



Child Protection and Safeguarding Policy

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1. Child Protection and Safeguarding Policy

1.1 Introduction

The work of Together (Scottish Alliance for Children's Rights) is underpinned by the United Nations Convention on the Rights of the Child (UNCRC). This defines 'a child' as being any person under the age of 18 years old (UNCRC Article 1). Protecting children ¹ is crucial to ensuring that they have the rights, information and space in which they can express their views and communicate effectively with other children and adults. Human rights can only be respected, protected and fulfilled if children are safeguarded from abuse, discrimination and harm of any kind, be it physical, sexual, emotional or neglect.

"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

Article 19, UN Convention on the Rights of the Child

At all times in our dealings with children, Together (Scottish Alliance for Children's Rights) seeks to promote their wellbeing and to protect them from harm in so far as we are able to do so. Children have the right to protection from harm. Together undertakes to always pass on information which

¹ For the purposes of this document, the term 'children' includes all those under the age of 18 years-old in line with Article 1 UNCRC.

indicates that a child may be at risk of significant harm. This policy offers Together's understanding of what our safeguarding responsibilities are, and what we will do if abuse or risk of harm is suspected.

1.2 Scope

This policy applies to all of Together's work, including events and activities we participate in as well as lead. The scope of this policy applies to:

- All staff; Trustee Board members; interns and volunteers.
- All those acting on behalf of Together, such as members, consultants or trainers.
- All those adults accompanying children to events and activities organised by Together.
- All those who participate in Together events and meetings involving children including journalists, funders, policy makers, etc.

All those mentioned above have an individual responsibility to maintain high standards of conduct and behaviour and throughout this policy will be referred to as a 'Together representative'.

This policy should be read in conjunction with other Together policies, procedures and guidance.

1.3 Child Protection Roles and Responsibilities

All Together staff and trustees must undergo appropriate Disclosure and Protection of Vulnerable Groups (PVG) checks, including for suitability. All Together staff and trustees should participate in a Child Protection and Safeguarding training session before or soon after starting work with the organisation. They should also read and confirm they understand the policy and procedure, having had an opportunity to discuss its contents. All staff and trustees should undertake at least 2-yearly Child Protection and Safeguarding refresher training courses. In addition, Together staff and trustees have the following responsibilities:

Board of Trustees

Trustees have duties to manage risk and protect Together's reputation. This includes acting in the interests of children who Together meets in our work and support our members in taking steps to keep children safe and protect from harm.

Designated Child Protection Officer (DCPO)

The Designated Child Protection Officer for Together responsible for dealing with any concerns about the protection of children is: Juliet Harris, Director juliet@togetherscotland.org.uk / 07775 866518.

The role of the Designated Child Protection Officer is:

- To ensure all Together representatives who are likely to come into contact with children are made aware of this policy as part of their induction.
- To act as the first point of contact for staff, trustees, volunteers and members concerned about the safety and welfare of a child or young person.
- To be responsible for contacting the appropriate agency in cases where a child or young person is at risk of harm (e.g. social work, police or the referral agency).
- Have a working knowledge of the relevant legislation and national guidance in protecting children and vulnerable adults and be familiar with Child Protection Committee (CPC) procedures.
- To ensure that all staff/volunteers know where they can find the Child Protection and Safeguarding policy and procedures.
- To manage all referrals, refer all cases of suspected abuse to the appropriate agency either Social Care and/or Police and ensure that appropriate information is available, confirmed in writing under confidential cover as quickly as possible.
- To liaise with appropriate local agencies for support and advice and know where to find local contacts.
- To organise training of staff on responding to child protection concerns and advise of training needs.
- To collect monitoring data on all child protection activities across the organization.
- To support staff reporting concerns and advise as appropriate and make appropriate decisions about the actions needed to protect children.
- To demonstrate an awareness and understanding of current issues within the field of keeping children safe, such as child sexual exploitation and online safety.
- To work with the Board of Trustees to lead on reviewing, updating and developing Together's Child Protection and Safeguarding Policy and procedures and monitoring its implementation.

