



## Child Protection Policy



Helping children live with a burn or scald injury, promoting and helping in the rehabilitation process through positive support and encouragement enhancing their self esteem to lead a normal life.

**Child Protection Policy for  
The Scottish Burned Children's Club**

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### Disclaimer

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## **Foreword**

The support we offer and give can and does have a powerful and positive influence on our Club Members. Not only can our activities provide opportunities for enjoyment and achievement, it can also help those who participate to develop valuable qualities and skills such as self-esteem, leadership and teamwork. These positive effects can only take place if our activities are managed correctly and in the right hands - in the hands of those who place the welfare of all our children and young people members first and adopt practices that support, protect and empower them. The reality is that abuse does take place in society and in some cases; trusted adults have been convicted of abusing children and vulnerable adults.

Everyone has a duty of care towards children to help to protect them from abuse. The Scottish Burned Children's Club has developed this policy and these procedures as a part of the ethics programme to create a safe environment for our burn club members, where children and the adults that aid them are protected and supported.

The Scottish Burned Children's Club is committed to the protection of children, young people and vulnerable adults through the provision of this policy and these procedures for other bodies who offer after burn care in Scotland and welcomes their consideration by all burn care organisations.

# Scottish Burned Children's Club Child, Young Persons and Vulnerable Adult Protection Policy

## Responsibilities

The Scottish Burned Children's Club will:

- Promote the health and welfare of children by providing opportunities for them to take part in our Club's activities safely.
- Respect and promote the rights, wishes and feelings of children.
- Promote and implement appropriate procedures to safeguard the well-being of children to protect them from abuse.
- Recruit, train, support and supervise its members to adopt best practice to safeguard and protect children from abuse and to minimise risk to themselves.
- Require members to adopt and abide by this Child Protection Policy and these Procedures.
- Respond to any allegations of misconduct or abuse of children in line with this Policy and these
- Procedures as well as implementing, where appropriate, the relevant disciplinary and appeals procedures.
- Review and evaluate this Policy and these Procedures on a regular basis.

## Principles

The welfare of children is everyone's responsibility, particularly when it comes to protecting them from abuse. Children have a lot to gain from our activities. Their natural sense of fun and spontaneity can blossom in a positive environment created by the Club. It provides an excellent opportunity for them to learn new skills, become more confident and maximise their own unique potential.

This Policy and these Procedures are based on the following principles:

- The welfare of children and young persons is the primary concern.
- All children and young persons, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity have the right to protection from abuse.
- It is everyone's responsibility to report any concerns about abuse and the responsibility of the Social Work Department and the Police to conduct, where appropriate, a joint investigation.
- All incidents of alleged poor practice, misconduct and abuse will be taken seriously and responded to swiftly and appropriately.
- It is the responsibility of this organisation to make a referral to Scottish Ministers if any worker (paid or unpaid) harms a child or places a child at risk of harm and is removed or removes themselves from their position within the organization as per the requirements of the Protection of Children (Scotland) Act 2003 (PoCSA).

All personal data will be processed in accordance with the requirements of the Data Protection Act 1998

## **Review**

This Policy and these Procedures will be regularly monitored and reviewed:

- In accordance with changes in legislation and guidance on the protection of children or any changes within The Scottish Burned Children's Club.
- Following any issues or concerns raised about the protection of children within The Scottish Burned Children's Club.
- In all other circumstances, at least annually.

## **The Scottish Burned Children's Club Child, Young Persons and Vulnerable Adults Protection Procedures**

### **1. Recruitment and Employment**

All reasonable steps must be taken to ensure unsuitable people are prevented from working (in paid or unpaid positions) with children within the Scottish Burned Children's Club. For all positions within the Scottish Burned Children's Club that are deemed to be child care positions (as defined in schedule 2 of PoCSA), for example whose normal duties include caring for, training, supervising or being in sole charge of children the following recruitment, procedures must be completed.

#### **1.1 Advertising**

All forms of advertising used to recruit members for child care positions will include the following:

- The aims of the SBCC and, where appropriate, details of the particular programme involved.
- The responsibilities of the role.
- The level of experience or qualifications required (e.g. experience of working with children is an advantage).
- Details of the SBCC's open and positive stance on child protection.
- The level of Disclosure certificate applicable to the post applied for

#### **1.2 Pre-application Information**

Pre-application information for child care positions will be sent to applicants and will include:

- A job description including roles and responsibilities.
- A candidate specification (e.g. stating qualifications or experience of working with children or vulnerable adults required).
- An application form and self-declaration form.
- Information on the SBCC and related topics.
- The level of Disclosure certificate applicable to the post applied for

#### **1.3 Application Form and Self-Declaration Form**

All applicants will be requested to complete an application form and self-declaration form. The purpose of the application form is to obtain relevant details from the applicant for the position. The purpose of the self-declaration form is to allow applicants to give clear details about any conviction(s) or non-conviction

information prior to an Enhanced Disclosure certificate being accessed to enable the interview panel to assess the relevance of any information disclosed to the position applied for and to ensure fair and informed decisions are made regarding suitability. The self-declaration form is requested in a separate sealed envelope and is not opened until the applicant is selected for an interview. If the applicant is not selected for interview the form is returned unopened to the applicant/or shredded by the organisation.

#### **1.4 References**

References will be sought as required. Where possible at least one of these references will be from an employer or a voluntary organisation where the position required working with children in any of the following capacities: employee; volunteer; or work experience. If the person has no experience of working with children or vulnerable adults, specific training requirements will be agreed before appointment.

#### **1.5 Disclosure Certificate Checks**

The Scottish Burned Children's Club is registered with Central Registered Body for Scotland and prior to appointment a Disclosure Scotland certificate check and/or equivalent international check will be completed. This will require the prospective position holder to complete and submit a Disclosure Scotland form, with the results returning to Claire Gardiner, PO Box 4116 Glasgow G53, who is the organisation's chairperson and Lead Signatory.

#### ***Standard Disclosure***

Standard disclosures will be requested from those applying for positions listed in the Rehabilitation of Offenders Act 1974 (ROA) Exclusions and Exceptions (Scotland) Order. .

