



Safeguarding policy and procedures

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Approval

Approved by Learning Link Scotland Board of Directors, (LLS Board)

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Background and Scope

This policy applies to all individuals who use our services, as well as children and adults at risk who we are made aware of, even where they may not be directly working with.

LLS works predominantly with adults. However, we recognise that the people using our services may have children or have access to children. We have a wider duty of care to these children, and if a member of staff or associate receives information that leads them to have a safeguarding concern about a child, then they must follow the guidelines set out in the Child Protection Procedure below.

Definitions

A child

A child is a person under 16 years of age. Local Authorities have a legal duty to deal with allegations of abuse against any person below 16 years of age under child protection procedures and other childcare legislation.

Under the Age of Legal Capacity (Scotland) Act 1991, a person has full legal capacity at 16 years of age. This means that a person aged 16 and over can both give and withhold consent and can, without parental consent, legally leave home, get married without parental consent and sign a contract on their own account. However, where the statutory minimum age is 18 e.g. purchase of alcohol, this does apply in Scotland.

An adult at risk

The Adult Support and Protection (Scotland) Act 2007 defines an 'adult at risk' as someone aged 16 or over who:

- is unable to look after their own well-being, property, rights or other interests;
and
- is at risk of harm (either from another person's behaviour or from their own behaviour); *and*
- because they have a disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than other adults.

All three parts of the definition need to be met before an adult can be considered at risk. In practice this means that the following groups of people may *sometimes* be at risk of harm: people with learning disabilities, physical disabilities or mental health disabilities, people affected by addictions, or who are homeless, or are using counselling services. The presence of a particular condition or disability does not automatically mean that an adult is an adult at risk.

The Act says that an adult is at risk of harm when:

- a) another person's conduct is causing (or is likely to cause) the adult to be harmed; or
- b) the adult is engaging (or is likely to engage in conduct which causes (or is likely to cause) self-harm.

In the context of safeguarding adults, the vulnerability of the adult at risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort and to protect themselves from abuse, neglect or exploitation. An adult at risk may be experiencing conditions that reduce the choice and control they have, their ability to make decisions or to protect themselves from harm and exploitation.

It may be difficult to establish if a person might be considered an adult at risk, so it should be assumed that an individual is covered by safeguarding procedures unless and until information suggests this is not the case.

Statutory bodies

The Local Authority (LA), Police Scotland and NHS Scotland all have statutory responsibilities for child and adult protection.

The Adult Support and Protection (Scotland) Act 2007 requires Local Authority Council Officers to make inquiries and carry out investigations where it knows or believes that intervention is required to protect an adult at risk.

In normal circumstance the LA social work service should be the first point of contact in matters of child or adult protection.

Harm

Harm, rather than abuse, is the preferred term when referring to adult protection and is the term used in the Act. However, both terms are used interchangeably. Harm includes all forms of harm and mistreatment, may be a single act or repeated acts and can include physical, sexual, emotional or psychological, financial abuse, neglect, including self-neglect, and conduct which causes self-harm. In the case of adults it can also be the disclosure of historical child abuse.

Indicators of harm

It is everybody's responsibility to be alert to the possibility of harm and be aware of the signs and indicators. Concerns may arise as a result of a single incident, allegation or disclosure; or an accumulation of indicators and/or signs. Further details about different types of harm and indicators can be found in the Child Protection and Adult Procedures in this document.

Policy

Policy Statement

Learning Link Scotland is committed to safeguarding and protecting the welfare of children and adults at risk we may work with, by ensuring that we have appropriate arrangements in place to provide a safe and secure environment and to deal effectively with any safeguarding issues that arise.

We will ensure that our policy and procedures comply with the current legal framework (Appendix 2); reflect best practice in safeguarding children and adults at risk; and that our safeguarding arrangements are proportionate and based upon common sense.

Safeguarding is the overarching term that encompasses both Child Protection and Adult Support and Protection.

Preventing Abuse

Learning Link Scotland recognises our responsibilities to take steps to prevent abuse to the people using our services. We will do this through:

Safer recruitment

Seeking letter of comfort.

Reporting and action

All allegations of abuse will be taken seriously, acted upon and handled in accordance with the procedures laid out in this document. Learning Link Scotland will work when necessary with appropriate local agencies, to ensure that children and adults at risk are protected through the effective operation of its safeguarding procedures.