Together staff and wider representatives

Together representatives at all levels have a key role in developing and maintaining a culture that protects children and promotes their welfare. They have a duty to exercise 'professional curiosity', question, challenge and raise concerns when they feel something is wrong, making reference to the UNCRC and the National Guidance for Child Protection in Scotland (2021).

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1.4 Legal and Policy Frameworks

The following national legislative and policy initiatives inform our practice as appropriate:

- UN Convention on the Rights of the Child
- Children and Young People (Scotland) Act 2014
- Children (Scotland) Act 1995
- Protection of Vulnerable Groups (Scotland) Act 2007
- Disclosure (Scotland) Act 2020
- The Children's Charter
- Getting it Right for Every Child 2005
- The Children (Scotland) Act 2020
- General Data Protection – Data Protection Act 2018.
- National Guidance for Child Protection in Scotland (2021)
- Local CPC procedures/guidance

1.5 Code of Conduct

Together's Code of Conduct is in place for all Together representatives to ensure they know how to behave and also what to expect if they do not behave accordingly, alongside how to report if they have concerns.

- Wherever possible avoid spending time with children unobserved and where absolutely necessary invite children to bring a friend, move into view of others or leave the door open.
- Where a private conversation is absolutely necessary inform another Together representative of your whereabouts and approximately how long you will be with the child.
- Together representatives should watch out for each other. Are colleagues being drawn into situations that could be misinterpreted? How colleagues' view each other's practice will be how outsiders will view it, including parents.
- Be aware of any physical contact with children. Where necessary for example when there has been an accident ensure that you are treating the person for the injury but ask the child if it is okay to treat them/if they would like a hug. If a younger child is asking for physical comfort, such as a hug or cuddle then the staff member should provide this if they are happy to do so. Any physical comfort such a hug or cuddle must stop immediately if the child asks for it to stop. Contact should stop if the child appears to be happy, healthy and safe. Do not continue with additional contact if it is unnecessary.
- Do not have or be perceived to have favourite children.
- Do not give lifts to children outside agreed activities.
- Do not take children to your home. Always make sure that you make a record of any home visit and your manager is aware of this.

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- Where it is necessary to take a child in your car ensure that your manager/colleague is aware of this and approximately how long you will be. Take a mobile phone to communicate any reasons for delays. Ask the child to sit in the back.
- Do not use physical punishments or any action that involves locking up a child.
- Do not arrange meetings outside working hours. Do not develop social relationships with children working with Together. If you come into contact with a child you know professionally in a social setting, ensure your behaviour is appropriate for the setting and remains professional. If a child asks or initiates physical contact (e.g. hand shake/hug) then you may provide that. Where possible, you should introduce themselves to the adults with the child, if it is the first time you have met.
- Do not buy goods or use the services of children or their friends.
- Do not accept any money or gifts from children. Tell children of Together's policy to ensure they do not feel offended.
- Do not give personal money or gifts to children or borrow money from children.
- Do not 'friend' or 'follow' children on any social media sites. If a child 'friends' or 'follows' you on social media from an account that they use to highlight their work as a child human rights defender, you can accept the request and/or follow them back.

1.6 In all our work with parents and carers we will:

- Advise them at the start of service of our duty to report child wellbeing, welfare and protection concerns.
- Ensure the child's wellbeing is at the centre by maintaining a clear focus on the needs of the child and acting in their best interests.
- Work in partnership with parents maintaining appropriate boundaries and explicit objectives.
- Communicate clearly and openly and work in a planned way.
- Support parents/carers where appropriate when concerns for a child are identified.
- Seek support from manager/DCPL within supervision when concerns have been identified or investigated.

2. Child Wellbeing

We recognise that there are times when action can be taken to improve the wellbeing of children before a child protection concern arises. Together recognises the benefits of early intervention to address problems promptly.

