

# Safe and well

A handbook for staff, schools and education authorities



SUPPORTED CHILDREN



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# Safe and well

**Your role in helping schools support  
children, young people and families and  
protecting children**

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## Charter for Children



Get to know us

Speak with us

Listen to us

Take us seriously

Involve us

Respect our privacy

Be responsible for us

Think about our lives  
as a whole

Think carefully about  
how you use information  
about us

Put us in touch with  
the right people

Use your power to help

Make things happen when  
they should

Help us be safe



**The Charter should be  
enacted daily in schools**

### The Pledge to Children

#### Children will:

- Get the help they need when they need it
- Be seen by a professional such as a teacher, doctor or social worker to make sure children are all right and not put at more risk
- Be listened to seriously, and professionals will use their power to help children
- Be able to discuss issues in private, if and when children want to
- Be involved with children and help them understand decisions made about their lives
- Provide children with a named adult to help them

#### Professionals will:

- Share information to protect children
- Minimise disruption to other parts of children's lives
- Work together effectively on children's behalf
- Be competent, confident, properly trained and supported
- Work to continually improve how and what is done to help children

**Schools must consider how the Pledge will be fulfilled when children and young people need support.**



This booklet provides advice for all staff working in schools and other education services on:

- Your role in keeping children and young people safe and well 4
- Signs that children and young people need help 7
- Confidentiality and sharing concerns 8
- How the school responds to concerns 10
- A strong school team keeping children safe and well 12
- The *Safe and Well A-Z* of issues requiring consideration for keeping children safe and well and protecting children 15
- Contacts 17



*Throughout this document the term 'parent' should be taken to mean a child or young person's parent, guardian or carer*

## Your role in keeping children and young people safe and well

Every adult in Scotland has a role in ensuring all our children live safely and can reach their full potential. School staff provide support to children and young people in their daily work and have a vital role in helping protect them from harm.

School staff help keep children and young people safe and well by:

- Helping them learn about their personal safety
- Being a trusted adult who children and young people may turn to for help, and who will take them seriously
- Identifying when children and young people may need help
- Understanding the steps that must be taken when there are concerns for children's and young people's safety and well-being

Schools help keep children and young people safe and well where

- a caring school ethos helps children and young people feel respected
- staff are available and accessible to provide help, and at least one member of staff knows every child well
- safety is a priority



- children and young people are provided with the knowledge, skills and values they need to choose and maintain a healthy lifestyle
- children and young people are given access to information about child welfare and support services such as ChildLine

All schools have a Child Protection Co-ordinator who will co-ordinate the school's response to concerns for children and young people's safety and wellbeing. Every Education Authority has a designated officer for Child Protection who will ensure schools work effectively to keep children safe and well. Contact these staff if you have concerns.

If you have **any concerns** about the safety and wellbeing of a child or young person, including a 'gut feeling', talk about this to the school's Child Protection Co-ordinator, or another member of staff.

Children and young people who need your help may be experiencing:

- Physical harm or injury
- Emotional hurt
- Fear
- Living conditions that are unacceptable
- Risk of long-term harm or immediate danger to health and mental and emotional wellbeing

Sometimes, children and young people need support to keep them safe and well. This may be because of the harm or neglect caused by others, or it may be because they are struggling to cope with difficulties in their lives or they are involved in activities that put themselves at risk.

It is every adult's responsibility to act when a child or young person needs support.

- Listen to children and young people. Be prepared to help them
- Share concerns with others when this is needed to keep children and young people safe and well
- Maintain a caring and supportive role for children and young people for as long as this is needed





## Signs that children and young people need help

Staff who get to know children and young people may observe changes or behaviours that may indicate that the child or young person needs help:

- the child's appearance suggests lack of care
- the mood of the child or young person has changed
- the behaviour of the child has changed
- the attendance of the child has changed
- there are signs of bruising, cuts or other injuries
- a child using sexual language or behaviour that is inappropriate for their age
- a young person sexually involved with much older people
- something the child or young person says or chooses to confide

You may also hear or receive reports that a child or young person is suspected of being in need of support from:

- Parents or relatives
- Other children or young people
- Members of the public
- Media reports – for example, of any local incidents or police involvement in connection with a child, their family or those close to them

## Confidentiality and Sharing Concerns

If a child or young person seeks help, any member of staff that is approached should listen and discuss how the school can help them in the best way. School staff should ensure that there is time in the school day and private space within the school to enable and encourage children and young people to approach staff about their concerns.

School staff can respect confidentiality in most situations when children and young people seek support. If you are not sure whether to keep a confidence, you can approach your school Child Protection Co-ordinator to explain your concern initially without naming the child. You can decide together whether the matter is a child protection concern.

*When a child or young person is at risk of abuse or neglect, confidentiality is not an option. You must share information with the Child Protection Co-ordinator or Headteacher, where this is necessary to protect a child or young person.*



We understand that only a very few children and young people experiencing abuse have the confidence or the courage to tell an adult. Children and young people must feel confident that when they tell, they will be listened to and that adults will do as much as they can to help the child or young person.

You may maintain trust by explaining the need to pass the information on, and what is likely to happen. You may be involved in continuing to support the child or young person through any investigations that follow, as part of the school's support plan for the child or young person.

If a child or young person, or another person discloses that a child is at risk or being abused or neglected, you must

- Listen carefully, let the child or young person know he or she is believed and will be supported
- Ask only enough questions to gain basic information, and never ask leading questions
- Make no judgements or promises. Tell the person what you are going to do with the information



## How the school responds to concerns

If you have concerns, your first response must be to inform your Child Protection Co-ordinator or Headteacher, without delay.

*(School staff, as for any member of the public, may pass information direct to the social work department or the police if for any reason they do not wish to pass information to the CP Co-ordinator or Headteacher.)*

Your Child Protection Co-ordinator is responsible for the action that the school will take. Their first consideration is to decide, with other staff and other agencies, what is in the best interests of the child or young person.

The Child Protection Co-ordinator will:

- Seek information from other agencies to decide on the level of concern
- Develop a plan to support the child or young person
- Support other agencies to conduct any investigation that is required
- Keep records to ensure the school can account for its actions



The Child Protection Co-ordinator may ask you to:

- Provide details for a report which the school will file. It is important schools record concerns carefully.
- Help the school to support the child or young person if he or she needs help, in partnership with other support staff and other agencies involved. Sometimes, it may be agreed that another member of staff should be the key support for the child.
- Act responsibly. Do not share information about the concerns, particularly with a child's friends or family, unless you are asked to do so by the Child Protection Co-ordinator.
- Be open to seeking personal support for yourself from your line manager. Dealing with concerns about children's safety and wellbeing can be stressful. You may be offered a de-briefing discussion to help you.



Work together  
to build  
confidence  
and trust  
throughout the  
school.

## A Strong School Team Keeping Children and Young People Safe and Well

Schools are places where staff and children and young people work and learn together. It is essential that the school and all the staff are trusted. Lack of consideration for good practice can damage trust.

Staff can help build confidence and trust by observing some basic groundrules.

**Respect privacy without compromising safety** – when 1:1 meetings with children or young people are necessary, then if possible, have these in a room with visual access or the door open and/or with another adult in a nearby area.

**Think carefully about physical contact** – children and young people may need comfort when they are upset, but offering physical comfort must be carefully judged. Even with younger children, think about the context and circumstances before responding to a child's wishes for physical comfort. Show respect and ask the child or young person first.

**Restraint or physical intervention is a last resort, only to be used when necessary to protect a child or others** – your school and education authority guidelines on restraint or physical intervention should be observed, and in all situations, every effort should be made to defuse a situation before taking any action physically.



**Dignity and privacy** – Staff responsible for the personal care of disabled pupils should take care to provide privacy for the child or young person and respect his/her preferences for care, while ensuring other staff are aware of the care activities.

**Appropriate relationships with children and young people** – if a child or young person is becoming inappropriately attached to a member of staff, or a member of staff is developing feelings for the child or young person not appropriate to a professional relationship, then the advice of a senior colleague or the Head should be sought.

**Be aware of language** – Staff should be aware that remarks which some children and young people understand as fair and humorous can be viewed by others as hurtful and embarrassing. In particular, staff should avoid using humiliation or sarcasm as a form of discipline or to assert authority. Staff should model respect to their pupils.

**Share concerns.** A climate of openness in school is essential for everyone to work well together. The careless actions of one member of staff can affect the whole school, so all staff should report any concerns about their colleagues to a senior manager, for everyone's sake.

**Promote personal safety education** – There are many opportunities in school to enable children and young people to learn skills and knowledge to help keep themselves safe. This can take place within personal, social and health education, but many other activities help children and young people to build their resilience.

Throughout the school, it is possible to provide opportunities for children and young people to:

- Be aware of and able to weigh up risks and consequences
- Be skilled in asserting their needs and personal boundaries
- Be practiced in responding to others about behaviours they do not like
- Be confident and thoroughly understand their own importance

The Child Protection Co-ordinator, the Headteacher and the Education Authority should also have in place a range of policies which provide schools and staff with a framework for responding to children and young people's needs. All staff should attend training to enable them to play their role in keeping children safe and well.



All staff should attend training to enable them to play their role in keeping children safe and well.



## A-Z of Practice Issues for Special Awareness

A number of activities in schools require special awareness of child protection, and some issues may crop up which require special attention. You should seek your school Child Protection Co-ordinator's advice on these issues, which are contained within the *Safe and Well A-Z*.

**Additional Support Needs and Co-ordinated Support Plans**

**Administration of Medicines**

**Allegations Against Staff**

**Armed Forces – children whose parents are in the armed forces**

**Buildings for Children's Services and Community Use**

**Bullying and Young Abusers**

**Cameras, Filming and Image Messaging**

**Children Affected by Imprisonment**

**Children's Hearings**

**Collection of Young Children from Scotland**

**Community Service and Volunteering by Pupils**

**Computer Safety**

**Disclosure Checking**

**Disqualified from Working with Children**

**Domestic Abuse**

**Drug and Alcohol Misuse**

**Exclusion from school**

**Gypsy and Traveller Children**

**Hostels and Boarding for School Children**

**Home Education**

**Identification of Callers, Access to Information and Access to Schools**

Intimate Care for Children and Young People with a Disability

Learning for Childcare and Parenting

Looked After Children

Meeting Pupils 1:1

Mental and Emotional Wellbeing, Self Harm and Suicide

Mentoring and Buddying

Minority Ethnic Communities – language, customs and practices, such as forced marriage

Mobile Phones

Parents

Personal Safety Education

Physical Education

Police Involvement

Recruitment

Residential Visits and School Trips

Refugees and Asylum Seekers

Restraint/Physical Intervention

Services Arranged for Children by Education Authorities and Schools

Social Work Involvement

Supporting Children who are Victims or Witnesses in Court Proceedings

Supporting Communities and Schools After Incidents or Local Troubles

Supporting Pupils Involved in Child Protection Issues

Supporting Staff Involved in Child Protection Issues

Teenage Pregnancy and Under-age Sexual Activity

Volunteers, Parent Helpers and Visiting Speakers in School

Work Placements, Work Experience, Work-Based Vocational Training and School-Business Partnerships

Young Carers



## Contacts

The School Child Protection Co-ordinator is:

\_\_\_\_\_

Extension: \_\_\_\_\_

The Education authority designated officer  
for Child Protection is:

\_\_\_\_\_

Tel: \_\_\_\_\_

For staff welfare and support contact:

\_\_\_\_\_

Tel: \_\_\_\_\_

## National Framework for Standards - protecting children and young people

- Standard 1** Children get the help they need when they need it
- Standard 2** All professionals, including school staff, take timely and effective action to protect children
- Standard 3** All professionals, including school staff, ensure children are listened to and respected
- Standard 4** All agencies and professionals, including schools and school staff, share information about children when it is necessary to protect them
- Standard 5** All agencies and professionals, including schools and school staff, work together to assess needs and risks and develop effective plans
- Standard 6** All professionals, including school staff, are competent and confident
- Standard 7** All agencies, including schools, work in partnership with members of the community to protect children
- Standard 8** All agencies, individually and collectively, including schools and their partners, demonstrate leadership and accountability for their work and its effectiveness



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This document is also available on the  
Scottish Executive website:  
[www.scotland.gov.uk](http://www.scotland.gov.uk)

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# Safe and well

Good practice in schools and education authorities for  
keeping children safe and well

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## Introduction

*A handbook for staff, schools and education authorities in the care and welfare of children and child protection.*

Education authorities are responsible for the development of information and guidance for staff to ensure awareness of children's needs, and the local practice and procedures to be followed when there are concerns about children's safety and wellbeing. The Safe and Well handbook does not replace local procedures; they may be used to supplement local guidance or as a benchmark of requirements. Local structures and culture must inform detailed local procedures. The aim for all staff, schools and education authorities must be to make sure children get the help they need when they need it and to achieve the best possible outcomes for children who need help, support and protection, in partnership with other agencies.

The task of enabling staff in schools to play their part in keeping children safe and well cannot be left to guidance alone. Within a policy framework that is regularly reviewed, staff must be developed and systems and procedures practiced to ensure schools feel prepared, and that staff and pupils can be appropriately supported.

The guides are presented in four sections:

- **For all staff:**

[Safe and Well, your role in helping schools support children, young people and families and protecting children](#)

This pocket guide is for all staff, providing information for basic awareness and introducing staff to the Child Protection Co-ordinator role in their school or service. The guide has space to incorporate local contact information and is available to order as a pocket-sized resource. Many authorities already use such a device for informing staff at all levels.



## • For schools:

### [Safe and Well, a guide for school Child Protection Co-ordinators](#)

The guide proposes a role for a Child Protection Co-ordinator in each school or service, or cluster of schools. This person may be the Headteacher, or may be a member of the school's Personal Support or Guidance team or other appropriate member of staff. This person will have responsibility for receiving concerns referred by others and taking appropriate action. It is a crucial role for children and young people in making sure they get the help they need when they need it, and for education authorities to help ensure consistency of approach. The guide provides a reminder for schools of the wide ranging policies and practice that integrate with their role of helping children to be safe and well.

## • For education authorities:

### [Safe and Well, education authority collaboration and support for schools](#)

The guide proposes that in each education authority a designated member of staff, a Child Protection Officer, should:

- co-ordinate the authority-level response when a concern arises
- support and enable schools to be effective in helping children to be safe and well
- develop appropriate links, joint planning and partnership working with other agencies.

This guide does not repeat school-level information – the Child Protection Officer should refer to the school guide to develop his or her support and development role.



- **For schools and authorities:**

[A guide for schools and authorities on action to take when a child goes missing from education](#)

This guide provides information on steps that schools and education authorities should take when children lose contact with schools or other services.

The guide provides templates and information on how to inform the national Children Missing Education (Scotland) service if this is required.

- **For schools and authorities:**

[Safe and Well A-Z, a guide to practice issues for special awareness](#)

The A-Z guide describes a wide range of issues about which some consideration of children's safety, wellbeing and protection may be required. The information does not replace local guidance and in many cases, refers to more detailed and specific national guidance or other resources on the subjects. The guide is an at-a-glance reminder for staff.

- **For schools and authorities:**

[Law and policy](#)

The law and policy section provides a snapshot of legislation and policy relevant to schools' and education authorities' work in keeping children safe and well.

## Updates

The ring-binder format is designed to accommodate new sections and inserts that may be produced from time to time, which update schools and authorities on policy and practice.



## order form

Please photocopy this master copy before completing your order, so that it may be re-used for subsequent orders.

Date: \_\_\_\_\_ (this helps us track your order)

Contact name: \_\_\_\_\_

Email address: \_\_\_\_\_ Tel: \_\_\_\_\_

School or organisation: \_\_\_\_\_

Address to which materials should be sent:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Any special delivery instructions?  
 Please note here.

ITEM	QUANTITY
<i>Pocket guide for all staff</i> Safe and Well – Your role in helping schools support children, young people and families and protecting children	
<i>Safe and Well Handbook</i> 5 section ring-binder of guides for schools and education authorities	
<i>Children Missing from Education</i> Introductory Leaflet for staff and partners	

Please send this form to: Astron, 8 South Gyle Crescent Lane,  
 Edinburgh EH12 9EG

Or fax it to: 0131 625 6540

Date order completed and sent \_\_\_\_\_  
 (for internal use only)



Children missing from  
**education**  
CME (SCOTLAND)

For further information please contact

CME (Scotland)  
23 Walker Street  
Edinburgh  
EH3 7XH

**Tel:** 0131 260 5352

**Fax:** 0131 260 5379

**Email:** cmescotland@scotland.gsi.gov.uk



## CME (Scotland)

- support children to keep them safe and well
- support children's rights to education
- support inclusion
- promote multi-agency working
- support accurate transfer of information
- respect individual circumstances



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## Children missing from education:

- are of school age but not on a school roll or being educated otherwise (at home, privately or in an alternative provision). They have usually not attended school for a period of time.
- may be in need of help or support but are unable to access it. Children not in school may not have had their needs identified and there may be no-one actively connecting them to services.
- may be missing important experiences and opportunities to gain knowledge and skills. Schools provide more than subjects, they provide social opportunities, practical skills and practice for life.
- may be isolated from other children and adults who can help them.

Children have the right to receive an education.



If there is a child of school age who you feel may be missing from school education and without any arrangement for their support and learning, act now.

## What you can do to help children missing from education:

- record basic information about children you are working with such as their name, address, age and the name of their primary carer. Remember to include the name of their school. If the child is of school age and not enrolled in a school, contact the local authority.
- be aware of families who relocate regularly and keep in contact with them. Discuss and record details of any proposed moves.
- if a child is deemed to be missing, carry out a local search involving a range of agencies.
- if you have any concern about the safety or well-being of a child, follow the local child protection procedures.
- help others to search for missing children by checking your databases and sharing information.



Children missing from education may need your help.



## CME (Scotland)

This project is a national co-ordinating body to help Children's Services find children who have disappeared from view. If a local search proves unsuccessful, the project team will follow up with a wider search across Scotland and other areas of the UK to locate the child.

Once found, relevant information will be shared to allow appropriate contact and services to be put in place for the child.

CME (Scotland) will assist local authorities and schools to track information where needed. Where specific confidentiality is required the team will make anonymous any records so that relevant information can be shared.

The project will aim to support, advise and provide training for local authority and school staff regarding issues around children missing or at risk of becoming missing from education.



# Safe and well

**A guide for Child Protection Co-ordinators, Headteachers  
and Senior Managers in Schools**

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# Safe and well

Good practice in Schools

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## Contents

Charter for Children	2
National Framework for Standards	4
1. Introduction	6
2. The Role of the Child Protection Co-ordinator	8
3. The Role of the Headteachers and Senior Managers	12
4. Role of school staff	15
5. Policies and whole-school practice for supporting safety and wellbeing	18
6. Responding to concerns	33
7. Useful contacts	38



## Children's Charter



Get to know us

Speak with us

Listen to us

Take us seriously

Involve us

Respect our privacy

Be responsible to us

Think about our lives  
as a whole

Think carefully about how  
you use information about  
us

Put us in touch with  
the right people

Use your power to help

Make things happen when  
they should

Help us be safe





## The Pledge to children - Children will:

- Get the help they need when they need it
- Be seen by a professional such as a teacher, doctor or social worker to make sure children are all right and not put at more risk
- Be listened to seriously, and professionals will use their power to help children
- Be able to discuss issues in private, if and when children want to
- Be involved with children and help them understand decisions made about their lives
- Provide children with a named adult to help them



## Professionals (including school staff) will:

- Share information to protect children
- Minimise disruption to other parts of children's lives
- Work together effectively on children's behalf
- Be competent, confident, properly trained and supported
- Rigorously monitor services to continually improve how and what is done to help children

Schools should consider how the **Charter for Children** is enacted in their day-to-day work and, when children need help and support, how the **Pledge to Children** is fulfilled.



## National Framework for Standards - Protecting Children and Young People

- Standard 1** Children get the help they need when they need it
- Standard 2** All professionals, including school staff, take timely and effective action to protect children
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- Standard 6** All professionals, including school staff, are competent and confident
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- Standard 8** All agencies, individually and collectively, including schools and their partners, demonstrate leadership and accountability for their work and its effectiveness



## The national framework for standards is

for all staff who come into contact with children;  
for all children and their families and especially those within the child protection system;  
and for all staff who work particularly with children and families within the child protection system.

The strategic and general principles described in the 8 standards set out minimum expectations and provide a means for schools and school staff to assess their own performance.

The national framework for standards is the means by which the **Charter for Children** will be delivered.





## 1. Introduction - helping children and young people stay safe and well

Every adult in Scotland has a role in ensuring all our children and young people live safely and can reach their full potential. Teachers and school staff provide support to children and young people in their daily work and have a vital role in protecting children and young people from harm.

School staff must be effectively prepared and supported for their role. Any action in response to a child or young person's need for help and support, or action to protect them, must be properly co-ordinated in schools.

Schools must have appropriate policies and practices that help to keep children and young people safe and well. Schools should also provide appropriate learning opportunities that enable children to develop the skills to protect themselves and make positive and safe life choices.





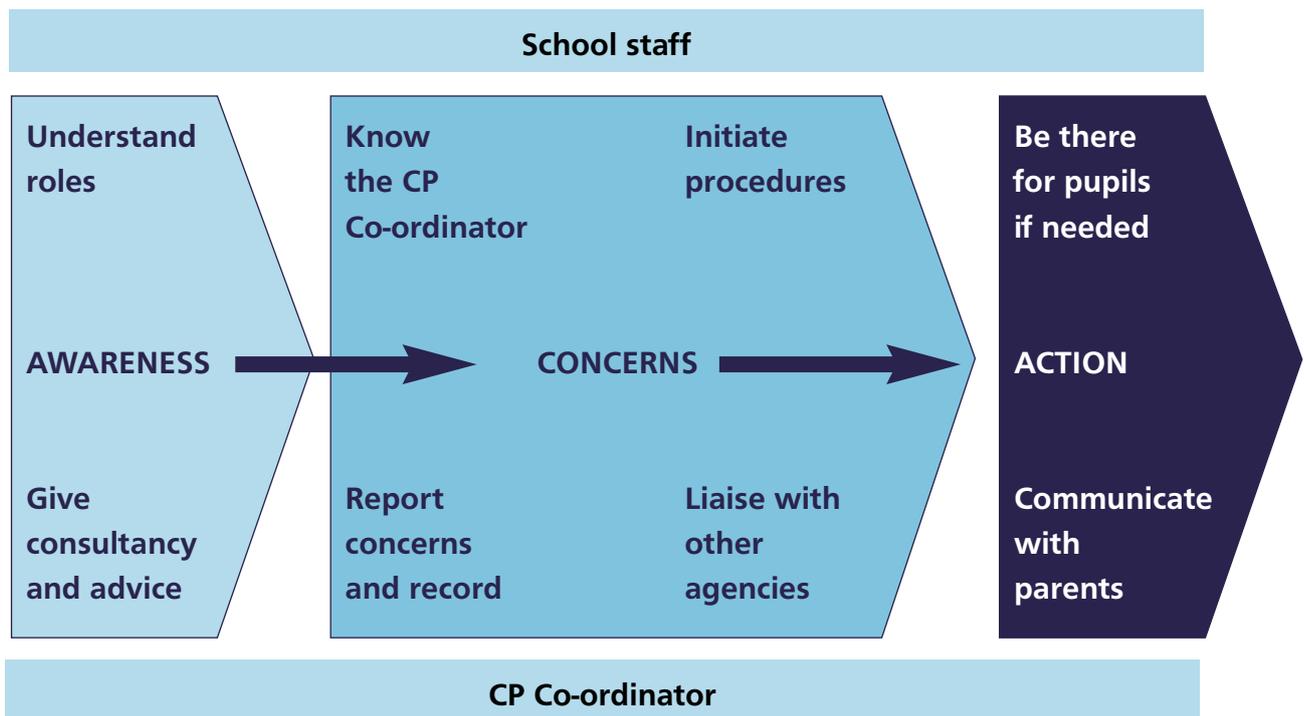
This handbook is a guide for School Child Protection Co-ordinators (CP Co-ordinators) and senior managers in schools to support their development of effective practice in schools. **Although the term 'school' is used throughout, it applies equally to other services provided by education authorities to children and young people, such as outreach teaching services, home-school services, educational psychology services and off-site provision.** Approaches in these services should focus on helping children and young people to be safe and well, and supporting children and young people when there are concerns.

Throughout this document the term 'parent' should be taken to mean a child or young person's parent, guardian or carer.

Schools and authorities should regularly monitor and review their procedures for protecting children. HMIE will also review policies, practices and procedures as part of their inspection programme.



## 2. The role of the Child Protection co-ordinator



### Information

- Help all staff to maintain an awareness of child protection issues and to know when and how to refer to the CP Co-ordinator
- Ensure school-based information on care and welfare and child protection issues is up to date and easy to find
- Provide advice to staff on aspects of their day-to-day work in which care and welfare and child protection issues may need to be considered (e.g. planning trips or other issues in the *Safe and Well A-Z*)

National Framework Standard 6 requires that professionals are competent and confident.



## Communication

- Be the first contact for staff who hear a disclosure or identify child protection concerns
- Follow through notifications by staff as described in 'Responding to Concerns' (see page 33)
- Liaise with other agencies to support investigations, court proceedings, child supervision requirements and case reviews
- Liaise with school staff to ensure appropriate support to children, young people and parents affected by care and welfare and child protection issues
- Liaise with the designated senior manager to ensure appropriate support to staff affected by care and welfare and child protection issues

National Framework  
Standard 2 requires that professionals take timely and effective action to protect children.

National Framework  
Standard 5 requires that agencies and professionals work together to assess needs and risks and develop effective plans.

## Recording and reporting

- Ensure appropriate measures for the secure storage of information on children and young people and child protection information concerning individuals, in partnership with staff responsible for personal support for children and young people

National Framework  
Standard 4 requires that agencies and professionals share information about children when it is necessary to protect them.



### The qualities required of the CP co-ordinator are:

- Accessibility and readiness to listen
- Empathy with children and young people
- Clear thinking and ability to be objective
- Good record keeping and report writing skills
- Prepared to seek advice and draw on others' experience
- Familiar with the roles of other professionals who work with children and young people and who are concerned with child protection
- Determination

### Designating a CP co-ordinator

Schools should bear in mind:

- Designation of a member of staff who is not the headteacher or a member of the school management team, does not preclude the involvement of the head or a senior manager (see role of headteacher and senior managers, page 12)
- Designating this role to a member of staff other than the headteacher enables a 'two heads are better than one' approach to reflection and clear thinking
- The role is closely aligned to personal support for pupils and the staff member may effectively lead on both child protection and pastoral care if there is sufficient capacity; or it may be integrated into the pastoral care system of the school
- Complex child protection cases can be time consuming and long term. It may not be realistic for headteachers to shoulder all of the responsibility for these as well as other issues



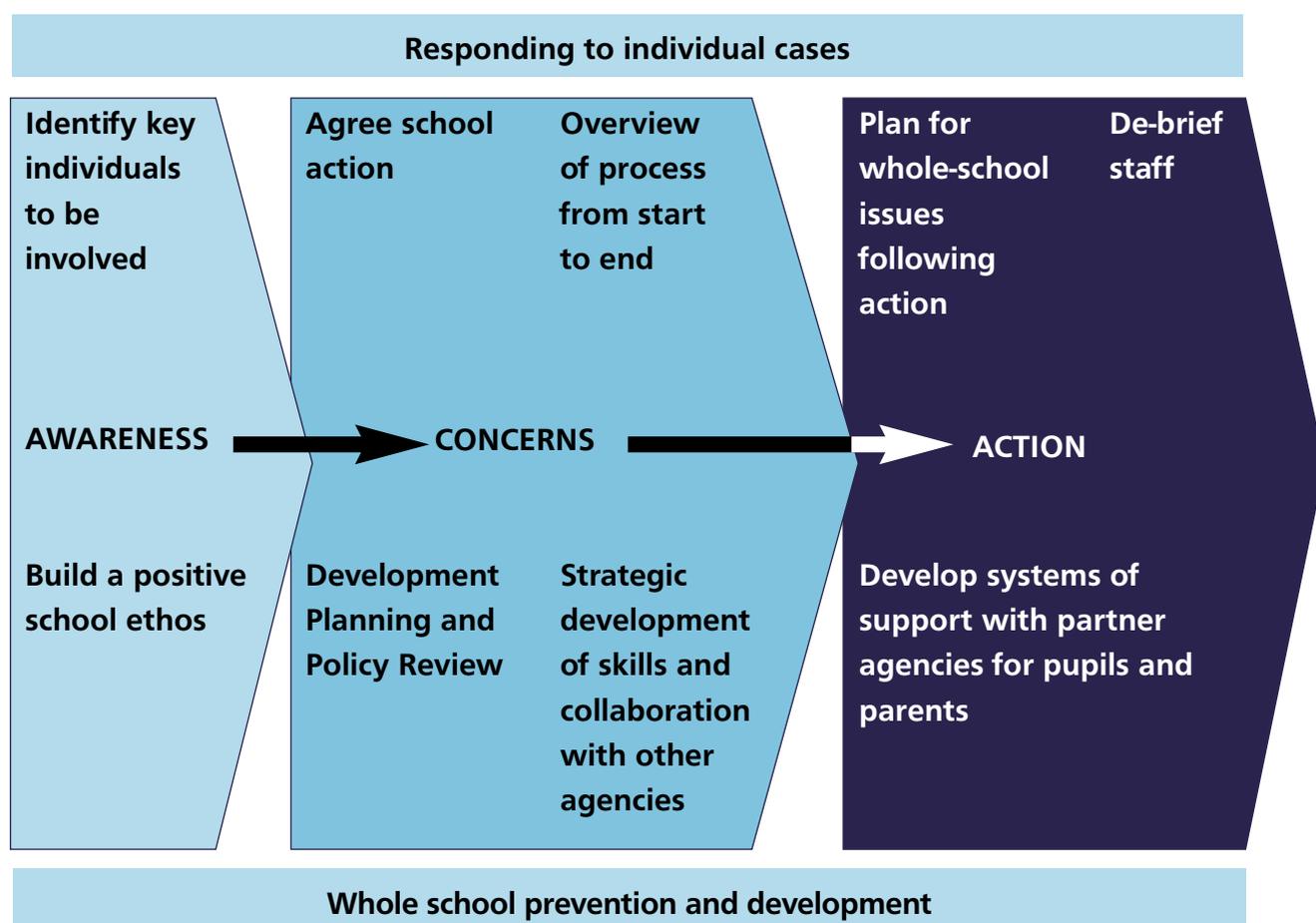
- Having more than one member of staff able to lead on child protection issues provides a safeguard during those times when there is staff absence
- The CP Co-ordinator role may be shared among a number of small schools. However, all schools should have a member of staff familiar with processes involved in responding to concerns.
- Single-teacher schools should consider with their education authority appropriate preparation and support for care and welfare and child protection issues
- Staff in the CP Co-ordinator role should be regularly released for training and refresher courses, and particularly multi-agency training or work shadowing
- CP Co-ordinator will require time to respond to child protection issues when these arise, and to support and de-brief other school staff supporting the child
- Line management of CP Co-ordinator must account for the emotional demands on staff dealing with sensitive issues, as well as the practical demands
- **No single individual can protect children by acting alone. It is the sharing of information, collective thinking and collaborative action that enables decisions to be made in the best interests of children**



No single  
individual can  
protect  
children by  
acting alone.



### 3. The role of the Headteachers and Senior Managers



#### A positive, caring school ethos

- Convey the importance of care and welfare and child protection to all staff and make a visible commitment in the school to child protection, through prevention as well as responding to children’s and young people’s needs
- Ensure children, young people and parents have information and understand the school’s procedures on care and welfare and child protection, and that staff can be approached at any time
- Ensure a climate in which there are mutually trusting and respectful relationships between staff, children and young people, and parents

National Framework Standard 1 requires that children get the help they need when they need it.

National Framework Standard 3 requires that professionals ensure children are listened to and respected.



## Policies and development planning

- Review with all staff the school's policies and procedures for care and welfare and child protection on a regular basis
- Ensure the School Development Plan sets objectives for implementation of child protection procedures and training
- Ensure the school curriculum reflects a progressive approach to enable children and young people to develop their skills to respect others, to protect themselves, and develop their resilience to recover from adverse events
- Undertake strategic development of relationships with partner agencies in order to reach compatible policies and procedures on care and welfare and child protection
- Ensure that contracts with service providers and other services used by the school reflect appropriate consideration of care and welfare and child protection

National Framework Standard 7 requires that agencies work in partnership with members of the community to protect children.

## Staff preparation and support

- Ensure training for all staff on child protection is given appropriate priority
- Ensure recruitment and induction procedures give due regard to child protection
- Ensure support and de-briefing for staff involved in child protection cases



## Accountability

- The headteacher must maintain an overview of any information received by the CP Co-ordinator, decisions on recording and referral, subsequent liaison with other agencies during investigation, proceedings and action planning to support children and young people
- Develop the school's response to the needs of other children and young people following child protection action; develop a communication strategy if necessary
- Undertake appropriate action in conjunction with the authority's Child Protection Officer when there are concerns or allegations about a member of school staff
- If there is no designation of another staff member to the CP Co-ordinator role, the requirements of that role must be fulfilled by the headteacher or senior manager
- **The headteacher is ultimately accountable for the school's actions in response to child protection concerns and its activities to keep children safe and well**

National Framework Standard 8 requires that agencies, individually and collectively, demonstrate leadership and accountability for their work and its effectiveness.



The headteacher is ultimately accountable for the school's actions in response to child protection concerns and its activities to keep children safe and well.



## 4. Role of school staff

Every school should ensure that all staff are:

- aware of their role in helping to keep children and young people safe and well
- trained in seeing signs that children and young people need support, are at risk, are suffering neglect or being abused
- understand their responsibility to explain to children and young people that they must pass on information when they believe children and young people are at risk of harm
- know who to contact when they have concerns or hear allegations
- feel supported to contribute to the school's role in taking action or supporting children and young people following identification of concerns
- helped to ensure their work is properly carried out in ways that prevent harm to children and young people and maintain the safety and wellbeing of all involved (see *Safe and Well A-Z*)

### Enhancing communication in school

Schools which take a broad and inclusive view of their school team and harness the skills and experience of a wide range of individuals in helping to keep children and young people safe and well, will respond effectively to their concerns. Children and young people may act differently in different parts of the school or during different parts of the school day. The observations of non-teaching staff can provide a different perspective on children's and young people's wellbeing. Children and young people may make their own choice of which adult to confide in. Involving all adults in the school ensures that the trust placed in one adult by a child or young person can be honoured by the school in the most sensitive and effective way.



## The whole school team:

janitor school meal staff breakfast club staff  
playground supervisor support assistant clerical staff  
home-school link staff teacher student  
technical assistant school nurse visiting specialists  
behaviour/learning support staff youth workers  
out of school care staff staff from partner agencies  
school crossing patrollers school transport staff  
parent helpers school librarian careers advisor

All staff should be aware that they have the same power as any other individual to pass information direct to the social work department or the police, if they feel they would prefer not to pass their concerns to the CP Co-ordinator. An open and positive attitude conveyed to staff about the range of routes by which an adult can pass on their concerns, helps to confirm that the school's first priority is to keep children and young people safe and well.

Some staff, particularly those living in the communities served by the school, may fear reprisal for their role in identifying concerns. It is essential that all staff are aware of how the school will manage information and support staff.



## Sensitive information sharing

While it is essential that there is information brought to the attention of the CP Co-ordinator from a wide range of sources, schools must consider carefully which staff are informed of investigations or action concerning a child or young person. However, it is appropriate to ensure all staff are aware when a child may need extra care and support, without necessarily being provided with full details of why this is required.

Staff in support roles, particularly those with parent contact in school or in the family home, must be informed of any investigation or action planning following child protection concerns. They may need this to ensure their own safety.

Other staff may require more limited information to help them deal sensitively with children and young people in different situations (e.g. changing for physical education; lateness; see *Safe and Well A-Z*).

