



# **Protecting People Policy and Guidelines for Practice**

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# Child Protection Policy

## Policy Statement

1. DCICA believes that the protection of children and young people is everyone's responsibility. It is a responsibility present in every aspect of our work with young people and their families. Children and young people will be treated with dignity and respect at all times.
2. The welfare of every child and young person in contact with the service remains paramount at all times. It means that, when providing services for a young person under the age of 18, that child or young person's right to protection from harm shall always be the overriding priority.
3. DCICA is committed to promoting the welfare and safety of all who come into contact with it, regardless of age, culture, religion, gender, sexuality or disability.
4. DCICA recognises the need for working in partnership with other agencies in order to protect young people. DCICA will work towards a professional culture of openness and cooperation. All workers need to be aware of the responsibilities appropriate to their role.
5. DCICA will keep up to date with Local Authority Guidelines that apply in our area and will work within them, liaising with the Child Protection Committee.
6. Child protection procedures are not separate to DCICA's day to day activities and should be reflected in every aspect of our work.
7. Everyone working for DCICA has a role to play in child protection, including paid staff, Board of Trustees and volunteers.
8. DCICA will ensure that all staff and volunteers are selected, trained and supported appropriately.
9. DCICA will assess all risks carefully and take all reasonably practicable steps to avoid, minimise or manage them as appropriate.
10. To help children and young people make informed choices information about the DCICA's policies, procedures and services will be available in a variety of forms to ensure that it is appropriate for and accessible to all children, young people and parents accessing the service.
11. DCICA will review this policy and the relevant procedures regularly in consultation with a range of its stakeholders.
12. This policy has been developed in reference to the National Guidance for Child Protection in Scotland (2014).

## 1. What is Child Protection?

Child protection means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect.

### What is Harm and Significant Harm in a Child Protection Context?

Child protection is closely linked to the risk of significant harm. Where there are concerns about harm, abuse or neglect, these must be shared with the relevant agencies so that they can decide together whether the harm is, or is likely to be, significant.

Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time. In order to understand the concept of significant harm it is helpful to look first at the relevant definitions:

- Harm means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, development can mean physical, intellectual, emotional, social or behavioural development and health can mean physical or mental health

- Whether the harm suffered, or likely to be suffered, by a child or young person is significant harm is determined by comparing the child's health and development with what might be reasonably expected of a similar/unaffected child

### Who is a Child in Need?

The concept of need as defined in Section 93 (2) (b) of The Children (Scotland) Act 1995 relates to a child being in need of care and attention because:

- He/she is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development unless they are provided for him/her under or by virtue of that Part of the Act by services provided by a local authority
- His/her health or development is likely to be significantly impaired or further impaired unless such services are provided
- He or she is disabled; or
- He/she is adversely affected by the disability of any other person in his/her family; and
- Children with particular vulnerabilities or disabilities aged between 16 and 18 are potentially at risk of falling between services

## **2. Indicators that could constitute cause for concern:**

*(This list is not exhaustive and these factors will not always provide grounds to suspect abuse or neglect on their own)*

- Signs of neglect such as a young person being constantly hungry, dirty, tired, inappropriately dressed for weather conditions.
- Injuries suspected of being non-accidental. Injuries can be suspicious because:
  - they are on a part of the body not usually associated with accidental injury
  - they are unusually symmetrical
  - they are noticed on several occasions
  - they suggest attack e.g. hand prints, cigarette burns, large bite marks, any small round bruise suggestive of grabbing, black eyes.
  - Injuries of different ages
- Any marks, bruises or injuries noted on a young person should be documented with as much detail as possible in case notes and attention paid to the frequency of these minor incidents as this may mean a referral to Social Work or Child Protection Services at a later date.
- A young person who displays sexualised, aggressive, depressive or withdrawn behaviour or who is fearful of adults, runs away from home frequently or flinches when touched or approached.
- A young person who self-harms.
- Non-organic failure to thrive. This can mean that a young person significantly fails to reach normal growth or developmental milestones (i.e. physical growth, weight, motor, social and intellectual development).
- Conflicting accounts of injury/ medical treatment/ absence.
- Any disclosure by a young person that indicates abuse/ neglect.
- Sudden changes in behaviour or school performance or attendance

### 3. Procedures

#### Definitions

1. “Worker” means any paid or unpaid staff member or volunteer (including Trustees).
2. “Young person” means a child or young person under 18 unless specified otherwise. Whilst good practice is usually the same for all people under 18, some legislation applies only to those aged under 16, some only to those aged 16 – 18.

### 4. Roles

#### Board of Trustees

A named Trustee, Yvonne Carling, should take responsibility for leading on Child Protection issues

- All Trustees should ensure that the roles outlined in this section are being undertaken in accordance with these procedures.
- All Trustees should ensure that an appropriate Child Protection induction, support and training programme is in place and implemented.
- All Trustees should ensure that recruitment procedures protect young people’s welfare and are implemented.
- All Trustees should ensure that there is adequate financial support for the services and activities offered by the Centre in order for the project to operate effectively and safely.

#### Lead Officer (Child Protection)

DCICA’s Lead Officer (Child Protection) is the CEO and the Designated Officer is the Team Manager (Carers Support Services). Other Team Managers in the organisation will be able to deputise for the Designated Officer in their absence.

The Lead Officer (Child Protection), Lucinda Godfrey, Chief Executive Officer, has the following responsibilities:

- To ensure that this policy is implemented and is adhered to at all times.
- To be familiar with, and have an understanding of all relevant legislation. To keep up to date with ongoing developments in Child Protection through regular training
- To liaise with the Area Child Protection Committee and local Social Work Department.

The Designated Officer (Child Protection), Sarah Boath, Team Manager (Carer Support Services), has the following responsibilities:

- To oversee and review the preparation of support plans for all young people accessing the service through regular Support and Supervision meetings. Preparation of support plans should be done in conjunction with the young person’s parent/ guardian unless there is a good reason why this is not possible. If this is the case, the decision to provide a service must be discussed with senior staff and recorded to arrange appropriate training and support for all relevant staff. To provide support during and after incidents involving child protection and referrals to Social Services or the police.
- To provide the Trustees with appropriate information on the number and outcomes of incidents or concerns involving children and young people.

#### All staff and volunteers

All staff and volunteers have the following responsibilities:

- To adhere to all points as laid down in this document and related procedures (See below).
- To report any incidents or concerns regarding young people’s well-being or safety to the Lead Officer (Child Protection) or their Line Manager as appropriate.
- To use Support & Supervision Sessions to actively discuss Child Protection issues and to develop best practice. To ensure that all case notes of young people on the Child Protection register are checked by the Line Manager through regular Support & Supervision sessions.

- **To attend induction and other training courses and ongoing training in Child Protection. All staff members will attend at least the Introduction to Child Protection training sessions run by the Dundee Children and Young Person's Protection Committee (CYPPC) and have access to the e-learning tool.** To attend regular Case Conference sessions for front-line staff, whereby staff members will have the opportunity to discuss and identify patterns of behaviour across various activities. All Case Conference discussions will be minuted.

## 5. Action to be taken

Actions to be taken by workers whenever there is cause for concern:

It is not DCICA's role to decide whether abuse/ neglect has or has not taken place: this is the role of the social work department and/or the Police. Any reasonable grounds for suspecting abuse/ neglect must be reported to the social work department or the Police for them to investigate.

(See appendix for good practice on information sharing and checklist for making a disclosure)

### Managing Disclosure

It is not possible to predict the time when, the place where or the person to whom a child will choose to make a disclosure. If, however, it appears a disclosure may be imminent, try to ensure the location fits the purpose i.e. secure, no interruption and let other staff know you are there.

- Always listen attentively and take them seriously.
- Always bear in mind that children may be abused by other children
- Establish the child / young person's level of understanding.
- Reassure the child / young person that they were right to tell you.
- Ensure the child is safe from harm
- Do not show disbelief no matter what the child discloses.
- Never promise confidentiality.
- Take all that you are told seriously.
- Be open and non-judgemental.
- Affirm the child's feelings i.e. It is okay to be angry, anxious or sad.
- Do not dwell on the identity of any alleged perpetrator.

