

# GORDONSTOUN WELLBEING AND CHILD PROTECTION



## Policy and Procedures



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## **FOREWORD**

Gordonstoun's *Wellbeing and Child Protection Policy and Procedures* is based upon the principles that inspire and inform the 'Getting it right for every child' approach, in our primary tasks of safeguarding the children in our care, and promoting and developing all aspects of their wellbeing. This document also includes the particular practices and procedures developed at Gordonstoun to ensure we reflect and endorse these principles on a daily basis. In our explanation and understanding of these principles, Gordonstoun's policies are particularly dependent on the Wellbeing and Child Protection Guidance provided by the Scottish Council of Independent Schools, written by Dr Susan Hamilton, and we acknowledge this debt with grateful thanks.

The Gordonstoun Wellbeing and Child Protection Policy and Procedures set out:

- the rights of children and young people to have their wellbeing promoted and developed;
- the responsibilities of those working at Gordonstoun;
- the role of Gordonstoun as a directing authority under the Children and Young People (Scotland) Act 2014;
- a description of the Child Protection systems and procedures at Gordonstoun, and the roles of key agencies;
- what Gordonstoun must do to fulfil our wellbeing, safeguarding and child protection responsibilities;
- guidance on the recognition of child abuse;
- what action to take if child abuse is suspected;
- direction regarding how to access child protection advice in specific circumstances;
- the Named Person service.

Gordonstoun's *Wellbeing and Child Protection Policy and Procedures* has been developed to reflect changes in legislation and national policy including the Children's Hearings (Scotland) Act 2011 (implemented in 2013), the National Guidance for Child Protection in Scotland 2014, the Children and Young People (Scotland) Act 2014 and the Named Person service.

Within this context it must be affirmed that the principles of GIRFEC, long established as best practice in the promotion, support for and safeguarding of the wellbeing of a child or young person, remain at the heart of all wellbeing and child protection policy, procedures and ongoing practice at Gordonstoun.

Pete Richardson  
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## INTRODUCTION

### The Context for Wellbeing and Child Protection at Gordonstoun

The wellbeing of all children and young people is at the heart of 'Getting it right for every child' (GIRFEC) and is enshrined in the Children and Young People (Scotland) Act 2014<sup>1</sup> (at times referred to as 'the Act' in this document). Wellbeing, under this Act, is defined in relation to eight indicators representing the key areas that are essential to enable children to flourish. These eight indicators - safe, healthy, achieving, nurtured, active, respected, responsible and included - provide a common language for staff to identify wellbeing concerns, including those that may require a targeted intervention. Practitioners in the universal services of health and education are key to promoting, supporting and safeguarding the wellbeing of all children. At Gordonstoun, we do this through our day to day activities and engagement with children and families. The principle is that it is everyone's job to prevent problems occurring, or to intervene to offer help to the child and/or parent/carer at the earliest opportunity. Pastoral staff, teachers and the management of the School, working with children and parents or carers, are best placed to take early, co-ordinated and effective action to support the wellbeing of children and young people enrolled at Gordonstoun. The Named Person service provided by Gordonstoun is key to ensuring the right help is available at the right time for the child and their family. In the Senior School, the Named Person role sits at the heart of the responsibilities of the Deputy Head Pastoral, while in the Junior School this responsibility is central to the Junior School Headmaster's function. It is important to stress that the majority of children's wellbeing needs will be met by their parents and carers, and through the routine activity and planning within the School and its partner agencies, particularly in health.

Core principles, values and shared standards of practice form the foundation for effective, collaborative wellbeing support and child protection practice. While different agencies have differing codes of practice and responsibilities, a shared approach to values and standards brings clarity and purpose to single agency, multi-agency and interagency working. The fundamental principles that underpin all national and internationally accredited documents and approaches that relate to child protection are enshrined in GIRFEC, the UN Convention on the Rights of the Child<sup>2</sup>, the Children's Charter<sup>3</sup> and the Framework for Standards<sup>4</sup>. These represent an overlapping set of values, which inform the procedural guidance provided by SCIS. They also inform – both explicitly and implicitly – our approach at Gordonstoun to recognising and responding to wellbeing concerns, and to the need for

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<sup>1</sup> Children and Young People (Scotland) Act 2014 <http://www.gov.scot/Resource/0049/00490013.pdf>

<sup>2</sup> UN Convention on the Rights of the Child [http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC\\_PRESS200910web.pdf](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf)

<sup>3</sup> Protecting Children and Young People; The Charter, *Scottish Executive 2004*, <http://www.gov.scot/Publications/2004/04/19082/34410>

<sup>4</sup> *Protecting Children and Young People: The Framework for Standards*, Scottish Executive, 2004 <http://www.gov.scot/Publications/2004/03/19102/34603>

immediate reporting of concerns about any child or young person who might be at risk of significant harm.

**Procedures and guidance cannot in themselves protect children: a competent, skilled and confident workforce, together with a vigilant public, can.** Child protection is a complex system requiring the interaction of services, the public, children and families. For the system to work effectively, it is essential that everyone understands the contribution they can make and how those contributions work together to provide the best outcomes for children. Education staff are uniquely placed as there are opportunities within the context of school life for identifying concerns that a pupil may be being abused or is at risk of harm which could otherwise pass unnoticed. In order to safeguard pupils' wellbeing and protect them from harm, there is a need for all staff to be highly trained and know what actions to take when they are concerned about a child. At Gordonstoun, we ensure that all staff – teaching, pastoral and support – are trained frequently and given direct reporting routes to child protection experts, so that wellbeing and child protection concerns will be reported appropriately at the earliest opportunity. We also provide details of alternative reporting routes, both within the School and direct to outside agencies, to ensure that all staff have access to a reporting route they feel is appropriate to the situation and with which they feel comfortable.

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

Pupils at Gordonstoun are informed regularly that it is legitimate and appropriate for them to raise concerns with staff about their own protection and wellbeing. Parents or carers are also advised frequently that it is legitimate and appropriate for them to express concerns and report abuse to the Child Protection Co-ordinator, the Named Person, the Head or a member of the Board of Governors, or directly to an appropriate outside agency, particularly if they feel that a child may be being abused or is at risk of harm. **All members of staff are highly trained in child protection reporting protocols and are required to report concerns immediately.**

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

## Rationale

Wellbeing support and protection from harm for children and young people have to be seen in the wider context of the Getting it right for every child (GIRFEC) approach. All children and young people have the right to be cared for, to be protected from harm and abuse, and to grow up in a safe environment in which their rights are respected and their needs met. **At the heart of the GIRFEC approach is early, proactive intervention** in order to create a supportive environment and identify any additional support that may be required for a child as early as possible. GIRFEC places children's and young people's needs first, ensuring that they are listened to and understand decisions which affect them and that they get more co-ordinated help where this is required for their wellbeing, health and development. It requires that all services for children and young people - social work, health, education, police, housing and voluntary organisations - adapt and streamline their systems and practices to improve how they work together to support children and young people and their families<sup>5</sup>, including strengthening information sharing.

## Values and Principles

GIRFEC is underpinned by common values and principles which apply across all aspects of working with children and young people. These values inform the Gordonstoun approach to wellbeing support: to the way in which and pace at which we respond to concerns; to a shared understanding of what is important to children, young people and their families; and to how we keep them safe from harm at all times. GIRFEC underpins and informs our child protection procedures. Our principles and practices are based on a holistic approach to the child or young person, recognising that what is going on in one part of a child or young person's life can affect many other areas of his or her life; they resonate with a Hahnian approach to valuing the whole person and promoting resilience in each child and young person.

Gordonstoun is committed to the wellbeing of individual children and young people, based on understanding how they develop, the crucial role played by their families, and the significance of their cultural and social context. We are committed to working in partnership with families, supporting wherever possible those who know the child or young person well. It is vital that we address the needs of children and young people in our care at the earliest possible time, providing additional help which is appropriate, proportionate and timely, considering short and long-term needs. The child is put at the centre, listened to and involved in decisions which affect them. The outcome must be that children and young people feel valued in all circumstances, and every opportunity is used to celebrate diversity. The crucial area of respecting confidentiality and seeking agreement to share

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<sup>5</sup> See Appendix 1 for definition of child, parent and carer



information that is relevant and proportionate, while safeguarding children's and young people's right to confidentiality, is at the heart of our information sharing protocols and systems. The adults who are responsible for co-ordinating and promoting help, both within the School and between the School and supportive agencies, are committed to building their competence and expertise, recognising that children, young people and their families need practitioners to work together, when appropriate, to promote the best possible help.

### **Core Components of GIRFEC in practice at Gordonstoun:**

- a focus on improving outcomes for children, young people and their families based on a shared understanding of wellbeing;
- a common approach to gaining consent and sharing information;
- 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, and agreeing actions and outcomes, based on the wellbeing indicators;
- streamlined planning, assessment and decision-making processes that result in children, young people and their families getting the right help at the right time;
- consistent high standards of co-operation, joint working and communication, locally and across Scotland;
- a Named Person for each child at the School, and a Lead Professional to co-ordinate and monitor multi-agency planning where necessary;
- a confident, competent and skilled team around the child, that connects effectively with similar skilled professionals across all services for children, young people and their families; and
- the capacity to share and protect appropriate assessment and planning information electronically within Gordonstoun, and across agency boundaries.



# **1 WELLBEING AT GORDONSTOUN**

## **1.1 What is a Wellbeing Concern?**

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

- a child or young person may be worried, anxious or upset about an event/set of circumstances, including socio-economic circumstances;
- a parent/carer/family member or member of the pastoral team may have noticed a change in the child or young person's behaviour, demeanour or developmental progress;
- a parent/carer/member of the pastoral team may have concerns about the impact on the child of an event or set of circumstances;
- a member of school staff/professional or practitioner from a support service may have concerns for a child or young person's health, or may have noticed a change in their behaviour, demeanour, developmental progress or level of achievement;

A wellbeing concern will arise from observation or assessment which indicates that one or more aspects of wellbeing is, or is at risk of being, adversely affected or subject to an effect by factors related to the child, or young person. Professional judgement based on experience and training and information about the child or young person, and their circumstances, will be key to identifying wellbeing concerns. In some cases a single observation or incident may be judged to represent a risk to wellbeing and be considered a concern. In other cases the context of the observation or assessment, and wider knowledge of the child's general wellbeing and circumstances may either heighten or reduce the concern. The nature of the concern will be specific to the individual child, their age, stage of development and circumstances, so what represents a wellbeing concern for one child, may not be judged a concern for another child.

## **2. THE NAMED PERSON**

The Named Person service is a term that encompasses everything that needs to be in place to ensure that the Named Person functions will be delivered as specified in the Children and Young People (Scotland) Act 2014. Access to a single point of contact with responsibility for coordinating services pertaining to the wellbeing and protection of children and young people is an entitlement for children and young people under that Act. The duty to provide a Named Person service for school-aged children at Gordonstoun sits with the School as the directing authority.

Section 19 of the Children and Young People (Scotland) Act 2014 requires the Named Person service to be made available through a designated, identified individual who will exercise the functions of the Named Person on behalf of the service provider. At Gordonstoun, such provision must be made within the contexts of the Junior and Senior Schools. The Act is clear that responsibility for the exercise of these functions lies with the School and not with the individual. The Named Person function at Gordonstoun is attached to the roles of Junior School Headmaster and Deputy Head Pastoral (Senior School), which satisfies the requirements of the Act: that the Named Person should be a promoted member of staff, with the requisite training and experience of supporting pupils in a pastoral role, within the school which the child/young person attends. The Named Persons at Gordonstoun have a clear understanding of child development and support needs, the principles of underpinning GIRFEC and the National Practice Model, how to recognise, evaluate and respond proportionately to wellbeing concerns, the principles of information sharing under the Act, with appropriate amendments with regard to information sharing, how to work in effective partnership with families and the Child's Planning Process.

## **2.1 The Named Person Service at Gordonstoun**

At Gordonstoun, within the context of 'Getting It Right For Every Child (GIRFEC), which has been national policy since 2010, all staff focus on the wellbeing of the children and young people in our care. This is supported through the development of key pastoral systems and processes. In line with the Children and Young Person (Scotland) Act 2014, these systems have been further developed to support the Named Person arrangements.

Contacting the Named Person easily, at any time including during school holidays, may be achieved by contacting the Deputy Head Pastoral in the Gordonstoun Senior School, and the Headmaster of the Gordonstoun Junior School, until such time as dedicated email Named Person email addresses may be created.

These email addresses will also be used to share and receive relevant and proportionate wellbeing information between Named Person service providers (for instance, between schools when children move) and may also be used by anyone out with the School for raising a concern about a child or young person whose wellbeing might be at risk. These email addresses will be monitored closely, including during school holiday periods. Any queries, concerns or complaints about the Named Person service as it operates at Gordonstoun should also be directed to these email addresses.

During term time, the Deputy Head Pastoral will be the single point of contact Named Person for all students enrolled in the Senior School, except in the case where his/her own children attend the School. In the Junior School, the Head of the Junior School will be the Named Person for all children enrolled in the Junior School, except in the case that his/her own children are enrolled there. If a child or children of any Named Person is enrolled at

the School, the Child Protection Co-ordinator will be the Named Person for these children. Outside term time, the Named Person responsibility will be shared between the Deputy Head Pastoral, the Head of the Junior School, the Child Protection Co-ordinator and members of the Senior Management Team who have received the requisite training, to ensure this service is always available.

While a single point of contact is made available through the Named Person service at Gordonstoun, the GIRFEC approach does not stop children, young people or parents from contacting services directly for advice or support, as many do at present. Access to a single point of contact - the Named Person - is an entitlement for children and young people. There is recognition of the very clear differences between the role of parent and the statutory role of the Named Person, however, parents and children are under no obligation under Part 4 of the Act to contact the Named Person, or accept any help or support offered.

As an organisation responsible for providing the Named Person Service, Gordonstoun ensures that the designated, identified individual who will exercise the functions of the Named Person on behalf of Gordonstoun satisfies the conditions outlined in the Act and receives regular, relevant training and support through SCIS, connection with the local authority through the Locality Wellbeing Officer and attendance at monthly Local Management Group meetings, and through the provision of a designated Wellbeing and Child Protection governor. As and when necessary, the School provides legal support and advice to the Named Person, through the office of the Director of Finance.

If a child/young person or their family disagrees with decisions made by the Named Person at Gordonstoun regarding any aspect of the help or support offered, the parents and child/young person will be reminded that they are under no obligation to accept this help or support. If there is further disagreement or a complaint, the School complaints' procedure will be followed through initial referral to the Principal and then, if necessary, to the designated Wellbeing and Child Protection Governor, who will arbitrate and seek a resolution.

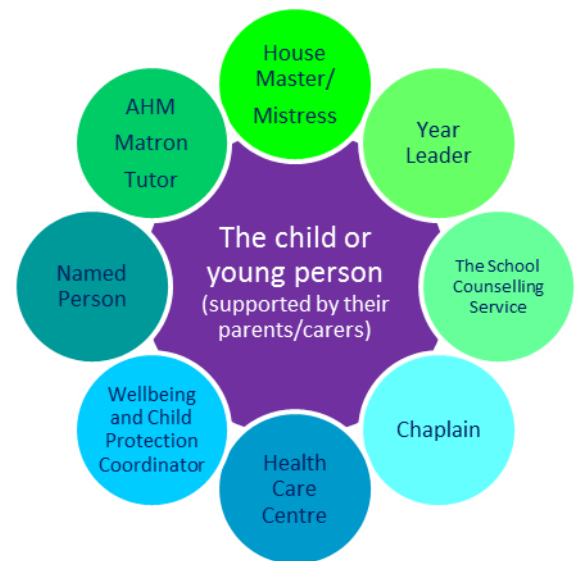
## **2.2 The supportive network around a child or young person**



The Children and Young People's (Scotland) Act 2014 recognises that the wellbeing and welfare of children and young people depends upon coordinated, positive support processes being facilitated by all adults around a child. Central to this support will be

parents and families, and at Gordonstoun one key function of the Named Person in his/her responsibility for pastoral care is to build on functions already at the heart of his/her role in communicating fully and frequently with parents/families regarding the wellbeing of their child.

The full network of support around a child or young person at Gordonstoun is represented in the adjacent diagram.



### **2.3 Communicating with stakeholders**

The Named Person Service arrangements at Gordonstoun are communicated to children, parents, families and other key stakeholders by sending a document entitled 'Wellbeing and Child Protection at Gordonstoun Essential Information' to parents of all children/young people enrolled at the School. (See Appendix 3). This advises the child/ young person and parents of their new Named Person arrangements and the GIRFEC context of pastoral care at the School. This document is translated as appropriate, to ensure that all families are aware of the principles, arrangements and procedures that underpin wellbeing assessment and support, and all aspects of child protection at Gordonstoun. It is also made available to all other stakeholders and support agencies via the School website, as will the current Wellbeing and Child Protection Policy and Procedures document, outlining our arrangements more fully.

Children and young people themselves will be informed directly, once they have commenced attendance at the School, concerning who their Named Person is and what the Named Person service entails. This will be explained and reinforced through chapel presentations, information available in every student's work diary, information posted on notice boards and regular, pastoral conversations.

Key personnel have been identified within partner and support agencies and helpful, open lines of communication have been established. Existing, positive working relationships with other maintained and independent schools across Scotland and the UK have been further developed, to ensure appropriate information sharing regarding wellbeing concerns and support does take place, should this prove necessary. As in everything, the best interests of the child or young person is held at the centre of decision making, with the child/young person fully informed and the family fully involved, included and in appropriate control of in this process.

## **Wellbeing and Welfare: the interface between wellbeing and child protection**

Welfare as it relates to children and young people is a term that is open to interpretation. It is often used in the context of identifying a need for compulsory intervention under the Children's Hearings (Scotland) Act 2011. In terms of the Scottish Government policy on children and families, welfare and wellbeing are different, in that wellbeing is a broader, more holistic concept.

Links between welfare and wellbeing exist across the eight indicators, and while a child protection response may be required to make sure a child is safe and their immediate welfare needs are addressed, **child protection is not something which sits separately from wellbeing**. Indeed, a series of low level indicators of wellbeing need (whether obviously related or not) taken together can amount to a child protection issue. **Child protection requires taking immediate action to safeguard a child where an assessment indicates that the child may be at risk of significant harm**. The child's wider wellbeing should also be assessed to ensure their current and future holistic needs are considered.

### **3. WELLBEING ASSESSMENT AND REVIEW**

#### **3.1 Wellbeing Concerns: the process at Gordonstoun**

##### **Getting It Right For Every Child: The National Practice Model**

The National Practice Model combines a set of useful tools, which enable the team around the child to assess wellbeing need and risk, and determine and assign actions which will facilitate the best possible outcomes for a child or young person. The model defines needs and risks as two sides of the same coin. It promotes the participation of children, young people and families in gathering and interpreting information and in making decisions as central to assessing, planning and taking action.