It is appropriate that any member of staff who first reports concerns is helped to feel that they were right to share concerns and are assured that appropriate responses will be made by the school.





## 5. Policies and whole-school practice for supporting safety and wellbeing

Schools should regularly update and review their policies and plans, involving staff at all levels in discussion and development. This helps to ensure the relevance of policies and plans and their fitness for purpose. Effective policies that help ensure the safety and wellbeing of children, young people and staff are 'alive' in schools' day-to-day practice.

In addition to considering child protection, schools should also reflect on other issues for which staff may require guidance to ensure children, young people and staff are safe and well, and which will support the school if concerns arise or incidents occur.

**Schools should consider 'proofing' their policies for consistency with their approach to child protection, in a number of areas:**

- Information for children, young people and parents
- Confidentiality
- Personal support for children and young people (guidance/pastoral care)
- Communication/media handling
- Anti-bullying
- Health and safety
- Staff and volunteer recruitment
- Staff welfare and support
- Curriculum
- Partnership working/multi-agency collaboration
- Transfer of information when children and young people leave school



Policy and whole-school practice checklists (see also the *Safe and Well A-Z*):

## All policies and practice development

### Participation and consultation

- staff are appropriately involved in developing school policies and considering practices
- children, young people and parents are involved in expressing their views and feeding back on their experience of the school
- staff have opportunities to see practice in other areas and share ideas and experience with other professionals and other schools

### Evaluation and policy review

- staff, children and young people are involved in sharing their views on what works and what development will support them
- policies are regularly reviewed and refreshed to account for staff turnover and to maintain the profile of the importance of care and welfare and child protection
- external perspectives are invited from partner agencies, other professionals in children and family services and the education authority



## Information for pupils and parents

### General information

- provides parents, children and young people with a named contact and how to get in touch if they have concerns about safety and wellbeing of children
- tells parents, children and young people how the school responds to concerns or allegations
- informs parents, children and young people of the school's complaints procedure
- describes the confidentiality policy
- describes how the school ensures staff are suitable to work with children and young people
- describes the school's general measures for keeping children and young people safe and well
- explains the learning opportunities for children and young people to keep themselves safe and well



- Specific information for parents if action is required when there are concerns*
- explains the school's responsibilities in simple language
- provides named contacts for further information, in the school and authority
- gives details of organisations that can help parents, such as translating services, advocacy or support
- explains the school's policy on recording action in response to concerns
- ensures clear communication between staff when a family is the focus of concerns, to decide on an appropriate communication strategy





## Confidentiality

### Whole-school understanding

- information is displayed (e.g. posters) for children, young people and parents promoting listening, respect, confidentiality and explain the school's responsibility to keep children and young people safe and well
- information is repeated in school handbooks and in any information with health, drugs, or availability of support services inside and outside school
- information for staff, in the staff handbook, induction pack and during in-service training
- there are clear protocols on access to children's and young people's personal information by different staff, and in particular, protocols for access to secure files containing information on child protection concerns

### Agreements with partner agencies and other services

- school staff have considered the referral criteria and policies of other agencies to which children and young people or parents may be referred, and have agreed an information-sharing protocol to enhance action planning for vulnerable children and young people
- school staff have provided partner agencies with information on the schools' own policies and practices
- joint training and meetings support familiarisation and understanding



## Personal support for children and young people

### Whole-school understanding

- children and young people know they can speak to any member of staff
- children and young people know the teacher responsible for their personal support
- staff are supported and trained, to know how to respond to children and young people and refer for further help
- there is regular whole-school development activity for a positive, caring ethos
- children and young people, parents and staff are aware of how the school's system of providing personal support to pupils works. (See *Happy, Safe and Achieving their Potential* (SEED, 2005))
- staff are aware of signs that children may be in need of support, care or protection

### Key staff providing personal support for children and young people

- have systems of sharing information with all staff and any support staff involved with an individual child, young person or parent
- have systems of tracking progress of children and young people and action planning to support them
- feel confident to ask for help themselves, to ensure capacity for supporting children and young people when required



## communications/media handling

### Whole-school understanding

- the school's serious incidents' plan or crisis management plan is up to date
- children and young people, parents and staff are aware of who to contact and to whom they may refer media enquiries
- children and young people are confident to challenge strangers and to refuse to provide information

### Planned response to serious incidents

- responsibilities for media handling are clear within the serious incidents/crisis management plan
- the school and education authority have agreed clear protocol for media handling and media access to school premises, staff, children and young people
- there are systems in place for out-of-school hours contact and support
- there are systems in place for supporting staff and their families if necessary



## Anti-bullying

### Whole-school understanding

- the school anti-bullying policy is developed in partnership with children and young people, parents and staff
- the policy is widely communicated and well understood
- the policy is supported by whole-school activities promoting positive behaviour and anti-discrimination of all kinds
- children, young people and parents are aware of the range of support services available within and outwith the school

### Planned response to serious incidents

- key staff can be allocated to both victim and aggressor, and their families, to aid communication and resolution
- the school plans for ongoing support of children and young people if there has been an exclusion or planned separation for bullying
- the school is confident in assessing risk and developing behaviour action plans for children and young people with behavioural difficulties



## Health and safety

### Whole-school understanding

- staff, children and young people are aware of basic health and safety requirements and their responsibilities to contribute to the health and safety of others and the school environment
- staff, children and young people understand procedures for reporting and recording health and safety concerns or incidents

### Risk assessment and prevention

- senior managers regularly review and update risk assessment processes
- staff are aware of all aspects of practice and environmental issues for which risk assessment is required
- staff are supported and trained to work collaboratively as a team to help other colleagues and to confidently seek help themselves
- all staff learn and understand codes and procedures used by the school, by which staff ask for help or alert others in the school to problems. These are practiced in the same way that other drills are practiced, to maintain awareness and to reassure staff
- there are systems in place to ensure that staff receive help when requested, within a reasonable period of time, wherever they are located in the school



## Staff and volunteer recruitment

- the school and the education authority have agreed policies and practices for the recruitment of staff and volunteers. These are communicated to all staff, prospective staff and volunteers, and where appropriate, parents
- all adults in sustained and regular contact with children and young people in the school are enhanced disclosure checked. Disclosure checking is not regarded as the only precaution to ensure only suitable adults work in the school (see *Safe and Well A-Z*)
- there are arrangements for the supervision of adults involved in ad hoc support activities when necessary and when full disclosure is considered to be unnecessary
- all staff and volunteers are aware of their responsibility to contribute to a safe and caring school environment. They must feel confident to share information and concerns about children and young people, parents or about the conduct of other staff. They receive induction materials or training to prepare them for these responsibilities
- the headteacher or other senior manager is trained in interviewing staff and in recruitment procedures. Rigour is applied to following up references for candidates



## Staff welfare and support

- the staff handbook and induction materials provide information on the school's approach to staff welfare and support
- the school's development of a caring ethos extends to the way that staff treat each other, as well as staff-pupil and pupil-pupil relationships
- a key member of staff (e.g. senior manager) is allocated responsibility for staff welfare and support, and receives training to fulfil this role
- staff are consulted regularly on their perceptions of support available to them from colleagues and managers within the school
- staff are provided with a de-brief after dealing with stressful and demanding incidents such as dealing with child protection concerns, serious indiscipline, etc. and are offered further opportunities for confidential counselling or staff welfare support
- senior staff plan and consider the support needs of staff returning after absence





## Curriculum

- the curriculum of education for personal and social development (PSD) is structured and progressive. It accounts for learning in previous education settings and identifies appropriate learning outcomes for each age and stage
- education for PSD focuses on skills to make safe and informed choices and to seek information and support from a range of sources, when it is required
- staff involved in delivering education for PSD are willing and able, have been provided with appropriate resources, and have the support and staff development opportunities to enable them to fulfil this role
- there is integration between different parts of the curriculum (citizenship, modern studies, English, art, etc) in ways which reinforce children's and young people's skills and their awareness of issues relating to their safety and wellbeing
- children and young people with additional support needs have access to education for PSD that is appropriate to their age and understanding. Time allocated for PSD education is not regularly used for withdrawing children and young people for 'top-up' time or 'support' time
- as far as possible, there is a planned and structured approach to using any external agencies to enhance the school's programme of education for PSD. Agencies are aware of school practice and procedures in relation to care and welfare, child protection and discipline



- agencies that support the school's programme of education PSD are aware of the school's approach to this curriculum and their role in supporting pupils to achieve desired learning outcomes
- children and young people regularly evaluate the learning opportunities within education for personal and social development, to enable schools to reflect on its relevance, appropriateness for age and circumstances of pupils, and to assess the contributions of partner agencies involved



Children and young people should regularly evaluate the learning opportunities within PSD.



## Partnership working/multi-agency collaboration

- there are agreed protocols for sharing information with those partner agencies supporting children, young people and families, or conducting investigations, following care and welfare or child protection concerns.
- the school is aware of the range of partner agencies, community groups and voluntary organisations in its area, provides them with information (such as school newsletters), and encourages two-way communication
- staff from partner agencies working collaboratively within the school are provided with induction materials to enable them to operate consistently with the school's practices and procedures
- staff from partner agencies have a key contact among the established school staff, to plan for their contribution to the school, report concerns and discuss further development
- the school has considered how staff from partner agencies can be welcomed into the whole school 'team', when they are in school; and how relationships can be built or maintained when they are in the community
- the senior management team communicates to staff, children and young people the school's role within, and commitment to, the local community, as part of its positive and caring ethos



## Transfer of information when children and young people leave school

### Planned Transfer

- there is programmed discussion prior to transition to ensure support staff get to know vulnerable children's and young people's needs and circumstances
- information is shared to facilitate support planning prior to transfer
- transfer of children's and young people's electronic data notifies the recipient that secure files are held on the child or young person. This is requested by a named individual in the receiving school who acknowledges receipt. (This to take place when electronic data transfer is established from 2005/06)
- if files are not requested within a (time period) of the transfer of the child or young person, the holding school follows procedures to ensure the pupil has not disappeared from view

### When children and young people disappear from view

- the school's attendance and absence monitoring allows early discovery that a child or young person has 'disappeared from view'
- there is a system by which staff flag a level of concern about a child or young person who has stopped attending school for no clear reason, and clear protocol on who to contact within the education authority



## 6. Responding to concerns

When a CP Co-ordinator receives information on concerns about the safety and wellbeing of a child or young person, they must:

- Be familiar with procedures and confident to follow them (*National Framework Standard 6 – professionals must be competent and confident*)
- Think clearly and be prepared to seek the views of others (*National Framework Standard 5 – agencies and professionals work together*)
- Request and share information sensitively (*National Framework Standard 4 – agencies and professionals share information to help protect children*)
- Record each decision and step that is taken – never act or decide alone (*National Framework Standard 8 – agencies, individually and collectively, demonstrate leadership and accountability*)
- Plan to meet the child's needs quickly (*National Framework Standard 2 – timely and effective action to protect children*)

All staff in school should be aware of what is considered to be abuse or neglect of children and young people. It is also essential that staff feel confident to approach the CP Co-ordinator to discuss their concerns and to clarify their thinking when they are not sure.



Staff should be trained and supported to recognise possible kinds of abuse and neglect:

- Physical injury caused by others
- Physically punished by blows to the head, shaken, or punished using an implement
- Sexual abuse or organised abuse such as prostitution or ritual abuse
- Failure to thrive, even though they have no specific medical condition
- Emotional abuse
- Physical neglect
- Physical or emotional abuse such as a parent/carer pretending the child or young person has a medical or other condition or causing the child or young person to have one
- Being emotionally or physically affected by parental drug or alcohol abuse
- Racial abuse
- Forced to accept cultural practices such as circumcision or forced marriage

Staff should be able to judge when children's and young people's own behaviour puts them at risk, or when their behaviour may be a response to the trauma of abuse or neglect, such as:

- inappropriate use of computers
- ill-judged relationships
- inappropriate social behaviour such as bullying
- misuse of drugs or alcohol
- sexually explicit language or behaviour
- eating disorders
- self-harming
- running away



## Staff should be trained to recognise changes or behaviours that may indicate that the child or young person needs help:

- the appearance of the child or young person (e.g. dressed inappropriately for the weather, hungry, unkempt?)
- the mood of the child or young person (e.g. a change of mood, unusually withdrawn, aggressive or emotionally fragile?)
- changes in the way the child or young person works or plays, or changes in their relationships with peers or teachers
- an unexplained but significantly different pattern of attendance or attainment than usual
- a child or young person using sexual language or behaviour that is inappropriate for their age
- a young person sexually involved with much older people
- something the child or young person says or chooses to confide
- unexplained bruising or other injuries

## Local Procedures

Every education authority and school should have a clear guide to the procedures required of staff when concerns are raised. Staff should feel confident to judge when situations require referral for further investigation and education authorities should identify appropriate practice and procedures for all aspects of their provision.

Schools must be confident that they are prepared to respond to the range of situations that may be encountered when working closely with children and their families. Schools must also consider themselves key supporters of children. Core elements of procedures are outlined here. While local practices and procedures may differ according to local circumstances, it is expected that schools and education authorities will be able to evidence action taken to achieve the best outcomes for the child or young person.



**THE  
SCHOOL IS  
PREPARED**

Children and young people, parents and members of the community feel confident to approach school staff.

School staff are aware of signs of abuse and neglect. They know who to contact when they are concerned or when someone approaches them with concerns.

The school has a programme of training, appropriate policies and systems in place.

**PROCEDURES  
ARE  
EFFECTIVE**

Concerns are passed to the Child Protection Co-ordinator without delay.

Information is gathered quickly from all staff supporting the child and from the child's records.

Contacts in other agencies are quickly consulted for information and advice.

Use your  
power to  
help.

**CHILDREN  
ARE  
SUPPORTED**

A key member of staff listens to the child or young person and assesses their needs.

Support staff in the school consider if the child or young person needs support.

A support plan is agreed and staff are informed as appropriate.

**AWARENESS**





The Child Protection Co-ordinator and support staff feel confident to share their views and contribute to discussion.

Staff from different agencies are familiar with each other's procedures and have a common vision of effective practice informed by the National Standards.

The school reviews and reflects on its management of concerns and cases and is prepared to revise approaches.

An initial referral discussion or case conference takes place quickly, by phone or in person.

Relevant agencies (health, social work, education, any voluntary or community agencies involved with the child or family) agree the level of concern and the level of response required.

Discussion and decision making is recorded and filed with marking or flagging as appropriate.

If an investigation is required the school is able to support investigators and share information and files.

If action is required in relation to allegations concerning a member of staff, there is a clear process of decision making and communication.

If a referral to the Reporter and/or the Procurator Fiscal is made, staff are able to provide reports.

Support staff liaise with other relevant agencies to ensure co-ordinated support for the child or young person.

The support needs of staff involved are considered.

Support staff liaise with other relevant agencies to ensure co-ordinated support for the child or young person.

The support needs of staff involved are considered.

**CONCERNS**

**ACTION**



## 7. Useful contacts

### Local contacts (self complete)

Education authority child protection officer \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Social work department children and family team \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Duty social work team Tel \_\_\_\_\_

Local police school liaison officer

Tel \_\_\_\_\_ email \_\_\_\_\_

Local health visitor \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Other

### National contacts

[www.scotland.gov.uk/childprotection](http://www.scotland.gov.uk/childprotection)

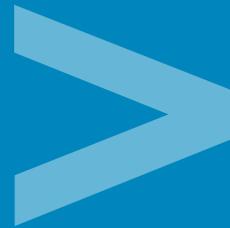
[www.hmie.gov.uk/documents/publication/QI%20Services%20for%20Children.pdf](http://www.hmie.gov.uk/documents/publication/QI%20Services%20for%20Children.pdf)



# Safe and well

Education authority collaboration and support for schools

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP

Education  
Authorities





# Safe and well

Good practice in education authorities

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



## Contents

Charter for Children	2
National Framework for Standards	4
1. Introduction	6
2. The role of education authority Child Protection in Education	8
3. Support and development	10
4. Useful contacts	19



Get to know us

Speak with us

Listen to us

Take us seriously

Involve us

Respect our privacy

Be responsible to us

Think about our  
lives as a whole

Think carefully about  
how you use information  
about us

Put us in touch with  
the right people

Use your power to help

Make things happen when  
they should

Help us be safe





## The Pledge to children - Children will:

- Get the help they need when they need it
- Be seen by a professional such as a teacher, doctor or social worker to make sure children are all right and not put at more risk
- Be listened to seriously, and professionals will use their power to help children
- Be able to discuss issues in private, if and when children want to
- Be involved with children and help them understand decisions made about their lives
- Provide children with a named adult to help them



## Professionals will:

- Share information to protect children
- Minimise disruption to other parts of children's lives
- Work together effectively on children's behalf
- Be competent, confident, properly trained and supported
- Rigorously monitor services to continually improve how and what is done to help children

Education authorities should consider how the **Charter for Children** is enacted in their day-to-day work and in their schools and other services, and, when children need help and support, how the **Pledge to Children** is fulfilled.



## National Framework for Standards - Protecting Children and Young People

- Standard 1**      **Children get the help when they need it**
- Standard 2**      **All professionals, including those in education authorities and schools, take timely and effective action to protect children**
- Standard 3**      **All professionals, including those in education authorities and schools, ensure children are listened to and respected**
- Standard 4**      **All agencies and professionals, including education authorities and schools and their staff, share information about children when it is necessary to protect them**
- Standard 5**      **All agencies and professionals, including education authorities and schools and their staff, work together to assess needs and risks and develop effective plans**
- Standard 6**      **All professionals, including those in education authorities and schools, are competent and confident**
- Standard 7**      **All agencies, including education authorities and schools, work in partnership with members of the community to protect children**
- Standard 8**      **All agencies, individually and collectively, including education authorities and schools, demonstrate leadership and accountability for their work and its effectiveness**



## The national framework for standards is

for all services provided to children and their families;  
for all staff who come into contact with children;  
for all children and their families and especially those within the child protection system; and for all staff who work particularly with children and families within the child protection system.

The strategic and general principles described in the 8 standards set out minimum expectations and provide a means for education authorities, schools and their staff to assess their own performance.

The national framework for standards is the means by which the **Charter for Children** will be delivered.



# 1. Introduction - helping children and young people stay safe and well



## 1. Introduction - helping children and young people stay safe and well

Education authorities must ensure that the services they manage and the staff they employ are developed to play their part in keeping children safe and well.

Staff must be suitable to work with children and must be trained and supported to be aware of signs that children and families need help, and must know who to contact and what to do when there are concerns.

Services must be prepared and practiced at working collaboratively, so that support for children and families is provided quickly and seamlessly.

This guide is for designated senior managers in education authorities responsible for Child Protection. This position is referred to throughout this series of documents as 'Child Protection in Education Manager' (CPEM). As the lead officer for their education authority, CPEMs must be provided with sufficient support and training to enable them to offer help and support to staff in schools and front-line services when complex issues arise. They must be accessible, approachable and supportive, and willing to seek further advice and support from others. The role may be designated centrally or at area/learning community level. However education authorities must be confident that their strategic, developmental role, as well as their support and accountability role, is fulfilled.



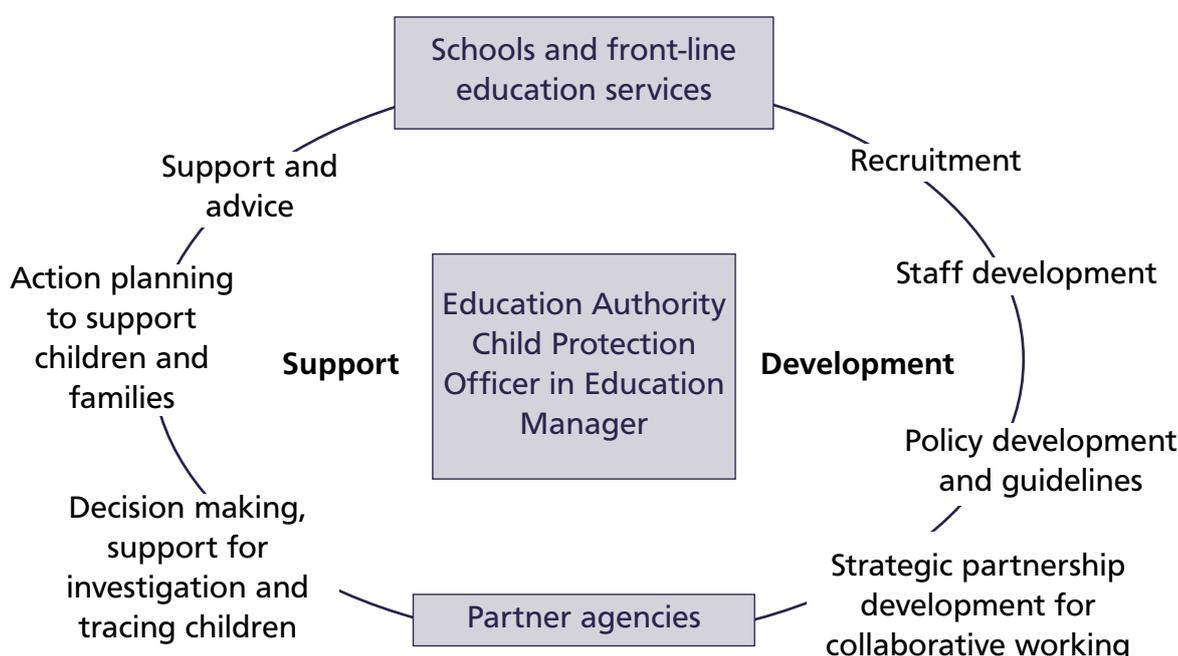
**Although the term 'school' is used throughout, it applies equally to other services provided by education authorities to children and young people, such as outreach teaching services, home-school services, educational psychology services and off-site provision.** Approaches in these services should focus on helping children and young people to be safe and well, and supporting children and young people when there are concerns.

Throughout this document the term 'parent' should be taken to mean a child or young person's parent, guardian or carer.

Schools and authorities should regularly monitor and review their child protection procedures. HMIE will also review policies, practices and procedures as part of their inspection programme.



### 2. The role of education authority child Protection in Education



Schools and front-line education services will play the greatest role in ensuring all children and young people are safe and well. They will carry out many day-to-day tasks which require awareness of what can be done to ensure maximum safety and wellbeing. They will also have the most daily contact with children, young people and often their parents, and may be first to notice that children, young people and families are in need of help. They may be the first adult to whom a child, young person or parent will turn for help. When there are serious concerns, schools and other education services play a vital role in ensuring consistency of support and stability for children and young people experiencing difficult circumstances.



Child Protection in Education Managers are the key enablers for schools and front-line services to play their part in keeping children and young people safe and well, and supporting them. They may operate at area/learning community level or central authority level. Their role includes:

- providing advice and support for staff seeking help and information
- acting as an accessible and reassuring 'critical friend' to consider practice and options
- acting as a champion for the best outcomes for children and young people in decision making and action planning
- safeguarding the integrity and values of the education service
- advocating for the care and welfare of staff undertaking challenging roles

**Education authorities must:**

- ensure all staff are suitable to work with children and young people
- be confident that all staff can recognise signs that children, young people and families need support
- be confident that all staff know who to talk to and what to do when there are concerns
- have key staff that understand the different support needs of children, young people and families in different and challenging circumstances
- have key staff that can play their part in supporting any decision making or investigations
- have staff and systems in place to participate in action planning to support children, young people and families and the capacity to respond whenever the need arises
- ensure that support for children and young people is based on need and does not wait for the outcome of investigations



### 3. Support and development

The education authority is responsible for the development of appropriate information for staff to ensure awareness of children's needs, and guidance for staff on local practice and procedures required when there are concerns. The *Safe and Well* handbook does not replace local procedures; it may be used to supplement local guidance or as a benchmark of requirements. Local structures and culture must inform detailed local procedures.

The task of enabling schools to play their part in keeping children safe and well cannot be left to guidance alone. The CPEM plays a dual role of support and development, in order to ensure that the education authority, its schools and services fulfil the requirements of the National Standards for Protecting Children, and that it demonstrates leadership and is accountable for its work and effectiveness (*National Framework Standard 8*).

#### Support

The CPEM will provide support for staff in schools and other services the authority provides to ensure:

- children get the help they need, when they need it (*National Framework Standard 1*)
- staff take timely and effective action to protect children (*National Framework Standard 2*)
- the authority and schools share information about children when this is necessary to protect them (*National Framework Standard 4*)
- the authority and schools listen to children and respects them (*National Framework Standard 3*)
- the authority and schools work effectively with communities to protect children (*National Framework Standard 7*)



## Policy and practice checklist:

### Support and advice

- guide and advise staff and school CP Co-ordinators on aspects of their day-to-day work in which care and welfare and child protection issues need to be considered
- be aware of the particular needs arising from the diversity of the local population and plan how to respond to special issues (e.g. need for translation services)
- have systems in place to update schools and other education services on key issues
- have systems in place for full-cover of emergency contact
- have the capacity to discuss in detail with staff in schools and services any complex concerns which require consideration and senior involvement

### 3. Support and development

#### ✓ Action planning to support children, young people and parents

- have well developed models in which standards of personal support for children and young people in schools are met (*Happy, Safe and Achieving their Potential*; SEED, 2005)
- have systems in place for school-level and authority-level multi-agency assessment, stages of intervention, and options for supporting children, young people and parents
- have tools, resources and successful approaches for involving children, young people and parents in expressing their views about their needs and their preferred support
- have systems in place so that information about children at risk is shared and that there is a coherent and consistent approach to supporting them in relation to processes such as exclusion, or non-attendance at school, offending in the community, non-compliance with supervision orders, or presentation to health services for ill-health or injury





- Decision making, support for investigation and tracing children and young people**
- have clear criteria for when the CPEM will be involved in decision making relating to child protection or disciplinary concerns
- have agreed timelines for decision making at school and authority level to ensure prompt action
- have agreed with other agencies the criteria and processes for child protection case conferences
- have an awareness of the level and nature of investigations carried out in the authority, supporting more closely when necessary, and maintain an overview with school staff of process and outcomes
- receive information from schools on children and young people who disappear from view of the school and corroborate the flagged level of concern with school staff (see *Safe and Well A-Z* and *Children Missing Education*). Act promptly to confirm the child is still in the authority area and take action to ensure the child's or young person's safety and wellbeing
- collaborate with other education authorities via the national Children Missing Education service to share information and intelligence on children and young people who have disappeared from view about whom there are concerns. Take action within the authority area to seek children and young people who may have arrived after disappearing from other areas



## Development

The CPEM must play a developmental role to ensure schools and staff in their services are in a position to achieve the best outcomes for children who need help, and that:

- staff are competent and confident (*National Framework Standard 6*)
- the authority and its schools work together with other agencies to assess needs and risks and develop plans (*National Framework Standard 5*)

### Policy and practice checklist:

#### Recruitment and staff management

- staff responsible for personnel issues are familiar with the Protection of Children Scotland Act (2003) and other relevant legislation
- staff involved in recruitment are trained and familiar with practices to screen applicants fully
- staff are confident to judge when disclosure checking is required
- information for applicants clearly states the authority's commitment to keeping children and young people safe and well, and its approach to screening candidates
- induction for new staff provides a code of conduct
- induction for new staff introduces child protection policy and practice
- there is clear protocol for responding to complaints against staff and trained staff to conduct investigations and disciplinary procedures
- there is clear agreement with contractors and partner agencies on staff suitability, disclosure, codes of conduct and managing complaints



## Staff development

- all staff are trained in child protection awareness and refreshed at regular intervals
- schools and other education services are provided with training tools and resources for local use
- school CP Co-ordinators and senior managers are provided with regular specialist training for their role
- senior managers in schools and other services are trained in de-briefing and supporting staff who are involved in supporting children, young people and families
- staff in key roles for child protection and personal support are enabled to network and share good practice
- staff in key roles in child protection and personal support are enabled to learn from practice in Scotland and other countries
- education authority staff have opportunities for multi-agency training and networking
- review with partner agencies the quality of processes, referrals, investigations and support planning in order to develop staff accordingly

### 3. Support and development



#### ✓ Policy development and guidelines

- the education authority provides an over-arching framework for policy and practice supporting care and welfare and child protection
- the education authority provides schools and other education services with tools for local policy development and consultation; support for implementation; and quality assurance
- the education authority provides schools and other education services with information resources to help them inform and involve children, young people and parents in policy development and quality assurance



Education  
authorities play  
a key role in  
developing the  
quality of support  
for children.



## Strategic partnership development

- the education authority plans, with partner agencies, for prevention of child protection incidents and for responding when concerns arise
- the education authority conducts, with its partners, a regular audit or review of training, processes and outcomes for children, to inform strategic development
- there is a mutual understanding of roles, responsibilities and capacities at strategic and local levels. There is a focus on problem solving to achieve the best outcomes for children and young people
- there are clear agreements for information sharing at strategic and local levels
- there are regular horizon scanning and contingency planning exercises to consider joint responses to special issues (e.g. re-housing of sex offenders)
- partner agencies share scenario exercises to reach shared understanding, vision and operational approaches to concerns and incidents
- elected members, chief executives, boards of directors and others involved in the highest levels of decision making, lead collaborative working and communicate expectations to policy makers and practitioners

### 3. Support and development



#### ✓ Liaison with the child Protection committee

- the education authority child protection officer provides consistent representation of the education service at Child Protection Committee meetings
- on behalf of the education authority, the CPEM participates in joint planning and development with the Child Protection Committee and shares education authority developments



Join with other services in being responsible for keeping us safe and well. Use your power to help, together.



## 4. Useful contacts

### Local contacts (self complete)

Child Protection School Contacts:

<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____
<input type="checkbox"/>	_____	School	_____
Tel	_____	email	_____



Social work department children and family team \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Duty social work team Tel: \_\_\_\_\_

Local police school liaison officer \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Local health visitor \_\_\_\_\_

Tel \_\_\_\_\_ email \_\_\_\_\_

Other

### National contacts

[www.scotland.gov.uk/childprotection](http://www.scotland.gov.uk/childprotection)

[www.hmie.gov.uk/documents/publication/QI%20Services%20for%20Children.pdf](http://www.hmie.gov.uk/documents/publication/QI%20Services%20for%20Children.pdf)

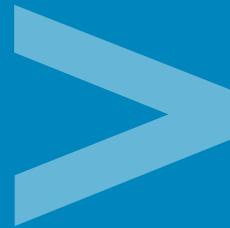




# Safe and well

Children Missing Education – ensuring they are safe and well

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



# Safe and well

**Children Missing Education - ensuring they are safe and well**

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



## Contents

Introduction	2
Transfer of information when children move schools	5
Children arriving with incomplete information	7
Missing from education – issues for children and families	8
Local searches for children missing from education	12
National searches – the role of Children Missing Education (Scotland)	16
When a child is located – follow up procedures	19
Annex A – Sample Pupil Transfer Form – Expected Transition	20
Annex B – Referral Form – Children Arriving at School – Unexpected	21
Annex C – Sample Record of Local Search	22
Annex D – Referral Form – Children Missing from Education	23
Annex E – Guidance Notes for Referral Form	25
Annex F – Useful contacts	26



## 1. Introduction - ensuring children missing education are safe and well

Children and young people may disappear from view of schools and education authorities for many reasons. These are outlined in this guide, and in other sections of Safe and Well.

However, children have a right to education and local authorities have a duty to provide education for all children in their area, and to plan and provide support for vulnerable children. For vulnerable children and families, it is essential that education and other services try to maintain contact with them and to trace them when they disappear from view. Action must be taken at school and education authority level to locate families and to try to re-engage them with services.

The Children Missing Education (Scotland) service (CME) has been established to support education authorities and schools to exchange information across Scotland and with other parts of the UK. This national activity will support action at local level.

### Definition

Children 'missing from education' are children and young people of compulsory school age who are not on a school roll and are not being educated otherwise (at home, privately or in an alternative provision). They have usually not attended school for a substantial period of time (usually agreed as 4 weeks, or considerably less for vulnerable children).



*The Children Missing Education (Scotland) service (CME) is a small team of staff who will liaise with local authorities and will:*

- promote the use of systematic procedures in schools and education authorities and enhance practice in transfer of records
- develop good practice when responding to a child or young person becoming missing from an education service
- promote consistent practice in local areas to locate and engage children
- enable effective inter-authority and cross-border location and transfer of information

*It will assist with:*

- transferring information
- tracing and locating families
- tracking information where children arrive in a new location with limited or false information, to assist authorities to provide support effectively

To prevent and reduce the numbers of children missing from education, the cooperation of all local authorities across Scotland will be needed. Additionally, close links with other agencies and independent schools will be required in order that a child's whereabouts is known.



### CME (Scotland) suggest:

- local authorities have in place written procedures for children transferring school, absence management and for situations when children become missing from education
- a multi-disciplinary approach is taken to risk assess vulnerable, missing or relocated children to determine (and where possible deliver) the relevant course of action required, and the nature of any child protection concerns
- when children are missing and whenever necessary, the local authority's child protection guidelines are followed
- when a child is missing, the local authority carries out a search across their area prior to a referral to CME (Scotland) who will then co-ordinate searches across Scotland (and beyond where appropriate)
- a named person in the local authority co-ordinates the progress of local searches and is the contact for CME (Scotland) to give and receive information
- children who are missing from education are recognised as being vulnerable and in need of support

The education authority should provide a named contact for liaison with CME Scotland to assist national searches. The named CME contact may be the same person as the designated child protection officer. If it is a different person, all staff should be clear of this, and their respective roles.



## Transfer of information when children move schools

Children and young people may transfer school for a variety of reasons such as families moving house, parental choice, etc.

Schools are likely to be aware of families who have a history of regular school / house / area moves. Proactive approaches may involve identifying families likely to move regularly and where necessary, putting in place support strategies to avoid them disappearing from view. Actions to provide this support might include:

- monitoring of attendance
- ensuring that any arising issues are resolved as a priority
- arranging the involvement of other agencies sensitively
- regular or specific contact with the parent / carer, for example using a home-school link worker.

For most families, moves and changes of school are planned events and information could be gathered regarding the proposed change to help track school pupils who are transferring school. Schools/local authorities may choose to record information on a form such as the example in **Annex A**.

