

Child Protection Policy and Procedure

1. Contents of policy

This policy has been developed to provide a comprehensive overview of child protection in Seamab. Reference has been made to current policy and legislation.

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2. Management of the Seamab Child protection Policy

This policy has been reviewed and updated in July 2025.

The child protection policy will be reviewed annually with the updated policy presented to the Board of Trustees for approval at their first meeting at the start of the year.

The child protection policy is widely available to all employees, volunteers and trustees, with copies available in all offices, from the administration team, from designated Child Protection Officers and from the server.

The designated Child Protection Officers in Seamab are Jody Cannon, Education Service Manager, Robbie Henderson, Head of Care, Claire Masterson, Head of Education and Ewan Scott, Team Manager. Their contact details during and outwith normal working hours are widely available to all staff and listed below. Seamab has a Senior on Duty system and a Senior on Call system; this ensures that management advice and support is available at all times.

Contact details for designated Child Protection Officers Seamab 01577 840307		
Jody Cannon	07467 918599	jcannon@seamab.org.uk
Robbie Henderson	07823413471	rhenderson@seamab.org.uk
Claire Masterson	07823 413481	cmasterson@seamab.org.uk
Ewan Scott	07823 413472	escott@seamab.org.uk

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3. Key principles of child protection in Seamab

Seamab has an unwavering commitment to protecting all children from abuse, neglect and harm in line with the legislation set down by the Scottish government. Seamab has a duty and a responsibility to ensure that every child is safe and protected, and that their overall health and wellbeing needs are met. The organisation has a responsibility to ensure that effective policies and procedures are in place for the protection of children, and that all employees, volunteers and trustees are aware of and adhere to these. Every individual and group of adults in Seamab has a duty of care for children. This means that where abuse is suspected, evidenced or witnessed, then this must be fully and accurately reported.

Seamab is committed to the following key principles in child protection:

- the needs of the child are paramount;
- all children have the right to be protected from harm and abuse;
- all employees, volunteers and trustees have a responsibility to promote children’s needs and protect children’s rights;
- all employees, volunteers and trustees have a responsibility to listen to children and report concerns about possible and actual harm and abuse; and
- Seamab has an organisational responsibility to support employees, volunteers and trustees throughout any child protection incident and process.

4. Definitions and information

Child protection means protecting a child from child abuse or neglect, or at risk of 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.

Child abuse and neglect are forms of maltreatment of a child. This can occur by inflicting 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.

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.

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; this is known as fabricated or induced illness.

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.

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 either consented or assented. 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.

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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.

Child Sexual Exploitation (CSE) is a type of child abuse. It happens when a child or young person is encouraged, or forced, to take part in sexual activity in exchange for something.

There has been growing awareness of the risks of Child Sexual Exploitation, particularly for children and young people who are looked after away from home. A combination of factors makes this group of children especially vulnerable to Child Sexual Exploitation.

Vulnerability factors include:

- a disrupted family life;
- a history of abuse and disadvantage;
- problematic parenting;
- disengagement from education;
- experience of bullying;
- learning and communication difficulties;
- relationship difficulties;
- absconding behaviour;
- poor health and wellbeing; and
- alcohol and drug misuse.

Children and young people may also have low self-esteem and self-worth, such that perpetrators of child sexual exploitation will be able to manipulate, groom and abuse them, and the child or young person may not realise what is happening to them.

Child sexual exploitation is recognised as a form of sexual abuse, in which a child or young person is manipulated or forced into taking part in a sexual act. Abusers may be male or female and may operate individually or in groups. Manipulation and grooming of children and young people may include:

- providing alcohol and/or drugs;
- giving expensive gifts such as trainers and electronic devices, including mobile phones;
- offering an alternative place to stay;
- emotional and physical threats;
- violence; and
- isolation from friends and family.

The child or young person may believe the abuser to be a friend, or a boyfriend or girlfriend. The grooming process by the abuser may vary but in most cases the abuser will have some form of power over the child or young person that they exploit. The abuser may be a similar age or older and more mature, physically stronger or emotionally established control and power.

Three models of abuse have been identified, and these can help practitioners understand and identify child sexual exploitation.

