

# creating safety

---

**CHILD PROTECTION GUIDELINES  
FOR SCOTLAND'S ARTS, SCREEN  
AND CREATIVE INDUSTRIES**



© 2019 Creative Scotland and Children in Scotland

No part of this publication may be reproduced in any format without prior written permission of Creative Scotland and Children in Scotland.

### **Equal opportunities**

Creative Scotland operates an equal opportunities policy. Our offices have disabled access. Certain publications can be made available in Gaelic, in large print, Braille or audio format.

Contact Enquiries on 0345 603 6000

Typetalk please prefix number with 18001

Your feedback is important to us. Let us know what you think of this publication by emailing [feedback@creativescotland.com](mailto:feedback@creativescotland.com)

---

# contents

<b>INTRODUCTION</b>	<b>2</b>	<b>CHAPTER FOUR</b>	<b>31</b>
Using this guide	4	<b>RECRUITING AND SUPERVISING STAFF AND VOLUNTEERS</b>	
<b>CHAPTER ONE</b>	<b>6</b>	Recruitment of staff and volunteers	32
<b>CREATIVITY, ARTS AND CULTURE AND CHILDREN'S WELLBEING</b>		The Protecting Vulnerable Groups (PVG) Scheme	33
<b>CHAPTER TWO</b>	<b>9</b>	After recruitment	34
<b>KEY PRINCIPLES FOR WORKING WITH CHILDREN AND YOUNG PEOPLE</b>		<b>CHAPTER FIVE</b>	<b>36</b>
The best interests of the child must always be a primary consideration	10	<b>WRITING YOUR CHILD PROTECTION POLICY, PROCEDURES AND CODE OF BEHAVIOUR</b>	
The 'best interests test'	10	Your child protection policy, procedures and code of behaviour	37
Physical contact with children	11	Publishing your policy, procedures and code of behaviour	38
All children and young people should be treated fairly and with dignity and respect	12	<b>CHAPTER SIX</b>	<b>40</b>
Respecting each child's individuality	12	<b>RELEVANT LEGISLATION AND POLICY FRAMEWORKS</b>	
Discipline	13	Legislation	41
All children and young people have the right to protection from all forms of harm, abuse, neglect and exploitation	14	Policy and guidance	42
Adult:child ratios	14	Legal definition of 'children'	42
Assessing risks	15	Consent	43
Bullying	16	Safeguarding Adults	44
Using appropriate material	17	Children's Hearings System	45
Protecting children from exploitation	18	Registration of day care	45
Online safety	18	Multi-agency working	46
Photographs and images of children	20	<b>CHAPTER SEVEN</b>	<b>47</b>
All children and young people have the right to express their views on matters that affect them	20	<b>Where to get further information</b>	<b>48</b>
<b>CHAPTER THREE</b>	<b>22</b>	Useful organisations	49
<b>DEALING WITH DISCLOSURES AND SUSPICIONS OF ABUSE AND NEGLECT</b>		Training providers	50
Understanding abuse and neglect	23	Glossary of terms	50
The designated officer for child protection	25	Child protection checklist	54
Signs of concern and how to respond	26	Sample documents	54
Support for staff and volunteers	30	Child protection policy	54
		Code of behaviour	55
		Risk Assessment	56
		Safeguarding pledge	56
		Reporting flow chart	57

# introduction



---

*Creating Safety* provides guidance on child protection and safeguarding for individuals and organisations involved in delivering artistic, cultural and creative projects for or with children and young people in Scotland.

You may be an individual freelancer working with children and young people, a small, medium or large-sized organisation or a company employing staff and volunteers to work with children and young people. The work may be a one-off activity or a project that will run indefinitely. Whatever the context, the overall aim will be to create the safest possible environment for children and young people, where they can feel safe and comfortable, are treated equitably and with respect, and where they are given freedom to have fun and develop their independence and creativity.

*Creating Safety* is not a step-by-step guide. This is because every project, situation and, indeed, every child is unique – rules, regulations and procedures on their own cannot compensate for using common sense, experience and sound professional judgement to anticipate and respond appropriately to different situations. There are, however, elements of good practice that will help you to minimise risk and create the kind of positive environment described above. It is important to remember that you cannot eliminate risk entirely. Children and young people need exciting and challenging opportunities and an approach which carefully balances the benefits of an activity with the acceptable risks will help ensure they do not miss out.

---

### **Creating Safety 2019 edition**

This is the third edition of *Creating Safety*, produced in partnership by Creative Scotland and Children in Scotland. It was first published in 2011, updated in 2014 and this 2019 edition provides you with the most up-to-date information available at the time of publishing.

This guide is available in print and PDF formats. You can download the PDF from [www.creativescotland.com/creatingsafety](http://www.creativescotland.com/creatingsafety). To receive a print copy contact [enquiries@creativescotland.com](mailto:enquiries@creativescotland.com).

## **Creative Scotland**

Creative Scotland is the public body that supports the arts, screen and creative industries across all parts of Scotland on behalf of everyone who lives, works or visits here.

They enable people and organisations to work in and experience the arts, screen and creative industries in Scotland by helping others to develop great ideas and bring them to life.

They distribute funding from the Scottish Government and The National Lottery.

## **Children in Scotland**

Giving all children in Scotland an equal chance to flourish is at the heart of everything Children in Scotland does.

By bringing together a network of people working with and for children, alongside children and young people themselves, Children in Scotland offers a broad, balanced and independent voice. They aim to create solutions, provide support and develop positive change across all areas affecting children in Scotland.

Children in Scotland do this by listening, gathering evidence, and applying and sharing their learning, while always working to uphold children's rights. Their range of knowledge and expertise means they can provide trusted support on issues as diverse as the children's sector itself and the varied lives of children and families in Scotland.

They have extensive experience in the area of child protection – from their own robust processes covering a wide range of activities, working with Scottish Government on the **Child Protection Improvement Programme** and publishing the independent **Brock Report** (2014). They are pleased to partner with Creative Scotland in the continued production of this guide.

---

## Using this guide

If you are starting completely from scratch, you may want to work your way through the guide to make sure you've got everything in place. But if you are reviewing what you've already got, you may just dip into particular chapters and focus more fully on others.

To help keep you focussed on the essentials, you will find 'key learning' points throughout the guide and a 'child protection checklist' in Chapter 7.

## Summary of chapters

### 1. Creativity, arts and culture and children's wellbeing

Highlights the critical role that the creative community has as part of the wider children's sector workforce. Artistic, cultural and creative activities help develop children's capacities in the four areas that underpin the Scottish Government's Curriculum for Excellence – as successful learners, confident individuals, responsible citizens and effective contributors.

### 2. Key principles of working with children and young people

Describes four key principles that should underpin all of your work with children and young people, and provides guidance on how to apply these in practice. Following these principles will help you create the best possible environments for children, where risk is minimised and managed and where they are able to explore their creativity safely.

### 3. Dealing with disclosures and suspicions of abuse and neglect

Provides definitions of child abuse and neglect, describes how to respond if a child discloses abuse and how to recognise signs that a child may be at risk.

### 4. Recruiting and supervising staff and volunteers

Provides advice on developing comprehensive procedures for the safer recruitment, induction and ongoing supervision of staff and volunteers.

### 5. Writing your child protection policy, procedures and code of behaviour

This chapter provides advice and some recommended additional resources to help you write your own guidance for working with children and young people.

### 6. Relevant legislative and policy frameworks

An overview of the legislative and policy framework which underpins child protection and safeguarding work in Scotland. The legal responsibilities described in this chapter underpin the *Creating Safety* guidance. There is also additional information on key areas such as consent, safeguarding adults, the Children's Hearing System and multi-agency working.

### 7. Further information and resources

Provides a wide range of additional information including:

- Useful sources of information and support
- Glossary of terms
- A child protection 'checklist' and flow chart
- Sample documents for you to use as a starting point.

---

#### PLEASE NOTE:

This guide references lots of information and resources which are available online. The weblinks are all listed in Chapter 7 and are correct at time of going to press. The PDF version is fully hyperlinked allowing readers to click through to any resource which is linked from the guide. You can download the PDF from [www.creativescotland.com/creatingsafety](http://www.creativescotland.com/creatingsafety)

---

## Age definition of ‘children’

Throughout this guide we refer to ‘children’. By this we mean people who are under the age of 18. This definition is based on that contained in the United Nations Convention on the Rights of the Child. We therefore recommend that you should follow these guidelines when working with people up to the age of 18.

Further information on age definitions is provided in Chapter 6.

## Updates and changes to legislation and policy

The information on policy and legislation in this guide is up to date at the time this revised edition was published in Spring 2019. You should, however, bear in mind that legislation, policy and practice advice can and does change.

Ensure that you are aware of any relevant new developments. The Scottish Government will maintain any current national guidance and relevant policy and law. Your local **Child Protection Committee** will fulfil an equivalent role in respect of local information.

It is essential that staff and volunteers fully understand their responsibilities in child protection. We would recommend that everyone working with children and young people should receive some training to reinforce their knowledge and understanding of these guidelines. There is a list of relevant training providers in Chapter 7. If it is not possible for some or all of your staff and volunteers to access training, you should make sure that they are properly supervised and have a good understanding of these guidelines and of your own policies and procedures.

# chapter one



---

## Creativity, arts and culture and children's wellbeing

Most children and young people enjoy participating in artistic, cultural and creative activities at some point in their childhood. It is therefore vital that everyone involved in delivering such activities recognises the critical role they play, as part of the wider children's sector workforce, in the protection of children and young people.

There is growing evidence of the impact of the arts in improving mental and physical health. Different types of arts activities support different aspects of wellbeing. For example, dance can improve physical health and self-esteem. Theatre, drama and group music making can improve social skills and wellbeing. Research has shown that people who participate in cultural activity are more likely to report good health compared to those who don't.

**Research from the CashBack for Creativity Programme outlined how creative activities enhanced young people's wellbeing by:**

- Providing opportunities to explore self and social identities and to develop a positive self-concept
- Providing opportunities to relax, to work collaboratively and to engage in creative exploration and play
- Providing the opportunity to lead in decision-making processes and to feel in control of the creative process and future trajectories
- Enabling a safe space for participants to discover new selves and imagined future selves.

It is helpful to know which laws, policies and frameworks are relevant when considering creative activities for children and young people.

**The Scottish Government has several key policies and frameworks which include:**

- **Getting it right for every child (GIRFEC)**, the framework which aims to ensure that all children receive appropriate help and support where needed. This includes the 'eight indicators of wellbeing': Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included (SHANARRI)
- **Curriculum for Excellence**, where the overall objective of learning and teaching is to develop children's capacities in four areas – as successful learners, confident individuals, responsible citizens and effective contributors
- **National Performance Framework (NPF)**, drawing together all the different aspects that influence the wellbeing of people in Scotland including a specific outcome on 'culture'.

Artistic, cultural and creative activities can play an important part in achieving the objectives of GIRFEC, SHANARRI and Curriculum for Excellence and an understanding of where they fit into the NPF is also helpful. As well as having fun and learning a skill, these activities can help children's development in many ways and contribute to helping children achieve their potential.

**Scotland's Creative Learning Plan**, first published in 2013, sets out a shared vision for the importance of creativity in Scottish education. Developed through a partnership of organisations working across Scotland in education and creativity, and endorsed by the Scottish Government, the Plan describes creativity as bringing greater opportunities to both individuals and society, making learning more satisfying and enhancing wellbeing. It also identifies four key creativity skills that learners can use across learning, life and work – curiosity, problem solving, open-mindedness and imagination.

---

**Creative Scotland's Creative Learning Review (2016/17) identifies a range of 'creative learning' characteristics:**

- A combination of physical, social, emotional and intellectual engagement
- Provision to all participants of some opportunity to shape the outcome
- Allowing scope for those engaged to develop their curiosity, resilience, imagination and sense of wonder
- Allowing for new expressions which reveal changes in understanding, knowledge and skills
- Supported challenges where mistakes can be made and learned from
- Consideration of different perspectives and choices
- Activities which are flexible and responsive.

Looking at the skills, characteristics, competencies and indicators mentioned above, many will be qualities of or available through activities you or your organisation provides to children, young people and their families. They will gain new experiences, be challenged to try different things, develop new skills, engage with people they may not come across in their everyday life, be allowed to develop themselves and communicate their unique experiences.

Scotland's **Creativity Portal** brings together a wealth of creative online teaching tools, CPD resources, inspiration, and examples of best and developing practice, for teachers, community learning leaders and educators across lifelong learning. The **National Improvement Hub** also has a range of exemplar activities, sources of information and resources which can be of use.

Having an understanding of the role the creative sector plays in a child's wellbeing is a great foundation when thinking about the activities you are running, while the child protection and safeguarding issues covered in this guide will ensure that children and young people can take part in activities safely.



chapter  
two

---

## Key principles of working with children and young people

At the heart of good practice in protecting children lies an understanding of their rights. There are four key principles that should underpin your work with children and young people, whether you are a large organisation or an individual:

- 1. The best interests of the child must always be a primary consideration**
- 2. All children and young people should be treated fairly and with dignity and respect**
- 3. All children and young people have the right to protection from all forms of harm, abuse, neglect and exploitation**
- 4. All children and young people have the right to express their views on matters that affect them.**

Each of these key principles is derived from the United Nations Convention on the Rights of the Child (UNCRC), which was ratified by the UK in 1991 but not incorporated into domestic law. The Children and Young People (Scotland) Act 2014 imposes duties on Scottish Ministers and certain public bodies to promote the UNCRC and to publish reports on what they are doing to further children's rights. Together (Scottish Alliance for Children's Rights) and The Children and Young People's Commissioner Scotland are working together to explore what a Bill to incorporate the UNCRC into Scots law would look like, in the hope of it being passed in 2021.

Many of you will be undertaking work for a third party, such as a school, and should be aware of the importance of working in partnership with your client when developing activities and procedures. However, even if this is the case, we advise you to make sure you are clear about how the principles above relate to your own practice by formalising them in your own code of practice for working with children. There is advice throughout this guide, and specifically in Chapter 5, on which areas your code of behaviour should cover.

### KEY LEARNING:

**Ensure that the four key principles for working with children and young people are embedded in all planning and delivery.**

**Include children and young people wherever possible.**

This section provides guidance on how each of the four key principles above might inform your practice.

---

### The best interests of the child must always be a primary consideration

---

Every action or decision you take when working with children and young people should take into account their best interests as a primary consideration.

---

### The 'best interests test'

---

Try to plan all your activities with a 'best interests test' – at every stage of an activity be prepared to explain why a particular course of action would be in the best interests of those taking part, individually and collectively.

When doing this, focus on how children and young people will benefit from the experience and how those benefits can be optimised, as well as minimising the risks of anyone suffering harm of any kind.

Also consider how children and young people might interpret what you do – think about the words you use, the tone of your voice and your body language. This may be particularly important when working with children who have additional support needs or who have had difficult experiences. It will also depend on the ages of the children as well as the situation that you are in, such as the physical location or the specific activity context.

Of course, a 'best interests test' is important when deciding on a programme of activities but it is also important in any other decisions you take, such as enforcing rules or discipline.

---

Any rules you set for a group or class should take account of this.

