



Child and Young Persons Protection Policy

Board Approval: 6th December 2023

Next Review: December 2026

1.0 Introduction and Background

- 1.1 Child Protection in Scotland is “Everyone’s Responsibility”, and under the principles set out by the Scottish Government, under the GIRFEC principles (Getting it Right for Every Child), organisations such as RSLs have a corporate responsibility to do everything they can to ensure the safety and wellbeing of children.
- 1.2 GIRFEC requires that all services for children and young people – including social work, health, education, police, housing and third sector services – adapt and streamline their systems and practices so that, where necessary, they can work together better to support children and young people.
- 1.2 This policy highlights the collective responsibility of all staff, especially frontline staff, to recognise and actively consider the potential child protection risks to children and young people, irrespective of whether that child or young person is central or peripheral to their role. Every child and young person has the right to be listened to, to be respected, to feel valued and ultimately to feel safe and secure. Regardless of how educated, confident or ‘streetwise’ a child or young person is, they are still at risk of abuse and neglect
- 1.3 HfL employees are expected to identify and consider a child or young person’s needs, to share relevant and proportionate information and concerns with other key agencies and to work collaboratively with other services to improve outcomes for children and young people. While staff are not expected to investigate actual or suspected abuse or neglect, they are expected to follow the guidance contained within this policy to ensure the health, well-being and safety of the child or young person.
- 1.5 This policy has been written to reflect current best practice in the field of Child Protection and includes information and guidance to challenge Child Sexual Exploitation (CSE).

2.0 Definition of a Child

- 2.1 For the purpose of this policy a child or young person is defined as anyone under the age of 18 years of age, and this definition has been formally endorsed through the Children and Young People (Scotland) Act 2014. The United Nations Convention on the Rights of the Child (UNCRC) also defines a child as everyone under the age of 18.
- 2.2 Regardless of this definition, the individual circumstances of each child or young person should be taken into account when determining what legal measures or status should be applied. The Adult Support and Protection (Scotland) Act 2007 applies to those over 16 years of age, and therefore presents a conflict, to be mindful of, between these two legislative Acts designed to protect children and adults respectively.

3.0 Legislation and Statutory Guidance

3.1 United Nations Convention on the Rights of the Child (UNCRC) 1989

This UN Convention protects the human rights of everyone under the age of 18 years old. Articles 35 and 36 require the state to protect children from sexual exploitation and abuse. The Convention also helped form the basis of Getting It Right For Every Child (GIRFEC), Scotland's central approach to supporting children and young people. GIRFEC constitutes the Scottish Government's commitment to embed this work as the foundation for all work to support and protect children and young people

3.2 Getting It Right for Every Child (GIRFEC)

GIRFEC provides a framework for all those working with children and young people, placing them at the centre of service provision and encouraging inter-agency working to support, safeguard and ensure the best possible start in life for children and young people.

3.3 National Guidance for Child Protection in Scotland (2014)

This framework permits agencies and organisations to understand and agree processes for working together to support, protect and safeguard the well-being of children and young people. It provides background context, guidance and best practice and is designed to be the starting point for Child Protection issues.

3.4 Children and Young People (Scotland) Act 2014

This broad legislation addresses a range of issues, but also enshrines the GIRFEC framework as part of all future legislation introduced to support children and young people. It defines a child or young person as anyone under the age of 18 years old.

3.5 National Risk Framework to support the Assessment of Children and Young People (2012)

Published by the Scottish Government in 2012, it is essentially a national risk assessment toolkit for Child Protection, offering support to practitioners in identifying and acting on the risks which children or young people may be exposed to.

3.6 Children (Scotland) Act 1995

This act provides a major part of the legal framework for child welfare and protection in Scotland.

4.0 Child and Adult Protection Policy

4.1 Child Protection

Child Protection is a complex issue therefore it is important to understand that procedures and guidance alone cannot protect children and young people. There are many forms of abuse and maltreatment which a child or young person could experience ranging from physical abuse, emotional abuse, sexual abuse (including Child Sexual Exploitation) and neglect. Abuse and maltreatment can be as a result of the actual infliction of physical or sexual harm, but also encompasses those who fail to act, respond, report or raise concerns which result in significant harm to a child or young person. Abuse can be perpetrated by anyone and in the vast majority of cases it is carried out by someone known to the victim.