Safeguarding Responsibilities

LLS Staff & Board

It is the responsibility of the staff and Board to satisfy itself that an appropriate safeguarding policy and procedures are in place, that it has been communicated to all associates and that the policy and procedure is actually working to protect children, children and adults at risk. The CEO is responsible for reporting safeguarding concerns to an appropriate agency.

Staff

It is the responsibility of all staff/associates working within Learning Link Scotland to be aware of any potential safeguarding issues and to report concerns to the CEO where they believe a young person or adult has been or is at risk of abuse or

significant harm. This responsibility extends to all and not just those specifically working directly with children and adults at risk.

Procedures

1 Adults at Risk Support and Protection Procedure

1.1 Recognising Harm and Abuse

Harm can take many forms and it may be regarded not only as the commission or omission of an act, but also as the threat or risk of such. If a person is led to believe that they will be abused this is in effect the equivalent of the abuse taking place. References to historic abuse may be disclosed and these should be acted upon in accordance with this procedure.

Physical harm and abuse is non-accidental harm to a person caused by the use of force, which results in pain, injury or a change in the person's natural physical state. Some examples are hitting, shaking, slapping, pushing, kicking and rough handling.

Sexual abuse includes rape and sexual assault or sexual acts to which the adult has not consented or has been coerced or pressurised into performing.

Psychological or emotional harm/ abuse is behaviour that has harmful effect on a person's emotional health and development and can include the use of threats, humiliation, intimidation, coercion or verbal abuse.

Financial abuse involves an individual's funds or resources being inappropriately used by a third person. It may include theft, fraud, exploitation, the withholding of money or the inappropriate or unsanctioned use of a person's money or property.

Neglect is the persistent failure to meet a person's basic physical and/or psychological needs, likely to result in the serious impairment of their health or development. It can include failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to basic emotional needs.

Institutional abuse is the collective failure of an organisation to provide an appropriate and professional service to adults at risk. It includes failure to ensure the necessary safeguards are in place and it may be part of the accepted custom and culture within an organisation.

Discriminatory abuse occurs when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals. It includes discrimination based on race, culture, gender, sexuality, religion or disability.

Radicalisation and being drawn into terrorism – S. 26 of the Counter Terrorism and Security Act 2015 recognises that some people are at greater risk of harm from radicalization, and that safeguarding is the process of protecting vulnerable people from all forms of abuse, including being drawn into terrorist related activity.

1.2 Signs and indicators of harm and abuse

Some of the more obvious signs of abuse may include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries.
- An injury for which the explanation seems inconsistent.
- The adult at risk describes what appears to be an abusive act involving him/her.
- Someone else expresses concern about their welfare.
- Unexplained changes in behaviour (e.g. becoming very quiet, withdrawn or displaying sudden outbursts of temper).
- Engagement in sexually explicit behaviour.
- Has difficulty in making friends or is prevented from socialising with others.
- Displays variations in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty or unkempt.
- Changes in style of dress
- Lack of respect is shown to an individual
- Shows signs of fear or emotional distress
- Self-harming behaviour
- Unexplained sudden inability to pay bills or manage finances
- Making explicit extremist statements/ accessing extremist websites

It should be recognised that this not a definitive list and the presence of one or more of the indicators is not proof that abuse is actually taking place. It is not the responsibility of staff to decide that abuse is occurring but it is their responsibility to act on any concerns by reporting it.

1.3 Domestic Abuse, Stalking and “Honour-based” Violence

Domestic abuse is defined as “any incident of threatening behaviour, violence or abuse between adults who are or who have been intimate partners or family members, regardless of gender or sexuality”.

1.4 Harm and Significant Harm

Key concepts in adult safeguarding work are “Harm” and “Significant Harm”. This helps to determine how serious or extensive abuse is, and to enable a proportionate response.

“Harm” is generally understood to be

- Ill treatment.
- The impairment of development and/ or an avoidable deterioration in physical and mental health.
- Conduct which appropriates or adversely affects property, rights or interests (for example, theft or extortion).