It is also important to remember that the best interests of an individual child or young person within a group may not always coincide with those of a group as a whole, so, again, this balance may need careful thought, while including the children and young people in decision-making will embed a sense of fairness. There is more on this, later in this chapter.

Try to get to know any children or young people you see on a regular basis. Ask parents/carers, or members of staff who know them, to tell you if there is any information that might affect, in a significant way, how you relate to a child. If a child is referred to you by another agency, you should ensure that the agency shares any relevant information with you in line with legal requirements and best practice, outlined in national guidance.

#### Ask yourself:

- Is what I plan to do in the best interests of the children I am working with?
- How will the children benefit from the activity and how can I maximise those benefits?
- Is my behaviour appropriate for the children I am working with just now?
- Do any of the children I am working with have specific needs which I need to take into account?

---

### Physical contact with children and young people

Physical contact with children is something that many adults are uncertain about when deciding how to behave in a child's best interests.

It is impossible to provide blanket statements on how, when or where physical contact is ok. It is dependent on many different factors, including the type of activity being provided, the relationship between workers and participants, the individual situation, etc. This could also vary from one time period to another.

The best starting point is to remember that a primary consideration must always be to act in the best interests of a child.

We suggest that physical contact is appropriate in certain situations. This could be, for example, because activities are drama or dance-based, a child has hurt themselves and needs comforting or a young person has additional support needs and requires assistance. These are the sorts of situations that should be considered when you are writing your organisation's guidance, specifically the code of behaviour (see Chapter 5).

Generally, physical contact will be appropriate if the child or young person has initiated it. Be guided by how they react to any physical contact – if they resist or appear uncomfortable, then respect that and do not force unnecessary contact. It is helpful to always try to ensure that the adult and child are in a public place and, if possible, there is more than one adult present.

Some children and young people's experiences may mean that their understanding of what is or isn't appropriate, or what boundaries should be in place around physical contact, is blurred. In these circumstances it is even more important that the adults involved are clear about what is appropriate and understand the organisation's code of behaviour. This can also be another reason why it is so helpful to involve children and young people in the writing of the code of behaviour (see Chapter 5) because it allows open discussion on the issues and clarity on all sides.

Although not directly related to all activities delivered by the creative sector, the Child Protection in Sport Unit (CPSU) has a very helpful briefing called '*Physical contact and young people in sport*' which is available on [the CPSU website](#) and outlines key principles that should be easily transferable to your own circumstances. In addition, Children 1st and [sportscotland](#) have produced a 10 steps to *safeguard children in sport* guide, which is available on the [Children 1st website](#) and includes a section on physical contact in their 'Code of Conduct' section. Both of these could help inform your thinking and the writing of your own code of behaviour.

---

#### KEY LEARNING:

Plan all activities with the best interests of the children and young people as a primary consideration.

Include children and young people wherever possible.

---

### All children and young people should be treated fairly and with dignity and respect

---

Children can have a very strong sense of fairness. It is accepted that treating children equally is not the same as treating them identically and the discussion about the difference between equality and equity adds to our understanding of this – equality means giving everyone the same opportunities to take part or succeed while equity means providing people with what they need on an individual basis to take part or succeed.

An overarching principle and approach to the work should be the participation and engagement of children and young people wherever possible. This could be in the writing of codes of behaviour, planning and delivery of activities and/or reviewing what has been done. Their involvement will ensure that there is a shared understanding and ownership of any documents or activities and help give them a voice, making sure their views are heard.

---

#### Respecting each child's individuality

The important thing to remember is that every child is an individual with their own unique set of characteristics and experiences. You should never assume that children will be alike, even when their circumstances are similar. This concept underpins GIRFEC, which seeks to ensure that all children get the best and most appropriate support to do as well as possible. Some key things to consider include the fact that children and young people:

- Could have particular needs due to their religious, cultural or ethnic background
- May have an illness or disability which needs to be considered – this could be non-visible
- They could have social care involvement, be care experienced, be adopted or involved in the child protection system
- May identify as LGBT or be exploring their identity or have LGBT family members
- Could be young carers or have other responsibilities.

This is in no way an exhaustive list but it demonstrates the range of things that you should consider. Always keep in mind that you may not be given all the information or that issues or needs might not be immediately obvious or visible. A good starting point is to ensure all activities are planned with inclusivity as a starting point rather than being reactive.

If you are undertaking work for a third party, for example in a school, it is a good idea to ask in advance a member of staff who knows the children whether there are any individuals in the group who have particular needs.

Please ensure that any of these conversations – either with other professionals, parents/carers or children and young people – are undertaken sensitively and within a confidential setting.

The Equalities Act (2010) provides a single legal framework to more effectively tackle disadvantage and discrimination. It provides codes of practice and guidance for service users while also clearly stating what the 'protected characteristics' are in law.

---

### Protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

There are also other equality and diversity policies and approaches that are worth looking into when planning your activities or writing your documentation.

For example, in November 2018, the Scottish Government agreed to accept all the recommendations made by the LGBTI Inclusive Working Group and implement LGBT-inclusive education across all state schools. Both the **TIE (Time for Inclusive Education) Campaign** and **LGBT Youth Scotland** have a range of information and resources to ensure any activities you plan are inclusive.

### Ask yourself:

- Do we need to consider any of the protected characteristics in our planning or delivery?
- Is the activity accessible to all children and young people who want to be involved?
- Do activities provide the opportunity for participants to express their individuality in a respectful way?
- How will we challenge unacceptable behaviour or attitudes?

---

### Discipline

Issues relating to fairness are particularly pertinent when it comes to discipline. Working with children and young people can be challenging and how to be effective when it comes to setting and keeping rules is a common concern. Before commencing work with a group of children or young people, be clear in your own mind how you are going to deal with challenging behaviour.

Even if the children are only meeting up for a short period of time, you should spend some time at the beginning of the course or session involving the child or children in considering the rules for the activity, agreeing how they should be enforced, and establishing any sanctions should there be any infringements. If you are undertaking work for a third party, for example in a school, discuss the issue of discipline in advance with a member of staff who knows the children. Work in partnership to agree a procedure for discipline.

### Some points to consider in maintaining discipline include:

- Developing a set of rules outlining acceptable and non-acceptable behaviour
- Involving children and young people in developing these rules
- Ensuring that all adults, as well as children, agree to abide by the rules
- Ensuring that you implement the rules fairly and consistently
- Remembering that physical punishment should never be used as a sanction – as well as having adverse physical and emotional effects on children, it is likely to constitute an assault.

The **NSPCC's Are they safe?** guide provides some helpful information about developing codes of behaviour and what to do if or when children and young people breach them. Although *Are they safe?* was written for the English context, the principles in this section apply in any group running these types of activities.

---

The General Teaching Council for Scotland (GTCS) commissioned Children in Scotland to gather children and young people's views as part of their Review of the Professional Standards. The report, available on the [Children in Scotland website](#), was released in 2018 and has some great examples of what children think about boundaries and discipline.

#### KEY LEARNING:

Try to ensure that all children and young people are treated fairly.

Use inclusivity as a starting point for planning activities rather than just reacting to presenting needs.

---

## All children and young people have the right to protection from all forms of harm, abuse, neglect and exploitation

---

Always be alert to possible sources of harm to a child. Here we refer to ways that you can reduce the risk of harm to children while you are working with them. In Chapter 3, we outline how to respond if you are concerned about what is happening to a child outwith the time you are working with them.

---

### Adult:child ratios

If you are running a service that is registered with the Care Inspectorate or have been commissioned to undertake work with children by a service registered with this body, you will be required to adhere to the adult:child ratios set down in the Health and Social Care Standards, which were reviewed, updated and launched in April 2018. It will be worth revisiting these ratios to make sure you are still meeting the requirements. You can find the information on the [Health and Social Care Standards website](#).

For service provision that does not require registration, no specific ratios apply. However, it is essential that you ensure there is adequate adult supervision for any activities that you are involved in and the ratios outlined on the Health and Social Care Standards website should be viewed as best practice.

The number of adults you need will depend on the number and ages of children present, their particular needs and the type of activity they are engaged in. Establishing, as far as possible, whether any children may have particular needs is very important. Remember that while some needs are obvious, such as a child who is a wheelchair user, others, such as autism spectrum disorders or allergies, may be less so. Some children may need one-to-one support to be able to participate effectively.

Some organisations have their own guidelines, many of which recommend that there should be one adult for every five children between 2 and 3 years old, and one adult for every three children under 2 years old. This is consistent with the ratios required in the Health and Social Care Standards. If you are working with a class or group, however, it would be good practice to ensure that at least two adults are present, so that if an emergency arises, one can stay with the group while the other deals with the emergency - for example, if a child needs to be taken to hospital. These ratios should be seen as general guidance but good judgment on your part is also needed. If the activity you intend to undertake warrants greater supervision, you should make provision for this. This may be of particular importance when undertaking activities outdoors. The NSPCC provides good practice advice on ratios which is available [on their website](#). Education Scotland also gives advice on ratios in respect of outdoor activities, residential trips and other pursuits.

Some individual freelancers, such as instrumental instructors, may be working with individual children. If this applies to you, think about minimising risk in such situations by, for example, requiring that an adult is present in the child's home, or that a parent remains on the premises while the lesson takes place.

In these circumstances, we would also recommend you develop a Lone Worker Policy if you don't have one already. This can ensure that your organisation takes a consistent approach in this area and workers are clear about expectations on them. The Health and Safety Executive (HSE) has produced a handout which outlines some of the key issues which is available [on their website](#).

---

There may be occasions where you are not able to have enough adults to supervise a particular activity adequately. You should not risk going ahead with inadequate supervision – this might mean a total cancellation or simply not carrying out one part of an activity that needs more supervision. Use the guidance mentioned on p.14 coupled with good professional judgement to make your decision.

**KEY LEARNING:**

Set out the appropriate adult:child ratios for each group of children and young people you work with.

---

## Assessing risks

Risk analysis and assessment has become well embedded in the planning and delivery of activities when working with children and young people. Official guidance will encourage you to focus on the benefits of an activity as well as considering the risks. That approach helps to ensure that focus on minimising risk does not prevent children enjoying the healthy range of opportunities that are so important for their development as well as enabling them to develop the ability to assess risk themselves.

It is also important to keep in mind that risk assessment and appropriate management also supports staff and volunteers, minimising risk for them personally and professionally.

A really helpful mindset to have is to be risk aware not risk averse.

**Play Scotland** provides useful advice on maximising the value of play while Children 1st and **sportscotland's 10 steps to safeguard children in sport guide** has a whole section on identifying and managing risk.

It will be helpful to have a look at these resources but here are some basic health and safety checks that you should always carry out on the premises and equipment you are using to help reduce the risk of accidents.

**Ask yourself:**

- Are there any objects that could fall over and hit somebody or create a trip hazard?

- Is all electrical equipment I am using safe to use?
- Have I asked people to participate in activities that have potential dangers?
- Am I intending to use any hazardous materials or liquids?
- Do I have access to first aid facilities and is there a trained first-aider present or available?
- What is the lighting and accessibility like coming to or from the venue?

It is important to be aware of any potential risks and to take appropriate corrective action. For example, use protective clothing and extra supervision when using hazardous materials. Also, consider the age and individual needs of the children and young people you are working with. For example, if young children go to the toilet unsupervised, are there risks such as the potential to reach an outside exit, which need to be taken into account?

In many instances, identifying risks will be a matter of common sense. If a risk exists that you cannot remove you should seriously consider whether it is appropriate to go ahead with the activity. Even when the level of risk is acceptably low it is still important to ensure that children are aware of potential hazards. You may wish to consider obtaining specific permission for any activities that fall outwith routine activities or programmes.

It is good practice to involve children in assessing risk. Teaching children the skills they need to assess risk for themselves will enhance their sense of safety and security and help develop confidence, independence and resilience. Include children in discussion about likely risks, who might be affected by them and what safety measures could be introduced to reduce the risk to an acceptable level.

**The Play Safety Forum** (a consortium of Play England, Play Scotland, Play Wales and PlayBoard Northern Ireland) have produced a very useful guidance document on undertaking a risk benefit assessment. It includes information on the approach, definitions and an adaptable template. The guidance can be accessed on the **Play Safety Forum website**.

---

Depending on the size and type of your organisation or the group that you are working with, you may be required to comply with health and safety legislation. The **Health and Safety Executive** sets out all relevant legislation and provides general health and safety advice.

In the event of any accidents occurring, ensure that you have a procedure in place for recording the incident, any action that was taken and by whom. In some circumstances, it is a requirement to report incidents to the Health and Safety Executive and pass on the record under **RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013)**.

**We recommend that you record the following information in the event of an incident:**

- Name, address and age of the person involved in the incident
- Name, address and occupation of the person completing the report
- Date, time and place of incident
- How the incident happened, including cause (if known)
- Any resulting injuries.

It is also good practice to keep a file or log of any potential hazards that arise, for example a broken window, and to ensure that appropriate remedial action is taken.

If you are a freelancer or working within a different organisation, then you will need to be aware of their risk assessment processes and ensure any incidents are reported to them.

---

#### KEY LEARNING:

Develop and make use of risk assessment processes.

Apply health and safety checks to your premises and all your activities.

Set out the procedures to be followed in the event of a health and safety incident and make sure that children and young people know and understand it.

---

## Bullying

“Bullying takes place in the context of relationships. It is behaviour that can make people feel hurt, threatened, frightened and left out and it can happen face to face and online.” respectme

Our awareness and understanding of bullying has greatly increased over the last few years and we are much clearer about what can constitute bullying and the impact of this on children and young people – both those experiencing bullying but also those who are displaying bullying behaviour.

You need to think about how you will deal with any bullying that takes place among the children and young people you are working with. You should always make it clear that bullying, in any form, will not be tolerated. However, you need to think about this beforehand – what constitutes bullying, develop a policy, consider what will the response be, what are the consequences of bullying?

This is one of the areas where it is really helpful to involve children and young people in the development of processes to prevent or address bullying. They will likely have experiences of bullying in its current forms that can inform the discussions. It will also help them feel a shared ownership of any policy and consequences but it is important to ensure that these discussions are done in a safe environment where young people know they do not have to discuss things unless they feel comfortable doing so.

---

It can also be useful to reflect on the legal frameworks that may underpin behaviours that could be interpreted as bullying but are actually criminal in nature. For example, the Equalities Act 2010 identifies the protected characteristics previously mentioned and some forms of behaviour can constitute a hate crime.

The setting up/introduction of any group should include reference to your code of behaviour and explicit reference to bullying and, where possible, embed discussions around bullying throughout the group. One approach could be to do an anti-bullying project or mark the annual Anti-Bullying Week in some way.

**respectme** is Scotland's anti-bullying service and provides a wide range of information, resources and services that will support you in developing robust policies and ensure you can respond in an appropriate and meaningful way to any bullying that occurs.

If bullying does take place during the activities that you are running, you need to deal with it in line with your policy and support all those involved. It may be necessary to involve parents/carers so they are aware of it and, depending on the actual behaviour, the problem may need to be shared with other professionals. This will all need to be undertaken within confidentiality and information-sharing frameworks.

As always, if you are a freelancer or working for another organisation, you need to be aware of their policies and procedures.