All Together representatives will have an understanding of the Wellbeing Wheel, which defines 7 key areas of wellbeing that are relevant for all children. When Together representatives feel concerned that one or more of these areas of wellbeing are compromised that Together representative should:-

- Record what has been seen, heard or known of at the time the event occurs on the Child protection referral/record form; and
- The Together representative should discuss this concern with their Designated Child Protection Officer (DCPO) and agree action to be taken, which will usually involve sharing appropriate information which is in the best interests of the child with the referral agency e.g. school or Social Work.
- **Always REFER never INVESTIGATE** any suspicions or allegations about abuse.

Children from birth to 18, or beyond if still in school, may have a Named Person to help support their wellbeing within the GIRFEC approach (this needs to be checked if applicable within your own area). The Named Person is a central point of contact if a child, young person or their parent(s) want information or advice, or if they want to talk about any worries and seek support. They can also, when appropriate, reach out to different services who can help. The Named Person will be the headteacher, or guidance teacher or other promoted member of staff - for a school age child. For Pre-school children, this will be their health visitor.

The Named Person will be a point of contact for the DCPO for any concerns about a child's welfare and wellbeing. The Named Person will carefully consider the situation by asking five questions:

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

Once they have considered the situation, a Named Person will discuss this with the child's parent(s) and other appropriate professionals if required, to assess what needs to be done to improve the child's or young person's wellbeing. They may plan what action(s) will be taken next and arrange appropriate review dates for the plan. Each situation and concern will be unique to the child or young person, and the way they are supported will be tailored to their individual needs. If a matter is serious enough then a referral will be made to Social Work Services or Police Scotland. If the Named Person is not in place within the local authority area the child lives in, then the DCPO can call the local social work office or NSPCC on 0808 800 5000 to discuss concerns).

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3. Child Protection and Safeguarding Procedure

The 4Rs of child protection

Together Child Protection and Safeguarding Policy is based on the 4R's of Child Protection:

Recognise any concerns for children at risk that you are working with, this may be welfare/wellbeing or child/adult protection.

Respond appropriately to any concerns about a child/young person within Together's policy and procedures.

Refer – this will be the responsibility of the DCPO following discussion with yourself and others. This may include calling local statutory services or the NSPCC Helpline on 0808 800 5000.

Record – once you have discussed any concerns with the DCPO you must record this information using Together's recording form.

3.1 RECOGNISE - What is Abuse and Neglect?

Abuse and neglect are forms of maltreatment. Abuse or neglect may involve inflicting harm or failing to act to prevent harm. Children may be maltreated at home, within a family or peer network, in care placements, institutions or community settings. Those responsible may be previously unknown or familiar, or in positions of trust. They may be family members. Children may be harmed pre-birth, for instance by domestic abuse of a mother or through parental alcohol and drug use. Abuse occurs in all sectors of society, regardless of age, religion, social class and sex. The following definitions show some of the ways in which abuse may be experienced by children but are not exhaustive, as the individual circumstances of abuse will vary.

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.

There may be some variation in family, community or cultural attitudes to parenting, for example in relation to reasonable discipline. Cultural sensitivity must not deflect practitioners from a focus on a child's essential needs for care and protection from harm, or a focus on the need of a family for support to reduce stress and associated risk.

Emotional abuse

Emotional abuse is persistent emotional ill treatment that has severe and persistent adverse effects on a child's emotional development. 'Persistent' means there is a continuous or intermittent pattern which has caused, or is likely to cause, significant harm. Emotional abuse is present to some

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extent in all types of ill treatment of a child, but it can also occur independently of other forms of abuse. It may involve:

- conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person.
- exploitation or corruption of a child, or imposition of demands inappropriate for their age or stage of development.
- repeated silencing, ridiculing or intimidation.
- demands that so exceed a child's capability that they may be harmful.
- extreme overprotection, such that a child is harmed by prevention of learning, exploration and social development.
- seeing or hearing the abuse of another (in accordance with the Domestic Abuse (Scotland) Act 2018)

Sexual abuse

Child sexual abuse (CSA) is an act that involves a child under 16 years of age in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening.