Let the child speak but you should not ask any prompting or leading questions (such as asking 'did this happen last night.')

The general rule is to ask only questions that are necessary to clarify the child is alleging that abuse has taken place (remember that an allegation of child abuse or neglect may lead to criminal investigation, so don't do anything that may jeopardise a police investigation such as asking a child or young person leading questions.

Write up and date detailed record as soon as the disclosure interaction is concluded including the date, time, place and people who were present. This record of concerns should be saved on Merlin and will be kept in accordance with our Document Retention Policy.

Extract the basic information (i.e. what you understand to have occurred).

Tell the child or young person what you are going to do next and tell them that you are going to have to speak to someone who can help

Following the above advice will allow a decision to be made on how to proceed and would not prejudice any process that may follow.

If your concerns are based on a disclosure by a parent or other member of the public

- Explain what will happen next and who will be informed, unless doing so could lead to further harm to a young person.

If the young person is in immediate danger follow these steps:

- Contact the police by dialling 999
- In an emergency, get medical help.
- Refer the young person to the social work team (or Emergency Duty team if out of office hours). Give as full an account of the relevant facts as possible. Discuss any future action with them e.g. suspension of a member of staff, contacting the police, contacting parents/ guardians, arrangements for immediate care of the young person if needed.

If the young person is not in immediate danger or once immediate danger has passed:

- Inform the Designated Officer (Child Protection) or, if they are not available, a Team Manager. Continue to follow the steps outlined in the policy, even if you cannot contact one of these workers and inform them as soon as they become available.

On the occasions where observation of a child, or the behaviour of an adult, **does not** constitute an immediate concern, but may still require the child to be monitored to see if the observed behaviour or presentation is repeated. The observed behaviour may escalate to become a child protection concern if repeated.

If you are unsure of whether the indicators you have noticed should trigger a referral to the social work department:

- Discuss your concerns with your Line Manager or the Lead Officer (Child Protection) Raise your concerns with the young person and their parents/ guardians as appropriate
- If all relevant staff are satisfied that there are no grounds for on which to make a referral, record all concerns and actions and continue to monitor the situation.
- If still unsure, seek advice from MASH (Multi Agency Screening Hub).

If you decide to refer:

- The young person must be referred immediately to the Social Work Team or MASH (or Emergency Duty team if out of office hours). Give as full an account of the relevant facts as possible. Plan any future actions needed with them, contacting the police, contacting parents/ guardians, arrangements for immediate care of the young person if needed.
- A referral to the Social Work Department can be made by any worker at any time.
- Disagreements between workers should be discussed with a more senior member of staff. No worker shall attempt to prevent another from making a referral.
- As soon as possible, record the time, setting and details and any other witnesses to the conversation. Use the young person's own words as much as possible. Do not include your own opinions or interpretation, only facts. Pass this information on to the relevant social work team within 24 hours of the verbal referral.
- Continue to record subsequent events and begin to plan subsequent support for the young people and their family where possible.

- Your Line Manager or the Lead Officer (Child Protection) will provide you with ongoing support with any concerns you have in accordance with DCICA's debriefing procedures at the earliest opportunity.
- Refer to DCICA's Child Protection Procedures in full using the checklist included in this policy for guidance

## **6. Workers' Conduct and Support**

### Recruitment and Selection

See Recruitment & Selection Policy Statement and the Recruitment & Selection Manual

### Training and Support

In order to protect children and young people, DCICA's training and support process will reflect the following points:

- All workers should be provided with a clear Job or Role Description, detailing their responsibilities
- the line management structure around their role
- the boundaries around their role
- a requirement to work within these procedures
- Induction should include information on these procedures appropriate to the role as well as clarification of the worker's Job or Role Description.
- Support sessions and appraisals should include exploring the worker's understanding of Protecting People policies and procedures.
- Workers should be trained in child protection when required. All front-line staff will attend at least basic training in child protection. Relevant staff will also attend the relevant frontline staff child protection training sessions run by the Dundee Childcare & Protection Committee.

### Concerns about a worker's or volunteer's behaviour

- All workers have access to the written Disciplinary and Grievance Procedures in place for all workers.
- Where team members or line managers are concerned that a young person is at risk of physical or psychological injury due to the practice of another member of staff or volunteer, their concerns must be passed on. The initial point of contact should be their line manager who will then liaise with appropriate personnel, i.e. the Chief Executive. If, following discussion and investigation it is found to be true of a staff member, then the Disciplinary Procedure must be followed.

## **7. Reviewing and updating the Child Protection Policy and Procedures**

Child Protection Policies and Procedures will be reviewed and updated annually. Further information, including links to national guidance and advice on internet safety, can be found at the websites below:

<http://www.everybodysjob.co.uk/>

<http://www.gov.scot/Topics/People/Young-People/protecting/child-protection>

<http://ceop.police.uk/>

Information on adult protection and domestic abuse, and information on training and events, can be found at: <http://www.dundeeprotects.co.uk/>



## Appendix 1

### 1. Child Protection Definitions

In order to support and protect children all staff and volunteers must have a clear and consistent understanding of what is meant by terms such as child, parent, carer, child abuse, neglect, harm, significant harm and child protection. The following section provides definitions about key terms used within child protection.

#### Child

Section 98(2) (a) and (b) of The Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.

#### Parent

A parent is defined as someone who is the genetic or adoptive father or mother of the child. A mother has full parental rights and responsibilities. A father has parental rights and responsibilities if he is or was married to the mother at the time of the child's conception or subsequently, or if the child's birth has been registered after 4<sup>th</sup> May 2006 and he has been registered as the father of the child on the child's birth certificate. A father may also acquire parental responsibilities or rights under The Children (Scotland) Act 1995 by entering into a formal agreement with the mother or by making an application to the courts.

#### Carer

A carer is someone other than a parent who has rights/responsibilities for looking after a child or young person. Relevant persons have extensive rights within the Children's Hearing system, and a carer may be a 'relevant person' within the children's hearing system.

#### Kinship Carer

A kinship carer can be a person who is related to the child or a person who is known to the child and with whom the child has a pre-existing relationship (related means related to the child either by blood, marriage or civil partnership.) Regulation 10 of the Looked After Children (Scotland) Regulations 2009 provides that a local authority may make a decision to approve a kinship carer as a suitable carer for a child who is looked after by that authority under the terms of the Children (Scotland) Act 1995. Informal kinship care refers to care arrangements made by parents and/or carers or those with parental responsibilities. A child cared for by informal kinship carers is not Looked After.

#### Private Fostering

Private Fostering refers to children placed by private arrangement with persons who are not close relatives.

### 2. Definitions of abuse and neglect.

#### Abuse and Neglect:

Somebody may abuse or neglect a young person by inflicting, or by failing to act to prevent significant harm. Abuse and neglect are most commonly carried out by adults known to the young person.

#### Physical abuse:

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a young person. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a young person whom they are looking after.

#### Emotional Abuse:

Emotional abuse is the persistent emotional ill-treatment of a young person such as to cause severe and persistent adverse effects on the young person's emotional development. It may involve telling

young people that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature inappropriate expectations being imposed on young people. It may involve causing young people frequently to feel frightened or in danger, or exploiting or corrupting them. Some level of emotional abuse is involved in all types of ill-treatment of a young person, though it may occur alone.

#### Sexual Abuse:

Sexual abuse involves forcing or enticing a young person to take part in sexual activities, whether or not the young person is aware of what is happening or whether or not it is claimed that the child either consented or assented. The activities may involve physical contact, including penetrative (e.g. rape or buggery) or non penetrative acts. They may include non-contact activities, such as involving young people in looking at pornography or sexual activities, or encouraging young people to behave in sexually inappropriate ways.

#### Neglect:

Neglect is the persistent failure to meet a young person's basic physical and/or psychological needs, likely to result in the serious impairment of the young person's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a young person from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a young person's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive', where they have significantly failed to reach normal weight, growth or development milestones and where physical and genetic reasons have been medically eliminated.

