

Step Three - Ask directly and openly about suicide (for Pastoral staff)

Questions:

- Are you thinking about killing yourself?
- Do you have a plan for taking your own life?
- If you have been considering suicide, do you have the means to take your life?

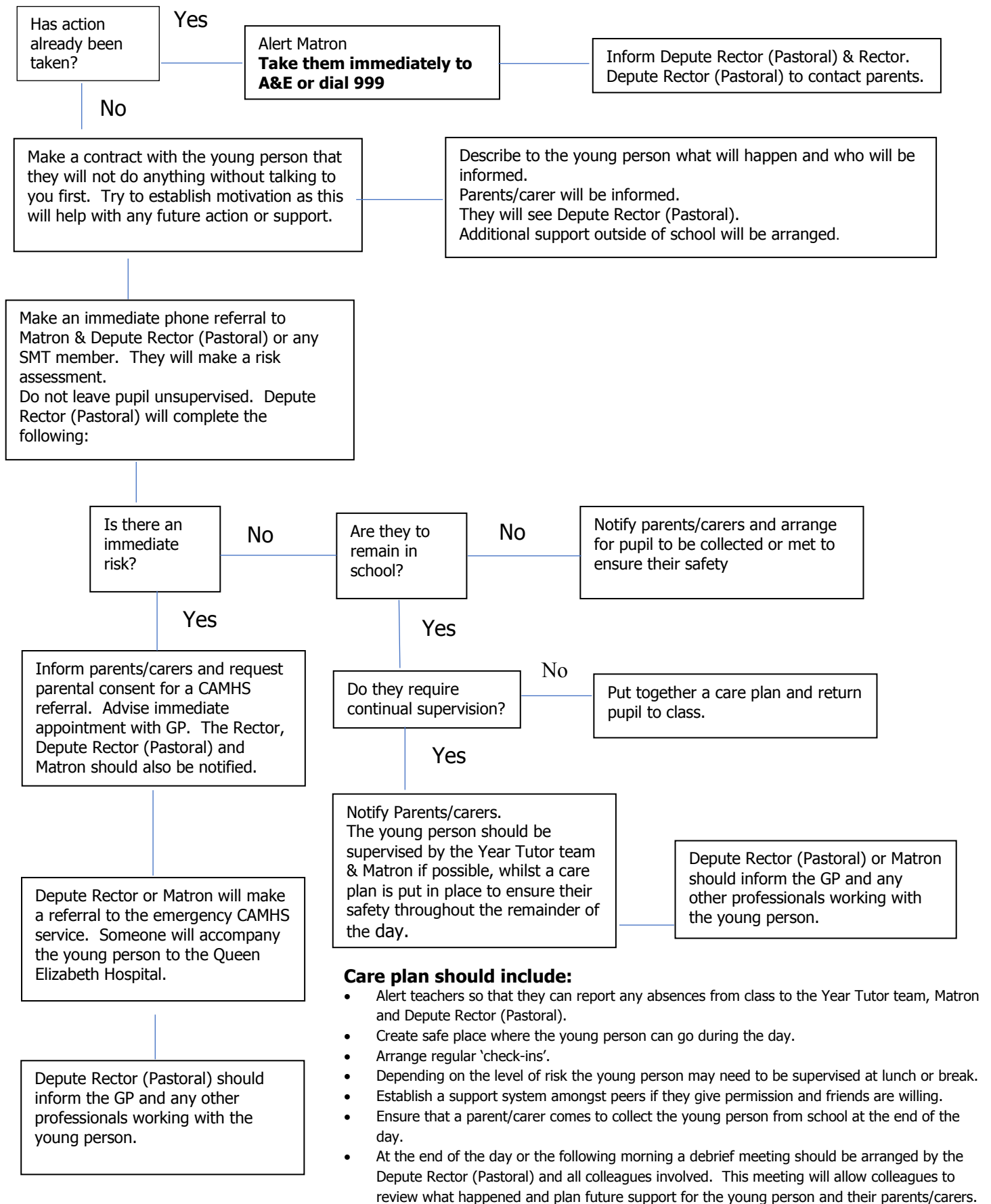
A positive response to any of these questions should lead to a more detailed assessment by the Depute Rector (Pastoral) or any other member of SMT.