Inappropriate relationships: usually one abuser who has inappropriate power and control over a child or young person. The child or young person may believe they have a friendship or loving relationship with the abuser.

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Boyfriend/girlfriend: abuser develops an apparently normal relationship with the child or young person. This develops to become abusive, with the abuser forcing the young person to have sexual relationships with multiple partners and threatened with violence.

Organised exploitation and trafficking: criminal networks traffic victims between different individuals, groups and locations, forcing and coercing them into sexual relationships with multiple partners. The victim may also be used to recruit other victims. Children and young people may be bought and sold within these networks.

How modern technology, particularly the internet and social media are used can increase the risk of child sexual exploitation. Children and young people may access inappropriate, pornographic or sexual material. A stranger may be able to contact the child or young person through social media networks, online games or other means (see section 14 below). It is therefore critically important the children and young people understand the dangers of the internet and social media and are supervised in the use of these.

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, 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 wellbeing. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

Radicalisation

Children may be vulnerable to others who seek to radicalise them and engage them in dangerous and criminal activities. Looked after and accommodated children may be especially vulnerable to radicalisation because:

- they may see this as a way of belonging to a powerful and influential group;
- they might be influenced by longing for a relationship;
- they may be attracted by the opportunity to act out their anger or have their violent behaviour legitimised; or
- they may feel this is an appropriate path for their future.

Radicalisation may happen when children access inappropriate material or contact unsuitable people through social media or the internet. Perpetrators can be influential over children and young people and over time brainwash them into a very different way of thinking and behaving. It can be very difficult to recognise the signs of radicalisation, but the following may be indicators of radicalisation:

- increased and secretive use of the internet;
- increased levels of anger;
- inability or unwillingness to discuss their views;
- sudden and/or increasing disrespect to others;
- talking as if from a scripted speech; and
- isolating themselves from friends, family and normal interests.

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All employees, volunteers and Trustees should be aware of the risks of radicalisation. If they are concerned this may be happening to a child, they should report this using child protection procedures.

The child protection register is a central register of all children, including unborn children, who are the subject of an inter-agency Child Protection Plan. This is managed by local authorities. The register has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan.

Local authority social work services are responsible for maintaining a register of all children in their area who are subject to a Child Protection Plan, though the decision to put a child on the register will be based on a multi-agency assessment.

The decision to place a child’s name on the register is taken following a Child Protection Case Conference (CPCC) where there are reasonable grounds to believe or suspect that a child has suffered or will suffer significant harm from abuse or neglect, and that a Child Protection Plan is needed to protect and support the child. The decision to remove a child’s name from the register will be made by a review CPCC at which all the relevant agencies are represented, as well as the child and their family.

5. Roles and responsibilities

All employees, volunteers and trustees have a role and a responsibility in being vigilant to the possibility and potential of harm and abuse to children, and for reporting any such concerns to statutory agencies. Individuals and teams in Seamab should work together to ensure that there is a strong organisational culture of openness, rooted in children’s needs and rights, to support everyone in identifying and reporting any concerns.

All practitioners have a responsibility to accurately record any concerns and report such concerns timeously. Practitioners should also work closely with external agencies, to support and effectively contribute to child protection processes. This includes attendance at meetings, preparing and providing good quality reports, contributing to plans, and supporting children through child protection processes.

All managers have a responsibility to support practitioners through all child protection incidents and processes, providing support, advice and opportunities for reflection on practice. Managers should also support and work with practitioners to complete reports, liaise with external professionals and ensure that information and concerns are effectively and efficiently managed. Supervision is an important management responsibility, and all managers have a role in delivering effective supervision within which practitioners can discuss and reflect on any concerns.

Designated Child Protection Officers are available to discuss concerns, oversee decision making processes, provide advice and support, ensure compliance with policy and procedures and support work with external professionals. All incidents of child protection must be reported to a designated Child Protection Officer. All allegations about employees, volunteers and trustees must be reported to the Head of Education or the Head of Care. Anyone who has reported a concern and feels that this has not been acted upon should escalate their concern to the next level of management at Seamab.

Trustees have a role in overseeing the development of effective policy and practice and assuring that this is of high quality. Their role and responsibilities include reviewing and approving policy and procedure; requesting and scrutinising reports on incidents including child protection; and reviewing any significant child protection incidents. The senior management team will support trustees in these governance responsibilities by providing regular, accurate and sufficiently detailed information. This will include an annual review of child protection in Seamab.