#### Sexual Offences (Scotland) Act 2009 Definitions of Sexual Offences

It is worth comparing the definition of sexual abuse above with the new offences under the 2009 Act: Engaging in any sexual activity, inciting or encouraging a child to behave sexually, engaging in sexual activity in the presence of a child and causing a child to watch sexual activity or pornography are all offences under this Act, as is trying to arrange any of these activities. A child is defined as anyone under 16, regardless of the genders of the child or adult. Whether or not the child gave consent is irrelevant. If the child is between 13 and 16 the prosecution must show that the perpetrator did not reasonable believe the child to be over 16. Sexual activity between anyone under 18 and an adult in a "position of trust" is illegal. People who work with children within a statutory agency (school, hospital, children's home) are in a position of trust.

#### Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 Definition of 'Grooming'

"Meeting a Child Following Certain Preliminary Contact" (i.e. 'Grooming') is defined as an offence under Section 1 of this Act. See Appendix 3.

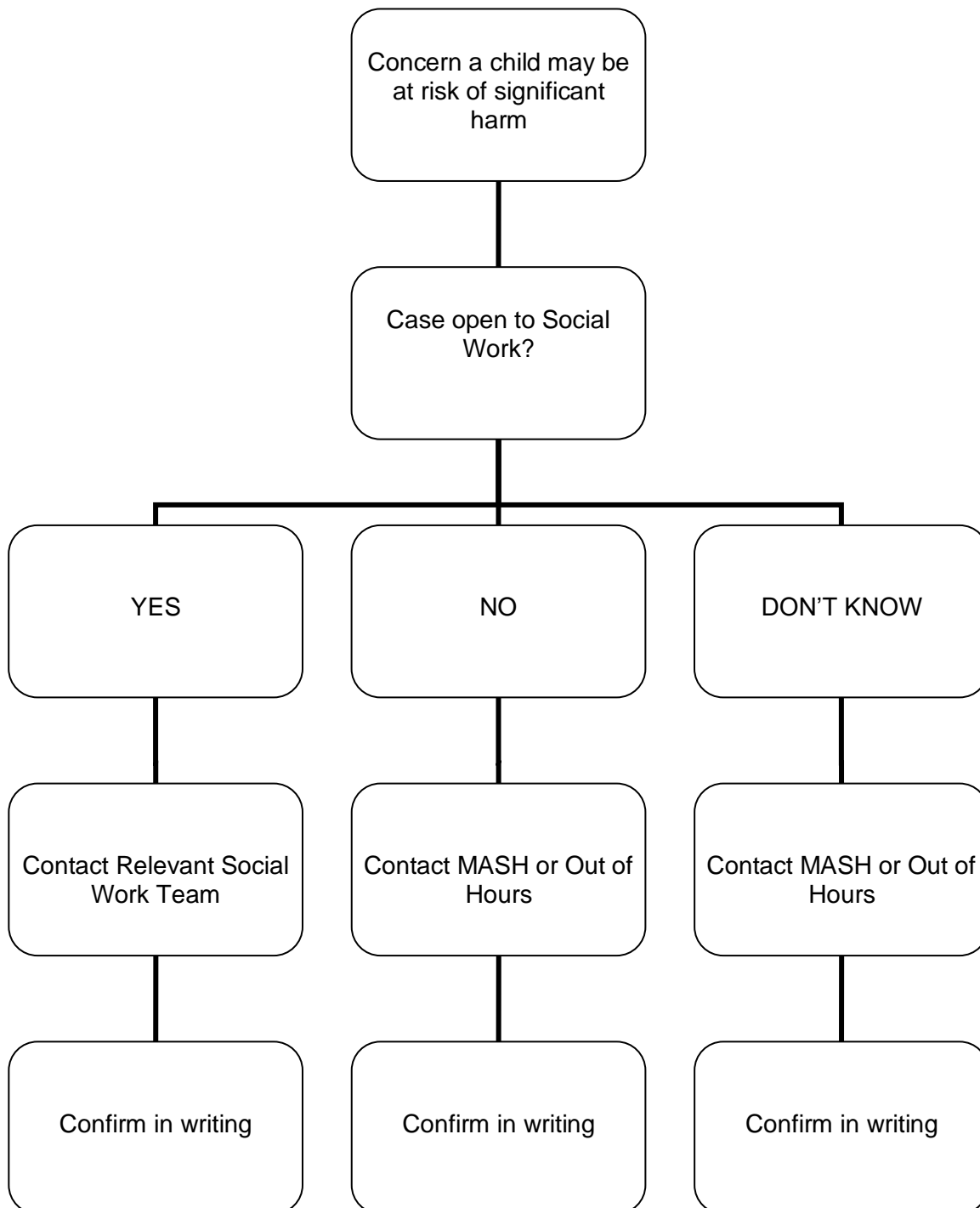
It will be an offence for a person of any age to intentionally meet, travel with the intention of meeting, or make arrangements with the intention of meeting a child aged under 16 if they have met or communicated with them on at least one earlier occasion, and intends to engage in unlawful sexual activity involving the child aged under 16, or in their presence, either at the time of the meeting or after the meeting.

It does not matter whether the grooming or the subsequent abuse is committed within British jurisdiction. The grooming communication could take place via the internet. The adult might not be guilty of grooming if they held a reasonable belief that the child was 16 or over. Further DfES guidance states: "Although the age of consent remains at 16, it is not intended that the law should be used to prosecute mutually agreed teenage sexual activity between two young people of a similar age, unless it involves abuse or exploitation."

***The definitions in the appendix are taken from the National Guidance for Child Protection in Scotland (2014).***

## Appendix 2 – Contact & Referral Information

Contact	Info	Number
MASH (Multi Agency Screening Hub)	First point of contact for professionals	01382 307940
Social Work Out of Hours	Direct line to Social Work	01382 307964
Social Work Child Protection Line	Line for public usage	01382 307999



### Appendix 3 – Referral Checklist

**Child Protection Referral Checklist** (If no manager is available, continue with referral and update them when possible)

Name of Worker making referral	
Date	

Name of person: Address: Date of birth: Brief Description of Child Protection Concern:
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Discussed concern with manager Name of manager Date of discussion:	
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**Referral made to (tick as appropriate):**

<b>Social Work Team</b>		<b>MASH</b>	
<b>Social Work Out of Hours</b>		<b>Police</b>	

**Date of Referral:**

Name Job Title contact information of worker receiving referral	
Action to be taken by referral agency if known	
Written confirmation of referral Date and method (email/fax etc) Date discussed with Line Manager:	
Final Decision from Team Manager:	
Team Manager Signature .....	Date.....

A useful summary of the key considerations for all practitioners when considering when to share information; what information to share; who to share with; and how to share information.

<b>When to Share</b>	Share information when worried or concerned about a child or young person's wellbeing.	Wellbeing – safe; healthy; achieving; nurtured; active; respected; responsible and included.
<b>What to Share</b>	Share information which is relevant; necessary; legitimate; appropriate and proportionate.	Share information relating only your worry or concern – reduce or remove unnecessary information or data.
	Always use your professional judgements/instincts; adopt a common sense approach.	Share information quickly, efficiently and effectively.
<b>Who to Share With</b>	Share information on a need-to-know basis only.	Share information with your line manager/supervisor or a trusted colleague; named person; lead professional or other key workers.
Share information verbally, face to face, at meetings, written reports or assessments.	Share information by secure methods.	Ensure you record information sharing accurately.

# Adult Protection Policy

## 1. Policy Statement

DCICA recognises the need for working in partnership with other agencies in order to protect people from harm and to ensure that people who have been harmed receive support and protection from further abuse. All members of staff need to be aware of the responsibilities appropriate to their role and organisation and those of others.

DCICA will keep up to date with Local Authority guidance and will work consistently within them. Protection procedures are not separate to DCICA's day to day activities and should be reflected in every aspect of our work with people. All members of staff working for DCICA have a role to play in promoting the welfare of clients and preventing their abuse, including paid staff (permanent and temporary), the Board of Directors and other volunteers.

DCICA will ensure that all staff and volunteers are selected, trained and supported appropriately in line with the Centre's existing policies and procedures and relevant legislation.

