



CARGILFIELD

**Policy and Guidance on
Child Protection
and
Wellbeing**

Reviewed January 2018

1. Introduction

Why do we need a Child Protection Policy?

The Cargilfield Child Protection policy aims to support the Headmaster, Governors, teaching and support staff working in the school in their task of safeguarding and promoting the wellbeing of pupils in their care.

The wellbeing of children and young people is at the heart of Getting it Right for Every Child (GIRFEC) and is enshrined in the Children and Young People (Scotland) Act 2014. Wellbeing under this act, is defined in section 96(2) in relation to eight indicators representing the key areas that are essential to enable children to flourish. These eight indicators - **safe, healthy, achieving, nurtured, active, respected, responsible** and **included** – often known as the **SHANARRI** indicators, provide a common language for staff to identify wellbeing concerns, including those that may require targeted intervention. Practitioners in the universal services of health and education are key in promoting, supporting and safeguarding the wellbeing of all children, and they do this through their day to day activities and engagement with children and families. The principle is that it is everyone's job to prevent problems occurring, or to intervene to offer help to the child or parent at the earliest opportunity. Practitioners, working with children and parents, have the best chance to take early and effective action. The Named Person in schools is key to ensuring the right help is available at the right time for the child and their family. It is important to stress that the majority of children's wellbeing needs will be met by their parents and through routine activity and planning with health and education.

Core principles, values and shared standards of practice form the foundation for effective, collaborative child protection practice. While different agencies will have differing codes of practice and responsibilities, a shared approach to values and standards will bring clarity and purpose to single agency, multi-agency and interagency working. The fundamental principles that underpin all the documents and approaches that relate to child protection, namely GIRFEC (see appendix 1); The UN Convention on the Rights of the Child (see appendix 2); The Children's Charter and The Framework for Standards represent an overlapping set of values.

Procedures and guidance cannot in themselves protect children: a competent, skilled and confident workforce, together with a vigilant public, can. Child protection is a complex system requiring the interaction of services, the public, children and families. For the system to work effectively, it is essential that everyone understands the contribution they can make and how those

contributions work together to provide the best outcomes for children. Education staff are uniquely placed as there are opportunities within the context of school life for identifying concerns that a pupil may be being abused or is at risk of harm which could otherwise pass unnoticed. For advantage to be taken of these opportunities there is a need for all staff to be trained and know what actions to take when they are concerned about a child.

Education Scotland and the Care Inspectorate undertake a programme of inspections to determine whether children's wellbeing is adequately safeguarded, particularly in schools with residential provision. All adults who have the charge or care of children have a responsibility to ensure that the children in their care are not harmed. This applies to all staff in schools generally, but with added force to schools with a boarding facility.

Pupils at Cargilfield are informed that it is legitimate for them to raise with staff concerns about their own protection and wellbeing. Parents are advised that it is legitimate for them to express concerns to the Named Person (the Headmaster) and Child Protection Co-ordinator (Emma Buchanan), or a member of the Board of Governors if they feel that a child may be being abused or is at risk of harm.

2. GETTING IT RIGHT FOR EVERY CHILD: CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

Child protection has to be seen in the wider context of the Getting it Right for Every Child (GIRFEC) approach. All children and young people have the right to be cared for, and protected from, harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met. At the heart of the GIRFEC approach is early, proactive intervention in order to create a supportive environment and identify any additional support that may be required for a child as early as possible. GIRFEC places children's and young people's needs first, ensures that they are listened to and understand decisions which affect them and that they get more co-ordinated help where this is required for their wellbeing, health and development. It requires that all services for children and young people - social work, health, education, police, housing and voluntary organisations - adapt and streamline their systems and practices to improve how they work together to support children and young people and their families, including the strengthening of information sharing.

GIRFEC has a number of core components which can be applied in any setting and any circumstance:

- a focus on improving outcomes for children, young people and their families based on a shared understanding of wellbeing
- a common approach to gaining consent and sharing information where appropriate
- an integral role for children, young people and families in assessment, planning and intervention
- a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the wellbeing indicators
- streamlined planning, assessment and decision-making processes that result in children, young people and their families getting the right help at the right time
- consistent high standards of co-operation, joint working and communication, locally and across Scotland
- a Named Person in universal services (health and education) for each child and a Lead Professional to co-ordinate and monitor multi-agency planning where necessary
- maximising the skilled workforce within universal services to address needs and risks as early as possible
- a confident and competent workforce across all services for children, young people and their families
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries

2.1 Values and Principles

GIRFEC is underpinned by common values and principles which apply across all aspects of working with children and young people. These are:

- promoting the wellbeing of individual children and young people: this is based on understanding how children and young people develop in their families and communities and addressing their needs at the earliest possible time
- keeping children and young people safe: emotional and physical wellbeing is fundamental and is wider than child protection
- putting the child at the centre: children and young people should have their views listened to and they should be involved in decisions which affect them
- taking a whole child approach: recognising that what is going on in one part of a child or young person's life can affect many other areas of his or her life
- building on strengths and promoting resilience: using a child or young person's existing networks and support where possible
- promoting opportunities and valuing diversity: children and young people should feel valued in all circumstances and practitioners should create opportunities to celebrate diversity
- providing additional help which is appropriate, proportionate and timely, considering short and long-term needs
- working in partnership with families: supporting wherever possible those who know the child or young person well, know what they need, what works well for them and what may not be helpful
- supporting informed choice: supporting children, young people and families in understanding what help is possible and what their choices are
- respecting confidentiality and sharing information: seeking agreement to share information that is relevant and proportionate while safeguarding children and young people's right to confidentiality
- promoting the same values across all working relationships: recognising that respect, patience, honesty, reliability, resilience and integrity are qualities valued by children, young people, their families and colleagues
- making the most of bringing together each worker's expertise: respecting the contribution of others and co-operating with them, recognising that sharing responsibility does not mean acting beyond a worker's competence or responsibilities
- co-ordinating help: recognising that children, young people and their families need practitioners to work together, when appropriate, to promote the best possible help

- building a competent workforce to promote children's and young people's wellbeing, who are committed to contributing to individual learning and development and improvement of inter-professional practice.

What is a Wellbeing Concern?

A child or young person has a wellbeing need if their wellbeing is, or is at risk of, being adversely affected by any matter. A wellbeing concern may be identified by the child, or by anyone who knows or supports the child, and can be identified for many reasons, such as (but not limited to) the following:

- a child or young person may be worried, anxious or upset about an event/set of circumstances, including socio-economic circumstances
- a parent/carer or family member may have noticed a change in the child or young person's behaviour, demeanour or developmental progress
- a parent/carer may have concerns about the impact on their child of an event or set of circumstances
- a practitioner may have concerns for a child or young person's health, or may have noticed a change in their behaviour, demeanour, developmental progress or level of achievement
- a child or young person may be offending, or putting themselves at risk of harm

A wellbeing concern will arise from observation or assessment which indicates that one or more aspects of wellbeing is, or is at risk of being, adversely affected or subject to an effect by factors related to the child, or young person. Professional judgement based on experience and training and information about the child, or young person, and their circumstances, will be key to identifying wellbeing concerns. In some cases a single observation or incident may be judged to represent a risk to wellbeing and be considered a concern. In other cases the context of the observation or assessment, and wider knowledge of the child's general wellbeing and circumstances may either heighten or reduce the concern. The nature of the concern will be specific to the individual child, their age, stage of development and circumstances, so what represents a wellbeing concern for one child, may not be judged a concern for another child. Staff must record wellbeing concerns on **Part 1 of a Wellbeing Concern Form** (see appendix 3). A template of this form can be found in the staff area of the network in the Child Protection folder. This form can be completed either by hand or electronically but for reasons of confidentiality and data protection

must not be saved or emailed. This should be printed, signed and given to Emma Buchanan (CPC).

2.3 The Named Person

(The implementation of the Named Person Service has been postponed following the Supreme Court judgement on 28th July 2016. The procedures outlined below may be subject to change before it is final enacted which is anticipated to be in August 2017.)

The Named Person service is a term that encompasses everything that needs to be in place in order to ensure that the Named Person functions are delivered as specified in the Children and Young People (Scotland) Act 2014. The duty to provide a Named Person service for school-aged children in independent schools sits with the school. At Cargilfield the designated Named Person for children attending the Nursery is their Health Visitor. For children from Primary 1 upwards the designated Named Person is the Headmaster and in his absence Emma Buchanan (CPC). Parents are informed of the Named Person Service arrangements in the information they receive on joining the school. This information is also on the School's website along with an email link to namedperson@cargilfield.com which is a secure address to which child wellbeing and child protection concerns can be sent. This is accessed by the Headmaster and Emma Buchanan only. The Police and Social Care Direct are in possession of this email address along with the mobile number of the Headmaster.

2.4 Getting it right for every child: The National Practice Model

The model defines needs and risks as two sides of the same coin. It promotes the participation of children, young people and families in gathering and interpreting information and in making decisions as central to assessing, planning and taking action.

The components of the practice model have been designed to ensure that assessment information about children and young people is recorded in a consistent way by all agencies. This should help to provide a shared understanding of a child's needs and identify concerns that may need to be addressed. The model and the tools which support it are used by staff in both School and multi-agency contexts. The main components in the practice model are:

1. The Wellbeing Indicators
2. The Five Questions
3. The My World Triangle

4.The Resilience Matrix

5.The Child's Plan

These components should be used proportionately to identify and meet the child or young person's needs:

- Use the Wellbeing Indicators to identify a concern, record, share information and take appropriate action
- Ask yourself the five questions
- Use the My World Triangle, and where appropriate specialist assessments to explore known information, and where necessary gather more information about the strengths and pressures in the child's world
- Analyse the information, using the Resilience Matrix to aid clarity where required
- Summarise needs against the Wellbeing Indicators
- Agree outcomes and the steps required to reach these outcomes.
- Construct a Child's Plan and take appropriate action
- Review the plan

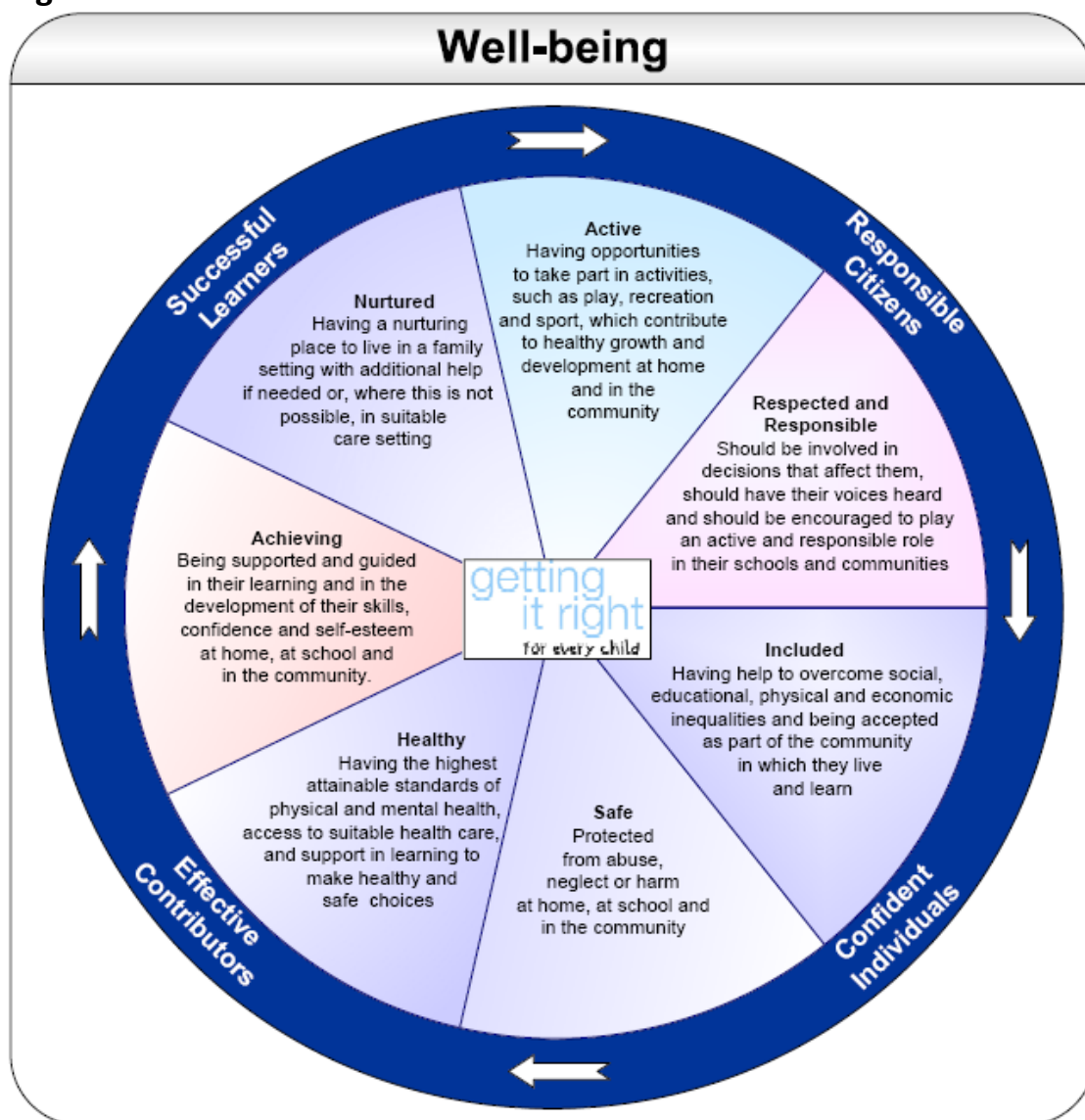
2.4.1 The Wellbeing Indicators

Seven indicators of wellbeing have been identified as areas in which children and young people need to progress in order to do well, now and in the future. These wellbeing indicators are illustrated and defined in Diagram 1.

The Wellbeing Indicators are an important part of the GIRFEC national practice model and are used at three points during the assessment and planning process:

1. To provide a context for identifying and recording concerns.
2. As a framework for:
 - analysis of further information gathered around the My World Triangle
 - setting outcomes
 - identifying the actions to be taken to bring about the desired outcomes
3. To provide clear objectives against which the plan can be reviewed.