The components of the practice model have been designed to ensure that assessment information about children and young people is recorded in a consistent way. This should help to provide a shared understanding of a child's or young person's needs and identify concerns that may need to be addressed. The model and the tools which support it are used routinely by the team around the child at Gordonstoun, in assessment and review procedures. The main components in the practice model are:

1. The Wellbeing Indicators
2. The Five Questions
3. The My World Triangle
4. The Resilience Matrix
5. The Child's Plan

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

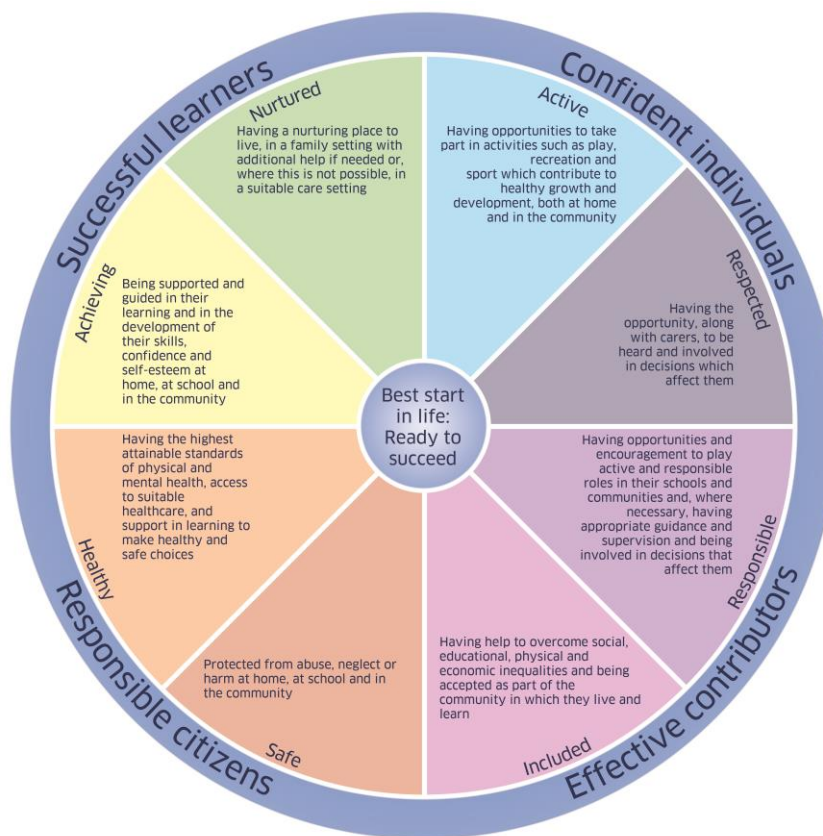
## **The Wellbeing Indicators**

Eight indicators of wellbeing have been identified as areas in which children and young people need to progress in order to do well, now and in the future. These wellbeing indicators are illustrated and defined in Diagram 1 and in the Gordonstoun Wellbeing Review Including Assessment of Risk, which is the template form used in routine internal wellbeing review meetings at the School. (Appendix 4).

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

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

**Diagram 1**



### The Five Questions

Policies and services are increasingly focused on the need for interventions to be outcome-focused rather than process-led. This should underpin the way in which everyone working with children and young people looks at issues of wellbeing. At each stage of an intervention, practitioners should ask themselves the following questions:

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

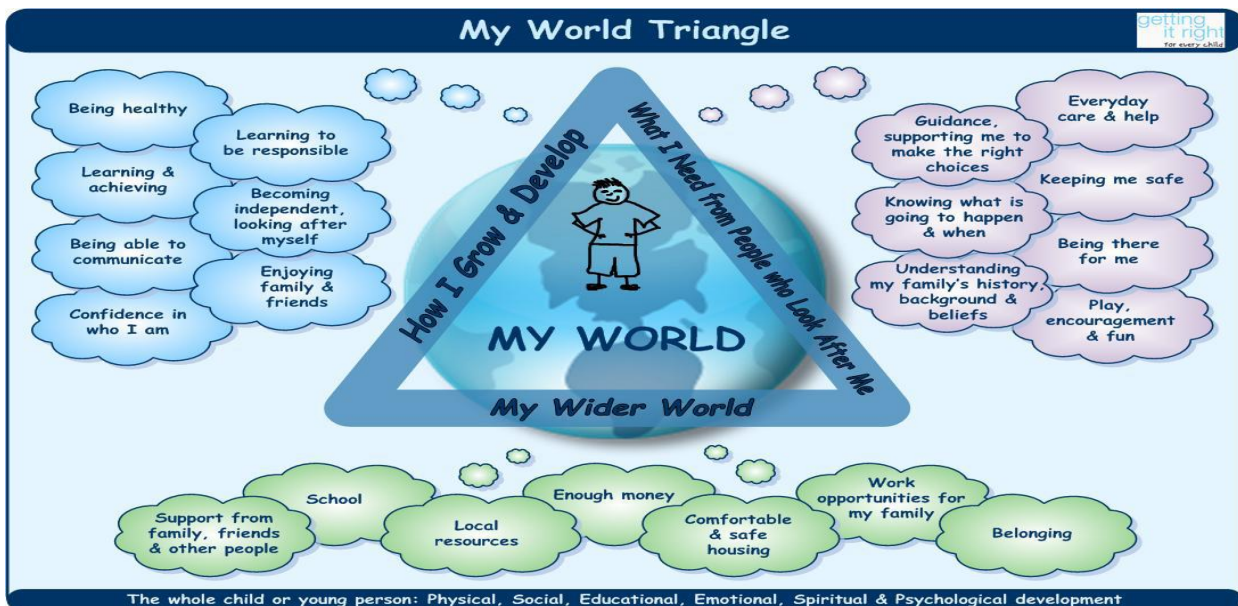
A sixth question has been added to these five, by our Wellbeing Locality management team:

6. What are the views of the child or young person?



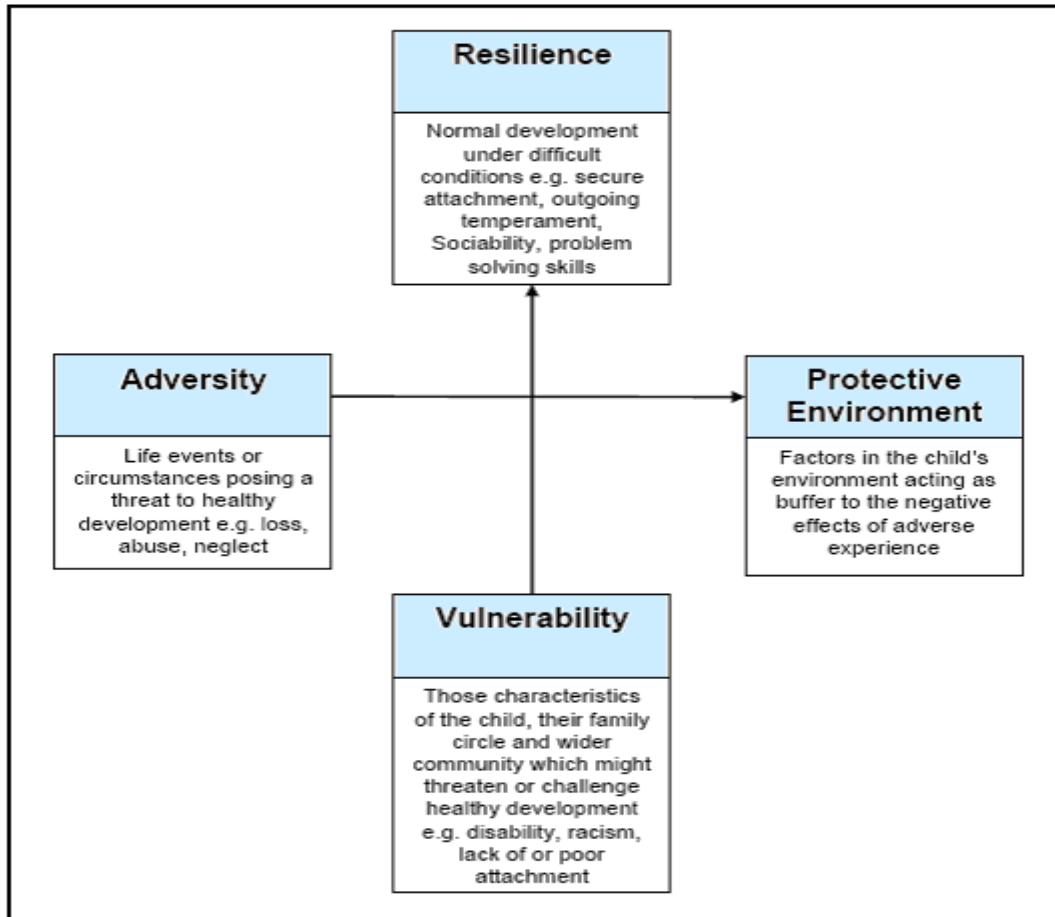
## The My World Triangle

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



## The Resilience Matrix

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



## The Child's Plan

Please refer to Section 4 of this document.

### 3.2 Assessment of Wellbeing: overview

Taking a holistic view of the wellbeing of children and young people is at the heart of the GIRFEC approach. GIRFEC has its origins in the United Nations Convention on the Rights of the Child (UNCRC), which outlines the rights of children to have their basic needs met, and to reach their full potential. The UNCRC general principles of non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child, are the overarching rights needed for any and all rights in the Convention to be realised, and are consequently the foundation for all assessment of a child or young person's wellbeing and protection. This rights-based approach emphasises the responsibility of the School and all agencies with which we interact to protect children's rights and entitlements. The focus on children's rights extends to ensuring all children/young people are made explicitly aware of the UNCRC.

The Act refers to assessment of an individual child or young person to determine whether 'their wellbeing is being, or would be, promoted, safeguarded, supported, affected or subject to an effect' [section 96(1)]. These terms have the following meanings, and form the basis of an assessment:

- a) promoted – actively encouraged or further developed;
- b) safeguarded – protected from harm or damage;
- c) supported – given assistance, approval, encouragement;
- d) affected – influenced, changed; and
- e) subject to an effect – likely to be affected by a set of circumstances.

Wellbeing assessments relating to individual children or young people at Gordonstoun may be required, particularly under Parts 4 (Provision of Named Persons) and 5 (Child's Plan) of the Act.

### **3.3 Wellbeing Concerns: Assessment and Review Procedures at Gordonstoun**

A vigilant regard for the wellbeing of all children and young people at Gordonstoun is maintained at all times. Generally, children are happy and well, thriving in a context of challenge, responsibility, internationalism and service that promotes resilience. At times, some children/young people require support, in a variety of ways. Processes have been developed at Gordonstoun to ensure that wellbeing concerns about a child/young person are recognised, reported and addressed appropriately, so that his/her wellbeing needs are assessed in a timely fashion. The School is committed to giving the child/young person is appropriate control, ensuring families are involved and only relevant and proportionate information is shared, and records are kept in compliance with statutory requirements.

Wellbeing concerns are raised routinely in a variety of ways at Gordonstoun. For example, some are shared by an outgoing Named Person in fulfilling his/her responsibilities when a child/young person is first enrolled at Gordonstoun; some concerns may be shared by parents or family members; some may be raised by an external agency (eg health professionals); some are recognised through observant staff or a child/young person's peers; some arise because of an event or disclosure.

Staff are trained regularly in recognising what might be a concern, based on the wellbeing indicators and pastoral experience, and in how to share concerns discreetly and appropriately. Use is made of our bespoke electronic Wellbeing Information Sharing system (see section 8.11). In line with the impetus of GIRFEC, early intervention is the key, to ensure wellbeing concerns are addressed before they have a serious impact on the

child or young person's development, happiness, health or success, and to assure the child/young person of a positive outcome.

**Initial, professional risk assessment must always be carried out to determine whether the concern sits at wellbeing or child protection. If any concerns arise that the child may be at risk of significant harm, it is essential that child protection procedures must be followed immediately and Police and/or Social Work contacted without delay.**

### **3.4 Responding to Wellbeing Concerns**

In responding to a wellbeing concern being raised, pastoral staff at Gordonstoun follow the process below:

- The Named Person and Child Protection Co-ordinator discuss concerns with the HM. The concern is then raised in a weekly wellbeing overview meeting, during which the Named Person and Child Protection Co-ordinator discuss whether further information should be sought, what outcomes would be beneficial and whether an internal (single agency) Wellbeing Review Meeting, involving the team around the child, might be helpful to determine the type and level of support required. These concerns and recommendations are brought to the attention of the Principal, in a weekly meeting.
- If a review meeting is not required immediately, appropriate actions are discussed and allocated, with relevant and proportionate information shared via the electronic Gordonstoun Wellbeing and Information Sharing System (see 8.11).
- If a review meeting is required, this implies that the Named Person anticipates the child/young person requires a single plan identifying support measures of some kind to address their wellbeing needs. A full list of the most relevant professionals and, if appropriate, the child/young person and their parents, are invited by the pastoral secretary, who coordinates this meeting.
- The team around the child, other relevant professionals and (if appropriate at this initial stage) the child and/or parents attend the Wellbeing Review Meeting. This team will always include (where possible) the HM, the tutor, school counsellor, year leader, Deputy Head Pastoral (Named Person) and the Child Protection Co-ordinator, with other staff invited as appropriate eg SEN/learning support staff and school nurse. The 'Gordonstoun Wellbeing Review Including Assessment of Risk' form (Appendix 4) will be used to shape the review process, with overt use being made of the wellbeing indicators, the five questions and the resilience matrix.
- At this meeting, the pastoral secretary will record discussion and decisions in the Wellbeing Review section on the electronic Wellbeing Information Sharing System. This module in the Wellbeing Information Sharing System has been developed to reflect the 'Gordonstoun Wellbeing Review Including Assessment of Risk' form. Desired outcomes will be identified and recorded, with actions agreed to address concerns and facilitate realisation of these outcomes. These actions will be allocated to relevant staff and dated,

with measurable desired outcomes identified. Initial actions may focus on gathering further relevant, proportionate and appropriate information from any individual or body that has been identified as necessary, to inform our ongoing wellbeing assessment.

- One action that will be allocated – usually to the HM – is to discuss the wellbeing issues/proposed actions and desired outcomes with the child/young person and their parents. This will always be required, if the child/young person and their parents have not attended the meeting. Section 33 (6) of the Act requires the child, and the child’s parents, are involved in considering whether the child has a wellbeing need. Should the child/young person or their parents disagree with the wellbeing planning process suggested by the team around the child, the Named Person will initially try to resolve the disagreement through face-to-face conversations. If there is still disagreement, the Named Person will follow a dispute resolution/complaint procedure by referring the family to the Principal initially and then, if necessary, to the designated Wellbeing and Child Protection Governor, who will arbitrate and seek a resolution.
- The Wellbeing Review document that is saved onto the Wellbeing Information Sharing System in the child’s private file is the School’s single agency plan detailing the way in which universal services are supplemented by support strategies within the school. A review date will be agreed and the pastoral secretary will diary the review meeting appropriately. This should not be more than 12 weeks after the first meeting.

## **4. CHILD’S PLAN**

### **4.1 Requirements**

A Child's Plan sits within a single planning process and is aimed at addressing the issues that may be adversely affecting the child's or young person's wellbeing as a whole. The Child's Plan will set out the child's and young person's needs, the actions taken to meet these needs, who will undertake those actions and the desired outcomes. Streamlining the planning process aims to ensure that there is a single planning framework in operation across Children's Services to make good use of resources and to avoid unnecessary duplication for the child, their parents, and for professionals.

Where the child is a pupil at an independent school such as Gordonstoun, placed by their parents, the directing authority of that school is the responsible authority in relation to the child.

## **4.2 When is a Child's Plan Required?**

The majority of children and young people will not need a Child's Plan as their wellbeing needs will be met by their parents or carers and through the routine activity and planning within health services and the School. There are two main considerations in deciding if a child requires a Child's Plan. The first is based on an assessment of wellbeing. The child must be assessed as having a wellbeing need in terms of the definition of wellbeing within the Children and Young People (Scotland) Act 2014. This means that a judgement has been made that the child's wellbeing is currently being adversely affected by any matter, or is at risk of being adversely affected. The adverse effect may be on one or more aspects of wellbeing and can arise from any factors relevant to the child.

The second consideration relates to the support judged necessary to meet the identified wellbeing need. A wide range of children may present with a wellbeing need at some points in their lives and these can most often be met by support from their family, and the support generally available within the School and health services.

**A Child's Plan is required only when the wellbeing need cannot be met, or fully met, without the provision of a 'targeted intervention', and it is considered that the wellbeing need can be met by one or more targeted interventions.**

## **4.3 What is a Targeted Intervention?**

Within the terms of the Act, a targeted intervention is a service provided by and/or arranged by a relevant authority. Gordonstoun is a relevant authority. A targeted intervention is directed at meeting the wellbeing needs of children whose needs cannot be met, or fully met, by the services generally available to children. The judgement about whether a targeted intervention is needed will be related to the individual child's needs, the context at Gordonstoun and the services that are routinely available at the School. This is a person-centred approach. The School considers whether the service or support needed, and the level of coordination required to deliver it, is beyond what is generally available to any student, and therefore meets the definition of a targeted intervention for the purposes of a Child's Plan.

At Gordonstoun, a targeted intervention is defined as a service that is provided by agencies outside the School. Gordonstoun holds a number of significant support provisions in its pastoral toolkit, including: the assessment of particular learning needs and relevant support; the full-time services of a clinical psychologist; a Health Care Centre that is staffed 24 hours a day (though not by qualified medical staff out of routine hours); one-to-one monitoring of student wellbeing by a range of experienced pastoral staff. In addition, access to performing arts, sporting, service and outdoor education opportunities can be factored into a wellbeing review process as actions ideally suited to target particular desired outcomes for a child or young person.

Beyond the scope of intervention which can be provided by the School are services routinely provided by the Local Authority or Health Service, such as CAMHS, social services support or the specialist medical care required to support a child/young person with a particular medical condition. Targeted interventions might be arranged by Gordonstoun as the relevant authority, but the required interventions and how to access them would be decided through the child's planning process, with the involvement and help of local authority personnel and processes.