DCICA will respect the confidentiality of clients within clearly defined boundaries which are explained to all service users. Clients should be supported to give personal information responsibly and in the knowledge of the possible consequences of doing so with reference to our Confidentiality Policy.

DCICA will support clients using its services to tackle behaviour that is characterised by discrimination, bullying, aggression, intimidation or verbal or physical abuse. Where DCICA has not been able to support a client to behave according to agreed ground rules, we may withdraw services from that client if this is necessary in order to protect others. Clients must not engage in any criminal activities whilst using DCICA's services. All criminal activities will be reported to the police and services may be withdrawn from the clients involved.

DCICA will review this policy and the relevant procedures regularly.

## 2. Context

Clearly all of our policies and procedures must take account of current legislation and the Adult Support & Protection (Scotland) Act 2007 also made changes to existing legislation in order to support adults in their daily lives.

### What is the purpose of the Adult Support & Protection (Scotland) Act 2007

The Act provides a framework to support adults - individuals who are 16 years and over - who are unable to protect themselves, their property, rights or other interests and who are deemed to be at risk of harm (replacing the terms vulnerable and abuse) because they are affected by disability, mental disorder, illness or physical or mental infirmity to exercise self-determination and choice.

The Act is about achieving a balance between respecting people's rights and taking action where necessary to support and protect them. It should help individuals to live their lives as they wish by ensuring that support is provided when they need it, and provide the means to protect adults at risk of harm. Clearly not everyone that we come into contact with will meet these criteria which are commonly described as meeting the 3 Point test. In order to be an 'Adult at risk' means:

1. Are unable to safeguard their own well-being, property, rights or other interests
2. Are at risk of harm, and
3. Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected

The Act places both 'powers' and 'duty' upon the local authority to investigate cases with partners from Police Scotland and Dundee Health and Social Care Partnership.

Please see appendix for some examples of harm that people may be at risk of.

### **3. Roles**

#### Board of Trustees

A named Trustee, Isabel Shearer, should take responsibility for leading on Adult Protection issues

- All Trustees should ensure that the roles outlined in this section are being undertaken in accordance with these procedures.
- All Trustees should ensure that an appropriate Adult Protection induction, support and training programme is in place and implemented.
- All Trustees should ensure that recruitment procedures protect young people's welfare and are implemented.
- All Trustees should ensure that there is adequate financial support for the services and activities offered by the Centre in order for the project to operate effectively and safely.

#### Lead Officer (Adult Support and Protection)

DCICA's Lead Officer (Adult Support and Protection) is the CEO and the Designated Officer is the Team Manager (Independent Living Services). Other Team Managers in the organisation will be able to deputise for the Designated Officer in their absence.

The Lead Officer (Adult Support and Protection), Lucinda Godfrey, Chief Executive Officer, has the following responsibility:

- To ensure that this policy is implemented and is adhered to at all times.
- To be familiar with, and have an understanding of all relevant legislation.
- To liaise with the local authority Social Work Department.

The Designated Officer (Adult Support and Protection), Team Manager (ILS), has the following responsibilities:

- To oversee the preparation of support plans for all clients accessing the service where there are safeguarding issues.
- To provide support during and after incidents involving safeguarding and referrals to the Social Work department or the police.
- To provide the Board of Directors with appropriate information on the number and outcomes of incidents or concerns involving safeguarding clients.

#### All staff

All staff have the following responsibilities:

1. To adhere to all points as laid down in this document and related procedures.
2. To report any incidents or concerns regarding client's well-being or safety to the CEO, Team Manager or their Line Manager as appropriate.
3. To use support and supervision sessions and/or team meetings to actively discuss Safeguarding issues and develop best practice.
4. To attend induction and other training courses and ongoing training in Safeguarding.

## 4.Procedures

To be taken by workers whenever there is cause for concern:

- ALWAYS raise concerns with your Line Manager or Duty Manager.
  - Remember that our duty of care is paramount over our duty of Confidentiality.
  - If you have concerns for a person's well-being then follow these steps
1. If the situation is an emergency then dial 999 for immediate assistance.
  2. If your concern is for a colleague, a service user, or a cared for person discuss with a senior member of staff immediately. If you and the senior colleague think the person is an 'Adult at Risk' as defined by the '3 point test' then contact the **Social Work First Contact team on (01382) 434019 (or Emergency Duty team if out of office hours on (01382) 307964)**. Give as full an account of the relevant facts as possible as they have a legal duty to investigate any concerns. Please record in writing everything that you have done, names date and time of people that you have spoken to and what you believe that they will do next. As soon as possible, inform the Lead Officer or Designated Officer (or designated Trustee in the absence of the Chief Executive Officer).
  3. If the person that you have concerns about does not seem to meet the 3 point test then you need to know what they would like to happen and if they would like us to support them. Any adult in receipt of services has already signed their consent to share information. If following discussion with your line manager/duty senior there is any doubt then seek advice from the Social Work First Contact Team
  4. If all relevant staff are satisfied that there are no grounds on which to make a referral, record all concerns and actions and continue to monitor the situation. The final decision to refer to Social Work Department rests with the CEO, or Designated Officer (Adult Support and Protection).
  5. Remember that you can seek advice from First Contact Team or Out of Hours team. You may decide not to give the personal details of the people/ family involved at this stage, but to outline the situation.

Points to note:

If your concern is based on a disclosure:

- Care should be taken not to promise clients confidentiality. The client should, however, be reassured that the information will not be share indiscriminately and will be passed on only in an effort to help them. When a client has disclosed abuse, and is told that this information will be passed on, the client may wish to retract the disclosure. This may reflect the level of anxiety they feel about the consequences of the disclosure and should not be taken as an indication that the original disclosure was false.
- Listen to the client. Do not ask leading, interrogating or probing questions, ask only questions for clarification. You do not need to know all of the details – this is the role of Social Work Department/ Police.
- Do not prevent a client who wants to talk about what has happened from doing so.
- Reassure the client that they were right in telling you, acknowledge any distress or difficulty in disclosing and explain what will happen next and who will be informed.

If your concerns are based on a disclosure by a family member or other member of the public

- Explain our legal duty to share information, what will happen next and who will be informed, unless doing so could lead to further harm to a client.



## Appendix 1

Information on different types of abuse

**Physical abuse**, including hitting, slapping, pushing, kicking, misuse of medication, restraint, inappropriate sanctions, rough handling, pinching, punching, shaking, burning, forced feeding, the use of force which results in the pain, injury or change in the person's natural physical state.

**Sexual abuse**, including rape and sexual assault or sexual acts to, which the adult has not consented, or could not consent or was pressured into consenting. Inappropriate touching and fondling, indecent exposure, penetration (or attempted penetration) of vagina, anus or mouth by penis, fingers, or other objects.

**Psychological abuse**, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks, withholding affection, shouting, depriving the person of the right to choice, information and privacy. Behaviour that has a harmful effect on the adults emotional health and development.

**Financial or material abuse**, including theft, fraud, exploitation, and pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Neglect and acts of omission**, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating and undermining personal beliefs.

**Discriminatory abuse**, including racism, sexism, and ageism, based on a person's disability, and other forms of harassment, slurs or similar treatment.

**Domestic violence** is "any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse by one person against a current or former partner in a close relationship or against a current or former family member". There is no statutory offence of Domestic violence it is a generic term to describe a range of behaviours often used by one person to control or dominate another with whom they have had a close relationship.

**Poor professional practice** also needs to be taken into account. This may take the form of isolated incidents of poor or unsatisfactory professional practice, at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other. Repeated instances of poor care may be an indication of more serious problems, this is sometimes referred to as institutional abuse.

**Institutional Abuse** involves the collective failure of an organisation to provide an appropriate and professional service to vulnerable people. It can be seen or detected in processes, attitudes and behaviour that amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping. It includes a failure to ensure the necessary safeguards are in place to protect vulnerable adults and maintain good standards of care in accordance with individual needs, including training of staff, supervision and management, record keeping and liaising with other providers of care.

**Stranger Abuse** may warrant a different kind of response from that appropriate to abuse in an ongoing relationship or in a care location. Nevertheless, in some instances it may be appropriate to use the adult protection procedures to ensure that the vulnerable person receives the services and support that they need. Such procedures may also be used when there is the potential for harm to other vulnerable people.