Diagram 1



2.4.2 The Five Questions

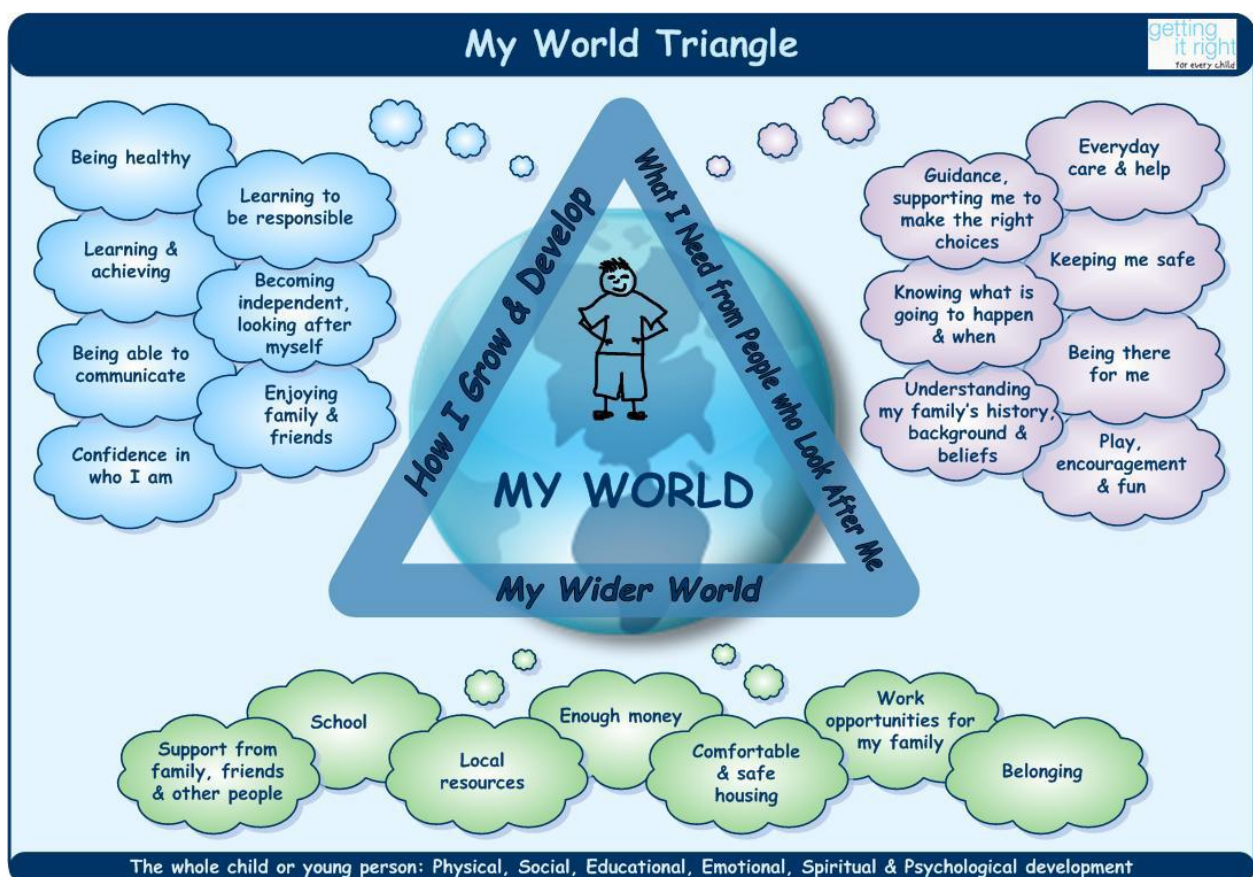
Planned interventions should be outcome-focused rather than process-led. This should underpin the way in which everyone working with children and young people looks at issues of child wellbeing and protection. At each stage of an intervention, practitioners should ask themselves the following questions:

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

2.4.3 The My World Triangle

Many factors shape children’s development throughout childhood. Some factors are inherent such as ability or temperament whilst others are external such as family influences, or social, economic and environmental factors. Race and culture will be important in shaping children’s views about the world in which they live. Good attachments to significant adults can be a protective factor throughout life. Traumatic events and experiences, such as illness, early separation from parents or carers, or abuse or neglect can lead to disruption or delay in a child’s growth or development and affect their wellbeing. Later experiences can either reduce or increase the effect of early damaging experiences. Based on evidence from research, the My World Triangle (Diagram 2) provides a mental map that helps practitioners, children and families explore what is happening in a child’s whole world and the likely impact on their wellbeing and development.

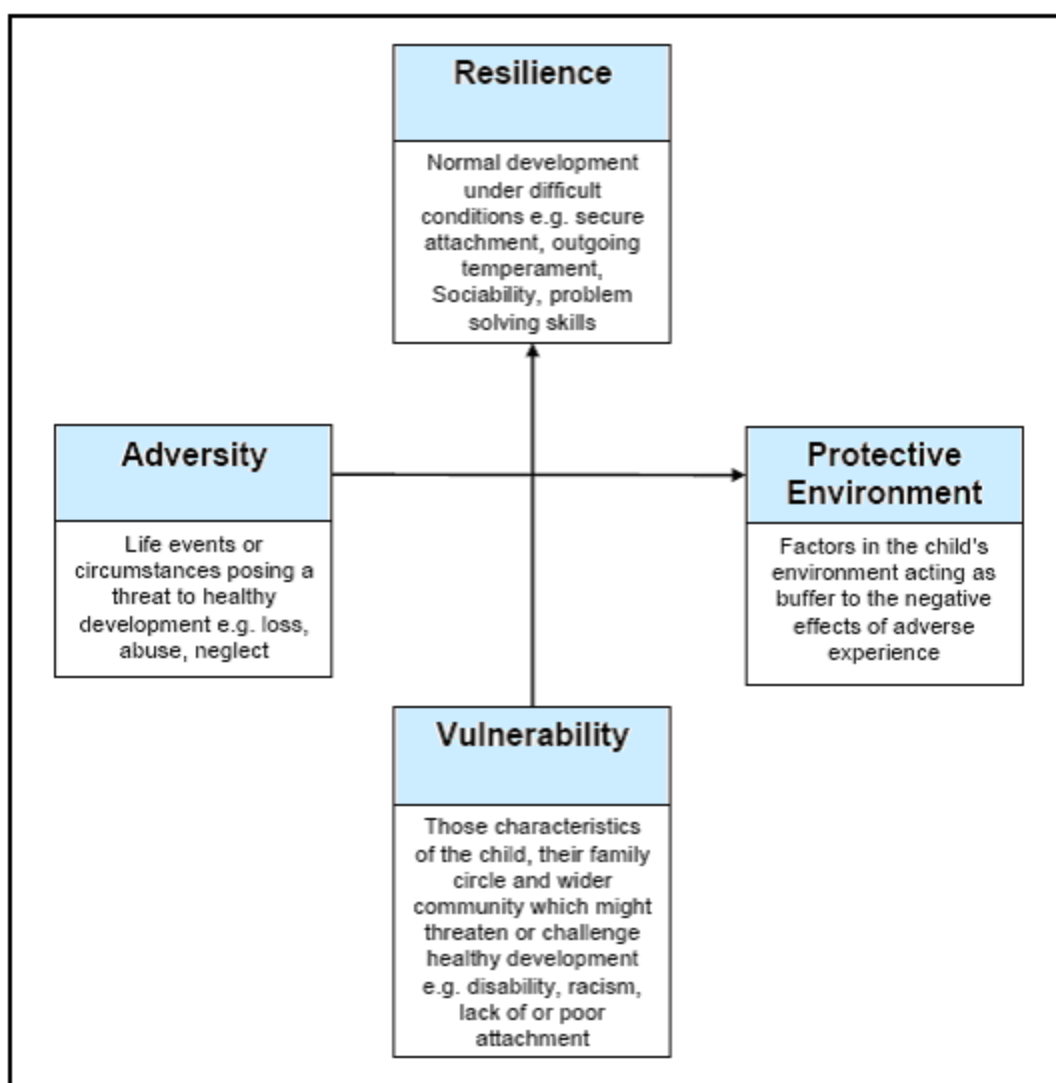
Diagram 2



2.4.4 The Resilience Matrix (Diagram 3)

The concept of resilience is fundamental to children’s wellbeing. A resilience-based approach builds on the strengths in the child’s whole world, drawing on what the family, community and universal services can offer. The Resilience/Vulnerability Matrix bring together the two dimensions of vulnerability and resilience, and adversity and protective environment, providing a framework to help analysis of the strengths and pressures in the child’s world. The two dimensions interact, and strengthening protective factors in the environment will help boost a child’s resilience.

Diagram 3



2.4.5 The Child's Plan

In practice the majority of pupils will not need a Child's Plan as their wellbeing needs will be met by their parents and through routine activity and planning within the School or health services.

It will be for the School to decide if a child requires a Child's Plan. For children attending Nursery this will be decided on in consultation with the child's health visitor. There are two main considerations in deciding if a child requires a Child's Plan. The first is based on an assessment of wellbeing. The child must be assessed as having a wellbeing need in terms of the definition of wellbeing within the Children and Young People (Scotland) Act 2014. This means that a judgement has been made that the child's wellbeing is currently being adversely affected by any matter, or is at risk of being adversely affected. The adverse effect may be on one or more aspects of wellbeing and can arise from any factors relevant to the child. The second consideration relates to the support judged necessary to meet the identified wellbeing need. A wide range of children may present with a wellbeing need at some points in their lives and these can most often be met by support from their family, and the support generally available within the School and health services. A Child's Plan is required only when the wellbeing need cannot be met, or fully met, without the provision of a 'targeted intervention', and it is considered that the wellbeing need can be met by one or more targeted interventions. This means that the School decides that action should be taken to provide specific support which meets the definition of a targeted intervention.

Types of Child's Plan

1. Single-agency Plan

Where the child's main needs lie within the School the Named Person (Health visitor or Headmaster) is expected to initiate a single agency Child's Plan and coordinate delivery of support where additional targeted help is needed (a targeted intervention), unless this requires a level of coordination out with the scope or capacity of the Named Person.

2. Multi-agency Plan

For a child who is receiving support from a number of different agencies, the Child's Plan will be multi-agency but will be discussed and reviewed in a single forum: the Child's Plan meeting. In these circumstances, the role of the Lead

Professional is key to ensuring that support is co-ordinated across agencies, the child, young person and family are kept informed and are actively involved in the process, and the agreed support is being taken forward in line with the plan. The Lead Professional will be the professional who is best placed to carry out that co-ordinating role and work with the family to improve outcomes for the child, or young person. The Named Person will work with the Lead Professional and will be involved in the decision to initiate the Child's Plan, even if they do not work for the agency leading on the preparation of the Plan.

Although for many children there may be an incremental approach to planning and support, moving from a single agency plan to a more complex, multi-agency plan supported by a Lead Professional, for a minority of children a sudden event or crisis might require multi-agency planning and support as a first step.

3. Child Protection Plan

If the concerns are Child Protection related the plan is agreed and reviewed at a Child Protection Case Conference and incorporated into the Child's Plan outlining the risk and protective factors.

4. The Co-ordinated Support Plan (CSP)

Children in independent schools are not eligible for a Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004. However, if deemed appropriate, a CSP will be drawn up in certain cases if it would contribute to providing a broader framework of support for the wellbeing of an individual child. It would form part of the Child's Plan.

Content of a Child's Plan

The Child's Plan will contain as a minimum:

- Details of the child or young person, key people such as relatives and practitioners who influence their lives.
- Dates of commencement, review and closure of the plan.
- A summary of relevant assessments and analysis including use of the National Practice Model.
- Identified needs supported by a single agency.
- Where there are partners to the Plan, an integrated chronology of events significant and proportionate to the context of the Plan.
- The desired outcome(s) for the child or young person.

- A list of agreed actions which will address the need, who they are to be carried out by, why and by when.
- The views of the child/family.
- A record of when the desired outcome(s) has/have been achieved.
- Any compulsory measures of care, with supporting evidence as to why they are being recommended and what is to be achieved.
- In cases where there are additional statutory planning requirements such as the Co-ordinated Support Plan (CSP) as required by the Education (Additional Support for Learning) (Scotland) Act 2004, those requirements will be included within the plan.
- In cases involving the Children's Hearing, non-disclosure issues will be included.

2.5 The Lead Professional

When two or more agencies work together to support a child and their family, a Lead Professional is nominated to co-ordinate that support. The Lead Professional will ensure that the expertise of those involved is properly integrated, along with evidence gathered through specialist assessments, in order to give the fullest possible picture of the child's needs and how best they can be met. The Lead Professional is also responsible for co-ordinating and reviewing any actions taken to improve the outcomes for the child. The Named Person will either take on the role of the Lead Professional themselves, or will agree with the partners involved in supporting the child/young person who else should most appropriately take on the role of Lead Professional to manage the multi-agency Child's Plan.

2.6 Equality and Diversity

Access to, and delivery of, services under the Children and Young People (Scotland) Act 2014 and child protection should be fair, consistent, reliable and focused on individual outcomes and enablement. Children and young people should be listened to, respected and responded to. There should be no discrimination on the grounds of race, disability, gender, age, sexual orientation, religion or belief, gender reassignment or on the basis of pregnancy.

3. WHAT IS CHILD ABUSE AND CHILD NEGLECT?

3.1 Definition

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger. Assessments will need to consider whether abuse has occurred or is likely to occur.

The following definitions show some of the ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child.

3.1.1 Physical Abuse

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

The Law and Parental Chastisement

The Criminal Justice (Scotland) Act 2003 clarifies that a person may claim that an act was physical punishment carried out in exercise of a parental responsibility or of a right derived from having charge or care of the child. Courts will need to consider:

- the nature of what was done, the reason for it and the circumstances in which it took place
- its duration and frequency
- any effect whether physical or mental which it has been shown to have had on the child
- the child's age
- the child's personal characteristics including sex and state of health at the time
- the intent of the parent or carer

The court must then determine that it was not something that even as part of a parental right or responsibility could be determined to be a justifiable assault.

3.1.2 Emotional Abuse

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

3.1.3 Sexual Abuse

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child consented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

3.1.4 Child Sexual Exploitation (CSE)

CSE has two distinctive characteristics – exploitation and exchange. CSE is the sexual exploitation of children and young people under the age of 18 and may involve a child or young person being enticed, coerced, manipulated, forced or deceived into performing and/or allowing others to perform on them, sexual acts in exchange for some form of material goods e.g. money, gifts, affection. (see appendix 4)

3.1.5 Neglect

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

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

3.2 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.** Equally, in instances where a child may have been abused or neglected but the risk of future abuse has not been identified, the child and their family may require support and recovery services but not a Child Protection Plan. In such cases, an investigation may still be necessary to determine whether a criminal investigation is needed and to inform an assessment that a Child Protection Plan is not required.

There are also circumstances where, although abuse has taken place, formal child protection procedures are not required. For example, the child’s family may take protective action by removing the child from the source of risk. Children who are abused by strangers would not necessarily require a Child Protection Plan unless the abuse occurred in circumstances resulting from a failure in familial responsibility. For example, if a young child is abused by a stranger, a Child Protection Plan may be required only if the family were in some way responsible for the abuse occurring in the first instance or were unable to protect adequately the child in the future without the support of a Child Protection Plan.

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

‘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’ is determined by comparing the child’s health and development with what might be reasonably expected of a similar child.

Child protection is closely linked to the risk of significant harm. ‘Significant harm’ is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family. 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. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the alleged abusive behaviour.

There are no absolute criteria for judging what constitutes significant harm. Sometimes, a single traumatic event may constitute significant harm; more often, significant harm results from an accumulation of significant events, both acute and long standing that interrupt, change or damage the child's physical and psychological development.

To understand and identify significant harm, it is necessary to consider:

- The nature of harm, either through an act of commission or omission.
- The impact on the child's health and development, taking into account their age and stage of development.
- The child's development within the context of their family and wider environment.
- The context in which a harmful incident or behaviour occurred.
- Any particular needs, such as a medical condition, communication impairment or disability, that may affect the child's development, make them more vulnerable to harm or influence the level and type of care provided by the family.
- The capacity of parents or carers to meet adequately the child's needs.
- The wider and environmental family context.

The reactions, perceptions, wishes and feelings of the child must also be considered, with account taken of their age and level of understanding. This will depend on effective communication, including with those children who find communication difficult because of their age, impairment or particular psychological or social situation. It is important to observe what children say as well as to bear in mind that children may have a strong desire to be loyal to their parents or carers who may also hold some power over them. Steps should be taken to ensure that any accounts of adverse experiences given by children are accurate and complete, and that they are recorded fully. Where a child is thought to be at risk of significant harm, the primary concern will be for their safety.

4. CARGILFIELD: ROLES AND RESPONSIBILITIES FOR CHILD PROTECTION

All staff at Cargilfield have a duty to safeguard and promote the wellbeing of pupils and to protect them from harm.

4.1 Boarders

For those who board the School ensures that:

- Pupils are enabled to effectively sustain family contacts through a range of methods including e-technology and phone calls, thus reducing potential feelings of isolation.
- Accommodation arrangements, including toilets, showers, and sleeping facilities have regard for pupils' rights to dignity, privacy and personal space.
- Staff have in place good formal and informal methods of monitoring the wellbeing of the pupils in their care. Both boarding staff and boarders meetings are held regularly and boarders complete questionnaires up to five times per year.
- The boarding house has in place good monitoring procedures for pupils' eating and sleeping patterns to assist early identification of such difficulties as eating disorders or bullying. There is a regular member of staff at the breakfast tables and the matrons monitor what is being eaten at lunch and supper times.
- A policy is in place to regulate the access pupils have to mobile technology overnight. Mobile phones are available to boarders between 8pm and 8.45pm only. Phones with access to the internet are not allowed in school.
- Activities with a strong group ethos, such as, pipe bands and sports teams, boarders evening and boarding weekends promote inclusion for all.
- Behaviour is carefully monitored and concerns are reported to the Headmaster and the pastoral committee. Decisions on what action will be taken is communicated to all staff through the pastoral minutes.

4.2 The Child Protection Co-ordinator (CPC)

Whilst all teaching and support staff who have contact with pupils have responsibilities towards them and receive relevant training in child protection, the wellbeing and protection of children and the efficient operation of Cargilfield's Child Protection procedures is the responsibility of Emma Buchanan, the Child Protection Co-ordinator. She reports directly to the Headmaster on all Child Protection matters.