#### ***Enhanced Disclosure***

Enhanced Disclosures will be requested for those applying for positions listed in the Rehabilitation of Offenders Act 1974 (Exclusions & Exceptions) (Scotland) Order 2003, for example a child care position as defined in schedule 2 of PoCSA – whose normal duties include caring for, training, supervising or being in sole charge of children.

#### **1.6 Interview**

For child care positions interviews will be carried out. An interview will include requests for additional information to support the application.

#### **1.7 Offer of Position**

Once a decision has been made to appoint an individual, an offer letter will be presented to the applicant including the details of the position, any special requirements and the obligations e.g. agreement to the policies and procedures of



the organisation, the probation period and responsibilities of the role. Confirmation of the position being accepted will require the offer letter to be formally accepted and agreed to in writing e.g. by the individual signing and dating their agreement on the offer letter and returning it to the organisation.

### **1.8 Induction**

The induction process for the newly appointed member will include the following:

- An assessment of training, individual aids and any other needs and aspirations.
- Clarification, agreement and signing up to the Child and Vulnerable Adult Protection Policy and Procedures.
- Clarification of the expectations, roles and responsibilities of the position.

### **1.9 Training**

Newly appointed members will complete the following training over an agreed period:

- Protecting children and vulnerable adults.
- Working effectively with children and vulnerable adults (including presentation skills, developing child and vulnerable adult friendly resources and activities).
- Any other identified training needs.

### **1.10 Probation**

Newly appointed members will complete an agreed period of probation on commencement of their role.

### **1.11 Monitoring and Performance Appraisal**

All members who are appointed to child care positions will be monitored and their performance appraised. This will provide an opportunity to evaluate progress, set new goals, identify training needs and address any concerns of poor practice.

## **2. Members with Specific Responsibility for the Protection of Children and Young Persons**

### **2.1 Child and Young Person Protection Officer**

The Child and Young Person Protection Officer has the main responsibility for managing child and young person protection issues within The Scottish Burned Children's Club. The role and responsibilities of the Child and Young Person Protection Officer are detailed below. Specific responsibilities in relation to allegations against members are detailed in the Procedure for Managing Suspicions and Allegations of Abuse of a Child or Young Person against Members (Section 7.5).



## **2.2 Role and Responsibilities of the Child and Young Person Protection Officer**

Within SBCC the Child and Young Person Protection Officer will:

- Implement and promote SBCC's Child and Young Person's Protection Policy and Procedures.
- Act as the main contact within the SBCC for the protection of children and vulnerable adults.
- Provide information and advice on the protection of children and Young Persons.
- Support and raise awareness of the protection of children and Young Persons.
- Communicate with members on issues of child and Young Persons protection.
- Keep abreast of developments and understand the latest information on data protection, confidentiality and other legal issues that affect the protection of children and Young Persons.
- Encourage good practice and support of procedures to protect children and Young Persons.
- Establish and maintain contact with local statutory agencies including the Police and Social Work Department.
- Maintain confidential records of reported cases and action taken, liaise with the statutory agencies, and ensure they have access to all necessary information.
- Organise training for members on child protection procedures and the requirements of the Protection of Children (Scotland) Act 2003
- Regularly monitor and review the SBCC's Child and Young Persons Protection Policy and Procedures.
- Regularly report to the SBCC Executive Committee
- Act as the main contact within the Club for the protection of children and young persons.
- Encourage good practice and support of procedures to protect children and young persons.
- Keep abreast of developments and understand the latest information on data protection, confidentiality and other legal issues that influence the protection of children and young persons.
- Report cases, concerns and action taken to SBCC's Child and Young Person Protection Officer
- Attend training on the protection of children and vulnerable adults.
- Establish and maintain contact with local statutory agencies including the Police and Social Work Department.

### **Recommended Characteristics of the Child and Young Person Protection Officer:**

- Have an understanding of the issues affecting children and young persons and the sensitive way in which they must be managed.
- Be able to communicate the implications of protecting children and young persons to all members.
- Be able to communicate with children and young persons.
- Be supportive of the introduction of Child and Young Person Protection Policy.
- Have an understanding and appreciation of the need to respect confidentiality.
- Be able to follow procedures and recognise when to seek advice and not rely solely on their own judgement.
- Be willing to challenge members who do not comply with the Child and Young Person Protection Policy and Procedures.

### **3. Code of Conduct for the Protection of Children and Young Persons**

This code of conduct details the types of practice required by all members of SBCC when in contact with children or young persons. The types of practice are categorised into good practice; practice to be avoided and practice never to be sanctioned. Suspicions or allegations of non-compliance of the Code by a member will be dealt with through the SBCC 's Disciplinary Procedure for misconduct or through Responding to a Suspicion or Allegation of Abuse against a Member of SBCC (Section 7.5).

#### **3.1 Good Practice**

SBCC supports and requires the following good practice by members when in contact with children and young persons.

When working with children, make activities fun, enjoyable and promote fair play.

- Always work in an open environment e.g. avoid private or unobserved situations and encourage an open environment for activities.
- Treat all children, equally, with respect and dignity.
- Put the welfare of each child, first before winning or achieving performance goals.
- Be an excellent role model including not smoking or drinking alcohol in the company of children, young person or vulnerable adults.
- Give enthusiastic and constructive feedback rather than negative criticism.
- Ensure that if any form of manual or physical support is required for a child, young person or vulnerable adult, it is provided openly, the child or vulnerable adult is informed of what is being done and their consent is obtained.
- Deliver educational instruction first verbally; secondly role-modelled; and thirdly, and only if necessary, with hands on - which must be accompanied by telling the child, young person or vulnerable adult where you are putting your hands and why it is necessary and obtaining their consent.

- Involve parents, guardians and carers wherever possible.
- Build balanced relationships based on mutual trust that empower children, to share in the decision making process.
- Recognise the developmental needs and capacity of children and vulnerable adults and avoid excessive training or competition and either pushing them against their will or putting undue pressure on them.