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In line with the Scottish Government’s *National Guidance for Child Protection in Scotland 2021 – updated 2023*, we have a responsibility to ensure that:

- children get the help they need when they need it
- professionals take timely and effective action to protect children
- professionals ensure children are listened to and respected
- agencies and professionals share information about children where this is necessary to protect them
- agencies and professionals work together to assess needs and risks and develop effective plans
- professionals are competent and confident
- agencies work in partnership with members of the community to protect children
- agencies, individually and collectively, demonstrate leadership and accountability for their work and its effectiveness

Section 16 of this Policy outlines the procedure that must be followed whenever a child protection concern is raised.

6. Good Practice and Do’s and Don’ts

Employees, volunteers and trustees may have child protection concerns from something they have observed, something they have been told about by another adult, or something a child has told them. They may also have observed behaviour and presentation of a child that in some way, has given them cause for concern. However, immediately a child protection concern has emerged, it is important to follow good practice and the dos and don’ts outlined in this policy.

When identifying a concern, this must be reported as quickly as possible to a line manager, following the procedure. The concern should also be carefully recorded as soon as possible, to ensure that all information available is accurately recorded. If a child has disclosed (told an adult or another child about a concern) then all information should be fully noted, and where possible, the child’s own words should be recorded. Children making a disclosure may feel frightened, anxious or angry and it is important that the adult remains calm and accepts what the child says. Adults should reassure the child that they have done the right thing and explain that they will need to share this information with others.

In passing on information to others, care should be taken to ensure that the information is accurate when shared verbally and in writing. Information should be shared as quickly as possible. This is the responsibility of the employee, volunteer or trustee, working with managers.

An employee, volunteer or trustee who discovers a concern, or person to whom a child has disclosed information may experience a range of emotions from sadness to anger. It is important in these circumstances to seek out the opportunity to discuss what has happened and reflect on these feelings. The senior on duty, senior on call or a line manager can provide support in these circumstances.

The following list summarises what to do - and what not to do.

Do:

- listen, support and respect.
- reassure the child that they have done the right thing by speaking to you.
- let the child know that you will share the concern, and who you will share it with.
- **report any concern immediately to the senior on duty or in school to the Head of Education/Education Service Manager/Principal Teacher.**
- record the information gathered as soon as you possibly can; and
- be mindful of a child’s behaviour, including physical and emotional presentation and any increased vulnerabilities.

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Don't:

- make false promises to a child.
- promise confidentiality or to keep a secret.
- interview the child, ask leading questions or question what they tell you.
- assume that someone else will record and pass on the concern; or
- take any further action unless instructed to do so, unless a child or young person is at immediate risk of harm.

7. Information sharing and consent

Where there is a child protection concern about a child, there should be open information sharing between different professionals and organisations. Data protection legislation and guidance, GDPR, or any other legislation and guidance, must not prevent or delay information sharing.

In Seamab, information about a child protection concern will usually be shared with the allocated social worker or another social worker in their team. The social worker may then share this information with health and the police, or other relevant agencies, or they may ask Seamab to do this. Whatever the practical arrangements, any information relevant to the child protection concern should be shared in full.

It is not necessary to seek parental consent to share information when there is a concern about a child. For children at Seamab, it is important to agree with the child's social worker (or another member of their team) what information should be shared with the parent. How much information is shared and when will vary dependent on the circumstances and the child; this should be led by social work.

If a child discloses information, then all employees, volunteers and trustees should explain to the child that they will have to share this with others and explain who they will talk to and why. There should never be any promise to 'keep a secret' or maintain confidentiality about such concerns.

Children in Seamab have experienced complex trauma and may have been abused and neglected over extended periods of time or on multiple occasions. A child may have many experiences that they could tell a trusted adult about. Children often test the response of adults by sharing a small amount of information or telling them about one incident, or sharing something that happened some time ago. It is important to treat all of these disclosures as child protection concerns and respond appropriately and quickly.