The following points relate to risk factors; if you have information relating to these, please share with the Depute Rector (Pastoral) or any other member of SMT.

- How often do suicidal thoughts occur?

- How close has the young person come to acting on the thoughts?
- How detailed is their suicide plan?
- Is there a pattern of impulsive behaviour?
- Have there been previous suicidal attempts?
- Has a family member or close friend committed suicide or has there been a significant loss/change in the family?
- Does the young person feel isolated?
- Are there patterns of rigid thinking/perfectionist/ high achieving tendencies?
- Is the young person sometimes home alone with opportunity?

Step Four – The Suicide Intervention Protocol



Step Five – Providing on-going support

1. When dealing with the young person:

- Focus on protective and supportive factors.
- Challenge irrational beliefs and negative self-talk.
- Help the young person to problem solve and manage parts of the day ahead.
- Arrange regular and on-going meetings until there is professional intervention.

2. When dealing with parents/carers:

- a. Advise them to remove means and opportunity from the home.
- b. Put in place activities and structures to get the young person through the next few days e.g. exercise/socialising.
- c. Direct the parents/carers to support e.g. the number of Parentline.

3. When dealing with colleagues:

- a. Inform the form teacher to alert you if the young person is absent from school. If they are absent someone from the Year Tutor team should phone home to find out if they are meant to be in school.
- b. Keep teachers up to date if you need to know the pupil's movements e.g. if they leave class or do not turn up for lessons.
- c. Alert matron.

With thanks to George Heriot's School for the sharing of their protocol.



APPENDIX 9

Attendance Monitoring Procedure

If a pupil is absent for five continuous days (even if explained) the form Teacher will alert the Year Tutor who will call the parents/carers. At this stage Depute Rector (Pastoral) as the GIRFEC named person should be informed

Patterns of Attendance

The Depute Rector (Pastoral) records patterns of attendance. Year Tutor teams regularly monitor attendance and when it drops below 90%, parents should be contacted. The pupil must also be informed. If there are on-going health concerns the parents/carers must bring a letter from the GP. If not parents/carers/pupils must be made aware that continued non-attendance at school without explanation from a GP will be treated as a wellbeing concern and action taken by the School. This may include referral to other agencies.

If a pupil is absent for ten continuous days the Year Tutor team will call home and inform the parents/carers that we require a note from the GP. This should be copied and given to the Depute Rector (Pastoral). If the parents/carers refuse to seek a note from the GP, the pupil will be referred to the Rector and consideration given to the submission of a wellbeing concern to Children and Families to make them aware that this young person is absent from education without explanation.

Patterns of non-attendance could be picked up by a teacher and submitted as a wellbeing/academic concern. This should be followed up by Year Tutor through speaking to the parents/carers and the pupil. If there are well-being issues for that pupil and they require an action plan, Year Tutor will complete an assessment of need.

Our Response

Medical Reason

If there is a medical reason for non-attendance then the school should (if appropriate) organise work for the pupil to complete in school or hospital. This should only happen if the pupil is fit enough to complete the work and in some cases will involve liaison with Outreach teaching. Examples whereby this would be appropriate: chronic illnesses such as Crohn's, diabetes, IBS or surgery that requires long term care at home. Any work set should include clear instructions and deadlines. The work can be submitted and distributed via the Year Tutor.

After a long term absence the Year Tutor, the Depute Rector (Pastoral), the pupils and parents/carers will meet to organise a return to school plan. The Depute Rector (Pastoral) will consult with any health professionals involved.

Pastoral Reason

Once below the 90% threshold a pupil will be regularly monitored and their attendance reviewed. If they are absent the Year Tutor and the Depute Rector (Pastoral) (with advice from any agencies involved with the young person) will meet to formulate a care plan either single or multi-agency.

If there are pastoral reasons the Year Tutor team will conduct a home visit to identify the barriers to returning and create a return to school plan. This could be facilitated by exploring with the young person all the thoughts and worries currently being experienced in relation to school. They are then asked to rank these in terms of significance and a series of solutions/options are generated for each.