“Significant Harm” is generally understood to be

- The person’s life is or could be under threat – for example due to neglect or physical abuse.
- There is or could be a serious, chronic or long lasting impact on the person’s health/ physical/ emotional/ psychological wellbeing.
- The person has little or no choice over vital aspects of their life, environment or financial affairs.

1.5 Preventing Harm and Abuse

The most effective way to safeguard adults at risk from abuse is to enable them to safeguard and protect themselves. This can involve the individual:

- Being aware of harm or exploitation they may be at risk from (for example, through being involved in any risk assessment; discussions with staff).
- Knowing how they can reduce the risks (for example, avoiding individuals who have harmed them in the past; keeping their money safe – not carrying excess cash).
- Knowing how they can report harm or abuse (for example, through the member handbook or induction).

1.7 Responding to disclosure, suspicion or an allegation of abuse by an adult at risk

Suspected abuse could be committed by someone who is not an employee/associate of Learning Link Scotland and could be against an adult who is not a client of Learning Link Scotland.

Initial response

If you see or hear about something which could be adult abuse, do the following:

- If there is immediate danger or someone needs urgent medical attention: call the police or an ambulance and then contact the Local Authority Social Work service.
- Tell the relevant CEO immediately. If they are not available alert the CEO by email and phone (including text).

- If no one is in immediate danger and the adult at risk is present: ensure the person is as safe as possible, and avoid them returning to a situation in which they may be at risk.

If no one is in immediate danger and the adult at risk is not present:

- Tell the relevant CEO about your concern. This should be done immediately or by the end of the current working day.
- If the CEO is not available, inform the Chair.
- Make a note of what has happened; what you have been told; what you have seen in as much detail as possible. This should include what was seen/heard and the reasons for the concern or allegation; it should also include date, time and place of the alleged incident/abuse
- Remain calm and try to be reassuring when speaking with the individual; don't be judgemental or show your emotions
- **Do not** attempt to investigate the matter yourself.
- If you do need to clarify the concern, ask non-leading questions. For example, "Can you tell/ describe what happened?"; "when did it happen?" etc. so that you are in a better position to inform the CEO and authorities. Be careful you do not start investigating the matter yourself.
- Keep an accurate record of your conversations and the actions and decisions taken by yourself and others
- **Do not** confront anyone who is alleged to be responsible for what has happened, and do not tell them that allegations have been made about them.
- If there is the possibility that a criminal offence has been committed, do not tamper with or move any potential evidence and don't clean up.
- If you think a criminal offence has been committed, tell the CEO and call the police; then contact the Local Authority Social Work service
- Be mindful that information relating to adult safeguarding issues can be highly sensitive; ensure any records are kept safe and confidential at all times and ensure any conversations are made in appropriate locations to avoid being over heard and breaching individuals' privacy.
- **Do not** promise the person you can keep the alleged abuse secret

1.8 CEO responsibility

The CEO will discuss the identified issue with the employee/associate to clarify the cause for concern and to decide whether there are sufficient grounds to refer to the relevant statutory body.

The discussion should take account of such factors as:

- Is the person affected an adult at risk?
- Is there a person responsible for the (alleged) harm/ abuse because of something they did or did not do?

- Did the abuse/ harm occur due to a failure in care, a breach of policy and procedure, or a breach of professional code of practice?
- Has the person been harmed?
- Is there a potential risk of significant harm to them or another person?

If the CEO is unclear as to whether the incident concerns a person who is an adult at risk, requiring protection, they can contact the local Police Public Protection Unit or Duty Inspector of Police Scotland to discuss or get advice. The local authority social work service can also be contacted for advice.

If the CEO decides that the person is an adult at risk and that protective action is needed, then they have a legal duty to report this to the local authority social work service.

1.11 Referral to the local authority Social Work service or Police Scotland

The CEO is responsible for making the decision to refer to the relevant statutory body and must follow the local procedures and contact details laid out in Appendix 1. The CEO is responsible for ensuring the local procedures and contact details are kept up to date.

When making the referral you will need to state clearly that this is an adult protection referral and be prepared to provide the following information:

- Your own details.
- Known information about the adult.
- The adult's address.
- Details of the concern.
- The source of the information.
- The adult's response to the concern.

When making the referral you should record the name and job title of the police officer or social worker to whom the details have been passed. If you make the initial referral by telephone or email, then you should follow up using any local reporting templates required within two working days.