4.3 Staff Training in Child Protection

At Cargilfield Child Protection training is mandatory for all teaching and non-teaching staff and any governors who come into contact with pupils. All staff are required to have at least bi-annual child protection training to make them aware of risks to children and understand their particular responsibilities in keeping children safe.

Staff are required to keep up to date with the Cargilfield policy on Child Protection and to sign on an annual basis to confirm they have read the child Protection and other child welfare policies and understand what their roles and responsibilities are. They are expected to know the procedures to follow when they are concerned about a child or when they are involved in child protection processes. They should be aware of whom they can seek advice from and should understand what, how and when and how to record and share information to keep children safe.

4.4 Code of Conduct for Staff: Guidance on interaction with Pupils

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety.

Staff are required on an annual, at the start of the School year, to sign the following Code of Conduct to confirm they understand and will follow the guidance laid down within it. (See appendix 5)

5. CARGILFIELD: PROCEDURES FOR RESPONDING TO WELLBEING CONCERNS OR ALLEGATIONS OF ABUSE OF CHILDREN

5.1 Role of Cargilfield Staff

Cargilfield staff play a crucial role in the support and protection of children as well as the development of their wellbeing. Teachers and boarding staff have significant day-to-day contact with children and so are well placed to observe physical and psychological changes in a child that could indicate abuse and to contribute to the assessment of vulnerable children. School staff may be the first to be aware that families are experiencing difficulties in looking after their children. Staff should be alert to signs that a child may be being abused (see appendix 6).

All staff who work and/or come into contact with children and their families have a role to play in Child Protection. That role will range from identifying and sharing wellbeing and child protection concerns about a child, to making an active contribution to supporting the child and their family.

When a member of staff has reason to believe that a child's safety is compromised, or they are suffering or are likely to suffer significant harm, that member of staff must share these concerns with the school's Child Protection Co-ordinator as soon as possible and certainly on the same day as the concern arises. They must complete **Part 1 of a Child Protection Concern Form** (see appendix 7) and after printing one copy only, ensure they sign and date it before deleting it and giving it to Emma Buchanan, the Child Protection Coordinator.

5.2 How Concerns may arise

Concerns about child abuse may arise in the following circumstances:

- A member of staff has concerns arising from observation of the child's behaviour or appearance, or comments the child has made.
- A child tells a member of staff they have been abused or feel unsafe.
- A third party expresses concerns to a member of staff: this could be another pupil, a parent or carer or member of the public.
- An anonymous allegation is received.
- Historical abuse (see Cargilfield Historical Abuse policy appendix 8).

It is also possible that a school's co-operation may be sought in relation to a child abuse investigation which was initiated outside the school.

5.3 A Member of Staff has Concerns or a Child Tells of Abuse

The suspicions of a staff member may be aroused by the presence of indicators of possible abuse or by a feeling, based on knowledge of the child, that all is not well, or by a mixture of factors.

It may be appropriate for a member of staff to make an enquiry of a child about how an obvious injury was sustained, or why the child appears upset or distressed using **open-ended non leading questions**. For example: '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. Contemporaneous notes should be made to ensure the accuracy of the final report.

Questioning and testing of evidence is not a matter for school staff, as this is the responsibility of the police and social work agencies. Such an approach by staff could prejudice later investigations. The role of school staff is to **recognise, respond, report and record**:

- **Recognise** when the child's behaviour and demeanour is a cause for concern and **respond**.
- **Report** their concerns as quickly as possible and on the same working day to Emma Buchanan, the Child Protection Co-ordinator, or in her absence to the Headmaster.
- **Record** in detail what they have seen and heard, and when they did so. Signs of physical injury should be described in detail. Any comment by the child concerned, or by an adult who might be the abuser, about how the injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made, and sign and date the report on the day.

Staff should:

1. Listen sympathetically and with care.
2. Reassure the child that he/she is not to blame.
3. Not show disbelief.
4. Not give a guarantee of confidentiality.
5. Take the allegation seriously.

6. Affirm the child's feelings as expressed (don't tell the child how he/she should feel).
7. Avoid being judgemental about the information given by the child.
8. Refer to Emma Buchanan, the Child Protection Co-ordinator in accordance with school procedures.

If the child draws back from speaking to the staff member, the child should be informed of the possibility of making a private and confidential telephone call to ChildLine on 0800 1111. ChildLine's approach is to listen to the child, discuss options and encourage the child to seek help from a trusted adult. A member of staff who is concerned about a child in these circumstances should inform the Child Protection Co-ordinator that the child appears to have some concerns.

Where the concerns are expressed by another pupil, it should be remembered that reporting suspicions of abuse may be traumatic for that child and appropriate support should be provided.

5.4 A Third Party Expresses Concern

Research suggests that some adults see schools as a preferred contact point if they have concerns about the wellbeing or safety of a child either in the school their child attends or at another school. Parents in conflict may also share concerns about their partner with school staff. In some circumstances, therefore, school staff will find themselves receiving external information that indicates possible child abuse. In these circumstances it is important that, as with children disclosing, staff listen carefully and sympathetically, treat the matter seriously and as soon as is practically possible on the day, report the information to the Child Protection Co-ordinator and record the information on Part 1 of a Child Protection Concern Form.

As with a direct approach, a member of staff to whom a third party expresses concern should:

- **Recognise** that a concern is being raised and **respond** to the person expressing the concern.
- **Report** the matter to the Child Protection Co-ordinator.
- **Record** in detail what they have seen and heard and when they did so. Actual words used should be quoted where possible. Record the behaviour and demeanour of the person expressing the concerns, where this is done in person.

Those expressing the concerns may seek from the staff member a guarantee of confidentiality or anonymity. No absolute guarantee of confidentiality can be given (see appendices 9-10). The information disclosed may be of such a nature that the staff member must pass it on in order to protect a child. Whilst it may be possible to a certain extent to protect the identity of the person expressing concerns, it will be easier to take action to protect the child if that person is willing to be identified. If legal proceedings follow, it may be necessary to disclose the identity of that person.

In all circumstances, the Child Protection Co-ordinator or Headmaster will ensure that the information is shared with other relevant agencies (health, police, Social Care Direct), so that an early assessment can be made of any potential/actual harm to the child and whether further child protection enquiries are necessary.

5.5 An Anonymous Allegation is received

Staff in receipt of anonymous allegations about child abuse, whether that child is a pupil in the school or not, should:

- **Record** in writing on Part 1 of a Child Protection Concern Form the words used, so far as possible, where the allegation is by telephone, or retain the paper, where it is in writing.
- **Report** the matter to the Child Protection Co-ordinator.

5.6 Action by Staff in Exceptional Cases

By law, any person with concerns about a child has a right to make a report direct to the Children's Reporter. In exceptional cases, where a member of staff feels that concerns about a child are not being taken seriously, or followed through appropriately or with sufficient speed, it is perfectly legitimate for that member of staff to refer the matter directly to the Chair of Governors or the Reporter.

5.7 Action by the Child Protection Co-ordinator (CPC)

All cases of alleged or suspected abuse will be treated seriously. Some may require an urgent response. If the CPC is certain, or has very good reason to suspect or believe that a child has been abused or requires protection or is at risk of significant harm, then this will be reported following local child protection procedure.

In cases where there is a high degree of suspicion, or in cases where the issues are not so clear or so urgent, the use of the following procedure will be considered in order to focus and test the strength of concerns about a child. It should always be borne in mind that it is not Cargilfield's role to investigate the allegations or suspicions, but to gather together what information it has about a child and pass it to the social work department or police. Children should not be subject to questioning by a variety of school staff. It would be against good investigative procedures and best evidence for children to be subject to internal investigations and thereafter re-interviewed by the social work and police authorities.

Emma Buchanan, the CPC will collate all relevant information held by the school on the child and complete Part 2 of the Child Protection Concern Form, sign and date it and include the reasons for the decision to make or not make a formal child protection referral to the statutory agencies. Referrals will be made in every case where there is any substantial suspicion. Proof is not required at this stage. If there is doubt about whether to refer, guidance will be sought from the social work department or the police. Consideration will be given to the provision of support for the child and for the member of staff who made the report.

The Headmaster will send a brief report of the incident in confidence to the Chair of Governors. The names of the people involved will not be disclosed in this report unless there are exceptional reasons for doing so.

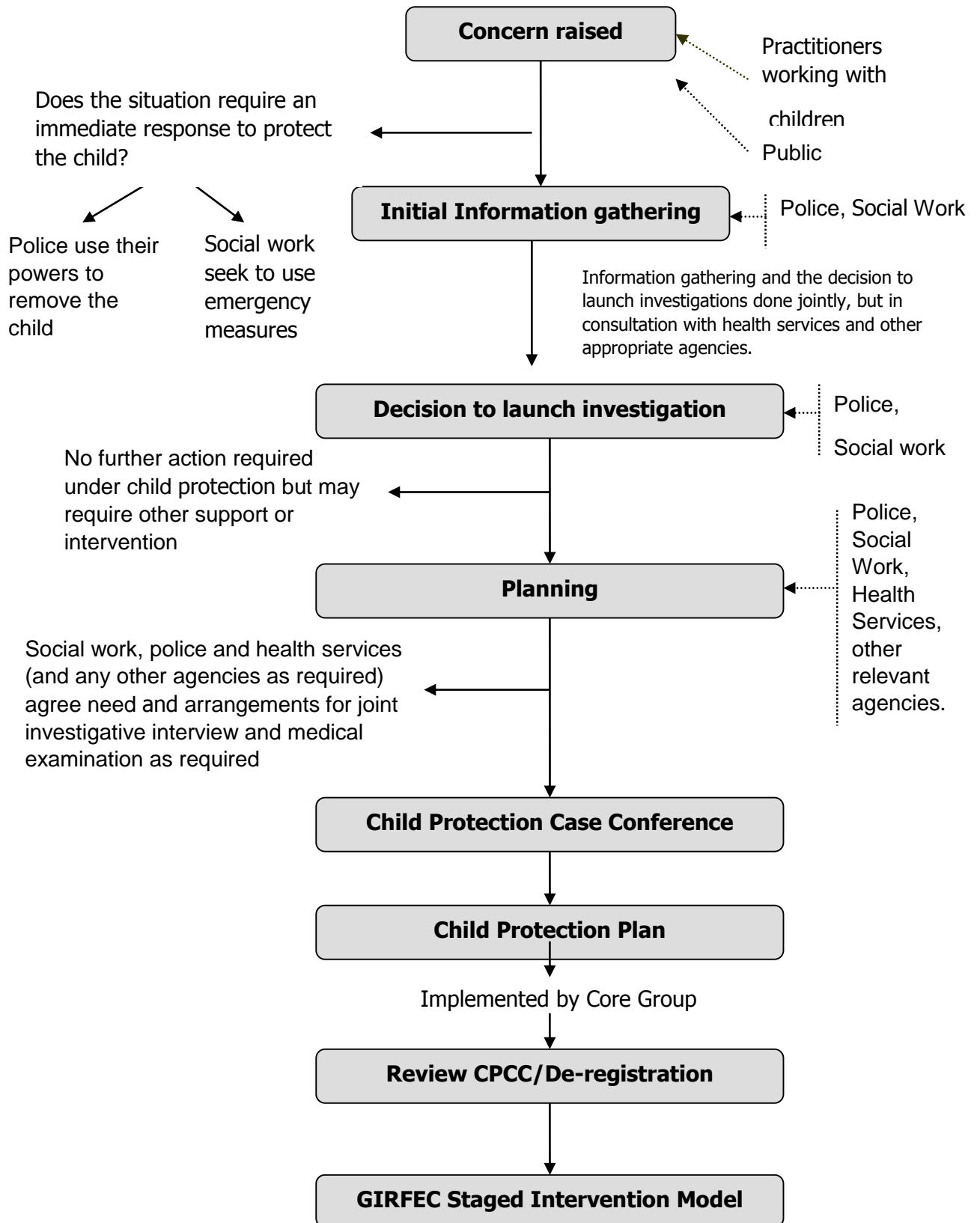
In the case of an allegation against a member of staff it may be appropriate to name the member of staff as the Governors are responsible for his/her employment.

5.8 Inappropriate Behaviour by Pupils

In the case of inappropriate behaviour by pupils, Cargilfield's behaviour policy or anti-bullying policy will apply. The basic facts will be established and parents or carers will be informed. In more serious cases, where a referral to police or social work is needed, beyond establishing the basic facts, it is not appropriate for staff to take on an investigative role. The child should not be searched or aggressively questioned. Not only can this constitute an abuse of the child and an abrogation of his/her legal rights, but it may weaken the possibility of success of future legal proceedings. Evidence will not be able to be used if it is regarded as having been unfairly or unlawfully obtained.

FLOW CHART – CHILD PROTECTION PROCESS

Formal Child Protection procedures can be broadly divided into a number of different stages.



6. MANAGING ALLEGATIONS OR CONCERNING INFORMATION ABOUT STAFF

6.1 Allegations or Complaints of Abuse against Staff – where information suggests possible Child Abuse

Any information, suggestion, allegation or complaint against a member of Cargilfield staff, or adult living on site, about possible child abuse will be taken seriously and acted on. Where it is clear that the initial information suggests possible child abuse or a criminal offence against a child, the police will be asked to investigate and the following procedures along with those in the school's Disciplinary Policy will be followed.

If a member of staff has information which could suggest that possible child abuse has or is taking place then he/she must inform the Headmaster and Emma Buchanan, Child Protection Co-ordinator, immediately. The Chair of the Board of Governors will then be informed by the Headmaster as a matter of urgency. Advice will be taken from the police before anyone is questioned. Advice will also be taken from the investigating officer in the police as to what information (either orally or in writing) can be given, and when, to the member of staff involved in the allegation, so that best evidence is preserved.

6.2 Concerning Information about Staff that does not suggest Child Abuse

If the information is unclear, the basic facts will be established using open-ended, non-leading questions and a decision made as to what action Cargilfield needs to take. If there is any doubt about the status of the initial information, advice will be taken from the police. If during the course of establishing the facts, it becomes evident that there is a possible allegation of abuse the guidance in 6.1 will be followed.

Where the information provided does not suggest child abuse, the context of the interaction between the member of staff and pupil and the intent of the member of staff will inform the initial assessment. Where the allegation concerns inappropriate behaviour by a member of staff, it may be appropriate to invoke the school's staff disciplinary procedures. The member of staff will always be informed that such an allegation has been made.

6.3 Precautionary Suspension

The Headmaster and CPC will have to consider how best to ensure that children are protected while an allegation is under investigation. A precautionary suspension, without prejudice to the member of staff, for the duration of the investigation, will be considered by the Headmaster and Chair of Governors in cases where:

- There is cause to suspect or believe a pupil or pupils are at risk of harm.
- The allegation warrants investigation by the police.
- The allegation is so serious that it might be grounds for dismissal.

Where the member of staff concerned has had contact with a number of children, consideration will be given to the possibility that others may also have been abused. If a decision is made to suspend the member of staff, there will be no delay in taking action, including during school holiday periods. The member of staff will be informed immediately and warned that there should be no contact with pupils for the duration of the investigation.

In the event of a member of staff being suspended while investigations are taking place, The Headmaster and Chair of Governors will consider whether it may be advisable to inform all parents or carers of children with whom the staff member concerned has had contact. As the matter will be *sub judice* advice will be sought from the investigating police officer who may need to discuss the matter with the Procurator Fiscal. In the infrequent event of a second allegation being made, consideration will have to be given as to whether to inform all parents. Once rumours and misinformation start to circulate, a lack of openness can lead to a loss of trust between parents and the school and a breakdown in relationships. If there is enough suspicion of multiple abuse to justify enquiries being made of other children and families by police and social work agencies, the school will ensure that it responds appropriately to the legitimate concerns of parents or carers. In this situation, legal advice will be taken about the terms of any letter to be sent to all relevant parents or carers, and the terms of response to any enquiries from the press. Where the matter is *sub judice*, no letter will be sent to the parents or carers without clearing it with the investigating police officer who may need to clear it with the Procurator Fiscal. A delicate balance has to be maintained between openness and confidentiality, which respects rules of law about matters which are under investigation.

Should the allegations be proven, parents or carers will be informed of the facts and of the action taken by the school. If, after police and social work investigation, there is felt to be insufficient evidence for prosecution, or where

a prosecution does not result in a conviction, disciplinary action against the member of staff may still be taken, if the member of staff is considered to represent a risk to a child or children or their behaviour has caused concern. A referral to the PVG Scheme and GTCS may be appropriate in some circumstances.