For those who may be victims of sexual offences aged 16-17, child protection procedures should be considered. These procedures must be applied when there is concern about the sexual exploitation or trafficking of a child.

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 indecent images, in watching sexual activities, using sexual language towards a child, or encouraging children to behave in sexually inappropriate ways.

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a person under 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact. It can also occur through the use of technology. Children who are trafficked across borders or within the UK may be at particular risk of sexual abuse.

Criminal Exploitation

Criminal exploitation refers to the action of an individual or group using an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity in exchange for something the victim needs or wants, or for the financial or other advantage of the perpetrator or facilitator. Violence or the threat of violence may feature. The victim may have been criminally exploited, even if the activity appears consensual. Child criminal

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exploitation may involve physical contact and may also occur through the use of technology. It may involve gangs and organised criminal networks. Sale of illegal drugs may be a feature. Children and vulnerable adults may be exploited to move and store drugs and money. Coercion, intimidation, violence (including sexual violence) and weapons may be involved.

Child Trafficking

Child trafficking involves the recruitment, transportation, transfer, harbouring or receipt, exchange or transfer of control of a child under the age of 18 years for the purposes of exploitation. Transfer or movement can be within an area and does not have to be across borders. Examples of trafficking can include sexual, criminal and financial exploitation, forced labour, removal of organs, illegal adoption, and forced or illegal marriage.

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. 'Persistent' means there is a pattern which may be continuous or intermittent which has caused, or is likely to cause significant harm. However, single instances of neglectful behaviour by a person in a position of responsibility can be significantly harmful. Early signs of neglect indicate the need for support to prevent harm.

Once a child is born, neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment), to protect a child from physical and emotional harm or danger, to ensure adequate supervision (including the use of inadequate caregivers), or to seek consistent access to appropriate medical care or treatment.

Neglect may include unresponsiveness to a child's essential emotional needs. 'Non-organic failure to thrive' refers to an inability to reach normal weight and growth or development milestones in the absence of medically discernible physical and genetic reasons. This condition may be associated with chronic neglect.

Malnutrition, lack of nurturing and lack of stimulation can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. For very young children the impact could quickly become life-threatening. Chronic physical and emotional neglect may also have a significant impact on teenagers.

Female Genital Mutilation

This extreme form of physical, sexual and emotional assault upon girls and women involves partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. Such procedures are usually conducted on children and are a criminal offence in Scotland. FGM can be fatal and is associated with long-term physical and emotional harm.

Forced Marriage

A forced marriage is 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

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abuse. Forced marriage is both a child protection and adult protection matter. Child protection processes will be considered up to the age of 18. Forced marriage may be a risk alongside other forms of so called 'honour-based' abuse (HBA). HBA includes practices used to control behaviour within families, communities, or other social groups, to protect perceived cultural and religious beliefs and/or 'honour'.

3.2 RESPOND

If a child is subject to any forms of abuse or neglect their behaviour may change – for example they may be withdrawn or depressed; they may be fearful or destructive, or may have sexual knowledge or display behaviour which is not appropriate for the child's age and maturity. Whilst Together representatives should be aware of any behaviour which makes them feel uneasy, there can also be other explanations for such behaviour. Children may also disclose information which suggests harm, actual or potential, in relation to either themselves or another child or young person.

You should be aware that:

- **It is not your responsibility to investigate** suspected cases of abuse.
- You should not take any action beyond that in Together's procedures, **and**;
- You cannot promise a child/adult complete confidentiality – you must explain that you may need to pass information to other professionals to help keep the child or other children safe.

If a Together representative has any concerns about a child or young person who may be at risk of abuse or neglect, **they must not act on this in any way other than to immediately inform the DCPO.** The DCPO will report to a nominated Board Member, and they will agree what action is required.

If we have concerns, we must act – it may be the final piece of the jigsaw that is needed to protect that child, or we may prevent other children from being hurt.