**Harm** should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development.

Any or all types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

**Indicators that could constitute cause for concern:**

*(This list is not exhaustive and these factors will not always provide grounds to suspect abuse or neglect on their own.)*

- Signs of neglect such as a person being constantly hungry, dirty, tired, inappropriately dressed for weather conditions.
- Injuries suspected of being non-accidental. Injuries can be suspicious because:
  - they are on a part of the body not usually associated with accidental injury
  - they are unusually symmetrical
  - they are noticed on several occasions
  - they suggest attack e.g. hand prints, cigarette burns, large bite marks, any small round bruise suggestive of grabbing, black eyes.
- Any marks, bruises or injuries noted on a person should be documented.
- A person who displays sexualised, aggressive, depressive or withdrawn behaviour.
- A person who self-harms.
- Conflicting accounts of injury/ medical treatment/ absence.

## Appendix B

Name of Worker making referral	
Date	

Name of person: Address: Date of birth: Brief Description of Adult Protection Concern:	
Discussed concern with manager Name of manager Date of discussion:	

**Referral made to (tick as appropriate):**

<b>Social Work Team</b>		<b>Social Work First Contact Team</b>	
<b>Social Work Out of Hours</b>		<b>Police</b>	

**Date of Referral:**

Name Job Title contact information of worker receiving referral	
Action to be taken by referral agency if known	
Written confirmation of referral Date and method (email/fax etc) Date discussed with Line Manager/Team Manager:	
Final Decision from Team Manager:	
Team Manager Signature ..... .....	Date..... .....

# Online Child Protection Policy

## 1. Policy Statement

This policy is to clarify our response to Online Child Protection concerns.

This should be read in conjunction with the existing Child Protection Policy and Guidelines.

This policy aims to highlight the additional reporting required to safeguard a child or young person who is at risk of harm relating to an online environment.

DCICA recognises that there are differences between online and face to face environments but risk of harm and abuse from either is equally damaging to a child or young person.

Despite differences existing between online and face to face environments, the response to safeguard a child or young person should have the same aim.

This policy does **not** replace, or supersede, existing Child Protection Policy and Guidelines.

If a child is in immediate danger or risk of harm, dial 999 and report this to the Police.

### National Guidance for Child Protection and Online Child Protection

The National Guidance for Child Protection in Scotland 2010 states that:

Local services need to consider how best they can support and co-ordinate any investigations into [online child abuse] ...and must therefore understand the risks that these technologies can pose to children and the resources available to minimise those risks.

Practitioners and carers need to support young people to use the internet and mobile technology responsibly, and know what to do when something goes wrong.

Therefore, this document will explain the following:

1. The risks that technologies can pose to children
2. The resources available to minimise those risks
3. How we will support young people to use the internet and mobile technology responsibly
4. What to do when something goes wrong

## 2. The risks that technologies can pose to children

Technologies are becoming a part of everyday life for children and young people. Although technology can be used to create new opportunities for learning, development, social relationships, exploring identify, and accessing information, there are specific risks that technologies can pose to children. From the National Guidance for Child Protection in Scotland 2010, some specific risks are identified as:

- Exposure to obscene, violent or distressing material
- Bullying or intimidation through email and online (i.e. cyberbullying)
- Identify theft and abuse of personal information
- Exploitation by online predators – for example, grooming – via information communication technologies (ICTs)

Although these risks can be experienced by anyone using information communications technologies (ICTs) or the internet, special consideration should be made about the impact of these risks on children and young people and whether they require an online child protection response.

#### Exposure to obscene, violent or distressing material

Content which is uploaded online can be spread exponentially and this poses a direct risk to anyone online. Certification and age restriction procedures on some websites (e.g. adult content) do not provide adequate protection to children and young people as there is no precise way to verify the user's age before accessing content.

Legally, such content can be an offence under the Obscene Publications Act 1959, Malicious Communications Act 1988, Communications Act 2003, Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. The Sexual Offences (Scotland) Act 2009 defines particular offences that can arise from exposing children and young people to content that is sexualised.

In the instance of discovering a website that hosts either indecent images of children or content that incites racial hatred, this should be reported to the Internet Watch Foundation (IWF).

#### Bullying or intimidation through email and online (i.e. cyberbullying)

People using ICTs and the internet can be difficult to identify as a real person. Whilst this level of perceived anonymity could be seen as useful for someone who needs to access information and support anonymously, it can be a way for people to bully or intimidate others. The term 'cyberbullying' is defined as bullying through means of ICTs or the internet and particular traits differentiate it between 'bullying'. In instances of cyberbullying, there may be:

Many people involved (e.g. 200 people posting inappropriately on someone's social network page)  
Negative behaviours extending directly into personal spaces (e.g. in the home)  
Instances taking place at any given time as people do not have to be physically in the same space

The media frequently reports instances of cyberbullying and drastic consequences that can follow. Cyberbullying also generates an evidence trail as all communication is recorded and can be captured which is useful in challenging this behaviour and for reporting to authorities. Despite this, cyberbullying is a distressing and upsetting experience, and should be dealt in a similar way as a person experiencing bullying. People experiencing this should create a body of evidence by recording each event and reporting directly to the Police.

Legally, it depends on the content of the communication and cyberbullying can be covered by the Public Order Act 1986, Malicious Communications Act 1988, Defamation Acts 1952 and 1996, Protection from Harassment Act 1997, Communications Act 2003, and the Equality Act 2010.

#### Identify theft and abuse of personal information

With many people storing data online, there has been a rise in identity theft and individuals and organisations abusing personal information. Activities involve theft of credit card information, people impersonating others, hacking into networks, theft of intellectual property, and distribution of unwanted and unsolicited communication.

All of these activities are prohibited under the Data Protection Act 1988, Computer Misuse Act 1990 and must be reported to the authorities.

#### Exploitation by online predators – for example, grooming – via information communication technologies (ICTs)

Unfortunately, the greatest risk that faces children and young people online is exploitation by online predators. These incidences must be treated as significantly damaging to children and young people by everyone and must be reported to the Police and CEOP at the earliest opportunity.

CEOP are the lead organisation within the National Crime Agency in regards to online child protection. Reports can be made directly to them by anyone but these reports cannot be made anonymously. Individuals wishing to make an anonymous report about online behaviour should report this to Crime Stoppers but stress should be placed upon making an identifiable report as it will be used to safeguard a child from abuse or exploitation.

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 gives a definition of 'grooming':

**It will be an offence for a person (A) intentionally to meet, travel with the intention of meeting, or make arrangements with the intention of meeting another person (B) if A has met or communicated with B on at least one earlier occasion and intends to engage in unlawful sexual activity involving B or in the presence of B either at the time of the meeting or after the meeting.**

**Person A can be of any age, and Person B is a child aged under 16.**

Grooming is an exploitative and abusive process where an individual engages with a child inappropriately with a view to abuse them. This is a serious incident and must be reported as soon as possible to the Police and CEOP. Reporting to CEOP should never be seen as an alternative to reporting child protection concerns, but as an additional part of the process as they will need to assess the concern, collect relative intelligence, and make a report to relevant enforcement agencies.

In addition to grooming, there may be incidences of indecent images of children (IIOC) being made, created, collected, possessed, and/or distributed. IIOC is the main term in use concerning indecent images and should be used in place of 'child pornography' as the latter is deemed inappropriate and does not communicate the fact that the image is an image of a crime scene. CEOP maintain a central database of IIOC and when a report is made, they will cross reference the image with the database to find out if it is an image already in circulation, or whether it is a new image. They then use the image to identify the child and location of abuse and disseminate this to relevant enforcement agencies.

The law uses a scale to assess IIOC called the Sentencing Council Scale. The Scale is used to gauge the severity of the incident, but the initial tier (Level 1) is used for any image of a person under 18 who is nude and/or posing sexually/erotically. Therefore, images that are taken by the child or young person themselves would come under this definition and could be deemed by a jury to be an indecent image of a child. This is important as young people may post such images of themselves or their partner online not knowing that this could be an offence.