### **First Aid and Treatment of Injuries:**

If, in your capacity as a member of the SBCC a child, requires first aid or any form of medical attention whilst in your care, then the following good practice must be followed:

- Where practicable all parents/guardians of children under 16 must complete a SBCC Medical Consent Form before participating in Camp/Club activities.
- Be aware of any pre-existing medical conditions, medicines being taken by participants or existing injuries and treatment required.
- Keep a written record of any injury that occurs, along with the details of any treatment given.
- Where possible, ensure access to medical advice and/or assistance is available.
- Only those with a current, recognised First Aid qualification should respond to any injuries.
- Where possible any course of action should be discussed with the child/vulnerable adult, in language that they understand and their permission sought before any action is taken.
- In more serious cases, assistance must be obtained from a medically qualified professional as soon as possible.
- The child's or vulnerable adult's parents/guardians or carers must be informed of any injury and any action taken as soon as possible, unless it is in the child's or vulnerable adult's interests and on professional advice not to do so.
- A Notification of Accident Form must be completed, signed, and passed to the organisation as soon as possible.

### **For taking and transporting children, young persons or vulnerable adults away from home:**

If it is necessary to provide transport or take children away from home the following good practice must be followed:

- Where practicable request written parental/guardian consent if members are required to transport children.
- Always tell another member that you are transporting a child, give details of the route and the anticipated length of the journey.
- Ensure all vehicles are correctly insured.

- All reasonable safety measures are taken, e.g. children in the back seat, seatbelts are worn.
- Ensure, where possible, a male and female accompany mixed groups of children or vulnerable adults. These adults should be familiar with and agree to abide by SBCC's Child Protection Policy and Procedures.
- Always plan and prepare a detailed programme of activities and ensure copies are available for other members and parents/guardians.

### **3.2 Practice to be avoided**

In the context of your role within SBCC, the following practice should be avoided:

- Avoid having 'favourites' - this could lead to resentment and jealousy by other children and could lead to false allegations.
- Avoid spending excessive amounts of time alone with children away from others.
- Ensure that when children are taken away from home, adults avoid entering their rooms unless in an emergency situation or in the interest of health and safety. If it is necessary to enter rooms, the door should remain open, if appropriate.
- Avoid taking children to your home.
- Avoid, where possible, doing things of a personal nature for children that they can do for themselves.

**Important Note:** It may sometimes be necessary for members to do things of a personal nature for children, particularly if they are very young or vulnerable. These tasks should only be carried out with the full understanding and consent of the child and where possible their parents/guardians. It is important to respect their views. If a person is fully dependent on you, talk with him/her about what you are doing and give choices where possible, particularly so if you are involved in any dressing or undressing of outer clothing, or where there is physical contact, lifting or assisting a child or vulnerable adult to carry out particular activities. Do not take on the responsibility for tasks for which you are not appropriately trained.

### **3.3 Practice never to be sanctioned**

In the context of your role within SBCC, the following practices should never be sanctioned:

- Never engage in sexually provocative games, including horseplay.
- Never engage in rough or physical contact except as permitted within the rules of the game or competition.
- Never form intimate emotional or physical relationships with children
- Never allow or engage in touching a child in a sexually suggestive manner.
- Never allow children to swear or use sexualised language unchallenged.
- Never make sexually suggestive comments to a child even in fun.
- Never reduce a child to tears as a form of control.

- Never allow allegations made by a child to go unchallenged, unrecorded or not acted upon.
- Never share a room with a child for sleeping accommodation.
- Never invite or allow children to stay with you at your home.

**Important Note:** In special cases sharing may be required for health and safety reasons or if the child is very young or particularly vulnerable. If so, explain why this is necessary to the child/ and their parent or guardian and seek their consent. Where possible ensure that at least two adults, preferably male and female are in the room.

### 3.4 Reporting

If members have concerns about an incident involving a child that seems untoward or unusual they must report their concerns as soon as possible to the Child and Young Person Protection Officer. Parents should also be informed of the incident as soon as possible unless it is not in the child's or interests to tell them (refer to Section 8, Sharing Concerns with Parents, Guardians or Carers).

#### Report, record and inform if the following occur:

- If you accidentally hurt a child.
- If a child, seems distressed in any manner.
- If a child, misunderstands or misinterprets something you have said or done.
- If a child, appears to be sexually aroused by your actions.
- If a child, young person needs to be restrained.

## 4. Identifying and Managing Bullying

The lives of many people are made miserable by bullying. Victims of bullying can feel lonely, isolated and deeply unhappy. It can have a devastating effect on a child or vulnerable adult's self-esteem and destroy their self-confidence and concentration. They may become withdrawn and insecure, more cautious and less willing to take any sort of risk. They may feel it is somehow their fault or that there is something wrong with them and at worst cause depression and/or feelings of worthlessness that lead to suicide.

To ensure the SBCC creates an atmosphere where bullying of children, young person is unacceptable and to help members manage bullying issues, guidelines for identifying and managing bullying have been developed.

Any suspicions or allegations of bullying of children, young person or vulnerable adults against a member will be dealt with through the SBCC Disciplinary Procedures and/or Responding to a Suspicion or Allegation of Abuse against a Member of the SBCC (Section 7.5).

## **5. Photographing, Videoing and Filming of Children, Young Persons or Vulnerable Adults**

There is evidence that some people have used sporting/ child activity venues and activities as an opportunity to take inappropriate photographs or film footage of children, young person or vulnerable adults.

The following procedures have been developed to protect children, The following is required for SBCC activities or events where children, are participating:

- Where appropriate all materials promoting SBCC events or activities shall state that accredited photographers will be present.
- Where possible consent from the parent/guardian for photographing, videoing and/or filming of a child or vulnerable adult must be obtained prior to the event or activity.
- Where possible anyone wishing to use photographic/film/video equipment at a venue must obtain the approval of the SBCC.
- An activity or event specific identification badge/sticker must be provided to and clearly displayed at all times by accredited photographers, film and video operators on the day of the activity or event.
- No unsupervised access or one-to-one sessions are to be permitted unless this has been approved in advance by the child, parent/guardian and the organisation, and appropriate vetting has occurred e.g. Disclosure Scotland check of individual wanting to photograph, film or video (this can only be accessed at enhanced level if the individual is deemed to be in a child care position)
  
- The SBCC reserves the right at all times to prohibit the use of photography, film or video at any event or activity with which it is associated.
- The requirements above are publicly promoted to ensure all people present at the event or activity understand the procedure and are aware of whom to contact if concerned.

### **5.1 Concerns about Photographers, Video or Film Operators**

Any concerns with photographers or video or film operators are to be reported to the SBCC Child and Young Persons Protection Officer and where relevant, the Police.

