



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

Child Wellbeing and Protection Guidance

Guidance for all Staff and Volunteers

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Date:	29/09/2023
Review Date:	01/07/2024

September 2023

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1. Child Wellbeing and Protection Guidance

This guidance has been written in line with both national and local policy, procedure and guidance for Clackmannanshire's Education service. This document is reviewed annually to take cognisance of The Early Years Framework, 2008, The Scottish Government's *Getting it Right for Every Child* (GIRFEC) and National Practice Model refreshed in 2022, National Guidance for Child Protection in Scotland, 2021 and The Children and Young People (Scotland) Act, 2014. The Scottish approach to child protection is based upon the protection of children's rights. The Getting it right for every child (GIRFEC) policy and practice model is a practical expression of the Scottish Government's commitment to implementation of the [United Nations Convention on Rights of the Child](#) (UNCRC). [The Promise](#) is Scotland's commitment to care experienced children and young people that they will grow up loved, safe and respected. This requires a continuum of preventative and protective work.

At a local level, the Education Service has adopted the Forth Valley Child Protection Guidance with the most current version available on [Practitioner Pages](#). This guidance has been produced to reflect the [National Guidance for Child Protection in Scotland 2021 – updated 2023](#) and local procedures produced by Clackmannanshire Child Protection Committee, specific to the needs of our education staff and volunteers.

The aim of this document is to assist staff and volunteers in the understanding of the processes for keeping our children and young people safe and well. It sets out expectations of staff, volunteers and management in the protection of children and young people and highlights key responsibilities both individual and shared. It also serves as a resource for staff on specific areas of practice and standards in child protection.

The wellbeing and safety of our learners is central to the Education Service's ethos and underpins all we do. Cultivating open, responsive communication to develop relationships between staff, learners and parents and carers is key to wellbeing and protection. Our policies, procedures and guidance have been updated, to ensure progression in this area following consultation and advice from our regulators.

This document is available for viewing on the Council Connect system.

Child Protection Co-ordinators and Headteachers should refresh their Child Protection Key Processes Roles & Responsibilities Training every three years and this training can be booked by emailing ssld@clacks.gov.uk.

1.1 Implementing Getting it Right for Every Child in Clackmannanshire

The Scottish Government implementation of the Children and Young Persons (Scotland) Act (2014) will embed the Named Person in statute, providing clear guidance regarding sharing information. This means that as well as other provisions, the Named Person will become a statutory right for every child; every child will have at least one person in our universal services who is responsible for their wellbeing. Parents ultimately are responsible for their children's wellbeing and safety in Clackmannanshire and we respect this. However, there are times in a child or young person's life when they may need additional support to ease life's difficulties such as loss and bereavement, exam pressures and transition through school and beyond.

For some children, life can be a lot more difficult and their adverse experiences outweigh, at times, their resilience and ability to cope well. This is where Getting it Right for Every Child:

- puts children's needs first.
- ensures that children are listened to, understand and participate in decisions that affect them.
- ensures that children get the appropriate co-ordinated support when they need it to promote, support their wellbeing, health and development and keep them safe.
- promotes early, proactive intervention to improve the wellbeing of all children in keeping with eight indicators designed to assess a child or young person's overall wellbeing and identify any concerns: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

1.2 Working to the National Practice Model

The [National Practice Model](#) for Getting it Right for Every Child provides the foundation for identifying concerns, assessing needs and risks and making plans for children and young people. It provides a shared language and understanding for all staff.

The single system of planning for a child should be used in every case – one child, one plan. Clackmannanshire Education Service has adopted the use of the National Practice Model in a way that reflects the core wellbeing and protection responsibilities.

1.3 The Named Person

The Named Person in Clackmannanshire Council will usually be the Headteacher of the school. However, to support children and young people effectively and in line with statutory guidance, certain Named Person responsibilities are delegated to promoted teaching staff within the school such as Depute or Principal Teachers of Guidance or the Child Protection Co-ordinator who have within their remit, responsibilities to ensure the Getting it Right approach is adopted within the school.

In our early years provision, the Named Person for pre-school children will be the designated health care professional e.g. Health Visitor. Where the early years provision is a school-based nursery or nursery school class the Headteacher or Child Protection Co-ordinator will work with the child's Named Person to ensure that the child's wellbeing and safety is prioritised and services meet the child's needs. The education senior management team understand they have a shared responsibility to ensure the Named Person is a valued and effective role in the wellbeing and protection of children and young people.

(Further information on Getting it right is on pp 18-22)

1.4 Definitions of a Child

For the purposes of this guidance all references to children and young people mean a person under 18 years of age (in line with local and national procedure). Where a young person between the age of 16 and 18 requires protection, the school will need to consider which legislation or policy, if any, can be applied. This will depend on the young person's individual circumstances as well as on the particular legislation framework. The Children and Young People (Scotland) Act 2014 states that for 16 and 17 year olds all child or adult protection interventions will be managed through the statutory single Child's Plan. Special consideration will need to be given to the issue of consent and whether an intervention can be undertaken where a young person has withheld their consent. The priority is to ensure

that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection.

[The Age of Criminal Responsibility \(Scotland\) Act 2019](#) was passed unanimously by the Scottish Parliament on 7 May 2019 and received Royal Assent on 11 June 2019.

The Act was commenced in phases, and was fully commenced on 17 December 2021. Children **under the age of 12** can no longer be charged or arrested. In practice this means that children under the age of 12 can no longer be criminally responsible for their actions, however the police will still have a duty to record and fully investigate allegations of crime. This means the language used is important and any reference to the child must not be used in the context of criminality. More information and awareness can be found on Forth Valley's [Practitioner Pages](#).

(further definitions can be found in section 8 on page 25)

1.5 Trauma Informed Practice

The National Guidance for Child Protection Scotland 2021 details that the [Scottish Knowledge and Skills Framework for Psychological Trauma and accompanying Trauma Training Plan](#), commissioned by Scottish Government and developed by NHS Education for Scotland is now accessible to the broader workforce, with a range of accompanying training resources. Across Education in Clackmannanshire, the trauma-informed 'Readiness for Learning' approach (R4L) supports learners to understand the impact of trauma on children's lives. A range of training and resources are available to support education establishments to implement an R4L approach, including training in a number of core components both in person and via the Clacks Academy. More widely across the Council, work is underway to implement the Trauma Training Plan across the entire workforce. Being trauma informed and being a trauma skilled practitioner will assist on delivering The Promise, GIRFEC and the UNCRC requirements.