If appropriate the pupil will then be referred to external agencies and a multi-agency children's planning meeting held.

* In some circumstances, if appropriate and the young person is absent without explanation from a GP or other health professional it will be treated as truancy and dealt with by the Rector.

*** If absences persist the school has a statutory obligation (if the pupil is under 16) to submit a well-being/child protection concern to Children and Families to make them aware that this young person is vulnerable and not accessing education. This would be made in the event that either the pupil refused a home visit or would not access support in school.**

*** If the pupil is over 16 then discussions could take place about the appropriateness of the current school placement and a package put in place through the Careers Service to enable them to make a positive transition to more appropriate provision.**

APPENDIX 10**HOST FAMILY STAY INFORMATION FORM**

Name of Host Family:		Name of Guest:	
Address:		Address:	
Telephone Number:		Telephone Number:	
Mobile:		Mobile:	

	Names and relationship to host partner
Male Adult/s resident	
Female Adult/s resident	
Males under 18 (state ages) resident	
Females under 18 (state ages) resident	
Are there any regular visitors likely to have significant contact with your guest? Please give names, gender, relationship to household and ages if over 18	Yes/No
Are there any pets? (Please give details)	Yes/No

I confirm that:	
Our guest will have their own bedroom	Yes/No
Or will share with their exchange partner who is of same sex and similar age	Yes/No
Our guest will have access to private toilet and bathroom facilities	Yes/No
If our guest is vegetarian, vegan, has a nut allergy or dietary needs this can be accommodated	Yes/No
When a private family vehicle is used to transport a young person, this will only take place when the vehicle is:	
Roadworthy	Yes/No
Appropriately insured	Yes/No
Driven by a specified driver	Yes/No
Names of specified drivers:	

I confirm the statements made above are correct and I accept responsibility/duty of care for caring for this student in a safe and secure environment. I agree to any necessary checks.

Signed:	Date:
---------	-------

For completion by Senior Member of staff of host school:

How long has the family been known to the school?

I confirm that, as far as the school is aware, the host family
(Name of Family) is suitable to host a child.

General arrangements for School Home-to-Home exchanges:	
Are there legal requirements for the vetting of host families in your country?	Yes/No
Is a criminal record check carried out?	Yes/No
Are there Government Guidelines on the vetting of host families?	Yes/No
Are references taken up?	Yes/No

Signed:

School position:

Date:

APPENDIX 11

Hutchesons' Grammar School DIGITAL SERVICES ACCEPTABLE USE POLICY

Secondary School

As new technologies continue to change the world in which we live, they also provide many new and positive educational benefits for classroom instruction. To allow this growth, the school provides access to computer technology in various ways, including the school Wi-Fi internet network for all pupils and staff via their own technology (such as a privately owned lap-top, tablet computer, mobile phone, iPod or equivalent type of portable information technology system).

HGS Network/Wi-Fi Facilities

Network user names and passwords are used to identify access to all networked resources, including the Internet and e-mail. Passwords should remain confidential and not be shared with other users. Access to the school Wi-Fi network will be available on receipt of a unique Wi-Fi key that provides access from up to three personal devices. The 'Key' should be treated as a secure password and is non-transferable.

Network and Wi-Fi users must not access another user's account or files and must never attempt to find out or use another user's password. Any user who suspects that his/her network security has been compromised should report this immediately to the Computing Services Department.

To help prevent unauthorised users from gaining access to network or internet resources, connections on school computers must not be left unattended for any length of time and must be terminated as soon as work is completed. During short periods of necessary absence, users should log off the network. Access to personal devices should be secured by PIN code, password or similar.

The HGS network facilities, including Internet services and e-mail, may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature or materials that are offensive, obscene, pornographic or sexually explicit. Internet users must not use or transmit abusive, profane or offensive language on or through the HGS Internet or e-mail systems. Failure to comply may result in disciplinary or legal action being taken.