- **If immediate action is necessary** because concerns are so serious and if the DCPO is not available, the Together representative should contact a nominated Board Member, whom failing call Police or Emergency Social Work services. They should share their concerns along with the name of the child if known, where the name is not known a description of the child should be given.
- **Under no circumstances** should the Together representative question a child, beyond establishing the basic facts (name, address and concern). Nor should they discuss their concerns with a parent or accompanying adult. It is not the function of a Together representative who has received information and/or who has concerns about a child to investigate or make a decision about the information.
- **The Together representative should make a written note** of their concern including what the

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child has said, and to whom (and when) these concerns have been reported. They should then give this to the nominated Board Member who will keep these notes in an agreed and shared secure place, in line with Together's Data Protection Policy.

- **If a child discloses abuse verbally**, the Together representative must listen, not ask questions, not prompt the child to go on and must not put words in a child's mouth. What the child has said must be reported following the procedures as outlined above.
- The Together representative should also **explain to the child that they cannot keep quiet** but must share their concerns and explain why and who with – to help keep them safe from harm.
- **Under no circumstances should such information or observations be ignored.** On receipt of concerning information, the Together representative should:
 - **receive** the information, listening actively and taking their concerns seriously.
 - **re-assure** the child.
 - **record** the information.
 - **report** their concerns as above.

How to respond to disclosure of abuse (including historical abuse)

Adults don't always recognise, understand or react appropriately when a child starts to tell them about experiences of abuse and that this can mean that they don't get the support they need. If a child discloses abuse, (or you observe or are informed through a third party) remember that this may be the beginning of a legal process, as well as of a process of recovery. Legal action against a perpetrator can be seriously damaged by any suggestion that the child/adult has been led in any way.

You should follow this guidance as far as possible:

- **Show children that you care, help them. Open up.** Give them your full attention and make sure your body language is open and encouraging. Be compassionate, be understanding and reassure them their feelings are important. Phrases like "you've shown such courage today" help.
- **Ask open, non-leading questions – Remember it is not your role to investigate.** Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said. Respect pauses and don't interrupt them – let them go at their own pace. Recognise and respond to their body language. And remember that it may take several conversations for them to share what's happened to them.
- **Re-assure** that they are being courageous in 'telling'. Show you understand. Make it clear you're interested in what they're telling you. Reflect back what they've said to check your understanding – and use their language to show its their experience.
- **Do not make value judgements** about an alleged abuser/s and what has taken place.
- **Explain that information will be passed on** to another member of staff and explain why this is important.
- If the child decides to withdraw at this stage, you should stress that they can have further discussions in the future – that there will always be someone to listen to them. You should also give the child alternative sources of support such as the telephone number of **ChildLine**

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– **0800 11 11**. However, you should also tell the child/adult should also be told that their current concerns will be passed on.

- **Explain the next step, be open and honest**, reassure that they will be kept informed of what is happening and will be supported as appropriate. Any information subsequently shared with the child/adult should always be appropriate to their age and stage of development and should not breach the confidentiality of any other parties involved.
- **Treat the allegation very seriously** and report it immediately to DCPL/CPL. It is not any staff member's responsibility to deal with concerns on their own.
- **Write down** exactly what you have been told using the Child Protection and Wellbeing (Safeguarding) Referral/Record form (see appendix). Always try to record what the child/adult said (if a verbal allegation) and the words they used. If the allegation came to light through other sources (e.g. drama, play etc.), include any original material (if available) with the completed pro-forma. A copy of the record may be required (at a later date) as part of the child/adult protection process or as evidence for future criminal prosecution.
- **Remember that the child's/adult's welfare is paramount** even where the child's parents/carers are considered to be the primary client(s) of your service.
- **On no account speak with the parent/carer** about what has happened until the DCPL has advised on the next step.
- **Where the need for urgent medical intervention** is indicated, the DCPL must take action to ensure medical treatment. First aid and urgent removal to hospital accompanied by an appropriate staff person will be a priority.
- **Where there is any immediate danger or significant concern** for the child or young person's safety, the DCPL must take action to immediately notify/report to police.
- **Ask for support**. It is recognised that dealing with child/adult protection concerns can have stressful consequences for workers so the provision of support is essential. Together offers a range of support including the Employee Assistance Programme through which staff can obtain impartial advice and support 24 hours a day, 365 days a year by calling 0800 371 540.