2. Our Wellbeing and Protection Responsibilities

The primary indicator for child protection is **safety**. There are opportunities in school to observe signs of unhappiness or abuse which would otherwise pass unnoticed. It is therefore important to recognise indicators of risk. The information has to be used in the context of the child's whole situation and in combination with a range of other information related to the child and his/her circumstances.

2.1 Equipping children with the knowledge, skills and understanding to build resilience and to keep themselves and others safe

The Personal, Social and Health Education (PSHE) curriculum covers Wellbeing and Child Protection (CP) emphasising personal safety and the development of resilience. It addresses issues of rights and responsibilities, bullying, alcohol, drugs and sexual behaviour, as well as the safe usage of the internet, mobile phones and social networking sites. Pupils are made aware of the school policies on Child Wellbeing and Protection.

Clackmannanshire Education Services '[Building Positive Relationships for Establishment Improvement: Positive Behaviour, Attendance and Exclusion Guidelines 2018](#)' is available on CONNECT. It acknowledges that to allow or condone bullying may lead to consideration

under child protection procedures. This includes homophobic and gender related bullying and cyber-bullying. Such behaviour can leave people feeling helpless, frightened, anxious, depressed or humiliated and can have a devastating and lifelong impact. Racist incidents may also lead to the incident being reported to the police as a hate crime under UK legislation.

2.2 What is the Difference between Wellbeing and Child Protection?

A concern may be expressed about anything that affects or has the possibility of affecting the wellbeing, happiness or the potential of a child. The concern may refer to a single event or a series of events, or may be that the child's behaviour is a concern. It is important that staff are confident in distinguishing between a **routine concern**, which is likely to be handled in school, and a **Child Protection Concern**.

A child protection concern is one that is assessed as a risk that is causing or likely to cause significant harm to a child. Significant harm is inextricably linked to child protection and is a single incident or an accumulation of incidents that can disrupt and impact on a child's physical, emotional, or psychological development.

2.3 What to do if you have a Concern about a Child

Staff should be aware that many factors may adversely affect the wellbeing, happiness or child's potential. It is the combination, frequency and duration of signs that will alert a member of staff to a problem. Try to notice all changes in usual behaviour. There can be an overlap between different forms of child abuse; all or several can co-exist. These should be considered carefully in relation to the [Wellbeing Indicators \(SHANARRI\)](#) and [National Risk Assessment toolkit](#).

[National Guidance for Child Protection in Scotland 2021 updated 2023](#) includes the following risk factors:

- Domestic abuse: children can be affected by abuse even when they are not witnessing it or being subjected to abuse themselves
- Parental problematic alcohol and drug misuse
- Disability: disabled children are all vulnerable to the same types of abuse as their able-bodied peers, but children with behavioural disorders, learning disabilities and/or sensory impairments can be particularly at risk. Similarly a parent or carer who is affected by a disability may be unable to prioritise their children's needs due to their disability.
- Non-engagement of parents and carers with services
- Children experiencing or affected by mental health problems
- Children affected by parental mental health problems
- Children subject to Sexual and / or Criminal exploitation
- Children who have been trafficked
- Children and young people who display harmful or problematic sexual behaviour
- Female genital mutilation
- Honour-based violence and forced marriage
- Fabricated or induced illness
- Children going missing
- Sudden death of a child or young person - will automatically require an investigation by services

If any of the aforementioned list is included with an assessment of risk to a child or young person it is likely that a multi-agency assessment is required and therefore a referral to Social Work or Police Scotland. **Gaining consent from a parent or carer before making a referral is not required if it may place the child or young person at greater risk.**

2.4 Child Protection in Specific Circumstances

The above list of risk indicators is not exhaustive and there are emerging themes within child protection that will need an understanding of how these present and impact on children and young people:

Child Sexual Exploitation is the exploitation of either girls or boys for the purpose of sexual gratification of another whilst 'exchanging' something in return for the purpose. The exchange may be goods, money, or a 'gift' or something far less obvious such as a favour in kind. Child Sexual Exploitation can happen online through mobile technology, the internet and social networking or in the physical world through relationships directly with the abuser or friends of the abuser. Legislation on Child Sexual Exploitation defines a child as being under 18. Child Sexual Exploitation can affect children as young as primary school. Children and young people who are affected by disability, who are lesbian, gay or bisexual or transgender are more vulnerable to sexual exploitation. A child who is vulnerable through familial circumstances is more vulnerable online. More information can be found on [Preventing and addressing Child Sexual Exploitation in Forth Valley](#). *All staff should complete CSE Awareness module on Clacks Academy.*

Child Criminal Exploitation (CCE) refers to the action of an individual or group using an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity in exchange for something the victim needs or wants, or for the financial or other advantage of the perpetrator or facilitator. Violence or the threat of violence may feature. The victim may have been criminally exploited, even if the activity appears consensual. Child criminal exploitation may involve physical contact and may also occur through the use of technology. It may involve gangs and organised criminal networks. Sale of illegal drugs may be a feature. Children and vulnerable adults may be exploited to move and store drugs and money. Coercion, intimidation, violence (including sexual violence) and weapons may be involved. More information on CCE can be found on the Scottish Government's [Practitioners Guidance on Criminal Exploitation](#) published in June, 2023, and the Forth Valley Child Protection Guidance. *All staff should complete the Criminal Exploitation across the Lifespan module on Clacks Academy.*

Trafficking of children, young people and adults can be a local issue as much as it can a global one and can involve CSE and CCE. Clackmannanshire Council understands the risks associated with young people being groomed by perpetrators that aim to commercially exploit children and young people for the purposes of sexual exploitation, forced labour, domestic servitude, debt bondage, drug trafficking/decoys etc. Our children and young people are taught within the curriculum about personal safety, our staff are trained in child protection and are vigilant in the signs of children's vulnerability. Legislation on child trafficking defines a child as under 18.

Radicalisation of Young People is a risk in any society and includes the idealistic view of religion and/or faith. Radicalisation is exploitation and falls within Clackmannanshire Council's child protection policy and procedures. The Education Service aims to combat some of the issues that lead young people to radicalisation by including within the curriculum rights-based teachings, respect, self-esteem, confidence and self-efficacy. Our child protection guidance and processes are set up to protect young people online and our

curriculum is designed to assist young people to keep themselves safe. Clackmannanshire Council has adopted the UK-wide Prevent model, to assist in the prevention of radicalisation which includes anti-sectarianism. All staff must undertake the mandatory Prevent – staff awareness 2023 and Run, Hide and Tell 2023 training on Clacks Academy.