It is worth noting a distinction between safeguarding and protection:

- **Safeguarding** is everybody's responsibility and includes measures to prevent or minimise the potential of abuse occurring, including timely reporting of concerns, by raising safeguarding alerts.
- **Protection** is a statutory responsibility in response to individual cases where risk of harm has been identified.

4.15 Monitoring and reporting

CEO reports to LLS Board.

All employees must keep accurate records with due regard for confidentiality. All documentation will be held in line with the organisation's policy and procedures on record keeping.

1.16 Procedure for suspected abuse by a Learning Link Scotland employee/associate

1.16.1 Allegation or suspicion involving employee/associate

The primary concern of Learning Link Scotland is to ensure the safety of adults at risk and so it is essential in all cases of suspected abuse by an employee/associate that action is taken quickly and professionally.

Any allegation of abuse made against an employee/associate must be taken seriously and Learning Link Scotland acknowledges that this will be a distressing and stressful situation for all involved. Learning Link Scotland assures all employees/associates that it will fully support and protect anyone who in good faith reports their concerns about a colleague's practice.

In the event that any employee/associate suspects any other member of staff/associate of abusing a client who is an adult at risk, it is their responsibility to bring these concerns to the CEO.

1.16.2 Allegation concerning the CEO

If the allegation concerns the CEO, the matter should be discussed with the Chair of the LLS Board.

1.16.3 Process

Where a case of serious abuse of an adult at risk has been alleged, if the alleged abuser is a member of staff/associate, consideration will be given to precautionary suspension of the alleged abuser to enable the investigation to proceed.

An individual who is going to be suspended must be formally advised of this by a senior member of staff and has the right to be accompanied or represented at this meeting by a trade union representative or work colleague as appropriate.

The CEO will be responsible for recording essential information about each case and for collecting reports and notes as appropriate. If the allegations are below the threshold of significant harm the matter will be dealt with through Learning Link Scotland's disciplinary policy.

Allegations that are perceived to be at the threshold of significant harm are actions that are criminal, constitute negligence or abuse, or contravene local or professional codes of conduct. Such allegations should be reported immediately to the police prior to being dealt with through Learning Link Scotland's disciplinary procedures.

Disciplinary procedures may be suspended at the request of the police if there are concerns that our internal investigations and procedures may impede a statutory or criminal investigation. On conclusion of any external criminal or statutory investigation Learning Link Scotland will implement its own disciplinary procedures.

On conclusion of Learning Link Scotland's investigations, should we uphold allegations of serious professional misconduct involving abuse, we reserve the right to report our findings to any professional body the employee may belong to, or report the matter to the Independent Safeguarding Authority.

Any detailed information about a case that could identify the victim and cause them further distress will be confined on a need to know basis. This will include the CEO and the Board.

It is important that sufficient information is shared with the Board to ensure Directors receive the assurances they require to fulfil their scrutiny and overview duties of Learning Link Scotland' safeguarding practices.

The CEO will be consulted to advise whether the safeguarding incident constitutes a major incident which should be reported to the Office of the Scottish Charity Regulator (OSCR). Where a major incident is identified, the OSCR will be informed.

Where a safeguarding concern involving a Learning Link Scotland member of staff or associate arises and is substantiated, the CEO will inform the Chair of the Board of Directors.

2 Child Protection Procedure

2.1 Context

This procedure applies to any children with whom we have contact through the delivery of our work; or become aware of where our adult members have contact with children.

2.2 Principles

Child protection is built upon the shared belief that **the needs of the child are paramount**. This should resolve any conflict of interests. All children have the right to be safeguarded from harm and exploitation.

The purpose of any safeguarding intervention should be to promote positive outcomes for each child to ensure they can:

- stay safe
- be healthy
- enjoy and achieve
- make a positive contribution
- achieve economic wellbeing

Safeguarding should be undertaken proactively to reduce the need for protection from harm. Safeguarding is a shared responsibility as children are only safeguarded when all relevant agencies and individuals accept responsibility and co-operate with one another.

The wishes and feelings of children are vital elements in assessing risk and formulating safeguarding plans and must always be sought and given weight, according to the understanding of the child. However, it remains the adults' responsibility to take action to ensure the child's safety.