Pupils have access to printing facilities to support their work or study within the school. Pupils should endeavour to print only what is necessary to support these activities.

Pupils should not interfere with computer hardware, e.g. keyboards, mice, USB ports or CD/DVD drives, etc. No pupil should deliberately harm or disable HGS systems or network/Wi-Fi facilities, or attempt to circumvent security.

Pupils are responsible for ensuring the operating system and all software on their personal device is legally and appropriately licensed. No software, security profiles or configuration settings will be installed on pupil owned devices when joining the Wi-Fi network. Whilst security systems are in place, anti-malware software is recommended for personal devices.

Whilst the school network incorporates anti-virus and malware protection systems, the school is not liable in the event of a personal device being compromised by virus, malware or other network threats.

Internet Access

Internet facilities will be provided on all networked workstations and via Wi-Fi. Whilst the primary objective of the HGS Internet service is for educational use, personal use is permitted. Personal usage will be subject to the conditions stated in this document.

HGS uses monitoring and control software for Internet connections to prevent access to the majority of undesirable sites. It cannot, however, always prevent access to all such sites due to the ever-changing nature of their design. Therefore, if unsuitable material is accidentally accessed, users must disconnect from that site immediately and refer the matter to a member of staff or the Computing Services Department.

The Rector has authorised specific staff within the Computing Services Department to ensure that Internet and e-mail controls are adequate, operational and effective. The Department will monitor, log and may retain for up to six months: -

- All usage of the Internet via network connections
- All internal and external e-mail messages
- Details of web sites visited (or attempted to be visited), pages accessed, files downloaded and graphic images examined.

All network activity is logged under the identity of the user who is associated with the personal device or computer workstation. School e-mails may be monitored and accessed accordingly. Access to personal networked directories, personal websites, mailboxes and network usage reports is controlled by the Computing Services Department.

Pupils are personally responsible for the content they publish in social media forums and should be aware that such content may be in the public domain for a long period of time and difficult to retract.

No pupil may download, copy, publish or transmit to third parties licence-restricted software or the works of others without express permission as this may constitute an infringement of copyright

E-mail: internal and external

Communications over the Internet/intranet should not be considered as secure and private. E-mails and/or files can be posted or forwarded by a third party to other Internet users around the world without a user's knowledge or permission. Pupils should only use the email system provided by the school when communicating electronically.

Pupils are responsible for the content of all text, audio or images that they place or send over the HGS e-mail systems. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages must contain the sender's real name.

Data within e-mail is predominantly personal data and as such is subject to the provisions of current Data Protection legislation and users must ensure they comply with these requirements. A copy of the legislation is available to view from the Trust Office.

The sending of unwanted messages can constitute harassment and could result in disciplinary action being taken. Abuse of e-mail facilities may result in disciplinary and/or legal proceedings being instituted.

Educational Online Services

In order to further enrich the delivery of the curriculum, teaching and learning, pupils may be required to access selected third-party online services which the school subscribes to. These applications provide tools to support pupil learning and many are in wide use by UK educational establishments. Prior to use by pupils all services are evaluated to ensure that they have appropriate safeguards in place for preventing unauthorised use of personal data.

At the current time the following services are used by secondary pupils at Hutchesons'. Parents may review the terms and conditions of use for each service at the corresponding website address.

- Firefly: <https://fireflylearning.com/>
- ClickView: <https://www.clickview.co.uk/>

Mobile Phones/Portable devices

Courtesy, consideration of and respect for others are paramount at all times in the use of mobile phones and other portable devices.

Mobile phones must be switched off during lessons (unless permission is given by the class teacher), private study times, during all formal examinations and when they are stored in a security locker.

Pupil devices may only be used in the classroom when directed by, and with full agreement of, the class teacher.

Pupils are responsible for securing and protecting their devices whilst in school, and while travelling to and from school. Lost or stolen devices must be reported to the Form/Year Tutor (following the school's lost property procedure) and Computing Services within 24 hours and in such circumstances Wi-Fi keys will be revoked and network passwords reset.

Pupils must not take photos or make video or audio recordings of any individual or group without the express written permission of each individual being recorded and the permission of an appropriate member of staff.