3.3 Making a Child Protection Referral - REFER

Inform your line manager and DCPL as soon as possible when you have a concern. They will assess the nature of the concern and decide the most appropriate course of action. In their absence, you can contact Social Work or NSPCC.

The DCPL will assess the information and decide whether the concern is reportable in terms of this procedure. The manager may wish to discuss the potential referral in advance with the relevant social work department.

The DCPL will make clear any concerns which will consider any immediate response. Taking into account the child's developmental stage and any information about the parents/carers ability to respond to these needs in the context of their family and environment.

Any child protection referral made by Together will be done so in discussion with the DCPL. This may include the following:

- A child or young person makes a clear allegation of abuse or neglect, whether this is current, recent or historical.
- A child has been abandoned.
- Concerns have arisen in relation to a child on the child protection register or supervision order.
- A child sustains an injury (with concerns about how it was caused), is being denied access to medical assessment.
- There are any circumstances which suggest that a child is suffering or is likely to suffer significant harm including being sexually exploited (including online), is missing from home, or there are additional concerns about their vulnerability (e.g Female Genital mutilation, Forced marriage, domestic abuse, parent's substance use or mental health, self-harm, human trafficking).
- A member of the public makes an allegation that someone has abused a child.
- Professional concern exists about abuse or neglect, despite no allegation being made (see disclosure below).
- Concern exists about a child having contact with a person who may pose a risk, or potential risk, to children.

The DCPL will in discussion with social work decide who will inform the parents/carers (if appropriate) within 24 hours.

Together DCPL will follow up and record the outcome of all referrals made to social work to ensure any referral made is properly dealt with by Social Work, in accordance with this policy and the local inter-agency guidelines.

The DCPL will 'own' the referral until they are satisfied that the concerns raised have received an appropriate response. Follow up the referral within 2 working days if no communication is received, or sooner, depending on assessment of level of risk.

3.4 RECORD – confidentiality and information sharing

Sharing relevant information is an essential part of protecting children from harm. Together representatives should understand when and how they may share information and will be supported and guided within the law, these procedures and supervision.

Where there is a child protection concern, the DCPO should share relevant information with police or social work without delay, provided it is necessary, proportionate and lawful to do so. The lawful basis for sharing information should be identified and recorded.

Together's DCPO may share relevant information order to:

- clarify if there is a risk of harm to a child.
- clarify the level of risk of harm to a child.
- safeguard a child at risk of harm.
- clarify if a child is being harmed.

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- clarify the level of harm a child is experiencing.
- safeguard a child who is being harmed.

Professional judgement must always be applied to the available evidence about each specific emerging concern, and about what is relevant, proportionate, and necessary to share. The concern must be placed in the context of available observed and recorded information about the particular child, their needs and circumstances

Consent to share

UK General Data Protection Regulation (GDPR) sets a high standard for consent and, in most cases where there are child protection concerns, consent is unlikely to be an appropriate lawful basis to rely upon as it requires that individuals have real choice and control about the processing of their personal data. Relying on 'consent' as the lawful basis is not appropriate if, for example, refusal to give consent would prejudice a criminal investigation or might lead to serious harm to the child. Furthermore, due to the power imbalance between a child or families and the authorities, it would be difficult to demonstrate that consent was freely given. In matters of child protection, it is therefore likely that reliance on consent would be the exception and not the rule.

Sharing without consent

Where there may be a child protection concern, information may be lawfully shared without the need for consent to be obtained from the individual(s) to whom the information relates. The following considerations will be helpful to support relevant, proportionate, timely, safe and effective information sharing.

