

J. PROTECTION OF CHILDREN FROM HARM – SCOTLAND

CHILD/YOUNG PERSON

A child can be defined differently in different legal contexts:

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 Chapters 2 and 3 of Part 2 (which deals with matters including children's hearings and child protection orders), a child means someone who has not attained the age of 16 years (or 18 years if subject to a supervision order).

The terms 'child' and 'young person' will be used interchangeably throughout this document to relate to any person under the age of 18 (or 16) with whom the church has contact through any of its activities.

It should be noted that the UN Convention on the Rights of Persons with Disabilities stipulates that in order for disabled children to be able to realise their rights, they need to be provided with disability and age-appropriate assistance.

Getting It Right For Every Child (GIRFEC) is the Scottish national approach to improving the well-being of children and young people in Scotland.

GIRFEC is a consistent way for people to work with all children and young people and the bedrock for all children's services and for professionals in adult services who work with parents or carers. It has three key components for children and their families:

Every child in Scotland has a **Named Person** (typically a health visitor or teacher) who will be a point of contact that children and families can go to for advice or support if they need it. They will be available to listen, advise and help a child or young person and their family, providing direct support or helping them to access other services. They can help families address their concerns early and prevent them becoming more serious. The Named Person deals with all welfare concerns; child protection concerns go directly to the local social work team.

When two or more agencies need to work together to help a child or young person and family, there will be a **Lead Professional** to coordinate that help.

The **well-being** of children and young people is at the heart of *Getting It Right For Every Child*. The approach uses eight areas to describe well-being, in which children and young people need to progress in order to do well now and in the future. Our church too can positively play its part in making sure that young people are healthy, achieving, nurtured, active, respected, responsible, included and, above all, safe. Where there are concerns of abuse or neglect of our children we are committed to acting to protect our children.

What are child abuse and child neglect?

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm on, or by failing to act to prevent significant harm to, the child. Children may be abused in a family or institutional setting, by those known to them or, more rarely, by a stranger.¹

What is child protection?

'Child protection' means protecting a child from child abuse or neglect. Abuse or neglect need not have taken place; it is sufficient for a risk assessment to have identified a likelihood or risk of significant harm from abuse or neglect. This also includes instances where a child may have been abused or neglected but the risk of future abuse has not been identified. Criminal investigation, and support and recovery services may still be necessary but a Child Protection Plan is not required.

What is harm and significant harm in a child protection context?

Child protection is closely linked to the risk of 'significant harm'. 'Significant harm' is a complex matter and subject to professional judgement drawing on a number of factors. The Children and Young People (Scotland) Act 2014, introduces a legal duty for a wide range of public bodies and those commissioned or contracted to

¹<http://www.gov.scot/Resource/0045/00450733.pdf>

them to share such concerns with a child's Named Person. Through early and effective intervention and the sharing of well-being concerns it is hoped that crisis can be avoided in many cases.

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 when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the suspected or reported abusive behaviour. In these circumstances, an immediate referral should be made directly to social work or the police.

The below definitions² are helpful to understand the concept of significant harm.

'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.

²*Working Together to Safeguard Children*, Department for Education (2013), and *All Wales Child Protection Procedures*, Welsh Assembly Government (2008).