#### **4.4 Involvement of the Child, Parents or Others**

Section 33 (6) of the Act requires the child, and the child's parents, to be involved in considering whether the child has a wellbeing need, and if so, whether a Child's Plan needs to be initiated to coordinate the necessary support. Therefore, in deciding whether a child requires a Child's Plan, Gordonstoun always – as far as is reasonably practicable – seeks and has regard for the views of the child, the views of the child's parents, and the views of any other people the School considers appropriate. Discussion with the child and parents is expected to be part of the decision-making process in all but exceptional cases. The School would need to have reasoned justification why they had not been able to involve the child and parents, and obtain their views. There may also be exceptional situations where a child's mental health is regarded as being so fragile that getting their views would be further detrimental to their wellbeing. Every effort will be made to support the child or parent to express their views and these will be recorded. The team around the child at Gordonstoun will always consider carefully who else should be consulted in deciding if a Child's Plan is required. While this will always be based on the individual child's circumstances, and take account of views expressed by the child or parent, it may be appropriate, for example, to consult with those who have a role in looking after the child but are not covered by the definition of parent.

#### **4.5 Equality and Diversity**

Access to, and delivery of, services under the Children and Young People (Scotland) Act 2014 and in wellbeing assessment and review, the child's planning process and child protection should be fair, consistent, reliable and focused on individual outcomes and enablement. Children and young people at Gordonstoun will be listened to, respected and responded to, with no discrimination on the grounds of race, disability, gender, age, sexual orientation, religion or belief. Families may be unaware of services that could be beneficial, and positive action may be required on the part of the School and all agencies to explain what may be available and how they may be accessed.

#### **4.6 Child's Planning Process at Gordonstoun**

Prior to a child's planning process being undertaken at Gordonstoun, the Wellbeing Review process will have been followed. If, at the Wellbeing Review Meeting, it is felt by the team around the child that a targeted intervention is likely to be required, the child and family

will be consulted on this proposed course of action. If this course of action is agreed, the Named Person will discuss the request for a Child's Plan with the LWO (Locality Wellbeing Officer) at the LMG (Local Management Group). If required, the Named Person will send a Record of a Request for Assistance using parts A and B of the Moray Community Planning Partnership Child's Plan. The entire process will follow 'The Child's Planning Process' flowchart (Appendix 7). It is possible, in some circumstances, that the desired outcomes determined through a wellbeing review involve the Named Person requesting support from an agency or organisation outside Scotland. This will be discussed at the LMG, but it may be decided that a Statutory Child's Plan is not required. Accessing this support will nonetheless follow procedures similar to the Child's Planning Process.

#### **4.7 Statutory Child's Plan (Refer to Appendix 7)**

If a statutory Child's Plan is required, the Named Person will seek and collate all relevant information, assessments and interventions, and identify a **Lead Professional**, who takes responsibility for the analysis of discussion, implementation and review of the Child's Plan, using the Moray Community Planning Partnership Child's Plan. Anyone identified as an appropriate Lead Professional will be trained specifically, to enable him/her to satisfy every requirement connected with this role and function. They are also responsible for coordinating support for the child/young person. In the Gordonstoun context, the Lead Professional would usually be the child/young person's HM. In order to assist the Lead Professional in the exercise of his/her duties, the management structure established at local authority level will provide support. Internally, the team around the child will supplement this support and contribute appropriately to the child's planning process. If the Lead Professional is not a member of school staff, the Named Person will always be a partner to the Child's Plan. In coordinating the management of the Plan, the Lead Professional will recognise the on-going role of the Named Person in promoting, supporting and safeguarding the child's wellbeing through their day-to-day activity as the Deputy Head for Pastoral Care at Gordonstoun. If a Lead Professional cannot be agreed the Moray social work dispute resolution/complaint procedure will be followed. This can be found at:

<http://www.moray.gov.uk/downloads/file88023.pdf>

#### **4.8 Content of a Child's Plan**

In managing the statutory Child's Plan the Lead Professional will produce a **chronology** using the record of significant events from the Gordonstoun Wellbeing and Information Sharing System. This will form part of Section E of the Child's Plan, to be combined with chronologies from other agencies. At every stage the views of the child/young person and their family will be ascertained by the Lead Professional and their input sought regarding the progress of the Plan and the aims of any review meetings. If at any stage the child, young person or their parents disagree with a decision or assessment made as part of the



statutory child's planning process, the School will follow the Moray dispute resolution/complaint procedure. Similarly, if at any stage professionals disagree, advice and help will be sought from the LWO, and if necessary the Moray social work dispute resolution/complaint procedure will be followed.

Information sharing protocols that satisfy data protection requirements will be followed in relevant, proportionate and appropriate sharing of information within the child's planning process. To maintain appropriate records within the School, each stage of this process being reached will be noted in a brief record on the Wellbeing Information Sharing System by the HM/Named Person, at a justifiable level of visibility, as will the completed individual statutory Child's Plan. Justification for sharing information is always recorded (see Information Sharing, section 8). As appropriate, actions linked with the desired outcomes of the Child's Plan that need to be taken by school staff will also be allocated and dated via the Wellbeing Information Sharing System.

The School is confident that the Moray Community Planning Partnership Child's Plan has been formed to include the appropriate sections pertaining to the child/young person (chronologies, demographics, significant relationships, assessment of wellbeing, action planning, review process and closure) in compliance with the requirements of the Children and Young People (Scotland) Act 2014. The initial review of the Child's Plan should take place within a period of 12 weeks after the Plan is prepared. The date and time determined for review of the Statutory Child's Plan (from p.12 of the Child's Plan document) will also be recorded directly on the Wellbeing Information Sharing System.

Subsequent reviews should be undertaken at intervals to be agreed between the School, the child/young person and the parents. The review process should be proportionate to the child's wellbeing needs and the reasons for reviewing the Plan, focusing principally on these needs and the targeted interventions. It should also include how far the desired outcomes of the Plan have been achieved.

## **5 CHILD PROTECTION AT GORDONSTOUN**

### **5.1. 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. The core principles, values and shared standards of practice that form the foundation for effective, collaborative wellbeing support under GIRFEC extend to underpin child protection principles and practice at Gordonstoun, with the overriding principle being the requirement to recognise and report possible abuse appropriately and immediately, in order to safeguard and protect the children and young people in our care.

### **5.2 What is Harm and Significant Harm in a Child Protection Context?**

'Harm' means the ill treatment or the impairment of the health or development of a child or young person, 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.

### **5.3 What Is Child Abuse And Child Neglect?**

#### **Definition**

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

The following definitions show some of the ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child. For 'Signs of Possible Child Abuse' see Appendix 8.

#### **Physical Abuse**

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

## **Emotional Abuse**

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

## **Sexual Abuse**

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

## **Neglect**

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

## **5.4 Assessment of Child Protection Risk**

Child protection is closely linked to the risk of significant harm. 'Significant harm' is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family. Where there are concerns about harm, abuse or neglect, these must be shared by staff at Gordonstoun with the relevant agencies, so that they can decide together whether the harm is, or is likely to be, significant.

Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the alleged abusive behaviour.

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

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

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

The reactions, perceptions, wishes and feelings of the child/young person must also be considered, with account taken of their age and level of understanding. This will depend on effective communication, including with those children who find communication difficult because of their age, grasp of English or particular psychological, cultural or social situation. It is important to listen to what children/young people say, as well as to bear in mind that children/young people may have a strong desire to be loyal to their parents, carers or – especially in a boarding establishment – a member of staff who may also hold some power over the child. Steps must be taken to ensure that any accounts of adverse experiences given by children/young people are accurate and complete, and that they are recorded fully.

At every stage and in all contexts, staff at Gordonstoun are aware that they must report any observed or disclosed suggestion of abuse. Investigation may be necessary to determine whether a criminal investigation is needed and to inform an assessment concerning whether a Child Protection Plan is required. **Where a child is thought to be at risk of significant harm, the primary concern will be for their safety.**

## **5.5 Is there a Legal Duty to Report Child Abuse?**

Police officers and designated local authority employees (normally social workers) have a legal duty to pass information to the Reporter if they consider that a child may need compulsory measures of supervision. Police also have a legal duty to pass information to the Procurator Fiscal in connection with the commission of offences. **The moral imperative at the heart of GIRFEC, and best practice with regard to the wellbeing and welfare of children and young people, is that all adults who are connected with or responsible for them in any way must share information with appropriate agencies (eg social work or police) concerning any child/young person who may be at risk of significant harm.**

In extreme cases, for example when there are suspicions that a child might be being abused in a boarding establishment, and these are not reported to the statutory authorities, this could constitute criminal neglect. With regard to other cases the law is not so clear. It may be that a child could take action against a teacher for failing to act upon the child's disclosure or upon justified concerns which had been expressed to the teacher. Similarly, an action could be raised against an individual, or more likely a school, for turning a blind eye to, or failing to protect a child from bullying.

All members of staff sign a Code of Conduct which makes it clear that any breach of this code, including failure to report any concern about a member of staff behaving inappropriately with a child or young person to the Wellbeing Child Protection Co-ordinator, could be regarded as gross misconduct. The sanction for gross misconduct is dismissal. Adherence to this Code of Conduct is included within every employee's contract.

**Gordonstoun works very closely with the Locality Wellbeing Officer and the Public Protection Unit (which includes child protection experts from the police, social work and health) to seek advice immediately regarding wellbeing and child protection risk assessment, and to communicate any information that may pertain to the protection of children/young people from harm.**

## **6 CHILD PROTECTION PROCEDURES AT GORDONSTOUN**

### **GORDONSTOUN: ROLES AND RESPONSIBILITIES OF STAFF FOR CHILD PROTECTION**

#### **6.1 Independent Schools**

As with teachers in local authority establishments, staff in independent schools such as Gordonstoun have a responsibility to ensure that the children in their care are not harmed.

This applies to teachers and all other staff in the School working with pupils from the youngest at the Junior School to year 13 in the Senior School. This responsibility has added force in schools with a boarding facility. The Children (Scotland) Act 1995 gave a statutory focus to that responsibility by placing upon the managers of independent boarding schools a duty to safeguard and promote the welfare of children resident in their schools. The Protection of Vulnerable Groups (Scotland) Act 2007 and The Public Services Reform (General Teaching Council for Scotland) Order 2010 strengthened the provisions which ensure that teachers in independent schools (as well as other persons in child care positions) meet the necessary standards to enable them to work with children. The Regulation of Care (Fitness of Employees in Relation to Care Services) (Scotland) Regulations 2009 introduced the requirement for all staff in child care positions and working in residential care services to be appropriately registered with Scottish Social Services Council. All agencies and organisations working with children and young people are expected to have child protection procedures in line with the national guidance and in this regard Gordonstoun is robustly compliant. All teaching, support, specialist staff, guardians and governors, who come into contact with children and young people, working in all contexts for and across the School, receive comprehensive, regular training in GIRFEC, the assessment of wellbeing needs, and in the protective procedures required when responding to and reporting immediately and appropriately a child/young person being at risk of harm, or a child/young person who has been harmed in any way.

## **6.2 Boarding Schools**

Children living away from home for significant periods of time are often more vulnerable in a variety of ways:

- separation from family may result in a readiness to form close emotional attachments to peers and other adults;
- emotional or academic stress can result in young people developing self harming behaviours including substance misuse and eating disorders;
- close and sustained contact with peers may result in their succumbing to peer pressure, becoming the victim of bullying, including cyberbullying, or themselves indulging in bullying;
- the balance between supervising free time and promoting young people's independence may result in young people becoming involved in potentially risky activities in their leisure time, without the risks having been fully assessed.

Such vulnerability can result in children becoming the victims of abuse by their peers or by adults, known and unknown to them, or by themselves.

As part of induction packs, in student study planners and via the School intranet homepage, Gordonstoun provides clear information on sources of support for pupils. As well as including the Named Person and other school-based contacts, including the direct contact numbers for the Child Protection Co-ordinator and the assistant CPC, and details of the team around the child, these include:

- the contact number/access to the designated Wellbeing and Child Protection governor;
- where they can seek help for cyberbullying or any concerns regarding digital safety;
- the contact number of the Moray Council Children and Young People's Rights Service, and the Children and Young People's Rights Worker ( an independent and appropriately confidential Service run by CHILDREN 1st in partnership with the Moray Council.  
See([http://www.moray.gov.uk/moray\\_standard/page\\_50209.html#sthash.sAdqMYsH.dpuf](http://www.moray.gov.uk/moray_standard/page_50209.html#sthash.sAdqMYsH.dpuf));
- information about the school's complaints procedure;
- information about the School's pupil confidentiality guidance and
- the contact number of ChildLine (0800 1111).

In addition Gordonstoun ensures that:

- pupils are enabled effectively to sustain family contacts through a range of methods including e-technology, thus reducing feelings of isolation;
- accommodation arrangements, including toilets, showers, and sleeping facilities have regard for pupils' rights to dignity, privacy and personal space;
- staff have in place good formal and informal methods of monitoring the wellbeing of the pupils in their care. These include an adequate supervision ratio (the nature of which will vary depending on the age of the young people and the lay-out of the premises), regular individual and group meetings and informal observation at meal times and in free time;
- boarding houses have in place good monitoring procedures for pupils' eating and sleeping patterns to assist early identification of such difficulties as eating disorders or substance misuse;
- policy and procedures are in place to regulate the access pupils have to mobile technology overnight;
- when pupils leave the site in their free time, for example going on Elgin leave or a social outing to Inverness, there are robust procedures in place to know the whereabouts of the pupils, the activities involved and the expected time of return, with whom they are in contact and whom they are meeting. A risk assessment is always carried out, though in cases of a regular outing such as weekly Elgin leave, a generic risk assessment has been done by the school which is reviewed as and when necessary. Care is exercised over activities such as attendance at private parties that take place out of school. These are entirely private and arranged in every detail by parents, and are only possible at the start/end of a holiday or leave-out. Parents are encouraged to work closely with the School regarding safeguarding precautions.

- activities with a strong group ethos, such as boarding houses, the pipe band and sports teams, do not make pupils feel excluded and do not involve inappropriate initiation;
- staff have an understanding of the needs of overseas pupils;
- appropriate checks are undertaken when appointing school guardians, including PVG and references, with guardians undertaking regular child protection training, and receiving support and clear guidance to ensure that the care and welfare of the child or young person is protected;
- in circumstances where sexually inappropriate or harmful behaviours between older children (years 13 – 15) or young people (16 years and older) are identified, there are procedures in place to seek help for both parties from other relevant agencies, drawing on the specialist skills of social work services, specialist health services and psychological services where appropriate.

### **6.3 The Child Protection Co-ordinator (CPC)**

Whilst all teaching and support staff who have contact with pupils have responsibilities towards them and should receive relevant training, the wellbeing and protection of children and the efficient operation of the school's Child Protection procedures will be facilitated by the designation of a senior member of staff with responsibility for co-ordinating child protection within the school. At Gordonstoun, this is a senior pastoral co-ordinator, who works closely with the two designated Named Persons: the Head of the Junior School and the Deputy Head Pastoral in the Senior School. The role has been enhanced to reflect the Children and Young People (Scotland) Act 2014, to encompass the requirement to have an overview (shared with the Named Person and Principal) of the wellbeing and protection of all the children and young people in our care. It also responds to the Act's emphasis on early intervention and the understanding that recognising wellbeing need is often the first step towards protecting a child from harm.

The Child Protection Co-ordinator at Gordonstoun has both general and particular responsibilities with regard to child protection, the key points being:-

- reporting child protection concerns to appropriate agencies outside the school (ie police or social work)
- ensuring that all staff are aware of the school's wellbeing and child protection procedures and any amendments to them;
- supplying new members of staff with an electronic or written copy of the procedures, and emphasising the importance of paying special attention to them;
- organising frequent staff briefings and training on child protection: new staff undergo a Child Protection Course at induction and all staff receive an updated briefing annually from the CPC, with whole staff training from an external Child Protection consultant provided every 2-3 years;



- overseeing the planning of any curricular provision designed to give children the knowledge and skills to keep themselves safe from all forms of abuse;
- liaising with other agencies, e.g. police, social work, the Children's Reporter and other government and local authority departments on general issues relating to child protection;
- listening and responding to general concerns raised by staff, pupils and parents or carers in relation to child protection;
- co-ordinating action within the school and, where relevant, in boarding accommodation in relation to specific children about whom concerns have been raised;
- delegating responsibilities to the most appropriate person, e.g. in situations where the CPC may not be the most appropriate person to support a particular child when an allegation has been made;
- ensuring the CPC, Named Person and other relevant senior managers receive updated training on a regular basis so that their professional knowledge and skills are as up to date as possible in a changing landscape. As line manager of the Child Protection Co-ordinator, the Deputy Head Pastoral assesses professional learning requirements to determine if more frequent training is necessary;
- reviewing the policy annually;
- auditing and quality assuring child protection at regular intervals: quality assurance at Gordonstoun takes place via termly meetings with the designated governor, who also completes an annual audit of a selection of cases.

As good practice advises, the Child Protection Co-ordinator has a recognised depute and a contact number for out-of-school hours. This could be important in cases of illness, leave or where allegations are made over leave-outs or in the holidays (or where allegations are made that involve the Child Protection Co-ordinator).

#### **6.4 The Child Protection Co-ordinator and Interface with the Named Person**

As these roles are carried out by different people at Gordonstoun, there are robust systems in place to ensure that individual pupil concerns are co-ordinated and appropriate action taken. Daily communication about wellbeing concerns, and weekly meetings with pastoral staff and the Principal ensure that the strongest possible lines of communication exist between the Named Person and the CPC.

#### **6.5 The Gordonstoun Healthcare Centre**

The team of staff at the Gordonstoun Healthcare Centre includes school nurses, healthcare assistants (who maintain a presence overnight) and access to doctors, who run frequent surgeries. School nurses and other healthcare staff have an important role in promoting the wellbeing of children and young people and can contribute to prevention and early

detection of child abuse through a range of health promotion activities. At Gordonstoun, this positive liaison includes: working with the team around the child and other teachers on personal, social and health education; monitoring the health of the school population; liaising effectively with school staff and other practitioners; and profiling the health of the school population so that nursing services can be targeted where they are needed most. School nurses continue to monitor the development and health and wellbeing of all children who have additional health plan indicators for as long as necessary. Where wellbeing or child protection concerns arise, the school nurse will be involved, as appropriate, to ensure the child's health needs are fully identified and met.

## **6.6 Governors**

Governing bodies are accountable for ensuring their establishment has effective child protection policies and procedures in place and should review these regularly. They are also accountable for the provision of the Named Person service, as well as the wellbeing and protection of pupils and should have systems in place where these are formally reported to them. As is good practice, Gordonstoun has a designated Governor with a particular responsibility for overseeing the protection and wellbeing of pupils. All Governors must be members of the PVG Scheme.

## **6.7 Staff Training**

Training in child protection is essential for everyone, including Governors, involved in managing Gordonstoun or who have contact with pupils. All staff at Gordonstoun – teaching and support – receive regular training in GIRFEC principles and in the awareness of how to recognise, respond to, record and report wellbeing and child protection concerns appropriately. The Principal, Deputy Head Pastoral, the Child Protection Co-ordinator and the Governor with responsibility for Wellbeing and Child Protection also receive training in the law and the operation of procedures.