Pupils bring their devices onto the school site at their own risk. Personal devices are not covered by HGS insurance and therefore are the sole responsibility of parents/guardians and pupils.

These guidelines also refer to the use of mobile phones during field trips, excursions or other off-campus supervised activities.

Notes

The term "HGS" used throughout this statement refers to Hutchesons' Grammar School & Educational Trust.

The consequences of any breaches of the school's Acceptable Use Agreement will be determined by the Rector in accordance with relevant school policies and procedures as well as accepted school practice.

DIGITAL SERVICES ACCEPTABLE USE POLICY CONSENT FORM

This document refers to the Hutchesons' Grammar School "Digital Services Acceptable Use Policy" which is available to view at <http://public.hutchesons.org/documents/digital-services-AUP.pdf>. This Acceptable Use Agreement consent form must be signed by the pupil and by the pupil's parent or guardian (if the pupil is under 18 years of age).

Part 1

I understand and will abide by the above policy and guidelines. I further understand that any violation is unethical and may result in the loss of my network and/or technology privileges as well as other disciplinary action.

I have read the *Digital Services Acceptable Use Policy* regarding the use of the school's ICT facilities. I understand and will abide by this policy whilst attending Hutchesons' Grammar School. Should I commit a violation, I understand that my access privileges may be revoked and appropriate school disciplinary or legal action may be taken.

Pupil's Name (block capitals): _____

Signature: _____ Date: _____

Part 2 [parent or guardian to sign]

Parent or Guardian's Agreement *(to be signed by parent for all pupils S1-6)*

I have read and understood the *Digital Services Acceptable Use Policy* regarding use of the ICT facilities at Hutchesons' Grammar School, and agree to its terms. I realise that Internet access is designed for educational purposes and understand that Hutchesons' Grammar School has taken precautions to eliminate access to as much inappropriate material as is reasonably practicable. *I accept that it is impossible for Hutchesons' Grammar School to block access to all inappropriate material and I will therefore not hold the school responsible for such material being viewed on the Internet. I accept that it is the responsibility of the user to make sure that inappropriate material is not accessed intentionally.*

Parent/Guardian's Name (block capitals): _____

Signature: _____ Date: _____

Please indicate which facilities you wish you give agreement for your child to access.

- | | |
|---|--------------------------|
| Network and computer access from school computers | <input type="checkbox"/> |
| Wi-Fi (using pupil's own technology) | <input type="checkbox"/> |
| Mobile phone use (not accessing school Wi-Fi) | <input type="checkbox"/> |
| Educational online services | <input type="checkbox"/> |

Hutchesons' Grammar School
DIGITAL SERVICES ACCEPTABLE USE POLICY
Primary School

As new technologies continue to change the world in which we live, they also provide many new and positive educational benefits for classroom instruction. To allow this growth, the school provides access to computer technology.

HGS Network

Network user names and passwords are used to identify access to all networked resources, including the Internet and e-mail. Passwords should remain confidential and not be shared with other users.

Network users must not access another user's account or files and must never attempt to find out or use another user's password. Any user who suspects that his/her network security has been violated should report this immediately to the class teacher.

To help prevent unauthorised users from gaining access to network or internet resources, connections on school computers must not be left unattended for any length of time and must be terminated as soon as work is completed. During short periods of necessary absence, users should log off the network.

The HGS network facilities, including Internet services and e-mail, may not be used for transmitting, retrieving or storing any communications of a discriminatory or harassing nature or materials that are offensive, obscene, pornographic or sexually explicit. Internet users must not use or transmit abusive, profane or offensive language on or through the HGS Internet or e-mail systems. Failure to comply may result in disciplinary or legal action being taken.

Pupils have access to printing facilities to support their work or study within the school and should endeavour to print only what is necessary to support these activities.

Pupils should not interfere with computer hardware, e.g. keyboards, mice, USB ports or CD/DVD drives, etc. No pupil should deliberately harm or disable HGS systems or network/Wi-Fi facilities, or attempt to circumvent security.