## **6. Children, Young Persons or Vulnerable Adults in Publications and on the Internet**

The SBCC website and publications provide excellent opportunities to broadcast achievements of individuals to the world and to provide a showcase for the activities of young people. In some cases, however, displaying certain information about children and could place them at risk. The following procedure must be followed to ensure the SBCC publications and [name of organisation] information on the Internet do not place children, young person or vulnerable adults at risk.



SBCC publications and SBCC information on the Internet must adhere to the following:

- Publications or information on an Internet site must never include personal information that could identify children, young person or vulnerable adults e.g. home address, e-mail address, telephone number of children, young person or. Any contact information must be directed to either the SBCC or another relevant organisation's address, for example another governing body or club.
- Before publishing any information about children, young person or, written consent must be obtained from the children, young person parent/guardian. If the material is changed from the time of consent, the parents/guardians must be informed and consent provided for the changes.
- The content of photographs or videos must not depict children, young person or in a provocative pose or in a state of partial undress other than when depicting a sporting activity. Where relevant, a tracksuit may be attire that is more appropriate. Children, young person or must never be portrayed in a demeaning or tasteless manner.
- For photographs or videos of groups or teams of children, young person or ensure that only the group or team is referred to, not individual members. Credit for achievements by children, young person or is to be restricted to first names e.g. Tracey was 'SBCC Outstanding Achiever of the Year 2002'.
- All published events involving children, young person or vulnerable adults must be reviewed to ensure the information will not put children or vulnerable adults at risk. Any publications of specific meetings or children, young person or events e.g. team coaching sessions, must not be distributed to any individuals other than to those directly concerned.
- Particular care must be taken in publishing photographs, film or videos of children, young person who are considered particularly vulnerable e.g. the subject of children, young person or vulnerable adults protection issue or a custody dispute.
- Particular care is to be taken in publishing photographs, films or videos of children or with physical, learning and/or communication or language disabilities, as they could be particularly vulnerable to abuse (Morgan, 1979; Watson, 1984).

**Important Note:** Any concerns or enquiries about publications or Internet information should be reported to the SBCC's Child and Young Persons Protection Officer.



## **Documents for Reference**

SBCC Guidelines for Identifying and Managing Bullying of Children and Young Persons

For further information about bullying, see:

- [www.kidscape.org.uk](http://www.kidscape.org.uk)
- [www.childline.org.uk](http://www.childline.org.uk)
- [www.children1st.org.uk](http://www.children1st.org.uk)
- SBCC Consent Form for the Use of Photographs, Film or Video Recordings of Children or Young Persons
- SBCC Application Form to Photograph, Film or Video a Sporting Event or Activity involving Children or Young Persons

## **7. Responding to Disclosures**

Information you receive about or from children, young person or may fall into one of the following categories:

1. Suspicion or allegation of misconduct against a member of SBCC
2. Suspicion or allegation of abuse against a member of SBCC
3. Suspicion or allegation of inappropriate behaviour against someone who is not a member
4. Suspicion or allegation of abuse against someone who is not a member.

If unclear about the nature of the information (and therefore which category the disclosure falls into) advice must be sought from the Child and Young Persons Protection Officer or the Police or Social Work Department.

It is not the responsibility of anyone from the SBCC to decide whether or not a child, young person or vulnerable adult has been abused. It is however, everyone's responsibility to report concerns.

It is very important that SBCC members understand what is meant by the term 'abuse'. The different types of abuse are:

- Emotional Abuse
- Neglect
- Physical Abuse
- Sexual Abuse
- Negative Discrimination (including racism)
- Bullying (includes bullying by gangs; bullying by family members; physical bullying; verbal bullying; teasing; and harassment)

The definitions for the types of abuse and signs that may suggest abuse are detailed in SBCC Protection Policy Definition of Terms. It is very important that this Document is read and understood.

## 7.1 How to Listen to a Disclosure

It is important to listen carefully to the information a child or vulnerable adult discloses. When listening to a disclosure the following good practice is required:

- React calmly so as not to frighten the child/vulnerable adult.
- Listen to the child/vulnerable adult.
- Do not show disbelief.
- Tell the child/vulnerable adult that he/she is not to blame and that he/she was right to tell.
- Take what the child/vulnerable adult says seriously, recognising the difficulties inherent in interpreting what a child/vulnerable adult says, especially if they have a speech disability and/or differences in language.
- Do not pre-suppose that the experience was bad or painful - it may have been neutral or even pleasurable. Always avoid projecting your own reactions onto the child or vulnerable adult.
- If you need to clarify, keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said.
- If you need to clarify or the statement is ambiguous, use open-ended, non-leading questions.
- Do not introduce personal information from either your own experiences or those of other children or vulnerable adults.
- Reassure the child, young person or vulnerable adults.

### **Actions to Avoid:**

When receiving a disclosure:

- Avoid panic.
- Avoid showing shock or distaste.
- Avoid probing for more information than is offered.
- Avoid speculating or making assumptions.
- Avoid making negative comments about the person against whom the allegation has been made.
- Avoid approaching the individual against whom the allegation has been made.
- Avoid making promises or agreeing to keep secrets.
- Avoid giving a guarantee of confidentiality.

## 7.2 Responding to a Suspicion or Allegation of Inappropriate Behaviour or Misconduct against someone who is Not a Member of SBCC.

In the course of your role within SBCC a child, young person or vulnerable adults may disclose information to you about a person who is not a member that leads to a suspicion or allegation of inappropriate behaviour or misconduct.

If the disclosure is about an incident that occurred during a SBCC event or activity:

- Listen to the child as detailed above.
- Acknowledge the information received.

- Pass the information to both the manager of the event or activity and the Child and Vulnerable Adult Officer and if appropriate the parents/guardians/carers of the child or vulnerable adult (refer to Section 8 Sharing Concerns with Parents, Guardians or Carers).
- Make a full written record of the disclosure on the day you receive the disclosure.
- Sign and date the record then pass it to the Child and Vulnerable Adult Officer.