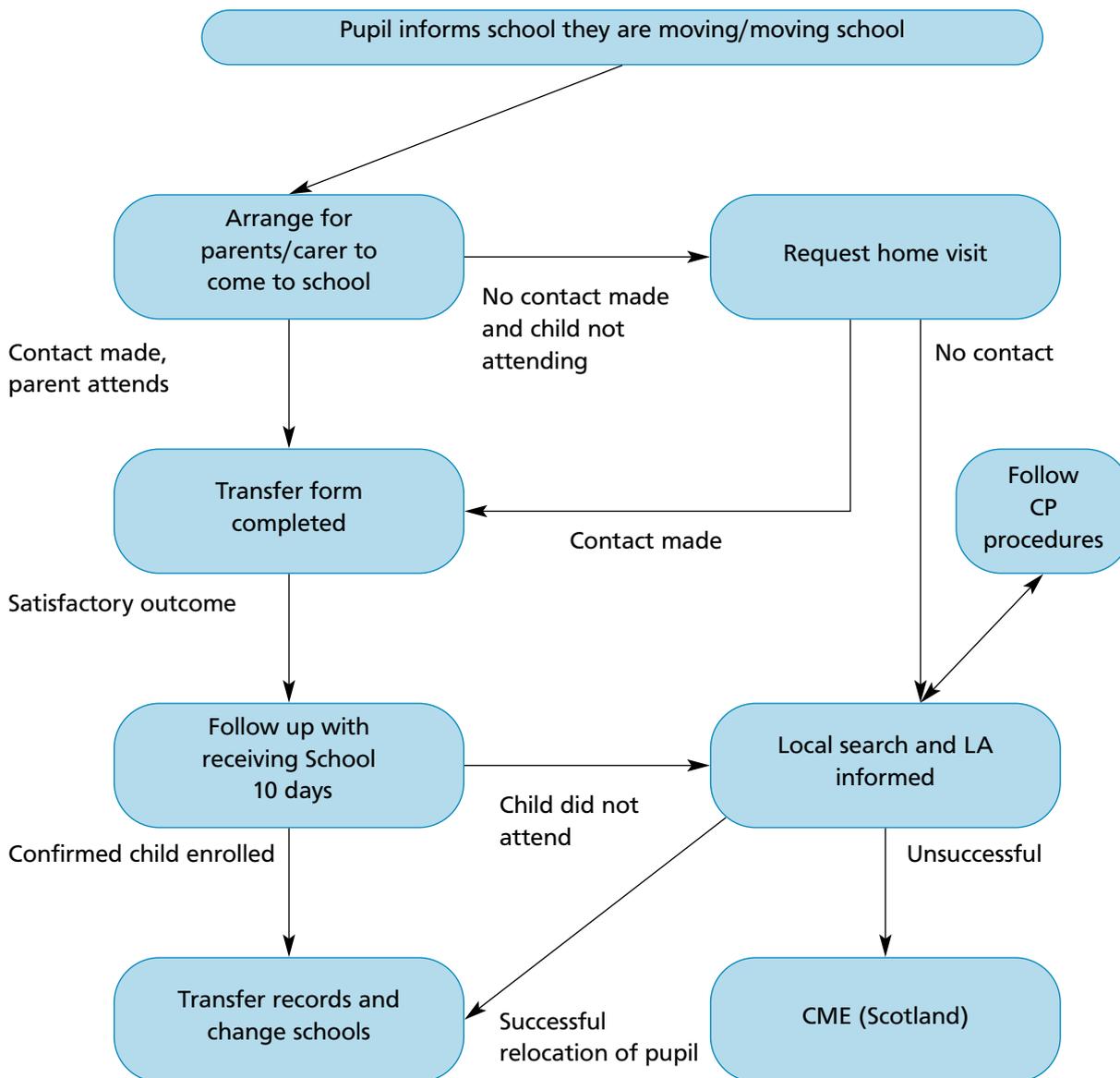
Currently, electronic procedures are being developed to enhance the transfer of pupil records. The school-to-school (S2S) transfer system will be able to identify those children who leave a school and do not enrol elsewhere. CME (Scotland) aims to support authorities to provide the human follow-up services for unmatched cases.

Transfer and storage of information/records will follow the principles of the Data Protection Act (1998).



# Transfer of Information When Children Move Schools

Fig 1





## Children arriving with incomplete information

There may be many reasons why a family does not provide a school with correct information when they arrive to enrol. They may be fleeing circumstances they believe put their family at risk.

Schools and other services will wish to ensure they enable every child to make the best possible new start at school. Information from previous assessments and attainment help schools to plan their support. However, if a family does not provide information, schools should make efforts to track previous schools or services named by the family, and meanwhile, consider making their own assessment of the child's needs as soon as possible.

Often, children and young people will share information about their background and previous schools in discussion with support staff, teachers or peers, as they begin to settle into the new school. Staff should be aware of the importance of sharing this information in order to piece together information which helps the school to understand the child's background and needs. However, staff should be cautious about attempting to question or interview children, as fear of providing information may cause families to withdraw from school again.

Similarly, confidential information must be shared with caution, to avoid unwitting disclosure about a family that may put them at risk. Discussion with the parent/carer is important when involving other services, as they may mistrust professional intervention.

If a school is unable to trace information on the child, then the designated officer for child protection and children missing from education may be asked to consider referring to CME (Scotland), (using the form in **Annex B**) using known information on the child, to see if the information matches referrals made by other authorities on missing children.



## Children and young people can be missing from education services for a variety of reasons.

- **Families who simply move and do not tell anyone**

Some families have little contact with their child's school and do not see the need to inform the school of a proposed move.

Some families encounter unexpected personal situations or complications requiring them to change their location, e.g. where students / employees suddenly return home when visas expire.

Some families intend to enrol their children into a school in their new area but on arrival discover there are no places available or they change their minds and approach a different school.

- **Exclusion from school.**

Children and young people who are in a cycle of continual exclusion can experience difficulties in re-engaging with school. They themselves can become disillusioned and unwilling / unable to return. For some families these and related problems can seem insurmountable causing them to choose to relocate without trace or to move their child / young person to a friend or relative for a fresh start.

- **Long-term truants/Young offenders**

Where children and young people refuse to attend school, parents may feel daunted by professionals and systems dealing with the truancy or offences. This can cause families to relocate without trace.

- **Families involved in fraud or other social difficulty**

When families receive unwanted involvement with systems, or unwelcome contact with authority figures, they may relocate to avoid this.



- **Families who do not return from holiday**

Some families may discover that the place they visited on holiday has more to offer than their current home life. They may choose to relocate with minimal arrangements.

- **Long-term illness**

Parents may inform school that their child is unwell. For some children returning to school after a period of illness may be daunting. Parents and carers may require support in returning family life to normal or they may be reluctant to add stress to their child's life if they have endured a traumatic illness or accident. Contact with the child or family may be lost, where schools understand other professionals are 'leading on the case' and communication/contact between services is not maintained.

- **Looked After Children**

Looked After Children may be required to relocate school. This can involve a number of false starts and require continual support. Social and family complications may result in contact with the original school being broken.

- **Child Runaways**

Children may encounter difficulties at home or in the community, causing them to run away. Looked After Children may abscond from their care placement.



- **Families fleeing from domestic violence/abuse**

Parents may choose to leave a partner taking their children with them leaving no contact details. They may choose to live with another family member or a friend. Alternatively they may move to a refuge.

- **Families involved in witness protection**

Some families may be required to relocate without explanation or trace.

- **Children whose families have become homeless**

In cases of eviction, local authorities will have information of names of those evicted and if re-housed in the local authority, the whereabouts of the family.

A priority for re-housing is usually given to families with children under 16 years of age.

- **Cultural**

Traveller children are encouraged to attend school. This is not always successful or possible. In some cases for cultural reasons children do not attend school. Other issues may include bullying, difficulties in the enrolment procedure, difficulties associated with attending school for only part of the academic year.

Returning to a country of origin for children from overseas may result in a child suddenly disappearing from view. Whilst the reasons for families returning are varied, there is the possibility of forced marriage (see *Safe and Well A-Z*).

Asylum seeking families may disappear from view if their accommodation is not allocated in their preferred location. This can result in families leaving their allocated place of accommodation to go to a place of their choice. Where asylum has not been granted the family may move location without trace to avoid returning to their place of origin.



- **Children of Migrant Workers**

Families may arrive in Scotland from overseas and be unaware of services (including education) or how to access services in their local area. They may not be clear of the legal duties of parents in Scotland regarding the education of their children particularly where this differs in their country of origin.

- **Children who move to a specialist provision but do not turn up or become excluded from there**

Local authorities have in place systems to place children and young people in specialist provisions to meet their additional support needs. These may be within or outwith the local authority. A start date is usually agreed and the child's name transferred role. In some situations, particularly where the child or young person is experiencing social, emotional or behavioural difficulties, there may be further complications affecting the success of the placement. In such cases the child may lose contact with educational establishments.

- **Education at home**

Parents may choose to educate their child at home. If the child has never been enrolled into a school there is no legal reason for the local authority to be informed. Some parents may choose to withdraw their children from school for home education for a variety of reasons and in such circumstances the local authority must be informed.

**In some situations, for whatever reason, relationships between services and families can breakdown. Where it reaches the point of being unrecoverable, contact and trust may be lost. The re-establishment of positive and supportive relationships requires skill and care of the professionals involved.**



## Local searches for children missing from education

Education authorities and schools should follow local procedures to re-establish contact with children missing from school and to gather information regarding the pupil moving or transferring school.

### Effective local procedures will ensure:

- Consistent record keeping in schools to support transfer of information when this is required; and to enable the records of siblings to be easily gathered
- Clear steps for school staff to follow when:
  - absence monitoring identifies cause for concern
  - the school is aware through friends or other family members of circumstances which may cause / have caused a sudden relocation
- Shared understanding of the purpose of information sharing, local procedures, local authority services (e.g. education; social work; housing) and other agencies (e.g. health; police) to support exchange of information and local searches
- Shared approaches to risk assessment

### Risk Assessment

Effective risk assessment can take place where an identified, named professional, takes a lead role with a case; and high risk / protective factors are identified through multi-agency collaboration.

Education authorities and their partner agencies should develop proactive practices to assess the level of risk of families disappearing from view. This will involve:



- identifying the likelihood of the child/family disappearing from educational view and circumstances which will increase or reduce this likelihood
- identifying the seriousness of impact this would have on the child
- identifying strategies to minimise the harm and therefore protecting the child
- putting into practice protective factors

Additionally where a child has become missing from education, those professionals who know the child and family will be asked to risk assess the case in terms of:

- identifying the likely harm that may come to the child
- identifying the effect of that harm
- identifying what strategies would be most effective in terms of protecting the child or minimising the effect of that harm.

Children missing from education and “in need” (Children (Scotland) Act 1995) may be considered as those children most requiring protection.

## Local Searches

Schools should:

- follow local procedures to monitor attendance and make contact with parents or carers at an early stage of unexplained absence
- make appropriate referrals to staff responsible for home visits, such as home-link staff. Request feedback on any contact made or failure to make contact.



The school Child Protection Co-ordinator should be informed when a child is missing from education (and in any case when absence is erratic, as this may indicate concern). Information on the child should be gathered from staff, and any services associated with the school providing for the child. The child's school records should be reviewed to ensure they are up-to-date. The school (i.e. the Child Protection Co-ordinator) should contact the designated officer for child protection and children missing from education within the education authority.

Within the education authority, the designated CME contact should seek to establish if the child has enrolled in another local school, independent school or alternative provision; if other family members are also missing; if other service providers (e.g. housing department, social work, health services) in the local authority area are in touch with the child or family or have information on their whereabouts; or if other service providers have concerns about the safety and wellbeing of the child or family.

An agreed plan of action can be formulated to carry out a local search, within a required timescale, with appropriate follow up actions (including a referral to CME (Scotland)) if a child is not found within the authority area.

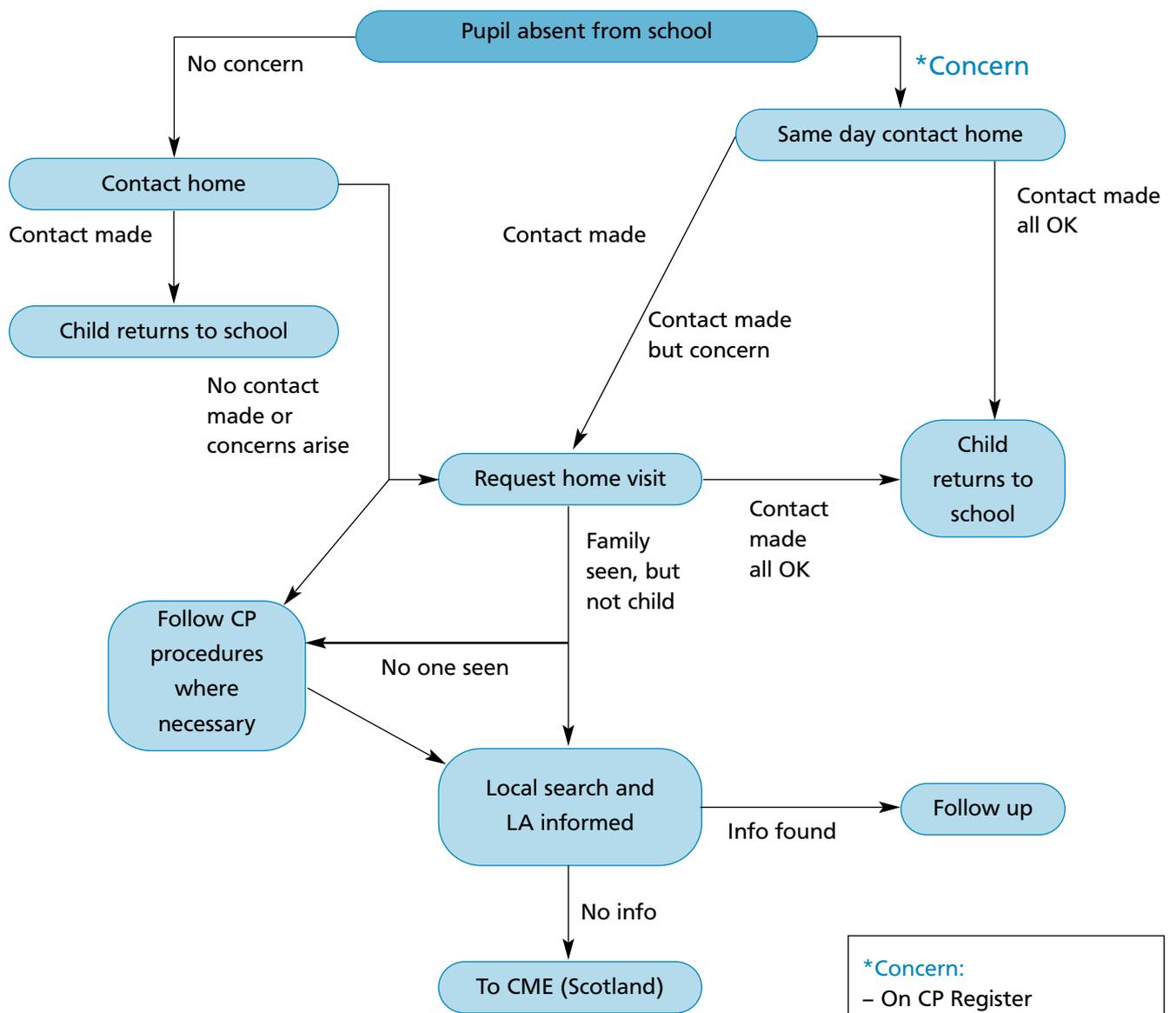
An example checklist and record to support local search procedures is provided in **Annex C**. Education authorities should ensure that an audit trail can illustrate all recording and communication in relation to locating children.



# Children Missing Education - ensuring they are safe and well



Fig 2



**\*Concern:**

- On CP Register
- Undergoing or recent CP investigation (of other family member)
- On Home Supervision



## National Searches - the role of Children Missing Education (Scotland)

After local searches, the designated officer for child protection and children missing from education within the education authority will consider making a referral to CME (Scotland). Timescales will vary according to each case and will depend on:

- the level of risk and protective actions required
- previous and current actions taken

To support effective practice, local authorities are requested to provide CME (Scotland) with a named contact person. This may be the education authority's senior manager with designated responsibility for child protection issues (CPEM).

### Referring a case to CME

The referral form in **Annex D** should be completed using the guidelines in **Annex E**.

CME (Scotland) will receive referrals where local searches have proved unsuccessful.

Following a referral the CME (Scotland) will:

- send an acknowledgement to the referrer
- request further information as required from school, the school-to-school (S2S) warehouse (Scotxed data transfer) and any other relevant agencies
- search the School to School Warehouse database for a match
- make contact with relevant other local authorities (including those in other UK countries)



- maintain contact with the referrer regarding appropriate next steps (such as involving the police or others) and feedback on progress
- initiate multi agency collaboration across Scotland
- maintain records of cases
- initiate communication between the services in receiving areas and area left (education, social work, health, etc) to allow the transfer of information

### Searching for a child

The safety and wellbeing of children is a shared responsibility of all services and the CME (Scotland) team will request that local authorities carry out searches across their own area. CME (Scotland) will coordinate wider searches across the range of local authorities and outside Scotland.

The named contact in the education authority will be asked by CME to confirm that local searches have been undertaken in conjunction with other local services.

### Locating a child

After locating a child, relevant information will be provided by CME (Scotland) to the named CME contact in the local authority so that the child/ young person and their family can be supported to re-engage with education (and other services if necessary).

### Gathering further information

When a child arrives in a school and information provided by the family is felt to be false or incomplete, CME (Scotland) will trace information and pass it to the named CME contact in the receiving local authority.



## Transfer of information between education authorities and CME

CME (Scotland) will require sufficient information to enable the other authorities it contacts to locate a child.

The method of transferring information and the content will depend on the circumstances of the case and the need for confidentiality in specific cases (i.e. where the child and family are at risk of serious harm if their whereabouts are known to an abuser).

Courses of action may include:

- contacting all the local authorities involved and requesting that they transfer information
- receiving records centrally and making files anonymous prior to transfer. In such cases, the child / young person and/or their parents or carers may be involved in the process to approve information which is transferred





## When a child is located - follow-up procedures

Once a child/young person is located, local authorities must then arrange to support the child's return to school using local arrangements. The success of re-engaging children and families with services is dependent on the building of trusting relationships with staff who can assist. Staff who carry out this role may be Education Welfare or Liaison Officers, Home Link teachers, Family Support Workers, etc.

Follow-up work with authorities may include:

- home visits
- making available to the parent / carer a placing request or other relevant enrolment form and information
- assisting in the completion of required forms and supporting school visits
- discussing and supporting practical arrangements such as clothing / school uniform, school transport, school meal entitlement, child care / after school care, etc
- liaising with relevant other children's services and ensuring that the family is aware of / in touch with services to meet their basic needs for accommodation, welfare benefits, health and dental care, etc
- following up with the school and family for a period of time (depending on circumstances) to support ongoing attendance to school

### Feedback

The CME team will request feedback of progress on support arrangements and re-engagement of located children and young people, to allow closure of records and to develop a national picture of children missing from education. The information required will be:

- name of school enrolled into
- start date
- any other services involved



example: Pupil Transfer form

Annex A

<b>Current School details:</b>			
School name:		Stage/class:	
<b>Pupil details</b>			
Name:	DoB:	Gender:	UPI:
Current Address:			
Tel no:		Mob no:	
<b>Destination home</b>		<b>Destination school</b>	
Address:		Name of school:	
		Address:	
Tel no:		Tel no:	
<b>Interim contact details (e.g. relative)</b>			
Name:			
Address:			
Tel no:			
Parent/carer signature:		Date:	
Headteacher signature:		Date:	
Pupil record sent:	Y / N	Date:	If no give reason
Address sent to:			
Receipt of delivery:	Y / N	Date:	
Signed:			Designation:

Send to your education authority designated officer



## Information Tracing Request Form – Children Arriving at School

Annex B

<b>Personal Details</b>			
Full name:	DOB:	Gender:	
Name known as:	UPI:		
Current Address:			
Phone no:	Mobile no:		
Other family names:			
<b>Details given/known</b>			
Child protection register	Yes / No	Traveller family	Yes / No
Additional Support Needs	Yes / No	Educated at Home	Yes / No
Child protection investigation	Yes / No	History of Exclusions	Yes / No
Looked After Child	Yes / No	Medical issues	Yes / No
Cultural Issues	Yes / No	History of long holidays	Yes / No
Previous school:			
Other agency involvement (past and present):			
Other information / concerns:			
<b>School details</b>			
School to be enrolled into:			
Date:			
<b>Details of referrer</b>			
Name:	Designation:		
Organisation/Local Authority:			
Date:			
Contact telephone:	Email:		

Send to your education authority designated officer in the first instance. If information cannot be found locally, the form may be referred to CME (Scotland)



## Example checklist, local search

## Annex C

### General guide



- Take care to record all of the steps you take to find a child – the date and time, and who was involved. Record what happens at each stage and encourage staff to put their ‘thinking’ on paper about possible leads and where to find further information. This helps continuity, if different staff are involved.
- Identify a lead person at school level and at local authority level to co-ordinate information and recording
- Try to record information in ways that enable you to pass your search information on to other services to assist with searching in other areas
- Assess the risks and vulnerability of the child involved. Use this as a guide to judge the appropriateness of steps suggested below and to set a timescale for each step.**

### Steps that schools and education authorities may take

- Ask other children in the class / school (consider also confidentiality and sensitivity)
- Check what other staff know
- Phone home
- Home visit
- Write home (recorded delivery)
- Contact the child’s named emergency contacts
- Check with the parents’ carers’ employers
- Review records held on the child and discuss with support staff/class teacher
- Liaise with other agencies involved with the child / family (health, social work, voluntary agencies, police)
- Check with the housing department / housing association if the family lives in social housing

### Referring for a national search

- Review the record of local search activities
- Clarify local intelligence to identify any other areas in the UK where there may be a family connection or reason to relocate
- Agree with local staff the level of risk / vulnerability of the child
- Call CME Scotland and email all relevant details (Tel: 0131 260 5352; email: judi.pollock@scotland.gsi.gov.uk)

### Follow up

- Keep a copy of all records until a search provides information on where the child is.
- Maintain search records on children who have been found either locally or nationally.
- Children in mobile or vulnerable families may disappear from view again, and information from previous searches may be helpful.
- As with all pupil records, keep data safely and confidentially.

### Remember

- If a child goes missing before a school holiday, if it is not known that a family holiday was planned, and there is a level of concern for the child, it is important that the search process is continued during the summer holidays.
- Staff who have built up a relationship with children or their families are a key resource in seeking families, they may be staff from any service in the community. These staff may not have the time to co-ordinate a local search, but their insight is invaluable and should be used.



Request for National Search  
Children Missing from Education

Annex D

<b>Personal Details</b>			
Full name:	DoB:	Gender:	
Name known as:	UPI:		
Last known Address:			
Tel no:	Mob no:		
Other family names:			
Other known family/close family whereabouts			
<b>School Details</b>			
Last school attended:		Year group / class:	
Date of last day at school:			
Other schools attended and dates:			
<b>Further details</b>			
Child protection register	Yes / No	Traveller family	Yes / No
Additional Support Needs	Yes / No	Educated at Home	Yes / No
Child protection investigation	Yes / No	History of Exclusions	Yes / No
Looked After Child	Yes / No	Medical issues	Yes / No
Cultural Issues	Yes / No	History of long holidays	Yes / No
Details of above or any other related concern:			
Characteristics/distinguishing features of child or family:			
Result of local investigation (attach record):			



## Request for National Search Form – Children Missing from Education

Annex D

<b>Details of referrer</b>	
Name:	Designation:
Date:	
Organisation and Local Authority:	
Telephone:	
Contact email:	
<b>Education authority designated officers send to:</b>	
Children Missing from Education (Scotland) 23 Walker Street, Edinburgh, EH3 7XH	
email: <a href="mailto:judi.pollock@scotland.gsi.gov.uk">judi.pollock@scotland.gsi.gov.uk</a>	
tel: 0131 260 5352	
fax: 0131 260 5379	



Use your  
power to  
help us  
be safe.



## Guidance Notes for completing request form for National Search

## Annex E

1. Prior to completing the application form the following must be checked:
  - a home visit has concluded that the child is not there
  - friends / relatives have been asked
  - other schools in the local authority confirm the child has not transferred
  - the housing department confirm that the family have left / been evicted / been re-housed
2. The form should have full and accurate details.
3. Hand written forms should be legible and completed in black ink.
4. Children withdrawn for home education and traveller children should only be referred if they are on the child protection register or there has been a child protection investigation carried out or pending.
5. Other agencies involved with the child have been checked for information.
6. If you would prefer to give details by telephone please do so.
7. Staff can become concerned about children's safety and wellbeing for many reasons, from 'gut feeling' to full disclosure. Staff should follow their instinct and take action if they feel a child may be vulnerable. **It is better to refer, than not to!**
8. CME Scotland will receive referrals after a local search, as early as is considered necessary by a local authority, depending on their assessment of risk. However, in all circumstances action should be taken within 20 days of a child being 'missing' from education.



## Useful contacts

## Annex F

### Asylum seekers/Refugees

Asylum Seeker's Consortium

0141 248 7556

### Housing/Homelessness

Shelter

0131 473 7170

### Home Education

Education Otherwise

0131 556 6271

Home Education Advisory Service

01786 811066

School House

0870 7450968

### Domestic Abuse

Scottish Women's Aid

0131 475 2384

### Gypsies and Travellers

STEP (Scottish Travellers' Education Project)

0131 651 6444

### Ethnic minorities

Asian Family Counselling

0208 5713933

NSPCC Asian CP Helpline

0808 800 5000

### Missing / Runaways

National Missing Persons' Helpline

0500 700700

Runaway Helpline

0808 800 7070

### General

Children 1st

0131 446 2300

ChildLine

0800 1111

CME (Scotland)

0131 260 5352



# Safe and well

A-Z of practice issues

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



# Safe and well

**A-Z of practice issues when keeping children safe and well**

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



## Contents

- Additional Support Needs and Co-ordinated Support Plans
- Administration of medicines
- A** • Allegations Against Staff
- Armed Forces – children and young people whose parents are in the armed forces
- Buildings for Children’s Services and Community Use
- B** • Bullying and Young Abusers
- Cameras, Filming and Image Messaging
- Children Affected by Imprisonment
- C** • Children’s Hearings
- Collection from School – Young Children
- Community Service and Volunteering by Pupils
- Computer Safety
- Disclosure Checking
- D** • Disqualified from working with children list
- Domestic Abuse
- Drug and alcohol misuse
- E** • Exclusion from school
- G** • Gypsy and Traveller Children
- Hostels, Boarding or Residential Facilities
- H** • Home Education
- Identification of Callers, Access to Information and Access to Schools
- I** • Intimate care for children and young people with a disability



- L**
  - Learning for Childcare and Parenting
  - Looked After Children
  
- M**
  - Meeting Pupils 1:1
  - Mental and emotional wellbeing, self harm and suicide
- M**
  - Mentoring and Buddying
  - Minority Ethnic Communities – language, customs and practices, such as forced marriage
  - Mobile Phones
  
- P**
  - Parents
  - Personal Safety Education
  - Physical Education
  - Police Involvement
  
- R**
  - Recruitment
  - Residential Visits and School Trips
  - Refugees and Asylum Seekers
  - Restraint/Physical Intervention
  
- S**
  - Services Arranged for Children by Education Authorities and Schools
  - Social Work Involvement
  - Supporting children who are victims or witnesses in court proceedings
  - Supporting Communities and Schools After Incidents or Local Troubles
  - Supporting Pupils Involved in Child Protection Issues
  - Supporting Staff Involved in Child Protection Issues
  
- T**
  - Teenage Pregnancy and Under-age Sexual Activity
  
- V**
  - Volunteers, parent helpers and visiting speakers in school
- W**
  - Work placements, Work Experience, Work-Based Vocational Training and School-Business Partnerships
  
- Y**
  - Young Carers



This A-Z guide gives a brief overview of issues arising in day-to-day practice in schools for which teachers involved should be aware of how they can work effectively to help children and young people stay safe and well, and be protected.

This A-Z is not exhaustive or definitive. Education Authority guidance and practice may differ and should always be consulted.

Each issue in this A-Z is profiled in outline only. Where possible, the text refers to more detailed guidance on these specific issues which may be consulted by staff unfamiliar with these.

Training and awareness-raising for all staff should draw attention to the range of issues in day-to-day practice which contribute to supporting children and raise awareness of approaches which help children to be safe and well, and protect them from harm.



## Additional Support Needs and Co-ordinated Support Plans

Children and young people have many different experiences and circumstances that may require additional support for their learning and progress. The support may be required because of social factors, for example, children and young people experiencing neglect or abuse may have additional support needs in relation to their learning as well as their care and welfare.

From autumn 2005, education authorities will have new duties under the Education (Additional Support for Learning) (Scotland) Act 2004 to make arrangements to identify and make adequate provision for additional support needs for each pupil for whose education they are responsible. Education authorities will have to work in partnership with other agencies supporting children and young people. Other agencies, such as Health Boards, will have a duty to help education authorities support children and young people. An education authority may be asked to make an assessment of children and young people who are not in authority schools but are educated at home or in private education. In these cases the authority has a power, rather than a duty to help.

When a child requires significant additional support from a number of agencies, education authorities and other agencies should seek to ensure that the educational objectives are shared across their plans. In particular, Individualised Education Programmes (IEPs), and Co-ordinated Support Plans (CSPs) should link with any health or social care plan. The Co-ordinated Support Plan will describe what schools and other agencies will do to support the child to achieve the learning goals identified as appropriate. Guidance on Planning is being developed by the Scottish Executive as part of the Code of Practice for the Additional Support for Learning Act.



It is anticipated that in the case of children and young people affected by abuse or neglect, a number of issues may be taken into account when planning additional support:

- The possibility of planned or unplanned transfer of the child to another establishment
- The possibility of planned or unplanned change of family circumstances or accommodation
- The child's need for information and support to understand action taken to protect them and any hearings or reviews in which they or their family may be involved
- The possible effect on the child's attendance at school and support to maintain progress
- The range of professionals with which the child may be involved during investigations or action, and the child's need for a consistent and trusted member of staff to be available
- The child's potential loss of trust in adults, sense of broken trust and loss of personal control and integrity in decision making about him or her; a fear that everyone knows deeply personal information about him or her
- The possible impact on the child's mental and physical health, friendships and family support networks
- The possibility that the child may regard school as a haven of normality and stability, and may not wish to be regarded as having any additional support needs because of their circumstances or experiences.

*"Because the teacher I liked best stuck by me in meetings when they were talking about what should happen, I trusted someone would listen to what I thought."  
(pupil)*



Every child has individual coping mechanisms and support needs. Additional support for learning *may* involve:

- Home-School links to maintain parental involvement, when appropriate, or to liaise effectively with carers
- Counselling or mental health support
- Arrangements to follow up quickly on absence from school to ensure the safety and whereabouts of the child is known
- Arrangements to support the child to catch up if absence from school is necessary
- Arrangements to provide help, support and a place to complete homework
- Regular contact and open access to a named member of staff that the child trusts and gets on with.

### Vulnerable Pupils

Children and young people with additional support needs, and particularly those with multiple disabilities may be more vulnerable to being abused. Staff therefore have a particular need to be alert to possible indicators of abuse in relation to children and young people with additional support needs. They may:

- have fewer contacts outside of school and home than other children and young people
- lack an awareness of what constitutes abuse, and perceive what is happening to them as normal, or even pleasurable
- have communication difficulties which make it difficult to tell others what is happening
- receive intimate personal care which can increase the risk of exposure to abusive behaviour
- be inhibited from complaining about adult or peer behaviour for fear of the consequences
- place themselves at risk through their own socially inappropriate behaviour.



Schools can help keep **vulnerable** children and young people safe and well by:

- Providing high quality and appropriate programmes of personal and social education (including sex education)
- Ensuring pupils' individualised educational programmes (IEP) and/or Co-ordinated Support Plan (CSP) provide targets for their personal and social development
- For children and young people with complex needs and communication difficulties, keeping logs of their daily activities and temperament
- Teaching children and young people about how, and with whom, they can raise concerns if they are worried or angry about something
- Ensuring children and young people have access to a means of being heard, particularly where they have a communication difficulty
- Ensuring privacy for children wishing to speak to an adult
- Developing relationships with parents and carers and providing opportunities for regular contact between them and staff
- When establishments provide intimate care to children and young people, ensuring that staff are fully aware of the guidance provided in the Scottish Office publication *Helping Hands – Guidelines for Staff who provide Intimate Care for Children and Young People with Disabilities*.  
[www.scotland.gov.uk/library2/doc02/hhgs-02.htm](http://www.scotland.gov.uk/library2/doc02/hhgs-02.htm)
- Ensuring the school has a strategy for supporting children and young people with additional support needs if an investigation becomes necessary where there are child protection concerns. Interpreters who are independent of the school, for example, may be required
- In authorities, assessing their capacity to provide for translation and interpreting either individually or collectively, and where necessary, providing appropriate training to ensure independent staff will be available when required.



## Administration of Medicines

The Scottish Executive provides detailed guidance, *The Administration of Medicines in Schools* [www.scotland.gov.uk/library3/education/amis-00.asp](http://www.scotland.gov.uk/library3/education/amis-00.asp). This guidance also contains templates for recording, consent and emergency procedures.

Education authorities are responsible for health and safety for their employees and should consider the needs of all those using their premises. Schools and their authority should have a policy on meeting pupils' health care needs, ideally drawn up by working closely with the NHS Trusts in their area. A number of points should also be considered:

- Administration of medicine is a voluntary task which staff may wish to undertake. However, some staff work in settings where this role is more likely to be required. Teaching and non-teaching staff may administer medication but in all cases the authority, as employer, should ensure staff are trained and there is appropriate insurance
- It is the education authority that will be held liable for any negligence of an employee undertaking these tasks
- Training and support for staff administering medicines, and good record keeping, are essential
- All staff should be aware of appropriate emergency action to take for each child with health care needs

"Talking through with the staff and my daughter how they could help her made me confident the school would support her."  
(parent)



- All parents should be aware of the school's policy on administering medicines
- The headteacher, parent and child with health care needs should agree the support the school can offer the child to ensure expectations are clear
- The school must plan to have sufficient capacity to cope with the health care needs of its pupils accounting for staff absence
- The school should consider a child's health care needs while participating in trips and sporting activities, and ensure supervisory staff are trained and willing to administer medicines that may be required
- Medicines should be carefully and securely stored. Medication must be labelled with the pupil's name and kept together with its written instructions for use, contra-indications, etc.

### Health care plans

Health care plans should be developed with the parents, child and staff involved with the child, in conjunction with the School Health Service, GP or other health care professionals. The plan should outline the child's key contacts (e.g. GP, Social Worker) and the staff in school who have agreed to administer medicines or are trained in emergency procedures.

The plan should reflect the pupil's individual needs and special requirements. It should also outline what arrangements will be made to meet the child's preferences regarding confidentiality, privacy and dignity (see **Physical Intervention**).

Arrangements for information sharing within the school, with external agencies and with parents should be discussed and agreed. Information for all staff, those with responsibility for emergency action and providing personal support for pupils, should be considered.



If a child refuses prescribed medication, the school should contact parents urgently, but should not force the child.

An awareness of the general nature of illness or condition affecting a pupil is helpful to staff providing close personal support. Some of the expected signs or symptoms of conditions or diseases may be similar to signs of abuse or neglect. Staff should be encouraged to note what they observe and to discuss this with other staff providing care or with the school's Child Protection Co-ordinator to ensure patterns or concerns can be considered.

### **Infectious diseases**

The school and education authority should have named contacts among health professionals who can provide advice on infectious diseases and appropriate action to take within a school.

### **Headlice**

The Scottish Executive provided guidance on the detection and treatment of headlice in <http://www.scotland.gov.uk/library5/health/ngmh.pdf>. While parents have a responsibility for detection and treatment, schools should support parents with information.

Treatments for headlice can be expensive and schools should be sensitive to the needs of families when there are frequent occurrences. It is possible in some circumstances to make arrangements for school nurses or health visitors to prescribe some over-the-counter medicines to enable those entitled to get treatments free of charge.

Headlice can infect any child or adult, but recurrent headlice in a child may be a sign, along with other signs (e.g. poor hygiene, unkempt) that a family needs a higher level of support or has other difficulties. This should be raised with parents sensitively, with a focus on ensuring the child is happy at school. Children who experience difficulties with headlice or hygiene may also be vulnerable to bullying. The approach should focus on practical support rather than value judgements. Schools may be able to inform families about local support agencies that may help them.

"I'm always nervous when I approach parents about personal care issues. But I try to make it clear we both share the same goal - for their child to feel good at school."