Whilst the school network incorporates anti-virus and malware protection systems, the school is not liable in the event of a personal device being compromised by virus, malware or other network threats.

Internet Access

Internet facilities will be provided on all networked workstations. Whilst the primary objective of the HGS Internet service is for educational use, personal use is permitted. Personal usage will be subject to the conditions stated in this document.

HGS uses monitoring and control software for Internet connections to prevent access to the majority of undesirable sites. It cannot, however, always prevent access to all such sites due to the ever-changing nature of their design. Therefore, if unsuitable material is accidentally accessed, users must disconnect from that site immediately and refer the matter to a member of staff.

The Rector has authorised specific staff within the Computing Services Department to ensure that Internet and e-mail controls are adequate, operational and effective. The Department will monitor, log and may retain for up to six months: -

- All usage of the Internet via network connections
- All internal and external e-mail messages
- Details of web sites visited (or attempted to be visited), pages accessed, files downloaded and graphic images examined.

All network activity is logged under the identity of the user who is associated with the personal device or computer workstation. School e-mails may be monitored and accessed accordingly. Access to personal networked directories, personal websites, mailboxes and network usage reports is controlled by the Computing Services Department.

Pupils are personally responsible for the content they publish in social media forums and should be aware that such content may be in the public domain for a long period of time and difficult to retract.

No pupil may download, copy, publish or transmit to third parties licence-restricted software or the works of others without express permission as this may constitute an infringement of copyright.

E-mail: internal and external

Communications over the Internet/intranet should not be considered as secure and private. E-mails and/or files can be posted or forwarded by a third party to other Internet users around the world without a user's knowledge or permission. Pupils should only use the email system provided by the school when communicating electronically with staff.

Pupils are responsible for the content of all text, audio or images that they place or send over the HGS e-mail systems. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages must contain the sender's real name.

Data within e-mail is predominantly personal data and as such is subject to the provisions of current Data Protection legislation and users must ensure they comply with these requirements. A copy of the legislation is available to view from the Trust Office.

The sending of unwanted messages can constitute harassment and could result in disciplinary action being taken. Abuse of e-mail facilities may result in disciplinary and/or legal proceedings being instituted.

Educational Online Services

In order to further enrich the delivery of the curriculum, teaching and learning, pupils may be required to access selected third-party online services which the school subscribes to. These applications provide tools to support pupil learning and many are in wide use by UK educational establishments. Prior to use by pupils all services are evaluated to ensure that they have appropriate safeguards in place for preventing unauthorised use of personal data.

At the current time the following services are used by primary pupils at Hutchesons'. Parents may review the terms and conditions of use for each service at the corresponding website address.

- Firefly: <https://fireflylearning.com/>
- EducationCity: <https://www.educationcity.com/>
- Pearson ActiveLearn: <https://www.activelearnprimary.co.uk>

Mobile Phones/Portable devices

Courtesy, consideration of and respect for others are paramount at all times in the use of mobile phones and other portable devices.

Mobile phones must be switched off during lessons unless permission is given by the class teacher.

Pupil devices may only be used in the classroom when directed by, and with full agreement of, the class teacher.

Pupils are responsible for securing and protecting their devices whilst in school, and while travelling to and from school. Lost or stolen devices must be reported to the class teacher (following the school's lost property procedure).

Pupils must not take photos or make video or audio recordings of any individual or group without the express written permission of each individual being recorded and the permission of an appropriate member of staff.

Pupils bring their devices onto the school site at their own risk. Personal devices are not covered by HGS insurance and therefore are the sole responsibility of parents/guardians and pupils.

These guidelines also refer to the use of mobile phones during field trips, excursions or other off-campus supervised activities.

Notes

The term "HGS" used throughout this statement refers to Hutchesons' Grammar School & Educational Trust.

The consequences of any breaches of the school's Acceptable Use Agreement will be determined by the Rector in accordance with relevant school policies and procedures as well as accepted school practice.