2.5 Types of Abuse

Physical Abuse Signs of possible physical abuse: • Unexplained injuries or burns, particularly if they are recurrent • Fabricated or Induced Illness • Improbable excuses given to injuries • Refusal to discuss injuries • Untreated injuries, or delay in reporting them • Excessive physical punishment • Arms and legs kept covered in hot weather • Fear of returning home • Aggression towards others • Running away When considering the possibility of non-accidental injury it is important to remember that the injuries may have occurred for other reasons, e.g. genuine accidents or medical disorders.	Physical Neglect Signs of possible physical neglect: • Constant hunger • Poor personal hygiene • Constant tiredness • Poor state of clothing • Frequent lateness and/or unexplained non-attendance at school • Untreated medical problems • Low self-esteem • Poor peer relationship • Stealing Non-Organic Failure to Thrive Signs of possible non-organic failure to thrive: • Significant lack of growth • Weight loss • Hair loss • Poor skin or muscle tone • Circulatory disorders
Emotional Abuse Signs of possible emotional abuse: • Low self-esteem • Continual self-deprecation • Sudden speech disorder • Significant decline in concentration • Socio-emotional immaturity • 'Neurotic' behaviour (e.g., rocking, head banging) • Self-mutilation • Compulsive stealing • Extremes of passivity or aggression • Running away • Indiscriminate friendliness	
Sexual Abuse Signs of possible sexual abuse: <i>Behavioural</i> • Lack of trust in adults or over familiarity with adults • Fear of a particular individual • Social isolation – withdrawal or introversion • Sleep disturbance (nightmares, irrational fears, bed wetting, fear of sleeping alone, needing a nightlight)	

- Running away from home
- Reluctance or refusal to participate in physical activity or to change clothes for activities
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's years
- Unusual interest in the genitals of adults or children or animals
- Expressing affection in an age inappropriate way
- Fear of bathrooms, showers, closed doors
- Abnormal, sexualised drawing
- Fear of medical examinations
- Developmental regression
- Poor peer relations
- Inappropriate or sexually harmful behaviours
- Compulsive masturbation
- Stealing
- Psychosomatic factors, e.g. recurrent abdominal pain or headache
- Having unexplained/abundance of sums of money and/or possessions
- Sexual promiscuity

Physical/Medical

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

The above is not an exhaustive list

To know more please either attend Multi agency Child Protection for the General Contact Workforce Training. Dates for the training can be found on the multi- agency public protection training calendar. To attend this training email ssld@clacks.gov.uk OR complete the Child Protection for the General Contact workforce Training emodule on Clacks Academy. Public Protection – Children Services – Child Protection for the General Contact Workforce.

2.6 Non-recent Abuse

Non-recent abuse is when an allegation is made some time (often a lengthy period) after the abuse has taken place. Often the victim is an adult when they report their abuse; physical, sexual or serious neglect. All non-recent abuse disclosures are investigated by core agencies in the form of an Inter-agency Referral Discussion (IRD); therefore any reported non-recent abuse to a member of education staff will be referred to Social Work or Police Scotland in line with Clackmannanshire's child protection referral procedure. Consent must

be sought from the adult who is disclosing the abuse unless there is a child who may be at risk or the allegation is made against a member of the education staff or volunteer then the procedure for *Managing Allegations of Abuse* will be applied.

2.7 Dealing with a Disclosure of Abuse

If a child discloses about possible child abuse, respond appropriately:

- React calmly so as not to frighten the child
- Listen to the child
- Do not show disbelief
- Tell the child that he/she is not to blame and that he/she was right to tell
- Explain to the child that if what they tell you means that they need more help you will need to tell some other people about what they have said so that they get help they need
- Take what the child says seriously while recognising the difficulties in interpreting what a child says, especially if they have a speech disability and/or differences in language
- Do not pre-suppose the experience was bad or painful – it may have been neutral or even pleasurable
- Always avoid projecting your own reactions onto the child
- If you need to clarify any points, keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said
- If you need to clarify or the statement is ambiguous, use open-ended, non-leading questions, e.g. what happened? Where did it happen? When did it happen? Who did it?
- Do not introduce personal information from either your own experiences or those of other children
- As the child may have been threatened about telling anyone about what has happened, let the child know that they have done the right thing in telling you about it
- If the child has no language or has disabilities that prevent them being able to put into words what is troubling them, then staff should record their observations of the child's injuries or concerning behaviour and what is worrying to the staff member about it. Is it unusual? Has it been going on for some time?

Actions to avoid

- Do not panic
- Do not allow shock or distaste to show
- Do not probe for more information than is offered
- Do not speculate or make assumptions
- Do not make negative comments about the alleged abuser
- Do not approach the alleged abuser
- Do not make promises or agree to keep secrets
- Do not give a guarantee of confidentiality

2.8 Reporting and Recording

On the same day, as soon as possible write down everything the child has told you using the child's exact words. Report the matter to the Child Protection Co-ordinator. Use the [Notification of Child Protection Concern](#) available on Connect to record your notes about what the child tells you, sign and date it and share with the Child Protection Co-ordinator. Do not delay in sharing your concerns. The Notification of Child Protection Concern should then be made to Social Work Intake/Duty Team or in an emergency to the Police.

Remember to Listen, Observe, Record and Report

3. Code of Practice for All Staff

3.1 Staff Interaction with Children and Young People – Minimising Risk

Professional practice must operate within clearly defined limits which will vary according to the age of the child and the role of the member of staff. Professional staff that are required to register with governing bodies such as the General Teaching Council Scotland ([GTCS Code of Conduct](#)) and the Scottish Social Services Council ([SSSC Code of Conduct](#)) are required to adopt the codes of practice set out by these agencies. The following codes of practice are not designed to replace any professional codes of practice but to complement them and offer a code for staff where one does not exist. The following principles are in line with the UNCRC (Rights of the Child) that must guide practice at all times:

3.2 Respect the Child or Young Person's Personal Space

- Respect a child or young person's personal space
- Never allow or engage in any form of inappropriate touching
- Avoid horseplay
- When a child is distressed, it may be appropriate for a member of staff to physically comfort a child but be mindful of the needs of the child
- Avoid any rough or physical contact with a child, or any other actions another adult might misinterpret, no matter how innocent or well-intentioned your actions might be

3.2a One-to-one Meetings

One-to-one meetings should take place in public or semi-public places such as classrooms. One-to-one meetings should only be organised when there is another member of staff in close vicinity. One-to-one meetings should never take place in a staff room or changing room.