6.4 Allegations against the Head

In cases where the member of staff against whom the allegation is made is the Headmaster, the Chair of Governors must be informed as a matter of urgency. It will be the responsibility of the Governors to consider the matter and take appropriate action and follow the policy laid down. Governors will take independent advice on the matter to avoid any suspicions of a 'cover-up'.

6.5 Unfounded Allegations

If after due consideration it is concluded that the allegation is completely unfounded, the decision to take the matter no further will be recorded, together with the reasons for it. Members of staff may wish to seek advice and support from their professional associations in these circumstances.

Where the information is shown to have been a malicious allegation by a pupil (and not for example a misinterpretation of the intent of a member of staff), the Headmaster will consider whether there is a need to take action to safeguard other staff members.

6.6 Abuse of Trust

Part 5 of the Sexual Offences (Scotland) Act 2009 covers the abuse of trust offence whereby a person aged 18 or over engages in sexual activity with a person under that age if the person aged 18 or over is in a position of trust in relation to the younger person. The definitions of when a person is in a 'position of trust' would include all staff in schools.

6.7 Historical Allegations of Abuse

See Cargilfield policy on Historical Abuse (see appendix 8).

7. GOOD PRACTICE IN SAFEGAURDING AND PROTECTING THE WELLBEING OF PUPILS

7.1 Use of Photographs and Films of Pupils

Photographs and videos provide the opportunity to celebrate the School's activities and pupil's achievements and are a valuable source for evidencing the teaching and learning taking place. The School takes all reasonable and proportionate steps to safeguard pupils but common sense is required and the best interests of the pupils must come first.

- Except in exceptional circumstances only School equipment should be used by staff for taking photographs or films of pupils.
- Photographs should not be sent by email but by Drop Box to the School office. Once this has been done photographs and films should be deleted from the device.
- No photographs or film footage are allowed in areas where pupils and staff should expect personal privacy e.g. changing rooms, bathrooms or dormitories.
- External photographers will only be used through an agency who have ensured the appropriate checks have been made.
- All images and films of pupils taken for educational purposes belong to the school.
- Nursery staff are permitted to use their own devices at home to work on pupils on line learning journals but must ensure that they comply with the School's internet and data protection policies at all times.

7.1.2 Permission

On entry to Cargilfield parents are requested in the Parent Contract to give permission for photographs and filmsto be taken for use within internal publications, the plasma screen, the website, advertising, media coverage and educational and assessment purposes.

If permission is not granted then staff are informed by the Registrar who provides staff with and updated list every term of who is **not** permitted to be photographed or filmed

Should a pupil make a reasonable request not to be photographed or filmed on a particular occasion, this should be taken into account. All pupils entering Form 8 are asked for permission for photographs to be taken and used as they are

over the age of 12 and deemed to have legal capacity. This is included as part of the pupil IT user agreement which is signed each year.

7.1.3 Publication on the Internet/Websites

There are potential risks of the inappropriate use, adaptation or copying of images for use on child abuse websites. The identification of a child when a photograph is accompanied by a significant personal information can assist a third party in identifying the child. This can, and has, led to children being groomed. The safety and protection of a child could be at risk if their location is identified.

- Personal information that could identify a pupil must not be published on the School website and general internet. This includes full names, dates of birth, home and email addresses, home and mobile phone numbers.
- Photographs posted on the School website or published in any external publications must not feature the full names of any pupil.
- In certain instances with relation to vulnerable children special care will be taken to ensure the use of any images is appropriate. The CPO will keep staff up to date with whom this applies to and permission must be sought from her before an image is used.

7.1.4 Storage and Use of Images

All photographs or filmstaken must be downloaded into the folder set up for photographs in the Staff area of the network or into the School's Drop box account. At the end of each term these are then either deleted or archived by the Head of ICT, onto an external hard drive which is kept securely in the office.

Once photographs have been downloaded they must be deleted from the school device used to take them.

Films of School events such as plays, are downloaded into the Drop box account for seven days. Parents are given a password which allows them to access these.

7.1.5 Taking Photos or Filming in Public Places

It is not an offence to take appropriate photographs in public places even if asked not to. In private locations including facilities owned for example, by local authorities, the owner can decide whether or not photographs are allowed to be taken. Cargilfield allows parents to take photographs and films of events deemed suitable by the Headmaster.

7.1.6 Reporting Concerns

Anyone behaving in a way which could reasonably be construed as inappropriate in relation to filming or photographing will be reported to the person in charge on the day. They will be approached for an explanation. If a satisfactory explanation is not provided, the circumstances will be reported to the CPC or the Headmaster.

7.2 MANAGING THE USE OF E-TECHNOLOGY

Technologies, digital media and the internet are an integral part of staff and pupils' lives. Whether on a computer at school or at home, a games console or mobile phone, children and young people are increasingly accessing the internet whenever they can and wherever they are. This has enabled entirely new forms of social interaction to emerge, for example, through social networking websites and online gaming. But these new technologies also bring a variety of risks, such as:

- Exposure to obscene, violent or distressing material.
- Bullying, coercion or intimidation through email or on-line cyber bullying.
- Identity theft and abuse of personal information.
- Exploitation by online predators – for example, sexual grooming – often through social networking sites.

Children need to understand the risks posed by e-technology so that they can keep themselves safe. The School's ICT curriculum programme provides children with the knowledge and skills to use e-technology responsibly and safely, and know how to respond when something goes wrong. The Head of ICT is a CEOP Ambassador and is therefore able to keep staff and pupils effectively updated.

7.2.1 Risk Factors

The Internet does not recognise boundaries and allows the downloading and sharing, largely undetected, of images (including movies) throughout the world in seconds. The Internet also provides forums (chat rooms, news groups, etc.) where like-minded individuals can communicate anonymously. Included amongst these individuals are those who collect or trade in indecent images of children and young people. Cargilfield seeks to minimise viewing and downloading of inappropriate materials through its extensive filtering system. Some of the main problem areas are:

- **Contact Offences** - Studies have shown that in cases where individuals have downloaded or shared indecent images they are far more likely to have also committed contact abuse offences against children and young people.
- **'Grooming'** - People who sexually abuse children and young people often actively seek to befriend their victims prior to committing any indecent act; this process is known as 'grooming'.
- **On-line contact and web cam exchanges with other individuals** - Young people may regularly enter into on-line conversations regarding subjects of mutual interest for educational purposes or for leisure activity; often these conversations are with peers. However, no reliable method of checking the genuineness, trustworthiness, age or intent of the other party exists and young people might find themselves potentially at risk, particularly where personal details are exchanged or arrangements made to meet with people they do not know. The unsupervised use of webcams poses a further risk.
- **Self-generated indecent images known as 'Sexting'** is defined as the use of technology to share personal sexual content from texts, partial nudity, sexual images and videos often between partners but can be broadcast to groups e.g. by mobile phones, Skype, Facebook, Twitter, Flickr, YouTube etc. Some teenagers, who have sent photographs of themselves, or of their friends or partners, have been charged with distribution of child pornography, while those who have received the images have been charged with possession of child pornography (a child is defined as being up to the age of 18 for child pornography). In extreme cases, these images have been used by paedophiles to blackmail young people into committing further indecent acts.
- **Location from uploaded pictures** can be easily obtained using software that can read location data stored within digital photographs. This data can be mapped to pin-point accurately where the photograph was taken.
- **Instant messaging/Texting** - Advances in mobile phone technology and phone networks mean that many children have unsupervised access to the Internet through mobile technology, as well as popular social networking sites such as Facebook, Twitter, YouTube and Instagram. This allows instantaneous communication as well as the uploading of images and films. This communication may be with individuals whose intent could pose a risk to the young person. At Cargilfield day pupils are not permitted to bring mobile phones to school and boarders are not permitted to have SMART phones.

7.2.2 Preservation of Digital Evidence

Staff must be aware of the potential value of evidence contained on computers, mobile phones and other media (this included media used by the victim as well as any suspect. If there is a suspicion that such equipment might be of evidential value the following procedures must be followed.

- Further use of the computer or other equipment must be prevented.
- Access to the computer, other equipment or associated media must be prevented.
- Power **must not** be disconnected unless there is reason to believe the computer is carrying out a task that would delete any evidence, in which case remove the power lead from the rear of the computer; do not shut the computer down in the normal manner and do not switch off at the wall as both actions may cause files to be deleted.
- Do not allow anyone, no matter how computer literate they may be, to interrogate the computer; this should be done by the police so as to ensure that the evidential value of the data is preserved.

7.2.3 Cyberbullying

Cyberbullying can be defined as the use of information and communications technology, particularly smartphones and the Internet, to deliberately upset someone else. However, it differs in several significant ways from face to face bullying: the invasion of home and personal space; the difficulty in controlling electronically circulated messages; the size of the audience; perceived anonymity; and even the profile of the person doing the bullying and their target.

The boundaries between home and school often become blurred. In many instances this will involve the school even though the cyberbullying has taken place outside the school. Research into the extent of cyberbullying indicates that it is a feature of many young people's lives including prep school children. It also affects members of school staff and other adults; there are examples of staff being ridiculed, threatened and otherwise abused online by pupils.

Cyberbullying, like all bullying, should be taken very seriously. Although cyberbullying is not a specific criminal offence, there are criminal laws that can

apply in terms of harassment and threatening communications. The School will contact the police if they feel that the law has been broken.

- Cyberbullying takes different forms: threats and intimidation; harassment or cyber-stalking (e.g. repeatedly sending unwanted texts or instant messages), vilification/defamation, exclusion or peer rejection, impersonation, unauthorised publication of private information or images and manipulation.
- Some cyberbullying is clearly deliberate and aggressive, but it is important to recognise that some incidents of cyberbullying are known to be unintentional and the result of simply not thinking about the consequences. The instant nature of digital communication means that children have little thinking time about what they are doing. What may be sent as a joke, may not be received as one, and indeed means the sender may not see the impact of the message on the receiver. There is also less opportunity for either party to resolve any misunderstanding or to feel empathy. It is important that pupils are made aware of the potential effects of their actions and this is addressed through the ICT curriculum programme.
- In cyberbullying, bystanders can easily become perpetrators – by passing on or showing to others images designed to humiliate, for example, or by taking part in online polls or discussion groups. They may not recognise themselves as participating in bullying, but their involvement compounds the misery for the person targeted.

7.2.4 Procedures for the Prevention of Cyberbullying

The Head of ICT has received CEOP Ambassador training and is responsible in collaboration with the Headmaster and CPC for ensuring that:

- Pupils, staff and parents are aware of and understand about cyberbullying through the ICT, PHSE/Health and Wellbeing curriculum, staff INSET and parents' information meetings.
- Procedures for dealing with cyberbullying are included within the School's anti bullying policy.
- Incidences of cyberbullying are recorded and monitored in the same way as face to face bullying.
- Pupils are made aware of how to report cyberbullying incidents including how to contact external reporting routes directly.

- Pupils are taught about the responsible use of technologies and e-safety as part of the ICT curriculum so they can deal confidently with any problems which may arise in or out of school.

7.2.5 Responding to Cyberbullying

- Cyberbullying is a form of bullying and as such the School will deal with it through their existing anti-bullying and behaviour policies and procedures. Any staff who becomes aware of instances of cyberbullying must report it at once to the Headmaster, CPC and Head of ICT.
- The pupil being bullied will usually have examples of texts or emails received, and should be encouraged to keep these to aid any investigation. Pupils are also encouraged to use the additional reporting routes available through CEOP, mobile phone companies, internet service providers and social networking sites. The Head of ICT can also assist when required, in consultation with parents.
- Some forms of cyberbullying involve the distribution of content or links to content, which can exacerbate, extend or prolong bullying. The School, in consultation with parents, will seek to help pupils to contain the spread of these. Options here include contacting the service provider, confiscating any phones and contacting the police in relation to illegal content or an online offence.
- Advice will be given to those experiencing cyberbullying on steps they can take to avoid recurrence e.g. advise those targeted not to retaliate or reply. The Head of ICT will provide advice on “blocking” or removing people from friends’ lists. Guidance will also be provided about what types of private information should and should not be in the public domain.
- In consultation with parents, and where deemed appropriate, steps will be taken to identify the person responsible for the bullying. These can include looking at the school system and computer logs, identifying and interviewing possible witnesses and, with police involvement, obtaining user information from the service provider.
- Once the person responsible for the cyberbullying has been identified the procedures laid down in the School’s anti bullying policy will be applied. In addition, further technology specific sanctions may be applied which

could include limiting the use of internet access or removing the right to having a mobile phone.

7.2.6 Preserving the Evidence

The Head of ICT will advise pupils and staff to try and keep a record of the abuse including the date and time, the content of the message(s) and where possible, a sender's ID (e.g. username, email, mobile phone number) or the web address of the profile/content. Taking an accurate copy or recording of the whole web-page address, for example, will help the service provider to locate the relevant content.

Keeping the evidence will help in any investigation into the cyberbullying by the service provider, but it can also be useful in showing what has happened to those who may need to know including the Headmaster, CPC, Head of ICT, form teachers, parents and police. This should be done by saving the evidence of bullying on the device itself backed up with a written record.

- On **mobiles**, ensure the person being bullied keeps/saves any messages, whether voice, image or text. Messages must not be forwarded to another device as this will result in the information, such as the sender's phone number, from the original message being lost.
- On **Instant Messenger** record all conversations if possible as these carry more weight as evidence as they can't be edited. If not, copy, paste, save and print instead. Conversations can also be printed out in hard copy or sections saved as a **screen grab**.

HOW TO PERFORM A SCREEN GRAB OR SCREEN CAPTURE

A screen grab or screen capture will show anything that is currently on the desktop.

For PCs:

- Press the Print Screen key on the keyboard. This stores the image on the clipboard.
- Open a blank Word document and then paste the image into the document by pressing Ctrl-V (or by clicking on the Paste icon under the Home tab).

For Macs:

- Take a screen shot of the entire screen by holding down Command (key with Apple icon on it) -Shift-3. The picture file will appear on the desktop.
- Alternatively, if you hold down Command-Shift- 4, Mac OS X turns the cursor into crosshairs so that you can select whatever portion of the display you'd like to capture in a screen shot.
- If you immediately hit the Spacebar after typing Command-Shift-4, Mac OS X replaces those crosshairs with a little camera. Using the camera, you can take a screen shot of the Dock, the entire menu bar, a single open menu, the desktop, or any open window.

- **On social networking sites, video-hosting sites or other websites**
Keep the site link, print page or produce a screen grab of the page and save it. Parents and pupils should ensure they know how to take a copy of what appears on the screen. Generally they need to press **control** and **print screen**, and then paste this into a word-processing document.
- On **Email** the message should be printed and also forwarded to the Head of ICT. Subsequent messages should be treated in the same way and ideally the whole message, including the “header” should be saved.

7.3 PREVENT

The PREVENT strategy, published by the UK government in 2011, is part of their counter terrorism strategy. The aim of which is to reduce the threat to the UK from terrorism by stopping people, including children and young people from becoming terrorists or supporting terrorism. (see appendix 10)

7.4 Residential Visits including School Trips Abroad and Outdoor Education

Generally Cargilfield’s residential visits fall into the following three categories, each of which has the potential for child protection issues to arise.

- Field visits of trips where the school itself organises the accommodation and supervises the children throughout the visit.
- Outdoor education courses run by external centres where the children stay in accommodation provided by the centre, and are mainly under the direction of the staff
- Trips abroad

Staff organising such visits are trained in leading and organising school trips and child protection.

7.4.1 Outdoor Education Centres

The School has the duty to ensure that selected centres have clear child protection, security and health and safety policies and procedures and risk assessments in place.

7.4.2 Field Trips/Trips Abroad Organised by the School

Where the school is organising its own trip the following steps are taken to ensure the participants safety and welfare.

- A code of conduct is agreed with parents, pupils and staff prior to departure and agreement reached on the action to be taken should it be breached. This sets out the expected standards of behaviour, including rules on personal safety, whilst ensuring that pupils gain maximum cultural, social and educational benefits.
- The organiser is satisfied that the accommodation is appropriate, and in particular that the bedroom arrangements enable suitable room sharing arrangements and privacy, in terms of age and gender, and appropriately located staff bedrooms for both supervision and ease of access in case of emergency;
- Both daytime activities and evening leisure must be adequately supervised.

On trips taking place during holidays, it is understandable that both staff and children should feel greater informality is appropriate. However there is a significant difference between a more informal approach, and a failure to exercise due care.