DIGITAL SERVICES ACCEPTABLE USE POLICY CONSENT FORM (Primary School)

This document refers to the Hutchesons' Grammar School *Digital Services Acceptable Use Policy* which is available to view at <http://public.hutchesons.org/documents/digital-services-KS-AUP.pdf>

This consent form must be signed by pupils in P5-P7 (Part 1) and by the pupil's parent or guardian (Part 2). For P1-P4 pupils only the parent or guardian is required to sign Part 2.

Part 1

I understand and will abide by the above policy and guidelines. I further understand that any violation is unethical and may result in the loss of my network and/or technology privileges as well as other disciplinary action.

I have read the *Digital Services Acceptable Use Policy* regarding the use of the school's ICT facilities. I understand and will abide by this policy whilst attending Hutchesons' Grammar School. Should I commit a violation, I understand that my access privileges may be revoked and appropriate school disciplinary or legal action may be taken.

Pupil's Name (block capitals): _____ (*pupils in P5-7 only*)

Signature: _____ Date: _____

Part 2 [parent or guardian to sign]

Parent or Guardian's Agreement (*to be signed by parent for **all** pupils*)

I have read and understood the *Digital Services Acceptable Use Policy* regarding use of the ICT facilities at Hutchesons' Grammar School, and agree to its terms. I realise that Internet access is designed for educational purposes and understand that Hutchesons' Grammar School has taken precautions to eliminate access to as much inappropriate material as is reasonably practicable. *I accept that it is impossible for Hutchesons' Grammar School to block access to all inappropriate material and I will therefore not hold the school responsible for such material being viewed on the Internet. I accept that it is the responsibility of the user to make sure that inappropriate material is not accessed intentionally.*

Parent/Guardian's Name (block capitals): _____

Signature: _____ Date: _____

APPENDIX 12

Hutchesons' Grammar School Self Generated Indecent Image Protocol

Definition

There are a number of definitions of self generated images (also known as 'sexting') but for the purposes of this advice sexting is simply defined as:

Images or videos generated

- **by children under the age of 18**
- **of children under the age of 18**

that are of a sexual nature or are indecent.

These images are shared between young people and/or adults via a mobile phone, handheld device or website with others – these people may or may not be known to the child or young person.

What the law says

It is important to be aware that young people involved in sharing sexual videos and pictures may be committing a criminal offence. Specifically, crimes involving indecent photographs (including pseudo images) of a person under 18 years of age fall under Section 1 of the Protection of Children Act 1978 and Section 160 Criminal Justice Act 1988. Under this legislation it is a crime to:

- take an indecent photograph or allow an indecent photograph to be taken;
- make an indecent photograph (this includes downloading or opening an image that has been sent via email);
- distribute or show such an image;
- possess with the intention of distributing images;
- advertise; and
- possess such images.

Any instances of self generated indecent images being shared by a child of 12 or under must be reported to the police. Children and young people need to be aware that they may be breaking the law, and we endeavour to educate our pupils via P.S.E. In Scotland, children and young people under 16 years of age who send or possess images are unlikely to be prosecuted but may be visited by police and on some

occasions media equipment could be removed. This is more likely if they have distributed images.

It is likely that no two cases will be the same. It is necessary to carefully consider each case on its own merit. However, it is important to apply a consistent approach when dealing with an incident to help protect staff, the school and the students. The range of contributory factors in each case also needs to be considered in order to determine an appropriate and proportionate response.

Step 1: Disclosure

A pupil is likely to be very distressed especially if an image of him/herself has been circulated widely and if they don't know who has shared it, seen it or where it has ended up. They will need pastoral support during the disclosure and after the event. They may even need immediate protection or a referral to social services/Police Scotland. If a pupil makes a disclosure about another pupil, the same protocol applies.

Follow the school Child Protection policy- do not interrogate but ask open questions. Please refer to the Child Protection Checklist for staff within the Wellbeing and Child Protection Policy, attached at the end of this Protocol. Let the pupil know what you intend to do and explain why.

Information needed may include:

Is the student disclosing about themselves receiving an image, sending an image or sharing an image? What sort of image is it? Is it potentially illegal or is it inappropriate? How widely has the image been shared and is the device in their possession? Does the student need immediate support and or protection? Are there other students and or young people involved? Do they know where the image has ended up?