The seating arrangements for one-to-one meetings should maintain a professional distance between the member of staff and the child. In particular, staff should not sit beside a child on a sofa. Always ensure that another adult is aware that such an interview is taking place.

Always keep the door open if a private conversation with a child is considered important and the room does not have glass in the door.

3.2b Travelling with a Child or Young Person

When the situation arises for travel, whenever possible, use a school vehicle through an official booking if you must transport a child. You should inform another member of staff of the times, destination, and purpose of the journey, particularly where you have to use your own vehicle.

You should avoid being alone in a vehicle with a child wherever possible, but due to the nature of certain situations this is not always possible. In such circumstances the member of staff should ensure the child travels in the rear seats of the vehicle and a seatbelt is used. Another child could be taken as an escort if feasible. You should inform a colleague of the journey and its nature before departure. It may be appropriate to gain parental consent in some circumstances.

When access is required to a washroom or toilet, please knock and await a response. Again, with no response one can assume it is appropriate to enter, but the same procedure should be followed as above if the area is found to be occupied on entering. Staff should never use lavatory facilities designated solely for pupil use. Staff should never need to supervise a child in the shower or washroom.

Always respect a child's right to personal privacy and dignity.

3.3 Dealing with Behaviour, Emotions and Sexuality

At different stages of development in a child's life there are times when children and young people will present with varying emotions as they make sense of the world around them. Staff must be mindful of the needs of the children and young people and at all times present a professional, child-centred approach.

3.4 Under-Age Sexual Activity

The National Guidance Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns (2010) acknowledge that increasing numbers of young people are engaging in a range of sexual activity before the age of 16. The law is very clear that sexual activity before the age of 16 is illegal and where a situation involves a young person under 13, this is automatically child protection due to the fact that a child under 13 cannot legally give consent. Not all cases of under-age sex constitute a child protection concern and where the child is age 13 – 16 our response needs to be measured and appropriate. We would hope that any form of sexual activity is consensual and is within a respectful relationship. However, there are unfortunately times when sexual acts are carried out under coercion, as a way of controlling another or in an act of violence and during our assessment, where under-age sexual activity comes to light, we must always be mindful of this.

When a member of staff becomes aware that a young person is sexually active or is likely to become sexually active, they should inform the Child Protection Co-ordinator so an assessment of risks and needs and an appropriate response can be provided.

3.5 Harmful Sexual Behaviour

Harmful sexual behaviour (HSB) is defined as “sexual behaviour(s) expressed by children and young people under the age of 18 years that are developmentally inappropriate, may be harmful towards self or others and/or may be abusive towards another child or young person or adult” (Hackett, 2014). Training is available in Clackmannanshire for staff on *preventing and managing sexual behaviour displayed by young people*. The dates of the multi- agency training are located on the multi-agency public protection training calendar. To attend one of the cohorts please email ssld@clacks.gov.uk.

In all cases where a child or young person displays sexual behaviour that may cause significant harm, immediate consideration should be given as to whether action should be taken under child protection procedures, in order both to protect children harmed or at risk of harm by the behaviour and to address any child protection concerns that may at least in part explain why the child/young person has behaved in such a way.

3.4 When Children go missing

The Scottish Government [National Missing Persons Framework for Scotland](#) describes a missing person as anyone whose whereabouts are unknown and:

- where the circumstances are out of character
- the context suggests the person may be subject to crime
- the person is at risk of harm to themselves or another

As per a child protection context ‘missing’ may cover a wide range of circumstances including:

- children and their families with whom statutory services such as health, education or social work have lost contact, and either the family location is not known, or for whatever reasons there has been no response to attempts to see the child
- children who are not known by or have been hidden from universal services
- children under 16 who have gone ‘missing’ from home, or under 18 from care, those who have run away, or been abducted either within or across borders
- ‘missing’ may include those who have been forced to leave their home base, or whose whereabouts are unknown. This may be for a wide range of reasons including injury, abuse outside the home including sexual exploitation, escape from abuse, including honour-based abuse and forced marriage, experience of crime, mental health problems, emotional distress, a lack of understanding or confusion, a wish to be somewhere else doing something else, pressure from others within or beyond the home base, bullying, the need to see another person, or some other compelling reason.

The Forth Valley Missing Person protocol can be accessed through [Practitioner Pages](#) from October, 2023 and describes the expectations of all agencies when an adult, child or young person are missing. The [Philomena Protocol](#) was introduced for all children within residential care and provides the police with details of the missing child to assist them with the enquiries to find them. Education staff should be aware of this if a child residing in residential care goes missing when they should be at school.

Education staff will follow the Policy and Operational Procedures to Support Attendance at Clackmannanshire Educational Establishments with the five stage process and when to report a child missing.

3.7 Acceptable Use of Language

Staff must never enter into conversation which is deemed inappropriate either by nature of language or topic such as suggestive, sexual, or derogatory to another. Staff must always challenge participants of conversations where the use of language, innuendo or content is unacceptable such as any behaviour which could be interpreted as sexist, racist or offensive.

Staff have a right to be treated fairly at work but should refrain from behaviour that calls attention to their own sexuality or that of a child. Staff should aim to act in such a way as to remain above reproach always and to set an excellent example to children.

Do not discourage children who want to talk to you about attitudes or behaviours they do not like (including that of a staff member). Children should feel comfortable and confident to do this.

3.8 Physical Intervention

The need to use physical restraint on a pupil is extremely rare. Any physical restraint would reflect the school's need to exercise its duty of care in an emergency; for example, restraining someone from risk to themselves or another child. Any incident involving the restraint of a pupil should be documented and records copied to the Headteacher who will follow up as required.

Any other physical contact between a member of staff and a child should be for the purposes of instruction or immediate care, with the child being informed in advance the reasons for any physical contact during instruction. 'Hands on' educational instructions/support should only be used when verbal or self-modelling is inappropriate or it is necessary for health and safety reasons. It should be done within earshot and within vision of others.

Restraint should never hurt a child, and it should only ever happen for the shortest time possible. Restraint should never be used as punishment, or as a way to make someone 'behave'.

Staff should only restrain a pupil if they are Crisis Prevention Institute (CPI) trained unless there is an immediate risk to the pupil or another person. Training can be obtained through contacting Susan Nichols (snichols@clacks.gov.uk) and in consultation within your head of establishment.

To avoid a breach of a child's rights, any use of restraint must be lawful, necessary and proportionate. The key question for everyone involved with children and young people who express distressed behaviour should be: "What is in the best interests of the child and/or those around them in view of the risks presented?"