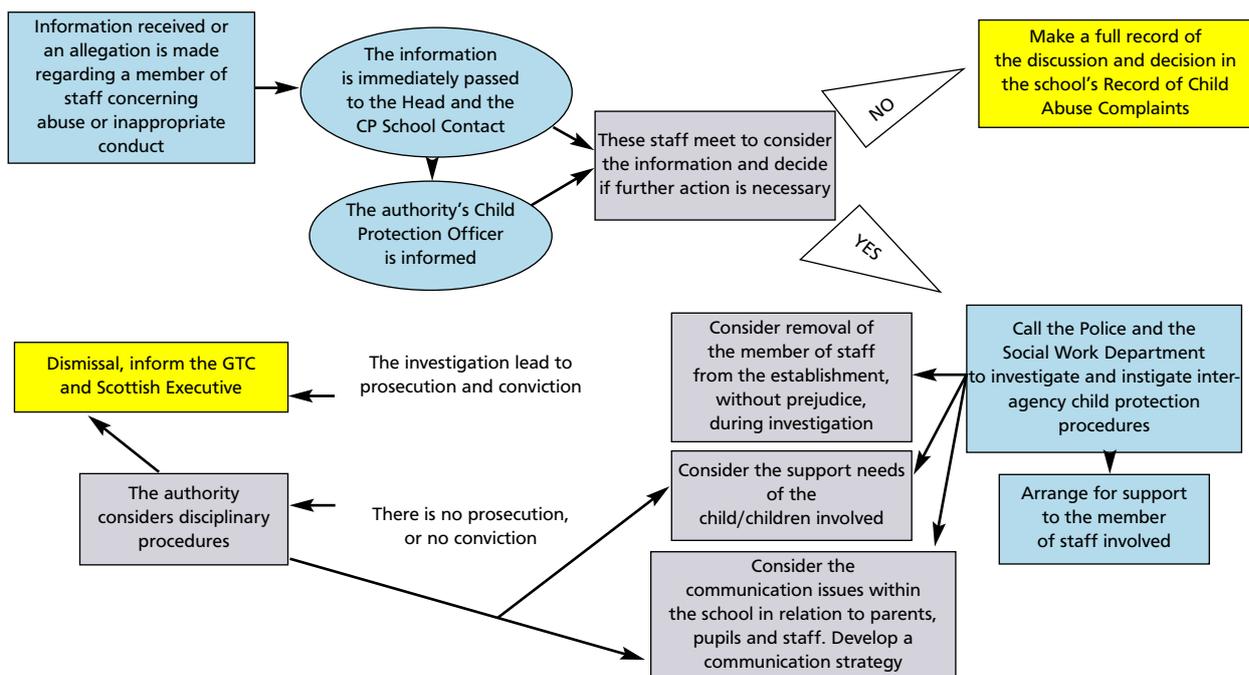
(teacher)



## Allegations against staff

If any member of staff receives information or hears an allegation of abuse or inappropriate conduct against another member of staff, the Head and the school's Child Protection Co-ordinator must be informed immediately. It is important to recognise that rumours and gossip can be damaging to the school and to the staff involved unless treated seriously and dealt with properly. It is vital to both staff and children and young people that any action taken in response to information or allegations is conducted properly, but promptly, in order to support proper investigation if this is necessary.

The flow-chart below outlines the process that schools should follow, with full details available in the Child Protection Handbook for Child Protection Co-ordinators.





A child's involvement in any discussions or investigations must be very carefully handled. After receiving initial information or hearing an allegation and establishing these are of a serious nature, further interviewing of the child is not appropriate unless by trained police officers or social workers, or during the legal process of prosecution. However, staff should gain sufficient information from the child in order to judge the seriousness of the issue, in order to inform senior managers' decisions. During any subsequent disciplinary hearings the education authority should take legal advice before asking any child to repeat their testimony.

Where information or allegations concern either the headteacher or the school's CP Co-ordinator, these should be referred direct to the education authority's Child Protection in Education Manager.

In independent establishments, the Chair of the Governors or Board of Directors should be involved in discussions and action.

### **Minimising Risk of Allegations**

All staff should consider the appropriateness of their own and their colleagues' behaviour. Staff and pupils alike should feel confident to openly discuss behaviour which they do not like; a positive school ethos helps build a climate of openness where this can happen.

Where a member of staff feels that his or her actions have been, or might have been misinterpreted, he or she should make a written report to their line manager without delay.



A number of day-to-day activities in schools should be considered by staff in relation to approaches to helping and supporting pupils to meet their needs:

- **Private meetings with pupils** (see **Meeting Pupils 1:1**).
- **Physical contact with children and young people** – through personal care of disabled children and young people, or through reassurance or comfort when a child is distressed. Contact should be minimal and respectful of the child's comfort and preferences.
- **Physical education** – where staff support movement or in kinaesthetic teaching. The nature and purpose of contact should be fully explained to pupils beforehand.
- **Restraint** (see **Restraint/Physical Intervention**).
- **Changing of clothes** – appropriate privacy should be provided for older pupils and adult supervision kept to a minimum. Younger children should be encouraged to dress without assistance unless they approach staff for help.
- **Relationships** – if a staff member is concerned that a child or young person has feelings for him or her beyond the bounds of a professional relationship, then the advice of a senior colleague, headteacher or the school's CP Co-ordinator should be sought.
- **Verbal banter** – positive relationships between teachers and pupils often involve humour. However, careless comments can be misinterpreted, hurtful or embarrassing, for either the pupil or staff member. Staff members should take a consistent approach to their own use of language and should make a consistent response to a child or young person's inappropriate language. If a pattern of inappropriate language by one child or young person is observed, this may indicate the child or young person is troubled or at risk, and in need of support.

- **Staff personal information** – it is a matter of judgement and personal preference how much personal information individual staff disclose in their discussions with and support to pupils. Staff should be aware that any such information may be interpreted by pupils differently than was intended and may not be kept confidential by the pupil. However, in some cases young people may feel supported by hearing that adults have also experienced some of the difficulties they are facing.
- **Teaching materials** – materials used to help children and young people learn about sensitive issues (for example, sex education, race relations, holocaust studies) should be carefully selected and appropriate to their age and maturity. Staff should be aware there is no law preventing the use of materials that refer to homosexuality and their sensitive use can support some young people to explore their own feelings and attitudes positively. Parents should be made aware of the content of personal and social education and sex education programmes and teachers should be appropriately trained to deliver this.

"We work with pupils who can be quite troubled. It's great to feel this is a school where we are open and share feelings amongst the staff team."

(teacher)



## Armed Forces - Children and young people whose parents are in the armed forces

Each service has its own welfare organisation, offering support to service families. Where an establishment has concerns in relation to the child of a service family, these should be shared with the relevant welfare organisation, to maximise support for the child and family. However, where there are child protection issues requiring further investigation, a formal referral must be made to the local authority social work services department, and the relevant service welfare organisation made aware of this.

### Army

The Army Welfare Service (AWS) provides a comprehensive and professional confidential welfare support service to all Army personnel and their families through their own Social Workers and Army Welfare Workers. There are three Welfare Support Officers (WSO) who cover Scotland.

#### *Contact:*

- Army HQ Scotland (Edinburgh) East Scotland (Edinburgh) Army Welfare Service; tel: 0131 310 2107
- West Scotland and Hebrides (Glasgow) Highlands (Perth northwards), Orkney & Shetland (Inverness) Army Welfare Service tel: 0141 332 0396



## Royal Navy

The Naval Personal and Family Service (NPFS) is the Royal Navy's own social work service. This provides a confidential and professional social work service to all Naval personnel and their families liaising as appropriate with social work services, particularly as required by statute for child protection cases. Three civilian Area Officers negotiate service action on behalf of Naval families. All cases abroad are initially handled by the Eastern Area.

Contact:

- North Area Officer, Helensburgh; tel: 01436 672 798
- East Area Officer, Portsmouth; tel: 01705 820932/826774
- West Area Officer, Plymouth; tel: 01752 568611

## Royal Marines

The Royal Marine Welfare Service is a non-statutory agency which will liaise with the local social work service and will negotiate service action on behalf of families. The Royal Marine Welfare Service should be informed in all cases of child protection involving a member of the Royal Marines.

Contact:

- Scotland Welfare Officer, Arbroath; tel: 01241 872201 ext. 2015/6
- Welfare Officer, Portsmouth; tel: 01705 547542

## Royal Air Force

The Royal Air Force has an independent welfare organisation on each station in an area. Social work is co-ordinated by each Station's Personnel Officer. Every RAF unit has an officer appointed to be familiar with child protection procedures.

Contact:

Social Work Adviser, RAF Lossiemouth; tel: 01343 812121 ext. 7399



## Service families going or returning from overseas

It is essential that the local authority social work service exchanges information about agencies' involvement with a service family to ensure that no child named on a UK Child Protection Register can be taken abroad without this information being considered, and to make sure that support for parents and the child is not removed at a critical time.

The Soldiers', Sailors' and Airmen's Families Association (SSAFA) provides, at the request of the Ministry of Defence, a qualified social work and health visiting service for families of all services on overseas stations.

The social work services in the armed forces, and the local authority social work department, should share all relevant information regarding child protection concerns and statutory supervision, etc. There is a British Forces Child Protection Register to ensure support and action for families wherever they are serving, and information is regularly reported to a local authority if a family spends time abroad.



## Buildings for Children's services and Community use

Headteachers and schools' CP Co-ordinators should consider a regular risk assessment of buildings used by children and young people and of facilities that may be used for specific purposes such as trips and residential activities. In addition to the usual aspects of health and safety, consideration should be given to issues which may arise concerning children's and young people's safety and wellbeing.

It is important to take sensible precautions which ensures that all aspects of safety have been considered to the extent that parents, children and young people may reasonably expect. With foresight and planning, this can be achieved without compromising the educational benefits to children and young people of trips and residential visits, or reducing access to educational facilities by the general public.

Issues which should be assessed and planned for may include:

- the level of access to areas of the building by the general public while children and young people are unsupervised (for example, changing areas in pools and sports facilities; areas around bedrooms in hotels or hostels). Access need not necessarily be restricted where there is staff awareness and supervision is well planned
- the level of disclosure checks, recruitment arrangements and staff supervision by the managers of the building or of contractors or other organisations working in the building. Disclosure checking may not be appropriate in all cases but the nature of contact with children and young people by staff other than those school staff/volunteers directly responsible should be considered



- what guidelines are used by the other employers for their staff regarding propriety and other relevant issues while children and young people are in their building. It may be advisable for school staff to share in advance their guidelines on, for example, a code of conduct for pupils and staff procedures for safety and responding to concerns
- the policies and procedures used by the building owners towards CCTV monitoring (for example, in leisure complexes) and the use of cameras and other image recording devices.

**See also Disclosure Checking**



## Bullying and Young Abusers

Bullying involves a range of behaviours, which at times may be understood as a form of abuse, where deliberately hurtful behaviour is repeated over a period of time, and where the victim may find difficulty in defending him/herself. Staff should never ignore bullying and in most cases well designed anti-bullying and victim support procedures should address the issues.

- **Record incidents and the schools response.** Schools may wish to follow similar guidelines for recording as those for child protection concerns. This will assist the school if formal procedures are required or if these are instigated by the child or a parent/carer. For example, they may refer bullying incidents to the police for legal action.
- **Prepare for the return to school of an excluded pupil.** Where it has been considered necessary to exclude a pupil for bullying, the Circular (8/03) on Exclusion encourages schools to consider the steps it will take to ensure that the child can be re-integrated into the school in ways that continue to address the behaviour, as well as ensuring there is appropriate support for the victim of the bullying incident.
- **Support victims of serious or sustained bullying.** Some pupils may suffer serious problems (such as mental ill-health or self harm). In such cases simply stopping the bullying or removing the bully is only part of the action required by schools to support the pupil who has been bullied. Schools should consider how support and learning, and personal development opportunities within the school, will contribute to all pupils' skills and resilience to cope with and recover from adverse experiences.
- **Investigate the cause of bullying or aggressive behaviour and plan intervention.** Some abusers are acting out in response to their own distress and possibly their own experience of abuse. Pupils' social, emotional and behavioural difficulties may warrant an assessment of their additional support needs (see Additional Support Needs and Co-ordinated Support Plans).

Rarely, a pupil harms others through very serious physical or sexual assault. Where this happens or is alleged, child protection procedures should be followed for **both** the victim(s) and the alleged abuser(s). Children and young people who are abusive towards other children require comprehensive assessment and therapeutic intervention by skilled child care professionals. The headteacher and the education authority Child Protection in Education Manager also need to consider whether other procedures need to be put in place to protect other children and young people from the abuser(s), or whether to refer incidents of serious assault to the police.

"In our school we are always doing anti-bullying things. We know we can tell and people will help us. We helped to write the school policy on bullying."

(pupil)



## Cameras, Filming and Image Messaging

- Schools should make their policies clear in their School Handbook on the use of cameras and recording equipment within school, for example during sporting events, shows and other activities
- Parents and pupils should know who to contact if they wish to request that any images of them are not used in school publications, on the internet, or in the local media (or if their circumstances change and they would like images removed)
- It may be preferable that parents provide explicit consent to their children / young people being filmed or photographed (by the school or other parents) before their participation in activities that make this likely.

### Parental photography and filming

Parental filming or photography of events involving pupils limits the control that the school or other parents have over any images of a child. There are some examples of practice which may inform schools and authorities when developing their local policies.

In cases where a request has been made by a parent or pupil that they are not filmed or photographed, the school should judge the appropriate action and consult their education authority for advice. It may be possible to restrict filming during events or performances and allow managed photo-opportunities during or after the event from which some children and young people can be removed, without compromising their participation in the event as a whole.

Some organisations ask that those wishing to film or photograph their children during activities (for example at a swimming gala or gymnastics competition) register their equipment on arrival. Their equipment is then given an identification tag, so that anyone seen using equipment without a tag can be challenged. Any inappropriate use of images subsequently discovered can also potentially be traced back to the event and those who registered equipment.



### **Image messaging**

Pupils' inappropriate use of digital imaging by mobile phone messaging must also be considered. There is the potential for images to be used to bully or harass others, or for pupils to gain gratification from capturing images (of incidents inside or outside school) and sharing these by text or on the internet. Schools may wish to consider agreeing with pupils and parents strict guidelines on the use of mobile phones in schools.

### **Mobile Phones**

Schools may consider areas of the school in which mobile phones cannot be used (apart from during learning) such as changing rooms and toilets.



## Children affected by Imprisonment

### Children and young people with a parent or close relative in prison

It is estimated that around 13,500 children and young people in Scotland have a parent or close relative in prison. Children and young people in these circumstances may require support from schools in a number of ways:

- a child or young person may be affected by the process of trial and sentencing. At this time, there will be a great deal of anxiety and uncertainty in the family, and, for younger children, the procedures may be difficult to understand. There may be media coverage of the trial which will add to their distress
- when the parent or relative is sent to prison, children and young people may experience a deep sense of loss, a sense of shame or guilt, and especially in the case of a parent being sent to prison, anxiety about how the family will manage. The family may be losing an income and possibly their home, children may be moved to live with other relatives or carers, or may be taken into care
- the stigma associated with imprisonment may discourage the family from openly discussing their situation with their children, or with others outside the family, especially schools.

Schools may help by:

- focusing on the child's need for help and support – parents can be asked to discuss the child's or young person's needs without reference to the family's circumstances, if communication is difficult. Confidentiality can be assured to both pupil and parent
- where the circumstances of the family have been openly discussed with the school, the school can offer to provide progress reports to the parent in prison as with any other separated family
- prison visits are often conducted during the working week, and will necessitate time off school for a pupil who is visiting their parent or relative in prison. This can be authorised under 'exceptional domestic circumstances'. After visits, pupils may again show signs of being upset or withdrawn



- the school can be aware of the pupil's peer support in the school, and ensure that other pupils are not stigmatising the child or young person because of their parent or relative's circumstances.

### *Family mobility prior to release of a prisoner*

On occasion, a family may fear the release of a prisoner – whether a parent or relative, or some other connection. This may be because of violence previously committed against the family or threats of violence in connection with witnesses in trials, etc. Or, relationships may have broken down during imprisonment of a partner.

In these circumstances, families may fear disclosure of information about the family's whereabouts or fear their children will be contacted by the released ex-prisoner. In normal good practice, schools would ensure that details of children are never released to unknown individuals (see **Identification of Callers, Access to Information and Access to Schools**). However, where the 'estranged' parent would ordinarily have the right to receive information about their child, parents may need help to apply for restrictions of access to information, for which information about local advice centres and legal advice will be useful.

A further response to fear is for families to relocate suddenly, in order to avoid contact with the person to be released from prison. In these circumstances staff should follow the procedures described in the section of this handbook on '**Children Missing Education**'. Schools receiving families that obviously wish to obscure details of their past to avoid being traced may have a rational reason for this. Schools should consider with their education authority Child Protection in Education Manager whether steps can legitimately be taken to support a transfer of files with restricted information.



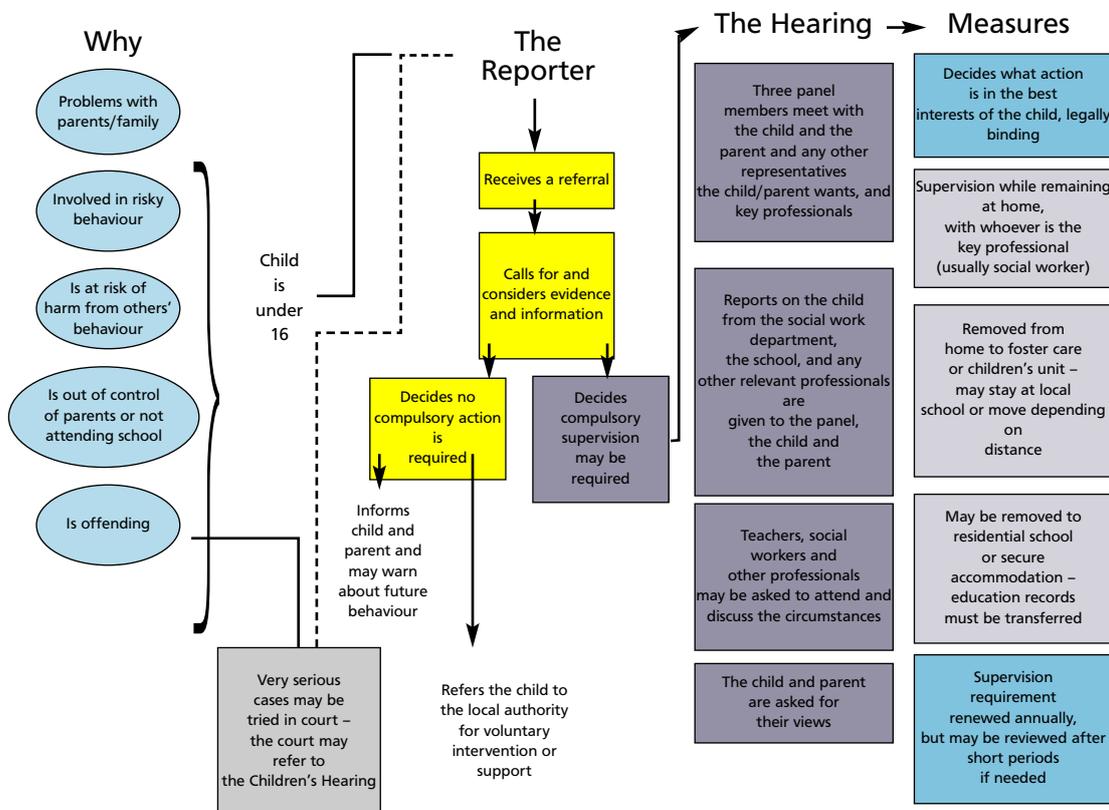
### **Imprisonment following conviction for a crime against a child victim**

When a crime has been committed against a child or young person, any subsequent trial and imprisonment of the accused may be distressing for them (see **Supporting Children who are Victims or Witnesses in Court Proceedings**). The child or young person and their family may have mixed feelings about the length of prison sentence or the value of imprisonment as a symbol of justice. Some young people may regard the sentencing as a point of closure on the painful process from crime to court; but feel let down when this point passes and their emotions are still in turmoil. Some children and young people may feel guilty themselves that they have been the 'cause' of someone's imprisonment. Some children and young people may also fear the release date of the accused. Victim support services may help, or a school may consider whether support is required such as a Co-ordinated Support Plan (see **Additional Support Needs and Co-ordinated Support Plans**), or whether support is required for the wider family as well as the pupil.



## Children's Hearings

Any member of the public including, of course, members of staff, can make a referral to the Reporter if they believe a child is in need of compulsory measures of supervision.



### Providing reports on a child to a hearing

The Reporter will request a report from the school on the educational progress and welfare of any child of school age who has been referred to the panel. The headteacher is responsible for ensuring that the report is completed by the person who knows the pupil best, and returned to the Reporter within the stipulated timescale. The report should provide as full a picture of the child as possible and state why compulsory measures may be needed.

The Reporter has to make a decision on how to proceed, on the basis of the reports provided, so it is essential these concentrate on the key points. Parents and children over 12 will see these reports.



If the Reporter decides a hearing is required, then the report will also be considered in some detail by the panel members, and staff may be asked to discuss it. The input of school staff is valued by the Hearing.

### Attending a hearing

The Children's Hearing may ask that someone from the school attends the Hearing to share their views on the child. There will be three panel members, who must be a mixed gender and age. One of the panel members will chair the Hearing.

The child must usually attend, and the parent, with any representatives they choose to support them. This may be a friend or lay person, but there may also be a legal representative if there is a possibility that the Hearing will recommend secure accommodation for the child. However, legal aid is not available for attendance at a Hearing, but is available for other stages, if the court has to be involved in deciding evidence or an appeal. Free legal advice will be made available prior to the Hearing to help inform the child or parent about their rights during a hearing or to help them contest the grounds for referral. (If a child or parent does not agree with the grounds for referral, then a Sheriff has to decide whether the case is established and should be referred to a Hearing.)

The Hearing is meant to be conducted in a child-friendly manner, in an informal room around a table. If the child is uncomfortable or distressed by the presence of other representatives then they may be asked to leave while the child gives their views. However, the chair of the panel will then explain what has been discussed when the representatives return.

Any school staff invited to attend a Hearing should ensure that they are well-prepared with, for example, up-to-date information on the pupil's attendance, achievement and behaviour and attitude in school. They should be prepared to give a well-considered and objective view on any aspects of the pupil's emotional and physical wellbeing in school, as well as any educational issues.

A Hearing is not a court, where witnesses or those providing reports will be challenged on their evidence or information. It is a tribunal. The press is entitled to attend Hearings, but may not reveal the identity of the child in any accounts of the proceedings.



## Collection from school - Young People

All very young children are at risk of harm, if allowed to leave nursery or primary school, or other facilities, unaccompanied. This risk may be significantly increased for those whose journeys home may mean the crossing of busy main roads. However, at the end of the school day, there may be large numbers of children and parents moving in and out of school. Children themselves must be aware of the importance of leaving school in the way that they are happy with themselves and that their parent has arranged. Good practice includes:

- regular consultation with parents on 'collection' policy and encouragement to parents to consider with the establishment appropriate ages and stages of development when children might be allowed to make their way to and from the establishment independently
- ensuring that very young children are dropped off and collected by a safe, known adult, and checking that this is the person who collects them at the end of the day
- parents/carers are asked to give advance notice of any concerns regarding collection of their child by non-contact adults. Parents should be asked to provide details of access arrangements that restrict another parent's access to children (e.g. evidence of any injunction). The school should maintain clear records of named individuals who are not permitted to collect particular children (for example an estranged parent)
- parents should be asked to support the school in ensuring that children are aware of who will be collecting them and making any changes to these arrangements known to the child and the school
- staff present at home time should be aware of adults collecting the child who may not be in a fit state to care for the child. If there are any doubts on this matter the parental emergency contact number should be used to identify another appropriate adult who can collect the child, or, if no alternative is available, staff should contact their social work department and ask them for advice (see **Drug Use**)

- where a child who is due to be collected is not collected, s/he being retained in school until an adult can be contacted to find out the problem and agree a solution
- supervising younger pupils who may require to remain in school for the school bus until the end of the longer afternoon session for older pupils
- develop a school protocol on what to do if a child refuses to go home with the adult who is (legitimately) collecting them
- ensure clear contractual arrangements when pupils, including those with additional support needs, are transported to school by bus or taxi, regarding handover arrangements both between home and transport, and school and transport, supervision if transport arrives before the start of the school day, and action to be taken if in the event of any emergency situation arising during the journey.

“When I saw someone else’s child left in the playground after hometime, I was pleased to see the staff took care of things. We all want to feel there is a safety net.”  
(parent)



## Community Service and Volunteering by pupils

Many children and young people are involved in citizenship activities and opportunities for pupil participation where some form of volunteering is an important aspect of their learning and education for personal and social development.

The following issues should be considered by staff making arrangements for children's and young people's volunteering:

### Peer to peer

- children and young people receive training for their role in helping other pupils
- children and young people are aware of the limits of their role in helping other pupils, and know which member of staff they should seek help from
- children and young people are involved in setting guidelines for their conduct when helping other pupils
- older young people are not left to supervise young children without adult support
- one-to-one buddying, paired reading or tutorial support between older and younger pupils should take place in view of staff.



## Children and Young People in the Community

- organisations hosting volunteer placements have been assessed for their suitability, supervision of the volunteer, their own staff/volunteer safety policies
- the nature of the activity is suitable for the children or young people
- any involvement with other vulnerable members of the community is safe for both them and the volunteer pupils
- pupil volunteers are properly prepared for their placement with advice on appropriate conduct and personal safety
- young people undertaking activities more independently have a member of staff they can contact at all times
- there are arrangements with the host organisation to contact the school if there are difficulties or if the young person fails to arrive
- transport arrangements to and from the placement are known by the school, the host and the parent.

Volunteer Development Scotland can provide further information and advice on volunteering guidelines and volunteering in schools, tel: 01786 479593.  
web: [www.pupilvolunteering.org](http://www.pupilvolunteering.org).

See also Disclosure Checking





## Computer Safety

The huge benefits of ICT to teachers and learners bring some risks, which can be minimised. Risks include exposure to obscene and/or violent material, bullying or intimidation through e-mail, identification through access to a school website, and contact in chat rooms with adults who wish to exploit them (grooming).

A range of specialised guidance is available to schools, including *Click Thinking* [www.ngflscotland.gov.uk/doubleclickthinking](http://www.ngflscotland.gov.uk/doubleclickthinking) published by the Scottish Executive, and a Superhighway Safety information pack obtainable from the BECTA website.

A chatsafer website ([www.chatsafer.com.uk](http://www.chatsafer.com.uk)) has been set up to provide people with more information on how to surf the internet safely.

### Managing ICT infrastructure for child safety

Education authorities, schools and other establishments, should have in place an appropriate filtering system to protect users from exposure to unsuitable materials during internet searches. Establishments should have in place an 'Acceptable Use Policy' for staff and learners and share this with parents or young users. This should include guidance on aspects relating to child safety:

- the content of school or establishment websites, and how the establishment manages the risks of identification of individual children or issues of consent
- the safe use of internal and external e-mail
- establishment responses to inappropriate messaging through e-mail
- safe access (if any) to chat rooms
- protocols in relation to internet searches
- monitoring arrangements and means of identifying any children and young people or staff accessing inappropriate materials.



Establishments should consider their responsibility to provide accessible information for young people in relation to sexual health. The internet provides discrete access to information for young people who may be too embarrassed to directly request information on sexuality or sexual health. Good information encourages responsible relationships and safe behaviour, and so contributes to personal safety. A balanced approach to filtering in relation to key words and age-appropriate access may be appropriate to ensure such information can be available, or if it is not to be available, alternative discrete access to other forms of information by young people should be pro-actively offered.

### *Enabling children and young people to use ICT safely*

The greatest protection for children and young people lies in their safe use of computers wherever they are. These are skills which can and should be taught progressively wherever children and young people learn with, or have access to computers. Children and young people should be enabled to:

- have a critical perspective of the virtual worlds and realities presented on the net
- respond appropriately to e-mails and chat conversations, including telling staff or parents of inappropriate approaches
- know when, where and how it is appropriate to share personal information.

### *Use of the internet for 'grooming'*

The Protection of Children and Prevention of Sexual Offences (Scotland) Bill was introduced in October 2004. This legislation will create a new offence to deal with predatory sex offenders who seek to win the confidence of children by 'grooming' with the aim of later abusing them. This will allow the police to step in before a sex offender has even met his intended victim.

If a member of staff suspects that a child or young person is preparing to meet an unknown correspondent that they have 'met' in a chatroom, the child's parents should be contacted to alert them to the risks of children meeting unknown correspondents unaccompanied.



## Disclosure Checking

Disclosure checks can help schools and authorities to gain information on the background of individuals who may wish to work (paid or unpaid) with children and young people. A clear disclosure check does not in itself confirm that a person is suitable to work with children and it is important to follow other rigorous recruitment and employment practices (see **Recruitment**).

Full information on disclosure checking procedures can be found on [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

- **Basic disclosures** provide details of unspent convictions.
- **Standard disclosure checks** are suitable for those involved in regular contact with children and young people and vulnerable adults and provide details of centrally held records of spent and unspent convictions.
- **Enhanced disclosure checks** are for those in positions which involve regularly caring for, training, supervising and being in sole charge of children and young people under 18 and vulnerable adults. The enhanced disclosure contains spent and unspent conviction information. It may also contain non-conviction information held by the police which the Chief Constable considers to be relevant to the activity covered by the application and which can be shown on the face of the Certificate without harming the interests of the prevention and detection of crime.

As from 10 January 2005, standard and enhanced checks for child care positions as defined in the Protection of Children (Scotland) Act 2003 (see quick guide to legislation) will also include information on any disqualifications from working with children (see **Section in A-Z**).



### Adults With Criminal Records

Disclosure checking is not intended to prevent all adults with a criminal record of any kind from working with children. When a disclosure check indicates that the individual has a criminal record, schools and authorities have the discretion to decide whether the offence means that the adult is unsuitable for the position in question. However, where a disclosure check issued in relation to a child care position indicates that the person is disqualified from working in a child care position, there is no discretion and the school or authority will commit an offence if they employ the person in a child care position.

### Partnership working between agencies

Local authorities and other organisations may decide that a disclosure check carried out for an individual's involvement in one service is sufficient to enable their involvement in other activities, provided the check is at the appropriate level. For example, a teacher may seek to become a Scout leader without undergoing an additional check. This is for the agencies involved to decide. In doing so, agencies should be confident in their recruitment practices for all appointments. In addition, they must also remember that the information in the Disclosure was accurate only on the date of issue, and that there may be non-conviction information that is relevant to the new activity that was not relevant to the activity covered by the original Disclosure.

*"Disclosure checking is important within a range of things we can do for good practice in recruitment and supervision."  
(Headteacher)*



### Length of checking process

Disclosure Scotland has a Service Level Agreement with Scottish Ministers to issue 90% of Standard and Enhanced disclosures within 10 working days and 90% of Basic disclosures within 6 weeks.

### Who should be checked?

From 11 April 2005 it will be an offence for an organisation to appoint a person to a child care position (as defined by Schedule 2 of the Protection of Children (Scotland) Act 2003) if that person is disqualified from working in such a position. The information that a person is disqualified from working in a child care position is only available as part of a disclosure check.

There is currently no legal requirement to carry out checks on existing staff and volunteers unless they are being assigned to a child care post from a non-child care post.

It is for authorities and schools to decide on which individuals are regarded as being in a child care position for the purpose of the 2003 Act and for whom a disclosure check would be required. This may include some parent helpers and volunteers whose normal duties involve work in schools. (see **Volunteers and Parent Helpers**). Some contractors may also be considered to be in child care positions, for example, bus and taxi drivers on school contracts.



Authorities and schools should make their policies on disclosure checking open and available to pupils and parents, and to staff, volunteers and prospective contractors. Partnerships with voluntary bodies, such as Parent Teacher Associations, are important to schools and authorities as sources of voluntary help and vehicles for parental involvement. Disclosure checking policies should be discussed with such bodies and support for checking, if this is to be required, should be provided. However, due regard should be given to the nature and regularity of contact, the nature of roles performed with children and the level of supervision for volunteers by other school staff during these activities. Disclosure checks alone are not enough and awareness raising and information for voluntary bodies and volunteers on wider child protection issues and other measures such as risk assessments and ongoing monitoring of performance are important too.

### *Staff misconduct*

Where allegations against staff have been investigated and have led to disciplinary procedures rather than prosecution, headteachers and education authorities may refer this information to the General Teaching Council for Scotland or the Registrar for Independent Schools. If there has been criminal investigation but no conviction, the Chief Constable may release this information in Enhanced disclosure checks. See also **Disqualified from Working with Children**.



## Disqualified from working with children list

The Protection of Children (Scotland) Act 2003 became operational in 2005 (see quick guide to legislation) and is designed to ensure that unsuitable people cannot move from one childcare post to another if they have been found to harm children or put them at risk of harm.

The main points of the Act are summarised here. Further information including links to the published guidance can be accessed through the Scottish Executive website on [www.scotland.gov.uk/childprotection](http://www.scotland.gov.uk/childprotection)

### What is the Disqualified from Working with Children List?

- the Act will help to plug a gap in existing safeguards which previously allowed unsuitable people to move from one child care post to another without detection if they have not been convicted of an offence
- the Act provides for Scottish Ministers to keep the Disqualified from Working with Children List (DWCL).

### Who should be on the list?

- an individual working in a child care position, whether paid or unpaid, is to be referred to Scottish Ministers for inclusion on the DWCL, when they have harmed a child or put a child at risk of harm and have been dismissed or moved away from contact with children as a consequence
- the DWCL will also include those convicted of an offence against a child, when the court has referred them because it considers them to be unsuitable to work with children
- the Act extends disqualifications which already exist in England and Wales to Scotland too, except for those listed provisionally on the list kept for England and Wales under the Protection of Children Act 1999.



### *What does being on the DWCL mean for an individual?*

- those on the DWCL (other than provisionally) are disqualified from working with children and will commit a criminal offence if they apply to or work with children
- the Act provides safeguards for an individual including the right to appeal to a Sheriff against inclusion on the DWCL
- the fact that someone is disqualified from working with children will be released as part of a Disclosure for a child care position available from Disclosure Scotland.

### *What are organisations' responsibilities in relation to the DWCL?*

- organisations have a duty to refer such individuals to Scottish Ministers for possible inclusion on the DWCL
- failure to make a referral is an offence under the Act
- it will be an offence for an organisation to knowingly employ a person to work with children if that person is disqualified from working with children.



## Domestic Abuse

Children and young people may experience their parent or relatives being abused by a partner. It is estimated that in around 90% of domestic abuse cases, children are in the same room or the next room. There is also a high risk that children whose parent experiences domestic abuse is abused by the perpetrator.

There are a number of signs of the impact of domestic abuse on children and young people, which may include:

- neglect, because their parent is too exhausted (or injured) to care for them; or because caring for the child creates more jealousy and abuse
- physical and mental health problems arising from the child's anxiety and distress
- loss of sleep and inability to do homework creating difficulty at school
- anxiety about the parent resulting in clinginess in young children or absence from school in order to stay at home and 'protect' the parent
- anger and frustration, sometimes directed inwardly or towards peers and teachers; sometimes directed towards abuser and the parent.

Schools may be a place of stability and safety for children and young people in contrast to uncertainty and fear at home. However, schools with positive relationships with parents and facilities such as drop-in rooms (see **Parents**) also provide parents with some breathing space and the chance to access information and services to support their families.

When parents flee domestic abuse, the impact on children and young people may include:

- belongings (including school books and uniform) being left behind
- separation from siblings and parent if staying with different relatives or friends
- children and parent losing social or family networks



- becoming homeless or staying in temporary hostel, B&B or refuge accommodation where there is little space or privacy (i.e. no room to do homework, keep clothes washed, etc)
- attendance at school being disrupted, families may move some distance away making travel difficult or they may fear the abuser will find them if the children attend school
- enrolment in a new school, with reluctance to provide details of previous location
- feeling of rootless while families live in fear of being found
- families being fearful and moving suddenly when the release date of imprisoned abusers draws near.

Schools and education authorities must consider a range of issues when they are aware of or suspect domestic abuse in a family:

- the risk to the child of direct abuse and/or neglect, or other harm – full child protection procedures may be required
- the importance of ensuring that abusers are not provided with information on their child or access to their child. Administration staff in particular should be reminded not to disclose information about any pupils to callers (who may pose as professionals) unless their identification can be verified
- the practical support a child and parent may need if they have to leave the family home suddenly; this may include temporary support with transport, a re-assessment of entitlement to school meals or clothing, re-issuing or loaning lost books or equipment
- the importance of allocating a key member of staff to support to the child and liaise with any other professionals – if this support is long term, to consider a Co-ordinated Support Plan (see **Additional Support Needs**)
- ensuring key staff are aware of difficulties which may arise through disrupted attendance, involvement in court proceedings, etc



- providing relevant information whilst respecting confidentiality
- supporting the efficient transfer of records, schoolwork and portfolio work to any new or temporary school, if the child has to re-locate.