8. Note taking and record keeping

Seamab has a well-established system for recording information about children. This includes recording all incidents. Child protection concerns should be recorded as a child protection concern on the correct form. A blank child protection form is stored in each child's individual folder on the server: e.g.

S:\Children\Children's Individual Folders\Child Name\11. Child protection

If a concern is raised, but it is not clear whether the concern is child protection, this should be discussed with the child's social worker, and an agreement reached. If the concern is not a child protection concern it should be recorded in the child's daily observations/chronology, along with the discussion with the social worker. If the concern is a child protection concern, it should be recorded on a child protection form and chronology.

Information on concerns about a child should be recorded as soon as possible. The time, location and date should all be recorded. The record should differentiate between what is fact and what is opinion. Where possible, what the child said in their own words should be recorded. The presentation of the child and their emotional state should also be recorded.

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In summary, the record of the concern should include the following:

- time, place and date.
- facts and any opinions.
- what the child said in their own words.
- presentation of child; and
- emotional state of child.

The child protection form should be shared with one of Seamab’s Child Protection Officers, as listed on page 1 of this Policy. In care, this is the Head of Care; in school this is the Head of Education or Education Service Manager (Depute CPO). It will then be sent electronically to the child’s social worker, or another member of their team, and where agreed, to other external professionals. Seamab has a system in place for secure email and this must be used. The completed record of the child protection concern should be stored by administration staff in the young person’s individual folder on the electronic secure server. The person completing the form must ensure this is done in full.

9. Allegations against employees, volunteers and trustees

Seamab provides residential care and education for children who have experienced abuse, loss and trauma. Many of the children have complex needs, language difficulties and struggle with attachment relationships. We are committed to protecting the children and upholding their rights. Therefore, any and all allegations will be listened to, and responded to. All allegations against employees, volunteers and trustees must be reported to the child’s social worker, or another member of their team. Advice should be sought on whether the allegation should be defined as a child protection concern from the child’s social worker. If the allegation is defined as a child protection concern, this policy and procedure should be followed.

Following an allegation, steps should be taken to protect the child, the adult against whom the allegation has been made and any investigation process. These steps are precautionary at this stage, and there is no assumption that the adult has harmed the child. The manager, working with one of the designated Child Protection Officers, will discuss what steps should be taken if any. These may include redeployment of the adult; additional support for the child and/or the adult; and suspension. At this stage, it may not be possible to share with the adult the nature or any detail of the allegation. The employee, volunteer or trustee should be assigned a support person, as this can be a difficult and emotional experience for individuals.

Seamab will share information on allegations against employees, volunteers and trustees with Police Scotland and the Scottish Social Services Council. This will include details of the original allegation, any other relevant information and if an internal investigation has been completed, the report of the investigation.

Seamab has in place and Allegations against Staff policy and procedure for managing allegations against employees, volunteers and trustees; this sets out in detail how any such allegations should be managed. Where an employee, volunteer or trustee may have breached the code of conduct, consideration will be given to whether disciplinary action should be considered. In these circumstances, the disciplinary policy and procedure should be followed.

10. Safe recruitment

All organisations that work with children are required to comply with the Protection of Vulnerable Groups (PVG) Scheme. This delivers the provisions of the **Protection of Vulnerable Groups (Scotland) Act 2007**. All prospective employees, volunteers and trustees will be PVG checked, and these checks will be repeated every three years.

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A minimum of two references will be sought for all prospective employees, external consultants, visiting specialists, volunteers and trustees. References will be reviewed by the chair of the appointing interview panel, and verbal references may also be sought.

All staff, volunteer and external consultants/specialist interviews will include a question about promoting the safety of children, including responding to child protection concerns. Candidates must answer this question satisfactorily to meet the criteria for appointment.

Prospective employees, consultants/specialists, volunteers and trustees will not begin work at Seamab until their PVG check has been completed and two satisfactory references have been received.

11. Induction

All employees, volunteers and trustees will be issued with a copy of this child protection policy. Their induction will include an overview of child protection in Seamab, and their role and responsibilities. Information on how to report a concern will be included.

12. Training and development

All employees, trustees and volunteers will have annual child protection training. The content of the training will vary each year and will be adapted to the group undergoing training. The training will always include awareness raising and how to report concerns. Child Protection Training will be delivered by qualified Seamab trainers and with reference to Seamab’s trauma-informed practice training for all staff, and will be logged on the training register.