The [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#) removes the common law defence of 'reasonable chastisement'. If a parent or carer physically punishes their child they can be prosecuted for assault. (Section 16 of the Standards in Scotland's Schools etc. Act 2000 effectively ended the use of corporal punishment in schools.).

3.9 Socialising

Staff should keep all written communication with pupils professional and use school equipment and professional emails only:

- Never give your private email address or telephone number to a child
- Always use school email addresses and mobile telephone numbers
- Do not 'socialise' with children on social networking sites. Keep a professional distance at all times
- Always follow GTCS or SSSC guidance on electronic communications and social media

Staff will adhere to the [Social Media Acceptable Use policy](#).

4. Inappropriate Behaviour by Staff

Staff must always behave in a manner which puts the safety and wellbeing of the child at the centre of their actions, working at all times within safe boundaries. The aim is to create an environment that is welcoming, friendly and nurturing without compromising professional boundaries.

Do:

- Treat all children equally, with respect and dignity
- Respect diversity and different cultures and values
- Help children to feel confident to let you know if someone is doing something to them that they do not like
- Make sure that you understand the issues of boundaries and safety when working with children
- Build balanced relationships based on mutual trust that empower children to share in the decision making process
- Involve parents and carers wherever possible
- Respect confidentiality and explain clearly to parents and carers your policy as to when it cannot be guaranteed
- Inform appropriate management of any personal difficulties that might affect your ability to do your job competently and safely
- Share with your line manager any concerns about a member of staff behaving in a way you think is inappropriate. **You must not ignore this.**
- Keep up to date with the child protection policy and procedures in your School
- Make time in staff meetings to discuss child protection issues and how to keep children safe
- Give enthusiastic and constructive feedback rather than negative criticism
- Work in an open environment where possible, avoiding private or unobserved situations
- Only restrain a child if he/she is at imminent risk of causing damage to her/himself, other children or staff.

Practice to be avoided:

- Having 'favourites' – this could lead to resentment and jealousy by other children or young people and could be misconstrued
- Spending excessive time alone with children away from others

- Taking children to your home
- Taking responsibility for tasks for which you are not appropriately trained

4.1 Reporting

It is very important if any of the following incidents occur, that they are reported immediately to the Headteacher and a written note of the incident is made. Parents should also be informed of the incident.

Report and inform if the following occur:

- If you accidentally hurt a child
- If a child seems unduly distressed
- If a child misunderstands or misinterprets something you have done

4.2 Reporting Concerns at Work (Whistleblowing)

Staff must raise any concerns they have about the actions of colleagues or school practices which may put children at risk of harm. If another member of staff is seen to behave inappropriately with a child, do not ignore it but share it with the Child Protection Co-ordinator. If the concern is about the Child Protection Co-ordinator then it should be reported to the Headteacher and if it is about the Headteacher, it should be reported to an Improving Outcomes Manager within the Education Service.

The raising of such concerns in good faith will be free from any form of retribution or disciplinary action. Further information can be found on Connect under [Reporting Concerns at Work](#).

4.3 Allegations against Staff

There are clear protocols laid down, wherever there is an allegation against a member of staff or volunteer. The school's procedures are underpinned by the *Forth Valley Child Protection Guidance*. Any member of staff who has a concern regarding the behaviour of a colleague or volunteer should in the first instance speak with their Head Teacher. Regardless of how the allegation arose the Head Teacher should contact Veronica Cully Improving Outcomes Manager on 01259 452404 or by email on vcully@clacks.gov.uk. Contact should be made as soon after a concern has been shared to prevent any further possible harm to a child or children.

5. Compliance with Child Wellbeing and Protection Guidance

Staff must read, understand and follow this Child Wellbeing and Protection Guidance. All staff and management are required to:

- Make sure they understand and work at all times within safe boundaries when working with children
- Follow the guidance and must not investigate any CP concern but record and report any incident/disclosure using [Notification of Child Protection Concern](#) detailing, where possible, exactly what was said and recording times and individuals involved

5.1 Management and Staff Responsibilities

Management and staff will:

- Respect and promote the rights, wishes and feelings of children for whom they are responsible
- Accept the moral and legal responsibility to provide a duty of care for children for whom they are responsible, and implement procedures to protect their health, development and well-being and protect them from abuse
- Recruit, train, support and supervise employees to adopt best practice to safeguard and protect children from whom they are responsible from all forms of abuse and to minimise risk to themselves
- Require staff to adopt and abide by the Education Service' child protection policy and procedures
- Respond to any allegations of abuse against a member of staff or volunteer appropriately
- Be Trauma Informed in their approach as a Trauma skilled practitioner

5.2 Responsibilities of Child Protection Co-ordinator (CPC)

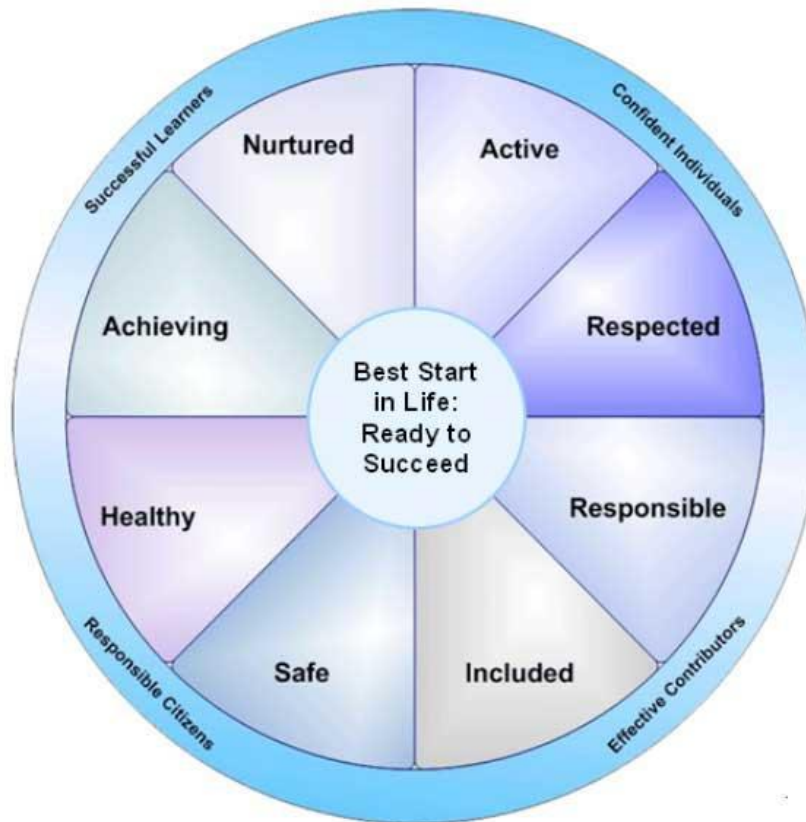
The **Child Protection Co-ordinator** (CPC) is responsible for:

- Undertaking specialist or advanced training (refreshed at least every three years) to ensure they are well-informed on issues relating to wellbeing and protection in an educational and legal context. *(Of note: all staff will complete the annual mandatory Child Protection for the General Contact Workforce emodule).*
- Receiving Notification of Child Protection Concern and considering the appropriate action needed, in consultation with the Headteacher
- Referring a child immediately if there are concerns about possible abuse to the appropriate external agencies and liaising with other agencies and professionals
- Keeping written records of concerns about a child even if there is no need to make an immediate referral
- Compile a single agency chronology of significant information/events
- Ensuring that all such records are kept confidentially and securely under lock and key, in accordance with the school's Data Protection Policy, and are separate from pupil records
- Ensuring that an indication of further record-keeping is marked on the pupil records
- Ensuring they attend core groups, or other multi-agency planning meetings, contribute to assessment, and provide reports where required

- Providing new staff with induction training on child protection, organising child protection training for all school staff and to maintain an up-to-date register of the CP training of all staff
- Promoting amongst staff an understanding of the importance of raising concerns about children's wellbeing early, and encouraging within the school a culture of listening to children sympathetically
- Ensuring all staff are aware of their responsibilities as set out in this guidance and offering advice on possible wellbeing and protection issues to any child, parent or member of staff, and offering staff guidance on safer working practices
- Informing the Headteacher immediately of concerns or allegations relating to any member of staff
- Keeping parents informed wherever possible, and sharing with them in advance any reports the school prepares for multi-agency child protection meetings concerning their child
- Ensuring that the child protection file of a child leaving the school before the age of 18 is passed to the new establishment promptly, but transferred separately and securely

6. Procedure on Recording a Wellbeing or Child Protection Concern

A concern about a child or young person may come to light through observations, through disclosure from a child because the child confides in a member of staff or because someone else expresses concern. It is important that in any instance the member of staff records their concern and makes an appropriate referral. It is important that when recording a wellbeing or child protection concern that staff must provide a comprehensive account of their concern(s). This will allow the Child Protection Co-ordinator to assess the level of risk or likelihood of risk to a child or young person. To aid the structure of a concern, reference should be made using the Getting it right Wellbeing Indicators:



The wellbeing indicators should be used to demonstrate where a concern is having an impact or likely to have an impact on the child or young person's wellbeing. The wellbeing indicators should be considered alongside the indicators of risk present in the child's lived experience e.g. domestic abuse and how this is impacting or likely to impact on the child's wellbeing.

Staff should always seek advice from the Child Protection Co-ordinator if required to complete a Wellbeing Concern or Child Protection Form. The Child Protection Co-ordinator will then take this concern forward.

When recording a concern, do not interrogate the child or young person, encourage the child to say what he/she wants. It may be appropriate for a member of staff to make an **enquiry** of a child, for example, how an injury was sustained or enquire further when a child is distressed using open-ended non-leading questions such as the **4 Ws**:

What happened?

Where did it happen?

When did it happen? And

Who did it?

If the child does not respond, the matter should not be pursued further and advice should be sought.

Never ask a Why question this can risk making a child feel accountable and /or responsible for what has happened to them. Questioning and testing of evidence is not a matter for school staff, as this is the responsibility of the core agencies; Police, Health and Social Services. Such an approach by staff could prejudice later investigations.

Remember to take what they say seriously and think about your own body language, facial expression, eye contact and tone of voice. Keep calm and do not make promises or guarantees of confidentiality. Avoid judgemental phrases such as "I don't think he would do that".

You should then complete a Notification of Concern Form which requires you to match your concern(s) against the 8 Wellbeing Indicators. You should then submit the form to the Child Protection Co-ordinator via secure email about confidential and sensitive issues.

If you think a child is at immediate risk contact the Police on 999 as a matter of urgency and complete a Notification of Concern form. If in doubt about a Child Protection concern, complete a Notification of Concern form and pass it on to the Child Protection Co-ordinator so that he/she can review your concern and take appropriate action.

6.1 What Will Happen Next?

The CP Co-ordinator will review your concern using the Getting it right six questions:

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

The CP Co-ordinator will not investigate, but will gather appropriate information, consider the context of the child's situation and, in consultation with appropriate members of staff (if necessary) make an initial assessment. It is the responsibility of the CP Co-ordinator to ensure that:

- The child is reassured and supported at all stages
- All concerned parties are informed of subsequent decisions and action, on a need to know basis; use of email should be avoided where possible and used only when the CP Co-ordinator considers it necessary, keeping to a tight circulation group
- Decisions regarding when parents are informed of a CP case will be made by Social Services or the Police

6.2 Confidentiality

We work in partnership with parents to promote the wellbeing of children and to build trust. We encourage children and/or their parents to share any concerns about wellbeing and safety with the school/ELC so that these can be addressed.

Confidentiality should not be promised to children or their parents when they share their concerns; in circumstances of serious risk a staff member is obliged to pass on information to the CP Co-ordinator or Headteacher.

The School must pass on information when legally obliged to do so.

7. Getting it right in Summary

7.1 Definition of Wellbeing

Wellbeing in the *Children and Young Person's (Scotland) Act 2014* is defined by reference to eight indicators representing the key areas that are essential to help children flourish. The eight indicators referred to in this document are defined as – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included – they provide a common language for practitioners. The Wellbeing Indicators can be understood as follows

Safe

Every child or young person has the right to be safe and protected, and to feel safe and protected from any avoidable situation or acts of commission or omission which might result in that child:

- Being physically, sexually or emotionally harmed in any way
- Put at risk of physical, sexual or emotional harm, abuse or exploitation
- Having their basic needs neglected or experiencing that their needs are met in ways that are not appropriate to their age and stage of development
- Being denied the sustained support and care necessary for them to thrive and develop normally
- Being denied access to appropriate medical care and treatment
- Being exposed to demands and expectations which are inappropriate to their age and stage of development

Healthy

Every child and young person has the right to the highest attainable standard of health to support them fulfilling their developmental potential. The physical, mental and emotional health of children and young people should be promoted, supported and safeguarded to maximise their health throughout their life course; and children and young people should have access to timely, acceptable, and affordable health care and support of appropriate quality.