Scottish Women's Aid have produced a pack for schools *Supporting Children and Young People Experiencing Domestic Abuse* which is available from [www.children&youngpeople@scottishwomensaid.org.uk](mailto:www.children&youngpeople@scottishwomensaid.org.uk)

The Scottish Executive has produced *Domestic Abuse, A National Strategy* 24 Nov 2000 [www.scotland.gov.uk/library3/law/stva-00asp](http://www.scotland.gov.uk/library3/law/stva-00asp) and *Domestic Abuse, A National Training Strategy* 24 March 2004 [www.scotland.gov.uk/library5/justice/dants-00.asp](http://www.scotland.gov.uk/library5/justice/dants-00.asp), which highlight the importance of a multi-agency approach to tackle domestic abuse and supporting children and families affected by it.

"I felt like my world was falling apart. That teacher should know he saved me because he spotted I needed help. I don't think I could have come forward otherwise."  
(pupil)



## Drug and Alcohol Misuse

All schools should have policies on the handling of incidents of drug misuse in schools. The Scottish Executive pack of *Guidelines for the Management of Incidents of Drug Misuse in Schools* (2000)

<http://www.scotland.gov.uk/library3/education/dmis-00.asp> provides detailed information on procedures and good practice. The Scottish Executive has also produced *Getting Our Priorities Right – good practice guidance for working with children and families affected by substance misuse* (<http://www.scotland.gov.uk/library5/education/gopr.00.asp>). See also **Self Harm and Suicide**.

Schools may have concerns about children's safety and wellbeing arising from the drug or alcohol use of a pupil or their family.

Where the school is concerned about familial drug or alcohol use and its impact on a child's welfare and care, issues may include:

- having contact arrangements in place if a parent arrives to collect a younger child and appears too intoxicated to be responsible for them (see **Collection of Children**)
- pupils may have caring responsibilities for other siblings or their parent, affecting their own health and wellbeing and their learning. Pupils with caring responsibilities should be regarded as having additional support needs and a Co-ordinated Support Plan may be appropriate (see **Additional Support Needs and Co-ordinated Support Plans** and **Young Carers**)
- pupils may be experiencing neglect, including hunger, lack of sleep and lack of personal care. They may also be at increased risk of violence. A full child protection investigation may be required
- pupils may be anxious and concerned for their parent and family, and be reluctant to leave the home; or they may reject their family and spend as little time as possible at home; both scenarios may affect children's and young people's attendance and homework.



Some pupils may appreciate the support of groups such as Alateen, for children of parents affected by alcohol addiction (for Scotland groups contact Al-anon, 0141 339 8884 or organisations for young carers may provide support (for Scotland groups <http://www.carers.net/organisations/YoungCarers.html>). However, pupils may also feel extremely embarrassed or ashamed of their family situation and offers of information and support must be made sensitively.

Pupils themselves may be involved in drug or alcohol use in ways which impact on their care and welfare. Not all incidents of drug or alcohol misuse involve dramatic intoxication while in school or possession of substances within school. However, schools will still find that drug and alcohol use is an issue requiring a response. Some issues arise from longer term problems, such as:

- absence from school, or patterns of absence dictated by drug or alcohol use
- changes in health and emotional wellbeing
- withdrawal symptoms when drugs or alcohol are not available
- 'come-down' symptoms after binge use (e.g. at weekends)
- psychosis associated with prolonged and heavy use of psycho-stimulant drugs
- social impact on peer relationships following regular intoxication outside school or incidents while intoxicated
- peer exploitation (or exploitation by others) of young people when intoxicated and deliberate attempts by others to intoxicate those susceptible to this
- pupils involved in regular drug or alcohol use and intoxication may be in families with little or no parental control or where drug or alcohol use is regarded as the norm
- the effect of debt on pupils, which may cause them to steal; or may result in the people to whom they owe money hanging around at school gates to receive payment or to threaten the pupils.



Some of these signs may not be solely associated with drug or alcohol use, and some drug or alcohol use is a form of self-medication used by pupils to help them cope with, or blot out, other difficulties they are experiencing, such as abuse or neglect.

Schools should ensure that staff responsible for pastoral care have the skills and knowledge to support pupils and families where there are concerns regarding the impact of drug or alcohol misuse on children and young people.

It is essential that schools are aware of local agencies able to provide accurate information on drugs and their effects, and agencies able to provide services direct to young people whose drug use has become problematic. This information and support may be provided in confidence if the young person is unwilling to involve their parent or if there is no parental support.

Occasionally services are unable to engage effectively with young people who do not acknowledge that their use is problematic. However, young people's contact with these services, if it can be arranged with their consent, may enable sufficient credibility with the young people to be gained to cause them to take the information and advice available.

Local Drug Action Teams may have directories of services and the Scottish Drugs Forum web address has a database of local services. Some services specialise in specific kinds of drug use and some agencies have a lower age limit.

 "We knew our friend had a problem with the amount he was drinking. It was a relief when teachers at school got him some proper help."  
(pupil)



## Exclusion from school

Children who have suffered abuse or are under considerable stress, may communicate their hurt in different ways, for example by disrupting their classes, damaging property, outbursts and fights or bullying, or by becoming uncooperative or withdrawn. Teachers need to provide a balance between responding to challenging behaviour in a way that provides consistency for the class, whilst understanding that a troubled child may require support as much as discipline. Managing such situations requires schools to think creatively about how best to progress the interests of the majority of their pupils whilst meeting the needs of individuals.

In all cases when considering exclusion, schools should:

- check that there are appropriate arrangements for the care of a child or young person before they are sent from the school premises
- consider whether there are family or other circumstances that mean support is required if a child is excluded
- find out whether the child concerned is on a Child Protection Register, or compulsory measures of care, in which case Social Work **must** always be informed
- undertake a risk assessment to ensure that the child will not be placed at further risk while they are excluded from school
- where there are child protection concerns, consult the education authority to seek alternative educational provision for the pupil while excluded from school, without delay
- consider appropriate arrangements for re-integration into school after the exclusion. For children and young people who have experienced abuse or neglect, stability and consistency in schooling is essential. If an exclusion is necessary, reintegration into the same school is often in the best interests of the child.

*Scottish Executive Guidance on Exclusion from School (Circular 8/03)* provides full information on legislation and procedures in relation to exclusion from school. [www.scotland.gov.uk/library5/education/cefs-00.asp](http://www.scotland.gov.uk/library5/education/cefs-00.asp)



## Gypsy and Traveller Children

It is important that any policies and practices developed for ensuring children's and young people's safety and wellbeing are sensitive to the diversity between and within different Gypsy and Traveller groups (see also **Minority Ethnic Communities**).

There is a clear distinction between Gypsies/Travellers and Occupational Travellers/Travelling Showpeople. Gypsies/Travellers regard themselves as ethnic minorities (Gypsies; Scottish Travellers; Irish Travellers; etc) whilst Occupational Travellers/Travelling Showpeople are business communities whose work happens to necessitate a travelling lifestyle.

When referring to both groups, the shorthand term 'Gypsies and Travellers' is most commonly used.

### Contact with Families while travelling

School staff should generally be aware that:

- some families move as work opportunities arise or to be with extended family networks, so children enrolled at school can be withdrawn suddenly, and may leave no indication of where they have gone or for how long. Families may not always know their forwarding address before leaving
- a positive relationship with families obviously increases the likelihood of being informed. Where possible, schools should keep in touch with families, while they are travelling, by mobile phone, to pass on learning materials or news of friends in the school. This should not be given the appearance of surveillance
- a school answering machine is useful, so that traveller families may leave messages when the school is closed (e.g. if they begin travelling during school holidays)



- schools that wish to maintain contact with travelling pupils can sometimes keep in touch with them through the network of contacts within the Traveller Education Services and Scottish Traveller Education Project, with an email facility for requesting information or passing on messages <http://www.education.ed.ac.uk/step>
- when due dates of return are known (e.g. for children of families whose work is seasonal) and if the child does not arrive as expected, school staff should inform the education authority Child Protection in Education Manager who should follow procedures for tracing children (see **Children Missing from Education** Section of the Safe and Well Handbook)
- if the school, or the education authority Child Protection in Education Manager is unsure of the whereabouts of a child of Travelling Showpeople, the office of the Showmen's Guild may be able to provide an itinerary of sites and towns to which show people's families will be travelling: 8 Fitzroy Place, Glasgow G3 7RH Tel. No. 0141 221 7297 [www.showmensguild.com](http://www.showmensguild.com).

### Liaison

- positive relationships and open communication with Gypsy and Traveller parents will help schools maintain links with families and include them positively when they return from travelling (see also **Parents**)
- communicate sensitively. There is a strong oral tradition among Gypsies and Travellers. Low literacy levels means communication with families must be developed without reliance solely on written communication. Where formal procedures or meetings are required, this must be borne in mind
- it is helpful to have good contact with local authority and health staff who also liaise with Gypsy/Traveller families, to facilitate the exchange of information. Many local authorities and local police forces have a Gypsy/Traveller Liaison officer who visits local authority sites and roadside encampments.



## Support

- Gypsies and Traveller children are often the victims of bullying and harassment. Schools should make it clear to Gypsies and Travellers that they will support all children involved, and that such incidents will be taken seriously. If a school suspects that absence is as a result of bullying, home-school link staff or other staff who know the family should contact them

"When you get day after day of people calling you names and insulting your family and your ways - well, why would you go back?"  
(young traveller)

- some Gypsy and Traveller families do not regard school education as relevant to their children's needs, but this is not always the case. Avoid stereotypes that lead to low expectations of young people, but be prepared to find ways to engage the pupil and the family in discussion particularly around the time of transitions to ensure they are aware of the opportunities schools provide. Other local authority or health staff involved with families may assist this. Schools providing flexible curriculum for pupils may find vocational options are valued more by Gypsy and Traveller pupils and families
- staff should attempt to ensure that the child's right to education and their right to express their views is sensitively supported
- schools and education authorities may find it useful to refer to guidance produced by the Scottish Executive, STEP, and Learning and Teaching Scotland, called, *Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning*  
[www.scotland.gov.uk/resources/travellers.pdf](http://www.scotland.gov.uk/resources/travellers.pdf) and also *Delivering for Scotland's Gypsies/Traveller'*  
[www.scotland.gov.uk/library5/justice/dfs-gt-00.asp](http://www.scotland.gov.uk/library5/justice/dfs-gt-00.asp)



## Hostels, Boarding or Residential Facilities

Schools should refer to the Regulation of Care (Scotland) Act 2001, which applies to school care accommodation services.

Children living away from home for significant periods of time may be vulnerable in a variety of ways:

- lack of strong family contacts may result in a readiness to make inappropriate emotional attachments to peers or adults
- emotional or academic stress can result in poor physical and emotional health
- close and sustained contact with peers may result in their succumbing to peer pressure, becoming the victim of bullying or themselves indulging in bullying
- the balance schools make between supervising free time and promoting young people's independence may result in young people becoming involved in potentially risky activities in their leisure time, without the risks having been fully assessed.

There are ways that schools and staff in hostels can help prevent pupils becoming the victims of abuse by their peers or by adults, known and unknown, and prevent self-harm:

- provide induction packs for boarding pupils with clear information on sources of support for pupils who are unhappy or feel threatened, including school staff, local contacts (e.g. local authority Children's Rights Officer) and ChildLine
- provide a copy of the school complaints procedure to pupils and parents
- ensure that pupils are enabled to sustain family contacts through telephone, fax and e-mail, in order to reduce feelings of isolation
- ensure accommodation arrangements, including toilets, showers, and sleeping facilities respect pupils' rights to dignity, privacy and personal space
- residential accommodation for disabled pupils who require support for personal care, should also ensure privacy and personal space  
(see **Intimate Care for Children and Young People with a Disability**)



- staff should have in place good formal and informal methods of monitoring the welfare of the pupils in their care, regular individual and group meetings and informal observation at meal times and in free time (for example, noting patterns of eating and sleeping)
- ensure an adequate supervision ratio (the nature of which will vary depending on the age of the young people and the lay-out of the premises)
- guard against initiation ceremonies or other rituals of belonging to groups (e.g. sports teams, houses)
- ensure group activities do not become exclusive or elite, thereby isolating a minority or an individual.

Children who board, whose parents live abroad (which may include children who have come to study in this country), should have a named guardian in this country. However, if there are concerns about the suitability of the named guardian, or about any agency arranging placements for children from abroad, the school should make direct contact with the parents to explain their concerns.

Schools, pupils and parents should agree guidelines on:

- arrangements for leaving the school site unaccompanied
- communication procedures for letting staff know where a pupil is going, who with, and what the time of return will be, arrangements for transport and emergency contacts
- agreement on special arrangements for activities such as parties, part-time work outside school, staying with friends and other activities.

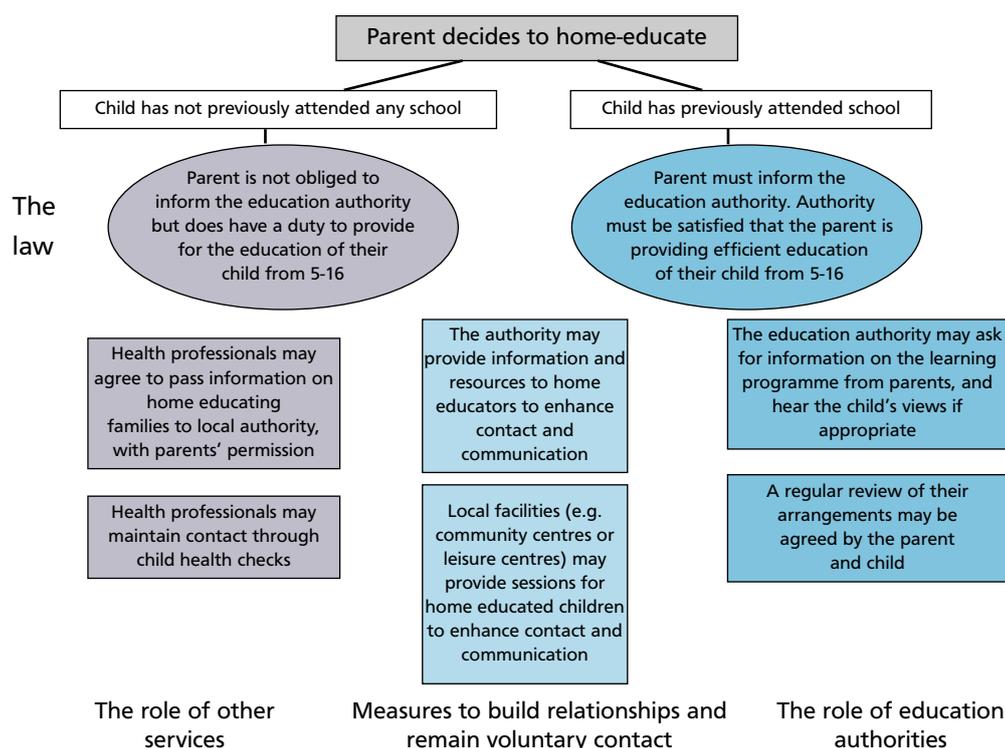
In circumstances where abusive relationships have developed between pupils, there is a need to address these matters openly, seeking help for both parties from other relevant agencies outside the school. Particularly where a young person can be seen as potentially abusive, it is important that appropriate support is sought for that young person, drawing on the specialist skills of social work or psychological services.



## Home Education

Parents may prefer to home educate their children for many reasons. They may have specific values and ideas about the nature of education or the content of learning; they may not want an institutional setting for the care and development of their child; they may have tried education in schools and feel their child has had a negative experience.

Local authorities have a legal duty to safeguard and promote the welfare of all children in their area. There are a number of ways in which authorities may fulfil this duty with regard to home educated children. However, many home educators feel that an 'inspection' or 'surveillance' approach is offensive and any tensions resulting in lack of co-operation will not generally enable authorities to detect child abuse or neglect. The foundation of the relationship between authorities and families who home educate must be their shared interest in 'the best interests of the child'. In this regard, it may be appropriate for education authorities to ensure that the child's views on their education are sought.





## Identification of callers, Access to Information and Access to Schools

All staff must be aware of the need to protect the confidentiality of pupils in their school and how their attention to those seeking access to children and to information, can help ensure children's safety and wellbeing:

- Individuals who contact schools by telephone or email may pose as professionals in order to gain information on the whereabouts of children, sometimes estranged parents or those barred from contact with a child
- Non-contact parents, grandparents or other relatives may demand information on a child or may try to collect the child at home time (see **Collection of Children**)
- Older pupils may themselves defy restrictions by agreeing to meet non-contact parents, grandparents or other relatives at school lunch times.

There are a number of procedures staff can follow which help reduce risk:

- administration staff should refer requests for information to a senior member of staff. Where the caller is not easily identified as a professional with whom the school has regular contact, staff should arrange to call back; and meantime verify the professional's identity with the main switchboard of the service employing them
- parents should be encouraged to keep schools updated on arrangements for named individuals to be authorised to contact the school or receive information by the school. Where one parent has no legal basis for refusing another parent access or information, the school must judge whether the reasons are based on concerns for the safety of the child. Grandparents have no rights in relation to children unless they have been named as a contact by the main parent
- pastoral care staff should discuss with older pupils their feelings about any events related to restriction of their access to parents or other relatives. This is often an area of conflicting feelings of guilt and loyalty. However, if the school is aware that any non-contact orders are being breached then they must inform the parent and any other professionals involved



- if there is a need to share information on pupils between professionals, it is good practice to ensure that the pupil and their parents are aware and agree that this is necessary to provide the services and support that is needed
- if information is mistakenly given to someone who is not involved with providing services to the child or is among the agreed contacts for the child, the school should immediately inform the parents. The Child Protection Co-ordinator should consider the risk to the child and family and act accordingly (e.g. contact the police and, if there is social work involvement, the social worker).

### Access to Schools

Many schools ensure that playgrounds for younger children are secure during break times and that access to the school is managed by a secure entry system or by ensuring that only one main entrance can be used, which is overseen by a staffed reception. There is clearly a balance to be struck between ensuring a safe and secure environment and maintaining an accessible, welcoming building for parents. Schools offering adult learning opportunities also need to maintain accessibility and manage additional 'traffic'.

All pupils, staff and parents should feel confident to challenge any individual without visible identification seen in the school outwith normal transition times (e.g. when pupils are brought to the school and when they are collected at the end of the school day). Having visitor badges helps to raise confidence levels as any individual without a badge can be reported to a member of staff. Sticker badges may be more visible, as clip-on badges may get clipped to odd parts of garments or to bags. All regular staff should wear their identification as a requirement.

There are particular challenges for schools during refurbishment or new build programmes. The Scottish Executive has produced a guide to *Managing Schools During Construction Projects (SEED 2004)*

[www.scotland.gov.uk/library5/education/msdcp-00.asp](http://www.scotland.gov.uk/library5/education/msdcp-00.asp) which provides some pointers on managing contractors.



## Intimate Care for Children and Young People with a Disability

Schools are communities in which children of many different abilities and needs for support are able to learn and achieve their potential. Some children will require personal care, and schools should take care to ensure that these pupils are able to participate in the wide ranging opportunities within schools including curricular and extra-curricular activities (see **Residential Visits and School Trips**). Support and care should be provided with the minimum of fuss and upheaval in relation to meeting pupils' needs for personal care. This requires planning, close consultation with the pupil and parents, and positive support staff prepared to be pro-active in resolving practical and other barriers.

The Scottish Executive produced *Helping Hands – Guidelines for Staff who Provide Intimate Care for Children and Young People with Disabilities* 18 August 1999 [www.scotland.gov.uk/library2/doc02/hhgs-00.htm](http://www.scotland.gov.uk/library2/doc02/hhgs-00.htm) to help schools develop good practice in personal care.

### Setting the Climate for Intimate Care

Treat every child as an individual and listen to his or her preferences and choices. Care should be given gently and with care for personal dignity:

- create a climate of dignity and respect in all relationships in the school
- allow the child, wherever possible, to express a preference regarding/to choose his/her carer and encourage them to say if they find a carer to be unacceptable
- allow support staff to get to know the child in other contexts, to gain an appreciation of his/her moods and verbal and non-verbal communication
- allow the child a choice in the sequence of care
- develop practiced routines for personal care so that staff, parents and the child know what to expect



- ensure privacy appropriate to the child's age and the situation, and plan for this when away from the school
- allow the child to care for him/herself as far as possible
- be aware of and responsive to the child's reactions
- ensure whenever possible that staff work with children of the same sex, unless an emergency demands immediate attention by a member of staff regardless of gender
- encourage staff to be aware of the trust and responsibility placed in them by the school, parents and the child.

### Health and Safety

Staff should receive training in good working practices which comply with health and safety regulations such as the wearing of rubber gloves for certain procedures and methods for dealing with body fluid spillages and manual handling:

- there should be sufficient space, heating and ventilation to ensure the child's safety and comfort
- more than one member of staff should be available if a child is difficult to move or handle
- there should be appropriate equipment to support personal care activities
- there should be appropriate safe storage for personal care supplies and appropriate safe disposal units
- areas for personal care should be kept clean and hygienic.



## Learning for personal care

Children with physical and learning disabilities may need particular opportunities within education for personal and social development to enable them to develop as much independence and confidence as possible, to help them stay safe and well:

- encourage staff to use the process of personal care to help the child learn to value their own bodies and right to safe care
- develop a range of activities that ensures children develop their confidence, assertiveness and self esteem
- provide opportunities to learn about appropriate use of toilets in private and public settings
- learning about appropriate touch should start from an early age, emphasised and modelled in positive interactions between adults and between adults and children. Work with parents and children to ensure that communication by touch, when necessary, is clear, consistent and safe.

## Personal passports

Children with communication difficulties are vulnerable, particularly at times of transition when they will meet new people or situations. Children's independent communication skills may not be adequate for them to convey their particular needs.

The personal passport may be developed by schools, in partnership with pupils and parents, to assist with communication. It is a personalised and practical document written in a simple and direct way, which reflects the child's personal style as well as supplying information which can inform others about ways of ensuring comfortable and safe experiences for the child.

The passport encourages staff awareness, shared knowledge and increased consistency of care. Specific information and instructions on intimate care should be recorded in the passport where necessary. Consideration should be given to the best method of ensuring that sensitive information is kept confidential, for example, using a loose-leaf format from which sensitive information can be extracted when necessary.



### Staff support

Schools should ensure that support staff feel they are working in a safe, supportive environment in which they feel safe to raise concerns about children or about others' practice in relation to children. Staff providing personal care for children should be encouraged to consider safe practice, without compromising the dignity and privacy of children.

Staff can be supported by:

- good systems of recording caring activities
- good handover of information between staff to maintain a child's routine and preferences
- regularly reviewing with pupils and parents their satisfaction with arrangements and the standard of care
- providing appropriate training and refresher training
- ensuring good line management of support/care staff and regular meetings to discuss practice
- providing information on the procedures that will be undertaken if there are allegations of inappropriate practice.

"Caring for children is more rewarding if you feel confident that other staff value your role."

(support assistant)



## Learning for childcare and Parenting

Childcare and parenting courses allow young people, both boys and girls, to learn the principles of child development and the roles and responsibilities of parenthood. Within the 5-14 Guidelines for personal and social development, all young people may benefit from a programme of learning that enables them to think about and discuss:

- relationships and solving problems within relationships
- different concepts of family life and the variety of partnerships and arrangements in which children grow up (e.g. single parent households; lesbian, gay, bisexual or transgender parents)
- positive models of parenting
- skills in managing a household and the development of skills which are necessary for effective parenting.

While developing courses, it is important to recognise that not all children will have positive experiences themselves. Many children are carers, have parents with problems, or are cared for themselves by someone who is not their parent. Sensitive teaching and learning is important to give children and young people the opportunity to consider their future family life positively, if this is their choice.

It is important for schools to be sensitive to the range of family circumstances in other areas of the curriculum, for example when asking pupils to produce a family tree, or to give a talk about their family.



## Looked After Children

Some children are 'Looked After' because they have experienced neglect or abuse. The safety and wellbeing of Looked After children must still be of concern to school staff. Research shows that they are at risk of physical, sexual or racial abuse, are at risk of misusing alcohol or drugs, poor mental health, self-harming behaviour or prostitution. Education authorities and establishments should be alert to this range of possible child protection issues relating to looked after/accommodated children and young people, and consider within the child's Care Plan what steps can be taken to support the child, prevent further risk, encourage positive and safe behaviour, and focus on educational achievement.

Schools may also:

- ensure effective liaison between the designated member of staff for Looked After children and the school's CP Co-ordinator
- ensure school staff are aware of which parents and carers have legitimate access to information and to the child
- liaise effectively with parents, foster carers or staff in residential units to ensure two-way communication on the pupil's personal and social development, progress in learning, goals and aspirations
- act swiftly when there are problems with attendance and collaborate when there are problems with behaviour (and exclusion from school).

Building positive relationships is a vital aspect of gaining the trust of Looked After children and young people and is a protective factor:

- provide opportunities for positive peer contact, through buddying or mentoring (and ensuring Looked After children have opportunities to become buddies and mentors)
- providing mentoring or befriending opportunities by adults outwith the school, or developing programmes for small group or one-to-one activities within the school, to support and encourage learning



- provide Looked After pupils with opportunities to explore their talents and interests through out-of-school or extra-curricular activities – ensuring these are supported by access to any necessary equipment
- take steps to develop Looked After Children's sense of self and self esteem
- ensure staff handle information sensitively so as to avoid mistakes and unnecessary loss of trust
- enable relevant staff and key workers to attend any meetings concerning the child
- support the child to prepare for meetings and try to empower them as much as possible in the difficult processes that govern their lives
- schools need also to be aware that some Looked After Children, for example those who have been in stable placements since they were young children, will wish no additional support or any attention drawn to their situation.



## Meeting Pupils - 1:1

Staff may need private meetings with children and young people for a number of reasons. Sensible steps for staff to take include:

- informing another member of staff that the meeting will take place
- holding the meeting in a room adjacent to others which are in use – avoid using rooms in isolated parts of the building
- keeping the door ajar or ensuring visibility for other staff through a window (unless privacy is required for some form of personal care or a health check, etc)
- using a room with a telephone
- keeping a brief record of 1:1 meetings, or sharing the recording of meetings with the pupil.

Some schools have established guidance suites or rooms for counselling pupils and it is clear from research and evaluation that pupils value the confidentiality provided. Effective and supportive relationships between school staff and pupils are based on trust, which will not be developed if pupils feel their privacy is not respected. Staff may be concerned about the potential for allegations to be made against them, see **Allegations Against Staff**.

 "I always try to tell pupils what I am doing to ensure safety. It is right to raise their expectations of good professional practice."  
(teacher)



## Mental and Emotional Wellbeing, Self Harm and Suicide

Schools play an important role in promoting positive mental and emotional health. More information on national policies and initiatives promoting positive mental and emotional health can be viewed on [www.wellontheweb.net](http://www.wellontheweb.net) and [www.healthpromotingschools.co.uk](http://www.healthpromotingschools.co.uk). Schools should also seek to challenge the stigma associated with mental ill-health (see [www.justlikeme.org.uk](http://www.justlikeme.org.uk)).

Mental and emotional wellbeing is an important factor in enabling young people to be safe and well. It is important for children's and young people's safety as well as their personal and social development that they are able to express their feelings and seek support when their feelings are difficult to handle. Children and young people who have had learning experiences which encourage them to develop an intrinsic sense of self worth and self belief will have positive expectations of the way they should be treated by others, will feel able to respect and value others, and will cope better with setbacks.

Children and young people, as with adults, bring a wide range of experiences to school which cause them stress or which cause their parents stress, in turn affecting their own outlook. There may be experiences which cause emotional upset which it is predictable that all of us will experience at some point in our lives, such as the death of a loved one; and some experiences which are common but nevertheless upsetting and disruptive, such as parental separation. Schools can help children and young people prepare for life's ups and downs with a positive outlook and development of emotional intelligence.

Children may show signs of stress and upset for many reasons. When seeing signs of stress and upset, it is important to bear all the possibilities in mind, including mental and emotional ill-health and abuse and neglect.



Many of the signs are similar:

- changes in behaviour – for example, acting out or developing tics or fixations
- becoming withdrawn
- changes in the child's standard of work
- changes in attendance patterns
- becoming clingy or dependent on another pupil or member of staff
- tearful or moody
- changes to weight or appearance – less self care
- increased risk taking behaviour
- unexplained physical injury.

Generally these are signs that help is needed, and whatever the reason, schools can also find ways to respond to individuals by identifying distress quickly and providing time and space with an adult or peer which the child or young person knows and trusts, and following the ten standards of personal support in schools outlined in *Happy, Safe and Achieving their Potential* (SEED, 2005).

[www.scotland.gov.uk/library5/education/hsap-00.asp](http://www.scotland.gov.uk/library5/education/hsap-00.asp)

### Counselling in schools

Some schools in Scotland have engaged counsellors to work with children. Staff, pupils and parents should be made aware of the role of the counsellor and the school's position on confidentiality and ethical practice. As with all other members of staff, counsellors cannot offer confidentiality when a child or young person discloses abuse.

Counsellors must be appropriately trained for their role. The counsellor and staff responsible for pastoral care in the school should agree how information can be shared if a child or young person is judged to require referral to psychological or psychiatric services.



## Family support

Stressed and upset children may also be an indication that there are difficulties in the family, for which family support is required. However, relationships with parents may be difficult to establish where the parents feel the school is interfering or stepping beyond its role. Parents may feel guilty about the effect circumstances are having on their child. Support to families may be offered in the context of focusing on a partnership to meet the child's needs. Schools developing strategies to support children should share these with parents whether or not the parent is accepting family support.

## More serious signs of mental ill-health

Schools and education authorities should work with their local health services to establish effective partnership working, through agreed strategies and sharing training to build relationships between staff. Health boards should be encouraged to work closely with school staff to assist referrals and prioritisation of cases with their mental health services, making best use of the experience and observations of school staff.

Children and young people with serious mental illnesses may not be able to sustain full attendance at school. However, schools should try to maintain contact and consider a flexible curriculum to sustain attendance and a relationship with the child and family as much as possible. It may be helpful for a key member of staff to get to know the child and the family, and the nature of the illness, in order to be a point of contact for both child and family and to help the school adjust its approach as necessary.

The key member of staff should ensure that other staff are aware in case of difficulties and signs that the child or young person needs immediate support or intervention (see **Restraint/Physical Intervention**), although staff should not be encouraged to associate mental ill-health with an expectation that a pupil will become out of control.



### Self Harm

Self harming can occur for many reasons, it may happen for short periods or it may last over a period of time. Some behaviours described as self harm are not serious in terms of injury or lasting damage to health, but can sometimes escalate over time. It is always better for staff to try to talk to young people if they suspect self harming. It can take many forms and may include:

- cutting, scratching, piercing or burning skin
- cutting or shaving hair (in a more destructive way than variations in style)
- habitual picking or pulling out hair
- eating disorders
- alcohol abuse to the point of black outs
- risky sexual activity
- repeated extreme risk taking (e.g. joy-riding to crash).

Schools may offer support to the child or young person in the same way as their response to any other sign of distress or need for help. Occasionally, staff may consider that the harm is more serious and presents a higher risk to the child or young person's health and wellbeing. Staff should contact their school's CP Co-ordinator and may consider:

- assess the immediate risk to the pupil's safety and health and others in the immediate vicinity
- consider if emergency intervention is required and procedures for contacting emergency services or taking the child for immediate medical help, and appropriate contact with parents.



Staff should then consider, in the longer term:

- the overall safety and health of the pupil and the levels of support available from family, friends and other professionals
- whether referrals for multi-agency assessment are necessary and whether a child protection investigation is necessary, if the self harm is associated with the child or young person's response to abuse
- how communication and support within the school will be handled to avoid stigmatising pupils and to raise positive awareness of preventive support.

## Suicide

It is possible that a pupil may attempt suicide while at school, or arrive in school suggesting they have attempted suicide. Pupils should always be taken to hospital, even where they do not exhibit any signs of being unwell. Pupils may have attempted suicide by methods, such as self-poisoning (e.g. overdose), that may not be showing immediate physical signs of harm but which can cause extreme damage and death more slowly (see **Drug and Alcohol Misuse**). Following emergency health care, the school should work with health practitioners and mental health services to assess the continuing risk of suicide.

Incidents require immediate judgement of senior staff on the most appropriate form of action. Police Officers and Paramedics are trained in assessing and handling suicide situations where there is an immediate physical danger (e.g. threatening to jump from a height). Staff should stay calm and ensure appropriate communication within the school (see **Supporting Communities and Schools After Local Troubles or Incidents**).



## Mentoring and Buddying

### Mentoring

Mentoring may take place in schools between a senior pupil and a younger pupil, or through adult volunteers or staff spending time with pupils.

Where adult volunteers are involved, information in **Disclosure Checking, Volunteers, Parent Helpers and Visiting Speakers in School** and **Meeting Pupils 1:1** will help schools ensure appropriate measures to keep children safe and well. Activities outwith the school building with an adult mentor should be planned and information provided in **Community Service and Volunteering by Pupils** and **Work Placements** is relevant.

It is helpful to both adult and peer mentors to provide training for their role and ensure awareness of who in school they should contact if they have concerns about the pupil they are mentoring.

Pupils who receive mentoring should have clear expectations about the nature of the mentoring relationship, and who they may approach if they have any concerns about the mentor. Mentoring should be a voluntary relationship and pupils should not be forced to meet with mentors they are unhappy with, or to maintain a mentoring arrangement they do not want. Parents should be informed of any mentoring arrangements involving their child and the steps taken by the school to ensure a safe and productive experience.

### Buddying

Buddying tends to be a more informal arrangement between groups of pupils or peers, sometimes with an age difference. Buddying often takes place during break times and lunch times when there is less adult supervision.



Again, training and support for pupils to undertake their buddying role safely and with care for others is important. Pupils should be aware of the limits of their role, and should work closely with a member of staff to report their activities to and to share any concerns.

The position of responsibility and trust can be beneficial for pupils' personal and social development, even for those with a tendency towards poor social relationships or bullying. The initial training for buddies can be very useful to consider how pupils will carry out their role. However, schools should be aware of potential abuse of the buddy position to exert power or authority over other children in unacceptable ways. This may not always be intentional, but staff should ensure that they maintain an overview of the buddying activities within the school and gain the feedback of pupils on the receiving end of buddying to ensure relationships are positive and any problems are quickly resolved. Staff should have in mind a safe and dignified way of ending a pupil's buddying role if his or her behaviour is causing, or likely to cause, harm to others.

*"our training to be a playground squad made us think about how everyone sees and feels things differently."*  
(Playground peer helpers)



## Minority ethnic communities

### Language, customs and practices, such as forced marriage

All children have the right to be safe from abuse, whatever their race, ethnicity or cultural background. In order to keep children safe and well, it is important that staff are aware that they must respond to racial harassment or discrimination, but also ensure that when dealing with potential child protection concerns, they are aware of the possibility of institutional racism, cultural misunderstanding or misinterpretation. School staff should ensure that they are not deterred from recognising or challenging the abuse or neglect of children from any community through fear of 'getting it wrong'. If in doubt, advice should be sought from specialist agencies through the education authority's Child Protection in Education Manager.

### Translation and Interpreting

Translation and interpreting services should be made available so that children and families from minority ethnic communities can understand what is happening at all stages and participate fully:

- interpreters should, wherever possible, be independent of the local minority ethnic community
- interpreters should have skills in interpreting for child protection purposes and be aware of the need to maintain confidentiality
- children should not be expected to interpret for their parents or carers (and vice versa) during child protection investigations.

It is important that authorities assess their capacity to provide for translation and interpreting either individually or collectively, with other authorities and, where necessary, provide appropriate training to ensure that there will be staff available when required. It is important that there is no delay in accessing translating services when there is a child protection concern.