All staff at Gordonstoun – both teaching and support – will:

- have information, advice and training to make them aware of risks to children and understand their particular responsibilities in keeping children safe;
- have ready access to appropriate, relevant and up-to-date guidance that tells them what action to take if they are concerned about a child's wellbeing and protection;
- know that they must report any concerns about possible abuse
- know how to make such a report, both within the School or direct to outside agencies
- understand what, how and when to record and share information (this training includes reference to the DPA principles and develops an understanding of how to determine what is relevant, proportionate and appropriate information to share to keep children safe);

- have knowledge of other services who may play a significant role in protecting children;
- have appropriate support from managers when they are concerned about a child or when they are involved in child protection processes; and
- know who they can seek advice from if they need it.

### **6.8 Code of Conduct for Staff: Guidance on Interaction with Pupils**

All staff must read thoroughly, adhere to and sign the Code of Conduct that appears in Appendix 6. The School retains a hard copy of the final page, which has been signed by the member of staff.

In addition, the Staff Contract includes 'Failure to report any concern about an adult behaving inappropriately with a child or young person' as an example of gross misconduct. All teachers registered with the Scottish General Teaching Council also subscribe to this Council's comprehensive Code of Conduct, which references fully the child protection duties of registered teachers.<sup>6</sup>

## **7 RESPONDING TO CHILD PROTECTION CONCERNS AND ALLEGATIONS OF ABUSE ABOUT CHILDREN/YOUNG PEOPLE**

### **7.1 Role of Staff at Gordonstoun**

Education staff play a crucial role in the support and protection of children as well as the development of their wellbeing. Teachers and pastoral staff at Gordonstoun have significant day-to-day contact with children and young people and so are well placed to observe physical and psychological changes in a child that could indicate abuse, and to contribute to the assessment of vulnerable children. School staff may be the first to be aware that families are experiencing difficulties, especially given the close relationships that can build up between the child/young person and the house team caring for them while they are at school. Staff must be alert to signs that a child may be being abused (see Appendix 8).

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

No child should be exposed to danger where someone knew of that danger and it is everyone's responsibility to ensure that agencies responsible for the protection of children

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<sup>6</sup> Code of Professionalism and Conduct The General Teaching Council for Scotland

are informed immediately. When a member of staff has reason to believe that a child's safety is compromised or they are suffering or are likely to suffer significant harm, that member of staff must share these concerns with the school's Child Protection Co-ordinator as soon as possible on the same working day as the concern arises and record this referral using the School systems. If a member of staff does not feel comfortable reporting to school staff, they must report directly to the Child Protection team within the local authority. Staff are informed of these alternative reporting routes at induction and in child protection training. The relevant numbers are published on information cards posted around the School (see Appendix 5).

## **7.2 How Concerns may Arise**

Concerns about child abuse may arise in the following circumstances:

- a member of staff has concerns arising from observation of the child's behaviour or appearance, or comments the child has made;
- a child tells a member of staff they have been abused or feel unsafe;
- a third party expresses concerns to a member of staff: this could be another pupil, a parent or carer or member of the public;
- an anonymous allegation is received;
- historical abuse (see section 10.5).

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

## **7.3 What to do if a member of staff has concerns or a child tells of abuse**

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

It may be appropriate for a member of staff to make an enquiry of a child about how an obvious injury was sustained, or why the child appears upset or distressed using open-ended non leading questions. For example: 'What happened?' 'Where did it happen?' 'When did it happen?' and 'Who did it?' If the child does not respond, the matter should not be pursued further with the child, but advice must be sought from the Child Protection Co-ordinator or Named Person, who will seek advice from the Public Protection Unit as appropriate.

Questioning and testing of evidence is not a matter for Gordonstoun school staff, as this is the responsibility of the police and social work agencies. Such an approach by staff could

prejudice later investigations. The role of school staff is to **recognise, respond, report and record**.

With any kind of expression of concern, from any source (child/young person or adult), staff at Gordonstoun will:

**RECOGNISE** when the child's behaviour and demeanour is a cause for concern;

**RESPOND** to the person expressing the concern;

**REPORT** the matter to the Child Protection Co-ordinator or Named Person on the same working day;

**RECORD** in detail what they have seen and heard, and when they did so. Signs of physical injury or other signs of distress should be described in detail. Any comment by the child about an incident or how an injury occurred should be recorded, quoting words actually used, as soon as possible after the comment has been made, making appropriate use of the Wellbeing Information Sharing System. This ensures the School has a secure, dated record made by an identified individual.

Staff at Gordonstoun have a responsibility to:

1. Listen sympathetically and with care.
2. Reassure the child that he/she is not to blame.
3. Not show disbelief.
4. Not give a guarantee of confidentiality.
5. Take the allegation seriously.
6. Affirm the child's feelings as expressed (don't tell the child how he/she should feel).
7. Avoid being judgemental about the information given by the child.
8. Refer to the Child Protection Co-ordinator in accordance with school procedures, making appropriate use of the Wellbeing Information Sharing System to facilitate the accurate recording and reporting of their concerns.

If the child draws back from speaking to the staff member, the child should be informed of the possibility of making a private and confidential telephone call to ChildLine on 0800

1111. ChildLine's approach is to listen to the child, discuss options and encourage the child to seek help from a trusted adult.

A member of staff who is concerned about a child in these circumstances must inform the Child Protection Co-ordinator that the child appears to have some concerns. The member of staff would also be taking appropriate responsibility by following up on the concern subsequently. This can be done by communicating with the Named Person and the HM (who will always be aware of wellbeing and child protection concerns, except if these involve allegations about them) and by making enquiries of the Child Protection Co-ordinator regarding protective action taken. It may well be that as the adult trusted by the child/young person, as the recipient of the disclosure, could play a significant part in supportive action planning.

#### **7.4 What to do if other parties express concern**

Where the concerns are expressed by another pupil, it should be remembered that reporting suspicions of abuse may be traumatic for that child and appropriate support should be provided. In some circumstances, school staff will find themselves receiving external information from a third party that indicates possible child abuse. In these circumstances it is important that, as with children disclosing, staff listen carefully and sympathetically, treat the matter seriously and as soon as is practically possible on the day, record and report the information using secure school systems. They should also explain to the person that they cannot give a guarantee of confidentiality as the information disclosed may be of such a nature that the staff member must pass it on in order to protect a child.

**Gordonstoun operates on the basis that there must be immediate reporting of concerns, responsibility shared between designated, trained staff within the School, appropriate reporting or reference made to outside agencies at the earliest opportunity and absolute transparency in all matters regarding a child or young person being harmed in any way. At the same time, the privacy of each child/young person must be respected in accordance with Information Sharing Protocols and formal – possibly criminal – investigations must not be affected through staff actions.**

**In all circumstances, the Child Protection Co-ordinator must ensure that the information is shared appropriately with other relevant agencies (health, police, social services), so that an early assessment can be made of any potential/actual harm to the child and whether further child protection action is necessary.**

#### **7.5 Checklist for Staff**

In all cases if:

- you suspect a child may have been abused or is at risk of abuse or significant harm;
- a child discloses abuse;
- a third party expresses concerns to you;

## **RECOGNISE, RESPOND, REPORT and, R E C O R D.**

**RECOGNISE** when the child's behaviour/demeanour is a cause for concern;

**RESPOND** without showing signs of disquiet, anxiety or shock.

Enquire casually why a child appears upset or about how an injury was sustained

Confidentiality should not be promised to children or to adults.

Observe carefully the behaviour or demeanour of the child or the person expressing concern.

**REPORT** to the Child Protection Co-ordinator on the same day and record in detail what you have seen and heard.

Do not interrogate or enter into detailed investigations; rather encourage the child to say what he or she wants to establish the basic facts.

**RECORD** in detail what has been disclosed, including what was seen and heard, and the time. Signs of physical injury or other signs of distress should be described in detail. Any comment by the child about an incident or how an injury occurred should be recorded contemporaneously, quoting words actually used, making appropriate use of the Wellbeing Information Sharing System. This ensures the School has a secure, dated, individualised record.

**REMEMBER** – Record and report on the same working day. Use the School's Wellbeing and Information Sharing System, but do NOT allow lack of access to this system to delay your recording and reporting process. If necessary, use the paper forms found in the back of this document (see Appendix 2) and also available in the Staff Workroom, to record your concerns, dating and signing this record on the same working day as the disclosure was received. Deliver this record personally to the CPC, Named Person, Principal or HM, unless the concern is about that person. In the exceptional circumstance where the Child Protection Co-ordinator or a senior member of staff is not available or cannot be contacted, staff must (without delay) refer the concern directly to social work or police.

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

## **7.6 Action by the Child Protection Co-ordinator (CPC)**

All cases of alleged or suspected abuse must be treated seriously. Some may require an urgent response. If the CPC is certain, or has very good reason to suspect or believe that a child has been abused or requires protection or is at risk of significant harm, he/she will follow local Child Protection procedures and must report the concerns immediately and state the basis for them.

It will always be borne in mind that it is not the school's role to investigate the allegations or suspicions, but to gather together what information it has about a child and pass it to the social care department or police. Children will not be subject to questioning by a variety of school staff. It would be against good investigative procedures and best evidence for children to be subject to internal investigations and thereafter re-interviewed by social work and police authorities. The Child Protection Co-ordinator and the Named Person at Gordonstoun have very strong relationships with the Public Protection Unit (which includes police, social work and health in a public protection hub), from whom guidance and advice is regularly sought.

A report must be made in every case where there is any substantial suspicion. Proof is not required at this stage. If there is doubt about whether to refer, the social work department will still be advised of the circumstances of the allegation and the school's doubts about it. Consideration will be given to the provision of support for the child and for the member of staff who made the report.

The Principal will always be provided with a brief report of the incident and will pass this on in confidence to the Chair of Governors or the Governor with responsibility for Wellbeing and Child Protection. The names of the people involved will not be disclosed in this report unless there are exceptional reasons for doing so.

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

## **7.7 Inappropriate Behaviour by Pupils**

In the case of inappropriate behaviour by pupils, Gordonstoun's positive behaviour policy and anti-bullying policy applies. Basic facts are established, and parents or carers will be informed. In more serious cases, the action set out in this document will be followed. These considerations are also relevant to situations in which a child is suspected of inappropriate behaviour, for example involvement with drugs or alcohol, where there is no suspicion of abuse by another person.

## **7.8 Recognising Actual or Potential Harm to a Child**



Where a child is felt to be in immediate danger the Child Protection Co-ordinator, Named Person or Principal must report, without delay, directly to the police. Similarly, where a child is thought to require immediate medical assistance, this must be sought as a matter of urgency from the relevant health services.

## **7.9 Involving Children and Young People**

As with all activity with children and young people, children will be helped to understand how child protection procedures work, how they can be involved and how they can contribute to decisions about their future. Taking into account the age and maturity of the child or young person, they will often have a clear perception of what needs to be done to ensure their own safety and wellbeing. Children and young people at Gordonstoun will be listened to at every stage of the child protection process and given appropriate information about the decisions being made.

Parents, carers and others with parental responsibility, including in some cases members of the team around the child at Gordonstoun, will be involved at the appropriate stage of the Child Protection planning process. This involvement will always be on the advice of the relevant service dealing with the investigation, allegation or concern.

## **7.10 Child Protection Plan**

In some cases, a Child Protection Plan will be established as a result of the process or reporting a concern to social work.

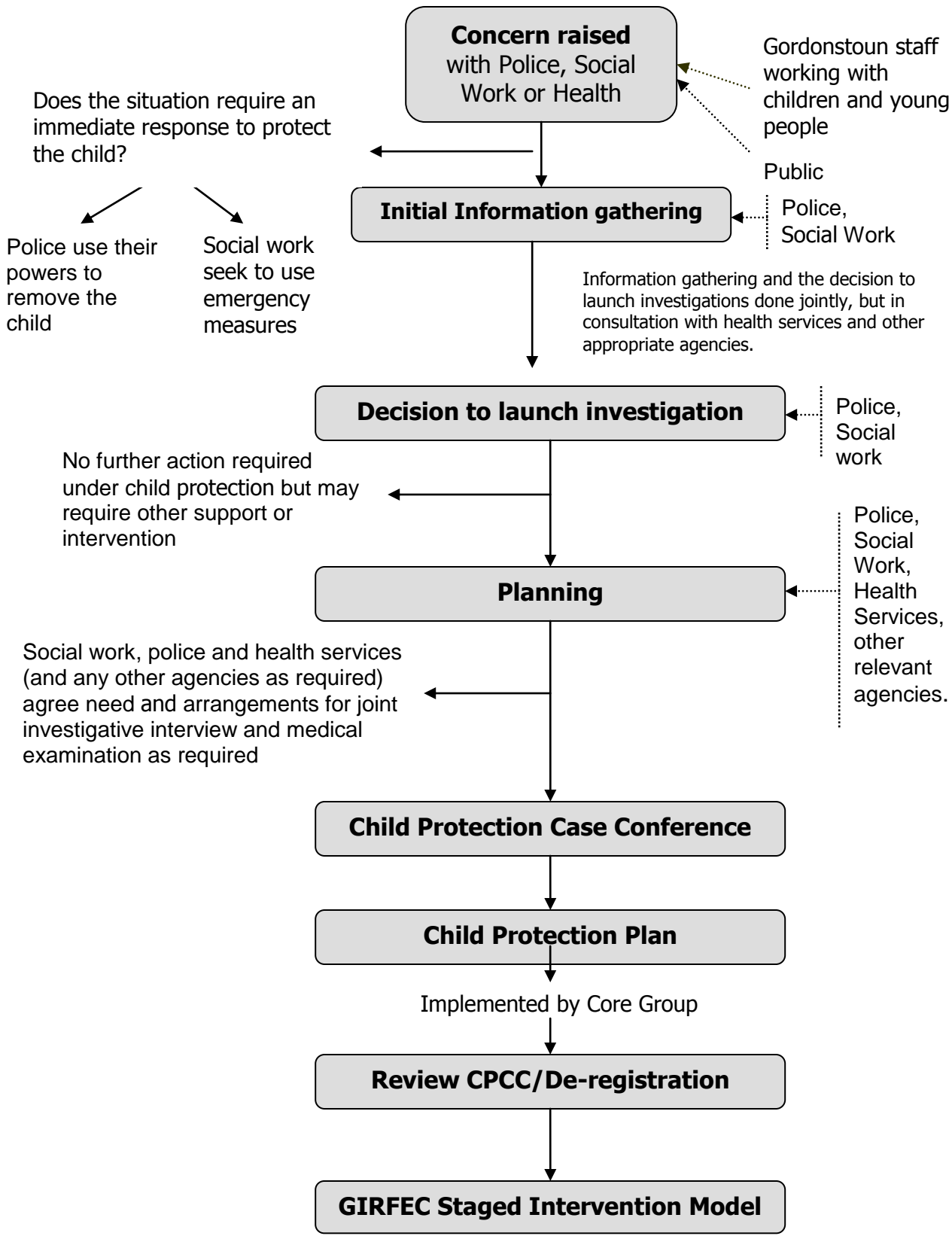
It will set out in detail:

- the perceived risks and needs;
- what is required to reduce these risks and meet those needs; and
- who is expected to take any task forward including parents or carers and the child themselves.

Children and their families need to understand clearly what is being done to support them and why. Responsibility is shared for the Child Protection Plan. Relevant staff at Gordonstoun will always be involved in the development and implementation of a Child Protection Plan about a child or young person in our care, particularly as protective measures with regard to current risks may be our responsibility, while work continues to protect the child. Any interventions will be proportionate and clearly linked to a desired outcome for the child. Progress can only be meaningfully measured if the action or activity has had a positive impact on the child. Any child who is subject to an interagency Child Protection Plan will be named on the local authority Child Protection Register.



**FLOW CHART – CHILD PROTECTION PROCESS**



## **8 INFORMATION SHARING AND RECORDING AT GORDONSTOUN: WELLBEING AND/OR CHILD PROTECTION CONCERNS**

### **8.1 Introduction**

Sharing appropriate information is an essential component of wellbeing support for and safeguarding of children. To secure the best outcomes for children, staff at Gordonstoun are trained to understand when and with whom it is appropriate to seek or share information, how much information to share and what to do with that information. This applies not only between different agencies, but also within the School. At the same time, children and their families have a right to know when information about them is being shared. Where possible, their consent will be sought, unless doing so would increase the risk to a child or others, or prejudice any current or subsequent criminal investigation.

### **8.2 General Principles**

- The wellbeing of a child is of central importance when making decisions to lawfully share information with or about them.
- Children have a right to express their views and have them taken into account when decisions are made about them.
- The reasons why information needs to be shared and particular actions taken should be communicated openly and honestly with children and, where appropriate, their families.
- At all times, information shared should be relevant, necessary and proportionate to the circumstances of the child, and limited to those who need to know.
- When gathering information about possible risks to a child, information should be sought from all relevant sources, including services that may be involved with other family members. Relevant historical information should also be taken into account.
- When information is shared, a record should be made of when it was shared, with whom, for what purpose, in what form and whether it was disclosed with or without informed consent. Similarly, any decision not to share information and the rationale should also be recorded.
- The School will provide clear guidance for practitioners on sharing information. This will include advice on sharing information about adults who may pose a risk to children, dealing with disputes over information-sharing and clear policies on whistle-blowing.
- It is not necessary to seek consent when there is legislative requirement to share information; for example when making a referral to the Children's Reporter, or the prevention and detection of crime.

### **8.3 Information Sharing Principles at Gordonstoun**

All authorities (including, for example, the NHS and Police Scotland) and Named Person service providers who care for children and young people, such as Gordonstoun, have duties regarding the handling of information we hold regarding the children/young people who are or have been in our care. All handling, storage, processing, sharing and retention of information to do with children and young people at Gordonstoun fulfils our duties within the established framework of Scottish, United Kingdom and European law including the Data Protection Act 1998 and the European Convention on Human Rights, taking into account children's rights as set out in the UNCRC specifically. Gordonstoun ensures that the eight principles of the DPA are observed in all handling of personal and sensitive data.

Personal data must be:

- Fairly and lawfully processed
- Processed for specified lawful purposes
- Adequate, relevant and not excessive
- Accurate and where appropriate, up to date
- Kept no longer than is necessary
- Processed in accordance with the individual's rights
- Secure
- Only transferred outside the European Economic Area with adequate protection.