### **7.3 Responding to a Suspicion or Allegation of Inappropriate Behaviour or Misconduct against a Member of SBCC**

If you receive a disclosure that leads to a suspicion or allegation of inappropriate behaviour or misconduct against a member:

- Listen to the child as detailed above.
- Acknowledge the information received.
- Pass to the Child and Vulnerable Adult Officer.
- Make a full written record of the disclosure on the day you receive the disclosure.
- Sign and date the record then pass to the Child and Vulnerable Adult Officer.

### **Establishing the Basic Facts**

The Child and Vulnerable Adult Officer must clarify the basic facts to establish whether there is reasonable cause to suspect or believe that misconduct has occurred. If the basic facts support a suspicion or allegation of misconduct by a member, the matter will be dealt with in accordance with the SBCC's Disciplinary Procedure.

### **7.4 Responding to a Suspicion or Allegation of Abuse against Someone who is Not a Member of SBCC**

All allegations of abuse must be taken seriously. Although false allegations of abuse do occur, they are less than usual. If a child or vulnerable adult says or indicates that he/she is being abused or information is obtained which gives concern that a child or vulnerable adult is being abused, you must react as soon as possible that day in line with the following procedures.

Where there is uncertainty about whether the concern relates to abuse or misconduct, the Child and Vulnerable Adult Officer must firstly be consulted for advice on the appropriate course of action. If the Child and Vulnerable Adult Officer is unavailable, external agencies such as the Police and Social Work Department must be consulted for advice. This is important because they have an overview of child protection issues and they may well have other information that together causes concern.

On receiving information about a non-member that leads to a suspicion or allegation of abuse:

- Listen to the child or vulnerable adult as detailed in section 7.1 How to Listen to Disclosures.
- Pass your concerns to the Social Work Department or the Police in the area where the abuse is alleged to have occurred immediately (these are available 24 hours a day). Act on any advice given. At the earliest opportunity tell the Child and Vulnerable Adult Officer about the action taken.
- Make a full written record of what has been seen, heard and/or told as soon as possible in the child/vulnerable adult's own words.

The information must, where known, include the following:

- Name of child/vulnerable adult.
- Age, date of birth of child/vulnerable adult.
- Home address and telephone number of the child/vulnerable adult.
- The nature of the allegation in the child/vulnerable adult's own words.
- Any times, dates or other relevant information.
- Whether the person making the report is expressing their own concern or the concerns of another person.
- The child/vulnerable adult's account, if it can be given, of what has happened and how any injuries occurred.
- The nature of the allegation (include all of the information obtained during the initial account e.g. time, date, location of alleged incident).
- A description of any visible (when normally dressed) injuries or bruising, behavioural signs, indirect signs (do not examine the child/vulnerable adult).
- Details of any witnesses to the incident.
- Whether the child/vulnerable adult's parents/guardians/carers have been contacted.
- Details of anyone else who has been consulted and the information obtained from them.
- If it is not the child/vulnerable adult making the report, whether the child/vulnerable adult has been spoken to, if so what was said.
- Record, sign and date on the day what you have seen, heard or been told.
- If making an electronic copy do not save to the hard drive or floppy disk. Print off the record, sign and date, and then delete the electronic copy, that day.
- Pass the record to the Social Work Department or the Police.

**Remember: *Listen; Respond; Report and Record***

## **7.5 Responding to a Suspicion or Allegation of Abuse against a Member of the SBCC**

The feelings caused by the discovery of potential abuse by a member will raise different issues, e.g. disbelief that a member would act in this way. It is not the responsibility of a member to take responsibility or to decide whether or not a child or vulnerable adult has been abused. However, as with allegations against non-members, it is the responsibility of the individual to act on any concerns.

Any information that raises concern about the behaviour of a member towards a child or vulnerable adult must be passed on as soon as possible that day, in accordance with these procedures. No member in receipt of such information shall keep that information to himself/ herself or attempt to deal with the matter on their own.

These Procedures aim to ensure that all suspicions and/or allegations of abuse against a member are taken seriously and are dealt with in a timely and appropriate manner. They must be read in conjunction with the SBCC's Disciplinary Procedures.

### **7.5.1 On receiving information about a member that leads to a suspicion or allegation of abuse:**

- Listen to the child as detailed in section 7.1 How to Listen to Disclosures.
- Pass your concerns to the Child and Vulnerable Adult Officer on the day or if not available, the Social Work Department or the Police in the area where the abuse is alleged to have occurred (these are available 24 hours a day). Act on any advice given.
- Make a full written record of what has been seen, heard and/or told as soon as possible in the child/vulnerable adult's own words.
- Sign and date the record including what you have seen, heard or been told, that day.
- If making an electronic copy do not save to the hard drive or floppy disk. Print the record, sign and date, then delete the electronic copy, that day.
- Pass the record to the Child and Vulnerable Adult Officer or the Social Work Department or Police.

**Important Note:** Where the concern is about the Child and Vulnerable Adult Officer it must be reported to the [Chief Executive or equivalent].

### **7.5.2 Actions for the Child and Vulnerable Adult Officer when Concerns are Reported**

Before taking any action the Child and Vulnerable Adult Officer must always seek advice from the Police or Social Work Department.

Thereafter:

- **Establish Basic Facts** - the Child and Vulnerable Adult Officer must initially clarify the basic facts to establish whether there is reasonable cause to suspect or believe that a member may have abused a child and/or vulnerable adult.

**Important Note:**

- This may necessitate the child(ren) or vulnerable adult(s) involved being asked some basic, open-ended, non-leading questions solely with a view to clarifying the basic facts. It may also be necessary to ask similar basic questions of other children, or other appropriate individuals e.g. coaches. After seeking advice from the Police and/or Social Work Department, the parents/guardians may be approached to provide consent to speak to a child/vulnerable adult.
- Advice must be sought from the Police and/or Social Work Department as to whether the member about whom the allegation has been made may be approached as part of the initial enquiry.
- This process will not form part of the disciplinary investigation.

**Making a Referral in Cases of Suspected and/or Alleged Abuse** - If the basic facts support a suspicion or allegation of abuse:

- The Child and Vulnerable Adult Officer will refer the suspicion and/or allegation to the Social Work Department and the Police, as soon as possible that day.
- Appropriate steps may be required to ensure the safety of the child(ren) or vulnerable adult(s) who may be at risk.
- A record should be made of the name and designation of the Social Work Department member of staff or the Police Officer to whom the concerns were passed, together with the time and date of the call, in case any follow up is required.
- Following advice from the Social Work Department and/or Police, the parent/guardian of the child or vulnerable adult should be contacted as soon as possible.

