



Working Together to Keep Children Safe

Lanarkshire vulnerable children and young people good practice guidance

Child protection

Shared vision

All children and young people in Lanarkshire have the right to be cared for and protected from abuse and harm in a safe environment in which their rights are respected.

All agencies will work together in a collaborative way to promote the safety and wellbeing of children and young people in Lanarkshire.

The chief officers and child protection committees of North and South Lanarkshire are the driving force for ensuring that agencies individually and collectively work to protect children and young people as effectively as possible.

Foreword

The Vulnerable Children and Young People Good Practice Guidance was implemented in October 2008 and revised in May 2012.

Early identification of vulnerabilities, and assessment of how these impact on a child or young person's wellbeing and safety to identify appropriate levels of intervention, can prevent escalation of difficulties and help reduce the risk of children and young people absconding or going missing from their homes or their place of residence.

Single and multi agency assessments are key to this process, including clear and effective communication and information sharing which are further endorsed by this guidance.

Vulnerable children and young people living in Lanarkshire need agencies to work in partnership to assess, plan and review their circumstances, providing support which is proportionate, based on individual needs and focused on improving outcomes. This guidance supports staff in their work with vulnerable children and young people.

This multi agency guidance should be used in conjunction with other relevant single and multi agency procedures, protocols and guidance.

Pauline Hoggan
Chair
North Lanarkshire
Child Protection
Committee

Norman Dunning
Chair
South Lanarkshire
Child Protection
Committee

Contents

1 The scope and purpose of the guidance

- 1.1 Who is the guidance for?
- 1.2 Children and young people's views

2. Legislative framework

- 2.1 The UN Convention on the Rights of the Child
- 2.2 The Children (Scotland) Act 1995
- 2.3 Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- 2.4 Sexual Offences (Scotland) Act 2009
- 2.5 The law and running away
- 2.6 Refuge provision
- 2.7 Protection of Vulnerable Groups (Scotland) Act 2007
- 2.8 Children's Hearings (Scotland) Act 2011
- 2.9 Link between child protection and adult support and protection

3. Identified vulnerabilities

- 3.1 Vulnerability and indicators of risk
- 3.2 Identified vulnerabilities

4. Assessment

- 4.1 'Getting it right for every child' (GIRFEC)

5. Appendices

1. The scope and purpose of the guidance

1.1 Who is the guidance for?

This guidance has been developed to underpin multi agency work to help identify vulnerability in children, young people and their families and to support assessment, planning and review to improve outcomes for them.

It sets out how agencies should work together when vulnerability has been identified to protect children from harm and help prevent further deterioration which could lead to, for example, a child or young person running away.

1.2 Children and young people's views

Children and young people should always have the opportunity to have their views taken into account, to be listened to and respected.

Protecting Children and Young People: Framework for Standards (Scottish Executive, 2004) in Standard three requires that professionals ensure young people are listened to and that they are given the opportunity to discuss issues in private if they wish to do so.

Listening to children and taking account of their views to inform assessment, planning and review is fundamental to the principles of 'Getting it right for every child'.

Effective communication with professionals who are known to and trusted by children and young people is essential to identifying timely support and intervention which is based on the child or young person's needs. Trust is essential so that the child or young person's needs are understood by the professionals supporting them.

Children and young people with learning or communication difficulties, or for whom English is not their first language, should be helped to understand as much as possible about what is happening.

2. The legislative framework

The child

For the purpose of this guidance, ‘child’ means a person under the age of 16 years or under 18 years if they are remaining looked after or looked after and accommodated by the local authority as stated in the Children (Scotland) Act 1995 (Section 93(2)(b)).

However, it is recognised that there are young people between the ages of 16 and 18 years who are not subject to statutory supervision (s70) or accommodated who may be considered vulnerable in terms of this guidance.

For some young people aged between 18-21 years who have previously been looked after and accommodated children, there are supports available through local authority throughcare services.

2.1 The United Nations Convention on the Rights of the Child

North and South Lanarkshire Child Protection Committees support the principles set out under the UN Convention on the Rights of the Child ratified by the UK Government in 1991. The convention is not a law but a code that recognises that children and young people in Scotland have rights. There are 54 articles in the convention covering rights such as the right to express and have their views taken into account on all matters that affect them; the right to play, rest and leisure; and the right to be free from all forms of violence. The provisions of the European Convention on Human Rights are legally binding to all public bodies.

2.2 The Children (Scotland) Act 1995

The Children (Scotland) Act 1995 is centred on the needs of children, young people and their families and defines both parental responsibilities and rights in relation to children and young people. It sets out the duties and powers available to public authorities to support children, young people and their families and to intervene when the child or young person’s welfare requires it. These duties and powers include provisions to

protect children and young people from abuse and neglect through a range of measures including the provision of accommodation, services for the child or young person and wider family. The essential principles behind the Act are:

- Each child or young person has the right to be treated as an individual.
- Each child or young person who can form his or her own views on matters affecting him or her, has the right to express those views if he or she wishes.
- Parents should normally be responsible for the upbringing of children and young people and should share that responsibility.
- Each child or young person has the right to protection from all forms of abuse, neglect or exploitation.
- So far as is consistent with safeguarding and promoting the child or young person's welfare, the public authority should promote the upbringing of children and young people by their families.
- Any intervention by a public authority should be properly justified, and should be supported by services from all relevant agencies working in collaboration.