- If there is evidence that a child is at risk of significant harm, relevant information can be shared with a statutory agency without delay. Consent is not required or appropriate because the information must be shared in order to protect the child. Consent should only be sought when the individual has a real choice over the matter. However, where appropriate, agreement and understanding about the sharing of information may be helpful in engaging individuals in the process.
- The needs, feelings, views and wishes of the child should be taken into account and documented. They may also need additional support to understand and communicate.
- Information sharing decisions must be based not only upon considerations about the safety and wellbeing of the individual, but also the safety of others.
- Information can be shared without consent if, for example, a practitioner is unable to gain consent from the individual in time to prevent risk of harm, or if gaining consent could place a child at risk.
- Relevant personal information can be shared lawfully if, for example, it is to keep a child or individual at risk safe from neglect or physical, emotional or psychological harm. This must be done in a way that complies with the relevant areas of law such as data protection, human rights and confidentiality.

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- In all circumstances, it is important to be transparent with children and families so that they know what information is to be shared or has been shared and in what circumstances. In certain exceptional circumstances, it may not be appropriate to advise the individual that information is to be shared.
- Children and their families should also be aware that they can challenge whether sharing information is proportionate.
- A record should be made of the reasons and considerations that informed the decision to share the information.

If, where there is a possible child protection concern, a decision is made not to share information, the DCPO should consider:

- What are the reasons for deciding not to share information?
- What harm could result if this information is not shared?
- What are the possible risks for the child or young person or for others if information is not shared and how serious could those risks be?

Reasons for not sharing should be recorded.

Guiding principles for information sharing

Information shared must only be that which is necessary for child protection purposes and in line with the UNCRC.

Individuals about whom information is being shared should not be put under pressure to consent to the sharing of their information. They should be informed and involved in such a way that they understand what is happening and why.

They should also be told what information about them is being shared, with whom and why this is necessary, unless to do so would be detrimental to:

- the best interests of a child
- the health or safety of a child or another person
- the prevention or detection of crime (e.g. creating a risk of harm to a child)
- **or:** the apprehension or prosecution of offenders
- **or:** it is not reasonably practical to contact the person
- it would take too long given the particular circumstances (e.g. where you have to act quickly)
- the cost would be prohibitive
- there is some other compelling reason

Information sharing must be:

- timely in relation to the child protection concern
- secure in the manner in which it is shared
- explicit in the records about any dispute in facts or opinions shared

Shared information and records held must:

- state with whom the information has been shared and why
- be accurate and up to date
- be explicit about reasons for sharing or not sharing information.

Information sharing that may be viewed as interfering with the right to private family life can only be lawful if it is done in a way that is proportionate to the achievement of a legitimate aim.

Records should only be retained for a period of seven years and destroyed in line with Together's Data Retention Policy. Collection, sharing and any other processing of special categories data made under this policy are also covered by the appropriate policy document referred to above.

When information is requested by other organisations this must be passed to the DCPO and the Data Protection Officer for consideration. A decision to share information or not must be recorded and stored appropriately.

3.5 Escalation process – what to do if concerns are not being appropriately acted upon.

Escalating is the course of action that should be taken when there are concerns that a child's safety is compromised and the current action of either Together or other external agencies do not support the protection of a child. This also applies if Together has concerns that an external agency is not acting on concerns appropriately.

If you have concerns about the safety or welfare of a child and feel they are not being acted upon by your manager or DCPL you can take further advice from social care yourself, contact the NSPCC Helpline however in the first instance, the aim should be to resolve the disagreement at the lowest level between those involved. If this fails, the matter will be raised with DCPL for further discussion and agreed course of action. As above, a record of all conversations and actions must be kept.

3.6 Allegations against Together representatives

Any concerns about the welfare of a child or vulnerable adult arising from alleged abuse or harassment by a Together representative must be reported immediately to Together's DCPO. In the first instance, a senior manager, or where the senior manager is the subject of an allegation, the Chair of the Board should immediately discuss the allegation with the police who will advise next steps. Where it is clear that an investigation by the police is unnecessary, the DCPO should discuss the next steps with the Together's Executive Sub-Committee.