- Pupils should not be permitted to wander alone in unfamiliar places.
- Staff should not fraternise or be over-familiar with pupils.
- Free time for pupils does not equate to free time for staff.

Even when all aspects have been well considered, it is still possible that a child protection incident may occur. Where it is believed abuse has/may have taken place the following must happen.

- The school emergency contact for the trip/Child Protection Co-ordinator will be contacted.
- A referral will be made to the relevant police service in the area where the alleged offence took place.
- Contact with the parents of those directly involved will be made in line with child protection procedures. The Headmaster or in his absence the Child Protection Co-ordinator will contact other parents in line with advice from the relevant authorities, leaving the staff on the trip free to support the pupils there.
- Given the general availability of mobile phones, where possible delays in contacting parents are avoided to prevent the spread of rumours.



Summary of Getting It Right For Every Child (GIRFEC)

Child protection has to be seen in the wider context of the *Getting it right for every child (GIRFEC)* approach, the *Early Years Framework* and the UN Convention on the Rights of the Child and builds on the Scottish Children's Charter (2004). All children and young people have the right to be cared for, and protected from, harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met.

Getting it right for every child (GIRFEC) is the overarching framework for children's services in Scotland. At the heart of the GIRFEC approach is a shift towards early, proactive intervention in order to create a supportive environment and identify any additional support that may be required for a child as early as possible.

1.3 What is a Concern?

A concern may be expressed about anything that affects or has the possibility of affecting the well-being, happiness or potential of the child or young person. It may relate to a single event or observation, a series of events, or an attribute of the child or someone associated with them.

1.4 What is Well-being?

Children's well-being is at the heart of GIRFEC. Every child and young person needs to be Safe, Healthy, Achieving, Nurtured, Active, Respected & Responsible, and Included. These are referred to as the SHANNARI well-being indicators.

1.5 How GIRFEC Works

GIRFEC uses five components proportionately to identify and meet the child or young person's needs:

1. The well-being (SHANNARI) indicators – to identify a concern, record, share information and take appropriate action;
2. The Five questions:
 - a. What is getting in the way of this pupil's well-being?
 - b. Do I have all the information I need to help this pupil?
 - c. What can I do now to help this pupil?
 - d. What can the school do to help this pupil?
 - e. What additional help, if any, may be needed from others?
3. My World Triangle– to explore known information and, where necessary gather more information about the strengths and pressures in the pupil's world.
4. The Resilience Matrix – to analyse the information gathered.
5. The Child's Plan – to summarise needs against the well-being indicators, to agree the goals and steps required to reach these, to construct the plan and to review it.

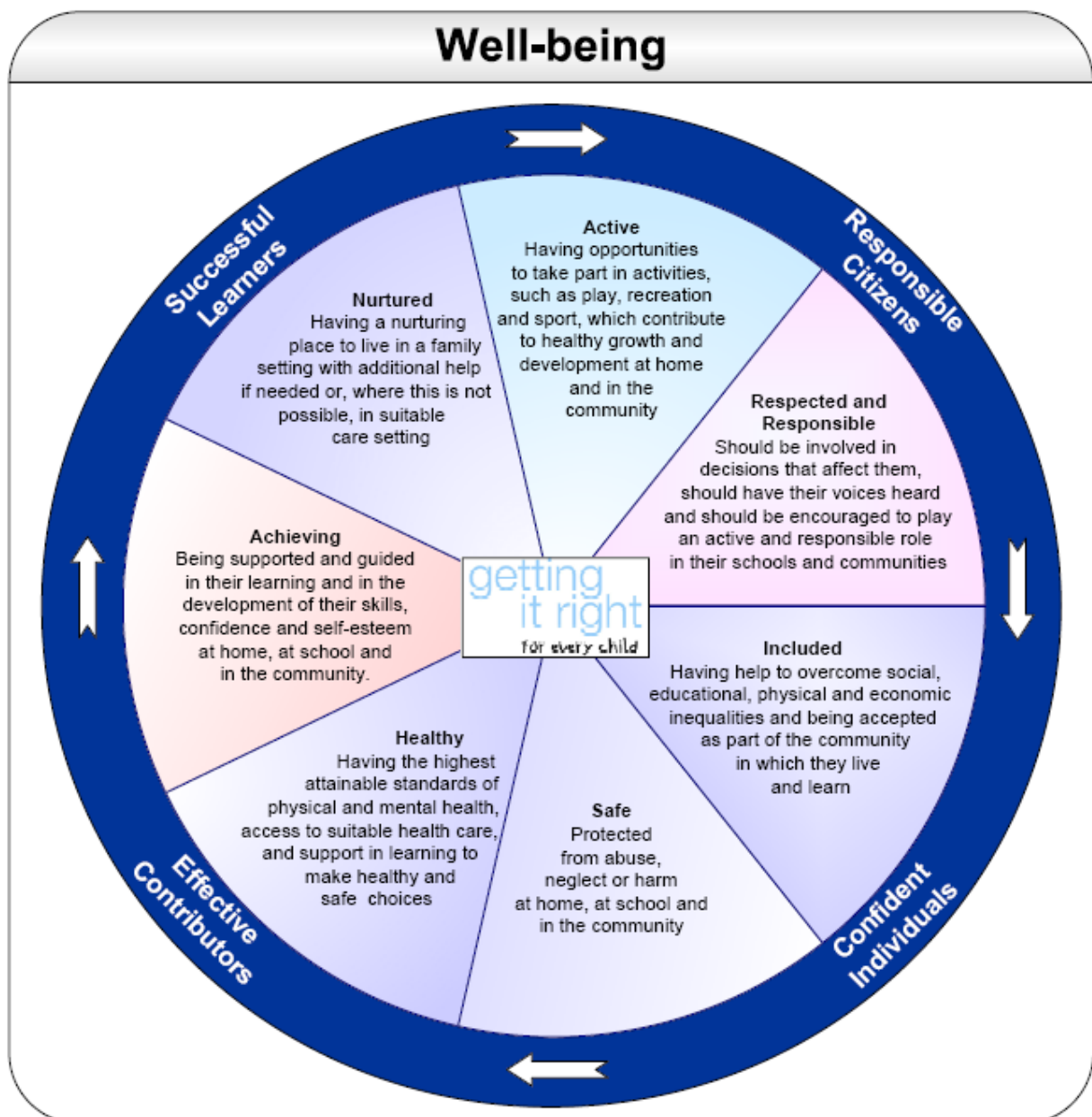
1.6 The Named Person

GIRFEC sets out who the Named Person is, to whom all concerns about a child or young person should be addressed. At Cargilfield the Named Person is the Health Visitor for Nursery pupils and the Headmaster for all others.

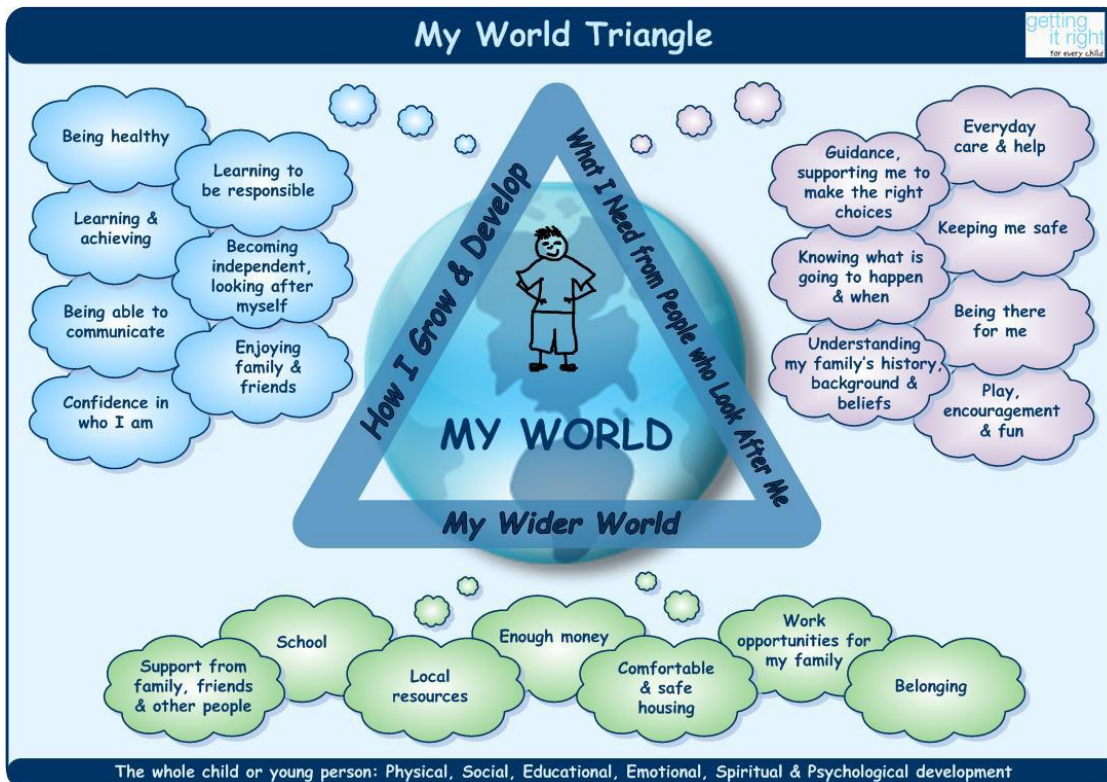
1.7 The Lead Professional

Where an external agency (or agencies) is involved to support a child or young person and their family, a *Lead Professional* should be nominated to co-ordinate this support. The Lead Professional role will typically be taken by the local authority social worker.

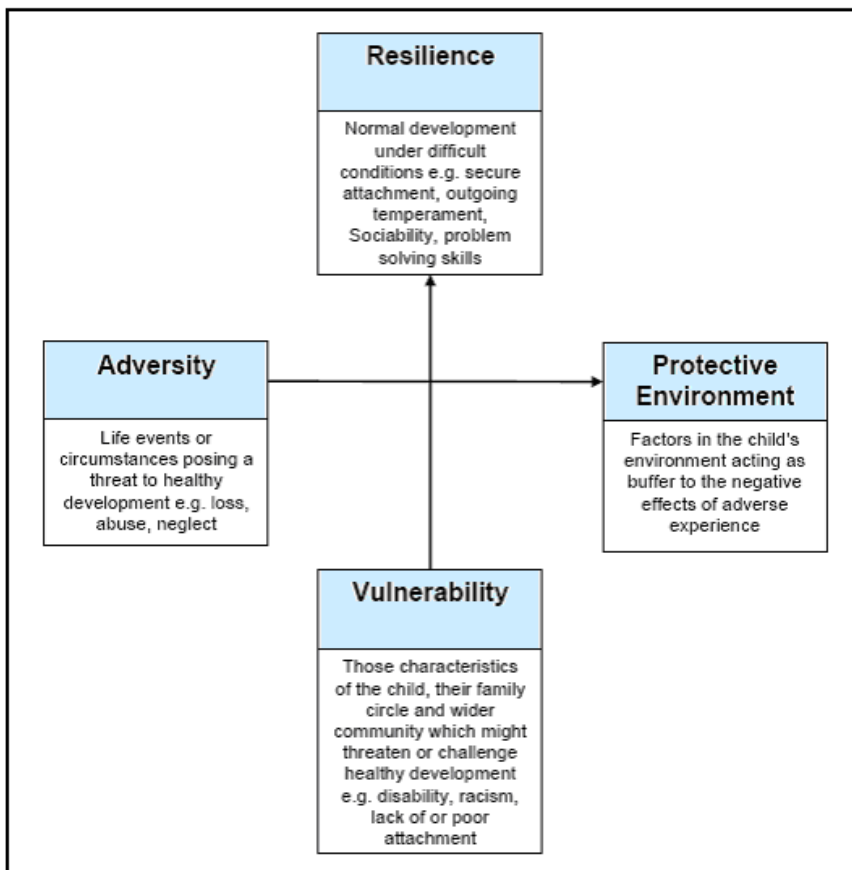
SHANNARI WELL-BEING INDICATORS WHEEL



THE GIRFEC MY WORLD TRIANGLE



THE GIRFEC RESILIENCE MATRIX



UN Convention on the Rights of the Child

In 1989, governments across the world promised all children the same rights by adopting the. The convention says what countries must do so that all children grow as healthy as possible, can learn at school, are protected, have their views listened to and are treated fairly

<p>Article 1 Everyone under the age of 18 has all the rights in the Convention.</p> <p>Article 2 The Convention applies to everyone: whatever their race, religion or abilities, whatever they think or say, whatever type of family they come from.</p> <p>Article 3 The best interests of the child must be a top priority in all things that affect children.</p> <p>Article 4 Governments must do all they can to make sure every child can enjoy their rights.</p> <p>Article 5 Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy their rights properly.</p> <p>Article 6 Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.</p> <p>Article 7 Every child has the right to a legal name and nationality, as well as the right to know and, as far as possible, to be cared for by their parents.</p> <p>Article 8 Governments must respect every child's right to a name, a nationality and family ties.</p> <p>Article 9 Children must not be separated from their parents unless it is in their best interests (for example, if a parent is hurting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.</p> <p>Article 10 Governments must act quickly and sympathetically if a child or their parents want to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit both of them.</p> <p>Article 11 Governments must do everything they can to stop children being taken out of their own country illegally or being prevented from returning.</p> <p>Article 12 Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.</p> <p>Article 13 Every child must be free to say what they think and to seek and receive all kinds of information, as long as it is within the law.</p> <p>Article 14 Every child has the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children information about this right.</p> <p>Article 15 Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.</p>	<p>Article 16 Every child has the right to privacy. The law should protect the child's private, family and home life.</p> <p>Article 17 Every child has the right to reliable information from the media. This should be information that children can understand. Governments must help protect children from materials that could harm them.</p> <p>Article 18 Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by giving them the help they need, especially if the child's parents work.</p> <p>Article 19 Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.</p> <p>Article 20 If a child cannot be looked after by their family, governments must make sure that they are looked after properly by people who respect the child's religion, culture and language.</p> <p>Article 21 If a child is adopted, the first concern must be what is best for the child. All children must be protected and kept safe, whether they are adopted in the country where they were born or in another country.</p> <p>Article 22 If a child is a refugee or is seeking refuge, governments must make sure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents.</p> <p>Article 23 A child with a disability has the right to live a full and decent life with dignity and independence, and to play an active part in the community. Governments must do all they can to provide support to disabled children.</p> <p>Article 24 Every child has the right to the best possible health. Governments must work to provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries achieve this.</p> <p>Article 25 If a child lives away from home (in care, hospital or in prison, for example), they have the right to a regular check of their treatment and the way they are cared for.</p> <p>Article 26 Governments must provide extra money for the children of families in need.</p> <p>Article 27 Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this.</p>	<p>Article 28 Every child has the right to an education. Primary education must be free. Secondary education must be available for every child. Discipline in schools must respect children's dignity. Richer countries must help poorer countries achieve this.</p> <p>Article 29 Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p> <p>Article 30 Every child has the right to learn and use the language, customs and religion of their family, regardless of whether these are shared by the majority of the people in the country where they live.</p> <p>Article 31 Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p> <p>Article 32 Governments must protect children from work that is dangerous or might harm their health or education.</p> <p>Article 33 Governments must protect children from the use of illegal drugs.</p> <p>Article 34 Governments must protect children from sexual abuse and exploitation.</p> <p>Article 35 Governments must ensure that children are not abducted or sold.</p> <p>Article 36 Governments must protect children from all other forms of bad treatment.</p> <p>Article 37 No child shall be tortured or suffer other cruel treatment or punishment. A child should be arrested or put in prison only as a last resort and then for the shortest possible time. Children must not be in a prison with adults. Children who are locked up must be able to keep in contact with their family.</p> <p>Article 38 Governments must do everything they can to protect and care for children affected by war. Governments must not allow children under the age of 15 to take part in war or join the armed forces.</p> <p>Article 39 Children neglected, abused, exploited, tortured or who are victims of war must receive special help to help them recover their health, dignity and self-respect.</p> <p>Article 40 A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to help from a lawyer and a fair trial that takes account of their age or situation. The child's privacy must be respected at all times.</p> <p>Article 41 If the laws of a particular country protect children better than the articles of the Convention, then those laws must stay in place.</p> <p>Article 42 Governments should make the Convention known to children and adults.</p>
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WELLBEING CONCERN FORM – PART 1

PART 1: To be completed by the person who has the concern

- The purpose of this form is to pass on wellbeing concerns about a child/young person where these are unable to be met by parents and/or through the routine support systems in your school.
- This form should be either handwritten or completed electronically and passed onto the Named Person as soon as possible.
- It should be kept in a secure place, separate from the pupil's Educational records, in accordance with Data Protection requirements.
- **If you have any doubts as to whether you have a wellbeing or child protection concern, you should take advice from your child protection co-ordinator.**

1. Child/Young Person's Details

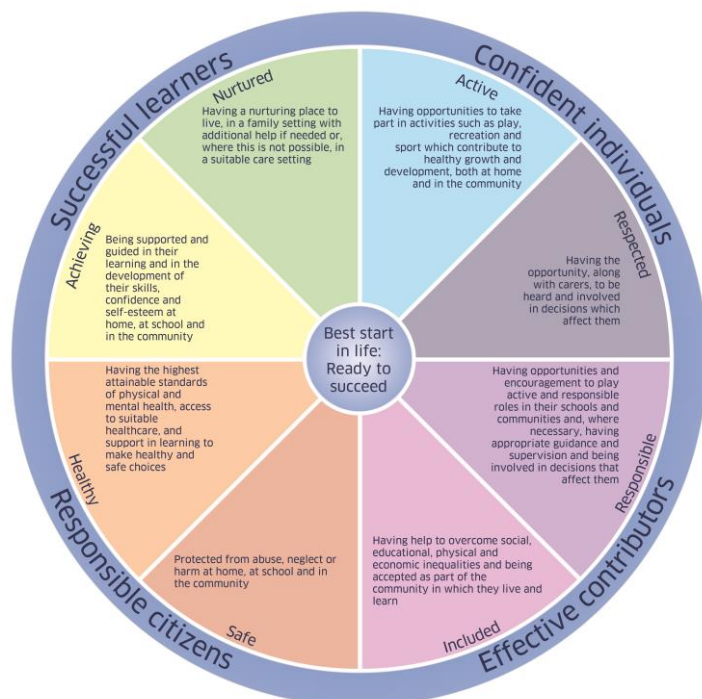
Name	Date of Birth	Year group / Class
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2. Person recording the concern

Name	Role/Designation
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3. Area of Concern

Please ✓ any relevant areas of the Wellbeing Wheel.