2.3 Recognising Abuse and Harm

Abuse can take many forms and it may be regarded not only as the commission or omission of an act, but also as the threat or risk of such. If a child is led to believe that they will be abused this is in effect the equivalent of the abuse taking place. References to historic abuse may be disclosed and these should be acted upon in accordance with this procedure.

Physical harm/ abuse is non-accidental harm to a person caused by the use of force, which results in pain, injury or a change in the person's natural physical state. Some examples are hitting, shaking, slapping, pushing, kicking and rough handling.

Sexual harm/ abuse includes rape and sexual assault or sexual acts. It may include non-contact activities, such as grooming, inciting a child/ young person to be sexually active, or viewing inappropriate images.

Emotional harm/ abuse is behaviour that has harmful effect on a child/ young person's emotional health and development. It can include conveying to the child/ young person that they are unloved, worthless or valued only insofar that they meet the needs of another person; or inappropriate expectations of the child/ young person in terms of their age or development. Emotional abuse may include the use of threats, humiliation, intimidation, coercion or verbal abuse, and bullying.

Neglect is the persistent failure to meet a child/ young person's basic physical and/or psychological needs, and is likely to result in the serious impairment of their health or development. It can include failing to provide adequate food, shelter and clothing; failure to protect the child or young person from harm; or neglect of, or unresponsiveness to basic emotional needs.

Signs and indicators of harm/ abuse

Some of the more obvious signs of abuse may include the following:

- Unexplained or repeated injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries.
- An injury for which the explanation seems inconsistent.
- Someone else expresses concern about their welfare.
- Unexplained changes in behaviour (e.g. becoming very quiet, withdrawn or displaying sudden outbursts of temper).
- Appears anxious or frightened.
- Engagement in sexually explicit behaviour.
- Difficulty in making friends or is prevented from socialising with others.
- Displays variations in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason; frequently hungry.
- Becomes increasingly dirty or unkempt.
- Very low self-esteem.
- Self-harming behavior.

It should be recognised that this not a definitive list and the presence of one or more of the indicators is not proof that abuse is actually taking place. It is not the

responsibility of staff to decide that abuse is occurring but it is their responsibility to act on any concerns by reporting it.

2.4 Other forms of abuse and exploitation

Learning Link Scotland staff and associates should be mindful of the following forms of abuse:

Grooming

Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. Children and young people can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional. Groomers may be male or female. They could be any age.

Grooming happens both online and in person. Groomers will hide their true intentions and may spend a long time gaining a child's trust.

Groomers may try to gain the trust of a parent/ carer or the whole family to allow them to be left alone with a child and if they work with children they may use similar tactics with their colleagues.

Groomers do this by:

- pretending to be someone they are not, for example saying they are the same age online
- offering advice or understanding
- buying gifts
- giving the child attention
- using their professional position or reputation
- taking them on trips, outings or holidays.

Groomers will exploit any vulnerability to increase the child or young person's dependence on them, and reduce the likelihood of the child speaking out.

Female Genital Mutilation – which where it affects under 18 year olds should be reported

Radicalisation and being drawn into terrorism – S.26 of the Counter Terrorism and Security Act 2015 recognises that some young people are at greater risk of harm from radicalization, and that safeguarding is the process of protecting vulnerable people from all forms of abuse, including being drawn into terrorist related activity.

There is an expectation that concerns about a young person being radicalized should be reported via a safeguarding alert. The police may also be contacted for advice on their non-emergency number.

Domestic Abuse, Stalking and “Honour-based” Violence Domestic abuse is defined as “any incident of threatening behaviour, violence or abuse between people

who are or who have been intimate partners or family members, regardless of gender or sexuality". Some children and children may be at particular risk of forced marriage, female genital mutilation or "honour-based" violence.

Children may suffer significant harm by seeing or hearing the ill treatment of others. It is important to be mindful of any exposure children and children may have to domestic abuse, even where they are not the immediate victims.

2.5 External factors that can influence the risk of abuse

- Parental substance misuse.
- Domestic violence.
- Social exclusion and isolation.
- Stigma and discrimination.
- Being the focus of anti-social behaviour (and bullying).
- Overcrowded living arrangements.
- Insecure living conditions, homelessness.
- Economic insecurity.

2.6 Significant harm

Significant harm may arise from abuse and safeguarding actions are intended to protect children from ill treatment and prevent the impairment of the child's health and development.