The ICO's Data Sharing Code of Practice informs the way in which Gordonstoun collects and shares personal data, so that our practice is fair and transparent, in line with the rights and expectations of the people whose data is being shared. The Named Person at Gordonstoun will identify what wellbeing information is held and decide what wellbeing information is appropriate, relevant and proportionate to share. There are secure systems in place for the safe retention and archiving of information which is not shared. The retention of records policy at Gordonstoun is that all wellbeing and child protection information that we hold about former students will be archived and stored securely for an indefinite period of time.

## 8.4 Information Sharing and the Named Person Service at Gordonstoun

*Please note the sections 8.4 - 8.7 and 8.10 will be substantially revised once final guidance regarding information sharing under the Children and Young people (Scotland) Act 2014, has been received.*

Protocols have been established which facilitate the Named Person service at Gordonstoun in carrying out its duties. The Act empowers the Named Person at Gordonstoun to seek relevant, proportionate and appropriate information pertaining to a child/young person's wellbeing from other Named Person service providers. Information sharing protocols on entry and exit to the School have been established. Service providers, relevant authorities and those providing services on their behalf (eg local authority services, CAMHS or general medical practices providing NHS services, other schools, other Named Person service providers) are empowered to share information with the Named Person at Gordonstoun relevant to this service if three tests are met:

- the information is likely to be **relevant** to the exercise of the functions of the Named Person in relation to a child or young person, particularly with regard to support for the child or young person's wellbeing, and in helping them and their family to access the support or service they need;
- the information **ought to be provided** for the purpose of the exercise of Named Person functions; and
- that sharing this information with the Named Person service provider **would not prejudice the conduct of a criminal investigation** or the prosecution of any offence.

## 8.5 Sharing information if all tests are met

If all tests are met, and there are no other legal restrictions, the Named Person at Gordonstoun can conclude that the relevant and proportionate information they have identified must be shared in order to comply with the duties of the Act. In other words, they will have:

- Identified information likely to be relevant to the Named Person functions.
- Where reasonably practicable, sought and listened to the views of the child or young person about sharing information (taking into account their age and maturity).
- Sought the parents' views about sharing information, except if it was contrary to the child's views or where it was likely to be detrimental to the child's wellbeing.
- Decided that the likely benefit of sharing the information outweighs any likely adverse effect on the wellbeing of the child or young person.

- Have concluded that sharing the information would not prejudice the conduct of a criminal investigation or the prosecution of any offence.

A secure email address for the Named Person at Gordonstoun and at Gordonstoun Junior School has been created to facilitate the appropriate sharing of wellbeing information about which all tests have been met. This is included on all Named Person communications with parents, is published on the school website and shared with all our local Schedule 2 partners. Under data protection law it is perfectly acceptable and lawful for services to share information, where there is an indication that a child's wellbeing is at risk.

Secure transfer of information systems and information sharing agreements with other service providers and relevant authorities have been established. Effective working relationships have been established with all local schedule 2 bodies (including the Local Authority, the NHS and Police Scotland). Data sharing protocols, contact details and communication pathways have been identified for these bodies in other localities. Government initiatives are facilitating this communication at national level, in response to the requirement that relevant public bodies have a duty to provide information or assistance to the School when the School is managing a Child's Plan. If there is a disagreement between these organisations, resolution will always be sought through personal communication and, if this fails, we will follow the Moray Council conflict resolution processes.

## **8.6 Information Sharing between Named Person Service Providers at Transition Points**

Section 23 of the Act sets out duties when a child or young person's Named Person service provider changes. It is relevant at all points of transition between Named Person services, unless the child is no longer covered by the provisions of the Act.

Throughout a child's life there will be set points where the Named Person service provider changes. For all children this will include the transition from being a pre-school child when the transition is from the health board as service provider to the local authority, or independent/grant-aided school such as Gordonstoun. Similarly, there will be times where a child's or young person's Named Person service provider remains the same but the designated Named Person changes, such as at the point of transition between the Gordonstoun Junior and Senior Schools. While the terms of section 23 do not apply to this transition, the general principles of information accuracy, relevance, proportionality and appropriateness will always be considered when information is shared between the Junior and Senior Schools.

While the Act does not specify any timescale for telling the child or their parents/carers about changes to that service, Gordonstoun would expect that information be communicated within 10 working days after the new arrangement is put in place, unless there is good reason for this to take longer. In some cases, there would be an expectation that this would be done more quickly e.g. transition of a child from primary to secondary school, or where the case history is lengthy and/or significant. Concerns must be communicated by Gordonstoun to the receiving school, along with the child's education file, and a written notification provided, even where initial contact was made by other means. This notification will include information on the history of the School's involvement with the child and their family and the identified risks, including the most recent targeted intervention and plan, and any progress made.

Conversations and/or meetings will be considered to supplement written communication of concerns, if this might help the new Named Person service provider meet the wellbeing needs of a child/young person. Where there is a Child Protection Plan in place, appropriate procedures will be followed, as detailed in the SCIS Guidance, Section 6.17.1.

### **8.7 Transferring Residence Outside Scotland or to be Home Educated**

When a Named Person service provider believes that a child or young person has taken up ordinary residence outside Scotland then the Named Person service provisions and duties no longer apply. However, the outgoing Named Person service provider must review all information held and consider whether the child's or young person's circumstances indicate that their wellbeing might be adversely affected if information was not shared with an appropriate authority elsewhere. While the provisions of this Act do not apply to the further sharing of information outside Scotland, where there are genuine concerns about a child's or young person's wellbeing, the DPA permits lawful and proportionate information sharing, while also protecting the right of the individual to have their personal information fairly processed.

Where children or young people take up ordinary residence outside Scotland, relevant information held about the child or young person will be archived and retained in line with the DPA and the Gordonstoun retention of records protocols. If the child or young person returns to Scotland, information that is likely to be relevant to their wellbeing will need to be shared with the new Named Person service provider.

Parents have the right to make the choice to home educate without seeking consent from the local authority in certain circumstances. As the Children and Young People (Scotland) Act 2014 makes provision for the Named Person service to be made available to all children, local authorities will have arrangements in place to identify a Named Person for those children who are home educated. Where a child leaves Gordonstoun to be home educated, the Named Person in school will pass on the responsibility of Named Person and



any information relevant to their wellbeing to the Named Person in the local authority where the pupil is resident.

In all cases, given the potentially sensitive nature of the information being shared, the School will follow appropriate procedures to protect the security of the information being shared. See below (Section 8.11) for detail about The Gordonstoun Wellbeing and Information Sharing System. Information Sharing Agreements with Schedule 2 partners and secure transfer of information systems and protocols will protect an individual's information and right to privacy.

**If any concerns arise that the child may be at risk of significant harm, it is essential that child protection procedures are followed immediately and Police and/or Social Work contacted without delay.**

## **8.8 Confidentiality and Consent**

With regard to information held and shared that is relevant to a child or young person's wellbeing and welfare, Gordonstoun operates on the basis of the simple general principle: 'Nothing about me, without me'. Students are encouraged to talk about their concerns and are given the opportunity to participate in planning around how their needs are met, their rights protected, their development nurtured and information about them is held and shared.

Privacy and confidentiality is governed by legal provisions that aim to safeguard personal information, particularly the:

- Children and Young People (Scotland) Act 2014.
- UN Convention on the Rights of the Child (1989).
- Human Rights Act 1998.
- Data Protection Act 1998.
- Professional codes of conduct.

The same legal provisions also provide for sharing of information for purposes such as public protection, crime prevention and crime detection. Where agencies are acting in fulfilment of their statutory duties, it is not necessary or appropriate to seek consent – for example, where a referral is made to the Reporter under the Children's Hearing (Scotland) Act 2011, the consent of a child and/or parents or carers should not need to be sought prior to the submission of a report. There is an important distinction between making the child aware that information will/may be shared and seeking their consent for that sharing. Under Data Protection law it is perfectly acceptable and lawful for services to share

information, where there is an indication that a child's wellbeing is at risk. Under such circumstances consent is not required. This has been reaffirmed through the publication of advice by the Information Commissioner.<sup>7</sup> The Act puts information sharing onto a firm and transparent statutory footing, supporting consistent and fair application of all legislative requirements and recognised good practice.

The application of this principle can be highly sensitive, particularly where children and young people make use of a service on the basis of its confidentiality. Good examples of this are helplines set up to support children and young people, such as ChildLine. Many young people need the time and space that such confidential services can offer to talk about their problems with someone who can listen and advise without necessarily having to refer. However, on some occasions, this confidentiality can be breached if the information received concerns life-threatening situations, risk to other children, adult abusers and/or abuse by an adult in authority.

Because of the responsibilities they have to children in their care, staff at Gordonstoun never give an absolute guarantee of confidentiality to an adult or a child. The member of staff will not be dismissive and will seek to retain the child's trust by explaining that, whilst every effort will be made to respect a desire for confidentiality, if there are serious concerns about a child's wellbeing and protection, it will be necessary for that information to be passed on to the appropriate authorities. It can be encouraging to reassure those seeking advice that the staff at Gordonstoun are trained not to breach confidence without letting that person – child, young person or adult – know that they must do so.

Staff at Gordonstoun are aware that in cases where there is a duty of confidentiality (such as doctors or other medical staff working on the school's behalf) information may be shared under the terms of this Act, provided the information sharing requirements of the Act have been followed. All school and affiliated staff providing services on the School's behalf are reminded of this at every available training opportunity.

Staff at Gordonstoun are also trained, in accordance with laws of confidentiality and consent, that when a child has sufficient capacity to make a decision, then it is important to respect the child's privacy and not disclose to the parent any information that the child would wish to be kept in confidence. The School is committed, however, to ensuring that every effort will always be made to involve parents, and will undertake to share information with parents pertaining to their child's wellbeing under the requirements of the Act. The School always encourages children/young people to communicate transparently with their parents.

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<sup>7</sup> *Information Sharing Between Services in Respect of Children and Young People*, Information Commissioner's Office, letter issued 28th March 2013.  
<http://www.scotland.gov.uk/Resource/0041/00418080.pdf>

## **8.9 Breach of Confidence**

Section 27 of the Act sets out what should happen where information has been shared in breach of a duty of confidentiality.

If certain conditions are met, information may be regarded as confidential, and passing it on without permission could lead to an action for breach of confidence. The law on this subject is not wholly settled, but it would seem likely that information would be regarded as confidential if:

- the information disclosed was confidential in character (not, for example, a matter of public record, such as a person's age);
- disclosure has caused or would cause actual harm to the person whose confidence was breached; and
- one could infer from the circumstances that the confider did not want the information passed on.

If all of these conditions are satisfied and an action is raised for breach of confidence, it would be a defence to show that the information was passed on in pursuit of the public interest. As there is a clear public interest in the protection of children, it is difficult to envisage any such action succeeding.

Gordonstoun has a clear policy on confidentiality, which takes account of legal obligations to share information appropriately. The School's approach to confidentiality is outlined in the student Code of Conduct.

## **8.10 Information Sharing Procedures at Gordonstoun**

At appropriate intervals, particularly as part of our Transition processes, Gordonstoun sends to parents of all children/young people enrolled at the School a document entitled 'Wellbeing and Child protection at Gordonstoun Essential Information'. This advises the child, young person and parents of their new Named Person arrangements and the GIRFEC context of pastoral care at the School. This document is translated as appropriate, to ensure that all families are aware of the wellbeing and child protection arrangements at Gordonstoun.

At Gordonstoun, only information that is relevant to the wellbeing and welfare of a child/young person will be sought, held or shared. To promote and protect the wellbeing of a child or young person, additional wellbeing information may be sought. In these circumstances, the need for additional information will be discussed by the team around the child and relevant staff allocated actions, which are recorded on the Gordonstoun Wellbeing and Information Sharing System, to seek appropriate information as necessary. These actions must be recorded as 'complete' when the information has been received and relevant sections shared appropriately. Relationships with other professionals, particularly

in health, local authority, social work and police, have been developed to facilitate relevant and proportionate sharing of information.

The Named Person and the team around the child are highly trained and supported in their responsibilities regarding information sharing and further sharing: that this must meet the DPA tests and that relevant, proportionate and appropriate information must be shared – within the School, and between the School and relevant public bodies – to support the wellbeing of all children/young people and to fulfil the Named Person function.

Training on compliance with relevant aspects of GIRFEC wellbeing assessment and with Children and Young People's Act information sharing takes place at least termly for the team around the child and senior pastoral staff, and for all staff on at least an annual basis. A shared understanding of information sharing principles under the Act is particularly important between the School and the healthcare professionals who work on site in the Gordonstoun Health Care Centre. Shared training sessions are held with Health Care Centre and GP practice staff. This training refreshes staff in information sharing protocols and the need to consider what is appropriate to share, including:

1. Who needs to know this?
2. Do I need to consult the child? Is this personal and sensitive enough that the child will need to be involved in the sharing decision?
3. Does all of this information need sharing? What is relevant, proportionate and important?
4. What is the desired outcome?
5. Does sharing the information provide more benefit than the adverse effect of not sharing?
6. Does anyone else need to know?

When information needs to be transferred at transition points, this transfer is discussed with the child/young person and, where appropriate their parents, and due regard is given to their views, as far as is practicable. Parents will be given the opportunity to consent to the School acting as a Named Person Service when they sign their contract with the School. Parents will also be given the opportunity to opt out of this service. Parents have a legal right to opt out of or complain about the Named Person Service, in which case they should refer to the Moray Council for advice regarding appropriate procedures.

If a child/young person or their family disagrees with decisions made regarding information sharing, the team around the child will follow a dispute resolution/complaint procedure, by referring them initially to the Principal and then, if necessary, to the designated Wellbeing and Child Protection Governor, who will arbitrate and seek a resolution.

Staff at Gordonstoun are also trained, in accordance with laws of confidentiality and consent, that when a child has sufficient capacity to make a decision then it is important to respect the child's privacy and not disclose (perhaps even to a parent) any information that the child would wish to be kept in confidence. The School is committed, however, to ensuring that every effort will always be made to involve parents, and will undertake to share information with parents pertaining to their child's wellbeing under the requirements of the Act. The School always encourages children/young people to communicate transparently with their parents.

At Gordonstoun, only information that is relevant to promoting, supporting or safeguarding the wellbeing and welfare of a child/young person will be sought, held or shared.

### **8.11 The Gordonstoun Wellbeing and Information Sharing System**

Please refer to the Information Sharing Diagram on page 52, for a visual summary of our process when a concern needs to be shared. The need for appropriate records to be kept of information sharing and decisions made about further sharing is met through the Wellbeing Information Sharing System, which has been developed to require specific justifications for all information sharing, and for bespoke sharing, which will be done only in consultation with the Named Person.

System access controls are in place on the Wellbeing Information Sharing System to ensure only appropriate information is shared. All wellbeing records need to be assigned to one of five visibility permission levels:

1. Global – visible to all users eg credit slips awarded
2. Key Carer – the pastoral, academic and healthcare teams around the child
3. Pastoral – the house team around the child (including HM, AHM, Matron and tutor) and senior pastoral staff
4. HM – HM and senior pastoral staff
5. Restricted – Named Person, Principal, Wellbeing and Child Protection.

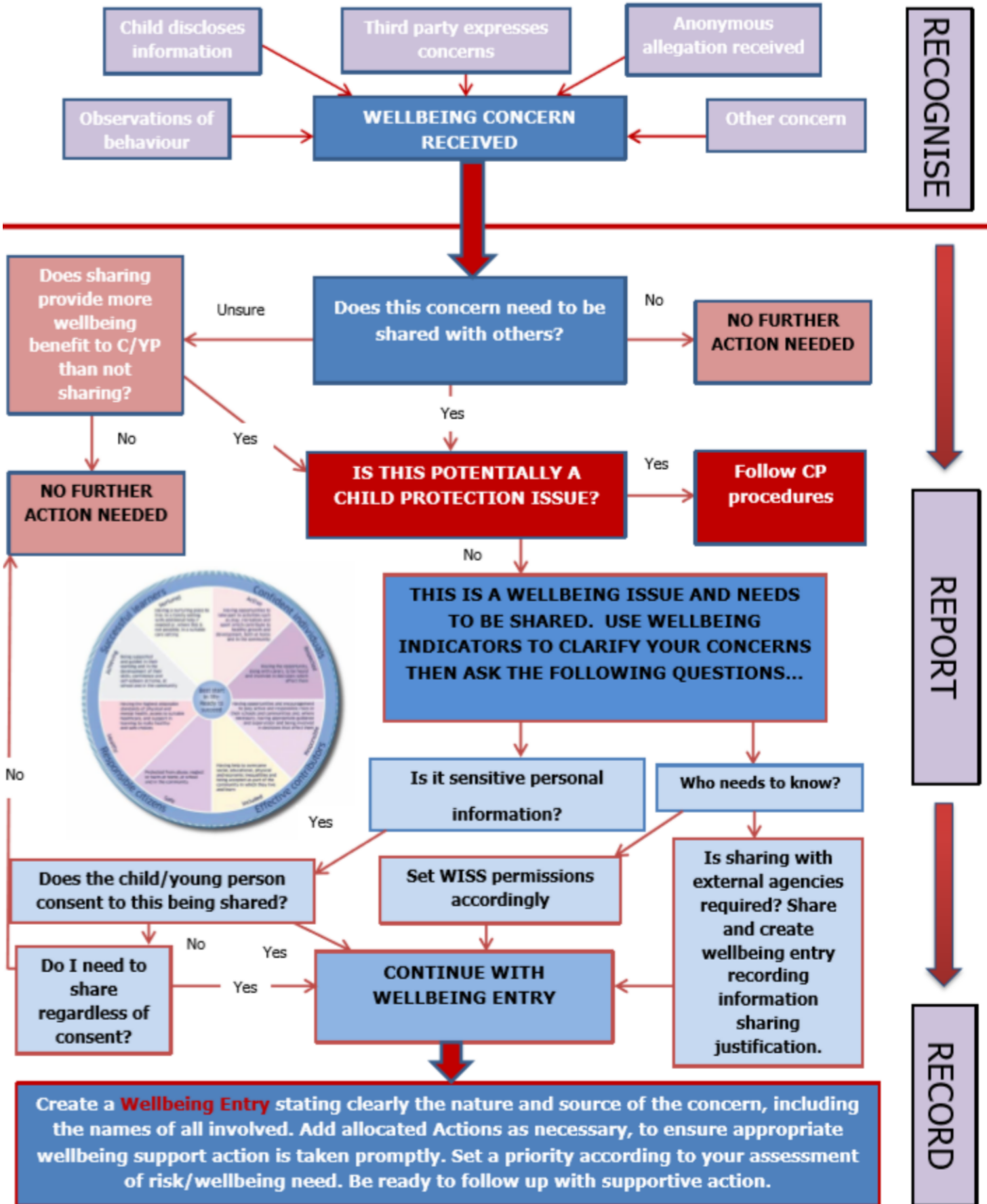
Bespoke sharing of any record by senior pastoral staff and HMs is possible, except Restricted Records. This will only be done in exceptional circumstances after considering the three data sharing tests.