**Important Note:**

- Reporting of the matter to the Police or Social Work Department must not be delayed by attempts to obtain more information. A Referral for Reporting Suspicions and/or Allegations of Abuse Against a Member of SBCC Form must be completed as soon as possible that day. Where possible, a copy of this form must be sent to the Police and Social Work Department within 24 hours.



### **Possible Outcomes following advice from Police**

Where the initial enquiry reveals that there is reasonable cause to suspect or believe that a member has abused a child and/or vulnerable adult there will be an investigation.

There are three types of investigation that can result:

- A disciplinary investigation
- A child protection investigation
- A criminal investigation

Following advice from the Police, disciplinary action may be taken in cases where a criminal investigation is ongoing provided sufficient information is available to enable a decision to be made and doing so does not jeopardise the criminal investigation.

Procedures 7.5.1 and 7.5.2 are summarised in Flowchart 1.

### **7.5.3 Managing the Member against whom the allegation has been made**

Following advice from the Police, if the decision is made that the member against whom the allegation has been made is to be informed, the member should be told an allegation has been made which suggests abuse. It is essential to preserve evidence for any criminal proceedings while at the same time safeguarding the rights of the member.

### **7.5.4 Suspension**

- Suspension is not a form of disciplinary action. The member may be suspended whilst an investigation is carried out.
- Suspension will be carried out by [name of person/group/panel responsible] in accordance with SBCC's Disciplinary Procedures.
- At the suspension interview the member will be informed of the reason suspension is taking place and given the opportunity to give a statement should he/she wish. Notification of the suspension and the reasons will be conveyed in writing to the member in accordance with SBCC's Disciplinary Procedures.

### **7.5.5 Managing False or Malicious Allegations**

- Where after investigation, the allegation is found to be false or malicious the member will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. The member involved may wish to seek legal advice.
- All records pertaining to the circumstances and investigation will be destroyed.
- Where this involves a member of SBCC, they will be advised of the appropriate counselling services available.



### **7.5.6 Managing Allegations of Historical Abuse**

- Allegations of abuse may be made some time after the event e.g. an adult who was abused as a child by a member who is still currently working with children. Where such an allegation is made the procedures for managing allegations of abuse, detailed in Sections 7.4 and 7.5, must be followed.

Requirements of the Protection of Children (Scotland) Act 2003 (PoCSA)

It would be useful to detail the requirements of PoCSA - in that any member (paid or unpaid) who harms a child or places a child at risk of harm and is removed or removes themselves from their position must be referred to Scottish Ministers to allow them to decide if the individual should become Fully Listed on the Disqualified from Working with Children's List (DWCL). If an individual is Provisionally Listed or Fully Listed on the DWCL it will be detailed on a Standard or Enhanced Disclosure certificate that has been accessed for a child care position. Those who are Fully Listed cannot be appointed to child care positions. If an organization appointed a Fully Listed individual into a child care position an offence will have been committed.

CRBS can offer training/guidance/support to organisations if required.

## **8. Sharing concerns with Parents, Guardians or Carers**

### **8.1 Where it is Not Abuse**

There is always a commitment to work in partnership with parents/guardians/carers where there are concerns about a child/vulnerable adult. Therefore in most situations, not involving the possibility of the abuse of a child or vulnerable adult, it would be important to talk to parents/guardians/carers to help clarify any initial concerns. For example, if a child or vulnerable adult seems withdrawn, he/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement. Common sense is advised in these situations however advice should be sought from the Child and Vulnerable Adult Officer if there is any uncertainty about the appropriate course of action.

### **8.2 Allegations of Abuse**

There are circumstances in which a child or vulnerable adult might be placed at even greater risk if concerns are shared e.g. where a parent/guardian/carer may be responsible for the abuse or not able to respond to the situation appropriately. In all cases of suspected or alleged abuse, advice and guidance must first be sought from the local Social Work Department or the Police as to who contacts the parents.

### ***Defamation***

Concerned adults may be reluctant to report suspicions of abuse for fear that the person suspected will sue them for defamation.

An allegation of abuse will always be defamatory but damages will not be awarded if the maker of the allegation can prove that it is true. Such allegations should not be made unless the maker of the allegation has a legal duty to make it and the Receiver has such a duty to receive it. Thus, a person may safely express concerns to, for example, the Police, a social work reporter, the Child and Vulnerable Adult Officer or a line manager in the governing body. Similar reciprocal duties exist between an employee and his/her employer or his/her employer's representative. Of course, the making of untrue allegations for purely malicious reasons would always be actionable.