Professionals must deal with IIOC and online exploitation very seriously and when this is uncovered they must either:

- Call 999
- Report to Police
- Report to Social Work
- Report to Child Protection
- Report to CEOP

When indecent images are found on a device (such as a computer or mobile phone), the device is viewed as a crime scene and must be secured. This means that the device must be locked away and Police informed so they can recover evidence either directly or forensically.

Legislation that covers the above are (and not limited to) the Communications Act 2003, Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, Protection of Children Scotland Act 2005, and the Sexual Offences (Scotland) Act 2009.

### **3. The resources available to minimise risk**

We have the following resources available to minimise risk:

- This policy and procedure flow chart
- Training programmes for staff
- Educational resources for young people from CEOP
- Wider policies and procedures
- Links with Child and Adult Protection
- Links with Social Work
- Specific reporting agencies (CEOP and IWF)

This list is non-exhaustive and staff supporting children and young people should familiarise themselves with not only this policy, but also wider policies and resources regarding child protection.

### **4. How we will support young people to use the internet and mobile technology responsibly**

In view of the above, we will do the following to support young people to use the internet, mobile technology and ICTs responsibly:

- Circulate this policy to all staff and volunteers
- Display the procedures in relevant areas
- Run workshops with young people about online safety
- Run specific workshops with young people about particular identified online issues
- Promote and display our eSafety and Internet Guidelines at computers
- Ensure staff using ICTs to work with young people have PVG/Disclosure Checks
- Ensure that relevant policies and procedures (e.g. Terms and Conditions) for ICTs are available to users
- Provide or signpost staff to training in online safety, including how to report concerns

### **4. Reporting Concerns**

**I have a concern about someone under 16 or under 18 and looked after/accommodated (LAAC):**

- Exposure to obscene, violent or distressing material

This could be a crime, or the result of computer generated emails (SPAM)

**Is the material from someone they know or is it SPAM?**

If it is SPAM, junk the content and block the sender

If it is from someone they know...

**Is the material violent, inappropriate or distressing?**

The content may be a part of cyberbullying – if so, go to cyberbullying below

### **Is the material sexual? Either self generated or pornographic?**

This is a crime and must be reported to the Police – see below:

### **What format is the material? Is the content a message, photograph, text, or a website**

If the material is sexual and sent to their mobile phone, explain that the Police will need to have a look at their mobile phone so they can find out as much information as possible about who sent the message.

- Put the mobile phone in a lockable unit (either filing cabinet or drawer)
- Call 101 and report to the Police
- Ask for further advice from the Police

If the material is sexual and sent online (e.g. via social networking or email), support the young person to report the content to the website provider/moderator team, and also report to Police and CEOP – [www.ceop.police.uk](http://www.ceop.police.uk)

If the material is a website that hosts IIOC or incites racial hatred, report this to IWF – [www.iwf.org.uk](http://www.iwf.org.uk)

- Bullying or intimidation through email and online (i.e. cyberbullying)

This is a crime and the following needs to take place:

### **If the child has a social worker, inform them of the issues and:**

- Encourage the young person to keep a record of all incidences
- Encourage the young person to report the incidences to the Police
- Appropriately support the young person either through 1:1 support, Counselling, or referral to a specialist support agency
- If the child/young person is in immediate danger, call 999 and follow child protection guidelines
  - Identify theft and abuse of personal information

Identity theft is not normally considered to require a child protection response

Identity theft is a crime that can affect **anyone**

Instances of identity theft should be reported as a crime

Call 101 to report this to Police

- Exploitation by online predators – for example, grooming – via information communication technologies (ICTs)

This is to be reported following the main child protection guidelines

In addition to reporting, a report must be made to CEOP by completing the online form at:

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

Any item potentially containing evidence must be secured immediately and kept in a lockable structure (e.g. filing cabinet or drawer)



If the item is a desktop or laptop computer this must be secured by locking it and not using it until Police have assessed the device

The item is viewed as a crime scene and no one apart from the Police must touch it or use it – this is to preserve evidence that can be recovered forensically by eCrime Officers

## Appendix C

Name of Worker making referral	
Date	

Name of person: Address: Date of birth: Brief Description of Online Child Protection Concern:	
Discussed concern with manager Name of manager Date of discussion:	

**Referral made to (tick as appropriate):**

<b>Social Work Team</b>		<b>MASH</b>	
<b>Social Work Out of Hours</b>		<b>Police</b>	
<b>CEOP</b>		<b>IWF</b>	

**Date of Referral:**

Name Job Title contact information of worker receiving referral	
Action to be taken by referral agency if known	
Written confirmation of referral Date and method (email/fax etc) Date discussed with Line Manager/Team Manager:	
Final Decision from Team Manager:	
Team Manager Signature .....	Date.....

# Protection of Vulnerable Groups Scheme Policy

DCICA takes very seriously its role in protecting vulnerable people we work with and the integrity of the organisation in delivering its wide range of services. We are committed to providing a safe and protected environment for all our staff, volunteers and clients at all times. We also recognise that a criminal record does not automatically render a person unsuitable to work for DCICA. We are committed to equality of opportunity for all and to providing an environment that is free from unfair and unlawful discrimination.

Our PVG Scheme policy has been designed to:

- tackle the issue of disclosure of criminal records
- lay out the principles to be adopted and the measures proposed to deal with criminal record checks

We comply fully with the relevant legislation and statutory guidance, to ensure that, where relevant, applicants and employees are members of the Protection of Vulnerable Groups Scheme (the PVG Scheme) which has been introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act).

The policy covers anyone who acts on behalf of or represents the organisation including all staff volunteers and students. In meeting its obligations, DCICA also reserves the right to insist that other partner organisations confirm that they have adopted a similar approach to policy on this matter. There is a partnership agreement template that has to be signed by both a representative from DCICA and other organisations that includes the confirmation of the requirements required under the PVG scheme.

The primary aim of this policy is to protect any stakeholder of DCICA.

## 1. Scope and Purpose

Staff, volunteers and students of DCICA who carry out 'regulated work' with children and/or 'regulated work' with a 'protected adult' under the 2007 Act are required to be members of the PVG Scheme. This is to ensure that they are not barred from carrying out work with children and/or 'protected adults'. If they do not meet the requirement for regulated work then a basic disclosure is required.

## 2. Principles

- We will carry out checks only where they are necessary and required under the law
- Processes will be workable, proportionate and consistent
- We will carry out additional checks with countries not covered by the PVG Scheme, where they are necessary.
- Information will be processed and handled sensitively and confidentially and in full compliance with Data Protection legislation
- We will adhere to the **Code of Practice** as issued by Scottish Ministers under Part V of the Police Act 1997
- Having a criminal record will not necessarily prevent employment with DCICA. This will depend upon the nature of the position, together with the circumstances and background of the offence(s)
- The Centre uses Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within the organisation is not used or disclosed in a manner incompatible with the purpose of recruitment or determining the individual's continuing suitability in a position identified as a risk.

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

This legislation is in force from 28 February 2011. The 2007 Act brings the protection of children and protected adults into one vetting and barring 'PVG Scheme' administered by Disclosure Scotland.

Two lists of individuals who are unsuitable to work with (i) children and (ii) protected adults have been established and individuals listed on either or both lists are barred from undertaking the work from which they are barred. It is an offence for an employer to employ such individuals in regulated work or for the individual to seek such employment.

Volunteer Scotland is the body currently entrusted with managing the scheme for organisations in the voluntary sector and providing information on Criminal Records to registered bodies. The Carers Centre is registered with this organisation.

### **4. Overseas Police Checks**

We require an overseas police check to be done for the following applicants:

- those who have six continuous months or more in country not covered by the PVG scheme, in the last five years
- those who were born and have lived overseas until adulthood

If this applies the police check should cover the entire country, for example, we require FBI clearance for the USA and RCMP clearance for Canada. We may on occasion, ask for a Third-Party check to be done on an individual state or province within a country.

The police check can be obtained from:

- police or judicial authorities
- government departments
- the Home Embassy/ consulate of the country

### **5. Definition of Children and Protected adults**

- A child is defined as an individual under 18 years
- A 'protected adult' is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service. Protected adult is a service based definition and avoids labelling adults on the basis of their having a specific condition or disability.