The following security procedures are in place for the Wellbeing and Information Sharing System:

- Security of the Wellbeing and Information Sharing System is assured through a user password protected double log-in process: staff log onto the school intranet and log separately into the Wellbeing and Information Sharing System.

- Only particular machines are enabled to allow users to access the Wellbeing and Information Sharing System. Each machine at which password protected access is enabled has been risk assessed by IT Services
- A 'timing out' facility has been embedded into the programme, to ensure the risk of accidental accessibility due to human error regarding logging out appropriately is kept to an absolute minimum
- Staff only see what their visibility level allows. The visibility levels have been discussed and risk assessed by the Named Person, the Child Protection Co-ordinator and the Director of IT Services, who is the School's Data Controller. They are set according to pastoral relevance of staff forming the team around the child.

Information shared with the Named Person by health services is stored safely and securely within the Wellbeing and Information Sharing System, using the system access controls detailed above.



A process of auditing and monitoring use of the Wellbeing and Information Sharing System has been established. This involves annual review of selected wellbeing files by the School Executive and appointed Wellbeing and Child Protection Governor. This audit is recorded formally and is used to feed into staff training and development of WISS, to improve outcomes for the child/young person. Periodic audits will also be undertaken as part of Care Inspectorate visits.

**Please refer to the Information Sharing Flowchart depicting the School's information sharing procedures.**

## **9 RECRUITMENT AND SELECTION OF STAFF; MANAGING ALLEGATIONS OR CONCERNING INFORMATION ABOUT STAFF**

### **9.1 Recruitment of Staff**

Gordonstoun's recruitment policies and procedures are robust alongside the PVG Scheme to ensure best practice is in place to safeguard and protect children and vulnerable adults. The PVG Database is owned and populated by Disclosure Scotland. The purpose of the PVG Scheme is to keep those who might harm vulnerable groups out of the regulated workforce. It requires those who work with children, or vulnerable adults, to be registered, and aims to strike a balance between proportionate protection and robust regulation. It provides an enhanced tool to help employers like Gordonstoun make safe and balanced recruitment decisions and therefore, help them to minimise any risk to children or vulnerable adults. For more information contact the Manager of Human Resources in the School.

### **9.2 Appointment of Governors**

Gordonstoun ensures that any new appointment is made under the Protection of Vulnerable Groups (PVG) Scheme and that they are registered Scheme members. Although the Governor may never have contact with children, a School Governor is in a regulated position of trust under the PVG Act.

Governors also agree to sign the Code of Conduct, as a matter of good practice.

### **9.3 Allegations or Complaints of Abuse against Staff - where the information suggests possible child abuse**

Any information, suggestion, allegation or complaint against a member of staff about possible child abuse must be taken seriously and acted on. Where it is clear that the initial information suggests possible child abuse or a criminal offence against a child, the police will be asked to investigate and the procedures outlined in this Guidance and in the school's Disciplinary Policy will be followed.



All members of staff sign a Code of Conduct which makes it clear that any breach of this code including failure to report any concern about a member of staff behaving inappropriately with a child or young person to the Wellbeing Child Protection Co-ordinator could be regarded as gross misconduct. The sanction for gross misconduct is dismissal. Adherence to this Code of Conduct is included within every employee's contract.

The Principal and the Child Protection Co-ordinator must be informed immediately. The Chair of the Board of Governors will be informed by the Head as a matter of urgency. Advice must be taken from the police before anyone is questioned. Advice will be taken from the investigating officer in the police what information (either orally or in writing) can be given, and when, to the member of staff involved in the allegation, so that best evidence is preserved.

#### **9.4 Concerning Information about Staff that does not meet the criteria above**

If the information is unclear, the basic facts should be established using open-ended, non-leading questions and a decision made as to what action the school needs to take. Advice must nonetheless be sought from police. If during the course of establishing the facts it becomes evident that there is a possible allegation of abuse the School will follow the steps above.

Where the information does not suggest child abuse, the context of the interaction between the member of staff and pupil and the intent of the member of staff will inform the initial assessment. Where the allegation concerns inappropriate behaviour by a member of staff, it may be necessary to invoke the school's staff disciplinary procedures. The member of staff should always be informed that such an allegation has been made. There are clear links between Gordonstoun's disciplinary procedures for staff and our child protection procedures, so that there is clarity about the purpose and justification of any particular action taken by the school management. All staff are required to sign the Code of Conduct for Staff and there are specific clauses in the Staff Contract relating to gross misconduct, which reference child protection circumstances.

#### **9.4 Allegations against the Head**

In cases where the member of staff against whom the allegation is made is the Principal, the Chair of Governors will be informed as a matter of urgency. It will be the responsibility of the Governors to consider the matter and take appropriate action and follow these guidelines. The Board of Governors must take advice from the police.

## **9.5 Abuse of Trust**

Part 5 of the Sexual Offences (Scotland) Act 2009 covers the abuse of trust offence whereby a person aged 18 or over engages in sexual activity with a person under that age if the person aged 18 or over is in a position of trust in relation to the younger person. The definitions of when a person is in a 'position of trust' include all staff at Gordonstoun. The School ensures that all staff are aware of their responsibilities and boundaries of relationships with pupils.

### **How to Report:**

**For more information on how to report, please refer to Appendix 5.**

## **9.6 Non Recent Allegations of Abuse**

The term 'historical abuse' refers to allegations of abuse which took place before the victim was 18 and which have been made after a significant time lapse. The complainant may be an adult, but could be an older young person making allegations of abuse in early childhood.

If the school receives an allegation of historical abuse it will advise any former student concerned to go to the police. The school will pass any information given about possible instances of historical abuse to the police. Gordonstoun will always give the police full assistance with any enquiry and offer support to former students affected.

# **10 THE SCOTTISH COUNCIL OF INDEPENDENT SCHOOLS: GUIDANCE**

## **10.1 Specific Guidance**

The Scottish Council of Independent Schools has provided Gordonstoun with comprehensive guidance (SCIS Guidance on Wellbeing and Child Protection March 2016) which informs the content of this document. It has also laid out important areas of good practice with regard to safeguarding children and young people, and nationally tested information about the roles public bodies and services are required to play, in supporting the protection from harm of all children and young people in Scotland.

The SCIS Guidance also informs our policies and procedures in the detail of how to respond to and manage particular situations in which children/young people may find or put themselves at risk. The following comprises a list of specific areas of potential concern with regard to which Gordonstoun makes use of the SCIS Wellbeing and Child Protection Guidance to inform our policies and procedures.

- 11.1 Use of Photographs and Videos of Pupils
- 11.2 E-Technologies
- 11.3 Bullying
- 11.4 Cyberbullying
- 11.5 Residential Visits Including School Trips Abroad, Service Projects and Outdoor Education
- 11.6 School Service opportunities
- 11.7 'Buddying' by Pupils and Peer Mentoring

The Named Person at Gordonstoun, senior pastoral staff and the Child Protection Co-ordinator frequently turn to the SCIS Guidance for additional information on dealing with specific circumstances that may impact adversely on children. Very useful detail about indicators of risk is included, which informs our ability to assess risk and intervene as early as possible to support vulnerable children or young people.

Below is a list of indicators of potential risk which are considered separately in the SCIS Guidance, but will often – particularly for children in vulnerable circumstances – occur together. Where there are a number of risk factors in a child's life, staff at Gordonstoun pay particular attention to the cumulative impact of these on the child.

- 11.8 Under-Age Sexual Activity
- 11.9 Domestic Abuse
- 11.10 Parental Problematic Alcohol and Drug Misuse
- 11.11 Disability
- 11.12 Non-engaging families
- 11.13 Children and Young People Experiencing or Affected by Mental Health Problems
- 11.14 Children and Young People who Display Harmful or Problematic Sexual Behaviour
- 11.15 Female Genital Mutilation
- 11.16 Honour-based Violence and Forced Marriage
- 11.17 Fabricated or Induced Illness
- 11.18 Ritual Abuse
- 11.19 'Looked after' children
- 11.20 Children and Young People who Place Themselves at Risk
- 11.21 Children and Young People who are Missing

Comprehensive information and guidance on the Prevent Duty Scotland, including indicators of risk, is included in the SCIS Guidance.

## 10.2 Prevent Duty

Comprehensive information and guidance on the Prevent Duty Scotland, including indicators of risk, is included in the SCIS Guidance. Nominated staff members have received specialist training, to provide awareness raising training across the staff body. Reporting and recording duties with regard to the Prevent Duty Scotland follow the same

protocols, making use of the Wellbeing Information Sharing System, as required of staff in fulfilment of duties under the Children and Young People Act (Scotland) 2014.

## **11 THE CONTRIBUTION OF THE CURRICULUM TO PERSONAL HEALTH AND SAFETY**

Through the International and Spiritual Citizenship curriculum at Gordonstoun, staff fulfil their important role in equipping children with the knowledge, skills and understanding they need to keep themselves and others safe. This includes offering opportunities for discussion, as well as advice and guidance on issues such as drugs, alcohol, under-age sexual activity, honour-based violence, forced marriage, female genital mutilation, using e-technology and bullying, including cyberbullying.

Gordonstoun also has a health programme in place which promotes good health and protection from illness and disease. This is cross-curricular, though the point of delivery is often through ISC, but in-house pastoral initiatives also play a significant part, as does the Sixth Form lecture programme. The School also has personal safety programmes for children, appropriate to their age, to raise awareness about abuse and to give children and young people the knowledge and skills to keep themselves safe.

Children and young people need to understand the risks posed by e-technology so that they can keep themselves safe. Through ISC, chapel presentations and participation in national awareness raising campaigns, the School has put in place meaningful programmes to give children and young people knowledge and skills to use e-technology responsibly and safely, and know how to respond when something goes wrong. The excellent curriculum material produced by the Child Exploitation Online Protection Centre (CEOP) is always used in the delivery of this curriculum.<sup>8</sup> Gordonstoun has two members of staff trained as CEOP Ambassadors who keep staff up to date and access curricular materials.

Outside agencies including Police Scotland and specialist speakers participating in the Sixth Form lecture programme also make valuable contributions to the School's wellbeing and welfare education programmes for our children and young people.

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<sup>8</sup> The Child Exploitation and Online Protection Centre (CEOP) provides information and resources on child internet safety and runs a well-established education programme called 'ThinkuKnow.' <http://ceop.police.uk/>

**WELLBEING CONCERN FORM – PART 1**

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

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

**1. Child/Young Person's Details**

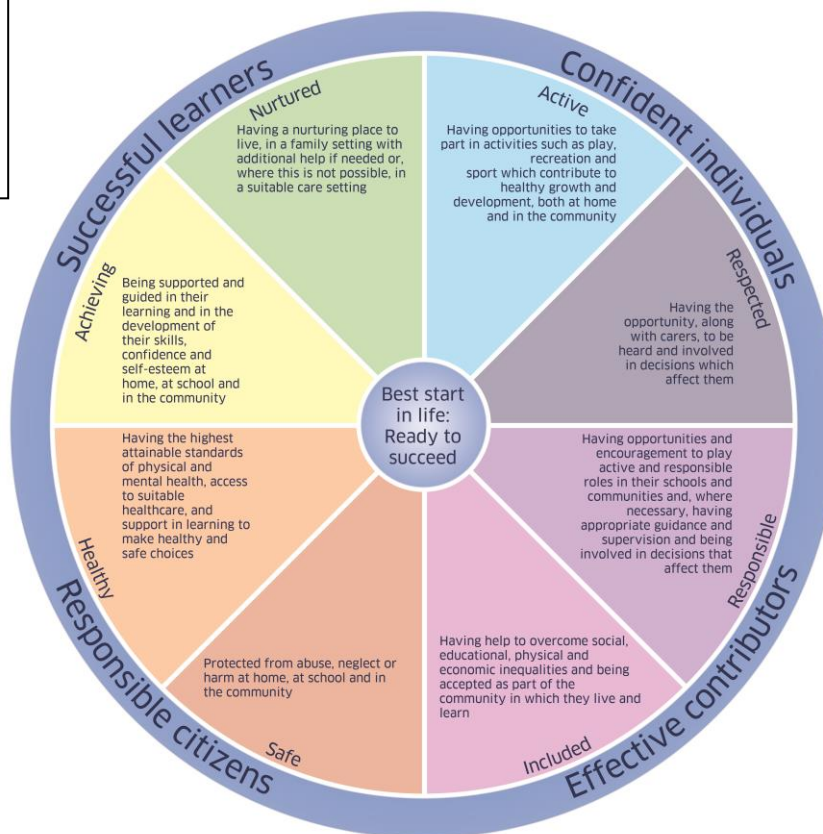
Name	Date of Birth	Year group / Class
------	---------------	--------------------

**2. Person recording the concern**

Name	Role/Designation
------	------------------

**3. Area of Concern**

Please ✓ any relevant areas of the Wellbeing Wheel.



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

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Role/Designation:** \_\_\_\_\_

## WELLBEING CONCERN FORM – PART 2

### PART 2: To be completed by the Named Person

**1. Have there been previous wellbeing concerns?**

Yes  No  Don't know

if Yes, please summarise with dates.

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

Yes  No

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

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

Yes  No

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

**It does not have to be the Named Person who discusses the concern with the parent or carer, but agreement should be reached about who is the most appropriate person within the school to do this and the parents or carer's views recorded here.**

**4. Has the concern been shared with anyone else?**

Yes  No

If Yes, please specify:

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

- Continue to monitor
- Carry out an Assessment of Need (an In-house School Assessment)
- Call a Child's/Young Person's Planning Meeting (Multi-agency Meeting)
- Discuss with Lead Professional (if allocated)  
Contact name & telephone number: \_\_\_\_\_
- Initiate child protection procedures
- Other – please give details

**6. Feedback given to the referrer.** Yes

Name: \_\_\_\_\_ Role/Designation \_\_\_\_\_

Date: \_\_\_\_\_

**Name of Named Person:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_





**CHILD PROTECTION CONCERN FORM – PART 1**

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

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

**1. Child/Young Person's Details**

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

Name	Role/Designation
------	------------------

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

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

**Name:** \_\_\_\_\_

**Role/ Designation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

## CHILD PROTECTION CONCERN FORM – PART 2

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

Name of Child Protection Co-ordinator: \_\_\_\_\_

Date Concern Form Received: \_\_\_\_\_ Time: \_\_\_\_\_

You should now open a child protection file and chronology.

<p><b>1. Have there been previous child protection concerns?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give details:</p>
<p><b>2. Is the child currently on the Child Protection Register?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, the concern should be referred on the day to the allocated social worker or their senior.</p> <p>Name of social worker: _____ Date contacted: _____ Time: _____</p>
<p><b>3. Did you as Child Protection Co-ordinator speak to the child/young person e.g. to establish basic facts?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>4. Was this concern shared with anyone else?</b></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Yes, please specify:</p>
<p><b>The decision about who shares what with the parents is taken following advice from one of the statutory agencies involved in the Inter-agency Referral Discussion.</b></p>

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

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

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

- Discuss with Lead Professional (if allocated and available on the day)  
Contact name & telephone number: \_\_\_\_\_
- Initiate child protection procedures
- Carry out an Assessment of Need (In-house School Assessment)
- Call a Child's/Young Person's Planning Meeting
- Continue to monitor

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Name of contact: \_\_\_\_\_

Details of discussion

Outcome of discussion

## ESSENTIAL INFORMATION

**‘At Gordonstoun, the wellbeing of children and young people is at the heart of everything we do.’**



The ethos of Gordonstoun is complemented and deepened through the way in which GIRFEC - 'Getting it right for every child' - has been embedded into pastoral practice, staff training, our systems and procedures. Based upon the UN Convention on the Rights of the Child, the Children's Charter and the Framework for Standards, the principles of GIRFEC provide shared, core values and standards that form the foundation for effective, collaborative wellbeing and child protection practice. They inform best practice across all services to work with families to safeguard and support the best interests of children



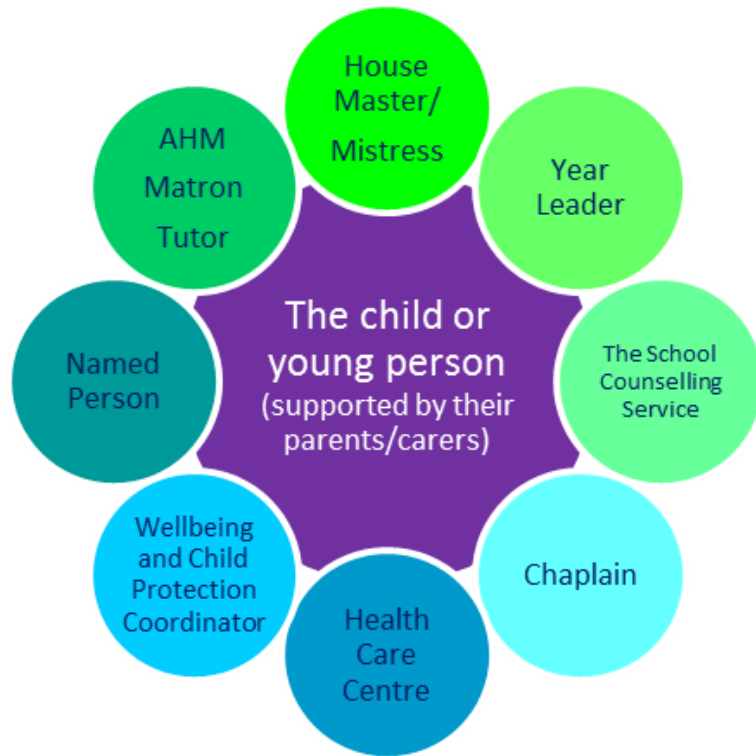
and young people in Scotland. These principles are now embedded in the Children and Young People (Scotland) Act 2014 and Gordonstoun has been praised by the Care Inspectorate and independent child protection experts for how well our processes and protocols reflect these ethical and legal principles.