13. Whistleblowing and support

Seamab has in place a whistleblowing policy, to encourage all employees, volunteers and trustees to raise and report concerns. Support is available for any whistle-blower and the management team will endeavour to protect the confidentiality of any whistle-blower. Generally, a whistle-blower will be assigned a support person who may be internal or external, depending on the nature of the concerns and their preferences.

14. Internet safety and social media

Online child abuse is any type of abuse or exploitation that occurs in the digital environment, facilitated through online-enabled technology such as computers, tablets, mobile phones or gaming devices. Online abuse can include:

- online bullying;
- emotional abuse and blackmail;
- sharing of intimate images;
- grooming behaviour,
- coercion and preparatory behaviour for abuse including radicalisation; child sexual abuse and sexual exploitation as described earlier.

Perpetrators may be strangers, family members, peers, friends and/or those in positions of trust.

We recognise the potential for abuse to take place online but also the needs for our children to learn to manage these risks and gain an understanding of this platform. To support the organisation in managing online risks, as part of the transition planning for children or young people an acceptable use statement will be individually created and signed by key professionals and parents, where appropriate. This will also be explained to the child and their agreement sought regarding this.

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The acceptable use statement will outline both the expectation online for any child and any additional restrictions that must be in place to ensure safety. This will then form part of the child or young person’s risk assessment in supporting them to positively access online resources.

All the children have iPads to support their learning and education and some children have mobile phones for personal use. The use of iPads and mobile phones is monitored. Access to the internet is managed through installed security controls for the internet.

Children at Seamab are not permitted to have access to any social media, unless the risk is assessed and monitored by an employee or volunteer.

15. Photography and filming

Photography and filming of children is only permitted as outlined in Seamab’s Photography and Filming Policy. Staff may not use personal mobile phones to take images of children and young people at Seamab.

Photography and filming of children is permitted for the purposes of supporting their learning and development and may be used for other Seamab purposes where specific consent has been given by the young person and their parent/guardian. All photographs and films are considered to be confidential material for individual children and must not be shared more widely, unless consent has been given by the young person and their parent/guardian.

Newsletters, press releases and all other publicity materials must not include any photographs or films of children, unless consent has been given by the young person’s parent/guardian.

When children move on from Seamab, they may take their personal photographs and films with them. These may include other children, as this is seen to be part of the child’s individual experiences and childhood at Seamab. The only exception to this is if another child or their parent has not consented.

16. Procedure when a concern has been identified

At any time, an employee, volunteer or trustee may identify a concern about a child. It may or may not be clear this is a child protection concern. However, any concern where a child may have experienced harm, or their wellbeing has been compromised, should be reported using the following procedure.

16.1 The identified concern should be reported immediately within Seamab.

In Seamab, such a concern must be reported immediately to the Senior on Duty, a senior manager or the Chief Executive+. The Senior on Duty is a designated manager with responsibility for the management of care teams at Seamab, particularly any incidents or concerns.

Either the manager notified or the individual who has reported the concern should notify one of the Designated Child Protection Officers. If the concern is an allegation about an employee, volunteer or trustee, this must be reported and shared within the Senior Leadership Team. If the concern is an allegation about the Senior Leadership Team or Chief Executive, this must be reported to the Trustees.

Contact details for Child Protection Trustee, Seamab 01577 840307	
Melanie Durowse	Tel. 07789 261078 Email: Melanie@Durowse.com

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16.2 The identified concern should be reported immediately to the allocated social worker or a member of their team.

Either the employee, volunteer or trustee should contact the allocated social worker to verbally report the concern. All the detail of the concern should be reported in full.

There should be a discussion about the next steps with the allocated social worker, and the employee, volunteer or trustee should listen to and act on the advice given.

If the allocated social worker is not available, then the individual reporting the concern must then request to speak to another member of the social work team. This may be the duty social worker or a social worker with management responsibilities. In the circumstances where a message has been left for a social worker to call back, this should be followed up by the individual reporting the concern.

Out-with normal working hours, an identified concern should be reported to the social work out of hours team. This should be followed up as soon as possible by contacting the allocated social worker as detailed above.