Staff might find the *Scottish Translation, Interpreting and Communication Support Good Practice Guidelines* a useful reference document-  
<http://www.scotland.gov.uk/library5/social/stic-00.asp>

### Forced Marriages

In some cultures, arranged marriages are a traditional way in which parents take a leading role in the future of their children, and in which young people willingly participate. However there is a clear distinction between arranged marriages, which have the consent of both parties, and forced marriages where one or other party does not consent, or where a child or young person is under 16.

Where a member of staff becomes aware that a child is to be taken abroad for a forced marriage, this is a child protection matter and a referral must be made to social work through the school's CP Co-ordinator.

Staff should be aware and try to gain information on:

- where pupils are being taken on extended visits to the parental country of origin
- for how long the child is expected to be away/off school
- alert the education authority Child Protection in Education Manager if the child does not return when expected
- be able to provide details to the Foreign and Commonwealth Office (FCO) if this is decided as the next action.

Staff should also ensure older pupils are aware of:

- specialist help organisations for those concerned about the risk of forced marriage
- how to access Foreign and Commonwealth Office guidance if they are going on an extended visit abroad
- the Forced Marriage Liaison Unit of the FCO, which will take details of their name, passport number, date of birth, their UK address and the address of



the place they are visiting, together with the names and addresses of relatives they may visit, and their expected date of return. The FCO will provide confidential advice to young people and can be contacted on 020 7008 0230 or email [clu@fco.gov.uk](mailto:clu@fco.gov.uk)

- how to find the numbers of the British Embassy, High Commission or Consulate in the country being visited
- a safe means by which contact may be made with the young person, e.g. a secret mobile telephone that will function overseas.

Staff may help by supporting pupils to make a written statement explaining that they want the police, social work department or another third party to act on their behalf if they do not return or make contact by a certain date.

### Female Genital Mutilation (Female Circumcision)

Female genital mutilation (FGM) is against the law in Scotland, under the Prohibition of Female Circumcision Act 1985. However, at present it is not against the law for parents to take their daughters abroad to have the procedure performed, although it is in England and Wales (following the Female Genital Mutilation Act 2003). Staff should therefore be vigilant about girls and young women taking extended trips abroad.

Staff awareness on FGM should include some key facts:

- FGM does occur in Britain. Girls may be taken abroad for a procedure or someone from the community may provide a service to families
- FGM is common in some African communities and some Middle Eastern communities. It is a cultural rather than a religious practice and takes place in Muslim and Christian countries and is practised by many faiths
- the cultural belief that circumcision is necessary may be held by women and men; and is related to belief in the health benefits of the practice and not solely on control of female sexuality



- in some traditions FGM takes place in childhood. However, for families in Britain with less opportunity to arrange the procedure, and because of its illegality, it may happen at any time during childhood and adolescence, when there is an opportunity to engage someone who performs the service

*"I've talked to my close friends.  
But it's not something that's easy  
to talk to your parents about.  
You just worry alone."  
(pupil)*

- FGM involves a range of practices in which a girl's or woman's genitals are cut or removed. It is carried out in various ways, in home countries this is usually in non-medical settings without anaesthetic. There is huge potential for infection, complications (at the time and later in life) and even death. It is a traumatic procedure.

There are a number of concerns that may give rise to child protection procedures:

- if a girl has recently undergone FGM, she may be in need of support and if her physical recovery is not complete, there may be requirement for treatment.
- if a girl who has undergone FGM has younger female siblings, they may be at risk of having to undergo FGM
- if it is known that the parents of a girl approve of circumcision for their daughters and if it is suspected the family is preparing to have their daughter sent away to have the procedure.



## Mobile Phones

A common argument for the carrying of mobile phones by young people is for personal safety. Many parents want their children to be able to contact them if they are in difficulty, or if they change their plans about when they will return home. However, schools, pupils and parents must consider together the rationale for pupils taking a mobile phone to school.

Some of the problems associated with mobile phones in schools may include:

- discipline issues – texting, calling and playing games on mobiles during lessons, assemblies, exams, etc
- bullying – inappropriate texting or calls to other pupils
- theft – within school, on the way to or from school, or when on school outings
- photography and filming – these functions can be used inappropriately, such as within changing rooms, recording fights or other incidents, breaching others' safety and privacy.

It may be helpful for schools to agree a mobile phone policy with pupils and parents as a preventive measure. This should outline the circumstances in which taking a mobile phone to school is appropriate (if ever), arrangements for the safe-keeping of phones during school hours, sanctions for use of mobile phones in school, and agreements on potential confiscation and return of mobile phones if misused. The policy may also outline arrangements for phone contact with pupils by their parents, and vice versa, during school hours and when away on trips (see **Residential Visits** and **School Trips**).



## Parents

When there is a child protection issue in school the Child Protection Co-ordinator and/or headteacher should take responsibility for deciding on appropriate contact with parents, in liaison with the education authority Child Protection in Education Manager and the social work department, if they are involved. Further information can be found in the CP Co-ordinator section of this handbook.

See also **Identification of Callers, Access to Information and Access to Schools.**

### Positive relationships with parents

Many parents who are struggling with family life are wary of professional involvement. Staff should consider ways that their establishment is open and accessible, and that there are as many opportunities as possible to build relationships informally.

It is important to recognise that parents may not respond to written communication for a number of reasons: they may have literacy problems; but they may also suffer from problems such as domestic abuse, mental illness or addiction which they feel will stigmatise themselves or their children if this becomes known to the school. Alternatives to written communication should be considered. All staff should be sensitive to the feelings of vulnerability and powerlessness with which some parents view professionals.

Many establishments have overcome barriers to building relationships with parents by:

- allowing other agencies to hold advice sessions within the school for parents (e.g. welfare benefits) and making school staff available during these sessions to meet parents and offer support



- enabling a key member of staff to be the main contact for a parent throughout their child's time at the school; parents may have preferences for a member of staff they feel they can get on with, know and trust (as recommended in *Happy, Safe and Achieving their Potential: a standard of support for children and young people in Scottish schools*; SEED 2005)
- effective use of home-school link workers to bridge the gap between home and school
- positive liaison with health visitors in the early years
- involving other parents in developing parent rooms, support groups and other peer networking
- ensuring a welcoming atmosphere and reminding parents regularly that they can get in touch with the school to discuss any problems.

### Parents and Parenting Classes

Some parents welcome the opportunity to discuss how they can improve their relationships with their children and their family life. Some successful approaches taken by schools to involve parents in developing their parenting skills are:

- developing a user-led approach – parents who use a parent room make a list of the kinds of issues they would like to discuss in a group
- working with parent and child together for short sessions, so that parents see an approach modelled by staff, e.g. managing behaviour
- working with health visitors or nursery staff to introduce parents to school staff and school practices before children start school; and involving school or nursery staff in toddler groups and other community groups
- using home-school link staff to build better relationships with families.



## Personal Safety Education

In 1998, a *Commitment to Protect* [www.scotland.gov.uk/library/documents1/sw-acom0.htm](http://www.scotland.gov.uk/library/documents1/sw-acom0.htm) recommended that all education authorities should have in place a programme of personal safety education, promoting children's skills, knowledge and understanding to 'assist children to live safely and feel empowered to reject inappropriate behaviour'.

In 2001 an Expert Panel on Sex Offending further recommended the universal promotion of personal safety programmes through the curriculum (*The Cosgrove Report – Reducing the Risk – Improving the Response to Sex Offending*) [www.scotland.gov.uk/library3/justice/roso-00.asp](http://www.scotland.gov.uk/library3/justice/roso-00.asp).

Key components of schools curriculum should be:

- respect for self and others
- understanding risks from the environment
- able to assess risks from others
- able to anticipate risks from one's own actions
- knowledge of sources of help within and outwith school.

School staff should consider:

- progressive programmes of learning through the stages of education
- how to involve other agencies effectively to support a coherent programme
- addressing specific needs for groups more vulnerable to discrimination or attack (perhaps in partnership with their community organisations)
- ensuring learning is appropriate to the age and ability of children and young people so as not to raise anxiety or inflate their sense of danger and vulnerability.

Staff should be aware of issues that may have affected children and young people in ways which sensitise them to personal safety issues, including having been a victim or witness to a crime or being close to someone who has been a victim of crime (see **Supporting Children who are Victims or Witnesses**). Developing skills to aid recovery from adverse events is also an important aspect of education for personal and social development.



Children who are resilient are better able to cope with change and uncertainty and recover more completely from traumatic experiences, or indeed the many 'normal' challenges of growing up.

Resilience can be promoted in children in a number of ways:

- develop ability to cope with demands and risks, by providing regular opportunities to participate in challenging and demanding activities
- develop self esteem and self efficacy, by providing regular opportunities to succeed in valued tasks and meet manageable demands
- increasing children's capacity to re-frame activities and take a pro-active approach to life, by teaching coping strategies and skills and being supported to view negative experiences positively
- providing reliable and supportive contacts (e.g. through the pastoral care system) when children are experiencing situations of conflict at home
- reinforcing for children in high-risk circumstances that not all of life is high-risk, by providing experiences and relationships that are positive and safe
- helping children break chains of negative effects by involving them in activities where they make a positive contribution (e.g. citizenship, volunteering, peer programmes)
- increase likelihood of stability in adulthood, by paying particular attention to transition and support for choices on leaving school.

The *5-14 Curriculum Guidelines* provides a basis for personal development which includes the development of life skills to enable them to participate safely and effectively in society.

Religious and Moral Education also provides opportunities to learn about and develop moral values and attitudes in the context of relationships with others in the community.

Primary schools have used the *5-14 Environmental Studies National Guidelines*, [www.scotland.gov.uk/5to14/guidelines/environmentalstudies/index.asp](http://www.scotland.gov.uk/5to14/guidelines/environmentalstudies/index.asp) with *Social Subjects: Understanding People in Society*, to introduce aspects of citizenship and personal safety into their work, using the key features 'social rules, rights and responsibilities' and 'conflict and participation in decision-making in society'.

Useful resources for teachers (worksheets, etc) and an interactive site for young people are featured on the NSPCC site [www.worriedneed2talk.org.uk](http://www.worriedneed2talk.org.uk)



## Physical Education

### Changing

Staff responsible for physical education in schools should consider and regularly review supervision arrangements for changing rooms:

- changing areas should be arranged to ensure the dignity and privacy of children and young people and appropriate separation of males and females
- supervision of changing areas should be carefully managed for children and young people of the opposite sex to the teacher. Staff should use consistent language which children and young people will become familiar with before entering changing areas
- any public use of changing areas or corridor or other areas in the vicinity of changing rooms should be carefully managed.

### Teaching movement

Physical education staff will be aware of teaching techniques to support children and young people as they learn physical skills and to help pupils to model physical skills as part of the learning process. It is good practice for staff to describe clearly to the individual or the group how they propose to handle or have physical contact with the child before doing so.

Children who voice objections should not be handled, although abstention on a regular basis should be discussed with the child and his/her personal support teacher.

Children should also be aware that they may approach their personal support teacher if they have concerns or worries about physical education.



## Police Involvement

Child protection concerns will normally be passed directly to the Social Work Department who will involve the police in due course, in line with local inter-agency guidelines. There are times when schools may consider contacting the police directly, usually when there are immediate concerns for children's safety:

- if staff suspect a crime has been committed or is about to be committed
- if there is an incident within the school which gives rise to child protection concerns
- if there are threats or intimidation of staff or children by a parent (or a non-contact parent/relative) or other adult
- if there are concerns about the motivation of an individual seen in the vicinity of the school
- if children report an incident or crime to a member of staff that occurred on the way to school.

Police officers involved in child protection investigations will occasionally need to see children while they are at school. Normally, specialist officers will see the child, and children may request, or may prefer not to have, a member of staff present to support them.

*"We're happy to respond to requests for help at any time. But rather than being just reactive, it would be good to build relationships over time."*

*(Community Liaison Police officer)*



When police wish to pursue enquiries relating to incidents which have not occurred in school and which do not require immediate action, it may not be appropriate for police interviews to take place within the school. The headteacher or senior member of the staff should discuss this with the police, and consider what is in the best interest of the child or young person. On most occasions it would be in the best interests of the child to be interviewed at home, and with the explicit consent and support of their parents. An exception to this would be if the police were of the view that the parent/s were also involved in the incident being investigated. Requests by the police for personal information on children, for example when police have the names of children or young people who are alleged to have been involved in an incident, should always be dealt with through a senior member of school staff who will decide on the appropriateness of releasing information.

Good relationships with Community Liaison Officers and local Police Inspectors can assist schools to develop shared protocol on information sharing and the respective roles of police officers and school staff in different situations.



## Recruitment

Schools and education authorities will generally be guided by their authority policies on human resources and recruitment. This would be expected to include:

- a disclosure check which will include information on any disqualifications from working in child care positions, see **Disclosure Checks and Disqualified from Working with Children**
- efforts to gain background information on individuals who have been working abroad prior to applying for a position. Disclosure Scotland can provide information about British citizens who have been convicted abroad only in those cases where the Scottish Criminal Records Office or the Police National Computer receive notification from the relevant judicial authority. Disclosure Scotland cannot check the criminal history of citizens of other countries who have come to live and work in Scotland. Some countries do, however, offer a facility to request checks on their citizens. Information about this facility can be found on the Criminal Record Bureau's website but employers must take forward these enquires. The website address is: [http://www.crb.gov.uk/services\\_overseas.asp](http://www.crb.gov.uk/services_overseas.asp)
- checks with the General Teaching Council for Scotland for registered teachers
- requests for at least two references, which should be followed up
- a clear set of criteria and qualifications required for the position.



Following appointment, schools and authorities should also consider:

- an induction programme which includes:
  - familiarity with signs that a child or young person needs help, and an understanding of how to respond
  - introduction to the Child Protection Co-ordinator in the school
  - full training on child protection as soon as possible if the person is new to the authority or position
- arrangements for appropriate supervision and clear responsibility among all staff for peer observation and support, with an expectation that concerns will be immediately followed up
- providing a key contact or colleague who will support the member of staff in the first months in post.



## Residential Visits and School Trips

The Scottish Executive has issued a comprehensive guide to good practice *Health and Safety on Educational Excursions* (SEED: 2004; [www.scotland.gov.uk/library5/education/hsee-00.asp](http://www.scotland.gov.uk/library5/education/hsee-00.asp)). There is also the guidance in *The Protection of Young People in the Context of International Visits, Revised Edition 2002* [www.scotland.gov.uk/library5/education.pcsr-08.asp](http://www.scotland.gov.uk/library5/education.pcsr-08.asp). These documents give information on all aspects of planning residential trips. Further advice is provided here on issues that should be considered in terms of keeping children safe and well during trips and visits.

### Residential Visits

Type of visit	Key issues to consider	Measures schools may take
Exchange or other visits involving home-stay with host families	<ul style="list-style-type: none"> <li>• the suitability of host families</li> <li>• the suitability of sleeping/washing/privacy arrangements for pupils in the host home</li> <li>• the level of supervision provided by host families</li> <li>• arrangements for contact between school staff, pupils and host families during the visit</li> <li>• plans if arrangement with host breaks down</li> <li>• preparation of pupils for cultural and food differences, family differences, language differences</li> </ul>	<ul style="list-style-type: none"> <li>• agreeing with partners appropriate means of background/disclosure checking hosts</li> <li>• providing host families with guidelines, contact details of school staff</li> <li>• ensuring daily contact between school staff and pupils; arranging a full programme of group activities for pupils and their exchange partner</li> <li>• providing pupils with preparation and guidelines to enable them to have realistic expectations and to feel confident to contact staff if they are concerned</li> </ul>



### Residential Visits *continued*

Type of visit	Key issues to consider	Measures schools may take
<p>Outdoor education or other courses based in accommodation under the direction of course/centre staff</p>	<ul style="list-style-type: none"> <li>• the guidelines and practices for health and safety and child protection used by the centre</li> <li>• the centre’s recruitment and vetting of staff and volunteers, their qualification to lead activities</li> <li>• use of the centre by other groups during the visit – their age and characteristics</li> <li>• arrangements for sleeping/washing/privacy for pupils and staff in the centre/in the field</li> </ul>	<ul style="list-style-type: none"> <li>• make a staff visit to any unknown centre before the pupil visit</li> <li>• agree with the centre in advance the school’s guidelines on behaviour, health and safety and child protection. Ensure these are compatible with other groups using the centre</li> <li>• agree the roles and responsibilities of school staff and centre staff at all times during the visit</li> <li>• ensure staff feel confident to refuse to allow pupils to participate in activities if they have concerns</li> <li>• ensure pupils are prepared for the experience and understand guidelines for appropriate conduct</li> </ul>



## Residential Visits *Continued*

Type of visit	Key issues to consider	Measures schools may take
Field trips or visits organised by the school or contracted company where accommodation is supervised by school staff	<ul style="list-style-type: none"> <li>• arrangements for bedrooms, room-sharing, location of 'staff' bedrooms and 'public' bedrooms</li> <li>• arrangements for access to pupil rooms by school staff or hotel staff in emergencies or difficulties</li> <li>• risk assessment of programmed activities and free-time arrangements</li> <li>• the suitability and track record of any company used to arrange the visit, suitability of their guidelines on health and safety, and child protection</li> </ul>	<ul style="list-style-type: none"> <li>• make a staff visit to any unknown locations before the pupil visit or use a reputable company to make arrangements</li> <li>• explore options that could be implemented if arrangements are unsuitable or break down</li> <li>• research local contacts such as the police, consulate or embassy; find information on relevant laws and procedures in the country</li> <li>• ensure at least one member of staff speaks the local language or that there is a local contact for interpreting, should this be required</li> <li>• ensure pupils are prepared for the experience and understand guidelines for appropriate conduct</li> </ul>

For all kinds of visits, attention must be made to the needs of disabled pupils and the suitability of facilities for them. School staff should be aware that hotels and centres may over-rate their disabled access and sometimes provide facilities in ways that compromise the dignity or privacy of disabled guests. It is clearly not appropriate for schools to use this reason to restrict participation in residential trips. The Disability Discrimination Act addresses access by disabled pupils to all school services, including trips and excursions. Pupils, their parents and schools may need to take a creative and problem-solving approach to enable full participation in trips.



It is understandable that both staff and children might feel that greater informality is appropriate during school visits and trips. However there is a significant difference between a more informal approach, and a failure to exercise due care. In particular:

- a code of conduct should be agreed with both parents and children and young people prior to departure, and decisions taken on the response should it be broken. This code should be regularly discussed. There should be clear procedures in relation to contact between the parents, the establishment home base (or authority), and the staff while abroad
- young people should not be permitted to wander alone in unfamiliar places
- staff should not fraternise or be over-familiar with children and young people
- even in countries where the legislation with regard to alcohol or drugs is more lenient than in Scotland, staff should not condone young people drinking alcohol or taking drugs when they could not legally do so in Scotland
- staff should ensure that they continue to keep a watch on children in 'free time'
- that peer relationships and peer support and responsibility are encouraged and that peer conflict or bullying is addressed, as children experiencing this can feel particularly vulnerable away from home.

"our trip was brilliant! But it was good to have talked with staff before we went about ground rules. We're teenagers, we'll always push it a bit. We respected what it's like for staff after talking about it with them."

(pupil)



Even when all aspects have been well considered, it is still possible that an abuse incident may occur. Communication is a key aspect of any response:

- should an incident occur, teachers should follow the guidance for acting on concerns, immediately seeking advice from their Headteacher, CP Co-ordinator and education authority Child Protection in Education Manager
- staff should listen to pupils and record what has taken place
- where it is believed a crime has/may have been committed a referral should be made to the relevant police service immediately. (Although it should be noted that in relation to sexual activity and other issues, different countries have different ages of consent.)
- staff on the visit should focus on supporting the child and the group
- staff should discuss with pupils what is being done to keep parents and others informed, and discussing the potential impact on pupils, their families and friends of careless communication. Responsible and calm contact with families and friends should be encouraged to prevent misinformation and rumours
- direct contact by home-based staff with the parents of those directly involved should be made as soon as what has happened is relatively clear, usually by the Headteacher or local authority representative. Given the general availability of mobile phones, any significant delay in contacting parents should be avoided to prevent the spread of rumours.

“The positive relationships between staff and pupils that come from school trips makes all the planning worthwhile. But I want my staff to feel that while they are away, there will be 100% back up with clear lines of support and advice.”  
(Headteacher)



### School Trips

Much of the advice for residential visits is relevant to school day trips. Key points for staff include:

- be familiar with the location and facilities to be visited
- prepare pupils and make expectations and emergency arrangements clear. Losing pupils in large cities, venues and events is a real possibility. There should be re-group points and times, and contact numbers for staff mobiles (or relay arrangements via the school number)
- prepare staff and any helpers in the same way. Provide information for non-school staff on responses to difficult situations with the emphasis on informing school staff immediately. Consider supervision arrangements for non-school staff during the visit (see **Disclosure Checking**)



## Refugees and Asylum Seekers

Children, or their families, who come to this country seeking asylum or remain as refugees may have already undergone a series of traumatic experiences and will continue to experience difficulties in this country:

- extreme circumstances may have caused them to leave their home
- they have lost friends and close family members
- they may have experienced long, complex and perhaps dangerous journeys
- they are uncertain about the present and the future while their status is being decided
- they may not understand our education, health, social work and welfare systems
- they may experience racial harassment
- children and young people may arrive here with the intention of staying with relatives they may not know, and who may not always want responsibility for them
- children and young people may respond to these difficult experiences with physical, mental and emotional ill-health
- they may not speak English or have limited English, and may not understand the cultures or religious beliefs.

“Even as an experienced professional I felt uncertain of how much I would approach pupils newly arrived in this country from goodness knows what experiences in their home countries. But it’s really a familiar process of listening, observing, trying as much as possible to involve the pupil and parents, building trust.”  
(Depute Head)



Schools can work in a number of ways to support refugee and asylum seeking children. This will help schools to identify and respond to children's and young people's needs for help:

- assess the additional support needs of the child and a plan to meet these needs (see **Additional Support Needs and Co-ordinated Support Plans**)
- be prepared to review the plan at short and frequent intervals. There may be a gradually 'unfolding story' for the child in which new information is gained through the development of trust or the development of language
- develop close support through the school's pastoral care system to monitor attendance and progress, and implementation of the support plan
- develop contact and relationships with the family or carers of the child
- make best use of services such as English as a Second Language for both child and parents
- use mentors and buddies to establish peer support and relationships in the school
- be aware that children from the same country may be from opposing sides of a conflict or have ethnic or religious differences that will create tensions, rather than support, for children
- be alert to bullying or racial harassment, including isolation.

Although the circumstances of refugees and asylum seeking children will be expected to cause them distress, schools should follow child protection procedures if there are any concerns about the child's safety and wellbeing. It will be easier for a member of staff who gets to know the child well to assess any changes in the child that signal abuse or neglect, hence the need for close support through the school's pastoral care system.

Staff might find the *Scottish Translation, Interpreting and Communication Support Good Practice Guidelines* a useful reference document-  
<http://www.scotland.gov.uk/library5/social/stic-00.asp>



## Restraint/Physical Intervention

*Better Behaviour – Better Learning* (SEED, 2001)

[www.scotland.gov.uk/library3/education/rdtg-00.asp](http://www.scotland.gov.uk/library3/education/rdtg-00.asp) recommended that all education authorities provide staff with guidelines on appropriate levels of intervention when handling disciplinary matters. Conflict and aggression can be minimised by using effective de-escalation techniques and by assessing environments around the school using tools such as the environmental checklist used in Staged Intervention (FFI). Confident, trained staff working within a supportive team climate will feel they can handle day-to-day situations effectively and will feel happy to call on the support of colleagues.

However, occasionally pupils may act out violently in extreme distress as well as in anger. De-escalation is still the first strategy for staff in any serious situation:

- take the time to assess the situation
- wherever possible, use de-escalation skills to stop the undesirable behaviour
- focus on protecting yourself, protecting other children, and protecting the child at the centre of the situation
- remove others to safety
- if the child can be allowed to calm down without hurting themselves or others, or causing serious damage, this is preferable
- send for help, but do not leave the child alone. If you do not know the child well, send for a member of staff who does know how the child generally responds.

Schools can support staff by:

- having a system known and understood by all staff by which help and support will arrive quickly when there is a serious incident
- providing de-briefing for all staff following an incident, even if it is minor. This de-briefing helps staff to feel supported and reduces their own stress
- having a simple reporting process to ensure all the facts of an incident, and how it was responded to, are recorded quickly

- having strategies in place to deal with incidents and identifying key staff who may respond to individual children who are vulnerable to stress (however, strategies solely reliant on one or two members of staff will not be effective)
- training staff in de-escalation techniques and in developing skilled approaches to interacting with pupils to reduce confrontation.

### Restraint

The main intention of restraint in any situation is to protect a child from harm, and should only be attempted as a last resort and when it can be achieved without causing harm to the child or to the member of staff involved. The nature of situations in which restraint may be required cannot always be predicted and assistance from other staff, while preferable, may not always be possible. All incidents of restraint should be logged, dated and signed in a log kept for that purpose, and this log should be monitored by a member of the senior management team.

In settings where staff may require to physically restrain pupils on a regular basis, they should receive specialised training for this role with regular refreshers. When individual pupils are known to require restraint, a plan or protocol should be drawn up, explaining precisely what action staff will take, and recording triggers, times and outcomes of incidents. The protocol should be agreed with parents/carers and when appropriate the child or young person. Even for trained staff, restraint should only be used as a last resort.

Staff should make the school and education authority, and their colleagues, aware of any medical conditions which affect them in relation to physical interventions. Staff should also be generally aware of any medical conditions affecting pupils which may affect how staff respond to them in challenging situations.

➤ "Taking school safety seriously does not mean there are big problems here. It means we are taking staff self-confidence seriously."  
(Principal Teacher)



## Weapons

Where a teacher suspects that a child is in possession of a weapon in school, this should be referred to the headteacher immediately. The headteacher may ask the child to disclose and display the contents of pockets or bags, to ascertain that there is no weapon. If the headteacher is not certain whether or not the child has a weapon, or if the child will not co-operate by displaying belongings, then the police may be called immediately. Parents may be informed in the school handbook that this procedure will take place without delay, for the safety of the school.

Parents should be encouraged to ensure that their child does not bring dangerous objects or weapons into school and to respect a school's decision to confiscate some items. A confiscated weapon may be handed directly over to the police, or other objects may be collected from the school by the parent.

In a situation where a child is threatening to use a weapon, control must be established as soon as possible. Staff should follow the de-escalation steps, and should not attempt to approach a child in an unpredictable situation. The safety of staff and other children is paramount.

All staff should be aware of procedures to follow if they suspect a weapon. Staff should also be aware of items other than knives, etc that can be used as weapons.

Schools should consider, in their **Personal Safety Education** how pupils can be encouraged to develop safe and responsible attitudes, not only to carrying weapons themselves, but to reporting others known to have weapons. Pupils should also be encouraged to discuss why people carry weapons and their perceptions of the risks arising from this (those who do carry weapons may perceive some benefits, such as personal protection).

Schools should operate procedures to ensure that any tools used within the school in art, home economics, or craft and design, are accounted for at the end of every lesson.



### Risk assessment

If an individual child is known to become aggressive, a risk assessment should be undertaken and staff and parents should agree appropriate plans for responses if an incident occurs. The plan should include known triggers which affect the child's self control and consideration of how these might be avoided. Following an incident, the plan should be reviewed and amended as necessary. This plan may form part of an Individual Education Plan or a Co-ordinated Support Plan. Following such incidents a record should be kept of the event, and the actions taken by staff.

### Staff safety

Many staff fear that any form of physical intervention leaves them open to allegations of misconduct. Staff need to understand that their first duty of care and protection for children should inform their actions when considering intervening in a situation. It is their intention that will be judged if their actions are subsequently questioned. Staff must also feel that their senior managers and other colleagues care for their welfare and protection, and staff must also be supported to recognise that, as human beings, they will experience an emotional response to challenging situations that is normal. Where staff feel their emotional response is affecting their ability to respond to pupils calmly, they must call on the support of other staff without feeling compromised.

The reporting and recording process associated with physical intervention and restraint should not be seen as negative or punitive. In effective schools, the information will be used to support staff, prevent further incidents and enable an assessment of further training requirements for staff or the need for further action or support for the child.



Staff responding on the spur of the moment may also take action which colleagues regard, with the benefit of not being directly involved, as inappropriate. Staff may at times make mistakes. Senior management responses should ensure that learning is the main outcome of any situation, and seek to resolve issues while respecting the dignity of pupils and staff involved.

### **Physical reassurance for children**

Generally, physical contact with pupils should be minimised. Younger children may seek physical reassurance as they would from a parent, and staff should not feel inhibited from providing this when the child initiates the contact and when it is appropriate. Staff should never touch a child who has indicated that s/he is uncomfortable with it (unless restraint is necessary to protect the child or others from harm). Older pupils may prefer this reassurance from peers and when they are in distress, they may be offered the opportunity to be with a friend to comfort them.

Staff providing personal care to disabled children should take care regarding both privacy and appropriate contact, as far as possible meeting the personal preferences for care and carer of the individual child involved (see **Intimate Care for Children and Young People with a Disability**).



## Services Arranged for Children by Education Authorities and Schools

Education authorities and schools should ensure that partnership arrangements with other services and services provided by contractors (e.g. taxis and school transport) support a consistent approach to their child protection policies and practices.

For partnership arrangements, schools and education authorities should consider:

- assessing the compatibility of policies and procedures (e.g. between health, social work and education staff)
- joint training for staff on child protection and other issues (e.g. promoting positive behaviour)
- ensuring all partners have contact information for the school's CP Co-ordinator and the education authority Child Protection in Education Manager
- ensuring that schools are familiar with the supervision and reporting arrangements of staff and have contact details of who they should approach with any concerns about the person's conduct.

These points may also apply to services to children contracted by the school or authority. In addition, it may be helpful to consider:

- assessing the recruitment and background checking procedures of the employing agency or contractor
- assessing the health and safety and child protection procedures of the employing agency or contractor
- developing criteria for new or renewed contracts that includes asking tenderers to provide information on these issues
- providing open and accessible complaints procedures for staff and pupils to report concerns about the staff of contractors; agreeing with contractors what steps will be taken to investigate concerns and what action may be taken

- designating a key member of staff to maintain links and a visible profile with contractor employees and supervisors.

Some contractors in schools do not provide services directly to children, such as repair and maintenance or building programmes. The Scottish Executive has produced a guide to *Managing Schools During Construction Projects* (SEED 2004) [www.scotland.gov.uk/library5/education/msdcp-00.asp](http://www.scotland.gov.uk/library5/education/msdcp-00.asp) which provides some pointers on managing contractors.



## Social Work Involvement

Social work involvement in child protection investigations is described in detail in the section of this handbook for CP Co-ordinators and Child Protection in Education Managers in education authorities.

Staff generally may benefit from information on the role of social workers and joint training with social work staff, particularly in preparation for effective partnerships in the context of integrated community schools. Staff may often find themselves supporting children who have social work involvement during formal processes (see **Supporting Pupils Involved in Child Protection Issues**) and may require support themselves (see **Supporting Staff Involved in Child Protection Issues**).

### collaboration with social workers supervising children

There are a range of circumstances in which it may be necessary for social workers to meet children during school hours. These may include:

- during child protection investigations
- for court appearances
- for Children's Hearings
- reviews for looked after children (although these can often be arranged outwith school hours).

Other meetings with children on a Home Supervision Order may take place during school hours if the pupil, parents and school agree this is in the child's best interests. Staff responsible for pastoral care in the school should liaise with named social workers on timing and frequency of meetings with children and, particularly for older children, should be prepared to negotiate in order to avoid clashes with important opportunities for the child.

All school staff should be prepared to ask for verification that adults presented as professionals, including social workers, are bona fide. Staff may ask for identification or, for callers on the phone, may take their number and call the Social Work Department main switchboard to verify the individual is a social worker, before responding.



At times children may complain to school staff that their relationship with their social worker is not working. Social workers have a statutory responsibility to see children who are under a supervision requirement. However, school staff may agree with the social worker involved or the Social Work Department a way of restoring the relationship or changing the allocation of staff, if the situation is difficult and the child is consistently refusing to participate.

### *Communication with Social Work Departments*

At times, social workers will require information from school in order to fulfil their statutory responsibilities. For example, reports for Children's Hearings and Reviews will often be compiled by social work. It may be helpful for schools to share with social work colleagues their own reports on children compiled for Hearings, as a matter of course.

Schools will generally hear direct from Reporters the outcome of a Children's Hearing and any conditions attached to an order, which should be filed with the child's record, and information passed to the designated teacher for looked after children. Following notification by the Reporter, the Social Work Department will then notify the school of the allocated social worker. Schools should contact this social worker direct with any concerns or information about the child.

Schools may consider approaching the Duty Social Worker when:

- there are child protection concerns (described in more detail in the section of the handbook for CP Co-ordinators)
- there is an order for the child made by a Hearing, but there is not yet an allocated social worker and the school has immediate concerns
- schools wish to verify the name of a child's social worker – Duty Social Work Teams have access to a client index
- known concerns become more pressing and the allocated social worker is not available.



## Supporting Children who are victims or witnesses in court proceedings

Children may be victims or witnesses to a crime, or they may be a witness in a children's hearing or civil court proceedings. Legal proceedings can be lengthy and complex. As well as having their own worries and concerns, children and young people may not know what to tell their friends and family.

Children may also be victims of crime through the effect of crime on a loved one, or in some cases, through the serious injury or death of a loved one as a result of crime, including murder. In such cases schools should plan to support the child through the shock and bereavement; and be aware that feelings may re-surface at different stages during any police investigations or criminal proceedings. In some cases, this may be a long time after an event has occurred; in some cases there may never be the closure of a court case if crimes remain unsolved or there are no court proceedings for other reasons.

### Services

There are a range of initiatives which may help school staff to provide support for pupils who are witnesses in court, or who are victims of crime.

**Victim Information and Advice (VIA)** works with the prosecution service and provides information and advice to certain victims and witnesses and next of kin, including children and young people under sixteen. VIA staff deal with cases from the time a crime is reported by the police to the procurator fiscal. VIA can provide general information on court processes and information on the specific case. They may make referrals to other agencies such as **Victim Support Scotland**. They write to the witnesses and their parents with information about the progress of the case. They provide information about being a witness and can arrange pre-court familiarisation visits.



**The Witness Service** is based in every Sheriff and High Court in Scotland. It provides information and practical and emotional support to witnesses before and during the trial. Pre-court visits can be arranged and the service can provide a support person for child witnesses during their evidence. This service is managed by Victim Support Scotland (VSS) which also has a victim service based in every local authority area. Victim Support Services work with anyone who may be affected by a crime. VSS also has a comprehensive website with useful information (that is quite accessible for younger users, with a jargonbuster facility) on court procedures, court layouts, entitlement of witnesses and victims, and comprehensive FAQs.

[www.victimsupportsco.demon.co.uk](http://www.victimsupportsco.demon.co.uk)

Staff supporting child witnesses should be aware of the need to support pupils and ensure they have the information they need. This can be in the lead-up to a trial or children's hearing court proof, and following the trial, when the outcome of the trial may also have an impact on the child. School staff not directly involved should be sensitive to the child's absence without necessarily breaching the child's confidence.

Children who are victims or witnesses may have been interviewed by police and/or social workers. They may also be interviewed by the procurator fiscal, children's reporter and/or defence lawyer to help with the preparation of a case for court (known as precognition).

The Vulnerable Witnesses Scotland Act 2004 entitled children to a number of special measures, which should be requested by the children's reporter, the procurator fiscal or defence lawyer and is approved by the judge or sheriff, taking account of the child's views:

- young people under 16 may give evidence using screens, CCTV and to have a supporter
- young people under 16 may also use other special measures such as giving evidence from a different location than the court and by using statements as evidence



- children under 12 involved in cases involving violence or sexual offences will not have to give their evidence in court.

Teachers may be asked to help a child choose which of these measures he or she would prefer. Teachers may also be asked for information on a child's additional support needs in order to inform decisions during the court process.