Procedures and guidance cannot in themselves protect children: a competent, skilled and confident workforce can. All staff at Gordonstoun are trained and required to recognise wellbeing and child protection concerns and risk, to respond promptly and decisively to support a child or young person, to record information carefully, and to share and report concerns immediately and appropriately. At Gordonstoun, all adults work together to ensure that children are protected at all times. Children and young people have the right to be cared for, protected from harm and abuse, and to grow and develop in a safe environment in which their rights are respected and their needs met. Our systems and pastoral practice at Gordonstoun are focused upon realising the principles of GIRFEC through timely, proactive intervention to support children and through the provision of a nurturing, protective environment for every child or young person in our care.

getting  
it right  
for every child

## WELLBEING

A central feature of the Children and Young People's Act is the assessment of wellbeing. The wellbeing needs of the majority of children and young people are met by their parents and carers, through their routine social and educational activities, and through careful planning that focuses on their individual needs, interests and abilities. A child or young person has a wellbeing need if their wellbeing is, or is at risk of, being adversely affected by any matter. All staff are trained and experienced in using the 'Wellbeing Assessment tools' developed by



← The team around the child or young person at Gordonstoun

The GIRFEC Wellbeing Wheel



the Scottish Government, to facilitate outcome-focused action appropriate to supporting the child or young person and their family in assessing and addressing any wellbeing need. The assessment tool most widely used at the School is the Wellbeing (or 'Shanarri') Wheel which directs planning and action towards the best outcomes for the child.



## The Pastoral Team

A team of highly trained, key members of the pastoral staff are available for every child and young person at the School. Their primary commitment is to support the wellbeing of the children or young people in their care, ensuring that each child thrives and is supported to fulfil his or her potential. The **House Mistress/Master** is central within this team, acting to ensure everything is in place to support the healthy development of each child or young person. She/he is also responsible for co-ordinating and monitoring any help that is required. **Assistant House Masters/Mistresses** and **Matrons** are also attached to the boarding houses and a **Tutor** is assigned to every child.

These core pastoral teams within the boarding houses are closely supported by the **Year Group Leaders**, the **Chaplain**, the **Child Protection Co-ordinator** and the school **Health Care Centre**. Daily medical care and support is available from a local general medical practice through the School Healthcare centre. The School also employs a highly qualified **School Counsellor**, who works very closely with house and pastoral teams, to provide the best support possible for any child or young person who would benefit from professional counselling. Together, these staff promote the full and active participation of each child in the experiences offered at Gordonstoun, which will enable them to flourish and thrive. Families are involved fully at every stage, through opportunities for regular parent meetings and more frequent direct email or telephone contact with the pastoral team.

Under GIRFEC and the Children and Young People (Scotland) Act, oversight of the wellbeing of children and young people lies with the **Named Person**. At Gordonstoun, this service is absorbed into the pastoral care responsibilities placed upon the **Head of the Junior School, Mr Robert McVean** for children in years 3 – 8 and **the Deputy Head Pastoral Care, Mr Karen MacGregor** for young people in years 9 – 13. These senior members of staff manage the pastoral teams to ensure all activities, academic and social programmes, outdoor learning, service opportunities and challenges are coordinated to ensure the best outcomes for each individual child or young person. The views of children, young people and their families are always sought and respected, particularly with regard to appropriate information sharing, as we work together to ensure the best possible co-ordinated pastoral care is provided. The Head of the Junior School and Deputy Head Pastoral Care oversee staff and all processes involved in protecting the rights of children and young people at the School. They ensure appropriate wellbeing support is provided, proportionate information is shared in consultation with families – particularly at key transition points – and coordinated action is facilitated to ensure children and young people thrive at Gordonstoun.



## WELLBEING CONCERNS AND THE CHILD PROTECTION PROCESS

All professionals at Gordonstoun work together, to focus on 'getting it right for every child'. If a targeted intervention is identified as being potentially helpful for an individual young person, local practice will be followed in writing a comprehensive **Child's Plan**, to document and provide a chronology for the concern, to outline the context, and to record the agreed, desired outcomes and action plan decided upon in pursuit of these outcomes. The child or young person and their family are always centrally involved in the creation of the Child's Plan. The Plan is reviewed and up-dated over time until the wellbeing need is met.

Close and supportive monitoring does lead at times to identifying serious wellbeing or child protection concerns. At times, an allegation, or disclosure by a child or young person, identifies that they are or may be suffering or at risk from significant harm. Gordonstoun is deeply committed to reporting all incidents or disclosures of alleged or suspected abuse and staff at Gordonstoun will always report such concerns directly to the appropriate external child protection agencies in Health and Social Care Services and Police Scotland. We will also seek advice from designated child protection experts, when it is possible a child or young person has suffered from or is suffering harm. All staff – teaching and support – are trained in child protection principles and procedures and aware that they must share such concerns as soon as possible. The Child Protection Co-ordinator must treat these concerns seriously and report immediately and appropriately. Gordonstoun is compliant with best child protection practice, as directed by the Law and the ethical principles which guide every detail within our daily practice as we protect and support the children and young people in our care. Children and young people at Gordonstoun, and their families, can be assured that the UN Convention on the Rights of the Child and The Children's Charter infuse every aspect of school policy, and all wellbeing and child protection policies and procedures.



If you wish to discuss any aspect of the School's wellbeing policy, or have a specific concern about the wellbeing or protection of a child or young person at Gordonstoun, please contact (as appropriate) either the Head of the Junior School, Robert McVean ([mcvean@gordonstoun.org.uk](mailto:mcvean@gordonstoun.org.uk)) or the Deputy Head Pastoral of the Senior School, Karen MacGregor ([macgregork@gordonstoun.org.uk](mailto:macgregork@gordonstoun.org.uk)).



# GORDONSTOUN WELLBEING REVIEW INCLUDING ASSESSMENT OF RISK

## APPENDIX 4

Name of Student:

DoB:

House:

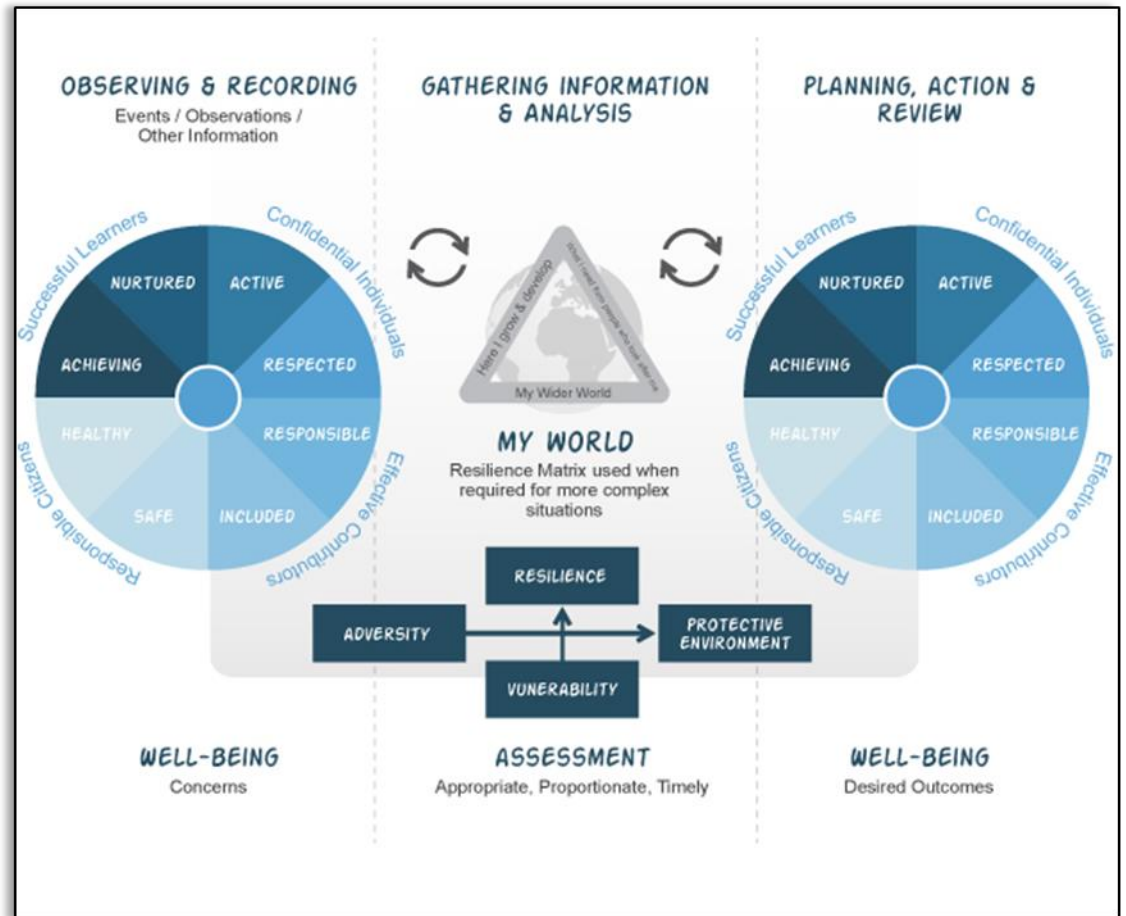
Named Person:

House Mistress/Master:

Lead Pro (if not HM):

Date:

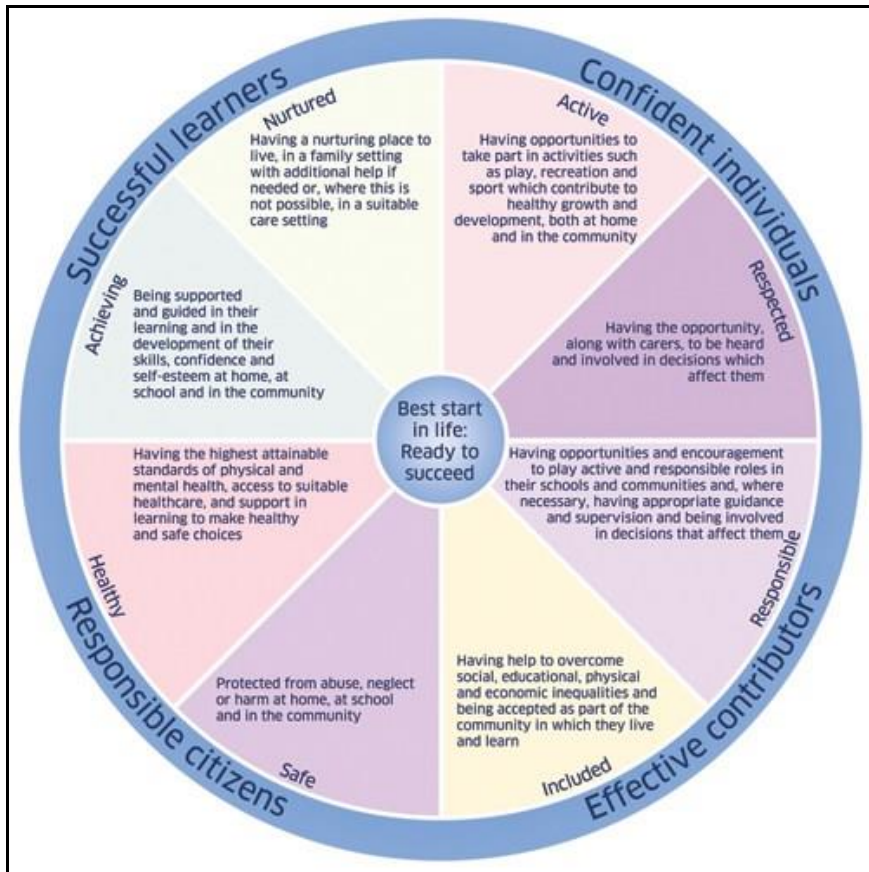
In Attendance:



## OBSERVE AND RECORD

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

Please use the following Wellbeing indicators to prompt focused review and risk assessment.

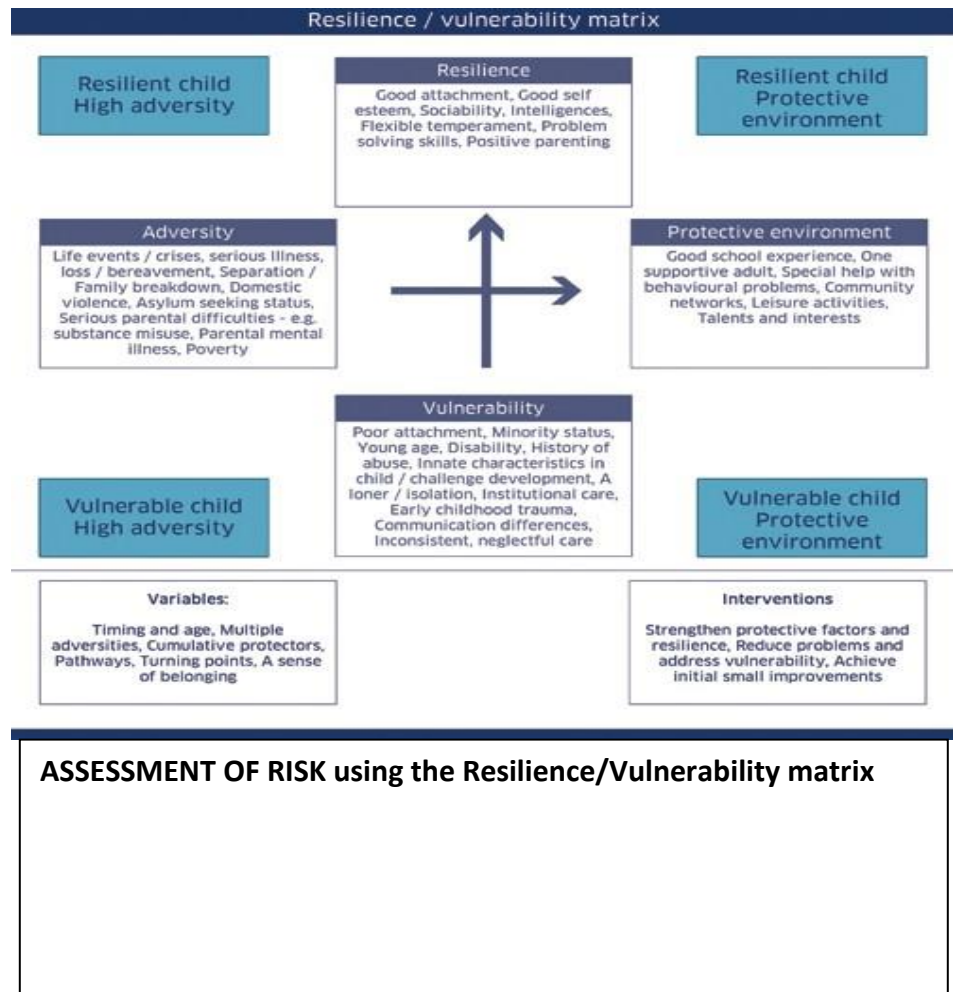


IS THIS YOUNG PERSON	SPECIFIC CONCERNS
<b>SAFE</b>	
<b>HEALTHY</b>	
<b>ACHIEVING</b>	
<b>NURTURED</b>	
<b>ACTIVE</b>	
<b>RESPECTED</b>	
<b>RESPONSIBLE</b>	
<b>INCLUDED</b>	

## GATHERING INFORMATION AND ANALYSIS

GIRFEC states that, at each stage of an intervention, practitioners should ask themselves the following questions:

<p><b>Analysis prompted by the Five Questions and Assessment of Risk (A sixth question has been added to these five, by our Wellbeing Locality management team)</b></p>
<p><b>1. What is getting in the way of this child or young person’s wellbeing?</b></p>
<p><b>2. Do I have all the information I need to help this child or young person?</b></p>
<p><b>3. What can I do now to help this child or young person?</b></p>
<p><b>4. What can my agency (the School) do to help this child or young person?</b></p>
<p><b>5. What additional help, if any, may be needed from others?</b></p>
<p><b>6. What are the views of the child or young person?</b></p>



## **ACTION PLAN**

<b>DESIRED OUTCOMES</b>	<b>ACTION PLAN/INTERVENTION</b>	<b>HOW WILL THIS BE ASSESSED?</b>
<b>Is a Child's Plan required?</b>	<b>Yes:</b> <b>No:</b>	<b>Reason:</b>
<b>Have the needs of the Child/Young person been met?</b>	<b>Yes:</b> <b>No:</b>	<b>If yes, no further meetings required.</b> <b>If no, review meeting required.</b>
<b>If yes, student signed off by NP/LP</b>	<b>NP:</b>	<b>LP:</b>

**REVIEW**

Date:

Present:

<b>DESIRED OUTCOMES (from previous meeting)</b>	<b>HAVE THESE OUTCOMES BEEN ACHIEVED?</b>	<b>FURTHER ACTION (If necessary)</b>
<b>Have the needs of the Child/Young person been met?</b>	<b>Yes:</b> <b>No:</b>	<b>If yes, no further meetings required.</b> <b>If no, review meeting required.</b>
<b>If yes, student signed off by NP/LP</b>	<b>NP:</b>	<b>LP:</b>

## GETTING IT RIGHT FOR EVERY CHILD AT

### CHILD PROTECTION ACTION – HOW TO REPORT

#### In ALL cases if:

- you suspect a child may have been abused or is at risk of abuse or significant harm;
- a child discloses abuse;
- a third party expresses concerns to you;

**You should:** **RECOGNISE, RESPOND, REPORT and RECORD.**

**RECOGNISE/OBSERVE** carefully the behaviour or demeanour of the child or the person expressing concern. **RESPOND** without showing signs of disquiet, anxiety or shock. If appropriate, enquire casually about how an injury was sustained or why a child appears upset. **REPORT** to the Child Protection Co-ordinator on the same day, and **RECORD** in detail what you have seen and heard. Do not interrogate or enter into detailed investigations. Encourage the child to say what he or she wants, to establish the basic facts.

**Confidentiality should not be promised to children or to adults. Respect, support and privacy can be promised.**

**YOU MUST REPORT TO THE NAMED PERSON OR THE CHILD PROTECTION CO-ORDINATOR ON THE SAME DAY AS THE CONCERNS ARISE:**

**Named Person: Karen MacGregor – 01343 837944/ 07917448737; Robert McVean – 01343 837971**

**Child Protection: Pete Richardson – 01343 837776/ 07795197099**

### CHILD PROTECTION IN MORAY

If you have concerns about a child and wish to report to services outside the School, please contact:

Education and Social Care, Elgin, Moray, IV30 1BX on **01343 563900** (offices open 8.45am to 5.00pm Mon to Fri) Emergency out of hours telephone number: **03457 565656**

**101** (Police Scotland)

### Code of Conduct for Staff: Guidance on Interaction with Pupils

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

#### 1. Physical Touch

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

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

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

It would be impossible to lay down rigid rules about what is, and is not, permissible. Awareness-raising through in-service training should provide opportunities for staff to explore acceptable limits through discussion of case scenarios. Common sense is a good guide, but it must be informed common sense. It is important for caring adults to understand that too generous limits which can be operated satisfactorily by some can be exploited by others with less worthy motives. The difficulty in laying down clear limits makes it all the more important that schools make every effort to ensure that all staff who have contact with pupils are carefully selected and all appropriate checks completed.