---

**KEY LEARNING:**

**Take bullying, in all of its forms, seriously.**

**Be clear about what is bullying and how you will deal with it.**

---

## Using appropriate material

Under the UNCRC, children and young people have a right to participate freely in cultural life and the arts (Article 31). Alongside this right, it is recognised that children need to be protected from information and material that might affect their wellbeing. Working in a creative and artistic environment, it will be important to consider the appropriateness of the material that you use.

What is acceptable may vary, depending on the cultural and local nuances of a particular area or group of people, and on the age, developmental stage or individual needs of the children and young people you are working with. Good planning is essential and, if you are undertaking work for a third party, endeavour to work in partnership with your client when developing your activity plan. If you are travelling with a piece of work, then it would be advisable to consult with your hosts in advance on the content of the material.

Some arts activities, such as drama and dance, may involve children and young people imitating and repeating words or actions. You should be very aware of the capacity for children to imitate and act upon what they see and hear. Context will be very important for the use of any artistic material that may be considered unsuitable and participants should be warned about any activities that may include this type of material.

Allowing children and young people to view unsuitable material of a sexual nature is potentially sexual abuse. The Sexual Offences (Scotland) Act 2009 provides that it is an offence for a person over the age of 16 to cause a child under the age of 16 to view a 'sexual image' where their motive in doing so is to seek sexual gratification or to humiliate, alarm or distress the child.

When the content of some productions or projects focuses on distressing subject matter – e.g. death, family breakdown, bullying, prejudicial behaviour, etc. – this should be managed in a sensitive, supportive way.

---

**KEY LEARNING:**

Have a clear policy about appropriateness of materials you use with children and young people.

---

## Protecting children from exploitation

Enabling children to take part in performances can provide them with an invaluable, character-building and enjoyable experience but there are some things that you need to bear in mind.

You may need to apply for a license from the appropriate department of the local authority so that children and young people can take part in your activities and there are also legal restrictions on how many hours a week they are allowed to work. Even if they are involved in a voluntary performance, try to ensure that your rehearsals and performances do not last too long, do not finish late at night and do not involve activities that may be damaging to their health or wellbeing. Always discuss expectations and requirements with children/young people and their parents/carers from the outset.

You should also consider your approach to child protection when working with adults and children together, for example in community theatre productions.

Details on child employment are on the [UK Government public service website](#). [Generations Working Together](#) has also published useful guidance covering work involving different age groups. [Citizens Advice Scotland](#) also sets out information on the hours that children are permitted to work.

---

**KEY LEARNING:**

Know the legal requirements and restrictions linked to the activities you are planning.

Take every effort to avoid overworking children and young people.

---

## Online safety

The online world is now a crucial part of everyday life for the majority of people but, in particular, for children and young people. It has many, many benefits but it can also be open to misuse and pose real dangers to children and young people if not used properly and safely.

Whether you are an individual or an organisation, it will be likely that you use the internet, social media or digital communications to advertise or promote your services as part of the activities you run or to communicate with children, young people and their families.

It is important that, on a general level, you ensure you are compliant with data protection legislation and best practice (see Chapter 6) but from a safeguarding and child protection perspective, there are other things you should consider.

The Scottish Government released the [National Action Plan on Internet Safety for Children and Young People](#) in 2017. This aims to ensure that appropriate training, support and information is in place and provides a helpful range of material and links to resources.

If you are undertaking any digital activities with children and young people, we would recommend that you have a look at the [5Rights Foundation website](#). They take the existing rights that children and young people have and articulate them for the digital world.

**The 5Rights are:**

1. The Right to Remove
2. The Right to Know
3. The Right to Safety and Support
4. The Right to Informed and Conscious Use
5. The Right to Digital Literacy.

The full text of the 5Rights can be found [on their website](#).

There are a number of things you can do to provide everyone with clarity about how you navigate the online world including:

- Develop an online usage policy which should include a set of guidelines and expectations for using when online
- Ensure that this covers all the ways that your organisation or participants in your activities will use digital platforms, tools and resources – be aware of how rapidly these can change
- Take advice on, and, where required, install any necessary hardware or software and ensure that all the correct ‘parental control’ settings are in place
- Develop an online ‘agreement’ to be signed by young people themselves if over the age of 16 and both the young person and their parents/carers where their child is under the age of 16
- If appropriate, put on display your guidelines and expectations for online usage – around your organisation or online
- Make sure children, young people, staff and volunteers all know what to do if they are concerned about something
- Have clear links through to Childline and other forms of support for children and young people in case they want to talk to someone outside your group.

As always, aim to include children and young people in the development of any policies and procedures and keep talking about issues as they come up. This will effectively embed online safety in everyday activities while also educating young people on how to engage digitally in the safest possible way.

The NSPCC and O2 have teamed up to provide a wide range of advice and information for parents and carers about online safety. It is very accessible and much of it can be of use for organisations as well. This can be accessed on the [NSPCC website](#).

It is worth spending some time looking at the advice and information on the [Child Exploitation and Online Protection Command \(CEOP\) website](#) and consider planning in some activities around [Safer Internet Day](#), which usually falls in February each year.

This can assist in embedding safer online awareness across your group.

Depending on the types of activities you are running, it would also be worth considering undertaking additional training on keeping children safe online. Information on some training providers is available in Chapter 7.

It will be important to be clear about the acceptable use of social media for your organisation and the individuals working for you. For example, what is the best way to approach young people engaging via social media platforms? Keep in mind the legal minimum ages for children and young people to use these platforms. It may be helpful to develop a policy so that staff and volunteers, children and young people, and parents/carers are all aware of the boundaries that you are applying in this respect.

#### KEY LEARNING:

Ensure you have an understanding of how your activities engage with the digital world.

Develop a clear online usage policy for everyone to adhere to.

If applicable, embed the 5Rights framework.

Involve the children and young people in learning about online safety and developing policies.

Keep up-to-date!

---

## Photographs, images and film of children

Taking and sharing photographs, images and films of your activities and the children and young people involved in them is often an integral part of any club or activity. It can be a very positive experience but it needs to be approached in a planned, thought-out manner which takes into account legal requirements under data protection legislation.

Images or film can be used as a means of identifying children when they are accompanied with personal information. This would include, for example, the name of the child and the club, organisation or school of which they are a member. Displaying this kind of information may make the child more accessible to an individual who may wish to 'groom' the child for abuse. It is also possible for photo images to be used or adapted for inappropriate purposes.

Guidance in this area suggests that if photos of children are to be published, the name of the child should not be printed. When it is important to publish a child's name, you should not also publish a photograph of the child.

Consent is a key issue here. And we want to be aiming for *informed or explicit consent*. That means that people are as clear as possible about how any images will be used (e.g. on a website, printed magazine, social media, etc.) and what level of control they, or the group, will have on further sharing - i.e. once the image is online, no-one has control over its use.

You should involve children and young people in discussions about consent and, depending on their ages, may need parents' and carers' permission before images are used.

There is more detailed information on consent and the legislative framework surrounding it in Chapter 6.

You should also think about how to deal with this issue in respect of a group of children, for example in a dance show where some parents have no objection to the event being photographed while others do. If you are undertaking work for a third party, it is

important to ask what their policy is in this area. Local authorities, for example, usually have their own guidelines and these should be adhered to if you are undertaking work on their behalf or in a local authority setting such as a school or children's residential unit.

The NSPCC provides good practice information on this area which can be found [on their website](#). The Child Protection in Sport Unit also provides some information [on their website](#).

### KEY LEARNING:

Have a clear policy in for the taking, storing and using photographs, images and film of children and young people.

Be clear about issues of consent and ensure that the correct consent is gained.

---

## All children and young people have the right to express their views on matters that affect them

Under the UNCRC, children have a right to express their views on all matters affecting them and participation in creative activities is one way of ensuring this right is implemented (Article 12).

You will also need to make sure that your work allows space for children and young people to express their views about activities they are involved in. As we have mentioned a number of times, their involvement can be really beneficial on so many levels and should be embedded wherever possible. Give some thought to ways that children can play a full part in planning and decision-making within your activities.

Allowing children to express their views will not only assist in their enjoyment of the activities, it can also provide another route to ensure their protection. If children feel respected and listened to it is likely that they will feel more comfortable in letting you know about situations where they do not feel safe.

---

If you would like some additional information on the participation and engagement of children and young people, Children in Scotland have produced a set of principles and guidelines which are available **on their website**.

The guidelines outline the six key stages to ensure there is effective participation and engagement with children and young people.

**These are:**

1. Planning and coordination
2. Inclusion
3. Child protection
4. Delivery
5. Communication
6. Feedback, evaluation and next steps.

Another thing that is important is ensuring that children are clear about the procedures that should be followed should they wish to make a complaint about a staff member, volunteer or another aspect of the service they are receiving. Complaints about a worker are covered in Chapter 3.

**Enquire: The Scottish Advice Service for Additional Support for Learning** has produced a range of online resources about supporting children and young people to have a voice in their education. There are resources for professionals and parents/carers and specific support and information for children and young people via **the Reach website** for issues in school and **My Rights My Say** which focused on children's rights to be involved in decisions about their lives.

**KEY LEARNING:**

Provide meaningful opportunities for children to be involved in decision-making as often as possible.

Ensure this is done in a safe and supportive environment.



chapter  
**three**

---

## Dealing with disclosures and suspicions of abuse and neglect

In Scotland, there is an explicit expectation that child protection is the responsibility of everyone in society. The Children (Scotland) Act 1995 (Part I, Section 5) states that an adult (over 16 years of age) who does not hold parental rights or responsibilities for a child, but who has care or control of that child under the age of 16, has the responsibility to “do what is reasonable in all circumstances to safeguard the child’s health, development and welfare”.

You should assume that in most situations where you are in charge of children or young people that you also have ‘care or control’. This provision is a positive duty to safeguard the child’s welfare and applies in all situations apart from in schools. Education legislation places particular powers and duties on the education authorities whilst a child or young person is in school.

It is therefore very important that you and your staff, including volunteers, know how to recognise signs of abuse and neglect, and are clear about how to respond. This section provides guidance on this.

It is equally important to remember that this does not mean you, your staff or volunteers are responsible for investigating or deciding whether or not child abuse has occurred. It is your responsibility, however, to report any suspicions or concerns that you may have about a child – anyone who is concerned that a child’s health and wellbeing is at risk should bring this to the attention of the appropriate authorities.

### Understanding abuse and neglect

#### Some facts about child protection:

- At 31 July 2018, there were 2,668 children on the child protection register. This is a slight increase on the previous year but remains lower than the previous peak recorded in 2014.
- Child sexual exploitation (CSE) was introduced as a concern category in 2016

- In 2017/18, 13,240 children were referred to the Scottish Children’s Reporter Administration (SCRA). This equates to 1.4% of all children and young people in Scotland. Of those referred, 11,268 were referred on care and protection grounds
- In most cases of child abuse the abuser is someone known to the child
- Both boys and girls experience all forms of abuse
- Disabled children are more vulnerable to abuse as they are more dependent on personal care and sometimes less able to tell someone about an abusive situation
- Children very seldom make false allegations that they have been abused
- A child is never to blame when he or she has been abused
- Children who suffer neglect or emotional abuse are in need of protection as much as those who are physically or sexually abused.

To feel confident in recognising and responding to child abuse or neglect, it is useful to first have an understanding of what they are, and to know the signs that might indicate a child is suffering from them.

Abuse or neglect occurs when a person wilfully causes a child emotional and/or physical harm.

As outlined in the Scottish Government’s **National Guidance for Child Protection in Scotland**, there are four primary categories of child abuse or neglect:

1. **Physical abuse** – 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.

---

**2. Emotional abuse** – persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child’s emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve the imposition of age or developmentally inappropriate expectations on a child. It may involve causing children to feel frightened or in danger or exploiting or corrupting children. Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

**3. Sexual abuse** – any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child 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. 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 or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

**4. Neglect** – the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child’s basic emotional needs.

Neglect may also result in the child being diagnosed as suffering from “non-organic failure to thrive”, where they have significantly failed to reach normal weight and growth or developmental milestones and where physical and genetic reasons have been medically eliminated. In its extreme form, children

can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

These definitions are taken from the National Guidance and the language can feel quite intimidating, but it is helpful to have an understanding of these legal definitions. Opportunities for training or discussions with staff and volunteers should be planned which will allow for less ‘formal’ language and examples to be shared (see Chapter 7 for sources of additional information).

In addition to these categories, there are a number of other areas that the Scottish Government and agencies working with children and young people consider will have an impact on their health and wellbeing.

**These may not be so obviously linked to the primary categories of abuse but they include:**

- Organised abuse, for example, children involved in prostitution and ritual abuse
- Fabricated or induced illness in a child by a carer
- Foetal abuse, for example, through maternal abuse of alcohol or drugs
- Domestic abuse – primarily of female parents or carers but not always
- Children and young people affected by parental or carer substance abuse
- Abuse linked to identity – race, religion, sexual orientation, gender, disability, etc.
- Female genital mutilation
- Human trafficking or exploitation
- Forced marriage
- Children and young people affected by their parents’ or carers’ mental health issues
- Children and young people’s own mental health
- Young carers

- Children and young people who need protecting from harming themselves, through self-inflicted injuries or reckless behaviour
- Online safety.

This is not an exhaustive list but it demonstrates the wide range of issues that can have an impact on a child or young person's life. Some will be more obvious than others but it is helpful that staff and volunteers have an awareness and understanding of all potential issues, while keeping in mind that many children have lives where their health and wellbeing is not affected by experiences of abuse.

The four public bodies that hold legal responsibility for responding to child abuse in Scotland are the local authority, the police, the Scottish Children's Reporter Administration (SCRA) and Children's Hearings Scotland. Additional information about the Children's Hearing System is in Chapter 6. Any formal action taken by these organisations will arise from these legal duties and will follow current statutory guidance.

#### KEY LEARNING:

Ensure that all staff and volunteers are aware of the different forms of child abuse and neglect.

## The 'designated officer for child protection'

It is good practice for organisations, no matter how big or small, to designate at least one person who has overall responsibility for dealing with allegations or suspicions of abuse. They are the 'designated officer for child protection' and within this guide we will call them the 'designated officer'. They are the person whom staff contact if they have concerns about a child's wellbeing and wish to determine the most appropriate course of action. This person has responsibility for ensuring that any formal child protection referrals are made to the appropriate bodies. They should also have the responsibility for ensuring that they are aware

of any changes in practice or legislation that may have an impact on the organisation's child protection procedures.

If possible, it is really helpful to have a role description for the designated officer so that they understand their responsibilities. This could be stand-alone role or built in as an additional aspect of someone's role.

**The NSPCC's Are they safe? guide** has a useful sample 'role description' included.

Make sure it is clear to everyone in the organisation who the designated officer is and how he or she can be contacted. It can also be very helpful to make this information available to children, young people and families taking part in activities.

Staff and volunteers should also be told who they can contact outside their organisation, should there be any reason why reporting a concern or an incident to someone inside would be problematic. This may be particularly important in smaller organisations or, for example, in cases where an allegation is made against the designated officer. Concerns can be referred to the local authority. Your local Child Protection Committee (CPC) will also be able to provide advice. CELCIS (Centre for Excellence for Looked After Children in Scotland) holds the information for all the CPCs in each local authority area which can be found **on their website**.