Step 1a: If indecent images of a child are found on the school system

Act in accordance with your child protection and safeguarding policy, e.g. notify the CPC/SMT/and pastoral team.

If the image is discovered on a school device, store the device securely.

The CPC will carry out a risk assessment in relation to the young person

Make a referral if needed/contact the police (if appropriate).

Put the necessary safeguards in place for the student, e.g. they may need counselling support, immediate protection and parents must also be informed.

Inform parents and/or carers about the incident and how it is being managed.
(Depending on the nature of the image and the family circumstances of the young person, communication with parents will need to be carefully handled. Decisions about this will be made by the CPC and the Rector.)

These situations will need to be handled very sensitively. Whatever the nature of the incident, ensure school safeguarding and child protection policies and practices are adhered to.

Step 2: Dealing with the incident

Often, the first port of call for a student is a class teacher. Whomever the initial disclosure is made to must act in accordance with the school safeguarding and/or child protection policy, ensuring that a member of the child protection team and a senior member of staff are involved in dealing with the incident.

The child protection officer will **always** record the incident. Senior management should also always be informed.

Step 3: Follow up

If there is an indecent image of a child on a website or a social networking site then the image should be reported to the site hosting it. Under normal circumstances we would follow the reporting procedures on the respective website; however, in the case of an incident involving a child or young person where we feel that they may be at risk of abuse then we will report the incident directly to CEOP (www.ceop.police.uk/ceop-report) so that law enforcement can make an assessment, expedite the case with the relevant provider and ensure that appropriate action is taken to safeguard the child.

Step 4: Response

There may be a multitude of reasons why a student has engaged in sexting – it may be a romantic/ sexual exploration scenario or it may be due to coercion.

It is important to remember that it won't always be appropriate to inform the police; this will depend on the nature of the incident. However, as a school it is important that incidents are consistently recorded and this will be done by the Child Protection Coordinator. It may also be necessary to assist the young person in removing the image from a website or elsewhere.

If the nature of the incident is high-risk, consider contacting your local children's social care team. Depending on the nature of the incident and the response we may also consider contacting Police Scotland or referring the incident to CEOP.

NEVER

Search a mobile device in response to an allegation or disclosure.

Request that any images be forwarded to your own personal or school device.

Print out any material for evidence.

Move any material from one storage device to another.

View the image unless there is a clear reason to do so.

ALWAYS

Treat disclosures or even anecdotal 'gossip' from pupils seriously.

Inform the school child protection coordinator (CPC).

Record the incident.

Act in accordance with school safeguarding and child protection policies and procedures.

Inform relevant colleagues/senior management team about the alleged incident.

Block the network to all users and isolate the image if it can be accessed via the school network.

Summary of protocol and risk Assessment

Age and the developmental appropriateness of their actions: 12 years and under will require a referral to external agencies.

Willingness or coercion - were they subjected to sexual coercion or bullying, or was the incident willingly entered into? Were adults involved?

The nature of image that was shared: how explicit is it? Does it break the law?

The level of dissemination: how widely was the image shared and with whom? How was it passed around? If there is minimal sharing contained within the school community and the CPC/Rector are satisfied that the image/s have not been forwarded on, and are all deleted, then the response could be limited to parental involvement. If the school decides that involving other agencies is not necessary, consideration should be given to deleting the images.

It is recommended that pupils are asked to delete the images themselves and confirm they have done so. This should be recorded, signed, and dated.

Any refusal to delete the images should be treated seriously, reminding the pupil that possession is unlawful.

The wellbeing of those involved

Protection, education or counselling requirements, post-event.

Urgency and timing: relevant to the level of risk - for example, an incident taking place last thing on a Friday may escalate over the weekend

Involvement of other schools: do you need to contact the senior management team at another school if the sexting involves, or has disseminated to, pupils there?

Involvement of parents: parental contact is necessary if there is to be no referral to police. However, this should not be done without consultation with the Rector if there are cultural factors involved which may increase the risk to the pupils.

Child Protection PROCEDURES FLOW CHART