4. Description of concern(s). Use the heading(s) you have ticked on the Wellbeing Wheel to record the details below. If appropriate include any action taken to address the issue. Include dates when action was taken.

Signed: _____ **Date:** _____

Name: _____ **Time:** _____

Role/Designation: _____



WELLBEING CONCERN FORM – PART 2

PART 2: To be completed by the Named Person

1. Have there been previous wellbeing concerns?

Yes No Don't know

If Yes, please summarise with dates.

2. Has this concern been shared with the child/young person?

Yes No

(If Yes what is the child/young person saying about the concern? Note the date when the concern was shared. If No, please explain why not e.g. child too young.)

3. Has this concern been shared with the child/young person's parents/carers?

Yes No

(If Yes, what was the parent's response? Note the date when the concern was shared.)

4. Has the concern been shared with anyone else?

Yes No

If Yes, please specify:

5. What action is being taken in relation to this concern(s)? Please tick the appropriate box.

- Continue to monitor
- Carry out an Assessment of Need (an In-house School Assessment)
- Call a Child's/Young Person's Planning Meeting (Multi-agency Meeting)
- Discuss with Lead Professional (if allocated)

Contact name & telephone number: _____

6. Feedback given to the referrer. Yes

Name: _____ Role/Designation _____

Name of Named Person: _____ **Signed:** _____

Date: _____



Child Sexual Exploitation (CSE)

CSE has two distinctive characteristics – exploitation and exchange. CSE is the sexual exploitation of children and young people under the age of 18 and may involve a child or young person being enticed, coerced, manipulated, forced or deceived into performing and or allowing others to perform on them, sexual acts in exchange for some form of material goods e.g. money, gifts, affection.

CSE is a complex issue which can affect any child or young person anytime, anywhere regardless of their social, economic or ethnic background. CSE should not be seen in isolation, but in the wider context of vulnerability and risk. CSE is often hidden and can involve features of **violence, coercion** and **intimidation**. Involvement in exploitative relationships are characterised in the main by the child or young person's limited availability of choice, resulting from their social, situational, psychological, physical, economic and emotional vulnerability.

CSE can also occur through the use of **technology** and without the child's immediate recognition, e.g. being persuaded to post sexual images of themselves on the internet or mobile phones without any immediate payment or gain. CSE perpetrators have **power** over their victims by virtue of their age, gender, intellect, physical strength, economic or other resource. The gain for those perpetrating or facilitating CSE can include financial benefit; sexual gratification; status or control.

Victims of CSE **rarely disclose** their abuse. This may be due to fear or even them not recognising they are a victim of CSE, or they may consider themselves to be in a loving adult relationship with the abuser. The **sophisticated grooming** and priming processes conducted by the perpetrators and the **exchange element** can also act as additional inhibitors and / or barriers to disclosure.

In some CSE cases, the sexual abuse may take place between the victim and the perpetrator; in other CSE cases the victim may be passed between two or more perpetrators and in some CSE cases this may be organised by criminal gangs or organised groups. The key factor which distinguishes CSE from other forms of child sexual abuse is the concept of exchange. The victim is coerced, manipulated, forced or deceived into engaging in sexual abuse in return for something.

The signs and risk indicators of CSE

There are a number of signs, symptoms and indicators (behavioural) which may alert you that a child or young person is at risk of CSE.

The following is a list of possible CSE signs and symptoms,

- Staying out late or regular episodes of being missing without knowledge or permission
- Evidence or suspicion of physical or sexual assault; disclosure of assault followed by withdrawal of an allegation
- Relationships with controlling adults
- Entering or leaving vehicles driven by unknown adults
- Children under 13 years asking for sexual health advice
- Concerning use of the internet or mobile phone
- Acquisition of money, clothes, mobile phone etc. without plausible explanation
- Receiving lots of texts or phone calls
- Agitated or stressed prior to leaving home alone
- Returning home distraught or dishevelled or under the influence of substances
- Inappropriate sexualised behaviour for age and development
- Physical signs of bruising or bite marks
- Significantly older 'boyfriend' or 'girlfriend'
- Increasing secretiveness around behaviours
- Change in personal hygiene (greater attention or less attention)
- Overtly sexualised dressing
- Self harm and other expressions of despair
- Access to contact sites; chat lines via the internet or mobile phones
- Sexting

Reasons for a child or young person not disclosing CSE

The reasons why a child or young person may not disclose CSE are complex and numerous. In many cases they do not recognise that they are a victim of CSE.

The following is a list of possible reasons why children and young people do not always disclose CSE, albeit these are not necessarily considered to be an all-inclusive or exhaustive list of possibilities:

- Fear that perceived benefits of exploitation may outweigh the risks
- Fear of retribution on self or family or that situation could get worse
- Fear of violence within exploitative relationship;
- Shame
- Fear of not being believed
- Fear of labelling
- Fear of separation
- Loss of control; fear of Police involvement and court proceedings
- Don't recognise they are being exploited

Remember, CSE is abuse and a child protection concern. No child or young person can consent to their own abuse. If you suspect CSE is occurring you must follow Cargilfield's child protection procedures.



CARGILFIELD

Code of Conduct for Staff: Guidance on Interaction with Pupils

Staff interactions with pupils must be transparent and staff should always be wary of allowing situations to develop which could lead to allegations of impropriety.

1. Physical Touch

The climate of suspicion that has developed with regard to child abuse poses a real dilemma for caring adults. This is true in all schools but especially so in boarding situations where schools take a pride in fostering a family atmosphere. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact needs a considered assessment of the situation. This does not mean that physical contact is never permissible. It does mean that adults touching children must operate within understood limits, and that contact out with those limits must be a considered response which can be justified if necessary.

Where those limits lie will vary according to the age of the child and the role of the member of staff. A young boarder may well require to be comforted and reassured. Any touching or comforting should be age appropriate, context specific, preferably done within vision of others and prompted by the needs of the child, not those of the staff.

One would expect the need and desirability of such contact with older pupils, especially day pupils, to be considerably less, although even in these circumstances situations could arise in which it would be a natural and human occurrence. The death of a pupil, for example, might make it natural for pupils and teachers to grieve together and touching would be neither unusual nor undesirable, so long as it was agreeable to both parties and limited.

It would be impossible to lay down rigid rules about what is, and is not, permissible. Awareness-raising through regular child protection training provides opportunities for staff to explore acceptable limits through discussion of case scenarios. Common sense is a good guide, but it must be informed common sense. It is important for caring adults to understand that too generous limits which can be operated satisfactorily by some can be exploited by others with less worthy motives.

One-to-One Situations

Opportunities for abuse exist in all schools, especially boarding schools, and in one-to-one situations. Staff should try, as far as possible, to avoid being alone with a pupil. However, for some staff this is unrealistic as the context of their job is teaching in one-to-one situations, This may also prove difficult in the boarding house where it can be beneficial for a child to have some opportunity for one-to-one contact with an adult.

- Where one-to-one contact is appropriate, it should be timetabled and, where possible, held with others around or within earshot or view of others.
- Never have the door locked and, wherever possible, maintain a gap/barrier between you and the child.
- Another member of staff should be aware of any unscheduled meeting and its purpose.
- Windows built in to doors should not be covered up.
- Staff should not meet pupils off school premises or invite them to their home.
- Most one-to-one meetings will be straightforward and uneventful. But where the meeting is difficult, fraught, tense, and accusatory or the pupil becomes distressed, the adult must record details and inform the Headmaster of the incident.
- If in doubt about a meeting, agree that a colleague will be nearby.
- Excursions out of the school, especially residential stays, can provide opportunities for abuse. The School will always ensure that there are sufficient adults to provide proper supervision and that appropriate risk assessment(s) have been carried out.

3. Physical Contact and Restraint

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention or restraint.
- Avoid any physical horseplay with a child, or any other actions another adult or child might misinterpret, no matter how innocent or well-intentioned the actions might be.
- Staff should always be able to justify resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.
- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or restraint. Staff should avoid restraining a child by putting their hands on a child's joints. Where possible another member of staff should be summoned to witness and give support. As soon as the child is under control, staff should cease any physical contact. All incidents of physical intervention or restraint should be logged, dated and signed in the log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation and is only permissible when certain that a child is at imminent risk of endangering themselves or others (or in extreme circumstances of inflicting damage to property).

4. 'Hands on' Educational Instruction

- 'Hands on' educational instructions / support should only be used when verbal or role-modelling is insufficient or it is necessary for health and safety reasons. Whenever possible, this should be done within earshot, and preferably within view, of others.
- Where 'hands on' is necessary you should seek the young person's permission appropriate to their age and level of understanding and explain to them what you are about to do.

5. Verbal Remarks

- Positive relationships between staff and children often involve warmth and humour but staff should be aware that there can be a narrow line between remarks which an adult perceives as fair and humorous, but which can be hurtful and embarrassing to a child.
- Salacious or demeaning remarks should never be made to or in the presence of children and young people. Remarks about a child's physical characteristics or development, or suggestive or derogatory comments could fall into this category.
- Staff should avoid making unfavourable comparisons to a child and 'picking on' particular children.

6. Communication via E-Technology and Social Media

- Any communication via e-technology with pupils must be in line with school policy, for educational purposes and approved by the senior management of the school.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting and social media encourage casual dialogue and very often, innocent actions can easily be misconstrued or manipulated. A teacher should never share information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting. Staff should not communicate with pupils by private email, text message or on social media of any type.

7. Attachments

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from the Headmaster or Child Protection coordinator.
- If it seems that a young person is becoming inappropriately attached to you or to another member of staff, share your concerns and seek advice from the Headmaster or Child Protection coordinator.

8. Climate and 'Whistle Blowing'

- In working with children and young people, it is possible for staff, through ill-considered actions, to lay themselves open to allegations of abuse. Their best protection is to encourage a climate of openness within the classroom and school community, where pupils feel confident to point out aspects of behaviour they do not like.
- If another member of staff is seen to behave inappropriately with a child, do not ignore it but share it with the Headmaster or Child Protection Co-ordinator.

- If the concern is about the Child Protection Co-ordinator then it should be reported to the Headmaster and if it is about the Headmaster it should be reported to the Chair of the Board of Governors.

9. Inappropriate or Abusive Behaviour

The list below is presented to show some of the ways in which inappropriate behaviour or abuse may be manifested. It is important to recognise that this list is neither definitive nor exhaustive, nor is it meant to suggest that all the actions below are in themselves abusive: they must be seen in the context of the interaction with the child and the intention of staff. Staff should bear these in mind as a way of minimising risk and encouraging good practice. Staff must always exercise professional judgement in each circumstance.

Physical Hitting/tapping

Pushing/jabbing

Throwing missiles

Shaking

Emotional Inappropriate/systematic sarcasm

Isolating e.g. locked room

Unfavourable comparisons

Threats

Intimidation

Scapegoating

Systematic personal criticism

Sexual Any sexual activity with a pupil

Inappropriate touching/comforting

Suggestive remarks or gestures

Sexual harassment

Indecent materials

Grooming a child for abuse

I confirm that I have read and understood the above code of conduct. I have been informed of the School's Wellbeing and Child Protection policy and my responsibility to take advice from the appropriate member of staff (Headmaster/Named Person or Child Protection Coordinator) if I have wellbeing and/or child protection concern about a pupil.

Signed:

Name (printed):

Role:

Date:



SIGNS OF POSSIBLE CHILD ABUSE

It is important to remember that lists such as the one below are neither definitive nor exhaustive. 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.

These are general indicators that the child may be troubled though not necessarily about abuse. The child may have some of these problems or none at all. It is the combination, frequency and duration of signs that will alert you to a problem. Try to notice all changes in usual behaviour.

There can be an overlap between all the different forms of child abuse, and all or several can co-exist.

1. PHYSICAL ABUSE

Signs of possible physical abuse:

- ☒ Unexplained injuries or burns, particularly if they are recurrent
- Improbable excuses given to explain 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.

2. 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

3. 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

4. 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

5.5 SEXUAL ABUSE

Not all children are able to tell parents or carers that they have been assaulted. Changes in behaviour may be a signal that something has happened. It is important to remember that in sexual assault there may well be no physical or behavioural signs.

Signs of possible sexual abuse:

(1) Behavioural

- 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
- Girls taking over the mothering role
- 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, e.g. 'French kissing'
- 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

(2) Physical/Medical

- Sleeplessness, nightmares, fear of the dark
- Bruises, scratches, bite marks 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
- Venereal disease, sexually transmitted diseases
- Soiling or wetting in children who have been trained
- Self-mutilation/suicide attempts

CHILD PROTECTION CONCERN FORM – PART 1

PART 1: To be completed by the person who has the concern.

- If a member of staff knows or suspects that a child/young person has been, is being or is at risk of being harmed, this form must be completed and the concern must be passed onto the Child Protection Co-ordinator as soon as possible and on the same working day.
- This form should be either handwritten or completed electronically, provided it is signed and dated in writing on the day. Do not delay in completing the form if you do not have all the information.
- It should be kept in a secure place, separate from the pupil's Educational records, in accordance with Data Protection requirements.

1. Child/Young Person's Details

Name	Date of Birth	Year group / Class
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2. Person recording the concern

Name	Role/Designation
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3. Details of concern (The member of staff must record the facts as accurately as possible, using the child's own words.)

4. Did the child/young person express a view?

Name: _____

Role/ Designation: _____

Date: _____

Time: _____

CHILD PROTECTION CONCERN FORM – PART 2

PART 2: To be completed by the Child Protection Co-ordinator

Name of Child Protection Co-ordinator: _____

Date Concern Form Received: _____ Time: _____

You should now open a child protection file and chronology.

1. Have there been previous child protection concerns?

Yes No

2. Is the child currently on the Child Protection Register?

Yes No

If yes, the concern should be referred on the day to the allocated social worker or their senior.