Responding to Child Protection issues or concerns requires a competent, skilled and confident workforce who understands their own responsibilities, but also the responsibilities of other workers and agencies. Effective Child Protection also relies on public vigilance and assumes that members of the public are aware of the action they should take to report actual or suspected child protection issues.

Improving outcomes for children and young people is a fundamental objective for all services and organisations. However in order to safeguard, protect and support children and young people, and ensure they get the support they need, agencies and services must liaise with each other, share information, and understand the contribution they can make to address child protection issues.

Parents, carers with responsibility for children, families and communities have the primary role in ensuring children and young people are safe, supported and have their well-being promoted. Agencies and services have a role in supporting and encouraging those who hold this primary role. Agencies and services furthermore have a duty to ensure the needs of the child and young person are met, and to intervene to resolve any issues before they escalate further.

Child Protection places a collective responsibility on each and every staff member working with children and families regardless of whether that work brings them into direct contact. In the context of HfL this covers [frontline](#) customer facing staff across Housing, Maintenance and Asset Management including contractors. Furthermore, all HfL staff will be provided with training around the impact of adult behaviour on children and young people, in addition to their duty to keep them safe and secure.

Even approaching Child Protection from the most basic viewpoint, the agencies that have a statutory duty to investigate, such as Police Scotland and Child Protection Officers within the Local Authority, cannot discharge this duty if they are not aware of the risks or concern. This reinforces the need for appropriate procedures, effective record keeping and information sharing with relevant agencies.

4.2 GIRFEC

The primary indicator of Child Protection is to keep children and young people safe. This is categorically the key outcome of the GIRFEC framework. There are several additional key areas, which are linked to personal safety, which practitioners should be promoting to ensure the well-being of children and young people. These include health, nurture, achievement, activity, respect, responsibility and inclusion.

The GIRFEC approach emphasises early, pro-active intervention in order to create a supportive environment and identify any additional support which may be required at as early a stage as possible. The framework focuses on outcomes rather than processes and encourages practitioners to consider the following 5 questions:

1. What is getting in the way of this child or young person's well-being?
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 my agency do to help this child or young person?
5. What additional help, if any, may be needed from others to safeguard and support this child or young person?

4.3 Recognising and Responding to Actual or Suspected Abuse

Definition of Types of Abuse	
Physical Abuse	Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.
Sexual Abuse	Child sexual abuse involves forcing, or enticing, a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. It does not necessarily involve a high level of violence but may involve physical contact, including penetrative or non-penetrative acts. It may also include 'non-contact' activities for example, engaging children in the viewing of sexual images.
Emotional Abuse	Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It could involve conveying to a child that they are worthless, unloved, and inadequate or valued only insofar as they meet the needs of another person. It covers denying opportunities to express views, silencing them or mocking their opinions or communication. It may feature age, or developmentally inappropriate expectations being imposed on children. These may include interactions beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social

	interaction. It may involve seeing or hearing the ill-treatment of another. It may also involve serious bullying (including cyberbullying) causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur in isolation.
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. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing, and shelter; protect a child from physical and emotional harm or danger; ensure adequate supervision; or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

All HfL's staff have a collective responsibility to report any child protection concerns to the appropriate agency via the Housing Manager. This includes sharing information on adults who may present a risk to children or young people.

Staff, may also be invited to participate in multi-agency meetings designed to safeguard and protect a child or young person.

Although HfL's staff are not required to investigate Child Protection concerns, this should not discourage or prevent consideration and reflection on the GIRFEC approach outlined above to safeguard children and deliver positive outcomes for them.

4.4 Child Sexual Exploitation

Child Sexual Exploitation (CSE) is a distinct form of child abuse which affects children and young people of both sexes up to the age of 18 years old. It can occur as part of a seemingly consensual relationship or in return for attention, affection, money, drugs or alcohol or accommodation. Victims of CSE may live at home; they could be living independently, with carers or in a residential setting. The child or young person potentially will view their abuser as a friend, potentially even a boyfriend or girlfriend, but this abuser will force the victim into dangerous situations, and make them do things they do not want to do. The victim will often experience verbal or physical abuse, violence, manipulation, controlling behaviour all of which is designed to isolate them from family and friends. Any child or young person, from any background, can be exploited for sex with the abuser being an adult or occasionally a peer. At its most extreme, CSE may include organised exploitation where a child or young person is forced to have sexual activity with multiple people, and also recruit other young people for exploitation.