## Self-employed/freelance workers

If you are an individual freelance worker, use this guide to help ensure you are clear about how you will respond if abuse of a child is disclosed to you or if you have concerns about a child's wellbeing. Your local Child Protection Committee can also provide advice on this. Do not wait until a situation arises, prepare what steps you will take in advance. However, any immediate concerns that you have about a child should be reported to your local authority or the police. If you are undertaking work for a third party, ask in advance to see their child protection policy, who the designated officer is and what their contact details are. It may be worth asking what the organisation's lone working policy is.

---

## Signs of concern and how to respond

---

Artistic and cultural programmes, by their very nature, encourage children and young people to express thoughts, feelings and emotions. In this context children may express personal things about themselves. This is likely to be very positive and exciting but could also relate to fears or concerns that they have and could also include disclosures of abuse.

There is also the possibility that a worker or volunteer may spot what could be physical signs of abuse or, over time, see changes in a child or young person's behaviour that may be an indicator.

These situations make it even more important for adults who work with children in an artistic and cultural setting to be aware of child abuse and how to respond to children who may be suffering harm. However, it is important to remember that physical signs or changes in behaviour may have a very innocent explanation.

There are various ways that you might learn or suspect that a child or young person is suffering, or may be at risk of suffering, harm.

### Responding to a child who has told you they have been, or are being, harmed

A child or young person may tell you that someone has or is mistreating them in some way. This is often referred to as 'disclosure' of abuse. It might also happen that a child, or adult, discloses that they have concerns about another child. It is important to consider how you would respond to children should they disclose information like this to you.

Child abuse is something that can and does make many people feel uncomfortable. Most of us would not like to believe that an adult we know could cause harm to a child but it can and does happen. There are things that we can do to help children and young people to feel safe and comfortable should they disclose abuse to us.

If a child or young person comes to you and makes a disclosure of abuse, here are some important things to remember:

- **Never promise a child that you will not tell anyone what they have told you.** Explain that your concern for their wellbeing requires you to have to pass this information on, but that it will be handled confidentially and it will only be reported to those people that need to be told. If possible, tell them who will be told and, to the best of your knowledge, explain to them what will happen next.
- **Be neutral and non-judgmental.** If a child is telling you about abuse they may have suffered, this can be difficult to hear but is important that any reactions you might have are kept to a minimum. Remember that they may be telling you about something scary or frightening that has happened to them and your calm, neutral and supportive reaction is important.
- **Do not press the child for more information.** You should not ask any leading questions, for example "did \*\*\*\* do this you?". Allow the child to tell their story, you only need to establish the basics of what happened and whether the child is at immediate risk. For example, is the adult the child is talking about the one that they will be going home to today? You just need to establish how urgent it is that any action is taken.
- **Keep in mind that the child may have been told not to tell anyone.** Sometimes people who abuse children and young people will threaten them, or someone they care about, with further harm if they tell anyone. Reassure the child that they have done the right thing in telling you and that you and others are going to help them. There are lots of reasons why children may be afraid to tell. They may have been bribed not to tell, made to feel that they are to blame for what has happened, threatened with, or experienced, actual violence from the abuser, and/or made to feel afraid of what might happen to the abuser as they could be someone that they know and care about.

- **Write down what a child has told you as soon as possible.** Be careful to ensure that your note accurately reflects what the child or young person said and the circumstances in which they told you about it. This record may become evidence in a police investigation and will need to be kept confidentially, in line with your organisation's recording and storage policies.
- **Report this information to the designated officer in the organisation you are working with.** It is the responsibility of this person to pass the information to the appropriate authorities outside your organisation, such as the police or local authority, and to consult with them on any immediate action that should be taken to ensure the safety of the child. Remember, it is not your responsibility to investigate or decide if abuse has or has not occurred.
- **If you are self-employed or a freelance worker, make sure you are clear about how you will respond.** Do not wait until a situation arises, prepare your response to such situations in advance. Your local Child Protection Committee can provide advice on this. However, any immediate concerns that you have about a child should be reported to your local authority or the police.

### Responding to concerns about a child when they have not disclosed anything

You may become concerned about a child because of something you notice, even though they have not told you that anything is wrong. This could be physical signs of what could be abuse or changes in behaviour or attitude.

**The following is a list of things to look for in children that may indicate something is wrong:**

- Sudden and significant change in a child's personality and/or behaviour
- Sudden withdrawal from others
- Suspicious bruises with unsatisfactory explanations (for example: hand or finger prints, bruising on the face or neck, lower back)

- Extreme anger or sadness
- Fear of strangers
- Aggressive behaviour
- Attention seeking behaviours
- Lack of self-esteem
- Inappropriate sexual behaviour for their age
- Self-injury
- Depression
- Signs that a child is not being cared for properly, such as consistently being inappropriately dressed for the weather, hunger, or poor personal hygiene.

It is very important to remember that these indicators do not conclusively mean that a child is being abused or neglected, though they are reasons for some concern. Your concern should be raised if there does not appear to be a satisfactory explanation. There may, for example, be a reasonable explanation for changes in behaviour, a child may be sad due to a family bereavement, or angry because they have had an argument with a friend. We do know that children who have been abused may sometimes react in some or all of these ways. These indicators characterise 'red flags' for you to pay closer attention to in your work with children.

If you are concerned about a child, ask their family/carer if there is a reasonable explanation. If they are unable to provide a reasonable explanation, or you continue to be concerned, discuss your observations with the designated officer in the organisation you are working with, who will act accordingly. If you are self-employed or a freelance worker, make sure you are clear about what steps you will take.

The fact that a concern has been raised should be recorded, whether or not any further action is taken.

Trust your intuition and don't keep things to yourself. Remember, it is not your role to determine whether or not abuse or neglect has taken place but you should always err on the side of caution.

---

**KEY LEARNING:**

Establish procedures for staff and volunteers to follow if they become concerned about a child or if a child discloses abuse.

### What to do if a child makes an allegation against a member of staff or volunteer

This is perhaps one of the most difficult areas to consider. It may not be easy to accept that child abuse could occur within your organisation and/or that someone you know and work with could cause harm to a child. Recruitment and supervision of staff and volunteers should be designed in such a way so as to provide clear messages about your organisation's commitment to child protection. This is covered in Chapter 4. However, the possibility of harm caused by staff cannot be eliminated entirely and constant vigilance is necessary.

If a child tells you that someone in your organisation has caused them harm, this should be treated in the same way as any other disclosure a child may make. The information should be passed onto the designated officer and handled in the same fashion. This will ensure that the allegations are treated in a consistent and fair manner. The only time this won't be the case is if the concern is about the designated officer themselves. If this is the case, then it should be discussed with a senior member of staff in your organisation.

Staff and volunteers need to be made aware of the procedure that will be followed in the event of an allegation being made against them. These procedures and processes are in place, first and foremost, to protect and promote the wellbeing of children, but they also provide staff and volunteers with the assurance that there is a consistent and predictable response to allegations of child abuse.

If an allegation is made against a staff member or volunteer, you should consider suspending the individual from work with

the organisation until the situation has been investigated. If you are unsure of what action to take, it would be appropriate to seek guidance from the police and/or local authority. In some areas there are dedicated multi-agency child protection teams who have special expertise in child protection work.

Remember that the most important thing to consider here is the wellbeing and best interests of the child.

It is also important to make sure that the designated officer and any other staff involved are able to get the support they require.

---

**KEY LEARNING:**

Establish procedures to follow if a child makes an allegation against a member of staff.

### Confidentiality, information sharing and recording

Personal information about children, young people and/or their families held by professionals and agencies is subject to a legal duty of confidentiality and should not normally be disclosed without the consent of the persons concerned. However, sharing appropriate information is an essential component of child protection. Confidentiality is not an option when children or young people are considered to be at risk of abuse.

When a child discloses something that causes concern, or if a member of staff raises concerns about a child's wellbeing, it is important to record this information clearly and accurately. Any concerns should be recorded, regardless of whether it will be ultimately passed on to the statutory authorities.

We recommend that your organisation adopts a procedure for recording information, which is the responsibility of the designated officer, but which all staff and volunteers are familiar with.

---

The information should be written down as soon as possible after the concern has been noted and certainly within 24 hours. The individual who had the concern or to whom the disclosure was made should be the one to record it.

**The following information should be contained in the written report if known:**

- Date and time
- Name of person making the report
- Name and date of birth of the child
- As much family information as possible (names, addresses, phone numbers)
- Nature of the concern
- What the child actually said (if the child disclosed anything)
- Any observations made that would support the concern
- Name of the alleged abuser (if disclosed).

Both the note-taker and the designated officer should sign this note. If the matter is then passed on to a statutory agency, this written information should be forwarded following any telephone contact with them.

The **National Guidance for Child Protection in Scotland (2014)** provides information on confidentiality and information sharing but it should be noted that there has been new data protection legislation introduced subsequently (below) which needs to be taken into account.

At the point of publishing the Creating Safety guidance (2019), the Children and Young People (Information Sharing) (Scotland) Bill was going through Parliament and part of this includes the Named Person Scheme (see Glossary for more information). It is important to note that rules and guidance may change in this area and it is worth checking out **the Scottish Government website** for the latest information.

The General Data Protection Regulation (GDPR) came into effect in 2018 with the Data Protection Act (2018) coming into force in May 2018. This made significant changes to what is classed as personal data, how

consent is given and how data should be stored. The **UK Information Commissioner's Office** provides in-depth information on this legislation with a specific section on **children and GDPR available on their website**.

**The Scottish Information Commissioner** provides specific guidance on what you can and cannot do with personal data within the Scottish context.

It is also very important to have a procedure in place for storing and accessing information which takes into account issues of confidentiality. All personal data should be stored securely but with a procedure in place to ensure staff are aware of important information about any child you are working with.

---

**KEY LEARNING:**

**Establish a procedure for recording and storing information about concerns about a child.**

---

## Support for staff and volunteers

Thinking about and/or dealing with child protection concerns can be challenging on many levels.

If you don't have policies or procedures in place or, are reviewing what you have, make sure you involve the right people. Depending on your organisation this could include:

- Trustees or your management committee
- Managers or leaders in your organisation
- Staff members or volunteers
- Children, young people and/or their families.

All staff require induction and training (see Chapter 4) which will help embed safeguarding and child protection into the organisation and provide guidance on responding to concerns. The designated officer may require additional training and ongoing support.

It is important that the designated officer is able to access regular support through supervision but also debrief if there are any challenging or upsetting incidents.

### What to do if you continue to have concerns

If you feel that the designated officer is not taking your concern seriously then you should raise it with them again and remind them of their responsibility to pass on the concern. If they still do nothing with it, you should speak to one of your senior members of staff. If this is not possible, you can contact the NSPCC Helpline (**0808 800 5000**) and talk through your concerns.

If you are the designated officer and feel that the local authority or police are not responding to your concern, please re-refer the concern advising that you continue to have concerns. Advise your line manager that this is happening. Ring the NSPCC Helpline (0808 800 5000) if it would be helpful to talk it through. They can also make referrals to the local authority.

## Defamation

The following extract is taken from Guidelines on Child Protection prepared for the independent schools in Scotland, by Kathleen Marshall BA (Hons) LLB.

*Concerned adults are sometimes reluctant to report suspicions of abuse for fear that the person suspected will sue them for defamation if the allegation turns out to be unfounded.*

*To be defamatory, a statement must first of all be untrue. Even if subsequently shown to be untrue, the statement will be protected by "qualified privilege" if it is made to the appropriate authority 'in response to a duty, whether legal, moral or social or in the protection of an interest'. Unjustified repetition of the allegations to other persons will not be protected by privilege.*

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

If you are still concerned about defamation you are advised to seek legal advice.

# chapter four



---

## Recruiting and supervising staff and volunteers

Creating the best possible environment in which children can enjoy artistic and cultural experiences depends very much on the adults working with them. Good practice in recruiting and supervising staff and volunteers is therefore very important.

### Recruitment of staff and volunteers

Recruiting the right people for working with children and young people is probably one of the most important decisions that organisations working with them will make. It is essential to ensure that the employees and volunteers that you choose have the necessary experience and skills but, most importantly, it is essential to ensure that they don't represent a risk to the children and young people to whom you offer a service.

A sound recruitment system contributes to protecting children and young people from harm, makes it much more likely that you will employ the most suitable candidates, and helps parents and carers to feel comfortable about entrusting their children with you. Any procedures that you put in place should be followed in a consistent way with every applicant, whether they are applying for a paid or a voluntary position. Try not to see the adoption of comprehensive procedures as burdensome and a barrier to recruiting staff and volunteers, it is an essential element of the work that you do and should be second nature to you as a safe organisation.

One of the best ways to make sure that issues relating to children and young people, including child protection, are effectively embedded in an organisation and its recruitment processes, is to allow the children and young people themselves to be involved in the selection of new staff. This is an empowering approach which sends out clear messages that you place an importance on the engagement of children and young people at all levels.

**There are a number of steps to safer recruitment that you should be following in every case:**

- 1. Define the role and develop selection criteria.** Ensure you have an up-to-date job description for the role along with a specification of the skills you are looking for – if possible identified as 'essential' and 'desirable'.
- 2. Plan the recruitment process.** Including who's involved and timescales. If you haven't already got one, develop a recruitment and selection policy that describes the process you follow.
- 3. Prepare paperwork.** This should include:
  - a covering letter from your organisation – this could also provide information about the recruitment process
  - an application form – that will include personal details, previous/current work and/or voluntary experience, reasons for wanting the post and two references
  - a confidential form allowing applicants to disclose any criminal convictions (see Note at end of this section)
  - information about your organisation and the role
  - a copy of your child protection guidelines.
- 4. Decide how and where you advertise the vacancy.** Do this as widely as possible. It is helpful to make clear reference to your commitment to child protection in all recruiting materials.
- 5. Scrutinise each application and create a shortlist.** This should be approached in a systematic fashion to filter out unsuitable applications. Shortlisting should be based on the essential and desirable skills you previously identified.
- 6. Write your interview questions and tests.** These will be linked to the role and job description and should be designed to elicit the required information about the candidate's suitability. It is helpful to

---

use different interview methods where possible – e.g. tests, presentations, role-play – and, in an ideal world, include input from children and young people. If you do involve children and young people in interviewing, you should make sure that you have time to prepare with them before. They should also have a clear role within the interview process and an opportunity to feed back their thoughts on each candidate.

**7. Carry out your interviews.** Face-to-face interviews are the best option with, if possible, two representatives from your organisation. All interviews should be based on an objective assessment of the candidate's ability against the person specification and job description, but they are also an opportunity to explore the candidate's attitudes towards children and motivation to do the work. Feel free to do second or follow up interviews if you find that helpful.

**8. Do the necessary checks.** No offer of employment (including the offer of voluntary opportunities) should be made without the appropriate checks being undertaken. This includes:

- confirmation of their identity (with photographic documentation)
- seeing any original qualification documentation relevant to the job
- written references from at least two people, preferably having first-hand knowledge of the applicant and their work with children. It is fine to follow these with telephone discussions if felt necessary.