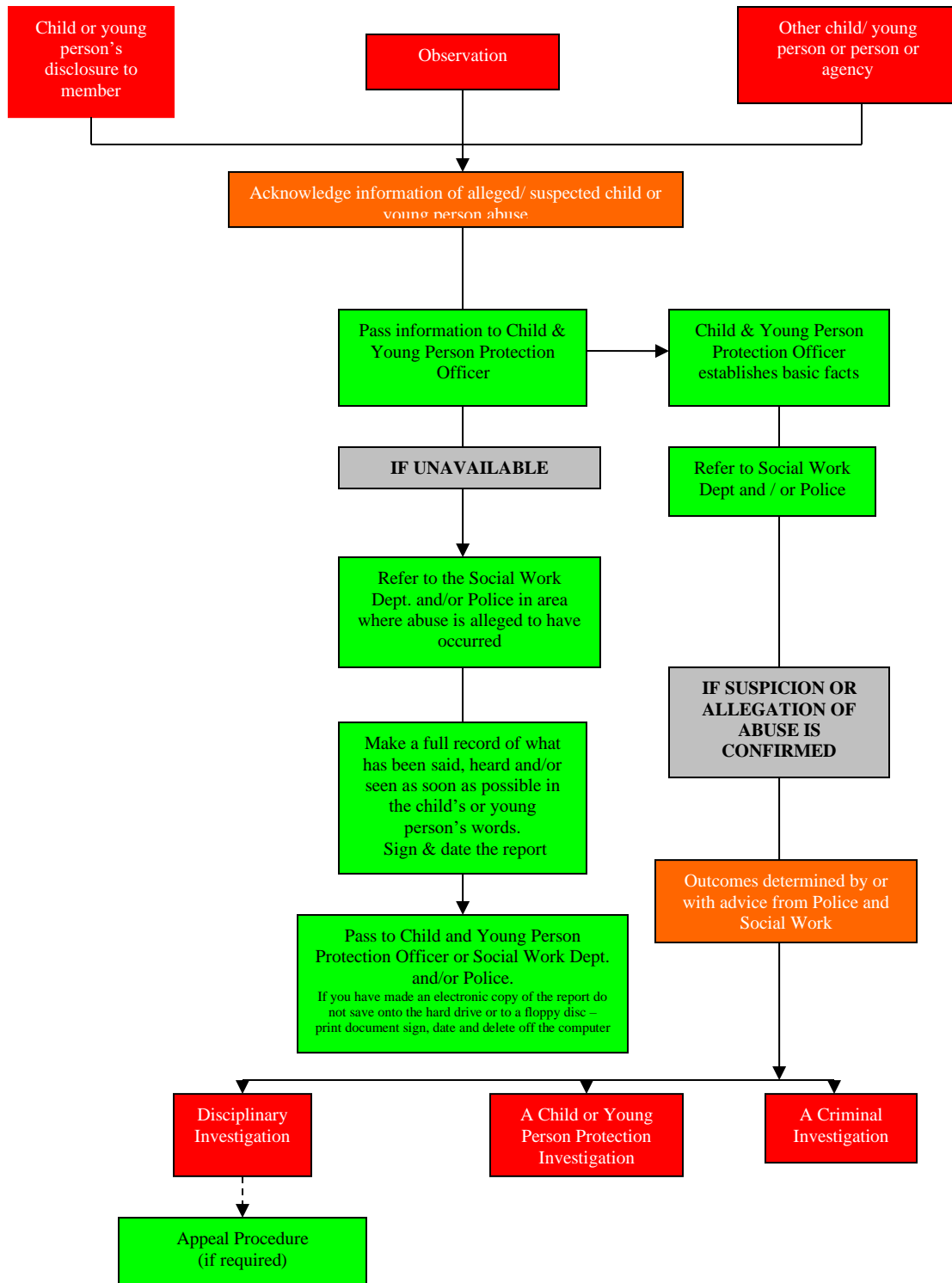
### ***Confidentiality***

Members receiving information about possible abuse should always treat that information as confidential in the sense that it must not be disclosed to anybody except those having a legal duty to receive it, for example the Police, a social work reporter, the Child and Vulnerable Adult Officer or a line manager in the governing body. Communicating information obtained from a Disclosure Certificate under the Police Act 1997 is a criminal offence. The Procedure for Managing Allegations or Suspicions of Abuse against members must be read in conjunction with your organisation's Disciplinary Procedure.

### **Documents for Reference**

SBCC Referral Form for Suspicions or Allegations of Abuse of a Child or Vulnerable Adult  
SBCC Policy and Procedures Legal Framework

**Flowchart 1: Procedure for Responding to Suspicions and/or Allegations of Abuse of a Child or Vulnerable Adult against a Member**



## **The Scottish Burned Children's Club**

### **Legal Framework**

The Scottish Burned Children's Club Child and Young Person Protection Policy and supporting Procedures are based on the following legislation and guidance:

- Children (Scotland) Act 1995
- Protection of Children (Scotland) Act 2003
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exclusions & Exceptions (Scotland) Order 2003)
- Criminal Procedure (Scotland) Act 1995
- Protecting Children 'A Code of Practice for Voluntary Organisations in Scotland Working with Children and Young People', 1995
- Sex Offenders Act 1997
- Sexual Offences (Amendments) Act 2000
- Data Protection Act 1998
- Police Act 1997 part V
- Protection of Children (Scotland) Act 2003
- Disclosure Scotland Code of Conduct 'Making Scotland Safer' (2002)
- Disclosure Scotland Code of Conduct 'Protecting the Vulnerable by Safer Recruitment' (2002)
- Protecting Children - A Shared Responsibility: Guidance on inter-agency co-operation, The Scottish Office 1998
- UN Convention of the Rights of the Child 1992

## Definition of Terms

### ***Child / Young Person:***

A child is defined as anyone under 16 years of age.

16 to 18 year olds:

Young people aged 16 to 18 years are sometimes classified as children in Scotland. In terms of the Children (Scotland) Act 1995, a 16 to 18 year old will be regarded as a child if they are subject to a supervision requirement through a Children's Hearing.

For the purposes of Part V of the Police Act 1997 and the Protection of Children (Scotland) Act 2003 a child is defined as anyone under the age of 18 years.

### ***Vulnerable Adult:***

The Police Act 1997 part V defines a Vulnerable Adult as those who are over the ages of 18 – please see attached definition.

For the purposes of Disclosure Certificate Checks this definition is soon to change - currently CRBS do not have the final definition.

Are unable to safeguard their own welfare or properly manage their financial affairs; **and**

- Are in one or more of the following categories:
- A person in need of care and attention by reason of either infirmity or the effects of ageing
- A person suffering from an illness or mental disorder
- A person substantially handicapped by a disability

Vulnerable Adults may be in need of health or social support services and may be unable to take care of himself/herself and to protect themselves from harm or exploitation.

A number of studies suggest that children and vulnerable adults are at increased risk of abuse. Various factors contribute to this such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse has occurred.

### ***Types of Abuse***

It is generally accepted that there are four forms of abuse. However, in some cases negative discrimination and bullying can have severe and adverse effects on a child or vulnerable adult. The Scottish Burned Children's Club is committed to protecting children and vulnerable adults from all forms of abuse.

Recognising child abuse is not easy and it is not a person's responsibility to decide whether or not a child or vulnerable adult has been abused. It is a person's responsibility to pass on any concerns and for the Police and/or Social Work Department to investigate.

The signs of abuse listed are not definitive or exhaustive. The list is designed to help The Scottish Burned Children's Club members to be more alert to the signs of possible abuse.

Children and vulnerable adults may display some of the indicators at some time; the presence of one or more should not be taken as proof that abuse is occurring. Any of these signs or behaviour must be seen in the context of the child/vulnerable adult's whole situation and in combination with other information related to the child/vulnerable adult and his/her circumstances. There can also be overlap between different forms of abuse.