Achieving

Every child and young person has the right to fulfil his potential. Improving attainment and achievement go hand in hand and mean improving life chances and enabling all our young people to progress and develop the skills, ambition and know-how to enable them to fulfil their potential. Achievement also applies to a child's development as a social being with a fully-formed and autonomous personality who feels they belong and can navigate their way through life with knowledge, understanding, skill and confidence in their ability to cope with new and different challenges.

Active

Being active is not just about 'doing'. It is also about children and young people having access to and being encouraged to take up opportunities to explore their home and community environment, play with others and express themselves in a variety of different ways. It is about developing new skills, learning how to assess and manage risks, and acting responsibly and cooperatively within teams and groups.

Above all, activity and play is essential to the child and young person's subjective sense of wellbeing; the positive feelings about the self that come from having fun.

Respected

The *United Nations Convention on the Rights of the Child* highlights the importance of parents, carers and practitioners in children's services recognising every child's right to be treated with respect and dignity at all times, regardless of their age, gender or social, religious and cultural background, regardless of what they may have done or failed to do. Respect and being respected are multi-dimensional concepts. Every child or young person has the right to express their views on matters that directly affect them, and to have those views given due weight in accordance with their age and maturity by the adults who care for them or come into contact with them in a professional or personal capacity. The child who is treated with respect is more likely to be safer, emotionally and physically healthier, happier, more nurtured, more likely to feel and be included, more likely to achieve and more likely to respect themselves and others and behave in a considerate and responsible way. Ensuring they are involved in and having their voices heard in decisions that affect their life, with support where appropriate.

Responsible

Being responsible is about accountability, but it is also about leadership and decision making and understanding the rules, norms and parameters which guide how we live alongside each other. It is about the capacity for moral judgement and taking a principled stand. It is also about showing respect and compassion for others, being honest with oneself, and with others and resisting pressure to engage in inappropriate, dangerous or anti-social behaviour. Being responsible is also about self-control; being patient when one's wishes are not instantly gratified and not resorting to aggression and violence to get one's way. It is also about learning how to negotiate with others.

Included

Every child has the right to be included. Inclusion is about the acceptance of all, and the recognition that each, regardless of their differences, can make a valuable contribution to the community. The emphasis is placed on addressing the needs of the whole child and not just those of current or most urgent concern and also assessing the child's needs within the context of his development and environment and identifying the strengths and pressures in that child's world. A strong emphasis should be given to removing the social, economic, cultural and personal barriers that prevent children and families from accessing services, exercising their rights and engaging with their community and society at large.

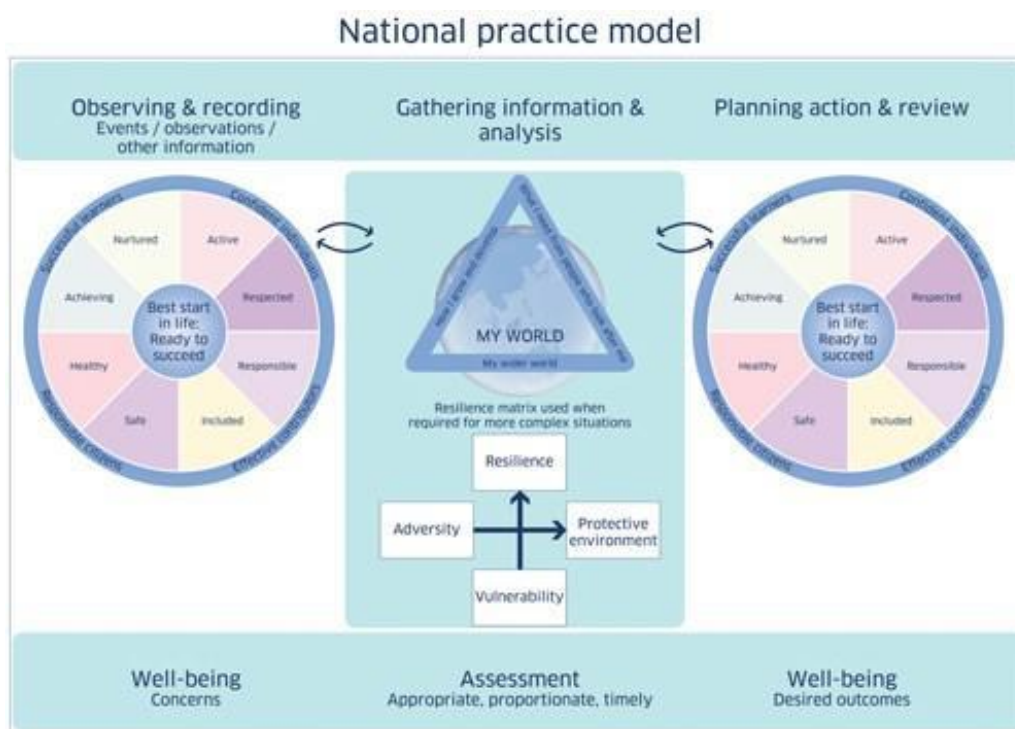
The **Wellbeing Indicators** are separately defined, in practice, the indicators are not discrete but connected and overlapping. In this way they give a holistic view of the child or young person and allow them, and the adults supporting them, to consider strengths and barriers to growth and development.

7.2 Getting it Right for Every Child National Practice Model

Getting it right is the national approach in Scotland to improving outcomes and supporting the wellbeing of our children and young people by offering the right help at the right time from the right people. It supports them and their parent(s) to work in partnership with the services that can help them.

Getting it right offers an approach using common tools, language and processes to consider a child or young person's wellbeing, working closely with them, their parent(s) and other professionals, supporting them where appropriate.

In Clackmannanshire Council we have adopted the use of the National Practice Model that allows the observation, recording, information gathering, analysis, planning and review to meet the needs of children and young people that require support.



Only when the needs of the child or young person cannot be met by their school, in partnership with the child or young person and the parents or carers, is when a referral to external agencies will be made.

Alongside the National Practice Model, Clackmannanshire Council's Education Service has implemented processes and procedures congruent to the Forth Valley Child Protection Guidance. This approach to rationalise and adopt consistent wellbeing and protection

systems is to ensure effective and timeous responses where necessary to minimise unnecessary delay in getting a child or young person and their families the help they need when it is needed.