## Resources

Explanatory booklets for children and for parents are available from the procurator fiscal or local children's reporter, and at [www. \(Vital Voices – Helping Vulnerable Witnesses Give Evidence\)](http://www.vitalvoices.org.uk) Vulnerable Witnesses guidance pack for practitioners at [www.scotland.gov.uk/library5/justice/hvws-00.asp](http://www.scotland.gov.uk/library5/justice/hvws-00.asp)

A child witness support guidance pack and website at

<http://www.scotland.gov.uk/Topics/Justice/criminal/18245/12291>

Information for victims and witnesses at [www.scottishvictimsofcrime.co.uk](http://www.scottishvictimsofcrime.co.uk)

National standards for support and information for victims of crime and a description of each agency that a victim may have to deal with, at

<http://www.scotland.gov.uk/library5/justice/nsvcl-00.asp>

## Staff witnesses

Staff who appear as witnesses may be no less affected by their roles in court cases. Schools and education authorities should ensure that staff welfare officers or other staff support systems are offered to staff involved as witnesses or who support child witnesses. Any staff witness may contact the court Witness Service for further advice and assistance. Authorities may wish to consider arrangements to help staff prepare for appearance in court.



## Supporting Communities and School after incidents or local troubles

### Planning for support after an incident

Schools and education authorities should consider a strategy to help it cope in the period following an investigation, allegation or serious incident. It is possible in today's climate that such matters will be the focus of media attention. This in itself will have an impact on pupils, school staff, parents and the wider community. However, some incidents will also have an emotional impact that may be felt for some time.

Schools and authorities should consider:

- **A communication strategy** – schools and authorities may assess the value of providing accurate information directly to parents and the community, quickly, to prevent or counter any possible sensationalising of information in the media.
- **A media handling strategy** – local authority press officers, education authorities and schools will require a clear policy on communication with the media by staff, media access to school buildings, and routes of information between schools, authorities and press officers.
- **A staff support system** – school staff will not only be in the front line of supporting pupils and parents, they may also be personally affected by any incident involving a pupil or colleague. Some may also be required to provide reports, evidence or support investigations, which is also emotionally demanding. Authorities without staff welfare officers should consider how they will support staff through these processes.
- **Pupil and parent support** – there may be additional demands on schools' pastoral care staff, for which authorities should consider additional support to schools during periods of stress. However, pastoral care staff will have information on pupils and the ability to monitor progress and will provide the most effective leadership of any staff or partners providing support to pupils (the additional burden on them should be recognised, see above).



Pupils can also be helped to support each other through existing peer support systems, provided it is recognised that peer supporters may need increased access to staff support.

- **Community support** – authorities should consider how services such as community education, health, social work and voluntary sector agencies can collaborate effectively to provide community support. Community support should not be overlooked. In some circumstances incidents will lead to court proceedings after a long delay, during which time some young people may have left school but will still be in need of support.
- **Information resources** – pupils, parents and staff may become involved in investigations and court proceedings. They will require information on how these processes work, what will be required of them, and what support is available (e.g. for vulnerable witnesses or victim support services).
- **Emergency planning procedures within the authority** – schools may play a role in these; and schools' own plans may be informed by them.

### Schools' Role in Local Troubles

Occasionally communities may be affected by conflict or incidents in ways which put pupils at risk, such as serious disputes between neighbours, racist conflict, gang conflict, etc. Schools may provide pupils with an important stability and safety at these times and, because of their relationship with pupils, may be aware of information about community issues.

“What the pupils thought was a traditional rivalry between neighbourhoods began to get out of hand and they were out of their depth. It was great that we had strong local partnerships to tackle the problems in the community and in the schools. We were able to act fast and I'm sure we prevented serious harm.”

(Headteacher)



Schools should consider:

- developing ongoing relationships with community police officers, so that liaison can be established to ensure the safety of a child or groups of children at school and on the way to and from school
- effective information sharing between the police, local community and youth work staff, and school staff. Where children and young people are at risk of harm, confidentiality is not an option. However, it may be possible for intelligence to be shared without naming individual pupils where they are not directly involved
- working with pupils during personal and social education or through police liaison with schools to counter the culture against 'grassing'. Pupils who feel their personal safety matters and who take pride in their communities may be encouraged to recognise that staying silent can allow harm to others or to the community
- ensuring pupils directly affected by any conflict or difficulty in the community feel they can approach a member of staff for support, and access support available through the school's pastoral care system.



## Supporting pupils involved in Child Protection

Most sections in this A-Z guide remind staff of the need to anticipate children's support needs when they are experiencing or have experienced traumatic events, or are coping with the processes that follow after a disclosure or allegation, or concerns of staff have led to child protection investigations.

There are a number of further issues a school may wish to consider:

- schools should be willing to support a pupil's own choice of staff to support them. This may not always be the pastoral care staff with most experience in child protection and pupil support. Pastoral care staff should guide and support the chosen teacher (see **Supporting Teachers and Staff**)
- a pupil may change their mind about who they want to support them, and the level of support they want. This should be respected too – a pupil should feel as much in control as possible about who hears their story in interviews and Hearings
- a pupil may not know how to handle subsequent daily interaction with staff who know intimate details about their experiences. Pupils may be unsure about whether all staff now know these details. These issues could be discussed openly with pupils able to express their feelings about it, to prevent a pupil worrying or having suspicions
- pupils may require time and space to reflect, and will not always appreciate being reminded that staff are there to support them. They may wish to be allowed to forget. Staff should be prepared to let pupils make the move to approach staff for support, and trust that pupils will know the support is there if and when they want it

- pupils may resent 'supportive' approaches by staff, no matter how well meant, when they are with their peers and in the public environment of the classroom, corridors and playgrounds. Communication by staff with pupils can be kept private by using email, for example, or by asking for a 1:1 meeting; these can be agreed with the pupil according to their preferences
- staff can show they care in many indirect ways too. Staff training on emotional intelligence and relationship skills helps staff consider the different ways that they can show caring and understanding.

"She kept me sane at the time. It's in the past now but I can trust her to let me put it behind me, and be there only when I need it."

(pupil)



## Supporting staff involved in Child Protection Issues

Many sections in this A-Z guide mention the importance of schools and education authorities systems for supporting staff who may be deeply affected by the facts of children's experiences of abuse or neglect. Staff who become closely involved in child protection procedures contribute to decisions that make a profound impact on the lives of children and whole families. At times, staff may feel a strong emotional response including guilt, anger, frustration, despair and doubting of their suitability for the profession.

Since it is often children who choose which teacher they will disclose information to, schools and education authorities must anticipate that it may be younger and inexperienced staff that children and young people will approach. Child protection training will remain abstract until the reality of a child's experience of abuse or neglect is presented to them in living reality. Staff welfare and support systems must be in place to help staff cope with this.

In addition there are a number of issues schools may wish to consider:

- key staff supporting pupils may feel a strong attachment to the case. The member of staff may later be rejected by the pupil (see **Supporting Pupils Involved in Child Protection Issues**) or may feel displaced by other professionals who take on a statutory or support role. Good de-briefing for staff involved with children will help this to be discussed
- staff should always be allowed to set their own limits on what support they feel able to provide to children and to set limits on their level of involvement in child protection proceedings. Even where a child has approached them for support, staff should feel confident to defer to other staff, and should never feel under pressure to become involved in situations where they feel out of their depth

- staff may support children to attend Hearings, Reviews or may attend case conferences, in which they may hear information about children and families that they were previously unaware of, and which is traumatic for them. Good de-briefing must be arranged for staff following their involvement
- many adults have experienced abuse in the past, which they have not come to terms with. School staff faced with the experiences of pupils may become overwhelmed by buried emotions for which they require support and counselling themselves. Some staff may be particularly zealous as a result of their own experiences, for which they should also be provided with support and counselling. Some of these issues may not come to light unless there is good de-briefing for staff as a matter of course
- staff who experience health problems following their involvement in cases may have a stress-related illness. Schools and authorities should not wait until this occurs to offer support, but should ensure that following any time off, there is an appropriate back-to-work discussion to consider further support needs.

The formal expectation by the school of an individual de-briefing for staff following involvement in each stage of a child protection case, helps guard against staff perceiving the seeking of support as stigmatising.

"I don't think you ever get used to it. Talking through just makes the best sense, personally and professionally. If our wellbeing is cared for, we're fit for supporting another child in another situation, and our own families need us too."

(teacher)



Staff de-briefing should:

- take place after each stage of an investigation and subsequent action, and at any time afterwards when staff feel the need for it
- provided by a consistent member of senior staff, ideally trained for this role
- involve discussion and is a separate process from reporting and recording
- allow the member of staff to reflect, express feelings and seek re-assurance
- be provided, if only briefly, even for those members of staff who say they do not need it. If it is a requirement for all staff then it will not be stigmatised as only being for staff who are unduly emotional or weak.

Staff welfare and support systems back up the formal de-briefing, and must be:

- confidential and discreet
- independent of line management or performance appraisal, and only recorded as a means of providing good support and is not part of personnel records
- available for as long as it is required, and may begin some time after involvement in a case if it is not desired immediately
- presented as a service for both experienced and inexperienced staff, male and female. Support must not be associated with personal weakness, personal problems or lack of professional skill. It is an aspect of professional development open to all staff
- it may be beneficial to be outwith school and with neutral and impartial staff.



## Teenage Pregnancy and Under Age Sexual Activity

It is suggested that 1 in 4 young people has sexual intercourse before the legal age of 16 and that a significant proportion of these young people later regret it. A positive and proactive sexual health strategy in establishments and the authority, in partnership with appropriate health services, will enable establishments to develop children and young people's expectations of appropriate relationships and positive choices in relation to sex, and to build their confidence and ability to discriminate between safe, healthy and happy choices and those where they are not in control, are coerced, or which they may later regret. This is a vital aspect of keeping children and young people safe.

Young people's involvement in sexual activity may vary widely from the possibility of willing participation in intercourse, exploratory childish activity, to rape or inappropriate adult pressure to participate in sexual activity. The consequences of these also vary, including sexually transmitted infection and pregnancy.

These different situations will ultimately result in different responses to children's needs. The initial actions of staff and CP Co-ordinators should be a careful assessment of the situation. Staff must assess the level of risk and vulnerability of the child, the child or young person's understanding of their choices and decisions, and the status of any relationship within which these choices or situations occur. Where the school's CP Co-ordinator suspects that abuse has taken place, or the child is vulnerable or at risk, the matter must be referred to social work services and/ or the police.

- Overt sexual behaviour by young children is a possible sign of their own sexual abuse which should always be investigated.
- The expressed willingness of a young person under sixteen to participate in sexual activity must not preclude careful consideration and possible investigation.



- The average age of first sexual experience (not necessarily intercourse) for young people is now around 14 for girls and around 13 for boys. Exploring sexuality is a normal part of adolescence which young people may regard as an informed and positive choice. Age-appropriate access to education, information and support will increase young people's self esteem and their skills in controlling relationships and encounters, to increase their personal safety.

### Signs of Risk

There is always the possibility that the consensually sexually active teenager or young person may be involved in inappropriate behaviour and at risk of substantially greater harm:

- young people, without realising it, may in fact be being groomed for involvement in prostitution
- some young people may feel they are in control and making a positive choice to have a relationship with someone older than themselves, and be attracted by those with whom they know a relationship would be discouraged by parents or other adults. This may result in secretive relationships in which they are more at risk than they are willing to acknowledge
- some young people use alcohol and drugs to the extent that they have less control, reduce their inhibitions or make less considered choices. Binge drinking is common amongst teenagers. Personal safety and the risk of sexual abuse while drunk or under the influence is an important part of alcohol and drugs education
- some young people may have such low self esteem that they are prepared to use sex to get attention, or in exchange for goods or favours
- some young people may be particularly vulnerable where parental control in the home is limited and there are other adults frequently in, or visiting, the household (such as friends of older siblings or other family members)
- younger pupils involved in a lifestyle where sexual experience is expected or more likely, may also be living in situations where parental control or expectations are permissive.



These signs are not exhaustive and staff with knowledge of individual young people and an understanding of their maturity, their circumstances and their activities, must judge whether young people are at risk. Where they believe there is a risk, this should be discussed with the CP Co-ordinator or school nurse. In all aspects of considering children's safety or well-being, a 'two heads are better than one' approach is beneficial, and discussions may initially take place without breaching confidentiality, to help judge risks.

### Prostitution and sexual exploitation

Where girls or boys are at risk of sexual exploitation through prostitution, this may not accord with the traditional stereotypes of standing on street corners, sex with strangers, cash in hand. It may include the provision of sexual services in exchange for other forms of payment - drink, drugs, consumer goods, or even shelter for the night. In some cases there may be no exchange of material goods and the child or young person may not recognise that they are being sexually exploited. The relationship, however, will be characterised generally by coercion and intimidation.

Guidance on potential indicators of involvement in sexual exploitation and abuse was published in December 2002 by the Working Group on Young Runaways and Children Abused through Prostitution, [www.scotland.gov.uk/library5/justice/vcyr-00.asp](http://www.scotland.gov.uk/library5/justice/vcyr-00.asp)

### Providing information and support

It is important that young people are encouraged to seek information and support and a key factor in this is their understanding of the establishment's confidentiality policy. The Standard for Personal Support in Schools (*Happy, Safe and Achieving their Potential*; SEED 2005) [www.scotland.gov.uk/library5/education/hsaps.00asp](http://www.scotland.gov.uk/library5/education/hsaps.00asp) describes confidentiality, access to information, and education for personal and social development as standards that pupils and parents should expect from schools.



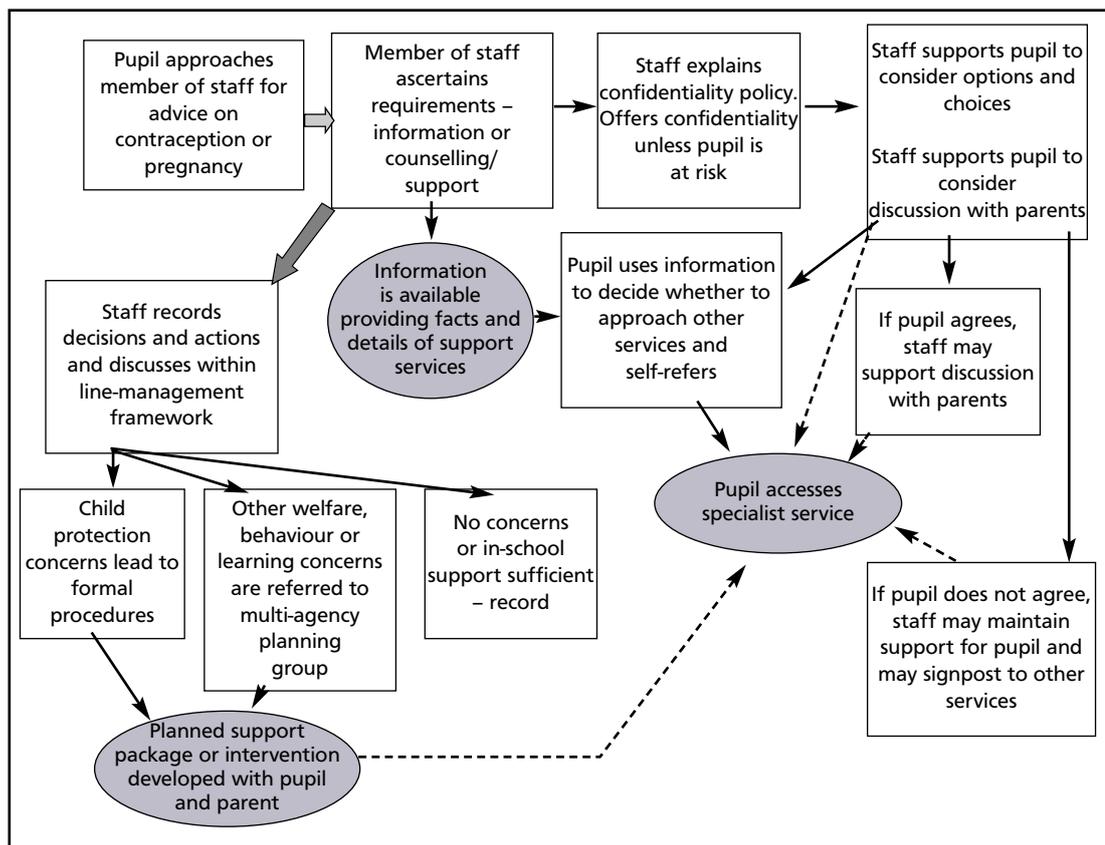
Information related to under-age sexual activity may be particularly sensitive and should generally be treated confidentially by staff (see flow-chart). It is important that staff receive training on this as well as general training on how to deal with situations where underage sexual activity that puts young people at risk is suspected and established.

Schools should inform and involve parents when developing programmes of sex education; they should inform parents that information is available in the school for pupils and parents, on a range of local health services.

### **Teenage pregnancy and contraception**

Education authorities and schools should liaise closely on the development of sexual health services. Young people should be aware of services and how they can be accessed, and their rights to treatment. However, pupils may approach school staff for support, and sometimes parents may also approach school staff. School staff should be aware of where pupils and parents can find information on services and who they may approach for professional health advice.

Occasionally, a pupil will approach a member of staff for support and request that their parents are not informed of their need for contraception, emergency contraception or pregnancy counselling. Staff should always try to persuade the pupil to involve their parents, but must respect confidentiality if the pupil insists on this; the pupil may believe that they are at risk if their parents are informed. Staff may signpost pupils to specialist services. Medical practitioners are obliged to provide treatment to any child of legal capacity (a child is of legal capacity when they understand the implications of any treatment and can give informed consent) and has a duty of confidentiality – unless they have child protection concerns.



School staff must recognise that a pupil who decides to continue with a pregnancy will require ongoing support and must plan to meet their additional support needs. Schools with good programmes of education for personal and social development which include sex education (see also **Learning for Childcare and Parenting**), will be able to ensure other pupils in the school are both supportive of their peer and aware of the issues associated with teenage pregnancy.

Pupils who opt to terminate a pregnancy may also require support to cope with the emotional impact following the procedure.



## Volunteers, Parent Helpers and Visiting Speakers in School

Volunteers provide vital support to schools, enabling a wide range of activities that help the school community to develop and thrive. Measures taken by schools to enable volunteers to act consistently with the school's approach to keeping children and young people safe and well should be presented as supportive and a development opportunity, rather than a hurdle preventing their involvement. These issues are particularly sensitive for parent helpers, who may view steps taken as unnecessarily restrictive given their relationship to some of the pupils and their likely involvement with their children's friends outwith the school. However, all parents have the right to expect high standards of care for their children and expect adults involved with their children, whether paid or unpaid, to meet these standards. The school has a responsibility to assess the risks to pupils involved in undertaking activities involving volunteers and to ensure they have taken all reasonable steps to protect pupils.

### Recruiting regular volunteers

Schools are encouraged to develop partnerships with business and other organisations whereby volunteer advisors help teachers to deliver enterprising learning to better prepare pupils for the world of work. Some schools actively seek volunteers willing to contribute particular skills or activities in the school, such as sports clubs or assistance with special projects. While it may be difficult to attract volunteers, schools should be aware of the following issues:

- many volunteering agencies consider it fair to both the organisation and the volunteer to offer a description of requirements and an outline of expectations (as with a job description)
- for skilled activities (such as sports coaching), appropriate skills and experience should be a requirement for volunteers



- staff in schools should feel confident to interview prospective volunteers, ask for references and conduct a disclosure check if volunteers are to be in the school and in contact with children on a regular basis
- local volunteering bureaus may help to match potential volunteers with schools' requirements.

### collaborating with voluntary bodies

Schools' Parent Teacher Associations and other local community and voluntary groups may be an excellent source of support for schools. Collaboration with these bodies often enables activities such as school events for children and the community to take place, and parent members themselves may wish to ensure that their activities are conducted in ways which help keep children and young people safe and well. Schools may wish to consider the following issues:

- where voluntary bodies employ staff or formally recruit volunteers themselves, they should consider their own policies and procedures in relation to recruitment and, if their focus is children, their child protection procedures. Schools can check whether these are consistent with their own and agree a way forward
- sharing information, awareness raising and training with such groups helps them to develop their thinking on children's and young people's needs for help and support for their safety and wellbeing
- many local groups are able to fundraise for activities for local children in either the school or community settings, such as after school activities, playschemes and other initiatives. This is of enormous benefit to your pupils. However, many funding bodies will now only fund groups with a child protection policy in place. It is important to consider how education authorities and schools can support local groups to gear up to these demands



- there are limits to the responsibilities of schools. Parents must consider their children's safe involvement in activities held by other organisations outside the school and outwith school hours, or in the school through an evening or weekend let. However, schools with concerns about the activities or staff involved in these must report these to the education authority Child Protection in Education Manager for advice.

## Disclosure checks

Undertaking disclosure checks is part of the risk assessment schools and education authorities should undertake in relation to using volunteers or other adults not on the school staff for activities with pupils. Disclosure checks provide an additional check, but do not in themselves mean that a person is safe to work with children. Schools and education authorities should consider when disclosure checks are necessary:

- regular and substantial involvement with children requires a disclosure check
- occasional or 'one-off' involvement in school activities for children may not require a disclosure check particularly where other adults supervising are disclosure checked
- support to school public events, such as jumble sales or shows, need not require a disclosure check. It would be expected that children attending these may come with their parents or other adults. However, adults leading these activities should have plans in place, or people to contact, in case concerns arise about any children attending
- the nature of activities should be considered – only disclosure checked adults should provide personal care for children who are not their own. Residential activities also require adults to be disclosure checked.



### Support and supervision

Occasional and regular volunteers should be supported and supervised during their involvement with school activities. This accords them the same respect as other paid members of staff.

- It is fair to volunteers to ensure that they receive similar information and induction on school rules, procedures and practices as any other member of staff. They must be fully aware of itineraries, safety details and procedures when accompanying trips or visits
- volunteers should know who to approach if they have concerns about a child or another member of staff. Their concerns should be listened to as with any other member of staff
- asking volunteers to sign in and sign out, and for regular volunteers to keep a log outlining their activities in the school, helps the school to identify information and support needs of the volunteers and for volunteers to share information with other staff on their observations on pupils
- schools should consider whether their staff training could include regular volunteers. Education authorities should also consider authority-wide opportunities for training and development
- where volunteers are being supervised by other members of staff, there should be opportunities for them to meet briefly before and after activities to discuss any issues.

*"I prefer the school to treat us as proper volunteers. I want to do things right while I am helping. And as a parent I would want any adult involved with my kids to be well supported."*  
(parent)



## Work Placements, Work Experience, Work-Based Vocational Training and School-Business Partnerships

Pupil work placements can take the form of:

- work experience, generally a 5-day placement undertaken in S4; managed and delivered by Careers Scotland or local authorities
- work-based vocational learning for pupils aged 14+ involving an agreed amount of time in the workplace (e.g. half day a week) working towards a vocational qualification; managed and delivered by local authorities in partnership with colleges, private providers and businesses
- visit to a business as part of experiential learning; managed and developed by local authorities or schools.

It can be challenging for schools in some areas to establish a range of local work experience placements for pupils and the school's procedures to ensure children and young people are safe and well, should be presented as positive steps for both the organisation and the pupil for their mutual safety.

- schools should gain feedback from pupils on the quality of placements and the staff in the organisations who supported them. If pupils have felt uncomfortable, this should not be ignored when planning future placements
- organisations willing to provide work experience placements should be assessed for their suitability, proposed supervision of the pupil, and the organisation's own staff safety policies. The experience for both the organisation and the pupil will not be successful if they hold different expectations
- the nature of the business and the tasks to be undertaken are suitable for the pupils
- pupils are properly prepared for their placement with advice on appropriate conduct and personal safety
- pupils have a member of school staff they can contact at all times



- there are arrangements with the host organisation to contact the school if there are difficulties or if the pupil fails to arrive
- transport arrangements to and from the placement are known by the school, the host organisation and the parent.

### Disclosure checks

Some organisations have employees whose regular duties include supporting a work placement or hosting pupil visits. It should be expected that these staff will be disclosure checked.

In most organisations, staff in contact with pupils will vary. Disclosure checking for staff in contact with pupils must therefore be discretionary and must take account of the circumstances of the placement and the nature of supervision. In any case, consideration of any likely requirement for checking should be given well in advance of the placement, and registration of the employee's organisation will be required.



## Young Carers

Many children and young people find themselves in circumstances where they provide significant support to siblings when their parent is incapacitated, where they care for the parent or where they contribute to the care of another family member. For many reasons, parents and children may be reluctant to seek help or let staff know when this happens. In particular, they may fear losing their children.

Where a pupil is taking on caring responsibilities, there are a number of issues to be aware of:

- the difficulty may be short term or long term. Parents or the person being cared for may go through 'good' and 'bad' patches of health or mental health
- the pupil may feel under pressure and extremely anxious about the parent or person they are caring for, and the impact of the situation on any siblings. They may feel very protective of their family and hide the situation as much as they can
- the burdens of caring may include lack of time to do homework and undertake domestic tasks (sometimes beyond what might be considered appropriate for their age), caring for siblings and taking them to school, managing medication for the person being cared for
- pupils may lack the emotional support that healthy and coping parents usually provide; they may lack the time for contact with friends and their social skills may not be practiced
- pupils may be absent from school in order to cope with the situation
- pupils' own health and wellbeing may suffer
- pupils may appear neglected.



Where there is a marked deterioration in a pupil's wellbeing, the child's needs for support may lead to a Co-ordinated Support Plan for the child, involving the appropriate agencies in providing support to the child and family. At times, it may be considered that the child has to be looked after for a period of time (see **Looked After Children**).

However, it is possible that the signs that a pupil has caring responsibilities are overlooked, unless schools' pastoral care systems ensure good monitoring of pupils and sharing of information between staff. Patterns of unfulfilled homework tasks, lateness or absence, signs of emotional unease, for example, may point to the fact that the child is a young carer. Home School Link Workers or Family Support Workers may follow up schools' concerns when there is no immediate fear for the child's safety; staff may consider appropriate enquiries to any schools attended by siblings to gather and share information.

It will be helpful for education authorities and schools to maintain positive relationships with Carers' organisations and Young Carers' projects, and health services, in order to identify and support children and young people with caring responsibilities.

There is a range of organisations that specialise in supporting young carers who may provide advice to professionals or will offer support direct to the child, in <http://www.carers.net/organisations/YoungCarers.html>

*"It is good to feel they understand where the stress is coming from, as long as they remember I love my mum."*

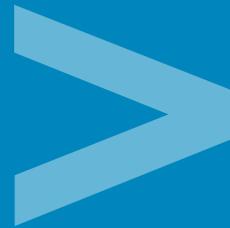
*(pupil)*



# Safe and well

Law and policy

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



# Safe and well

Law and policy

SUPPORTED CHILDREN



ACCOUNTABILITY

LEADERSHIP



## Introduction

Children and young people, and their family life is the focus of a range of legislation to protect children, to ensure their rights are respected, and to describe the rights of parents. The work of practitioners in education is also guided by a framework of duties and powers.

This guide provides a snapshot of key issues from legislation and guidance concerned with keeping children safe and well. It informs teachers, head teachers, schools and local authorities of issues they may need to consider when planning and working with children.

Each section describes legislation, or groups together various pieces of legislation which refer to similar areas of practice. However, it is an introduction only. Practitioners often work on complex issues on which more detailed advice should be sought from legal advisors in education authorities.

It may be helpful for all school staff to understand the basic legal framework in which they work, and for children and young people and their parents to have access to simple information on their own rights and responsibilities.



## Contents

<b>Section</b>	<b>Legislation</b>
----------------	--------------------

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- |          |   |
|----------|---|
| <b>1</b> | <b>The Children (Scotland) Act 1995</b>   |
| <b>2</b> | <ul style="list-style-type: none"><li>• <b>Inter-agency Code of Practice and National Standards Second Edition 2001</b></li><li>• <b>Referrals to the Children’s Reporter from Education</b></li><li>• <b>The Criminal Procedure (Scotland) Act 1995</b></li><li>• <b>The Criminal Law (Consolidation) (Scotland) Act 1995</b></li><li>• <b>Sexual Offences Scotland Act 1976</b></li><li>• <b>The Misuse of Drugs Act 1971</b></li></ul> |
| <b>3</b> | <b>Protection of Children (Scotland) Act 2003</b>   |
| <b>4</b> | <b>The Protection of Children and Prevention of Sexual Offences (Scotland) Bill</b>   |
| <b>5</b> | <b>Education (Scotland) Act 1980 as amended by the Standards in Scotland’s Schools, etc. Act 2000</b>   |
| <b>6</b> | <ul style="list-style-type: none"><li>• <b>Disclosure Scotland: Code of Practice for Registered Persons and Other Recipients of Disclosure Information</b></li><li>• <b>Rehabilitation of Offenders Act 1974</b></li><li>• <b>Rehabilitation of Offenders Act 1974 Exclusions and Exceptions (Scotland) Order 2003</b></li></ul>  |
| <b>7</b> | <b>The Data Protection Act 1998</b>   |
| <b>8</b> | <b>The Criminal Justice (Scotland) Act 2003</b>   |
| <b>9</b> | <b>Race Relations (Amendment) Act 2000</b>  |



## Contents

Section	Legislation
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10	Age of Legal Capacity (Scotland) Act 1991
11	<ul style="list-style-type: none"><li>• Education (Disability Strategies and Pupils' Education Records) (Scotland) Act 2002</li><li>• Guidance on Preparing Accessibility Strategies</li><li>• Disability Discrimination Act 1995 as amended by the Special Educational Needs and Disability Act 2001</li><li>• Code of Practice for Schools from the Disability Rights Commission (DRC)</li><li>• The Children (Scotland) Act 1995</li></ul>
12	<ul style="list-style-type: none"><li>• The Education (Additional Support for Learning) (Scotland) Act 2004</li><li>• The Additional Support for Learning Act Code of Practice</li></ul>
13	<ul style="list-style-type: none"><li>• The Health and Safety at Work Act 1974</li><li>• The Occupiers' Liability (Scotland) Act 1960</li><li>• The Schools (Safety &amp; Supervision of Pupils) (Scotland) Regulations 1990</li></ul>
14	<ul style="list-style-type: none"><li>• The Mental Health (Scotland) Act 1984</li><li>• The Mental Health (Care and Treatment) (Scotland) Act 2003</li></ul>



## Contents

### Section International Conventions

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- 15 The United Nations Convention on the Rights of the Child (UNCRC)
- 16 The European Convention on Human Rights Act 1998 (Enacted by the Scotland Act 1998)

### Section Guidance

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- 17 Guidance on Exclusion (School Circular 8/03)
- 18 Helping Hands – Guidelines for staff who provide intimate care for children and young people with disabilities
- 19 Guidance on Sex Education in Schools (Circular 2/01)
- 20 Scottish Translation, Interpreting and Communication Forum’s Good Practice Guidelines
- 21 Child Protection Committee Guidance

### Section Organisations

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- 22 Organisations which may provide advice on the law concerning children, parents and education



## Section 1

### The Children (Scotland) Act 1995

#### Relevant areas

1. The Safeguarding and Welfare of Children
2. Child Abuse
3. Confidentiality
4. Referrals to the Reporter – see grounds of referral to the Children’s Reporter to the Children’s Panel at Section 2.

#### What is required for schools and authorities

##### – Safeguarding and Welfare of Children

- A legal duty to safeguard and promote the welfare of a child in need in their area.
- Parental responsibilities allocated by a court order last until the child is 18.
- Young people aged between 16 and 18 who are subject to a Children’s Hearing supervision requirement are considered ‘children’.
- Boarding schools and residential facilities within day schools have a welfare duty for young people aged between 16 and 18 in their charge or care.
- Children and young people have a right to express their views in all decisions affecting them (see also section 10 Age of Legal Capacity Act; Section 15, United Nations Convention of the Rights of the Child).
- A child’s religious persuasion, racial origin and cultural and linguistic background should inform the assessment and planning to meet the child’s needs (see also Section 9, the Race Relations (Amendment) Act).



– **Child Abuse**

- For the purposes of child protection, a 'child' may be a child or young person up to the age of 18 if there is a supervision requirement or referral already in force.
- The child's welfare and protection receive priority concerning issues of child abuse.
- In most cases, parents/carers should be informed of concerns and take part in discussions regarding the child's needs/actions taken, (but this should be carefully considered, see *Safe and Well A-Z, Parents*).

– **Confidentiality**

- Children and young people have a right of confidentiality. A breach of confidence is permissible only where this would be in the public interest – which can include child protection.
- Education authorities need to keep staff, parents and children aware of its policy on confidentiality.
- Local authorities should develop protocols through child protection committees which make clear to staff the circumstances in which they and other agencies:-
  - will share information; and
  - deal with the limitations to information sharing.
- Independent and grant-aided schools should have agreed written protocols for dealing with such matters (see also Section 7, *Data Protection*).



## What is required for staff

### – Safeguarding and Welfare of Children

- Staff should be aware of their legal duty to safeguard and promote the welfare of children.
- Where it is appropriate, staff should be aware of any particular support needs arising from being looked after, the subject of a supervision requirement or child protection procedures.
- Staff should understand protocols for information sharing and confidentiality.

### – Child Abuse

- Staff working with children at risk should help the child to express his or her views and take such views into account when deciding what to do next.



## Section 2

1. Inter-agency code of Practice and National Standards Second Edition 2001 (Referrals to the Children's Reporter from Education)
2. The Criminal Procedure (Scotland) Act 1995 (The Criminal Law (Consolidation) (Scotland) Act 1995; Sexual offences Scotland Act 1976; The Misuse of Drugs Act 1971)

### Relevant areas

Grounds for referral to the Reporter to the Children's Panel.

### What is required for schools and authorities

- Individuals and agencies have a responsibility to refer to agencies charged with investigating child abuse where they suspect a child is at risk of significant harm.
- If a local authority believes compulsory measures of care are necessary, the matter must be referred to the Reporter. Sufficient information should be provided to enable the Reporter to assess the situation.
- Staff should refer children who, in their opinion, may be in need of compulsory measures of supervision.
- Staff should gather as much information and include this in a log. The information in the log should be treated as confidential. (See *Safe and Well A-Z, Children's Hearings.*)
- Referrals should be made as and when the need arises.
- The Reporter should be engaged at an early stage of the process.



A child may be in need of compulsory measures of care if, the child:

– **Children (Scotland) Act 1995:**

- i) is beyond the control of parents/carers;
- ii) is 'falling into bad associations' or 'exposed to moral danger';
- iii) is suffering or likely to have impaired health or development due to lack of parental care;
- iv) has failed to attend school regularly without reasonable excuse;
- v) has committed an offence;
- vi) has misused a volatile substance;
- vii) is looked after by the local authority.

A child may also be referred if he or she is felt to be at risk because another child in the household has suffered abuse or an adult in the household is known to have committed offences against children.

### What is required for staff

- Where staff have reasonable cause to suspect or believe that a child is at risk of significant harm they have a responsibility to refer to the agencies charged with investigating child abuse.
- Staff should be aware of their establishment's guidance on referrals.
- Advice should be sought from the designated Child Protection Co-ordinator, Head Teacher or person designated as a point of reference in the local inter-agency guidelines.

### Further info

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

### Key contacts

Scottish Children's Reporter Association



## Section 3

### Protection of Children (Scotland) Act 2003

#### What it concerns

Ministerial powers to establish and maintain a list of persons unsuitable to work with children.

#### What is required for schools, authorities, staff

- Organisations have a duty to refer an individual to the list when the individual has:
  - harmed a child; or
  - put a child at risk of harm; and
  - been dismissed or moved away from access to children as a result of the above consequences; and
  - who would have been dismissed, but who has resigned, retired or was made redundant before the dismissal process was completed or left at the end of a temporary contract.
- There is a duty to refer cases where the decision to dismiss is taken after 10 January 2005 and failure to comply with this duty is an offence. NB: Organisations may make referrals for cases which were concluded prior to that date, but do not have a duty to do so.
- With effect from 11 April 2005 there will be a need for Disclosure checks to be done for all new staff to ensure an individual who is fully listed is not appointed in a child care position (see also Section 6, *Disclosures*.)
- It will be an offence for an organisation to knowingly employ a person to work with children if that person is fully listed.
- Organisations will have a duty to remove an individual who is fully listed from a child care position.