**NOTE** - People working with children are exempt from the Rehabilitation of Offenders Act 1974 and must disclose all convictions even if they are 'spent'. Convictions for certain offences will mean an individual would automatically be 'barred' from membership of the Protecting Vulnerable Groups Scheme. It is illegal to employ someone to work with children who has been barred and it is illegal for the individual to apply for such a post. It is essential that you are aware and take account of the detailed advice and procedures described by [Disclosure Scotland](#).

---

#### KEY LEARNING:

Review and update your recruitment processes so they incorporate safer recruitment principles.

If possible, include children and young people in the recruitment process.

---

### The Protecting Vulnerable Groups (PVG) Scheme

---

If you're an employer and your business involves working with children, your employees will be eligible to join the Protecting Vulnerable Groups (PVG) Scheme. PVG is a membership scheme, established under the Protection of Vulnerable Groups (Scotland) Act 2007, which makes sure its members are allowed to work with vulnerable groups, including children and young people. The type of work that the PVG Scheme applies to is called 'regulated work'.

'Regulated work' covers a range of activities with children, where these are part of the normal duties of the post. The following activities are considered 'regulated work':

- Caring for children
- Teaching, instructing, training or supervising children
- Being in sole charge of children
- Unsupervised contact with children under arrangements made by a responsible person
- Providing advice or guidance to a child or to particular children which relates to physical or emotional wellbeing, education or training
- Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children
- Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children

- Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children
- Work on any part of day care premises at times when children are being looked after in that part
- Being a host parent.

There are no minimum time, frequency or supervisory requirements in respect of these activities. They must not be undertaken at all by barred individuals.

The PVG Scheme is operated on behalf of the Scottish Government by Disclosure Scotland which maintains lists of those individuals unsuitable to work with children – this is referred to as the ‘barred list’ (there is also one for protected adults). Subject to meeting appropriate conditions, Disclosure Scotland, through the PVG Scheme, provides conviction history and vetting information to organisations and potential employers to help them make safer and more informed recruitment decisions.

**It is illegal for anyone who has been barred from PVG membership to undertake ‘regulated work’ with children, and illegal for anyone to employ a barred person to undertake such work.**

While membership of the PVG Scheme is not actually a legal requirement for work with children, application to join the scheme is the only way to find out if a person is barred and it is an offence to employ someone to work with children who is on the barred list.

There is a fee of £59 payable when an individual first joins the PVG Scheme. However, for people who are already members of the Scheme, there is a lower fee of £18 for PVG Scheme Record Updates. A PVG Scheme Record Update at the lower fee of £18 will be all that the employer will need to prove that the person is a PVG member and not unsuitable to work with vulnerable groups. Applications for volunteers working in the voluntary sector are free and not subject to these charges.

There is more detailed information available on the [Disclosure Scotland’s website](#) where you will be able to access the most up-to-date information and advice.

You can also contact the Disclosure Scotland helpline on **0870 609 6006**.

#### KEY LEARNING:

Ensure you are clear about whether roles are ‘regulated activity’ and what type of checks are required.

### Self-employed/freelance workers and the PVG Scheme

If you are self-employed or a freelance worker, there is no specific legal requirement for you to apply for membership of the PVG Scheme. However, it is strongly advised that you do so as membership of the scheme provides reassurance to parents/carers, and to children themselves, and makes it more likely that they will feel safe in using the service you are offering.

If you are contracted to work for a third party, such as a local authority or voluntary agency, or if you are using premises that belong to certain organisations such as churches or uniformed youth organisations, membership of the PVG Scheme may be a requirement of obtaining the contract. It is always the responsibility of the individual to apply for membership of the scheme. However, third parties may provide the application form and/or pay the fee.

---

## After recruitment

If not already in place, these should be thought through and planned so they can be discussed with applicants and put into place with the successful candidate.

## Trial periods

When an applicant is successful you may wish to consider giving them a specified trial period before the appointment is confirmed. This provides you with a chance to observe the applicant at work with children and

also gives the applicant a chance to decide whether this type of work is right for them. A good supervision system will assist both the applicant and the organisation throughout the trial period.

## Induction and training

Any new member of staff or volunteer, or someone moving into a new post that involves direct work with children, should receive an induction into the role that includes child protection. This may be through discussion and reading but it would be helpful to consider what other training may meet their needs.

Training for new or current staff can be undertaken in a number of ways depending on the circumstances and available resources. For example, NSPCC does an online 'child protection in Scotland' course which is completed on an individual basis while both Children in Scotland and NSPCC deliver public and in-house training events covering a range of child protection related topics.

## Supervision of staff and volunteers

While it is of great importance that you consider child protection issues when recruiting staff, it is at least as important that staff and volunteers, once in post, are formally supervised on a regular basis. As well as observing how staff and volunteers interact with children, regular structured supervision meetings are valuable in ensuring that children are safe and that the service is of good quality.

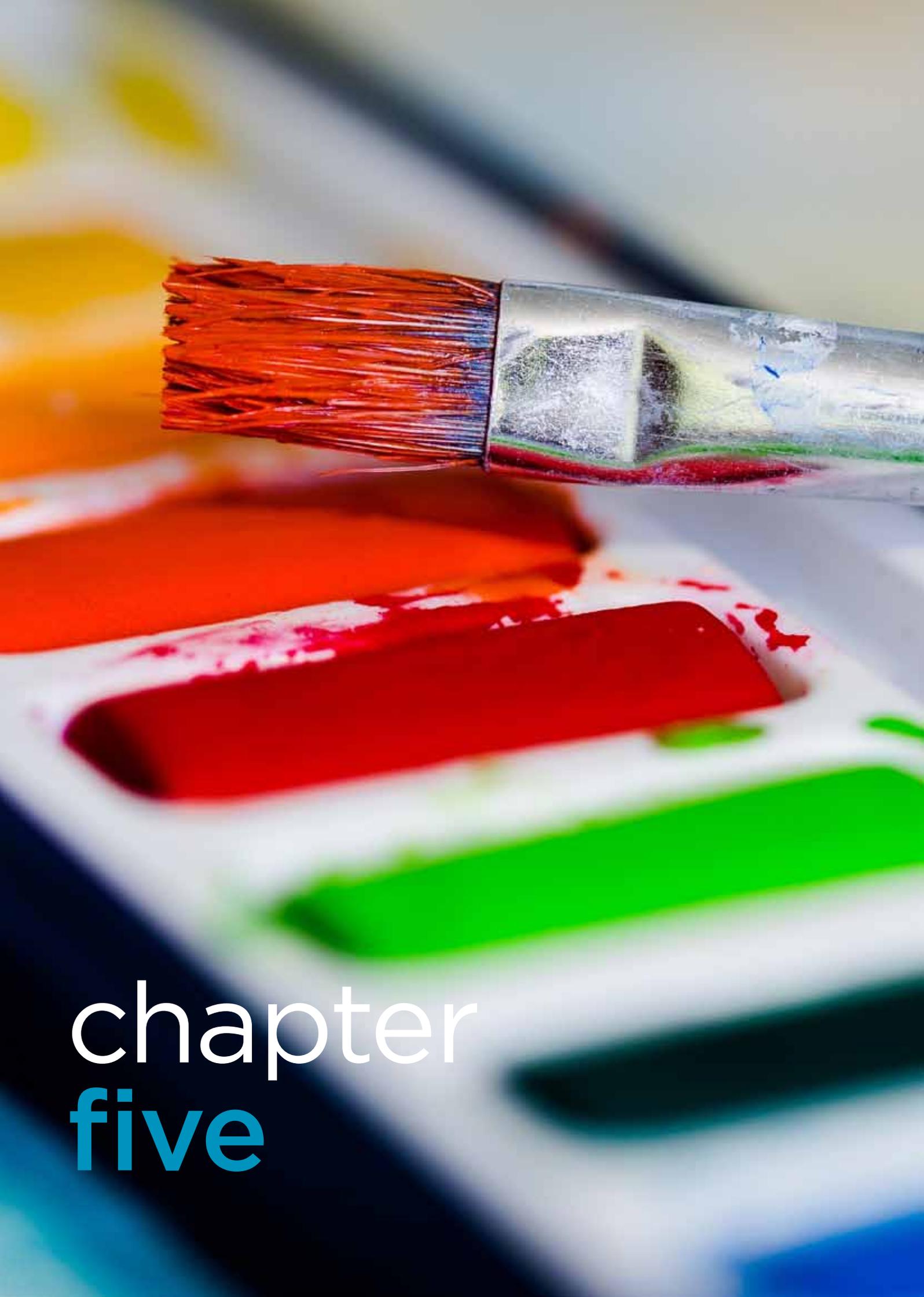
These supervision sessions should provide an opportunity to satisfy those in charge that the children are safe, for staff and volunteers to raise issues about which they are concerned, and to identify staff and volunteer training and support needs. They can be organised on a group or individual basis. Use your code of practice (Chapter 5) as a guide for what areas you should cover during staff supervision sessions.

The extent to which you implement these procedures should be proportionate to the size and nature of your organisation. You should, however, try to follow as many of these suggestions above as you are reasonably able to.

---

### KEY LEARNING:

Establish induction, supervision and training processes for all staff and volunteers.



chapter  
**five**

---

## Writing your child protection policy, procedures and code of behaviour

Ideally you should have a set of child protection guidelines which should have three different sections including:

1. A child protection policy
2. Your procedures
3. A code of behaviour.

These different documents can be encompassed in one set of guidelines but easily separated if necessary. Include an introduction outlining what the guidelines aim to do.

The four key principles for working with children in Chapter 2 should underpin all your interactions with children whether you are an individual or an organisation, and therefore be embedded through all your guidelines and documentation.

---

### Your child protection policy

A policy clearly demonstrates that your organisation takes the safety of children and young people seriously. It should contain what it expects its staff and volunteers to do and provide information on the principles underpinning your organisation's approach to child protection and the wellbeing of the children and young people taking part in your activities.

We have provided a sample policy in Chapter 7 which you can use as a starting point.

---

### Your procedures

These should provide clear information that outlines what to do in situations where child protection concerns have been raised. The sort of things you should include in your procedures are:

- Who the procedures apply to
- Child protection procedures to follow for different scenarios (as outlined in Chapter 3)
- Details of the designated officer for child protection
- Confidentiality and record keeping

- Whistleblowing and complaints procedures
- A child protection record template.

---

### A code of behaviour

It is really helpful to think about how your organisation works and the expectations it has of those who are working within it. Write it all down and make it available for everyone to see.

You may want to consider having separate codes – one for how adults should behave towards children and young people and one for the children and young people themselves. The style and language may be different and, therefore, more appropriate and engaging for the different audiences.

It is a good idea to involve colleagues, volunteers and, if at all possible, the children and young people you work with in its development. Involving children and young people means that you are clearly adhering to the principles outlined in Chapter 2 and modelling best practice. It also helps them understand why the code is helpful, ensure their views are heard and help develop a shared ownership of them.

If you would like some additional information on the participation of children and young people, Children in Scotland have produced a set of guidelines which are available [on their website](#).

What is included in your code/s will be dependent on the activities you provide but you include many of the issues covered in Chapters 2-4. Working with your staff, volunteers and children and young people will help make sure the code is right for your organisation but there are some key positive statements that we would encourage you to include:

- Listening to each other
- Valuing and respecting others
- Involving children and young people in decision-making
- Respecting difference and diversity
- Working with each other.

It is also important to have a clear position on bullying – what constitutes bullying and what are the consequences of it.

#### And finally...

- Ensure that the children and young people enjoy themselves!

**Additional resources for writing your code/s could include:**

- [Parent checklist for youth activities](#)
- [Young Performers: A Guide for Parents and Guardians](#)
- [Internet safety for children and young people](#)

These documents set out a number of questions parents and carers should consider before allowing their children to participate in activities and information on key issues. It is a worthwhile exercise for you to think about how you or your organisation would respond to these questions or issues that are identified.

We have provided a sample code in Chapter 7 which you can use as a starting point.

### Additional information

There may be other information that it would be helpful to refer to. This will depend on the sort of organisation you are and should be proportionate to your size and the types of activities you run.

Depending on how much information you include, it could be built into the procedures and code of behaviour or included as appendices to the guidance. You should consider including:

- Underpinning principles (as outlined in Chapter 2)
- Information about the legislative and policy framework
- Brief overview of signs and indicators
- Links through to other organisational policies
- Sources of support and additional information.

#### KEY LEARNING:

Develop a set of child protection guidelines which include:

1. A child protection policy
2. Your procedures
3. A code of behaviour.

Involve children and young people in the development of the codes of behaviour.

### Reviewing your policies, procedures and codes

These should be reviewed on a regular basis, every 2-3 years for example, depending on the size or structure of your organisation.

A review should also be carried out if there has been a relevant change in legislation, guidance or best practice, or when you develop new projects or services.

#### KEY LEARNING:

Agree and clearly state when you will review the guidelines.

### Publishing your policy, procedures and code of behaviour

It is really helpful to make the policy statement and code of behaviour available to children and young people, parents and carers, organisations for whom you are undertaking contracted work, or any other relevant groups or individuals. These may be in printed format, online or both.

You may have to consider the language that these are written in and make sure it is accessible. This is one of the reasons why it is so helpful to involve children and young people (and families if appropriate) in the development of these documents.

You may want to develop a simple 'promise' to the children about how they will be treated whilst involved in your activities. We have included a sample 'promise' in Chapter 7. This could be available at all activities.

---

While you don't need to make your child protection procedures publicly available it is helpful to keep in mind that people could ask to see them so they should be written in a way that is easy to understand.

Make sure that you and all your staff or volunteers are fully aware of all of these documents – via induction and supervision – and that they agree to follow them.

**KEY LEARNING:**

**Promote your guidelines.**

---

### Child protection and contracted work

It is very important that you, and everyone in your organisation, is clear about what measures you have in place to ensure that the children you work with are in the safest and best possible environment and the child protection processes you will use if required.

Any volunteers or contracted staff will have to work within your policy and procedures so it is vital they are clear what they are.

If you are contracted to undertake work on a freelance basis or are volunteering, you should ask to be shown the organisation's child protection guidelines as you will be expected to work within them. It would be helpful to refer them to these guidelines if you feel they would benefit from it.