## **2. One-to-One Situations**

Opportunities for abuse exist in all schools, especially boarding schools, and in one-to-one situations, e.g. tutorials, music lessons, one-to-one tuition, guidance interviews, sick rooms. The simplest advice would be to try, as far as possible, to avoid being alone with a child or young person. However, for some staff this is unrealistic as the context of their job is teaching in one-to-one situations, e.g. Music Instructors. This may also prove difficult, especially in a boarding situation, where it might be seen as beneficial for a child to have some opportunity for one-to-one contact with an adult.

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

## **3. Physical Contact and Restraint**

- Physical contact should only be for the purpose of care, instruction, health and safety, physical intervention or restraint.
- Avoid any physical horseplay with a child, or any other actions another adult or child might misinterpret, no matter how innocent or well-intentioned the actions might be.
- Staff should always be able to justify resorting to physical contact in any situation.
- The nature of the contact should be limited to what is appropriate and proportionate.



- Where possible, initial responses should be to de-escalate and divert before considering physical intervention or restraint. Staff should avoid restraining a child by putting their hands on a child's joints. Where possible another member of staff should be summoned to witness and give support. As soon as the child is under control, staff should cease any physical contact. All incidents of physical intervention or restraint should be logged, dated and signed in a log kept for that purpose.
- The use of physical restraint on a child should involve the absolute minimum force reasonable to the situation and is only permissible when certain that a child is at imminent risk of endangering themselves or others (or in extreme circumstances of inflicting damage to property).

#### **4. 'Hands on' Educational Instruction**

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

#### **5. Verbal Remarks**

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

#### **6. Communication via E-Technology and Social Media**

- Any communication via e-technology with pupils should be in line with school policy, for educational purposes and approved by the senior management of the school.
- A teacher can be vulnerable to unintended misuse of electronic communication. E-mail, texting and social media encourage casual dialogue and very often,

innocent actions can easily be misconstrued or manipulated. A teacher should never share information with pupils in any environment that they would not willingly or appropriately share in a school or school-related setting.

## **7. Attachments**

- In circumstances where you or a member of staff's relationship with, or feelings towards, a child or young person are at risk of being construed as unprofessional behaviour, seek advice and support from your line manager.
- If it seems that a young person is becoming inappropriately attached to you or to another member of staff or volunteer or adult helper, share your concerns and seek advice from your line manager.
- All staff in school are in a position of trust in relation to any child or young person attending the school. In circumstances where you or a member of staff's relationship with a young person who has recently left the school is at risk of suggesting that the staff member could have been in abuse of trust while that young person was a student at the school, share your concerns and seek advice from your line manager.

## **8. Reporting Concerns**

- In working with children and young people, it is possible for staff, through ill-considered actions, to lay themselves open to allegations of abuse. Their best protection is to encourage a climate of openness within the classroom and school community, where pupils feel confident to point out aspects of behaviour they do not like.
- If any individual is seen to behave inappropriately with a child, you must not ignore it but share it with the Child Protection Co-ordinator.
- If the concern is about the Child Protection Co-ordinator then it must be reported to the Head and if it is about the Head it must be reported to the Chair of the Board of Governors.
- If you do not feel comfortable reporting to school staff, you must report directly to the Child Protection team within the local authority. Information about alternative reporting routes is available directly on the Moray Council website/Child Protection, is published on information cards posted around the School and is available in Appendix 5 of the Gordonstoun Wellbeing and Child Protection Policy and Procedures document.
- The school will never take action against a member of staff for reporting child protection concerns.

## 9. Inappropriate or Abusive Behaviour

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

<b>Physical</b>	Hitting/tapping Pushing/jabbing Throwing missiles Shaking
<b>Emotional</b>	Inappropriate/systematic sarcasm Isolating e.g. locked room Unfavourable comparisons Threats Intimidation Scapegoating Systematic personal criticism
<b>Sexual</b>	Any sexual activity with a pupil Inappropriate touching/comforting Suggestive remarks or gestures Sexual harassment Indecent materials Grooming a child for abuse

**I confirm that I have read the above Code of Conduct. I have been informed of the school's Wellbeing and Child Protection policy and of my responsibility to take advice from the appropriate member of staff (Named Person/Child Protection Co-ordinator) if I have a wellbeing and/or child protection concern about a pupil.**

Signed: .....

Name (printed): .....

Role: .....

Date: .....

**APPENDIX 7**

(Moray Child Protection Process flowchart)

### SIGNS OF POSSIBLE CHILD ABUSE

It is important to remember that lists such as the one below are neither definitive nor exhaustive. The information has to be used in the context of the child's whole situation and in combination with a range of other information related to the child and his/her circumstances.

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

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

#### 1. PHYSICAL ABUSE

Signs of possible physical abuse:

- Unexplained injuries or burns, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to discuss injuries
- Untreated injuries, or delay in reporting them
- Excessive physical punishment
- Arms and legs kept covered in hot weather
- Fear of returning home
- Aggression towards others
- Running away

When considering the possibility of non-accidental injury it is important to remember that the injuries may have occurred for other reasons, e.g. genuine accidents or medical disorders.

#### 2. PHYSICAL NEGLECT

Signs of possible physical neglect:

- Constant hunger
- Poor personal hygiene
- Constant tiredness
- Poor state of clothing
- Frequent lateness and/or unexplained non-attendance at school

- Untreated medical problems
- Low self-esteem
- Poor peer relationship
- Stealing

### **3. NON-ORGANIC FAILURE TO THRIVE**

Signs of possible non-organic failure to thrive:

- Significant lack of growth
- Weight loss
- Hair loss
- Poor skin or muscle tone
- Circulatory disorders

### **4. EMOTIONAL ABUSE**

Signs of possible emotional abuse:

- Low self-esteem
- Continual self-deprecation
- Sudden speech disorder
- Significant decline in concentration
- Socio-emotional immaturity
- 'Neurotic' behaviour (e.g. rocking, head banging)
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running away
- Indiscriminate friendliness

### **5. SEXUAL ABUSE**

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

**Signs of possible sexual abuse:**

#### **(i) Behavioural**

- Lack of trust in adults or over familiarity with adults
- Fear of a particular individual

- Social isolation - withdrawal or introversion
- Sleep disturbance (nightmares, irrational fears, bed wetting, fear of sleeping alone, needing a nightlight)
- Running away from home
- Girls taking over the mothering role
- Reluctance or refusal to participate in physical activity or to change clothes for activities
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's years
- Unusual interest in the genitals of adults or children or animals
- Expressing affection in an age inappropriate way, e.g. 'French kissing'
- Fear of bathrooms, showers, closed doors
- Abnormal, sexualised drawing
- Fear of medical examinations
- Developmental regression
- Poor peer relations
- Inappropriate or sexually harmful behaviours
- Compulsive masturbation
- Stealing
- Psychosomatic factors, e.g. recurrent abdominal pain or headache
- Having unexplained/abundance of sums of money and/or possessions
- Sexual promiscuity

**(ii) Physical/Medical**

- Sleeplessness, nightmares, fear of the dark
- Bruises, scratches, bite marks to the thighs or genital areas
- Itch, soreness, discharge, unexplained bleeding from the rectum, vagina or penis
- Pain on passing urine or recurrent urinary infection
- Stained underwear
- Unusual genital odour
- Anxiety/depression
- Eating disorder, e.g. anorexia nervosa or bulimia
- Discomfort/difficulty in walking or sitting
- Pregnancy - particularly when reluctant to name father
- Venereal disease, sexually transmitted diseases
- Soiling or wetting in children who have been trained
- Self-mutilation/suicide attempts

**KEY DEFINITIONS**

**1. Definition of a Child and Young Person**

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

- Under Parts 4 and 5 of the Children and Young People (Scotland) Act 2014 a child is defined as someone who has not attained the age of 18. A young person is a person who has reached their 18<sup>th</sup> birthday and are still on a school roll.
- The welfare duty set out in the Children (Scotland) Act 1995 in relation to children in residential schools applies up to the age of 18. Schools should work on the basis that they have responsibilities for the welfare of young people from 16 to 18. Pupils aged 18 or over are legally adults.
- In terms of Part 1 of the Children (Scotland) Act 1995 (which deals with matters including parental rights and responsibilities), a child is generally defined as someone under the age of 18. In terms of Chapter 1 of Part 2 of the Act (which deals with support for children and families and includes local authorities' duties in respect of looked-after children and children 'in need'), a child is also defined as someone under the age of 18.
- The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age. However, this section also provides some exceptions to that general rule. Subsection (2) provides that for the purposes of referrals under section 67(2)(o) (failure to attend school), references in the Act to a child include references to a person who is of school age. 'School age' has the meaning given in section 31 of the Education (Scotland) Act 1980 as older than 5 and younger than 16. Additionally, children who turn 16 during the period between when they are referred to the Reporter and a decision being taken in respect of the referral, are also regarded as 'children' under the Act.
- Children who are subject to compulsory measures of supervision under the Children's Hearings (Scotland) Act 2011, on or after their 16<sup>th</sup> birthday, are also treated as children until they reach the age of 18, or the order is terminated (whichever event occurs first).
- Where a sheriff remits a case to the Principal Reporter under section 49(7)(b) of the Criminal Procedure (Scotland) Act 1995, then the person is treated as a child until the referral is discharged, any compulsory supervision order made is terminated, or the child turns 18.



- The United Nations Convention on the Rights of the Child applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child.
- The meaning of 'a child' is extended to cover any person under the age of 18 in cases concerning: human trafficking; sexual abuse while in a position of trust (Sexual Offences (Scotland) Act 2009) and the sexual exploitation of children under the age of 18 through prostitution or pornography (Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

The Adult Support and Protection (Scotland) Act 2007 states a child can be someone over 16 when certain criteria are met. Following the implementation of the Children and Young People (Scotland) Act 2014, similar to child protection interventions, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan. Special consideration will need to be given to the issue of consent and whether an intervention can be undertaken where a young person has withheld their consent. The priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection.

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

## **2. Definition of a Parent and Carer**

### **2.1 Parent**

'A parent' is defined as someone who is the genetic or adoptive mother or father of a child. A child may also have a parent by virtue of provisions in the Human Fertilisation and Embryology Act 2008. A mother has full parental rights and responsibilities. A father has parental rights and responsibilities if he is or was married to the mother at the time of the child's conception or subsequently, or if the child's birth has been registered after 4 May 2006 and he has been registered as the father of the child on the child's birth certificate<sup>9</sup>. A father or, where relevant, a second female parent by virtue of the Human Fertilisation and Embryology Act 2008 may also acquire parental responsibilities or rights under the Children (Scotland) Act 1995 by entering into a formal agreement with the mother or by making an application to the courts.

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<sup>9</sup> The Family Law (Scotland) Act 2006

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

Under the Children and Young People (Scotland) Act 2014 'parent' has the same meaning as in the Education (Scotland) Act 1980 (the 1980 Act). Section 135(1) of the 1980 Act states that 'parent' includes a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has the care of a child or young person e.g. kinship carers; foster parents.

Although the legal term used throughout the Children and Young People (Scotland) Act 2014 is 'parent' in the singular, where both parents, or more than one individual, have parental rights and responsibilities, liability to maintain the child or have the care of a child, the expectation would be that both are consulted and involved in decisions and activities aimed at supporting the child. There will be exceptions to this, however, related to the interests of the child's wellbeing, or their rights in relation to confidentiality.

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

## **2.2 Carer**

A carer is someone other than a parent who has rights/responsibilities for looking after a child or young person. 'Relevant persons' have extensive rights within the Children's Hearing system, including the right to attend Children's Hearings, receive all relevant documentation and challenge decisions taken within those proceedings. A carer may be a 'relevant person' within the Children's Hearing system.

A 'kinship carer' can be a person who is related to the child or a person who is known to the child and with whom the child has a pre-existing relationship. ('Related' means related to the child either by blood, marriage or civil partnership). Regulation 10 of the Looked-After Children (Scotland) Regulations 2009 provides that a local authority may make a decision to approve a kinship carer as a suitable carer for a child who is looked after by that authority under the terms of section 17(6) of the Children (Scotland) Act 1995. Before making such a decision the authority must, so far as reasonably

practicable, obtain and record in writing the information specified in Schedule 3 of the Regulations and, taking into account that information, carry out an assessment of that person's suitability to care for the child. Local authorities have to provide necessary support to kinship carers to offer protection and care for the child or young person. Other duties placed on local authorities by the 2009 Regulations are designed to ensure that they do not make or sustain placements that are not safe or in the child's best interests and that placements are subject to regular review.

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

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

### **2.3 Other Adults who have Charge or Care of Children**

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

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

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

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

## **2.4 'In Loco Parentis' and Delegation**

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

The Children (Scotland) Act 1995 states that children should be consulted and that parents should so far as practicable, consider their children's views before taking any major decisions which would affect them. Children over 12 are presumed in law to be old enough to express views, depending on their level of understanding, other known facts and circumstances.

Section 5 of the Act states that, where a person has care or control of a child but does not have parental responsibilities, that person can do what is necessary to safeguard the child's health, development and welfare. The Act specifically says that this provision does not apply to a person who has care or control of a child in a school. This means that, whilst schools have responsibilities towards children, they cannot rely on the general authority given by Section 5 to fulfil their responsibilities. They need to have authority delegated by the parent.

The position of schools is strengthened by section 3(5) of the Act which puts the 'delegation' of parental responsibilities onto a proper legal footing. The Act provides that a person who has parental responsibilities or rights in relation to a child shall not abdicate those responsibilities, but may arrange for some or all of those responsibilities to be carried out by someone else on his/her behalf. This means that, if a parent has delegated responsibility to a 'guardian', the school can feel confident in accepting the 'guardian's' authority for action consistent with the welfare of the child which is within the scope of that delegation. In most instances parents, unless they or a member of their family are involved in allegations of abuse, should be informed of concerns about their children, involved in discussions and advised of action taken.

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

**KEY DOCUMENTS**

*Children and Young People (Scotland) Act 2014*, Scottish Government, March 2014  
<http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

*Children and Young People (Scotland) Act 2014 Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96)*, Scottish Government, December 2015  
<http://www.gov.scot/Publications/2015/02/1851>

*Children and Young People (Scotland) Act 2014 - GIRFEC Q&A for Practitioners*, Scottish Government, December 2014  
<http://www.gov.scot/Topics/People/YoungPeople/gettingitright/publications/practitioner-s-q-and-a>

*A Guide to Getting it Right for Every Child*, Scottish Government, June 2012  
<http://www.gov.scot/Resource/0042/00423979.pdf>

*Getting it Right for Every Child Practice Briefings*  
<http://www.gov.scot/Topics/People/Young-People/gettingitright/publications/practice-briefings>

*Getting it Right for Every Child: A Guide to Evaluating Wellbeing in Schools and Nurseries*, Scottish Government, March 2014  
<http://www.gov.scot/Topics/People/Young-People/gettingitright/resources/practical-tools/self-evaluation/downloads>

*Information Sharing Between Services in Respect of Children and Young People*, Information Commissioner's Office, letter issued 28th March 2013.  
<http://www.gov.scot/Resource/0041/00418080.pdf>

*National Guidance for Child Protection in Scotland*, Scottish Government, Updated 2014  
<http://www.gov.scot/Publications/2014/05/3052>

*Child Protection Guidance for Health Professionals*, Scottish Government, 2013  
<http://www.gov.scot/Resource/0041/00411543.pdf>

*National Framework for Child Protection Learning and Development in Scotland*, Scottish Government, 2012  
<http://www.gov.scot/Topics/People/Young-People/protecting/child-protection/national-framework-cp-learning-2012>

*SCIS Framework for Child Protection Learning and Development* (adaptation of *National Framework for Child Protection Learning and Development in Scotland* for the school context)– available on the members' area of the SCIS website.

*Cyberbullying – Safe to Learn: Embedding anti-bullying work in schools*, Department for Children, Schools and Families, 2007

<http://www.digizen.org/downloads/CYBERBULLYING.pdf>

*Getting our Priorities Right: Updated Good Practice Guidance for working with Children and Families affected by Substance Misuse*, Scottish Government, 2012

<http://www.gov.scot/Publications/2012/07/9484/0>

*Going Out There - Scottish Framework for Safe Practice in Off-site Visits*, Education Scotland/HSE, 2013 <http://www.goingoutthere.co.uk/>

*National Guidance for Under-age Sexual Activity: Meeting the Needs of Children and Young People and Identifying Child Protection Concerns*, Scottish Government, 2010

<http://www.gov.scot/Resource/Doc/333495/0108880.pdf>

*Prevent Duty Guidance: for Scotland*, HM Government & The Scottish Government, 2015,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417941/Prevent\\_Duty\\_Guidance\\_for\\_Scotland.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417941/Prevent_Duty_Guidance_for_Scotland.pdf)

*Protecting Children and Young People: The Charter*, Scottish Executive, 2004

<http://www.gov.scot/Publications/2004/04/19082/34410>

*Protecting Children and Young People: The Framework for Standards*, Scottish Executive, 2004

<http://www.gov.scot/Publications/2004/03/19102/34603>

*Protection of Vulnerable Groups (PVG) (Scotland) Act 2007*

<http://www.gov.scot/Publications/2011/08/04111811/1>

*Safeguarding Disabled Children: Practice Guidance*, Department for Children, Education and Families Education, 2009

<https://www.gov.uk/government/publications/safeguarding-disabled-children-practice-guidance>

*The Mental Health of Children and Young People: A framework for promotion, prevention and care*, Scottish Executive, 2005

<http://www.gov.scot/Publications/2005/10/2191333/13337>

## **USEFUL WEBSITES**

Association of Chief Police Officers

<http://www.acpo.police.uk/>

Anti Bullying Network  
[www.antibullying.net/](http://www.antibullying.net/)

Centre for National Infrastructure (CPNI)  
<http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>

Child Exploitation and Online Protection Centre (CEOP)  
<http://ceop.police.uk/>

Disclosure Scotland  
[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

European Convention on Human Rights (ECHR)  
[http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

Foreign and Commonwealth Office  
[www.fco.gov.uk/en/](http://www.fco.gov.uk/en/)

GIRFEC page on Scottish Government website  
<http://www.gov.scot/Topics/People/Young-People/gettingitright>

Getting it right for every child – website for young people  
[www.wellbeingforyoungscots.org](http://www.wellbeingforyoungscots.org)

Respect Me  
<http://www.respectme.org.uk/>

Scottish Children's Reporter Administration  
<http://www.scra.gov.uk/home/index.cfm>

SEE me Scotland  
[www.seemescotland.org.uk/](http://www.seemescotland.org.uk/)

The Convention on the Rights of the Child (UN Convention) 1989  
<http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/>

ThinkuKnow, Child Exploitation and Online Protection Agency  
<http://www.thinkuknow.co.uk/>

Volunteer Development Scotland  
[www.vds.org.uk/information/infoenquiries.htm](http://www.vds.org.uk/information/infoenquiries.htm)