There are four categories of services, receipt of any one of which makes an individual a 'protected adult':

- Registered care services
- Health services
- Community Care services
- Welfare Services

It is possible for a 16 and a 17 year old to be both a child and a protected adult.

### **6. Regulated Work**

There are two types of regulated work (paid or unpaid):

- regulated work with children
- regulated work with adults

It is not possible to provide a definitive list of roles, positions or types of employment that constitute regulated work, not least because the nature of individual job descriptions changes. The PVG Act defines 'regulated work' by reference to: the activities that a person does; the establishments in which a person works; the position that they hold; or the people for whom they have day to day management responsibility.

The reason for having two types of work and two corresponding lists of individuals who are unsuitable to do such work, is to allow for the fact that unsuitability to work with one group does not necessarily mean unsuitability to work with the other.

## **7. How to assess whether work is regulated?**

There are five steps to assessing whether an individual is doing regulated work. This involves the consideration of:

- Who is the individual working with?
- What are their duties?
- Are any of those duties an 'activity' under the 2007 Act?
- If so is the 'activity' part of their normal duties?
- If so, are there any 'incidental' exceptions which might apply?

Disclosure Scotland has set up a useful [assessment tool](#) using these five steps which guides you in detail through each step.

Requiring an employee to be a PVG Scheme member is sensitive in nature, open to challenge and should be justifiable. Therefore it should be clear from the job description what the expected duties are, the likely frequency with which they occur and if they constitute 'regulated work, under the 2007 Act.

It is an offence to require an individual to apply for PVG Scheme membership when they are not carrying out 'regulated work' under the 2007 Act.

## **8. The PVG Scheme**

DCICA will require individuals to whom we are offering 'regulated work' with children and/or protected adults for the first time to become PVG Scheme members.

A Scheme Record will be issued to the organisation and the individual and contains all the relevant vetting information. Once someone is a Scheme member they carry their membership with them from employer to employer, making it a portable asset.

For individuals who come to us with a Scheme Record and who are already members, we need only carry out a Scheme Update. This is designed to be a quicker, cheaper and simpler check. A Scheme Update will be issued and it will state whether or not vetting information was on the original Scheme record as well as whether or not new information has since been added. It will not provide details of that information. It may be that in such cases we would wish to ask for another Scheme Record to be able to fully assess suitability for work.

Some individuals, particularly those who have been self employed, may have already joined the Scheme as individuals in anticipation of doing regulated work. In such cases they will be issued with a Scheme membership. It does not contain vetting information and we will need to request a Scheme Record in such cases.

DCICA is registered with Volunteer Scotland for carrying out PVG checks.

If an individual is barred, they and the organisation will be advised by letter that the individual is barred from doing the type of work applied for.

When an individual ceases regulated work, either through ceasing employment with the organisation or moving into a non-regulated role it is their responsibility to notify Disclosure Scotland not the responsibility of DCICA.

## 9. Fees

DCICA will pay for scheme membership and any updates required in respect of paid staff members and students. Volunteers are exempt from paying and applications will be administered through Volunteer Scotland.

Charges:

- Scheme Record £59
- Scheme Update £18
- Basic Disclosure £25

Full details of other fees are available [here](#).

Full Details for overseas applicants are available [here](#).

## 10. Sharing Disclosure Records

There are a number of offences in relation to the sharing of records. The main ones to note are;

- It is an offence for anybody to share somebody else's records
- Lawful sharing is permitted where it is necessary to share the record with other employees within the organisation. This should only be for the purposes of enabling the employer to determine suitability for regulated work
- A PVG Scheme member may share their own record should they so wish.

[More on shared records](#)

## 11. Referrals by Organisations

The PVG Act places a duty on organisations to pass on information (make a referral) to Disclosure Scotland about an unsuitable individual when the individual who has been doing regulated work meets both of the following;

The individual doing regulated work has done something to harm a child or protected adult, and  
The impact is so serious that the individual is removed from regular work

What do we mean by harm?

Harms a child or protected adult

Places a child or protected adult at risk of harm

Engages in inappropriate conduct involving pornography

Engages in inappropriate conduct of a sexual nature involving a child or protected adult

Gives inappropriate medical treatment to a child or protected adult

This may include behaviour which occurs out with the organisation.

What do we mean by removed?

Dismissed the individual from their paid or volunteering position, or

Moved the individual to a new paid or volunteering position that is not regulated

Reached a decision that we would have dismissed or moved someone, had they not already left the organisation

Failure to refer an individual may mean that someone unsuitable for regulated work does not become barred and could go on and harm other vulnerable people.

The Lead Signatories will usually be responsible for making the referral; if the CEO (Lead signatory) is unavailable then one of the other signatories in the organisation will be responsible for this. A referral must be made within three months of a decision to remove the individual from regulated work.

Further information on the referral process can be found at:

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

### **Other types of checks:**

For **non-regulated** work four types of disclosure checks are available – basic, standard, enhanced.

We require a Basic Disclosure Check to be done for anyone being employed to do non-regulated work. The Basic Disclosure covers any criminal activity which has taken place in the UK. An Overseas Police Check should be done for:

- those who have spent six continuous months or more in country not covered by the PVG scheme, in the last five years
- those who were born and have lived overseas until adulthood

*For more details see 4. Overseas Police Checks in this policy.*

## **12. Exploring the Relevance of Disclosure Information**

### **General**

Where information indicates that an individual is barred from the regulated work applied for or where a check discloses other convictions or relevant information, advice should be sought from the Chief Executive Officer.

Spent convictions should not be taken into account and current convictions only if they are relevant to the work to be undertaken (in line with the Rehabilitation of Offenders Act).

### **Guidance for employing staff members**

All relevant job adverts, recruitment literature, website, and any other appropriate material will contain a statement that a PVG application will be requested in the event of the individual being offered any position for which a check is required or if non-regulated the requirement for a basic disclosure.

DCICA will ask all applicants selected for interview to provide details of their criminal record using a Declaration Form. We ask that this information be brought to the interview in a sealed envelope marked confidential. The envelope will only be opened and the contents considered when the interview panel are considering offering that applicant the position. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process. If the applicant is not to be considered, the envelope will be returned to them unopened.

If a check confirms a conviction or any other related information, the Countersignatory should make an initial assessment of whether the information provided has any potential relevance to the post. If there is clearly no potential relevance, the individual will be sent a letter confirming appointment.

If the check confirms a potentially relevant conviction or any other potentially relevant information, further exploration will be required and the CEO or Team Manager will meet with the individual. The aim is to achieve a structured, open and honest discussion between all parties. Failure to reveal information at this stage by an applicant that is directly relevant to the position sought will normally prevent an individual from obtaining an offer of employment.

The suitability for employment of a person with a criminal record or who has other relevant information revealed in their check will vary. It will depend upon the nature of the job and the details and circumstances of any convictions or other relevant information. The discussion should cover these matters, in order that the applicant's criminal record or other relevant information and circumstances can be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out.

It should be remembered that no two offences are exactly alike and should not be treated so. Whilst it is not possible to carry out a thorough risk assessment the following issues should be taken into account as a minimum:

- The seriousness of the offence or relevant information and its relevance to the safety of other employees, students, research subjects, the public etc.
- The relevance of the offence to the post applied for
- The length of time since this occurred
- Any relevant information offered by the applicant about the circumstances
- If there is a history or pattern of behaviour or offending
- The country in which the offence was committed – some activities are an offence in some countries and not in others
- Whether the behaviour has since been decriminalised by Parliament
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change

Having considered all these matters carefully and thoroughly, a decision can then be made as to what action is taken. If a decision is reached to withdraw the offer of employment then this should be made by the CEO. The individual will be formally informed of the decision in writing.

Offers of employment in posts will be subject to DCICA receiving a satisfactory PVG check where applicable.