---

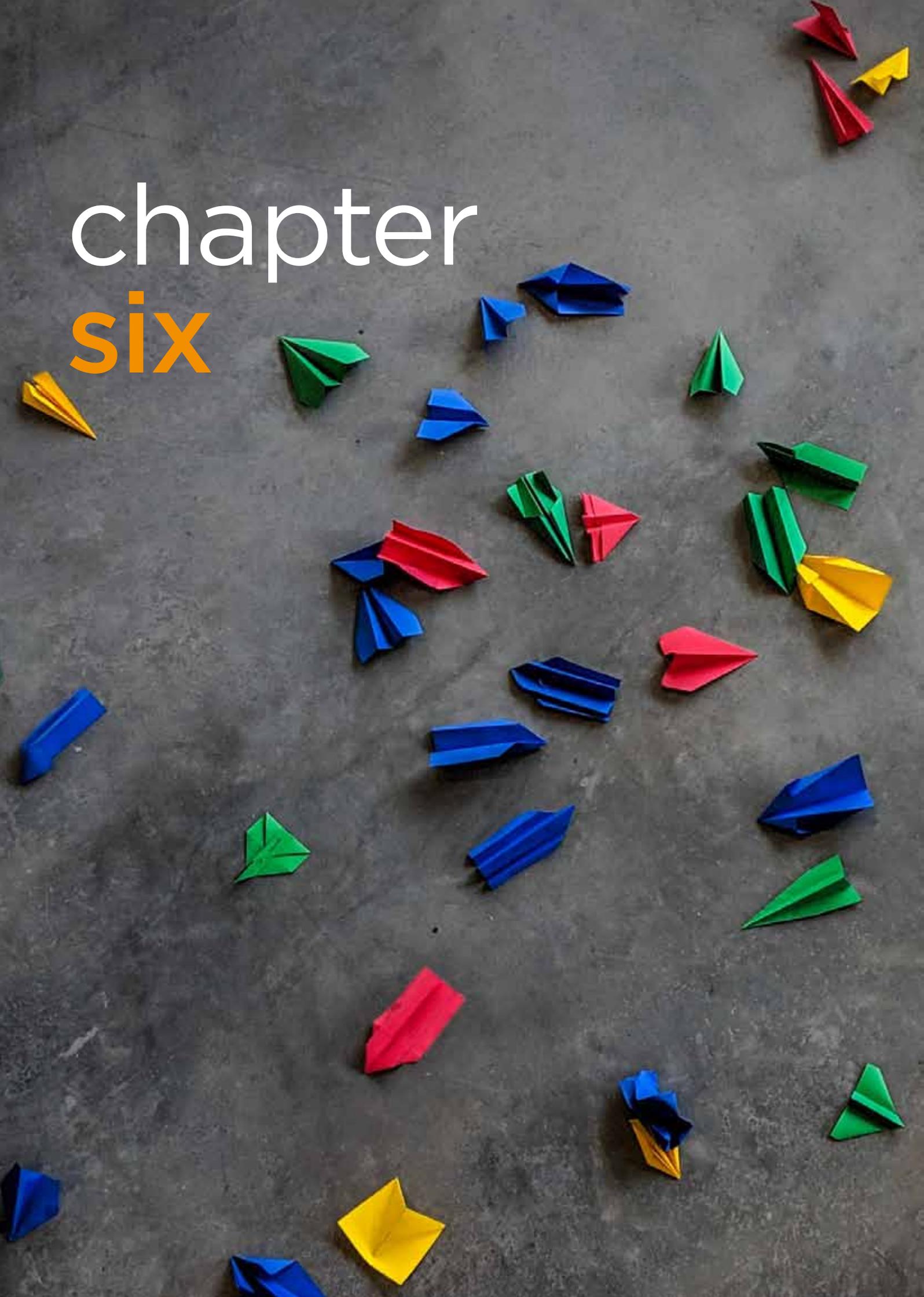
### Working with adults

Although it is highly likely that the majority of people using your services and/or taking part in your activities will be children and young people, it is possible that you will come into contact with adults. These might be parents/carers of the children and young people or participants themselves.

For that reason, it is useful for you to be aware of what constitutes an 'adult at risk' and what to do if there are concerns. It would be helpful for you to consider this when mapping out your activities and developing your child protection processes. If need be, you should develop a brief set of 'adult safeguarding guidelines'. These should be proportionate to the activities or services you run.

This guidance focuses on developing your child protection guidelines but Chapter 6 has more information on adult protection with sources of information also available.

# chapter six



---

## Relevant legislative and policy frameworks

When considering child protection, it is helpful to have an awareness of the different pieces of legislation, policy and guidance that underpin the work you do. Depending on the activities or services that you run, the level of knowledge and understanding you will need of each one will differ.

This chapter provides a brief but comprehensive overview of all the different Acts, policies and guidance documents. It includes links through to further sources of information. There is also additional information on some key definitions.

This could feel overwhelming but please try not to feel this way – there are templates available in Chapter 7 and links throughout this guidance to other sources of specialist advice and support.

---

### Legislation

#### **United Nations Convention on the Rights of the Child (UNCRC)**

The key principles underpinning these guidelines are based on the relevant articles in the Convention. The UK ratified the UNCRC in 1991 and the Scottish Government has articulated a strong commitment to the Convention which has been reflected in legislation passed by the Scottish Parliament.

#### **Social Work (Scotland) Act 1968**

Although amended many times, this provides the primary mandate for social work intervention in Scotland and therefore underpins all child protection work.

#### **Children (Scotland) Act 1995**

This act provides the legislative framework for Scotland's child protection system. It sets out:

- parental responsibilities and rights
- the duties and powers public authorities have to support children and intervene if there are concerns about a child.

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

This Act aims to put children and young people at the heart of planning and services to make sure their rights are respected across the public sector.

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

This Act sets out measures to prevent unsuitable adults from working with children and other vulnerable people and plays a key part in safer recruitment processes (Chapter 4).

#### **Data Protection Act (2018)**

This is the third generation of data protection law and, alongside GDPR, came into force in 2018. The DPA (2018) provides UK specific law in line with GDPR and aims to ensure our data protection laws are effective for years to come.

#### **General Data Protection Regulation (GDPR) (2018)**

This is a European directive that seeks to give individuals (data subjects) a greater level of control over how their personal data is used and, with the Data Protection Act 2018, came into force in May 2018. These legislative instruments comprise a significant modernisation of data protection laws and introduce key definitions and responsibilities.

#### **Equality Act (2010)**

This brought together 110+ separate pieces of legislation into one Act that provides a framework to protect the rights of individuals and advance equality of opportunity for all. It introduced the nine 'protected characteristics' and provides a range of codes of practice.

#### **Children's Hearing (Scotland) Act 2011**

The Act strengthened and modernised the Children's Hearings System and brought into one place most of the children's hearings related legislation.

---

### **Education (Additional Support for Learning) (Scotland) 2004**

Legislates that, where a child or young person has additional support needs, the local authority has a duty to support them in their education.

### **Human Rights Act (1998)**

This sets out the fundamental rights and freedoms that everyone in the UK is entitled to.

---

## **Policy and guidance**

### **Common Core of Skills, Knowledge and Understanding and Values for the “Children’s Workforce” In Scotland (2012)**

Describes the essential characteristics that everyone should have if they work with children, young people and their families. These embody the values of the GIRFEC approach and are cross-referenced to the guiding principles of the UNCRC.

### **Curriculum for Excellence**

Intended to help children and young people gain the knowledge, skills and attributes needed for life in the 21st century, including skills for learning, life and work. Curriculum for Excellence aims to help children and young people become successful learners, confident individuals, responsible citizens and effective contributors.

### **Education Scotland: Child Protection and Safeguarding Policy (2018)**

Includes information on state schools, independent schools, post-school education and corporate parenting.

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

The national framework in Scotland for improving outcomes and supporting the wellbeing of our children and young people by offering the right help at the right time from the right people. GIRFEC supports them and their parents/carers to work in partnership with the services that can help them. Where appropriate, observations, information and reports provided by organisations working with children may help statutory services form a more complete

picture of the life of a child and risks that they might be facing.

### **National Action Plan on Internet Safety for Children and Young People (2017)**

This aims to ensure that appropriate training, support and information is in place. If you are undertaking any digital activities with children and young people, it is recommended that you cross reference with 5Rights (see Chapter 7).

### **National Guidance for Child Protection in Scotland (2014)**

This provides the current guidance from the Scottish Government and a national framework for anyone who could encounter child protection issues at work. It is worth noting that there have been legislative changes since it was published, such as GDPR legislation in 2018.

### **OSCR (Scottish Charity Regulator) Interim Safeguarding Guidance (2018)**

Provides information for the charity sector in Scotland about the safeguarding of ‘vulnerable beneficiaries’.

### **Protecting disabled children from abuse and neglect (2014)**

Additional notes for practitioners and building on the national guidance.

### **The Early Years Framework (2008)**

This framework is about giving all children the best start in life and the steps the Scottish Government, local partners and practitioners in early years services need to take.

### **Other key information**

---

## **The legal definition of ‘children’**

Throughout these guidelines, we have referred to ‘children’ and ‘young people’. By this we mean people who are under the age 18. This is the definition contained in the UNCRC and we recommend that you should use this definition when working with people up to the age of 18. However, you should bear in mind that certain people over 18 are also legally protected under the Adult Support and Protection (Scotland) Act (2007) while

---

the Children and Young People (Scotland) Act 2014 recognises care experienced young people up to and including the age of 25.

You should also be aware that, in Scots law, an individual is defined as a 'child' up to the age of 16. If you are working with people between the ages of 16 and 18, then you may want to make further enquiries as to whether or not you have to consider them as children or as adults and whether you have legal responsibilities for them. As suggested above, we would recommend that these guidelines would be appropriate to use in work with children and young people up to the age of 18. This recommendation is consistent with current Scottish Government guidance. Some groups use young workers or volunteers who may be under the age of 18. You need to give thought both to the safety of children with whom they may be working, but also to their own need for safety and protection.

---

## Consent

The issue of consent can, at times, feel very challenging. This section provides some information about key issues but, as always, it is important that you work out what is right for your group or the activities you've got planned within legal and best practice expectations.

**Gathering consent for projects or activities covers a variety of areas. This can include:**

- consent to participate in an event or project
- consent for photos/imagery or film to be taken or views to be gathered
- consent for photos/imagery, film or views to be shared
- consent to hold personal data.

Please bear in mind that there is a legal obligation to gather consent to hold personal data.

## Consent to participate

While there is no legal obligation to gather consent to participate in a project, it is good practice. Gathering consent to participate is an important way to help participants understand what sort of project they will be involved in and what they should expect from participating. It also upholds their rights under Article 12 of the UNCRC as it allows them to make an informed choice about matters that affect them.

We recommend that consent forms should be signed by the participating child's parents and carers when the child is under the age of 16. Young people over the age of 16 can give consent to participate on their own. You should include a signature box for participants and their parents and carers and could include a standard question such as:

*'I have read the information sheet and am happy for my child to take part in this study/activity/event'*

You should provide a child-friendly information sheet for all participants that tells them what they will be participating in and what their involvement will lead to.

**Things to consider in your information sheet are:**

- What the project will involve and why it is happening
- Any specific outcomes from the performance, for example a report or recording
- The organisations that will be involved and a description of them
- If you will be taking photos or videos
- That their participation is optional and they can choose to stop participating
- What kinds of information you might need to collect from the participants
- Your/your organisation's contact details so they can ask any questions.

---

### Your consent forms should ask for your participant's name and whether they:

- Are happy to participate
- Understand that they can stop at any time
- Are happy for their contributions and photos of them to be shared online (if appropriate)
- Are happy for their contributions and photos of them to be included in any final outcomes, for example a report (if appropriate)
- Are happy to be identified as someone who took part in the project and for their first name to be used?

### Consent to hold personal data

For some projects you might need to collect personal data about the children who are participating. There is a legal obligation to gather consent to hold personal data. There is also a duty to not gather personal information that you do not need so you need to think carefully about the type of information you might need and whether a partner in the project will already have the information.

You should also ask for any necessary information at the start of a project that will help you support participants.

### The types of personal data you might need to collect are:

- Name (*essential*)
- Age (*essential*)
- Participant contact details (*dependent on project*)
- Emergency contact details (*dependent on project*)
- Access requirements (*dependent on project*)
- Dietary requirements (*dependent on project*)
- Religious needs (*dependent on project*).

When you are working with a school or other established group, they may already have a lot of the personal information that you need.

You need to check whether this in the case. If they do have it then there is unlikely to be a reason for you to gather this information again. These organisations will not be able to share this information with you unless they have permission but they will be able to contact family or provide medical information in the case of emergency.

In the list above we have given an idea of what you need to gather and what will depend on the project. If you are setting up a new group that you will have overall responsibility for, you will need to gather all the above information to ensure you are able to meet the needs of participants and keep them safe.

Children over the age of 13 must give you consent to hold their personal data. For children younger than this, consent must be gathered from their parent/carer. Best practice would be to also ask for consent from the child.

All personal data must be stored securely in a way that prevents it from being seen by people who do not have consent to access it. You must tell participants you will store their personal data securely. You also must let participants know how and why you will store this personal information. Participants should also know how long you will store this information for.

Under the GDPR, all citizens have clearly identified 'individual rights' which can be found on [the Information Commissioner's Office \(ICO\) website](#). You need to make participants aware of these. You should include contact details for someone in your organisation who will be responsible for assisting them in exercising their data protection rights – for example, deleting any personal data should a participant decide that they no longer consent to you holding their data – and also ensure they know they can complain to the ICO if they are unhappy.

---

### Safeguarding adults

As mentioned in Chapter 5, it is likely that the majority of people using your services or taking part in your activities will be children and young people but it will still be important

---

that your organisation has an understanding of what constitutes a vulnerable adult, or 'adult at risk' and what to do if you have concerns.

**Scotland has four key Acts that provide a legal framework for the support and protection of adults at risk of harm:**

1. Adults with Incapacity (Scotland) Act (2000)
2. Mental Health (Care and Treatment) (Scotland) Act (2003)
3. Adult Support and Protection (Scotland) Act (2007)
4. Protection of Vulnerable Groups (Scotland) Act (2007).

**The Adult Support and Protection (Scotland) Act defines an “adult at risk of harm” as someone aged 16 or over who:**

- Is unable to safeguard their own wellbeing, property, rights or other interests
- Is at risk of harm (either from another person's behaviour or from their own behaviour)
- Because they have a disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than other adults.

It is important to stress that all three elements of this definition must be met. The presence of a particular condition does not automatically mean an adult is an “adult at risk”. Someone could have a disability but be able to safeguard their own wellbeing, etc.

If you have concerns about an adult who you feel may be 'at risk of harm' then, as with a child protection concern, you need to record them and report them.

To find out more about when and how to report concerns, please have a look at the [Act Against Harm website](#).

---

## Children's Hearings System

---

It would be helpful for you to have an awareness and understanding of the Children's Hearings System because, while you will not necessarily know whether the children or young people using your activities are part of the system, your organisation could be in the best place to offer support.

This is a unique care and justice system for children and young people living in Scotland. It is made up of a number of organisations working together including local authorities (social work, education, etc.), health, Police Scotland, [Children's Hearings Scotland](#) and the [Scottish Children's Reporter Administration \(SCRA\)](#).

One of its fundamental principles is that children and young people who commit offences, and children and young people who need care and protection, are supported through the same system. It exists to ensure the safety and wellbeing of vulnerable children and young people. It does this through a decision-making lay tribunal called a Children's Hearing made up of members of the Children's Panel. The Children's Panel is the largest tribunal in Scotland and is made up of over 2,500 specially trained volunteer Panel Members from local communities across Scotland.

If you need to know more about the system, have a look at the [Children's Hearings Scotland website](#).

---

## Registration of day care

---

If you are working with children under the age of 16, you may be required to register with [the Care Inspectorate](#). If you provide care for children under the age of 16 for more than 2 hours a day, and for more than 6 days a year, this may be counted as 'day care' and would also require registration.