3. Did you as Child Protection Co-ordinator speak to the child/young person e.g. to establish basic facts?

Yes No

4. Was this concern shared with anyone else?

Yes No

If Yes, please specify:

5. Does the concern involve any of the following types of abuse/ risk factors?

- | | | |
|--|-----------------------------|------------------------------|
| 1. Sexual abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2. Physical abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 3. Emotional abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 4. Physical neglect | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 5. Domestic abuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 6. Parental alcohol and/or drug misuse | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 7. Disability | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 8. Non-engaging family | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 9. Child affected by parental mental health problems | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 10. Child with mental health problems | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 11. Child displaying problematic sexual behaviours | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 12. Female genital mutilation | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 13. Honour-based violence or forced marriage | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 14. Fabricated or induced illness | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 15. Sudden, unexpected death of a child | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 16. Child exploitation | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 17. Child placing themselves at risk | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 18. Being radicalised or vulnerable to the messages of terrorism/extremism | No <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 19. Other (please specify) | No <input type="checkbox"/> | Yes <input type="checkbox"/> |

6. What action is to be taken in relation to this concern(s)? Please tick the appropriate box.

- Discuss with Lead Professional (if allocated and available on the day)
Contact name & telephone number: _____
- Initiate child protection procedures
- Carry out an Assessment of Need (In-house School Assessment)

7. If child protection procedures are initiated, record details of the discussion with social work services/police or other statutory agency as per your local Inter-agency guidelines

Date: _____ Time: _____ Name of contact: _____

Details of discussion

Outcome of discussion

8. If the referral goes to an IRD and is being investigated and assessed by the statutory agencies, the Child Protection Coordinator should record details of his/her further involvement in the case and further communication from the statutory agencies involved. (See Guidelines on Chronology).

9. Child placed on the Child Protection Register

Yes

No

10. Child removed from the Child Protection Register Date:

11. Following deregistration was the child/young person made the subject of a Child's Plan?

Yes

No

Name: _____ **Date:** _____ **Time:** _____

Role/ Designation: _____



Historical Abuse Policy

Duties and Responsibilities

Our priority is the safety and welfare of all pupils and our teaching staff maintain the highest standards of childcare at all times. We will treat any allegation of historical abuse extremely seriously and provide appropriate assistance

The Headmaster has a duty to ensure that the School fulfils not only its statutory responsibilities to

safeguard and promote the welfare of children but also to ensure the welfare of all connected to Cargilfield School. He will report any such allegations to the Governors as he sees appropriate.

The Child Protection Officer will ensure all staff are aware of their duties in safeguarding children and ensure they are fully trained in the operation of this policy and are confident they understand the procedures to follow.

All staff who receive a disclosure from a child or an adult regarding historic child abuse or neglect allegations must follow this policy.

Introduction

The term “historical abuse” is not defined and it is not a formally recognised definition.

The term “historical abuse” commonly refers to disclosures of abuse that were perpetrated in the

past, before the age of 16 and in some cases 18. It is normally used when the victim is no longer in circumstances where they consider themselves at risk from the perpetrator. It is often the case that victims of abuse are not able, for a variety of possible reasons, to disclose the abuse at the time it is happening, but may do so either at some later stage in childhood or as an adult.

The manner in which the disclosure is made and to whom it is made may vary and be made in a variety of situations e.g. during counselling, to a doctor, the police or by letter, phone or email to the School, or in the case of a child, to parents or to a member of School staff.

The Headmaster, the Child Protection Officer and the individual making the disclosure, may not be aware of the perpetrator’s present circumstances and therefore, are not able to assess whether they pose a current risk to a child, children or other vulnerable person. The wishes of the individual and what outcomes they seek, must be taken into account when considering how to proceed with the disclosure. It must be recognised that the individual may not want the matter referred to the police for investigation. However the law requires the sharing of information irrespective of the wishes of the individual making the disclosure, where it is considered essential for the safeguarding of them and potentially of others too. The Headmaster and Child Protection officer will, unless they have credible and definitive

information to indicate otherwise, adopt the position that the alleged perpetrator presents a risk to children and should share the information with the Police so appropriate enquires can be made. A criminal prosecution may be possible if sufficient evidence can be obtained.

Policy and Procedure

These are in line with the School's Child Protection Policy

All staff who receive a disclosure from an adult or child regarding historic child abuse or neglect allegations must follow these procedures. Staff members have the responsibility to advise individuals early on of certain disclosures which they may have to report. This is part of their duty to safeguard children. This may include sharing confidential information without the person's permission, therefore no promise of confidentiality can be made.

All staff must act in the best interest of the adult or child involved. In the case of a child their welfare and safety is paramount and if there are any concerns, then these should be brought to the attention of the Headmaster or Child Protection Officer without delay. Doing nothing is NOT an option.

As soon as it becomes apparent that an individual is revealing details of new child abuse allegations, the member of staff must record what is said by the person and the responses they give. The member of staff should **OBSERVE, RECORD** and **REPORT**.

Staff should keep contemporaneous notes and make a record of them on the same working day. If this is done electronically, it should not be saved but should be printed, signed and dated. These notes should not be emailed to anyone in the school. Any documentation can be potentially called in by the police and is always stored securely by the Child Protection Officer. It should be noted that the person to whom the disclosure is made may be called as a witness in a subsequent court case.

In line with Child Protection policy it is not appropriate for staff to "investigate" the allegations or ask probing questions prior to the involvement of the Police. Once the member of staff has written their notes, they should report the matter to the Child Protection Officer, or in her absence to the Headmaster, as soon as possible and certainly on the same working day of the disclosure being made.

Supporting the Individual making the Disclosure

In the case of an adult making a disclosure, they will be encouraged by the Headmaster to contact the police themselves. Where they do not want to, or are not able to do so, the Headmaster is required to do so. It is unlikely that the police will make contact with the person when it is known they do not want to pursue the allegation unless they feel that there is an on-going risk to children or others. It is the Police's role to decide what to do with the information they receive.

Consideration must also be given to the support needs of the individual making the disclosure. Reassurance should be given that all reasonable efforts will be made to investigate what they have reported. Individuals should also be made aware by the Headmaster or Child Protection Officer, that insufficient disclosure of information may result in no action being taken which could leave others at risk of harm.

Staff must be aware that the disclosure of historical abuse allegations and any subsequent action taken may have a very traumatic effect on the individual and their family. Therefore

the wish for safeguarding confidentiality must be weighed against the potential risk doing so poses to others. The decision on how to proceed will be carefully considered by the Headmaster and the Child Protection Officer. Where they feel they may be operating against the express wishes of the individual making the disclosure they may deem necessary to take legal advice before proceeding. This process and the actions taken must be fully recorded.

Procedures for Dealing with Public Interest

Following any allegations of “Historical Abuse” reaching the public domain there may be interest from, and enquiries made by, members of the public or the media. In this instance a spokesperson will be appointed by the School who will manage these.

In the event of public interest the School will issue an official, factual statement.

The school’s Media Guidelines Policy should be followed at all times.

If the media visit or phone the School then the name and contact details should be taken. The spokesperson will then contact them to answer questions. A laminated reminder of the policy on how to respond will be kept by all the School phones taking incoming calls. No questions should be answered or comments made.

If a staff member is approached by a member of the public or the media they must not answer questions or make any comments but pass on their contact details to the Headmaster who will forward them to the spokesperson.

Staff must not discuss any “historical abuse” allegations out with school. Careless talk could have potentially serious consequences given the highly confidential and legal nature of such allegations.

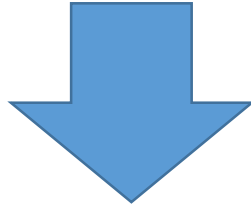
If a staff member is approached on the premises by a stranger then their name should be taken and they should be politely requested to leave the school grounds. The event must be reported to the Headmaster or the Child Protection officer straight away. Staff should be on the lookout for strangers and must challenge anyone who appears suspicious.

If the School has advance notice of any media publications then parents and staff will be notified in advance so they are not caught off guard.

If parents approach staff about any media publications or with any questions about things they have heard, staff should not pass comment. Parents should be advised that the Headmaster has an open door policy and if there is something they want to discuss they are welcome to speak to him directly.

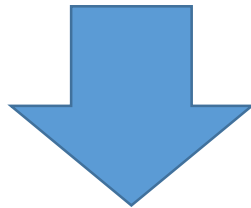
Establish the Circumstances:

WHO, WHAT, WHERE, WHEN

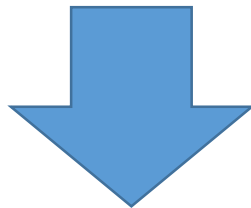


Disclosure by individual in writing, by email, phone, letter or in person.

Confidentiality is not guaranteed



Initial assessment of Risk to Individual and others



The Headmaster or the adult individual contacts the police to share information



CONFIDENTIALITY POLICY

The policy of the School is to work in partnership with parents in order to promote the wellbeing of pupils. Pupils and parents should feel able to raise concerns about safety and wellbeing and trust that these matters will be dealt with sensitively and appropriately.

Children and young people have a right to privacy under the European Convention on Human Rights (ECHR) & United Nations Convention on the Rights of the Child (UNCRC); children have the same rights to confidentiality as adults. This includes supporting them to have as much control over their situation as possible, in the context of their stage of development and level of understanding. The school operates on the presumption that anything imparted in confidence will be treated in confidence. This is subject to four qualifications:

1. Anything imparted 'in confidence' to one member of staff or person approached as an associate of the school, may be shared with a restricted number of colleagues if that person feels in need of support and guidance from them.
2. If serious concerns are raised about the safety, wellbeing or protection of a child, in line with the school's 'Wellbeing and Child Protection Procedures', staff are required to pass that information on to the Child Protection Co-ordinator and/or Named Person for consideration. They will then decide what appropriate action to take, including whether it should be shared with the appropriate authorities. In these circumstances, the person approached would not, except in an emergency, breach the confidence of the pupil seeking assistance without telling them of their intentions. Ideally, and as a matter of good practice, the pupil's views on this, along with their consent, should be sought.
3. Where there are concerns that a pupil may be at risk of significant harm, advice will always be taken from the statutory authorities. Sharing information that is relevant and proportionate about children who are at risk of harm, is fundamental to keeping children safe.
4. The school must pass on information when legally obliged to do so, for example, by a court of law.

Pupils must feel able to share concerns with staff. There may be a conflict of interests when a pupil consults a member of staff about a problem and does not want that information to be shared with their parents. Staff should always encourage and support pupils to share the information with their parents, however there may be circumstances in which pressure to pass the information on is not in the pupil's best interests. This could result in the pupil keeping the problem to him or herself or not sharing concerns in the future.

Confidentiality is of fundamental importance to many children and young people who experience difficulties in their lives. Fears around lack of confidentiality deter some vulnerable pupils from seeking help, leaving them at increased risk of harm. Some children choose instead to contact ChildLine services. This allows them to share the information at their own pace and, in the majority of cases, retain control of what happens. This type of confidential service provides young people with the opportunity to talk about their problems with someone who can listen and advise without necessarily having to refer.

Parents should be reassured that, whenever possible, it is the aim of the School to act in the best interests of the child and to encourage the fullest possible involvement and consultation with parents.



Confidentiality Statement for Pupils

Staff at Cargilfield want you to be happy and to make the most of all the different opportunities you are provided with during your time at School. We hope that you feel able to seek help if you are concerned or worried about anything. We are here to help and support you. We hope this information will help you understand how staff can help you and the various options you have for getting the help you need when you need it.

Your Wellbeing is very important and if you are going to flourish staff at Cargilfield School want to ensure that you are:

- safe
- healthy
- achieving
- nurtured
- active
- respected
- responsible
- included

Most of you will be able to get the help you need to support you from your parents and your teachers. However if you feel you need extra support every school has a Named Person whose job it is to organise additional help for pupils. At Cargilfield the Named Person is Mr Taylor and he is here to listen and to support you. Anything you say will be treated in confidence unless there are concerns for your safety or protection. If he needs to share the information you give him, he will tell you who he is sharing it with and why, and ask for your consent to do this. He will also make sure your views are heard and taken into account.

You may have concerns that you do not want to share with your parents or staff. If you are worried about confidentiality:

- You can tell staff using a hypothetical concern and seek advice e.g. What if you were 12 and such and such was happening to you what should you do? or I know someone who
- If you are still unsure about talking to a member of staff, you can phone ChildLine on 0800 1111; the call is free and will not show up on your phone bill. ChildLine will help you work out what to do next.



CARGILFIELD

PREVENT

The PREVENT strategy, published by the UK government in 2011, is part of their counter-terrorism strategy. The aim of which is to reduce the threat to the UK from terrorism by stopping people, including children and young people from becoming terrorists or supporting terrorism. Cargilfield uses the following accepted Governmental definition of extremism:

'Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs; and/or calls for the death of members of our armed forces, whether in this country or overseas.'

Extremists of all persuasions aim to develop destructive relationships between different communities by promoting division, fear and mistrust of others based on ignorance or prejudice and thereby limiting the life chances of young people. Education is a powerful weapon against this; equipping young people with the knowledge, skills and critical thinking to challenge and debate in an informed way. Cargilfield provides a broad and balanced curriculum, delivered by skilled professionals, so that our pupils are enriched, understand and become tolerant of difference and diversity and are able to thrive, feel valued and not marginalized.

At Cargilfield we are aware that young people can be exposed to extremist influences or prejudiced views from an early age which emanate from a variety of sources and media, including via the internet. At times, pupils themselves may reflect or display behaviours that may be discriminatory, prejudiced or extremist. Cargilfield's ethos is one that promotes the values of democracy, the rule of law, individual liberty, mutual respect and tolerance for those with different faiths and beliefs. It is our responsibility to keep our pupils safe and prepare them for life in both modern multi-cultural Britain and the wider world. Any prejudice, discrimination or extremist views, including derogatory language, displayed by pupils or staff, will be challenged and where appropriate, dealt with in accordance with the relevant policies and procedures.

In the event of concerns about the possibility of a pupil or member of staff becoming radicalised child protection procedures will be followed.



Host Family Information Details

Name of Host		Name of Pupil	
		Date of Birth	
Address		Parents' Names	
Telephone Number		Parents' Telephone number	
Mobile Number		Parents' Email address	
Email Address		Headmaster's Mobile Number	
Educational Agency:		Contact Name:	
		Mobile Number:	

Who lives at this residence?	Names and relationship to host
Male Adult/s	
Female Adult/s	
Males under 18 (please state ages)	
Females under 18 (please state ages)	
Are there any regular visitors likely to have significant contact with your guest? Yes/No Please give names, gender, relationship to Household and ages if over 18.	

Are there any pets? (please give details) Yes /No

I confirm that:

Our guest will have her own bedroom	Yes/No
Or will share a bedroom with a member of the family of the same sex and similar age.	Yes/No
If our guest is a vegetarian, vegan or has a nut allergy or any dietary needs these can be accommodated.	Yes/No
When a private family vehicle is used to transport our guest this will only take place if the vehicle is:	
Roadworthy	Yes/No
Appropriately licensed and insured	Yes/No
Driven by a specified driver	Yes/No
Names of Specified Drivers:	

I can confirm that I am aware our guest has the following medical conditions and I know what to do and who to contact in an emergency.

Medical Condition	Medication	Dosage

In an emergency I can confirm I will contact:

Name	Mobile Number

--	--

I confirm the information I have provided above is correct and I accept responsibility/duty of care for

_____ **in a safe and secure environment.**

Name:

Signed:

Date:

And finally, Cargilfield is very grateful for your generosity in hosting one of our pupils.



Guidelines for Parental Volunteers on out of School Visits

Firstly thank you for volunteering to help. In order to ensure the safety of everyone on out of school visits the following guidelines must be adhered to at all times.

- Please ensure you arrive in plenty of time so the teacher in charge can brief you on what will happen during the visit.
- As a volunteer you must follow any request made by the teacher in charge of any staff of the host venue.
- Children, including your own, are at all times the responsibility of the teacher in charge and must follow their directions. Please help and encourage them to do so.
- Please remember that you have volunteered to help with the whole class and not just with your child. It may be that the teacher in charge thinks your child will get more out of the visit if they are not in the group allocated to you. Children sometimes find it difficult to separate home routines and expectations from home ones.
- Please closely supervise any children you are allocated to ensure they don't wander off and get lost. In an emergency you must carry out any delegated responsibilities to the children placed under your supervision before attending to your own child.
- Before the trip the teacher in charge will give you any necessary risk assessments and policies to read so you know what to do in an emergency situation.
- If you have any questions please speak to the teacher in charge who will be happy to help.

Child Protection: If during the visit you become aware of anything which might pose a threat to a child's welfare then you must inform the teacher in charge straight away. Anything you hear children say directly or indirectly which may be a cause for concern must be reported to the teacher in charge. This must always remain confidential.