7.3 Assessment of Need

The effectiveness of a Child's Plan depends to a large degree on the quality, breadth and soundness of the information available about that child and family and on the analysis of that information. If our children and young people and their families are to get the help they need, when they need it, professionals have to be able to access the appropriate information purposefully and systematically in order to establish what help and support might be required. Utilising the National Practice Model as evidence-based practice to assess the lived experience of the child helps to formulate the basis for a child's plan. For consistency, the assessment of need should always include the Getting it right 6 questions that allow reflection upon the needs of the child, thus keeping the assessment child-centred. *The Identification of Need, Risk and Desired Outcomes Training is multi-agency training which will assist all practitioners in education. The dates to attend this training is located on the multi-agency public protection training calendar. To attend one of the cohorts please email ssld@clacks.gov.uk.*

7.4 Child's Plan

Getting it right introduces the concept of **one plan**, no matter what the child's needs, to be used by a single agency or several agencies working together to support the child. The one child, one plan approach is a progressive move from every agency maintaining their own single plans that were not compatible or shared. The Child's Plan is constructed (usually through a Child Protection Planning Meeting) using the Integrated Assessment and Plan Form and may be compiled by a single agency or multiple agencies in partnership with the child or young person, their parents or carers. The Child's Plan is designed to break down the assessment of risk and need of the child and assign desired outcomes for progress. The Child's Plan allows for change in circumstances and the management of risk. The Named Person, or those with delegated authority such as the Child Protection Co-ordinator has responsibility for the co-ordination and monitoring of the Child's Plan.

Every plan includes:

- information about the child's wellbeing needs including the views of the child and their parent(s)
- details of the action to be taken
- the service(s) that will provide the support
- the way in which the support is to be provided
- the outcome that the plan aims to achieve and
- when the plan should be reviewed

A Child's Plan will also record who will coordinate the support. When children, young people and families require the help and support of a child's plan, a Lead Professional will be needed. The Lead Professional is an agreed, identified person within the network of practitioners who is working alongside the child or young person and family. In most cases, the professional who has the greatest responsibility in coordinating and reviewing the child's plan will undertake this role.

8. Definitions

The term **‘staff’** refers to all adults working at the school – teaching, administration, catering, domestic, support, volunteer helpers, visiting music teachers, sport and activity coaches etc.

A **‘child’** In Scotland a child is defined in accordance with relevant legislation below;

Definition of a Child	
Legislation	Age
Children (Scotland) Act 1995	Parental Responsibilities (16) Looked After Children (18)
Children and Young People (Scotland) Act 2014	Foster, Kinship or Residential Care- provision of accommodation and assistance until 21
Children’s Hearing (Scotland) Act 2011	Child under the age of 16 Subject to Compulsory Supervision Order (before 16) until 18 Criminal Proceedings if already subject to Order until 18
Human Trafficking and Exploitation (Scotland) Act 2015	Under the age of 18
Adult Support and Protection (Scotland) Act 2007	Over 16 if criteria met
Mental Health (Care and Treatment) (Scotland) Act 2003	Under the age of 18
Adults with Incapacity (Scotland) Act 2000	Attained the age of 16

Child Protection is when a child requires protection from child abuse or neglect. For a child to require protection, it is not required that child abuse or neglect has taken place, but rather a risk assessment has identified a likelihood or risk of significant harm from abuse or neglect.

Harm/Significant Harm means the ill treatment or the impairment of health or development of the child – in this context, “development” can mean physical, intellectual, emotional, social or behavioural development and “health” can mean physical or mental health. Child protection is defined as the risk of significant harm – whether the harm suffered, or likely to be suffered, by a child is “significant” is determined by comparison of the child’s health and development with what might be reasonably expected of a similar child.

Risk is the likelihood or probability of a particular outcome given the presence of factors in a child or young person's life. Risk is part of everyday life and may be deemed acceptable; they may also be reduced by parents/carers or through the early intervention of universal services. At other times, a number of services may need to respond together as part of a co-ordinated intervention. Only where risks cause, or are likely to cause, significant harm to a child would a response under child protection be required. Where a child has already been exposed to actual harm, assessment will mean looking at the extent to which they are at risk of repeated harm and the potential effects of continued exposure over time.

Wellbeing is summed up in eight words that describe different aspects of what it means when things are going well for a child or young person – whether they are ‘safe’; ‘healthy’; ‘achieving’; ‘nurtured’; ‘active’; ‘respected’; ‘responsible’ and ‘included’.

The Named Person is a professional within the universal services of health or education, depending on the age of the child.

The Named Person generally across Scotland is:

- From birth until entering P1 – Health Professional such as the Health Visitor
- From P1 until leaving school – a Head Teacher or promoted teacher

The Named Person is the first point of contact for children, families and for other agencies, when there are concerns about a child. The Named Person is usually the person to initiate action if a child needs extra help, and is critical in supporting early intervention. The Named Person works closely with the CP Co-ordinator to ensure the duties of the Named Person are fulfilled. A Named Person can help children, young people and families access relevant support for a child or young person's wellbeing. Where there is a Child's Plan in place, the Named Person will work alongside the Lead Professional, continuing to provide general advice or support, while the Lead Professional will be the point of contact in relation to the plan. In some cases the Named Person will also be the Lead Professional.

*from [National Guidance for Child Protection in Scotland 2021- updated 2023](#).

[Practitioner Pages](#) and [Forth Valley and West Lothian Regional Improvement Collaborative \(RIC\)](#) contain other resources that can assist practitioners working with children and young people.

9. Legislation and Links to Other Policies and Procedures

There are a large number of laws and guiding documents that define and support child protection policy and procedure. For the purpose of brevity we have listed the main pieces of legislation and guidance for reference. These include:

- Forth Valley Inter-agency Child Protection Guidance
- Scottish Government National Guidance for Child Protection in Scotland, 2021
- Getting it Right for Every Child (GIRFEC), 2022
- Children and Young People (Scotland) Act, 2014
- Protection of Vulnerable Groups (Scotland) Act, 2007
- Criminal Justice Act, 2003
- Prohibition of Female Genital Mutilation (Scotland) Act, 2005
- Protection of Children and Prevention of Sexual Offences (Scotland) Act, 2005
- Sexual Offences (Scotland) Act, 2009
- Children (Scotland) Act, 1995
- Domestic Abuse (Scotland) Act, 2011
- Sexual Offences (Procedure and Evidence) (Scotland) Act, 2002
- Mental Health (Care and Treatment) Act, 2003
- Adult Support and Protection (Scotland) Act, 2007
- Equality Act, 2010
- Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act, 2011
- Protecting Children: A Shared Responsibility (Scottish Office 1998)
- National Guidance Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns (2010)
- The Human Rights Act (1998)
- The Data Protection Act (1998)
- Getting our priorities Right, 2013

The most up to date version of Forth Valley Inter-agency Child Protection Guidance can be viewed on [Practitioner Pages](#).