The Care Inspectorate has a range of helpful information including this guide: ['Applying to register a care service'](#) which includes information on what is in and out of scope.

---

## Multi-agency working

As you will already know, the children's sector is vast and encompasses a wide range of agencies and organisations. This includes statutory, private and voluntary (or third) sectors, all providing a wide range of different activities. The desire and ability to work together and take a multi-agency approach is essential to ensuring the safety of children and young people.

It is important to make sure you understand where your organisation fits within the children's sector, particularly if you will be connecting with any of the statutory agencies. If possible, attend multi-agency training which will allow you or your staff to make links across different parts of the sector. Encourage multi-agency working and connections wherever possible.

# chapter seven



---

## Where to get further information

All links in this section are working at time of publication. The PDF version has working hyperlinks allowing you to click through to all these resources. To download the PDF version of Creating Safety, go to [www.creativescotland.com/creatingsafety](http://www.creativescotland.com/creatingsafety)

---

### Useful websites and online resources

Act Against Harm (adult safeguarding)

[www.actagainstharm.org](http://www.actagainstharm.org)

Adult:child ratios – NSPCC

[learning.nspcc.org.uk/research-resources/briefings/recommended-adult-child-ratios-working-with-children/](http://learning.nspcc.org.uk/research-resources/briefings/recommended-adult-child-ratios-working-with-children/)

Care Inspectorate

[www.careinspectorate.com](http://www.careinspectorate.com)

CEOP (Child Exploitation and Online Protection Centre)

[ceop.police.uk](http://ceop.police.uk)

Child Protection Committees

[www.celcis.org/our-work/protecting-children/child-protection-committees-scotland/](http://www.celcis.org/our-work/protecting-children/child-protection-committees-scotland/)

Child protection system in Scotland – NSPCC

[learning.nspcc.org.uk/child-protection-system/scotland/](http://learning.nspcc.org.uk/child-protection-system/scotland/)

Children and Young People Participation and Engagement Guidance – Children in Scotland

[childreninscotland.org.uk/wp-content/uploads/2017/11/Principles-and-Guidelines-FINAL.pdf](http://childreninscotland.org.uk/wp-content/uploads/2017/11/Principles-and-Guidelines-FINAL.pdf)

Children’s Hearings Scotland

[www.chscotland.gov.uk/](http://www.chscotland.gov.uk/)

Creative Scotland

[www.creativescotland.com](http://www.creativescotland.com)

Curriculum for Excellence

[education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-\(building-from-the-statement-appendix-incl-btc1-5\)/What%20is%20Curriculum%20for%20Excellence?](http://education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-(building-from-the-statement-appendix-incl-btc1-5)/What%20is%20Curriculum%20for%20Excellence?)

Disclosure Scotland

[www.disclosurescotland.co.uk/publications](http://www.disclosurescotland.co.uk/publications)

Education Scotland – Safeguarding and child protection guidance (2018)

[education.gov.scot/Documents/ESsafeguardingandchildprotectionpolicyApr18.pdf](http://education.gov.scot/Documents/ESsafeguardingandchildprotectionpolicyApr18.pdf)

Generations Working Together

[www.generationsworkingtogether.org](http://www.generationsworkingtogether.org)

Getting it right for every child

[www2.gov.scot/Topics/People/Young-People/gettingitright](http://www2.gov.scot/Topics/People/Young-People/gettingitright)

Health and Safety Executive (HSE)

[www.hse.gov.uk](http://www.hse.gov.uk)

Health and Social Care Standards

[www.newcarestandards.scot](http://www.newcarestandards.scot)

Internet Watch Foundation

[www.iwf.org.uk/what-we-do/why-we-exist/our-remit-and-vision](http://www.iwf.org.uk/what-we-do/why-we-exist/our-remit-and-vision)

National Action Plan on Internet Safety for Children and Young People (2017) –

Scottish Government

[www.gov.scot/publications/national-action-plan-internet-safety-children-young-people/](http://www.gov.scot/publications/national-action-plan-internet-safety-children-young-people/)

National Child Protection Guidance –

Scottish Government

[www.gov.scot/publications/national-guidance-child-protection-scotland/](http://www.gov.scot/publications/national-guidance-child-protection-scotland/)

Our Digital Rights (2016) –

5Rights and Young Scot

[d1qmdf3vop2l07.cloudfront.net/eggplant-cherry.cloudvent.net/compressed/7660b29ac3127d42c99bf394ed4c724c.pdf](http://d1qmdf3vop2l07.cloudfront.net/eggplant-cherry.cloudvent.net/compressed/7660b29ac3127d42c99bf394ed4c724c.pdf)

Parent Checklist for Activities (2002) –

Scottish Government

[www2.gov.scot/Publications/2002/10/15502/11395](http://www2.gov.scot/Publications/2002/10/15502/11395)

Photography – NSPCC

[learning.nspcc.org.uk/research-resources/briefings/photography-sharing-images-guidance/](http://learning.nspcc.org.uk/research-resources/briefings/photography-sharing-images-guidance/)

Protection of Vulnerable Groups Scheme (PVG) Guidance

[www.mygov.scot/pvg-scheme/](http://www.mygov.scot/pvg-scheme/)

Risk benefit assessment form –

Play Safety Forum

[playsafetyforum.files.wordpress.com/2015/03/psf-risk-benefit-assessment-form-worked-example.pdf](http://playsafetyforum.files.wordpress.com/2015/03/psf-risk-benefit-assessment-form-worked-example.pdf)

---

Safer Recruitment Through Better Recruitment (Care Inspectorate Hub)  
[hub.careinspectorate.com/knowledge/safer-recruitment/#](https://hub.careinspectorate.com/knowledge/safer-recruitment/#)

Scottish Children's Reporter Administration  
[www.scra.gov.uk/home/index.cfm](https://www.scra.gov.uk/home/index.cfm)

SHANNARI wellbeing indicators:  
Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.  
[www2.gov.scot/Topics/People/Young-People/gettingitright/wellbeing](https://www2.gov.scot/Topics/People/Young-People/gettingitright/wellbeing)

UK Safer Internet Centre  
[www.saferinternet.org.uk/](https://www.saferinternet.org.uk/)

United Nations Convention on the Rights of the Child (UNCRC)  
[www.unicef.org.uk/what-we-do/un-convention-child-rights/](https://www.unicef.org.uk/what-we-do/un-convention-child-rights/)

Unicef  
[www.unicef.org.uk](https://www.unicef.org.uk)

---

## Useful organisations

### 5Rights

Exists to articulate the rights of children and young people in the digital environment.

[5rightsfoundation.com/](https://5rightsfoundation.com/)

### Action for Children Scotland

Supports and speaks out for the UK's most vulnerable and neglected children and young people.

[www.actionforchildren.org.uk/what-we-do/our-work-in-scotland/](https://www.actionforchildren.org.uk/what-we-do/our-work-in-scotland/)

### Barnardo's Scotland

Works to transform the lives of vulnerable children across the country through projects, campaigning and research.

[www.barnardos.org.uk/what\\_we\\_do/%20barnardos\\_today/Scotland](https://www.barnardos.org.uk/what_we_do/%20barnardos_today/Scotland)

### Childline Scotland

Provides free, confidential support to children who have been abused or have other worries or concerns.

[www.childline.org.uk](https://www.childline.org.uk)

Tel: 0800 1111

### Children 1st

Offering practical help and advice to children, young people and families across Scotland.

[www.children1st.org.uk/](https://www.children1st.org.uk/)

### Children in Scotland

The national network improving children's lives in Scotland.

[www.childreninscotland.org.uk](https://www.childreninscotland.org.uk)

### Enquire: The Scottish Advice Service for Additional Support for Learning

Offers independent and impartial advice and information to parents, carers, practitioners, children and young people through a helpline, online advice service and a range of guides and factsheets.

[www.enquire.org.uk](https://www.enquire.org.uk)

Tel: 0845 123 2303

### National Third Sector GIRFEC Protect

Hosted by Children in Scotland, providing advice and support to the third sector in implementation of GIRFEC.

[childreninscotland.org.uk/national-third-sector-girfec-project/](https://childreninscotland.org.uk/national-third-sector-girfec-project/)

### NSPCC Helpline

Confidential help, advice and support.

[help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Tel: 0800 800 5000

### Parentline Scotland

A free confidential helpline for parents and carers who need advice or support.

Tel: 08000 28 22 33

[www.parentlinescotland.org.uk](https://www.parentlinescotland.org.uk)

### Play Scotland

Delivering children and young people's right to play in Scotland.

[www.playscotland.org](https://www.playscotland.org)

### Quarriers

Provides social care services for vulnerable children throughout Scotland.

[www.quarriers.org.uk](https://www.quarriers.org.uk)

---

## Young Scot

National youth information and citizenship charity in Scotland.

[young.scot/](http://young.scot/)

## YouthLink Scotland

The national agency for youth work in Scotland.

[www.youthlinkscotland.org](http://www.youthlinkscotland.org)

There are also many local organisations that provide services only in certain areas. Your local authority should be able to provide information on those.

---

## Training providers

**Children in Scotland** provides a range of different child protection and safeguarding learning opportunities. For example: an introduction/refresher course, training for designated officers, online safety, child sexual exploitation, self-harm and substance use. The latest programme can be found on the **Events section of the website** and the team are also happy to discuss developing tailored courses or programmes of events to meet your organisation's needs.

**There are also a number of different national organisation who provide child protection and safeguarding training, including:**

### Barnardo's

- A range of different training and consultancy services.

### Children 1st

- Introductions to child protection
- With **sportscotland**, a range of different courses appropriate for sporting organisations.

### NSPCC Scotland

- A range of different courses from online modules to a postgraduate certificate.

There will also be learning opportunities at a local level, so it is always worth checking out what is available through your Child Protection Committee, Third Sector Interfaces or other local groups.

---

## Glossary of terms

There are a range of commonly used terms which we thought would be helpful to pull together in one place. This is not an exhaustive list and, in certain areas, terms will change so it is always helpful to keep this in mind.

**Additional support needs** - Some children and young people will require support that is additional to, or different from, that received by children or young people of the same age to ensure they benefit from education, whether early learning, school or preparation for life after school. Additional support needs can be both long- and short-term or can simply refer to the help a child or young person needs in getting through a difficult period. Additional support needs can be due to: disability or health, learning environment, family circumstances and/or social and emotional factors. (Education Scotland)

**Bullying** - Bullying takes place in the context of relationships. It is behaviour that can make people feel hurt, threatened, frightened and left out and it can happen face to face and online. (respectme)

**Care experienced/looked after children or young people** - Those children or young people in the care of their local authority. The local authority may be referred to as the 'corporate parent' (as defined later in this Glossary)

You can find out more about Scottish Government policy on looked after children on the **Scottish Government website**.

**Child abuse** - Child abuse is any action by another person - adult or child - that causes significant harm. It can be physical, sexual or emotional, but can just as often be about a lack of love, care and attention. (NSPCC)

**Child protection** - Protecting a child from abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. (Scottish Government)

**Child Protection Committee (CPC)** - Locally-based, inter-agency strategic partnerships responsible for child protection policy and practice across the public, private and

---

wider third sectors in their locality and in partnership across Scotland. Their role, through their respective local structures and memberships, is to provide individual and collective leadership and direction for the management of child protection services across Scotland. (Scottish Government)

You can find your local CPC via [the CELCIS website](#).

**Child protection policy** – This is your internal policy that demonstrates your organisation takes safeguarding seriously and identifies how you will ensure that children and young people are safe. See Chapter 5.

**Child protection procedures** – These provide clear information on what will happen if there are any child protection concerns. See Chapter 5.

**Child sexual exploitation (CSE)** – CSE is a type of sexual abuse. It can take a range of forms and can take place face-to-face and online. Children and young people may be influenced into thinking they are in a consensual relationship by being given things in exchange for engaging in a sexual activity. CSE can also often occur in gangs. Some children and young people are trafficked both within and into the UK for the purposes of sexual exploitation.

**Child trafficking/modern slavery** – Child trafficking and modern slavery are forms of child abuse. Children are recruited, moved or transported and then exploited, forced to work or sold. (NSPCC)

You can find out more on the [NSPCC website](#).

**Code of behaviour** – A code of behaviour (some people may choose ‘practice’ or ‘conduct’) outlines how you/your organisation, staff members and volunteers will work with children and young people. It formalises how you will deal with issues and how you will conduct your work. You can also develop a code of behaviour for the children and young people. See Chapter 5.

**Continuing care** – Looked after children and young people in Scotland now can choose to maintain their placement in care until the age

of 21. They will no longer be defined as ‘looked after’ but will retain the same level of support.

**Corporate parenting** – Corporate parenting refers to an organisation’s performance of actions necessary to uphold the rights and secure the wellbeing of a looked after child or care leaver, and through which their physical, emotional, spiritual, social and educational development is promoted, from infancy through to adulthood. In other words, corporate parenting is about certain organisations listening to the needs, fears and wishes of children and young people, and being proactive and determined in their collective efforts to meet them. (Scottish Government)

CELCIS have produced a helpful [corporate parenting briefing](#) as part of their *Inform* series.

**Cyberbullying** – Cyberbullying is the same as bullying but takes place online and should be tackled in the same way as bullying.

**Designated officer for child protection** – It is good practice for your organisation to have an individual who has overall responsibility for dealing with child protection concerns. This is the person who staff approach when they have a concern or need to report a disclosure of information. Also referred to as ‘designated officer’ within this guide.

**Disclosure** – A disclosure of information is where someone tells you about a concerning incident or issue that they have experienced. This could be a child or young person about themselves or someone else. Or it could be an adult (parent, carer, professional) talking about a child or young person.

**Disclosure Scotland** - Disclosure Scotland is an agency of Scottish Ministers which helps employers make safer decisions when they’re recruiting people. It also makes sure unsuitable people don’t work with vulnerable groups, including children. They provide certificates that give details of a person’s criminal convictions. Disclosure Scotland provides a range of certificates depending on the type of work you will be doing.

You can find out more on the [My Gov website](#).

---

**FGM** – Female genital mutilation (FGM) is the partial or total removal of external female genitalia for non-medical reasons. It’s also known as female circumcision or cutting. Religious, social or cultural reasons are sometimes given for FGM. However, FGM is child abuse, it is dangerous and it is a criminal offence. (NSPCC)

**Forced marriage** – Forced marriage is where one or both of the parties involved in a marriage do not or cannot consent to the marriage. Pressure or abuse is often involved as a way of forcing the marriage.

**General Data Protection Regulation (GDPR)**  
– The GDPR was introduced in 2018 and it enhances the rights of citizens in relation to the use and retention of their personal data. Personal data is information that can make a person identifiable either on its own or in connection with other information.

The Information Commissioner’s Office (ICO) has prepared a guide on ‘children and the GDPR’, which you can access [on their website](#).

**Getting it right for every child (GIRFEC)** – GIRFEC is the national framework in Scotland for supporting the wellbeing of children and young people. The framework aims to improve outcomes for children and young people by supporting them, their parents/carers and the services they use to work in partnership and to integrate children’s services so they can respond to the needs of children and young people at the earliest opportunity.

You can find out more about GIRFEC on [the Scottish Government website](#).