Grooming plays an integral part of CSE as recognised by Section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. The grooming may be carried out online or in person. The risk comes from the following areas:

- Child or young person accessing pornographic material, pop-ups etc.;
- Child or young person is targeted by someone with a view to CSE;
- Child or young person creating, uploading or seeking out sexually explicit material;

4.5 Recognising and Responding to Actual or Suspected Abuse

Indicative Signs of Child Sexual Exploitation	Risk Indicators	Other Significant Risk Indicators
Disrupted family life	Staying out late / time unaccounted for	Older boyfriend or relationship with controlling adult
History of abuse and disadvantage	Multiple callers / multiple mobile phones / constant use of mobile phones / unexplained money or material items	Physical or emotional abuse by boyfriend or controlling adult
Problematic parenting	Disclosure of sexual / physical assault, followed by withdrawal of accusation	Entering and leaving vehicles driven by unknown adults
Disengagement from education	Sexually Transmitted Infection's / pregnancy / peers engaged in sexual activity / high number of sexual partners	Frequenting areas known for prostitution either on or off-street areas
Experience of bullying and learning difficulties	Drug and alcohol misuse	Physical injury or symptoms of physical or sexual abuse
Going missing	Truancy or exclusion	Children under 13 requesting Sexual Health services
Poor health and Well-being	Lack of a positive relationship with protective and nurturing adult	Child or Young person being taken to flats / houses / hotels and engaging in sexual activity
Drug and alcohol misuse	Living independently but failing to respond to contact by Social / Support / Health Worker	Use of new technological devices which parent / carer has no knowledge off

CSE is first and foremost a Child Protection concern and therefore requires the appropriate response. Early intervention will lead to protective measures to ensure the

child or young person is freed from the control of the abuser. Perpetrators and potential abusers must be investigated and ultimately prosecuted, which cannot happen unless practitioners have the knowledge and confidence to deal with these situations. Everyone has a responsibility to protect the child or young person. Staff need to understand their role, their responsibility, know where to report their concerns and understand their duty to share information with appropriate agencies.

Children or young people exploited into CSE are victims of abuse and should be listened to and supported; they are not the perpetrator or the criminal. Responsibility for sexual exploitation lies fully with the abuser whether they are paying for sex, grooming a child, or organising the exploitation.

4.6 Consent, Information Sharing and Appropriate Record Keeping

Children and young people have a right to express their views and also have these views taken into account when decisions are made.

Generally, information should be shared only with the consent of the child or young person, with the reasons communicated to them openly and honestly. However, if there is a risk to the child or young person, consent should not be sought and the relevant information should be shared with the appropriate agency.

This duty of care obligation overrides all other considerations. Information sharing is a key component of both Child Protection and Social Care. This duty of care and immediate disclosure where there is real or suspected risk compliments the GIRFEC approach and key Child Protection legislation and guidance, stressing that information is shared, and not simply passed on. Practitioners and staff should be proactive in identifying and responding to risk or suspected harm irrespective of whether the child or young person is a client, within a household they are visiting or indeed known to them out-with their work.

Any information shared should be relevant, proportionate and necessary to the circumstances of the case. Records should be maintained to show what information was shared, whether this information was offered or requested, who the information was passed to, what was requested or handed over, what the purpose of the requested information, whether it was disclosed or not, and whether consent was sought or not. Similarly, the reasons for any non-disclosure should also be recorded.

4.7 Support for Staff

HfL acknowledges that dealing with Child Protection concerns or issues are complex and emotionally demanding for those involved.

All HfL staff will be provided with Child Protection Training upon adoption of the Child Protection Policy. Through this training they will understand their roles and responsibilities, the scope of their authority and their discretion to act immediately if the welfare of a child or young person is at risk.

All HfL staff will have an appropriate Disclosure Scotland or PVG (Protection of Vulnerable Group) check in place prior to commencing their role, and this will be renewed every

three years. The CEO will ensure that appropriate and regular checks of the Scottish Social Services Council (SSSC) Register to ensure that, under the SSSC (Conduct) Rules, no interim order or decision has been made that may impact on a registered staff member's ability to practice.