Please ensure that at no time are you ever in the position of being with an individual child on your own.

Visit to _____ Class: _____ Teacher: _____

Signature: _____ Date: _____



Safe Recruitment Policy

All children have the right to be protected from all forms of abuse, neglect and exploitation. The safe recruitment policy of Cargilfield is to protect the children in the School's care and genuine applicants should not be deterred by being scrutinised.

Appointment of Staff

Applications: A candidate's information pack comprises a role specific application form including a self-declaration form (to supplement personal CVs), detailed job description (which includes a 'person specification' and qualification requirements) and information about Cargilfield School.

Interviews and Visits: Where possible, and relevant, preliminary interviews for short-listed candidates will take place at the school so the candidate can meet staff and pupils in advance of the final interview. This enables a fuller picture to be obtained about the character and attitudes of the candidate and the interaction between them, Cargilfield staff and pupils. All interviews will include a question on child protection.

References: Candidates are asked to provide a full employment (and unemployment) history with names and addresses of present and past employers, and also provide details of one independent referee. Cargilfield always approaches an applicant's present employer and reserves the right to approach any previous employer (or line manager) about a short-listed candidate's character and performance before interview. Written references are requested on the basis that referees have the job description (which includes a 'person specification') and referees are encouraged to comment frankly on the short-listed candidate's strengths and weaknesses in relation to their suitability to fill the vacancy. Written references will be sought either before or after interview depending on the circumstances. One reference will be verified by a telephone call. All new appointments are subject to obtaining satisfactory references. For teaching positions, referees are asked to complete a child protection questionnaire.

Where necessary or appropriate, Cargilfield will:

- Explore any aspect of references by telephone with a current or past employer;
- Keep a record of conversations with referees;
- Pass the information to those responsible for making the appointment. [Only the Headmaster, Bursar and the Director of Music (Peripatetic teachers only) are permitted to make appointments].
- Retain records of disciplinary offences or concerns relating to the member of staff.

Identity Checks and Verification of Documents: Cargilfield will ask for verification of identity (e.g. driving licence / passport) and educational/professional qualifications. Cargilfield will not allow unsupervised access to pupils before the completion of all checks. The school operates a 'check list' system which is kept in each employee file and which lists all the

necessary checks & verification documents to ensure they are completed prior to joining the workforce. **These procedures will not be waived under any circumstances.**

The Protection of Vulnerable Groups (PVG) Scheme: was established by the Protection of Vulnerable Groups (Scotland) Act 2007, which came into effect on 28 February 2011 and is owned and populated by Disclosure Scotland. The purpose of the PVG scheme is to keep those who might harm vulnerable groups out of the regulated workforce. It requires those who work with children to be registered and aims to strike a balance between proportionate protection and robust regulation. It provides an enhanced tool to help employers make safe and balanced recruitment decisions, therefore minimising any risk to children.

All appointments; teaching, non-teaching, Governors, volunteers and all other persons who have regular, sole or substantial access to pupils as part of their normal duties at Cargilfield are required to join the PVG scheme and will be checked against the PVG Database to ensure they are not barred from membership.

Any individual barred from regulated work will not be employed by Cargilfield School, and any existing employee dismissed from the School if new vetting information becomes known making them unsuitable.

Overseas candidates, (including Gap students), are asked to provide a police check from their country of residence prior to arrival and are required to join the PVG scheme once resident in the UK. They will also be subject to the normal identity, reference and verification of document checks.

Induction: Will include:

- Support and Supervision (through a mentor programme);
- School handbook, to include the SSSC Code of Conduct which must be signed;
- Child protection training;
- Health and Safety awareness training.

Probationary Period: The successful applicant will be employed on a probationary basis for a period of 12 months for teaching staff and 3 months for non-teaching staff. At the end of the probationary period, performance will be reviewed and should progress be satisfactory the position with the School will be confirmed. If however satisfactory progress has not been made during the initial probationary period, the areas of competency or other issues which fall below the School's expectation will be communicated, and employment will either be terminated (subject to the appropriate notice period) or the probationary period extended. After an extension, if progress remains unsatisfactory, the School reserves the right to terminate employment (subject to the appropriate notice period).

Appointment of Governors

Cargilfield will ensure that any new appointment to the Board of Governors will be made under the Protection of Vulnerable Groups (PVG) Scheme.



1. Definition of a Child

'A child' can be defined differently in different legal contexts. In particular, the law is not consistent in its classification of young people aged 16 to 18. Sometimes they are seen as adults and at other times as children.

- Under the Children and Young People (Scotland) Act 2014 a child is defined for the purposes of all parts of that Act, as someone who has not attained the age of 18.
- The welfare duty set out in the Children (Scotland) Act 1995 in relation to children in residential schools applies up to the age of 18. Schools should work on the basis that they have responsibilities for the welfare of young people from 16 to 18. Pupils aged 18 or over are legally adults.
- In terms of Part 1 of the Children (Scotland) Act 1995 (which deals with matters including parental rights and responsibilities), a child is generally defined as someone under the age of 18. In terms of Chapter 1 of Part 2 of the Act (which deals with support for children and families and includes local authorities' duties in respect of looked-after children and children 'in need'), a child is also defined as someone under the age of 18.
- The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age. However, this section also provides some exceptions to that general rule. Subsection (2) provides that for the purposes of referrals under section 67(2)(o) (failure to attend school), references in the Act to a child include references to a person who is of school age. 'School age' has the meaning given in section 31 of the Education (Scotland) Act 1980 as older than 5 and younger than 16. Additionally, children who turn 16 during the period between when they are referred to the Reporter and a decision being taken in respect of the referral, are also regarded as 'children' under the Act.
- Children who are subject to compulsory measures of supervision under the Children's Hearings (Scotland) Act 2011, on or after their 16th birthday, are also treated as children until they reach the age of 18, or the order is terminated (whichever event occurs first).
- Where a sheriff remits a case to the Principal Reporter under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995, then the person is treated as a child until the referral is discharged, any compulsory supervision order made is terminated, or the child turns 18.
- The United Nations Convention on the Rights of the Child applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child.

- The meaning of 'a child' is extended to cover any person under the age of 18 in cases concerning: human trafficking; sexual abuse while in a position of trust (Sexual Offences (Scotland) Act 2009) and the sexual exploitation of children under the age of 18 through prostitution or pornography (Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

The Adult Support and Protection (Scotland) Act 2007 states a child can be someone over 16 when certain criteria are met. Following the implementation of the Children and Young People (Scotland) Act 2014, similar to child protection interventions, all adult protection interventions for 16 and 17 year olds 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.

Although the differing legal definitions of the age of a child can be confusing, 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 e.g. a pupil who is over 16 may fit into the category of vulnerable adult and therefore be referred into adult protection procedures services. Therefore education staff have a responsibility for the wellbeing and protection of all young people under 18, and particularly those who are 'looked after', who are subject to supervision arrangements, or who have additional support needs. The protective interventions that can be taken will depend on the circumstances and legislation relevant to that child or young person.

2. Definition of a Parent and Carer

2.1 Parent

'A parent' is defined as someone who is the genetic or adoptive mother or father of a child. A child may also have a parent by virtue of provisions in the Human Fertilisation and Embryology Act 2008. 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 May 2006 and he has been registered as the father of the child on the child's birth certificate. A father or, where relevant, a second female parent by virtue of the Human Fertilisation and Embryology Act 2008 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.

The Children (Scotland) Act 1995 clarifies who has parental responsibilities and rights for their children. In the event of a divorce, both parents will continue to exercise responsibilities and rights for the benefit of their children; both parents would normally have equal rights, unless there was a court order removing such rights, to information on their child's education.

Under the Children and Young Person (Scotland) Act 2014 "parent" has the same meaning as in the Education (Scotland) Act 1980 (the 1980 Act). Section 135 (1) of the 1980m Act states that "parent" includes a guardian and any person who is liable to maintain or have parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has the care of a child or young person.

Although the legal term used throughout the Children and Young People (Scotland) Act 2014 is 'parent' in the singular, where both parents, or more than one individual, have parental rights and responsibilities, liability to maintain the child or have the care of a child, the

expectation would be that both are consulted and involved in decisions and activities aimed at supporting the child. There will be exceptions to this, however, related to the interests of the child's wellbeing, or their rights in relation to confidentiality.

Parental rights are necessary to allow a parent to fulfil their responsibilities, which include looking after their child's health, development and wellbeing, providing guidance to their child, maintaining regular contact with their child if they do not live with them and acting as their child's legal representative. In order to fulfil these responsibilities, parental rights include the right to have their child live with them and to decide how a child is brought up.

2.2 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, including the right to attend Children's Hearings, receive all relevant documentation and challenge decisions taken within those proceedings. A carer may be a 'relevant person' within the Children's Hearing system.

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 section 17(6) of the Children (Scotland) Act 1995. Before making such a decision the authority must, so far as reasonably practicable, obtain and record in writing the information specified in Schedule 3 of the Regulations and, taking into account that information, carry out an assessment of that person's suitability to care for the child. Local authorities have to provide necessary support to kinship carers to offer protection and care for the child or young person.

Other duties placed on local authorities by the 2009 Regulations are designed to ensure that they do not make or sustain placements that are not safe or in the child's best interests and that placements are subject to regular review.

Informal kinship care refers to care arrangements made by parents or those with parental responsibilities with close relatives or, in the case of orphaned or abandoned children, by those relatives providing care. A child cared for by informal kinship carers is not 'looked after.' The carer in such circumstances is not a foster carer, nor is assessment of such a carer by the local authority a legal requirement.

Private fostering refers to children placed by private arrangement with a person(s) who are not close relatives. 'Close relative' in this context means mother, father, brother, sister, uncle, aunt, grandparent, of full blood or half blood or by marriage. Where the child's parents have never married, the term will include the birth father and any person who would have been defined as a relative had the parents been married.

2.3 Other Adults who have Charge of Care of children

Any person who is over 16 years of age, and who has parental responsibilities, charge or care of a child under 16, has certain responsibilities with regard to that child's welfare, and can be held criminally liable for failure to meet them.

Section 27 of the Children and Young Persons (Scotland) Act 1937 identifies those persons who would be regarded as having 'charge or care.' Those presumed to have 'charge' of a child include 'a person to whose charge a child or young person is committed by any person who has parental responsibilities in relation to him.' Those presumed to have 'care' include 'any other person having actual possession or control of a child or young person.'

The Head and staff of day and boarding schools would fall within the definition of those having 'charge' or 'care' of a child. The governors might also be regarded as having 'charge' to the extent that they are responsible for ensuring that the school environment is adequate to protect children from foreseeable suffering or harm. There is also a common law duty of care on any person who has day-to-day care or control of children, to protect and safeguard their wellbeing. With increasing awareness of the vulnerability of children to abuse by other children and by staff, it is incumbent upon those in charge of children to ensure that procedures are in place which protect children, facilitate early identification of abuse where it has occurred and ensure that action is taken. This applies particularly to those services where children are in residential care.

Criminal liability arises under Section 12 of the Children and Young Persons (Scotland) Act 1937 if the adult 'wilfully assaults, ill-treats, neglects, abandons, or exposes him in a manner likely to cause him unnecessary suffering or injury to health'. This includes mental as well as physical health. It applies whether or not any harm actually occurred. It is sufficient that it was 'likely' to occur. If this 'likelihood was obviated by the action of another person', an offence might still have been committed. The offence applies not only to those who actually neglect or assault children, but also to those who 'caused or procured' the offence.

2.4 "In Loco Parentis" and Delegation

Although the phrase 'in loco parentis' is frequently heard, and has been referred to judicially in relation to chastisement of children, it is not a concept that has any great history in Scottish law. Those who take over the charge of a child certainly undertake responsibilities and this may give them some limited and temporary powers, which can be enlarged by specific delegation by the parent. However, the fact that they may be in the position of a parent, does not give them all the rights of a parent.

The Children (Scotland) Act 1995 states that children should be consulted and that parents should so far as practicable, consider their children's views before taking any major decisions which would affect them. Children over 12 are presumed in law to be old enough to express views, depending on their level of understanding, other known facts and circumstances. Section 5 of the Act states that, where a person has care or control of a child but does not have parental responsibilities, that person can do what is necessary to safeguard the child's health, development and welfare. The Act specifically says that this provision does not apply to a person who has care or control of a child in a school. This means that, whilst schools have responsibilities towards children, they cannot rely on the general authority given by Section 5 to fulfil their responsibilities. They need to have authority delegated by the parent.

The position of schools is strengthened by section 3(5) of the Act which puts the 'delegation' of parental responsibilities onto a proper legal footing. The Act provides that a person who has parental responsibilities or rights in relation to a child shall not abdicate those responsibilities, but may arrange for some or all of those responsibilities to be carried out by

someone else on his/her behalf. This means that, if a parent has delegated responsibility to a 'guardian', the school can feel confident in accepting the 'guardian's' authority for action consistent with the welfare of the child which is within the scope of that delegation. In most instances parents, unless they or a member of their family are involved in allegations of abuse, should be informed of concerns about their children, involved in discussions and advised of action taken.

In the context of consent to medical examination and treatment, the delegation of responsibilities means that staff of boarding schools do not have any automatic right to consent to the medical examination or treatment of a child, unless in an extreme emergency. Where a child cannot give his or her own consent, the school needs delegation of rights by the parent or other person with formal parental responsibility, or the authority of a person whom the parents have authorised to make that decision (see Appendix 10 – Consent to Medical Examination and Treatment).



CONSENT TO MEDICAL EXAMINATION AND TREATMENT

The law on consent to medical examination and treatment was changed in 1991 with the introduction of the Age of Legal Capacity (Scotland) Act. Section 2 (4) states that any child under 16 has a right to consent or to refuse consent (refusal given under The Children (Scotland) Act 1995) to his or her own examination or treatment. A child under 16 can also give valid consent:

'Where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment.'

The decision about competence is entirely one for the doctor or other medical practitioner to make. If the child is assessed as being able to give his or her own consent, then it is the child's consent that must be obtained. Parents and their delegates no longer have any right to make decisions on behalf of a competent child. Where a child cannot give consent, the consent of a person holding parental responsibility would normally be required.

Who has Parental Responsibilities?

If a child's parents are, or have been, married to each other, both of them have parental responsibility and either parent can give consent. If the parents have not been married to each other, only the mother has automatic parental responsibilities including the right to consent.

The Children (Scotland) Act 1995 also allows unmarried parents to enter into a 'parental responsibility agreement' which, when registered, gives the father full parental responsibility. The Family Law (Scotland) Act 2006 amended section 3 of The Children (Scotland) Act 1995 by extending parental rights and responsibilities to those unmarried fathers, who after 4 May 2006, register the birth of their child jointly with the mother. In addition, the Act allows consent to be given by those who have care or control of a child but do not have formal parental responsibility. This consent is effective only if the proposed treatment or procedure is 'reasonable in all the circumstances to safeguard the child's health, development and welfare'. It would not be effective if either:

- the child was competent to consent; or
- the person knew that the parent would refuse consent.

Those with day-to-day care and control may be legally competent (if anyone with parental responsibilities could not be found) to give consent – this consent is only to **safeguard** the child's health. The parental responsibility is to **'safeguard and promote'** the child's health.

Other individuals may have obtained parental responsibility by court order. If the child is 'accommodated and looked after' by the local authority, the authority can give consent only if it has obtained a 'parental responsibilities order' from the court, or consent is authorised by conditions attached to various orders and warrants from the court or the Children's

Hearing. Even in these circumstances, no examination or treatment can take place in the face of a refusal of consent by a competent child.

In an emergency situation, medical staff are advised that they may act without parental consent where it is necessary to save the child's life or avoid serious impairment of health. Schools should not assume that they have authority to authorise any medical examination or treatment unless authority has been delegated to them. Where parents have appointed a 'guardian' to make such decisions on their behalf, the guardian's authority should be sought for medical procedures. Boarding schools should consider asking parents to give schools authority in writing to seek medical treatment for their children, as the absence of clear delegation could give rise to difficulties.

Schools would not normally have authority to authorise medical examination for the purpose of gathering evidence for legal proceedings. Even where schools have a written delegation of authority from the parent to authorise medical examination or treatment, care must be taken following any allegation of abuse to ensure that examinations for medical and forensic reasons are co-ordinated, and evidence safeguarded. Unless there is some urgent medical ground for examination, the school should NOT instruct one, but should refer the matter to the police or social work department who will ensure that local inter-agency child protection guidance is followed.