In line with the Scottish Government’s *National Guidance for Child Protection in Scotland 2021 – updated 2023*, practitioners with child protection concerns may share relevant information in order to:

- clarify if there is a risk of harm to a child
- clarify the level of risk of harm to a child
- safeguard a child at risk of harm
- clarify if a child is being harmed
- clarify the level of harm a child is experiencing
- safeguard a child who is being harmed

16.3 The identified concern should be recorded accurately and in detail.

Following this policy, the concern should be recorded. This will usually be completed by the individual who has identified the concern. The record must then be shared appropriately.

The Senior on Duty and/or the designated Child Protection Officer may give support and advice in completing the record.

Once recorded the document will be password protected to access is only given to those requiring it. A summary of the concern will then be recorded on the child’s chronology of incidents, contained within their incidents and child protection file.

16.4 The record of the concern should be shared, as agreed with the allocated social worker and, in the Care service, notified to the Care Inspectorate.

The record of the concern should always be shared with the allocated social worker or a member of their team, following this policy. The Senior on Duty must notify the Care Inspectorate within 24 hours of the Child Protection concern.

16.5 Any further action must be agreed with the allocated social worker.

No employee, volunteer or trustee should take any further action unless it has been agreed with the allocated social worker.

If an action or actions are agreed, these must be recorded in the child’s records, and carefully followed.

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16.6 Any further information must be shared with the allocated social worker.

Following identification of a concern further information may emerge, or actions may be taken that yield further information. Such information must be openly shared with the allocated social worker and other agencies where this has been requested.

16.7 All child protection processes must be supported, and relevant employees, volunteers and trustees should directly contribute to these.

Reporting a concern may result in a number of different processes taking place, including but not restricted to: a joint interview of the child; a medical examination; interviews of adults; an initial referral discussion (IRD) or a child protection case conference. All employees, volunteers and trustees must contribute to and support these processes. This may involve attending meetings, preparing and presenting reports and engaging in discussions with external professionals. Advice and support on managing these processes is available from Designated Child Protection Officers.

17. Further information, references and links

This policy should be read in conjunction with the Allegations Against Staff Policy; the Violence to Staff Policy; The Anti-Bullying Policy; and the Whistleblowing Policy.

17.1 Legislation

Employees, volunteers and trustees should be aware of their legal responsibilities and duties as well as understanding the legal framework within which they and other organisations and agencies operate.

17.2 Duties to protect

The legal duty to investigate and report in relation to child care issues is derived from two sources: The Police (Scotland) Act 1967 which provides the mandate for police officers; and the Children (Scotland) Act 1995, section 53 of which provides the mandate for local authorities.

17.3 Children (Scotland) Act 1995

This remains one of the primary pieces of legislation providing the range and scope of local authority intervention in the lives of children and their families. The duties of the local authority within this legislation are, in the main, discharged by statutory social work services.

17.4 Social Work (Scotland) Act 1968

Although amended many times over the years, this legislation provides the primary mandate for social work intervention in Scotland. It is the legislation that creates the duty under section 12 to 'promote social welfare'. While this has been added to by the Children (Scotland) Act 1995 to specify 'children in need', the overarching mandate remains that it is the duty of the local authority to ensure that such services are made available across their jurisdiction as could be considered consistent with this duty.

17.5 Education (Additional Support for Learning) (Scotland) 2004 and 2009

This legislation replaces the system created by the Education (Scotland) Act 1980 for the recording and assessment of special educational needs for children. A system of Co-ordinated Support Plans (CSP) for each child identified as having significant additional support needs should be completed and maintained. Under section 8 of the 2004 Act, where a local authority has responsibility for the child's or young person's education, and it has been established that the child or young person has additional support needs, the

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authority has a duty to provide such support as is necessary to help them benefit from school education. Under section 9 of the 2004 Act, where a local education authority has responsibility for the child’s or young person’s education **and** it has been established that the child or young person requires a co-ordinated support plan, the education authority has a duty to provide a co-ordinated support plan for the child.