2.7 Information and contact details

Learning Link Scotland in Scotland works across Scotland and the details for making adult support and protection referrals are in Appendix 1.

Learning Link Scotland Safeguarding CEO is:

Jackie Howie, CEO

jhowie@learninglinkscotland.org.uk

Tel: 0141 353 5649 & Mob: 07976051363

2.8 Responding to disclosure, suspicion or an allegation of abuse of a child or young person

Suspected abuse could be committed by someone who is not an employee/associate of Learning Link Scotland and could be against a child who is not a client of Learning Link Scotland.

Responsibility to children

It is not an employee/associate's responsibility to decide whether a child is being, or has been abused or whether or not someone poses a real risk to a child's welfare. It is however, each employee's /associate's responsibility to take action to prevent the suffering of a child if information is obtained that indicates abuse may have occurred,

or could occur. Even if you have heard only rumours of abuse or you have a suspicion but do not have firm evidence you should still raise your concerns. No one should ever delay emergency action to protect a child and you must not try to investigate the matter on your own as staff and associates are not equipped or qualified to do so. Concerns about physical or sexual abuse should be reported to Police Scotland as soon as possible in order to preserve vital evidence. Where it is suspected that a crime has been committed there is a duty to report the matter to Police Scotland.

If there is immediate danger or someone needs urgent medical attention:

- Call the police or an ambulance and then contact the local authority social work service.
- Tell the relevant CEO immediately. If they are not available alert her/him by email and phone (including text).

If no one is in immediate danger and the child is present:

- Ensure the child is as safe as possible and that they do not return to a situation which exposes them to risk. They follow the steps below.

If no one is in immediate danger and the child is not present:

- Tell the relevant CEO about your concern. This should be done immediately.
- If the CEO is not available, inform the Chair
- Make a note of what has happened; what you have been told; what you have seen in as much detail as possible. This should include what was seen/heard and the reasons for the concern or allegation; it should also include date, time and place of the alleged incident/abuse.
- Listen carefully.
- Remain calm and try to be reassuring in all direct contacts; don't be judgemental or show your emotions.
- **Do not** attempt to investigate the matter yourself.
- If you do need to clarify the concern, ask non-leading questions. For example, "Can you tell/ describe what happened?"; "when did it happen?" etc. so that you are in a better position to inform the CEO and authorities. Be careful you do not start investigating the matter yourself.
- Explain what actions will be taken.
- Keep an accurate record of your conversations and the actions and decisions taken by yourself and others.
- **Do not** confront anyone who is alleged to be responsible for what has happened, and do not tell them that allegations have been made about them.
- If there is the possibility that a criminal offence has been committed, do not tamper with or move any potential evidence and don't clean up.

- If you think a criminal offence has been committed, tell the CEO and call the police; then contact the local authority.
- Be mindful that information relating to child safeguarding issues can be highly sensitive; ensure any records are kept safe and confidential at all times and ensure any conversations are made in appropriate locations to avoid being over heard and breaching individuals' privacy.
- **Do not** promise the child or young person you can keep the alleged abuse secret.
- No one should ever delay emergency action to protect a child or young person and you must not try to investigate the matter on your own, as staff and associates are not equipped or qualified to do so.
- It is essential that an employee/associate shares any concerns relating to the abuse of a child immediately with the CEO.
- The purpose of the discussion between the employee/associate and the CEO is to clarify the cause for concern and to decide whether there are sufficient grounds to refer to the local authority or Police Scotland; the CEO is responsible for making the referral.

2.9 Child Protection Advice

If there are concerns but you are unsure as to whether to make a referral under the Child Protection procedure any of the core agencies, (social work services, health and police) can be contacted for advice and this is encouraged by them.

You must clearly establish that you are not making a referral, but requesting a consultation. No names will be recorded and the family will not be informed that a consultation has taken place. The consultation will be recorded by the agency. Advice given by the agency must be acted on. However, it must be clearly understood that if, in the examination of circumstances during this process, it becomes apparent the matter needs further action, this contact will be deemed a formal referral and the agencies will require all available information to be passed to them

Following any suspicion of abuse, regardless of whether or not a decision is made to inform the LA or Police Scotland, a copy of any notes must be sent by the CEO to the LLS Board within 24 hours of the suspicion arising.