### **13. Roles and Responsibilities**

#### **Signatories:**

- Ensuring the necessary checks are undertaken for all new relevant appointees prior to finalising recruitment
- Ensuring checks are carried out on existing staff who are transferring into a post requiring a check or who require an updated check to be undertaken
- Helping to identify posts and job content that may constitute relevant work
- Ensuring job descriptions fully reflect the content as relates to regulated work
- Ensuring no regulated work is undertaken before PVG Scheme membership is obtained or an existing PVG Scheme membership is updated
- Commencing checks at the application and interview stage and obtaining the necessary information to allow the full application to be processed
- To keep themselves up to date with policy and guidance under the 2007 Act, including the Disclosure Scotland Code of Practice
- Ensuring that checks are carried out only when necessary
- Ensuring that the appropriate records are maintained



## **Lead Signatory:**

- Ensuring that the processes and procedures within their areas are robust and met the legal requirements
- Ensuring that the employment contract is not released before employees start employment in relevant posts or, where employment has begun that they are followed up and obtained promptly. DCICA will not normally recruit any staff, volunteer or accept a student on placement unless the check has been undertaken.
- Ensuring that appropriate records are maintained
- Making referrals to Disclosure Scotland as appropriate

## **14. Handling**

DCICA recognise that, under section 124 of the Police Act 1997, it is a criminal offence to pass on Disclosure information to any unauthorised person. We, therefore, only pass Disclosure information to those who are authorised to see it in the course of their duties. We will meet our requirements in terms of any relevant legislation applicable to the process of Disclosure.

## **15. Access and Storage**

DCICA do not keep Disclosure information on an individual's personnel file. It is kept securely, in a safe, within a locked cupboard. Access to the safe is strictly controlled by the Chief Executive and Team Managers who are entitled to see such information in the course of their duties.

## **16. Retention**

DCICA do not keep Disclosures or Disclosure information for any longer than is required after a recruitment (or any other relevant) decision has been taken. In general, this is no longer than six months. This is to allow for the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this period in exceptional circumstances, and in consultation with Volunteer Scotland. The same conditions relating to secure storage and access will apply during any such period.

## **17. Disposal**

Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner, such as shredding. DCICA will not keep Disclosure information which is awaiting destruction in any insecure receptacle (such as a waste bin or confidential waste sack). We will not retain any image or photocopy or any other form of the Disclosure information. DCICA will keep a record of the date of issue of the Disclosure, the name of the subject, the Disclosure type, the position for which the Disclosure was requested, the unique reference number of the Disclosure and details of the recruitment or relative employment decision taken. This information is kept in a password-protected file and is only accessible by the organisation's signatories.

*HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR AN INDIVIDUAL FROM WORKING WITH DCICA. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF OFFENCES.*

## Managing Offenders Policy & Procedure

### Who is this policy for?

Primarily this policy is aimed at those who have committed sexual offences against children and adults at risk of harm who wish to use services from DCICA.

We need to consider and proactively manage any risks posed by Registered Sex Offenders who have committed sexual offences against children and adults where criminal justice professionals believe that formal arrangements are also required in relation to that person's relationship with community-based services.

We also need to consider those offences that may not be sexual in nature but where there is credible and reliable information received from criminal justice professionals, that an individual represents a risk of harm and therefore formal arrangements are required in relation to that person's relationship with the organisation.

### Principles on which this policy is based

**Priority:** safeguarding children and adults accessing services at DCICA centre is our first priority

**Equality of access:** Crimes of this nature can evoke strong feelings, however we will provide services with compassion, professionalism and confidentiality

**Zero tolerance:** no type or level of abuse will ever be acceptable or justifiable

**'Duty to protect' people:** employees, trustees and volunteers have a 'duty to protect' as well as a 'duty to care' for everyone in our organisation.

**Communication:** enabling all those involved in the life and work of the centre to tell a responsible person when they have concerns that someone may pose a risk

**Confidential information sharing:** the duty to protect takes precedence over an individual's right to confidentiality whenever a risk is identified

**Decision making:** the responsibility for making decisions is a joint one and not the responsibility of any single person

### Who are sex offenders?

From 2017 figures there are currently 154 registered sex offenders living in the community in Dundee. Many people think of a sex offender as a lone adult male because this is the image frequently portrayed by the media, however such offenders represent between a third and a half of the total. A considerable number of allegations of sexual crimes are committed by young people under 18 years of age against other children and young people (between a quarter and a third). Allegations against lone women account for up to a quarter. Groups of offenders acting together also account for up to a quarter.

The term "sex offender" covers a wide range of individuals who have been convicted of a range of offences. Each type of offender presents a different level of risk for committing new offences although reconviction rates are high in comparison to other sex offences (around 17% within 2 years).

Offenders may be of any age and come from all socio – economic classes and professions. Sex offender treatment programs are effective in reducing reconviction for offenders motivated to change and having connections with family, local community and good health services does reduce the risk of reconviction.

### **Our Procedure**

1. If information comes to light that a convicted sex offender is seeking to use or is currently using the services of DCICA, the staff member or volunteer must immediately discuss this with their Line Manager, Team Manager or the CEO.
2. The Team Manager must complete a risk assessment of potential areas of harm and how these could be minimized to allow equality of access but to guarantee a safe service for all.
3. The risk assessment should be discussed with the individual who potentially presents a risk and consideration given to creating a boundary agreement with them setting out acceptable behaviour whilst using DCICA's services. We may require a staff member/ appropriate person to 'chaperone' whilst in receipt of services.
4. An Agreement (Appendix A) must be completed before services can be accessed.
5. All actions taken need to be recorded securely and responsibilities discussed with all parties, with regular review.
6. All recordings and risk assessments in relation to the above should be stored in a secure file which should be password protected and stored on the organisation's database, Merlin.
7. Staff should make use of the **Offender Management Unit at Criminal Justice Services (tel: 01382 435001)** for further advice and guidance as necessary.

### **Useful Contacts**

**Child Exploitation and Online Protection Centre (CEOP)** - works across the UK tackling child sexual abuse and providing guidance for parents, young people and professionals on areas including "on-line" abuse.

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

**IRISS – The Sex Offenders Act 1997 (Guidance for Agencies)**

[https://content.iriss.org.uk/throughcare/files/pdf/f1\\_legis2.pdf](https://content.iriss.org.uk/throughcare/files/pdf/f1_legis2.pdf)

**Appendix A - Agreement**

This agreement is between .....(name of offender/person awaiting trial) and DCICA.

*Note - Not all of the statements below will apply, so delete as appropriate.*

- (name of offender/person awaiting trial and/or parent or guardian if a minor):
- will permit the CEO or their representative to contact the Offender Management Unit and Criminal Justice Services to seek full information about the crimes committed and to seek advice about relevant matters
- Will be able to attend activities or events organised by DCICA for purpose of .....
- Must agree to be chaperoned whilst receiving service by named person appointed by the Team Manager or CEO (Or may be chaperoned by his/her parent(s) if the offender is a minor).
- Understands that if his/her offences were committed against children, then s/he must not engage in conversation with any child or young person or attempt to have physical contact with them, whilst in DCICA or its environs and agrees not to seek to contact any child in any manner at any other time
- Understands that as a minor who has offended, then they may attend activities to meet other children but only if s/he agrees to be strictly chaperoned at all times by the appointed person/parent
- Understands that if his/her offences were committed against an adult at risk, then s/he must not engage in conversation with any person falling within that descriptive category or attempt to have physical contact with them, whilst in DCICA or its environs and agrees not to seek to contact any such person in any manner at any other time
- Understands that if his/her offences were committed against a specific group within society, then s/he must not engage in conversation with any member of that specific group who may attend DCICA (e.g. young women) or attempt to have physical contact with them, whilst
- in the centre or its environs and agrees not to seek to contact any member of such a group in any manner at any other time
- Understands that if his/her offences were committed against children, he/she may be allowed to join in other DCICA events but must not attempt to contact or converse with any child or young person present
- Will not seek to photograph anyone without permission
- Will permit the CEO to share as necessary with others and any chaperones about the offender’s conviction if they believe it is necessary to do so
- Will not be allowed to hold any position of authority or trust within the centre either in a paid or voluntary capacity
- Agrees to an annual review of this agreement or more frequently as circumstances permit

**Signed by individual .....Date.....**

**Signed on behalf of DCICA ..... Date .....**