17.6 The General Data Protection Regulation (GDPR)

The basic principles of the Regulation are relevant in terms of the conditions in which any data can be ‘processed’ and it is the responsibility of the data controller within any organisation to ensure that the key principles set out in the Regulation are adhered to by all staff. Of particular note in the child protection context are those sections that relate to confidentiality, sharing of information and disclosure of sensitive information. Further information is contained within Seamab’s Data Protection Policy.

17.7 Protection of Vulnerable Groups (Scotland) Act 2007

The Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act) creates the legislative framework for a strengthened, robust and streamlined vetting and barring scheme for those working with children and protected adults in Scotland. For ease of reference, the Scottish Government is referring to this as the PVG Scheme.

<http://www.legislation.gov.uk/asp/2007/14/contents>

17.8 Rights of Children

Children’s human rights are protected by an international law called the United Nations Convention on the Rights of the Child (UNCRC)

There are 54 rights – called ‘Articles’ in the UNCRC. The UK and therefore Scotland, like most of the countries in the world, has signed up to this law.

This means that the Scottish government has agreed to do all it can to make sure children and young people have all their rights, which include the right:

- to have a say in the decisions that affect them;
- to life, survival and development;
- to have their best interests come first;
- to not be discriminated against because of gender, sexuality, religion or race.

17.9 UN Convention on the Rights of the Child

Ratified by the UK Government in 1991, this Convention serves to inform all subsequent child care legislation. The rights of the child to express their views freely in all matters affecting them and to have them considered and the right to have the best interests of the child as a primary consideration in making decisions affecting the child are important aspects of this Convention.

<https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/the-united-nations-convention-on-the-rights-of-the-child-uncrc>

17.10 UN Convention on the Rights of Persons with Disabilities

Ratified by the UK Government in 2009, the Convention stipulates that in order for disabled children to be able to realise the rights mentioned above, they need to be provided with disability and age-appropriate assistance.

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17.11 National guidance for child protection

The **Scottish Government National Guidance for Child Protection in Scotland 2021 – updated 2023** provides an overarching framework of guidance for child protection in Scotland. Copies of this guidance are available in Seamab.

<https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021-updated-2023/>

17.12 Perth and Kinross Guidance for Child Protection

Perth and Kinross have an established child protection committee with responsibility for leading work in child protection across the area. The committee provides inter agency guidance on child protection and information sharing.

<http://www.pkc.gov.uk/article/17672/Child-Protection-Committee-CPC->

17. 12 Getting it Right for Every Child (GIRFEC)

Child protection should be seen in the context of the wider Getting it right for every child (GIRFEC) approach and the Early Years Framework and the UN Convention on the Rights of the Child. 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. Children and young people should get the help they need, when they need it, and their welfare is always paramount.

The Scottish Government has set out a vision that all Scotland's children and young people will be: successful learners, confident individuals, effective contributors and responsible citizens. The key principles of GIRFEC have been enshrined in legislation with the ***Children and Young People (Scotland) Act 2014***. GIRFEC promotes action to improve the well-being of all children and young people in eight areas. These well-being indicators (commonly referred to as the SHANARRI indicators) state that children and young people must be: safe (of utmost importance), healthy, achieving, nurtured, active, respected, responsible and included. GIRFEC has a number of key components:

- a focus on improving outcomes for children, young people and their families based on a shared understanding of well-being;
- 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 well-being 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;
- universal services for each child and a Lead Professional to co-ordinate and monitor multi-agency activity 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; and
- the capacity to share demographic, assessment and planning information electronically within and across agency boundaries.

Children and Young People (Scotland) Act 2014

<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

Scottish Government (2015) Getting it Right for Every Child Guidance

<https://www.gov.scot/policies/girfec/>

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17. 13 Child Sexual Exploitation

Jay, Alexis (2014), *The Independent Inquiry into Child Sexual Exploitation in Rotherham* (1997-2013)
<https://www.rotherham.gov.uk/downloads/download/31/independent-inquiry-into-child-sexual-exploitation-in-rotherham-1997---2013>

Barnardo's *Resources to help identify and engage young people at risk of sexual abuse and exploitation*
<https://www.barnardos.org.uk/resources-help-identify-and-engage-young-people-risk-sexual-abuse-and-exploitation>

Perth and Kinross Child Protection Committee have also published resources and guidance on Child Sexual Exploitation. <http://www.pkc.gov.uk/cse>

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