2.10 Referral to the local authority/ Police Scotland

If a decision is made to contact the LA Social Work services/Police Scotland, the CEO must follow the local procedure and contact details laid out in Appendix 1.

When making the referral you will need to state clearly that this is a child protection referral and be prepared to provide the following information

- Your own details.
- Known information about the child.
- The child's address.

- Details of the concern.
- The source of the information.
- The parent of carer's response to the concerns, if aware.
- Whether the child's family is already aware of the referral or has asked you to make it.

When making the referral you should record the name and job title of the social worker or Police Officer to whom details have been passed.

If the child or family are not aware that you are making a referral then you should not automatically inform them. Advice should be taken from the duty Social Worker.

It is the responsibility of the CEO (as the person who made the referral), to contact Social Work services after reporting the case to find out what action has been taken and record this. If their response is unsatisfactory you must report concerns to a senior manager within Social Work Services.

2.11 Participation in Police or Local Authority-led Child Protection actions

All Learning Link Scotland staff and associates are expected to co-operate and participate in any safeguarding investigations led by the Local Authority or Police Scotland. This may include providing further reports and information, acting as a witness, attending case conferences, and inputting into Safeguarding Plans.

2.12 Support for staff

Safeguarding can raise difficult and emotional issues for those involved and Learning Link Scotland will ensure appropriate support is available to employees/associates involved.

2.13 Monitoring and reporting

Following any suspicion of abuse – regardless of whether a decision is made to inform the local authority – the CEO must send a copy of any notes and reports to the LLS Board within 24 hours of the suspicion arising.

Updates on cases in particular e.g.

- the decision of the local authority to investigate (or not)
- any further involvement from Learning Link Scotland in safeguarding activities should be provided in real time by the CEO.

Information about safeguarding cases and how they were dealt with should be reported annually to the Board of Directors. Areas to focus on include:

- How quickly the concern was reported to the CEO.
- How quickly an alert was made to the police/social services/safeguarding body.
- Quality of information recorded internally.
- Quality of input into safeguarding processes (feedback from police/social services/safeguarding team).
- Outcomes of safeguarding processes.

- Whether any incidents highlighted training issues or a need to amend Learning Link Scotland' procedures.

All employees must keep accurate records with due regard for confidentiality. All documentation will be held in line with the organisation's policy and procedures on record keeping.

2.14 Procedure for suspected abuse by a Learning Link Scotland employee/associate

2.14.1 Allegation or suspicion involving employee/associate

The primary concern of Learning Link Scotland is to ensure the safety of children and adults at risk and so it is essential in all cases of suspected abuse by an employee/associate that action is taken quickly and professionally. Any allegation of abuse made against an employee/associate must be taken seriously and Learning Link Scotland acknowledges that this will be a distressing and stressful situation for all involved. Learning Link Scotland assures all employees/associates that it will fully support and protect anyone who in good faith reports their concerns about a colleague's practice.

In the event that any member of employee/associate suspects any other member of staff/associate of abusing a client who is an adult at risk, it is their responsibility to bring these concerns to the CEO.

2.14.2 Allegation concerning the Chief Executive or the CEO

If the allegation concerns the CEO, the matter should be discussed with the Chair of the Board of Directors.

2.14.3 Process

Where a case of serious abuse of an adult at risk has been alleged, if the alleged abuser is a member of staff/associate, consideration will be given to precautionary suspension of the alleged abuser to enable the investigation to proceed. An individual who is going to be suspended must be formally advised of this by a senior member of staff and has the right to be accompanied or represented at this meeting by a trade union representative or work colleague as appropriate.

The CEO will be responsible for recording essential information about each case and for collecting reports and notes as appropriate. If the allegations are below the threshold of significant harm the matter will be dealt with through Learning Link Scotland's disciplinary policy.

Allegations that are perceived to be at the threshold of significant harm are actions that are criminal, constitute negligence or abuse, or contravene local or professional codes of conduct. Such allegations should be reported immediately to the relevant ASA prior to being dealt with through Learning Link Scotland's disciplinary procedures.

Disciplinary procedures may be suspended at the request of the police or the ASA if there are concerns that our internal investigations and procedures may impede a statutory or criminal investigation. On conclusion of any external criminal or statutory investigation Learning Link Scotland will implement its own disciplinary procedures.