- Individuals who are provisionally listed are not disqualified from working in child care positions.
- Organisations should have in place procedures to ensure:
  - disclosure checks are obtained; and
  - that they are well placed to fulfil their duty to make referrals to Scottish Ministers.
- A referral to the list should be made in a written report to Scottish Ministers.
- The organisation or individual making the referral is not required to send a copy of the reference to the individual who is the subject of the reference – this responsibility lies with Scottish Ministers.

### Further info

Protecting Children – A Shared Responsibility – Guidance on Inter-Agency Co-operation, Scottish Office 1998 [www.scotland.gov.uk](http://www.scotland.gov.uk)

### Key contacts

Karen Furey, Scottish Executive on [DWCL@scotland.gsi.gov.uk](mailto:DWCL@scotland.gsi.gov.uk)  
Tel: 0131-244 5486.



## Section 4

### The Protection of Children and Prevention of Sexual Offences (Scotland) Bill (introduced in 2004)

NB: The above Bill will become law on commencement, which is expected to occur in Autumn 2005.

#### What it concerns

The Protection of Children and Prevention of Sexual Offences (Scotland) Bill will create a new offence to deal with predatory sex offenders who seek to win the confidence of children by 'grooming' with the aim of later abusing them. This will allow the police to step in before a sex offender has even met his intended victim.

If a member of staff suspects that a child or young person is preparing to meet an unknown correspondent that they have 'met' in a chatroom, the child's parents should be contacted to alert them to the risks of children meeting unknown correspondents unaccompanied (see also *Safe and Well A-Z, Computer Safety*).

#### Further info

[www.scottish.parliament.uk/business/bills/billsInProgress/children.htm](http://www.scottish.parliament.uk/business/bills/billsInProgress/children.htm)



## Section 5

Education (Scotland) Act 1980 as amended by the Standards in Scotland's Schools, etc. Act 2000

### Relevant areas

Duty of care and welfare and medical examination.

### What is required for schools, authorities, staff

- An education authority may require a child's parents to allow their child to undergo a medical or dental examination, which may be necessary when it considers a child has suffered neglect by his or her parents. However, a child of legal capacity may refuse an examination (see also Section 10, *Age of Legal Capacity Act*).
- Medical or dental examination should be done in accordance with arrangements by the appropriate health board and should be agreed by the education authority.
- Health or counselling services provided by the authority should also keep staff, children and parents aware of their policy on confidentiality (see also Section 7, *Data Protection*).



## Section 6

1. Disclosure Scotland: Code of Practice for Registered Persons and other Recipients of Disclosure Information
2. Rehabilitation of offenders Act 1974
3. Rehabilitation of offenders Act 1974 Exclusions and Exceptions (Scotland) order 2003

### What it concerns

Recruitment and appointment decisions in relation to:

- paid or unpaid child care positions;
- compliance with the Code of Practice; and
- ex-offenders.

### What is required for schools, authorities, staff

#### – Disclosure Scotland: Code of Practice

- Authorities, schools or an individual within the organisation need to be registered with the Disclosure Bureau before applying for a disclosure check.
- Once registered the organisation, body or person needs to sign up to a Code of Practice used to govern the use of information provided by the disclosure process.
- All registered persons, bodies and others who receive standard or enhanced disclosure information are covered by the Code of Practice.
- Be aware of any guidance issued by Disclosure Scotland on the use of information and individuals' rights on sensitive and personal information. Ensure that such information is:-
  - used properly and fairly;
  - handled and stored appropriately; and
  - kept for as long as necessary and disposed of securely.



- Individuals can query the accuracy of the disclosure information through an appeals procedure.
- It is an offence for an organisation to offer work (paid or unpaid) in a child care position to anyone who is disqualified from working with children and young people.
- A child care position is one whose normal duties include:
  - working in an educational establishment;
  - caring for, training, supervising or being in sole charge of children;
  - unsupervised contact with children – where such arrangements have been made by a responsible person;
  - managing an educational establishment; and
  - being a director of education.
- Disclosure information should be sought after a candidate has been given a provisional offer of employment or a voluntary position. This should apply:
  - when someone new to the organisation is offered work in a child care position; or
  - when someone already in the organisation is moved into a child care position for the first time.
- The disclosure checks should be standard or enhanced for anyone working in a child care position.
- The establishment, body or person offering the position will decide the appropriate disclosure level.
- Disclosure checks at standard and enhanced levels give details of all convictions on record relating to an individual, whether spent or unspent and any cautions in England and Wales.
- Enhanced disclosure checks will also show any information from local police records considered by the Chief Constable to be relevant to the position being sought. The Chief Constable may also disclose information to the registered body only and not to the individual. This information does not form part of the disclosure certificate and is sent separately to the registered body.



- Disclosure information should be seen as complementary to an organisation's current recruitment practices such as:
    - interviews;
    - full investigation of an applicant's employment history;
    - take-up of references; and
    - supervision throughout any probationary period where practical.
  - All information disclosed by Disclosure Scotland is sensitive and personal and data should be handled responsibly (see *Safe and Well A-Z, Disclosure checking*).
- **Rehabilitation of Offenders Act 1974**
- Ex-offenders normally have the right not to reveal old or spent convictions. Certain posts are, however, exempt from the 1974 Act.
  - The Rehabilitation of Offenders Act 1974 Exclusions and Exceptions (Scotland) Order 2003 (see below) provides details on organisations' rights in this regard.
- **Rehabilitation of Offenders Act 1974 Exclusions and Exceptions (Scotland Order 2003)**
- Organisations have the right to ask individuals to declare all criminal convictions, both spent and unspent, if the post involves giving the individual prolonged or sustained access to children.

## Further info

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

## Key contacts

Further info on registration and on the Disclosure process contact:  
The Scottish Criminal Records Office, 1 Pacific Quay, Glasgow, G51 1EA.  
Tel: 0141 585 8495, 0141 585 8344, e-mail [info@partv.globalnet.co.uk](mailto:info@partv.globalnet.co.uk)



## Section 7

### Data Protection Act 1998

#### Relevant areas

Information Sharing – rights and obligations

#### What is required for schools, authorities, staff

- Establish a written policy and/or protocols on the secure handling, holding and destroying of disclosure information (see *Safe and Well A-Z, Disclosure Checking*).
- Staff should receive sufficient information on children's circumstances and needs to enable them to support and teach children appropriately (Better Behaviour – Better Learning Report 2001)
- Policies/protocols must make clear to all staff the circumstances when they and other agencies will share information and should consider the data protection principles that state data must be:
  - fairly and lawfully processed – this includes if the processing is necessary in order to protect children's safety and wellbeing;
  - collected and used only for specified purposes;
  - adequate, relevant and not excessive;
  - accurate and kept up to date where necessary;
  - not kept longer than necessary;
  - processed in accordance with the rights of those people whose data is held and processed;
  - secure;
  - not transferred to countries outwith the EC unless that country has adequate levels of protection for the individual; and



- appropriate organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Legal responsibility for compliance with the Data Protection Act lies with the data controller who is to ensure that the organisation's management of data complies with the data protection principles.
- The data controller must notify the Data Protection Commissioner and arrange to be registered, giving a general description of the organisational measures to be taken to ensure safe, lawful processing of data.

### Further info

Data Protection Act 1998: A Guide to Data Protection Auditing.

The Data Protection Act 1998: Legal Guidance.

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

### Key contacts

Information Commissioner's Office, 28 Thistle Street, Edinburgh, EH2 1EN.

Tel: 0131-225 6341, e-mail [Scotland@ico.gsi.gov.uk](mailto:Scotland@ico.gsi.gov.uk)



## Section 8

### Criminal Justice (Scotland) Act 2003

#### Relevant areas

Use of physical punishment on children.

#### What is required for schools and authorities

Ensure staff know that forms of physical punishment are illegal. Corporal punishment in schools was abolished in the Standards in Scotland's Schools Act 2000.

#### What is required for staff

- Staff may become aware that parental punishment is of a physical nature. Staff should discuss their concerns with the Child Protection Co-ordinator.
- There are many different cultural attitudes towards punishment of children, in Scotland and for families from other countries. School staff can help by raising awareness of this Act and, supporting families who may be new to Scotland or the UK, by informing them of expectations of parents and the law in Scotland.
- Parents should not:
  - deliver blows to a child's head;
  - shake a child; and
  - use an implement on a child.



## Section 9

### Race Relations (Amendment) Act 2000

#### What it concerns

Tackling racial discrimination, promoting equality of opportunity and good race relations.

#### What is required for schools, authorities, staff

##### - general duty

- Schools and education authorities need to understand and respond to the effects of:
  - racial harassment;
  - racial discrimination;
  - institutional racism; and
  - cultural misunderstanding or misinterpretation.
- Schools and education authorities should promote equality of opportunity and good relations between persons of different race groups.

##### – specific duties for Education Authorities

- Have in place a written statement of its race equality policy.
- Maintain a copy of the statement.
- Ensure schools under its management maintain such a copy.
- Ensure that schools comply with the duties within the written statement.
- Assess the impact of its policies on pupils, staff and parents of different racial groups – especially the impact on attainment levels of such pupils.
- Managers of grant-aided schools are also required to comply with the above duties.



– **specific duties for schools**

- Monitor and assess the impact of a school's policies – including its race equality policy – on pupils, staff and parents of different racial groups.
- In particular a school should assess whether its policies have, or could have, an adverse impact on the attainment levels of pupils from different racial groups.
- Publish the results annually – where this is reasonable and practicable.
- The race equality policy should be a written statement of responsibilities and commitments.

NB: Independent schools are not required to comply with the duty, although the Commission for Racial Equality strongly encourages them to do so since this will help them establish and maintain equality good practice. The Race Relations Act does require independent schools not to discriminate on racial grounds regarding: admissions, access to benefits or services, exclusions and in the employment of staff.

## Key contacts

The Commission for Racial Equality, CRE Scotland, The Tun,  
12 Jackson's Entry, off Holyrood Road, Edinburgh EH8 8PJ.  
tel 0131-524 2000,  
e-mail [scotland@cre.gov.uk](mailto:scotland@cre.gov.uk) and  
[www.cre.gov.uk/duty/scotland/duty-scotland.html](http://www.cre.gov.uk/duty/scotland/duty-scotland.html)



## Section 10

### Age of Legal capacity (Scotland) Act 1991

#### What it concerns

Children and young people considered to have the legal capacity to give or refuse consent to medical or dental treatment, or other procedures.

#### What is required for schools, authorities, staff

- The Education Authority should ensure that if a child is of an appropriate age and understanding he or she is aware of his or her rights under the 1991 Act with regard to giving consent to any surgical, medical or dental treatment, or other procedures.
- A qualified medical practitioner attending the child will establish if a child is deemed to have the appropriate mental capacity to give consent.



## Section 11

1. Education (Disability Strategies and Pupils' Education Records) (Scotland) Act 2002
2. Guidance on Preparing Accessibility Strategies
3. Disability Discrimination Act 1995 as amended by the Special Educational Needs and Disability Act 2001
4. Code of Practice for Schools from the Disability Rights Commission (DRC)
5. The Children (Scotland) Act 1995

### Relevant areas

1. Improving access for pupils with disabilities to all aspects of school life.
2. Meeting the requirements of the Education (Disability Strategies etc...) Act 2002 regarding accessibility strategies.
3. Duties on education authorities and schools which make it unlawful to discriminate against disabled pupils.
4. Avoidance of unlawful discrimination against disabled pupils and prospective pupils in the school stages of education.
5. A duty on local authorities regarding a provision of assistance to disabled persons.

NB: Education providers and responsible bodies should be aware that children and young people may be defined as disabled under other legislation and may be receiving services under that legislation in addition to any other provisions made under the Disability Discrimination Act 1995.



## What is required for schools and authorities

- Education (Disability Strategies and Pupils' Education Records) (and Guidance on Preparing Accessibility Strategies)
- Local authorities (and independent and grant-aided schools) must prepare, and implement, accessibility strategies to improve access to education for pupils and prospective pupils with disabilities over time and to meet the duties under the amended Disability Discrimination Act 1995.
- Local authorities must have regard to the Guidance on Preparing Accessibility Strategies as regards the statutory elements on:
  - the content of their accessibility strategies;
  - the form in which the accessibility strategies are produced;
  - whom local authorities should consult with in the preparation of their accessibility strategies; and
  - the duty on local authorities to review and revise their strategies.
- Local authorities should involve schools in preparing accessibility strategies, but need not prepare one at school level. However, school development plans should reflect the strategy.
- Accessibility strategies must at least cover the following aspects of education for pupils with disabilities:
  - increase participation in the curriculum;
  - improve physical access of schools to make them more accessible; and
  - improve access to information normally provided to pupils in writing.
- Accessibility strategies should also be forward looking.
- Finalised accessibility strategies should be publicised and interested groups should be made aware of how it will affect them. A summary should be provided to all those who may have an interest.
- School staff especially should be aware of how the strategy will impact upon them and should make staff, pupils and parents aware of this.



- **Disability Discrimination Act 1995 as amended by the Special Educational Needs and Disability Act 2001 (and the Disability Rights Commission Code of Practice for Schools)**
  - Education authorities and schools (including early years' providers and independent schools) have duties to ensure they do not discriminate against disabled pupils by treating them less favourably.
  - Education authorities and schools must take reasonable steps to avoid putting disabled pupils at a substantial disadvantage in any aspect of school life.
  - Disabled pupils (and disabled children who are prospective pupils) should have the same opportunities as non-disabled pupils in their access to education.
  - The Code of Practice requires that education authorities and schools do not discriminate in relation to admissions; exclusions (including temporary and removal from the register); and education and associated services (which covers all aspects of school life).
  
- **Children (Scotland) Act 1995**
  - Local authorities shall, when requested by a child's parent or guardian, carry out an assessment of the child to determine his/her needs arising from the child's disability.

### Further info

ENQUIRE website [www.childreninscotland.org.uk/enquire.htm](http://www.childreninscotland.org.uk/enquire.htm)

Disability Rights Commission website [www.drc-gb.org](http://www.drc-gb.org)

Guidance "Matters to be taken into account in determining questions relating to the definition of disability" available from The Stationery Office

[www.drc.org.uk/uploaded\\_files/documents/2008\\_229\\_guidance.doc](http://www.drc.org.uk/uploaded_files/documents/2008_229_guidance.doc)



## Key contacts

- ENQUIRE – the National Advice Service for Special Educational Needs in Scotland, contact: Children in Scotland, Princes House, 5 Shandwick Place, Edinburgh, EH2 4RG,  
Helpline: 0131-222 2400, typetalk: 0800 959 598.  
textphone: 0131-222 2439  
e-mail [Enquire.SENinfo@childreninscotland.org.uk](mailto:Enquire.SENinfo@childreninscotland.org.uk)
- Disability Rights Commission, contact: DRC Helpline, FREEPOST, Mid 02164, Stratford upon Avon, DV37 9BR, tel: 08457 622 633  
e-mail [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)



## Section 12

### The Education (Additional Support for Learning) (Scotland) Act 2004 (The Additional Support for Learning Act code of Practice)

#### What it concerns

Identifies and addresses the needs of all children and young people who face a barrier to learning and require additional support and compliance with the Code of Practice.

NB: The above Act will become law in late Autumn 2005. It is expected that the Code of Practice will be available in schools and authorities in Summer 2005.

#### What is required for schools and authorities

- Authorities must make adequate and efficient provision for each child or young person with additional support needs for whose education they are responsible.
- Put in place arrangements:
  - to identify additional support needs and consider if a child requires a co-ordinated support plan (CSP).
  - to publish their policy for this and explain the rights and roles of children and parents; identify where information can be found.
- Meet requests from parents and act on referrals (unless unreasonable) to identify a child's additional support needs and establish if a CSP is required.
- Inform parents when preparing or reviewing a CSP and of the outcome; inform them of their appeal rights; and provide them with a copy of the CSP.
- Seek and take account of information and views from other agencies; the child and his/her parents.



- Provide independent mediation and dispute resolution services for all parents of children with additional support needs and publish information on these services.
- Review each CSP at least every 12 months or earlier if there has been a significant change in the child's circumstances or if parents (reasonably) request this.
- At least one year before the school leaving date, request and take account of information and advice from agencies likely to support the child or young person when s/he leaves school, to help prepare for transition; and with the young person's permission, six months before leaving school, provide information to whichever agencies will be responsible for supporting the pupil once s/he leaves school, including FE colleges.
- In order to facilitate the transition of a pupil leaving school there is a duty to take the information/advice from agencies into account when considering the adequacy of the additional support provided up to the actual leaving date.
- Schools have to pass information to social work, and other relevant agencies, about the pupil's additional support needs – this may inform the assessment process.
- Schools should also inform the social work department, and other relevant agencies of the pupil's anticipated leaving date and actual leaving date.
- The social work assessment should indicate what provision is to be made after school and the education authority should then tailor the education support provided in the last (at least) 12 months of school – to facilitate the transition.
- Other transitions between schools should be supported by efficient exchange of information.
- Ensure that the provision made for those with a Record of Needs is not reduced before consideration for a CSP has taken place for two years – unless there is a significant change in the pupil's circumstances.
- Other agencies (eg any other local authority, Health Board, Social Work Services etc) have duties to help each education authority discharge its duties under this Act unless it would prevent them from fulfilling their own statutory duties.



- Education authorities will have power to help children or young people with additional support needs who are not in the public education system.
- The Act requires an education authority to provide additional support to certain disabled children in their area who are under 3 years old, where they have been brought to the attention of the education authority by an NHS Board.
- Additional Support Needs Tribunals will receive references<sup>1</sup> from young people<sup>2</sup> or parents on matters related to the CSP.

### Further info

- Act available on: [www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2004/20040004.htm](http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2004/20040004.htm)
- For Information on the implementation of the Act: [www.scotland.gov.uk/Topics/Education/School-Education/19094/17176](http://www.scotland.gov.uk/Topics/Education/School-Education/19094/17176)
- The Additional Support Needs Tribunals for Scotland:- [www.asntscotland.gov.uk/](http://www.asntscotland.gov.uk/)

### Key contacts

ENQUIRE – the National Advice Service for Special Educational Needs in Scotland, contact: Children in Scotland, Princes House, 5 Shandwick Place, Edinburgh, EH2 4RG. Tel: 0845 123 2303  
e-mail [Enquire.SENinfo@childreninscotland.org.uk](mailto:Enquire.SENinfo@childreninscotland.org.uk)

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1 A reference is information provided to the Tribunal in respect of a disputed decision, failure or information by the education authority responsible for the school education of the child.

2 A young person in this context is between 16-18 years of age and should still be receiving a school education.



## Section 13

1. The Health and Safety at Work Act 1974
2. The occupiers' Liability (Scotland ) Act 1960
3. The Schools (Safety and Supervision of Pupils) Scotland Regulations 1990

### What it concerns

1. Health and safety policies and duties.
2. Duty of care to lawful visitors on premises.
3. Safety and supervision of pupils.

### What is required for schools, authorities, staff

#### – Health and Safety at Work Act 1974

- Local authorities (or owners, governors or trustees in independent schools) are under a duty to ensure – as far as is reasonably practicable – the health and safety of pupils.
- Employers are required to undertake risk assessments and produce a health and safety policy.
- The risk assessment should:
  - set out any risks to pupils, staff and other users of services;
  - state what measures will be taken to reduce such risks;
  - such measures may include:
    - procedures for lifting pupils and equipment;
    - guidance on visits to pupils in their homes;
    - appropriate training and guidance for staff;
    - provision of personal or intimate care;
    - safe practices in first-aid;
    - keeping passageways and access / exit areas clear and hazard free;  
and
    - procedures that monitor that health and safety practices are operating properly.



- **Occupiers' Liability (Scotland ) Act 1960**
  - Responsible bodies have responsibility for the maintenance or repair of their premises.
  - Responsible bodies must take reasonable care to ensure pupils, staff and other people on its premises do not suffer injury.
  
- **Schools (Safety and Supervision of Pupils) Scotland Regulations 1990**
  - Education authorities have a duty to take reasonable care for the safety of pupils under their charge.
  - Education authorities should ensure that each school under their management which is:
    - a primary school having 50 or more pupils in attendance; or
    - a special school;is supervised by at least one adult when in a playground (or outdoor area provided by the authority for recreation or play at break times) during any break time.

### Further info

The Good Practice Guide – *Health & Safety on Educational Excursions* and its supplements:

*Standards for Local Authorities in Overseeing Educational Excursions*,  
*Standards for Adventure*, and  
*A Handbook for Group Leaders*

can be printed and downloaded from [www.scotland.gov.uk](http://www.scotland.gov.uk) and  
[www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk).

Copies of the above are available on request from the Scottish Executive Education Department, Schools Division, Victoria Quay, Edinburgh, EH6 6QQ, tel: 0131-244 0943.

The Protection of Young People in the Context of International Visits 2002  
<http://www.scotland.gov.uk/library5/education/pcsr-08.asp>



## Section 14

The Mental Health (Scotland) Act 1984

The Mental Health (Care and Treatment) (Scotland) Act 2003

NB:

- The 1984 Act is due to be replaced by the 2003 Act. The 2003 Act was passed in 2003 and will become law on commencement, which is expected to occur in Autumn 2005.
- A Code of Practice is expected to be published in Summer 2005.

### What it concerns

Range of provisions regarding the mental health of young people.

### What is required for schools and authorities

#### – Mental Health (Scotland) Act 1984

- Co-operate with health boards and voluntary organisations concerned with people suffering mental ill-health, to provide after-care.
- Local authorities should support any looked after children in hospital, because of mental illness, by visiting them as a parent would.
- Provide education and training opportunities for pupils if they suffer from mental illness and secure suitable provision (training or work) for those over school age.



### – Mental Health (Care and Treatment) (Scotland) Act 2003

The Act applies to people with mental illness, personality disorders and learning disabilities.

- ‘Service users’ and carers have the right to request an assessment of the service user’s needs from a Health Board or local authority.
- Local authorities have a duty to provide care and support services, and to provide services designed to promote the wellbeing and social development of people who have had a mental disorder.

The Act also refers to powers which enable health services (or the police) to detain people who present a danger to themselves or others or to treat people who are unable, because of their illness, to consent to treatment. Schools will rarely find the need for emergency intervention because of a sudden deterioration in mental health. If this occurred, then emergency medical services should be sought. However, this Act does give the police the power to take a person from a public place to a place of safety in order for an assessment to be made; and gives powers for people with a mental disorder to be detained while their condition is assessed by medical/psychiatric practitioners.

### Further info

An Introduction to The Mental Health (Care and Treatment) (Scotland) Act 2003 booklet

<http://www.scotland.gov.uk/library5/health/mhsa-00.asp>

The New Mental Health Act – What’s it all about? A short introduction booklet

<http://www.scotland.gov.uk/library5/health/nmha-00.asp>



## Section 15

### The United Nations Convention on the Rights of the child (UNCRC)

(See also The European Convention on Human Rights, Section 17.)

#### What it concerns

The UNCRC is an international agreement between states to ensure countries adopt a standard of policy and law that is in the best interests of children.

The UK (including Scotland) is a signatory to the UNCRC and reports to a UN Committee on progress every five years. The 54 articles of the UNCRC are not legally binding on the UK. It is the Scottish Executive's policy to reflect, wherever possible, the articles in the Convention when taking forward policy and introducing legislation.

#### Relevant articles of the Convention for schools keeping children safe and well include:

- **Article 3** – all actions concerning children must be made by consideration of the child's best interests. The state must ensure children are protected and cared for, taking into account the rights and duties of parents. Services responsible for the care and protection of children must be of a good standard and have sufficient and suitable staff.
- **Article 5** – respect the rights, responsibilities and duties of parents/carers to direct and guide a child (see also Section 17, *ECHR*).
- **Article 9** – parents and children should stay together unless it is clear this is not in the child's best interests.
- **Article 11** – protection from being taken abroad illegally.
- **Article 12** – children have the right to express views in all decisions affecting them (see also Section 1, *Legislation Children (Scotland) Act 1995*).
- **Article 19** – protection from violence and abuse, including legal, social and educational measures and programmes for parents. There should be procedures to identify, investigate and act upon instances of violence or abuse.



- **Article 20** – children may be taken into state care where a child has lost their family or where it is not in their best interests to stay with their family.
- **Article 22** – protection and support for refugee children, whether alone or with parents.
- **Article 23** – the right of disabled children to a full life and dignity, self-reliance and active participation as far as they are able.
- **Article 28 and 29** – the right to an education, directed towards the development of the child’s personality, talents and mental and physical abilities to their fullest potential.
- **Article 32** – protection from hazardous work.
- **Article 33** – protection from illicit drug use and trafficking.
- **Article 34** – protection from sexual exploitation.
- **Article 35** – protection from abduction and child trafficking.
- **Article 36** – protection from all other forms of exploitation.
- **Article 37** – protection from degrading or inhuman treatment or punishment.
- **Article 39** – measures should be taken to support a child to recover from abuse.
- **Article 40** – children who break the law are treated with dignity and supported to reintegrate into a constructive role in society.



### What is required for schools, authorities, staff

It is good practice for staff to be aware of the UNCRC and for children to have opportunities to learn about their rights under the Convention. Children learning about their rights also learn that others have rights too – and that they must not treat others in a way that infringes their rights.

### Further info

Scottish Alliance for Children's Rights – [www.sacr.org.uk](http://www.sacr.org.uk)

### Key contacts

For young people: [www.article12.org](http://www.article12.org)  
[www.anationalvoice.org](http://www.anationalvoice.org)



## Section 16

European Convention on Human Rights  
(Incorporated by the Human Rights Act 1998 and the Scotland  
Act 1998)

### What it concerns

**Article 8** – people’s right to respect for their private and family life, home and correspondence.

**Article 3** – freedom from torture and inhuman or degrading treatment.

### What is required for schools, authorities, staff

- Education professionals must balance the rights of children and the rights of parents with regard to Article 8. The role of public services must clearly be concerned with measures to protect children, where children’s right to health and moral protection is not met by parents, or where parents need support in this role.
- All treatment concerning children, including school and parental discipline, should respect children’s dignity.



## Section 17

### Guidance on Exclusion (School circular 8/03)

#### What it concerns

School exclusions.

#### What is required for schools, authorities, staff

- Schools should check that there are appropriate arrangements for the care of a pupil before s/he is sent from the school premises.
- Education authorities and schools should consider if there are family or other circumstances that mean support is required if a child is excluded.
- Social Work Services must be informed if a pupil has been excluded if the particular pupil is on the child protection register or is a Looked After child. Provision should also be put in place, as far as possible, to ensure the ongoing monitoring of the welfare of the child and provision for the child's educational needs as described in the child's Care Plan. Due regard should be given to the confidentiality of the child.
- Parents and carers of a Looked After child should be advised about the decision to exclude the child whenever possible.
- Education authorities and schools should consider if there are any additional considerations which should be made in respect of particular groups of pupils, including pupils with special educational needs and Looked After Children.
- It is good practice to undertake a risk assessment for any excluded child on the child protection register. The assessment should identify and address any difficulties relating to home circumstances which would likely arise from exclusion. Where necessary, locally agreed child protection procedures involving all the relevant agencies may come into play.
- Schools must act in accordance within their respective education authority's policies and procedures with regard to exclusion.



### Further info

SEED Guidance Circular 8/03 on Exclusion –  
[www.scotland.gov.uk/library5/education/cefs-00.asp](http://www.scotland.gov.uk/library5/education/cefs-00.asp)

### Key contacts

Tracy O'Hanlon, Scottish Executive, Tel: 0131-244 1587  
[www.tracy.o'hanlon@scotland.gsi.gov.uk](mailto:www.tracy.o'hanlon@scotland.gsi.gov.uk)



## Section 18

### Helping Hands Guidelines for staff who provide intimate care for children and young people with disabilities

#### What it concerns

Good practice in intimate care.

#### What is required for schools and authorities

- Schools should seek to engage with parents and children, prior to enrolment:
  - to discuss the normal routines of the school; and
  - to meet staff most likely to be involved with the child.
- Staff should receive training in good working practices which comply with health and safety regulations.

#### What is required for staff

- Wherever possible staff should work with children of the same sex.
- Staff should be mindful of and respect children's personal dignity at all times.
- Male members of staff should not normally be involved in providing intimate care of adolescent girls – except in emergency situations.
- Religious views and cultural values of families should also be taken into account.

#### Further info

<http://www.scotland.gov.uk/library2/doc02/hhgs-02.htm>



## Section 19

### Guidance on Sex Education in Schools (Circular 2/2001)

#### What it concerns

The need for appropriate level of sex education for children.  
Informing and responding to parents and carers.

#### What is required for schools and authorities

- Education authorities should consider the following when providing sex education programmes:
  - the value of a stable family life in a child's developments;
  - ensure that the content of instruction provided is appropriate and has regard to each child's age, understanding and stage of development.
- Schools should inform and consult parents on the purpose and content of sex education, and when revising sex education programmes.
- Parents and carers should have the opportunity to view in advance key teaching materials and ask questions about the programmes. Parents may withdraw their child from sex education.
- Schools should also give pupils an opportunity to identify and express their own needs.

#### Further info

[www.scotland.gov.uk/library3/education/finalcircular.pdf](http://www.scotland.gov.uk/library3/education/finalcircular.pdf)

#### Key contacts

Rod Burns, Scottish Executive, tel: 0131-244 7853  
[rod.burns@scotland.gsi.gov.uk](mailto:rod.burns@scotland.gsi.gov.uk)



## Section 20

### Scottish Translation, Interpreting and Communication Forum's Good Practice Guidelines

#### What it concerns

Provision of translation and interpreting services for children, young people and families from ethnic minorities.

#### What is required for schools, authorities, staff

- Adequate translation and interpreting services should be available for children and families from minority ethnic communities to enable them to understand and fully participate in any child protection enquiries that affect them.
- Interpreters should, whenever possible:
  - be independent of the local ethnic community;
  - have skills in interpreting for child protection purposes; and
  - be aware of the need to maintain confidentiality.
- Children should not be expected to interpret for their parents or carers during child protection enquiries.

#### Further info

The Scottish Translation, Interpreting and Communication Forum – Good Practice Guidelines – SE 2002

[www.scotland.gov.uk/library5/social/stic-00.asp](http://www.scotland.gov.uk/library5/social/stic-00.asp)



## Section 21

### Child Protection Committee Guidance

(Links with the Children (Scotland) Act 1995 and the Local Government in Scotland Act 2003.)

#### What it concerns

Strategic planning for inter-agency working on child protection.

#### What is required for schools and authorities

Child Protection Committees (CPCs) are the key local bodies for developing and implementing child protection strategy across and between agencies.

Their key functions are:

- to produce and disseminate public information regarding the protection of children and young people;
- to seek continuous improvement of child protection work; and
- to develop strategic planning alongside other planning priorities such as the integrated children's services plan and Community Planning.

#### – Child Protection Committee Guidance

- Local authorities (along with the other key agencies) have a responsibility to ensure they work effectively as possible to protect children and young people.
- The Chief Executive of the local authority will ensure that a Chief Officers Group is established and that this Group will carry out the roles and responsibilities contained within the Guidance.
- Agencies – both individually and collectively – should demonstrate leadership and accountability for their work and its effectiveness.
- Service plans relating to child protection should be reflected within integrated children's services plans.
  - From 2006-07 the CPC annual report and business plan will form a section of the integrated children's services plan.



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

- Local authorities have a duty to prepare, publish and keep under review plans regarding services for children, consult and inform stakeholders on these, and co-operation between agencies

### **Local Government in Scotland Act 2003**

- Local authorities have a duty to initiate, maintain and facilitate a process of community planning, and other agencies have a duty to participate in the process. Local authorities should publish a report on its community planning and they have the power to do anything which they consider is likely to promote or improve wellbeing.

### **Further info**

[www.scotland.gov.uk/about/ED/CnF/00017834/CPCreform.aspx](http://www.scotland.gov.uk/about/ED/CnF/00017834/CPCreform.aspx)

#### **Protecting Children and Young People: The Charter**

[www.scotland.gov.uk/library5/education/ccel-00.asp](http://www.scotland.gov.uk/library5/education/ccel-00.asp)

#### **Protecting Children and Young People: Framework for Standards**

[www.scotland.gov.uk/library5/education/pcypfs-00.asp](http://www.scotland.gov.uk/library5/education/pcypfs-00.asp)

#### **Child Protection Committee Directory**

[www.scotland.gov.uk/topics/people/young-people/early-education-child-care/17834/14723](http://www.scotland.gov.uk/topics/people/young-people/early-education-child-care/17834/14723)



## Section 22

### Scotland's Commissioner for Children and Young People

The Commissioner:

- promotes and safeguards the rights of children and young people
- promotes best practice by service providers
- considers and reviews the adequacy and effectiveness of any law, policy and practice as it relates to the rights of children and young people
- commissions and undertakes research on matters relating to the rights of children and young people.

Contact details:

Scotland's Commissioner for Children and Young People  
85 Holyrood Road  
EDINBURGH EH8 8AU

tel: 0131-558 5480 fax: 0131-718 6100

website: [www.cypcommissioner.org/content/about-us/index.php](http://www.cypcommissioner.org/content/about-us/index.php)

e-mail: [enquiries@cypcommissioner.org](mailto:enquiries@cypcommissioner.org)



### **The Govan Law Centre's Education Law Unit**

The Education Law Unit is an independent organisation which specialises in education law in Scotland. It works in partnership with schools, educational authorities, parents' groups and charities. The Unit also provides advice, information, training, mediation and representation services.

Contact details:

The Govan Law Centre  
47 Burleigh Street  
GLASGOW G51 3LB

tel: 0141-445 1955 fax: 0141-445 3934

website: [www.edlaw.org.uk/access.html](http://www.edlaw.org.uk/access.html)

e-mail: [advice@edlaw.org.uk](mailto:advice@edlaw.org.uk)

### **The Scottish Children's Reporter Administration (SCRA)**

The SCRA is the national body responsible for providing a care and justice system for Scotland's children. It has regional offices throughout Scotland. Its main responsibilities are:

- to facilitate the work of Children's Reporters
- to deploy and manage staff to carry out that work
- to provide suitable accommodation for children's hearings.

Contact details for SCRA headquarters:

Ochil House / Enterprise House  
Springkerse Business Park  
Stirling FK7 7XE

tel: 01786 459500 fax: 01786 459533/45932

website: [www.scra.gov.uk](http://www.scra.gov.uk)



### **Enquire**

Enquire is the Scottish advice service for additional support for learning. The service is available to:

- parents and carers of children and young people with additional support needs
- children and young people
- professionals.

The service offers advice and information via a telephone helpline, publications, factsheets and tailored training for parents and professionals.

Contact details:

Enquire

Children in Scotland

Princes House, 5 Shandwick Place

EDINBURGH EH2 4RG

helpline: 0845 123 2303 tel: 0131 228 8484 text phone: 0131 22 22 439

e-mail: [Enquire.SENinfo@childreninscotland.org.uk](mailto:Enquire.SENinfo@childreninscotland.org.uk)

website: [www.enquire.org.uk](http://www.enquire.org.uk)

### **Scottish Human Rights Centre (SHRC)**

The SHRC is a non-governmental organisation which aims to promote human rights in Scotland. It provides a free advice and information service which is open to the public and deals with queries on education and other human rights' issues.

Contact details:

Scottish Human Rights Centre

146 Holland Street

GLASGOW G2 4NG

tel: 0141 332 5960 fax: 0141 332 5309

website: [www.scottishhumanrightscentre.org.uk](http://www.scottishhumanrightscentre.org.uk)

e-mail: [info@scottishhumanrightscentre.org.uk](mailto:info@scottishhumanrightscentre.org.uk)

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