**Grooming** – Grooming is where someone develops an emotional connection with a child with the intention of exploiting them. It may involve gaining their trust to provide opportunities to sexually abuse or traffic them. It can also be a means of getting children and young people to become involved in dangerous activities such as gangs. Children and young people can be groomed by someone that they know, including family, friends or professionals. They can also be groomed by people they do not know, this may happen online and in person.

**Guidance** – Guidance lays out the different things that a company, organisation or professional should be doing to support children and young people. Some guidance has statutory status and must be followed.

**Harm** – Harm is where the treatment by an adult(s) has negatively impacted on the development and health of a child. Harm can also be considered significant when this development has been seriously impaired. This is measured against the expected development of a similar child.

**LGBT** – This is an umbrella term to describe a range of sexual orientation and gender identities that the children and young people you work with, or their families, may identify as. In this instance it includes lesbian, gay, bisexual and transgender but the term also includes intersex, questioning, asexual and others. You need to be aware of the discrimination and bullying that can affect LGBT identifying children including homophobia, transphobia and biphobia.

More information is available from [LGBT Youth Scotland](#) or [Stonewall Scotland](#).

**Lone working** – Lone working is defined by the Health and Safety Executive (HSE) as “those who work by themselves without close or direct supervision”. This may include in a child or young person’s house or 1-1 work elsewhere. If you are likely to be working on your own regularly, it is advisable to develop a specific policy or procedure and include this in any risk assessment undertaken.

**Named person** – The Named Person service is an integral part of the Scottish Government’s GIRFEC framework. The aim is that all children and young people up to the age of 18 will have access to a named person who can help them get access to the support they need. At the point of writing this guidance, the Named Person service roll out has been subject to challenge so it is worth looking up the most recent information.

You can find out more about the Named Person service on the [Scottish Government website](#).

---

**Neglect** – Neglect is the ongoing failure to meet a child’s needs. Neglect is dangerous and children can suffer serious and long-term harm as a result of being neglected. A child may be left hungry or dirty, without adequate clothing, shelter, supervision, medical or health care. A child may be put in danger or not protected from physical or emotional harm. They may not get the love, care and attention they need from their parents. A child who is neglected may well experience other forms of abuse as well. Neglect is dangerous and can cause serious, long-term damage – even death. (NSPCC)

**Prejudice-based bullying** – Bullying behaviour may be a result of prejudice that relates to perceived or actual differences. This can lead to prejudice and discriminatory language or behaviour, including racism, sexism, homophobia, biphobia or transphobia. (respectme)

**Protection of Vulnerable Groups (PVG) Scheme** – this is a membership scheme, established under the Protection of Vulnerable Groups (Scotland) Act 2007, which makes sure its members are allowed to work with children and young people.

**Regulated work** – This is a range of activities with children, where these are part of the normal duties of the post, which requires the post-holder to be a member of the PVG Scheme.

More information can be found on [the My Gov website](#).

**Risk Assessment** – A risk assessment is a document that identifies and outlines how you will manage risks that may arise from an activity. You should prepare one in advance of your sessions. It is important to focus on the benefits of an activity as well as the risks and support the group you are working with to explore these safely.

You can find out more in the Assessing Risk section, Chapter 2.

**Safeguarding** – Safeguarding is a much wider concept than child protection and refers to promoting the welfare of children, young people and protected adults. It encompasses protecting from maltreatment, preventing

impairment of their health or development, ensuring that they are growing up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children, young people and protected adults to have the best outcome. Child protection is part of this definition and refers to activities undertaken to prevent children suffering, or likely to suffer, significant harm. (Education Scotland)

**Self-harm** – Some children and young people will cause themselves harm in a range of ways. You can find out more about the signs and causes of self-harm on the [See Me \(End mental health discrimination\) website](#).

**Sexting** – Sexting is where someone sends explicit messages or images of themselves or another. It is illegal to send and receive explicit images of anyone under the age of 18. Children and young people who have exchanged explicit images of themselves with others can often become victims of bullying and harassment.

**SHANARRI** – Is the common acronym for the wellbeing indicators contained in the GIRFEC Framework. The eight wellbeing indicators, used to improve the wellbeing of children and young people are: Safe, Healthy, Active, Nurtured, Respected, Responsible and Included.

You can find out more about the wellbeing indicators and how they are used on [the Scottish Government website](#).

**Statutory duty** – This is something that a company, organisation or professional must do by law. For example, social workers have a statutory duty to investigate child protection concerns.

**United Nations Convention on the Rights of the Child (UNCRC)** – The UNCRC is an international convention that lays out all the rights that children and young people up to the age of 18 are entitled to. Your practice should always follow the UNCRC.

You can find out more [on the Unicef website](#).

## Child protection checklist

Whether you are developing your safeguarding and child protection processes from scratch, or reviewing and updating what you have in place, here is a list of the key things to work through to make sure you've got everything you need in place.

1. **Identify who will be involved in developing your processes**  
(or reviewing what you've got)
2. **Identify your designated officer for child protection**
3. **Map out what contact you have with children and consider areas of potential risk**
4. **Look at what safeguarding processes you've already got in place**
5. **Work out the best way to involve children and young people in the development (or review)**
6. **Develop your child protection guidelines:**
  - Child protection policy
  - Procedures
  - Code of behaviour
7. **Develop any other processes, policies or procedures that are required.**  
This could include:
  - Risk assessment
  - Online safety
  - Recruitment
  - Lone working
  - Adult safeguarding/protection
  - Recording and storage
  - Health and safety
  - Bullying
  - Etc.
8. **Ensure staff and volunteers receive appropriate induction and training**
9. **Information is shared with children/young people, parents/carers, funders, public, etc. (as applicable)**
10. **Identify a review date**

---

## Sample documents

These are some examples of the documents you should try to have in place.

Please don't just reproduce them but use them as a starting point to have a discussion within your organisation and, if at all possible, with the children and young people taking part in your activities. This will mean they are tailored to your individual group and you will have a higher level of understanding and buy-in from everyone.

---

## Child protection policy

### Our child protection policy

This policy applies to all staff, including *(insert different roles including paid and volunteers)*, or anyone working on behalf of *(insert name of organisation)*.

### The purpose of this policy:

- To protect children and young people taking part in our activities or receiving our services
- To provide our staff with the principles that guide our approach to child protection.

*(Insert name of organisation)* believes that children and young people should not experience abuse of any kind. We have a responsibility to promote and safeguard the welfare of all children and we are committed to practicing in a way that protects them from harm.

### Legal framework:

List the key pieces of legislation or guidance, including:

- United Nations Convention on the Rights of the Child (UNCRC)
- Children and Young People (Scotland) Act (2014)
- Protection of Vulnerable Groups (Scotland) Act (2007)
- General Data Protection Regulation (GDPR) (2018)
- Equality Act (2010)
- Getting it right for every child (GIRFEC)
- Etc.

### This policy links to:

List any other policies or procedure you may have, such as:

- Recruitment
- Child protection procedures
- Bullying policy and procedures
- Complaints
- Online safety
- Lone working
- Etc.

### We recognise that:

Add in the key principles as outlined in Chapter 2, tailoring them to your group or the activities you run.

### We will keep children and young people safe by:

Add in a list of the things you will do. You could include:

- Having a Designated Officer for child protection in post
- Implementing our online safety policy
- Taking a safer recruitment approach
- Ensuring our staff and volunteers have received appropriate child protection training
- Striving to involve children and young people in and planning and delivery of group activities
- Etc.

### Contact details:

Insert key contact details including:

- Designated officer for child protection
- Chief Executive/Manager
- The local social care office
- Out of hours social care
- Police
- NSPCC Helpline.

### Signed and dated:

Include the date this policy was written; signed by (most senior person in the organisation)

Include a statement committing to review and update the policy with the date clearly identified.

---

## Code of behaviour

### Our code of behaviour

This code outlines what is expected of all staff and volunteers working for *(insert name of organisation)* as well as anyone working in partnership with us or on our behalf.

#### The purpose of this code:

- To protect children and young people from harm
- Help staff and volunteers maintain the standard of behaviour we expect.

#### The role of staff and volunteers:

All staff and volunteers working for *(insert name of organisation)* are acting in a position of trust and are expected to behave in an appropriate manner at all times.

#### Staff and volunteers should:

- Operate within *(insert name of organisation)*'s policies and procedures including the child protection guidelines
- Treat everyone fairly, with respect, dignity and as an individual
- Engage with children and young people in a meaningful way, valuing their contribution
- Ensure that contact with children and young people is appropriate and relevant to *(insert name of organisation)*'s work
- Ensure that language used is appropriate and not offensive or discriminatory
- Be aware of any additional vulnerabilities that some children, young people or communities may face
- Respect children and young people's right to privacy
- Ensure that activities are run as safely as possible with risks minimised
- Where possible, try to ensure there is more than one adult present during activities
- Understand when physical contact is appropriate and be aware that physical contact can be misinterpreted

- Challenge unacceptable behaviour and report any concerns or allegations
- If concerns have been raised, record these as soon as possible.

#### Staff and volunteers should not:

- Ignore or trivialise any concerns
- Promise confidentiality to a child or young person
- Develop inappropriate relationships with children, young people or their families, such as contact outside of work
- Provide personal contact details or engage on online activity outside of *(insert name of organisation)*'s policy
- Make sarcastic, offensive or sexually suggestive remarks or gestures directly to, or in front of, children and young people
- Conduct a sexual relationship with a young person
- Act in a way that could be perceived as threatening or intrusive
- Allow bullying to take place without challenge
- Take unnecessary risks when assessment or policy suggest a different approach.

**Note:** *These are not exhaustive lists and should be tailored to your individual organisation's work and the needs of the children and young people.*

*You may also want to develop a similar code of behaviour for children and young people.*

---

## Risk Assessment

Rather than reproduce a sample risk assessment template here, the **Play Safety Forum** (a consortium of Play England, Play Scotland, Play Wales and PlayBoard Northern Ireland) have produced a very useful guidance document on undertaking a risk benefit assessment. It includes information on the approach, definitions and an adaptable template. The guidance can be accessed on the **Play Safety Forum website**.

---

## Safeguarding pledge

All of us at (*insert name of organisation*) promise to make sure that you have the best time possible while you are taking part in our activities. We all believe that you have a right to feel safe and comfortable while you are with us. We will do our very best to live up to the promises that we make to you.

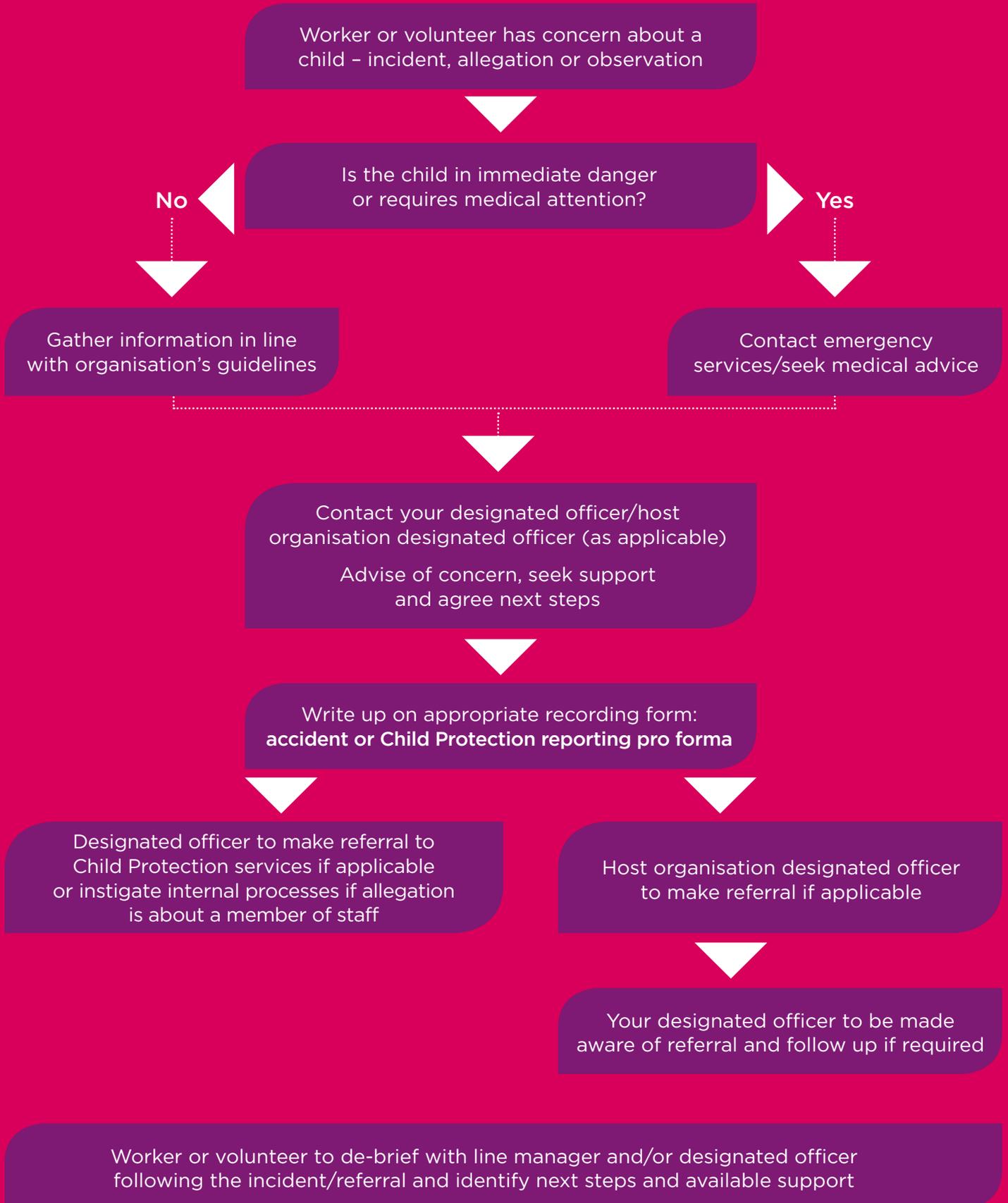
### We will:

- Make you feel welcome
- Always think about your needs as the main consideration
- Treat all children and young people fairly
- Make sure that all our staff and volunteers know what they are supposed to be doing
- Make our activities as safe as possible
- Listen to what you want to tell us
- Do our best to make sure you have fun
- Do what we say we will do!





## Reporting flow chart





ALBA | CHRUTHACHAIL

Third Edition  
May 2019

**Creative Scotland**

Waverley Gate  
2-4 Waterloo Place  
Edinburgh EH1 3EG  
Scotland UK

The Lighthouse  
Mitchell Lane  
Glasgow G1 3NU  
Scotland UK

Reception +44 (0) 330 333 2000  
Enquiries +44 (0) 345 603 6000  
enquiries@creativescotland.com

**[www.creativescotland.com](http://www.creativescotland.com)**

**Children in Scotland**

Level 1  
Rosebery House  
9 Haymarket Terrace  
Edinburgh EH12 5EZ  
Tel: 0131 313 2322

**[www.childreninScotland.org.uk](http://www.childreninScotland.org.uk)**