On conclusion of Learning Link Scotland' investigations, should we uphold allegations of serious professional misconduct involving abuse, we reserve the right to report our findings to any professional body the employee may belong to, or report the matter to the Independent Safeguarding Authority.

Any detailed information about a case that could identify the victim and cause them further distress will be confined on a need to know basis within Learning Link Scotland, including the CEO. In addition, (if not involved in the allegations), the parents/ guardians/ carers and external statutory services to whom the safeguarding concerns were reported will also be aware of the outcome and details.

It is important that sufficient information is shared with the Board to ensure Directors receive the assurances they require to fulfil their scrutiny and overview duties of Learning Link Scotland' safeguarding practices.

The CEO will be consulted to advise whether the safeguarding incident constitutes a major incident which should be reported to the OSCR. Where a major incident is identified, the OSCR will be informed.

Where a safeguarding concern involving a Learning Link Scotland member of staff or associate arises and is substantiated, the CEO will inform the Chair of the Board of Directors.

Appendix 1

Relevant safeguarding & Local Authority Contact Details

Learning Link Scotland Team

Jackie Howie, CEO, 0141 353 5649 & Mob: 07976 051363

jhowie@learninglinkscotland.org.uk

Shirley Howitt, Development Officer, 0141 353 5649 & Mob: 07725812343

showitt@learninglinkscotland.org.uk

Referral processes in Scotland

Referrals and requests for advice should be made by phone or e-mail to the Council where the adult or child lives Health and Social Care service or by phone to Police Scotland. Where a crime is suspected or where there are concerns about physical or sexual abuse a report should be made directly to Police Scotland.

	Adults at Risk (16+)	Children Protection (under 16)	Out of hours Emergency Social Work Services
Local Authorities	Contact Council by phone or email. Details here http://www.actagainstharm.org/getting-help/find-your-local-contact/	Contact Council HQ by phone or email	Check website info

Police Scotland – 24 hours

Non emergency – 101

Emergency – 999

For contact with local health professionals

Contact integrated health and social care services through the local Council.

Other useful agencies/ contacts

Adult Support and Protection – Scottish Government website

<http://www.actagainstharm.org>

Mental Welfare Commission for Scotland

Thistle House

91 Haymarket Terrace

Edinburgh EH12 5HE

0131 313 8777

Office of the Public Guardian in Scotland

Hadrian House

Callandar Business Park

Callandar Road

Falkirk FK1 1XR

01324 678300

The Care Inspectorate

0345 600 9527

enquiries@careinspectorate.com

Childline: 0800 1111

Parent Line Scotland: 0808 800 222;

www.children1st.org.uk – helpline and advice

www.gov.scot/Topics/Health/Support-Social-Care/Adult-Support-Protection

www.gov.scot/Topics/People/Young-People/protecting/child-protection/delivery

Office of the Scottish Charity Regulator: www.oscr.org.uk

References (Appendix 2)

Legal & Policy Framework for Safeguarding

Disclosure Scotland PVG Scheme definitions

Child – a person aged under 18 years of age

Protected adult – a person aged over 16 years of age who is provided with (and thus receives) a type of care, support or welfare service. These are: care services, health services, community care services and welfare services.

(A young person aged 16 and 17 can be both a 'child' and a 'protected adult')

Regulated Work

This defines whether or not a person can be a member of the PVG Scheme.

Regulated work is defined by reference to:

- the activities that a person does;
- the establishments in which a person works;
- the positions they hold;
- or the people for whom they have day to day management responsibilities.

It should be noted that not all contact with children made in the course of a person's employment will be defined as regulated work with children.

Regulated work with adults covers a range of activities which most adults will come into contact with at some time. However, an adult is only considered to be a 'protected adult' during the time that contact is taking place. For example, a GP is undertaking regulated work but her patient is only a protected adult during the time he is in the consulting room in receipt of medical services.

Adult Support and Protection: Ensuring rights and preventing harm

Multi-agency Guidelines - Edinburgh, Lothians and Borders Executive Group Public Protection Partnership Office, August 2013. These take account of the Social Care (Self-directed Support) (Scotland) Act 2013, which takes effect from 1.4.14.