Registered Office:

Together (Scottish Alliance for Children's Rights), The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL
The Scottish Charitable Incorporated Organisation (SCIO), Charity Reg No. SC029403

Concerns about a Together representative may fall into any of the following three categories where someone has:

- Behaved in a way that has harmed the child, or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to as a member of staff s/he is unsuitable to work with children.

If Together removes an individual (paid or unpaid) from work such as looking after children or adults (or would have, had the person not left first) because the person poses a risk of harm to children or adults, the DCPO must make a referral to the Disclosure Scotland. It is an offence to fail to make a referral without good reason.

Supporting Together staff, volunteers and trustees

- Together has a duty of care to our staff, volunteers and trustees. Together will provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended.
- Suspension should be carefully considered and is not automatic.
- It is essential that any allegation is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- All options to avoid suspension should be considered prior to taking that step.

Whistleblowing

Together understands that Together representatives will often be the first to know when someone inside or connected with the organisation is doing something illegal, dishonest, or improper, but may feel apprehensive about voicing their concerns. However, it is in the interest of everyone, and the organisation that individuals with knowledge of wrongdoing are supported in reporting such behaviour.

Any individual with knowledge of any such activities should follow Together's Whistleblowing policy or alternatively call NSPCC Whistleblowing advice line on 0808 028 0285.

3.7 Working with members and partners

Where Together is working with members or other external partners and has a formal partnership agreement, there must be a clause in the agreement that requires members/partner to have appropriate child protection policies and practices in place. It is the responsibility of Together staff to ensure this is in place.

Where work is being carried out with or by an external organisation that will involve children and there is no formal agreement in place, Together staff must liaise with the external organisation child protection lead to ensure that the Together DCPL:

- is satisfied that appropriate protection policies and procedures are in place and would be implemented;
- that Together representatives is aware of them and knows who the child protection officer is in the event of having to report a matter to them.

Any concerns relating to Child Protection that arise when working with Together members and partners should be shared with this designated staff member and an agreement reached as to who should contact the core agencies (Police, Social Work, Health). If the designated staff member decides that there is no Child Protection concern, but Together representatives remain concerned, this should be reported to the Designated Child Protection Officer within Together and the concern raised with the core agencies directly by Together.

3.8 Review

The Child Protection and Safeguarding Policy will be reviewed and approved by the Together Board of Trustees on an annual basis, or more frequently if required.

APPENDIX: Child Protection and Wellbeing (Safeguarding) Referral Form- CONFIDENTIAL

Name of child:		
Gender: (M/F)	DoB:	Language: Interpreter needed?
Address:		
Post Code:		
Phone:		
Member / partner organisation:		
Main carer/support worker (specify relationship)	Name	Address and Phone No
Is the main carer/support worker aware of the referral?		
Yes <input type="checkbox"/>		
No <input type="checkbox"/> State reason		
Does the child/adult know a referral is being made? Yes <input type="checkbox"/>		
No <input type="checkbox"/> State reason		
Other relevant Information (e.g. GP, Health Visitor Name, Named Person)		
Reason for concern:		
(State briefly what child/adult said or what you observed that caused concern. Include date, time, event)		
Area of Risk: Physical <input type="checkbox"/> Neglect <input type="checkbox"/> Emotional <input type="checkbox"/> Sexual <input type="checkbox"/> Parental Substance Misuse <input type="checkbox"/> Parental Mental Health <input type="checkbox"/> Child Placing themselves at risk <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Non-engaging family <input type="checkbox"/> Exploitation <input type="checkbox"/> Other Concerns <input type="checkbox"/> Financial <input type="checkbox"/>		
Who have you spoken to and what was said?		
State what action taken, and when.		
Signed: _____ Print name: _____		
Date: _____ Time: _____		

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Position: _____	
DCPO actions:	
Signed: _____	Print name: _____
Date: _____	Time _____
Position: _____	

APPENDIX: Child Protection and Safeguarding Process