### ***Emotional Abuse***

Emotional abuse is the persistent emotional ill treatment of a child or vulnerable adult such as to cause severe and adverse effects on their emotional development. It may involve conveying that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person.

It may feature age or developmentally inappropriate expectations being imposed on children or vulnerable adults. It may also involve causing a child or vulnerable adult to frequently feel frightened or in danger, or the corruption or exploitation of a child or vulnerable adult.

This may include the persistent failure to show self-respect, build self-esteem and confidence by children or vulnerable adults that may be caused by:

- Exposure to humiliating or aggressive behaviour or tone.
- Failure to intervene where self-confidence and worth are challenged or undermined.

### **Signs of possible emotional abuse:**

- Low self esteem
- Continual self-deprecation
- Sudden speech disorder
- Significant decline in concentration
- Immaturity
- 'Neurotic' behaviour e.g. rocking
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running away
- Indiscriminate friendliness

### **Neglect**

Neglect is the persistent failure to meet a child or vulnerable adult's basic physical and/or psychological needs. It may involve a parent or carer failing to provide adequate food, shelter, warmth, clothing and cleanliness. It may also include leaving a child home alone, exposure in a manner likely to cause unnecessary suffering or injury or the failure to ensure that appropriate medical care or treatment is received.

This could include the lack of care, guidance, supervision or protection that may be caused by:

- Exposure to unnecessary cold or heat.
- Exposure to unhygienic conditions, lack of food, water or medical care.
- Non-intervention in bullying or taunting.

Neglect, as well as being the result of a deliberate act, can also be caused through the omission or the failure to act or protect.

**Signs of possible neglect:**

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

**Physical Abuse**

Physical Abuse may involve the actual or attempted physical injury to a child or vulnerable adult including hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise harming them.

Physical Abuse may also be caused when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after. This situation is described as Munchausen's Syndrome by Proxy. A person may do this because they need or enjoy the attention they receive through having a sick child.

Physical abuse may also be a deliberate act, omission or failure to protect.

**Physical Abuse**

This may include bodily harm caused by lack of care, attention or knowledge that may be caused by:

- Failure to do a risk assessment of physical limits or pre-existing medical conditions.
- Administering, condoning or failure to intervene in drug use.

***Signs of possible physical abuse:***

Most children will sustain cuts and bruises throughout childhood. These are likely to occur in boney parts of the body like elbows, shins and knees. In most cases injuries or bruising will be genuinely accidental. An important indicator of physical abuse is where bruises or injuries are unexplained or the explanation does not fit the injury or the injury appears on parts of the body where accidental injuries are unlikely e.g. on the cheeks or thighs. The age of the child must also be considered. Signs of possible physical abuse include:



Unexplained injuries or burns, particularly if they are recurrent, improbable excuses given to explain injuries.

- Refusal to discuss injuries.
- Fear of parents being approached for an explanation.
- Untreated injuries, or delays in reporting them.
- Excessive physical punishment to themselves.
- Arms and legs kept covered in hot weather.
- Avoidance of swimming, physical education etc.
- Fear of returning home.
- Aggression towards others.
- Running away.

When considering the possibility of non-accidental injury it is important to remember that injuries may have occurred for other reasons e.g. skin disorders, rare bone diseases.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or vulnerable adult to take part in sexual activities whether or not they are aware of or consent to what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may include non-contact activities such as forcing children or vulnerable adults to look at or be involved in the production of pornographic material, to watch sexual activities or encouraging them to behave in sexually inappropriate ways.

Boys and girls can be sexually abused by males and/or females, including persons to whom they are not related and by other young people. This includes people from all lifestyles.

### **Sexual Abuse**

This could include contact and non-contact activities and may be caused by:

- Exposure to sexually explicit inappropriate language, jokes or pornographic material
- Inappropriate touching
- Having any sexual activity or relationship
- Creating opportunities to access children or vulnerable adults' bodies

Not all children or vulnerable adults are able to tell that they have been sexually assaulted. Changes in their behaviour may be a signal that something has happened. It is important to note that there may be no physical or behavioural signs to suggest that a child or vulnerable adult has been sexually assaulted. A child or vulnerable adult who is distressed may display some of the following physical, behavioural or medical signs that should alert you to a problem. It is the combination and frequency of these that may indicate sexual abuse. Always seek advice.

### ***Signs of possible sexual abuse:***

- Behavioural
- Lack of trust in adults or over familiarity with adults
- Fear of a particular adult
- Social isolation - withdrawn or introversion
- Sleep disturbance (nightmares, bed-wetting, fear of sleeping alone, needing a night light)
- Running away from home
- Girls taking over the mothering role
- Sudden school problems e.g. falling standards, truancy
- Reluctance or refusal to participate in physical activity or to change clothes for games
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's age e.g. French kissing
- Unusual interest in the genitals of adults, children or animals
- Fear of bathrooms, showers, closed doors
- Abnormal sexual drawings
- Fear of medical examinations
- Developmental regression
- Poor peer relationships
- Over sexualised behaviour
- Compulsive masturbation
- Stealing
- Irrational fears
- Psychosomatic factors e.g. recurrent abdominal or headache pain
- Sexual promiscuity
- Eating disorders

### ***Physical or Medical signs***

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

### **Negative Discrimination (including racism)**

Children and vulnerable adults may experience harassment or negative discrimination because of their race or ethnic origin, socioeconomic status, culture, age, disability, gender, sexuality or religious beliefs. Although not in itself a category of abuse, it may be necessary for the purposes of the Child and Vulnerable Adult Protection Policy and Procedures, for negative discriminatory behaviour to be categorised as emotional abuse.

Important Note: All organisations working with children and vulnerable adults including those operating where black and ethnic communities are numerically small, should address institutional racism, defined in the MacPherson Inquiry report on Stephen Lawrence as:

***‘The collective failure by an organisation to provide appropriate and professional service to people on account of their race, culture and/or religion’.***

### **Bullying**

It is important to recognise that in some cases of abuse, it may not always be an adult abusing a young person or vulnerable adult.

It can occur that the abuser may be a young person, for example in the case of bullying. See Scottish Burned Children’s Club Guidelines for Identifying and Managing Bullying.