The Housing Team will be provided with appropriate advice and support, and also provided with time to reflect on individual and collaborative practice to ensure that the service is outcome led and person-centred. These staff will also be required to attend regular and consistent high-quality support and supervision to enable them to discuss, reflect and identify areas for further development.

4.8 Protection Procedures in East Lothian

In East Lothian the East and Midlothian Public Protection Committee (EMPPC) is the key group dealing with public protection matters and includes representatives from the key public protection agencies (Social Work, Police, NHS Lothian, Education, Third Sector, Scottish Children's Reporter Administration, Housing etc)

A copy of the inter-agency Child Protection Procedures for Edinburgh and the Lothians can be found here:

[https://emppc.org.uk/file/Child Protection/Inter-agency Child Protection Procedures - Edinburgh the Lothians Oct 2015.pdf](https://emppc.org.uk/file/Child%20Protection/Inter-agency%20Child%20Protection%20Procedures%20-%20Edinburgh%20the%20Lothians%20Oct%202015.pdf)

5.0 Approach and Method

5.1 The CEO has overall responsibility for the implementation of this policy.

All relevant staff must, in an emergency, report any concern around actual or suspected physical abuse, emotional abuse, sexual abuse (including Child Sexual Exploitation) and neglect to Police Scotland and the relevant Social Work team immediately. Where the matter is not an emergency, they may wish to discuss the issues with the HfL's Housing Manager in the first instance who will provide advice and guidance in terms of a referral. In all circumstances the form attached as Appendix 1 to this policy will be completed.

Relevant staff are defined as anyone who is in contact with a tenant, member of their family, carer, or other visitor to the tenancy whilst representing HfL including external contractors.

5.2 In any situation where child abuse is suspected, HfL team members shall tell their line manager immediately AND inform Social Work at whichever locality the child resides. Within the East Lothian area, the numbers for Social Work are: -

- East Lothian Council's Children's Services – 01875 824309
- the Emergency Social Care Service by calling 0800 731 6969 (freephone) (evening and weekends)

- the Police by calling 101 (or in an emergency 999)
- a member of staff at the child's school
- any health professional.
- The Police can also be contacted via the 999 system.

5.3 All HfL team members must understand there is NO BAR to the disclosure of any information relating to the protection of children from harm. There are NO RESTRICTIONS about passing on information under the: -

- Data Protection Act (2018), lawful basis vital interest;
- Human Rights Legislation;
- or any other legislation.

6.0 Team Training and Development

6.1 It is important all HfL team members who work with children and young people have access to and attend relevant training and development on child protection. It is the responsibility of Senior Managers to ensure guidelines are understood and training needs are met.

6.2 East and Midlothian Public Protection Office is responsible for ascertaining local training needs, ensuring that appropriate training is provided and taking a strategic overview of multi-agency training to promote effective practice in safeguarding and promoting the welfare of children.

6.3 This training is an extremely valuable resource for HfL staff teams and ensures all agencies involved such as HfL, ELC, NHS Lothian and the Police Scotland work to the same guidelines and a collaborative framework is adhered to.

6.4 HfL will ensure that all relevant staff team members attend the appropriate level of training session and attend refresher courses every 2-3 years to ensure ongoing awareness and knowledge on Child Protection issues.

6.5 Information on child protection training courses is available on the Public Protection in East Lothian and Midlothian website at <https://www.edinburgh.gov.uk/downloads/file/31750/inter-agency-public-protection-training-calendar-2023>

7.0 Recruitment and Selection

7.1 When recruiting new team members, a criminal record check must be requested for all front-line team members and volunteers who will be working with children and/or protected adults. This will be done via Disclosure Scotland, which is registered to undertake these checks.

8.0 Protecting Vulnerable Groups Scheme (PVG Scheme)

8.1 The Protecting Vulnerable Groups Scheme (PVG Scheme) is established by the Protection of Vulnerable Groups (Scotland) Act 2007. The PVG Scheme allows HfL as a registered body to request and obtain information on whether an individual has any criminal convictions and whether they are barred from doing regulated work with children or protected adults either as an employee or a volunteer.

8.2 Regulated Work means regulated work with children or regulated work with adults. The Vulnerable Groups (Scotland) Act 2007 contains a broad definition of regulated work, and an employee or volunteer may be doing regulated work if they are involved in a specified activity in relation to a protected person; or if they work in a specified establishment; or if they hold a specified position. Activities as part of a person's normal duties which indicate they are doing regulated work with children include: -

- Being in sole charge of children
- Caring for children
- Providing advice or guidance to children
- Teaching, instructing, training or supervising children; and
- Unsupervised contact with children

8.3 Activities as part of a person's normal duties which indicate they are doing regulated work with adults include: -

- Being in sole charge of protected adults
- Caring for adults
- Providing advice or guidance to protected adults
- Teaching, instructing, training or supervising protected adults
- Unsupervised contact with protected adults

8.4 Children are those under 16 years of age. A protected adult is a person aged 16 or over who is protected by the Act because he/she is receiving a type of care, support, or welfare service. To be classified as an adult at risk, an individual had to meet three criteria: having a condition, in consequence of which they had a disability and received a care service. Section 94 replaces these three criteria with a test linked to the type of services being received by the individual. Protected Adult is therefore a service based definition and avoids labeling adults on the basis of their having a specific condition or disability.

8.5 For employees or candidates seeking employment that will have substantial contact with children and or protected adults, they will require to join "The Protecting Vulnerable Groups Scheme" (PVG scheme).

8.6 A Basic Disclosure Check will be obtained in respect of posts or roles which do not constitute regulated work with children and/or adults. A Basic Disclosure Check contains information on unspent convictions.

8.7 HFL will comply fully with Disclosure Scotland regarding the correct handling, use, storage, retention and disposal of both Basic Disclosures and The Protecting Vulnerable Groups Scheme. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

8.8 Disclosure information is not kept in personnel files. It is always kept separately and stored securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

a) Procedure

- The requirement for a basic disclosure or PVG Scheme registration from a successful candidate will be included in candidates' application packs and on the application form.
- All applicants called for interview should be encouraged to provide details of their criminal record at an early stage in the application process.
- When a job offer is made the letter must state that this is subject to the receipt of satisfactory references. The candidate must be asked to complete and sign an application for the relevant disclosure. The successful applicant will be asked to complete a disclosure and advised that payment will be reimbursed. Depending on the content of this disclosure, either the candidate's application can be accepted, he/she can be called in for further discussion, or the application can be declined with a brief explanation of the reasons.
- Each case should be considered on its merits taking into account the nature of the position and the circumstances and background of the applicant's offences. Where a manager is unsure of the appropriate approach guidance and professional advice should be taken where appropriate.

b) Subsequent checks

- Once in post, follow up checks will be made every three years to ensure that an offence has not been committed during the period of employment.

c) Handling

- Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We recognise that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

d) Usage

- Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

e) Retention

- Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult Disclosure Scotland about this and will give full consideration to the Data Protection and Human Rights considerations before doing so.

f) Disposal

- Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means.

g) References

- Two written references will always be sought. If at all possible, one should be from a previous employer and relate to the applicant's record of and suitability for working with children and young people. The other should be a character reference from someone, other than just a friend, who is able to comment with some insight. It is important to telephone referees as well as getting written responses. Sometimes people will say on the phone what they are unwilling to put in writing.

9.0 Equal Opportunities Statement

9.1 We will not discriminate in the operation of this policy on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

9.2 We aim to promote equal opportunities and comply with the requirements of the Equality Act 2010.

10.0 Complaints

10.1 Any complaint relating to any aspect of HfL Tenancy Management will be dealt with in accordance HfL's Complaints Handling Policy.

11.0 Monitoring of the Policy

11.1 The Housing Manager is responsible for monitoring through performance reporting and review process. Any matter which demonstrates a serious failure of internal controls should also be reported immediately to the Chief Executive Officer (CEO) who will report such matters to the Board.

12.0 Review of Policy

12.1 This policy will be reviewed at every 3 years or where there has been new legislation, or a change in regulatory requirements or policy guidance.

Appendix 1

Child Protection Reporting Form	
Service User Name	
Date of Birth	
Address	
Reason for Concern	
Notes	
Staff member making report	
Date of report	
Time of report	
Discussed with Line Manager	
Reported to	