In support of these principles, three main themes run through the Act:

- The welfare of the child or young person is the paramount consideration when his or her needs are considered by courts, children's hearings and local authorities.
- No courts should make an order relating to a child or young person and no children's hearing should make a supervision requirement unless the court or hearing considers that to do so would be better for the child or young person than making no order or supervision requirement at all.
- The child or young person's views, taking appropriate account of age and understanding, should be taken into account where major decisions are to be made about his or her future.

2.3 Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

The purpose of this Act is to improve the protection given to children and young people from those who would wish to cause them sexual harm, or exploit them for sexual purposes, including the use of the internet for such purposes. The Act also aims to improve the protection given to children from those convicted of sexual offences who still pose a risk of sexual harm.

Section 1 of the Act creates the new 'grooming' offence. This offence is intended to help identify those who develop relationships with young people under 16 in order to gain their trust and persuade them into vulnerable situations where they can be sexually assaulted. The offence is complete when the person meets or sets out to meet the child with the intention of engaging in unlawful sexual activity with or in the presence of the child or after the meeting. The sexual activity does not need to take place. Indeed, if the sexual activity does take place, that sexual activity will probably constitute a separate sexual offence.

2.4 The Sexual Offences (Scotland) Act 2009

The Sexual Offences (Scotland) Act 2009 became law on 1 December 2010. There are five parts to the act as follows:

- Part 1 relates to non-consensual offences.
- Part 2 relates to consent and reasonable belief. It provides a definition of consent for the purpose of the offences at Part 1 of the Act concerning sexual activity without consent.
- Part 3 relates to capacity to consent of persons with a mental disorder.
- Part 4 relates to child sex offence and provides for specific offences which criminalise sexual activity with children who are under 16, the age of consent for sexual activity.
- Part 5 relates to the abuse of position of trust. This part of the Act makes provision for two offences concerning 'sexual abuse of trust.' The offences apply to those who are in a position of trust in relation to children under the age of 18 and people suffering from a mental disorder.

2.5 The law and running away

There is legislation in place for vulnerable children who have run away such as those subject to a place of safety order, a supervision requirement or a parental responsibilities order. This legislation can be found in Sections 82, 83 and 89 of the Children (Scotland) Act 1995. This is summarised in this section.

Children who abscond from a place of safety, a residential establishment or from someone who has care and control of them by virtue of a supervision requirement, may be arrested without warrant in any part of the UK and taken to a place of safety or relevant place.

A court which is satisfied that there are reasonable grounds for believing that the child is within any premises may, where there is power of arrest, grant a warrant authorising a constable to enter those premises and search for the child using reasonable force if necessary.

In general, sixteen and seventeen year old runaways are in a different legal position to younger runaways. Sixteen and seventeen year olds can legally live independently and can access housing in their own right. They have access to some financial benefits and do not have to take part in compulsory education. Those leaving care are also eligible for a package of support. (For further information see Appendices 1 and 2.)

2.6 Refuge provision

Children and young people have the right to seek refuge. Section 38 of the Children (Scotland) Act 1995 enables local authorities to provide short term refuge in designated or approved establishments and households for children who appear to be at risk of harm and who can request refuge. A refuge does not need to be a children's house. It can be with foster carers or in other local authority accommodation. The aim is to provide somewhere safe to stay and gain access to advice and help for a short period in order to resolve the crisis.

Children or young people may seek refuge in response to many different problems including family conflict, abuse or neglect. They may already be living away from home in accommodation provided by a local authority. They may be troubled by difficulties at school, problems with drugs or alcohol, pregnancy or offending.

Refuge may be provided for a period of up to seven days or, in exceptional and limited circumstances, for a maximum of fourteen days in order to reconcile him or her with family or carers or to divert the child or young person to other suitable services or accommodation.

The Running Other Choices (ROC) Refuge, part of the Aberlour Child Care Trust, provides specific refuge accommodation for young people between the ages of twelve and fifteen years, which is accessible to all local authorities although places are limited. Details are provided in Section 7 of this document.

Any premises who allow these to be used to abuse children through prostitution are breaking the law. The children involved are not.

2.7 Protection of Vulnerable Groups (Scotland) Act 2007

Many of the vulnerable children and young people living in Lanarkshire have already been identified through the children's hearing system and are looked after at home or looked after away from home by the local authority. The Protection of Vulnerable Groups (Scotland) Act 2007 has subsumed The Protection of Children (Scotland) Act 2003 with additional protection for vulnerable adults. The 2003 Act provided for Scottish ministers to keep the Disqualified from Working with Children List (DWCL). As a result any individual working in a child care position, whether paid or unpaid, is to be referred to Scottish ministers for inclusion on the DWCL, when they have harmed a child or put a child at risk of harm and have been dismissed or moved away from children as a consequence.

Organisations have a duty to refer such individuals to Scottish ministers for possible inclusion on the DWCL. Failure to make a referral is an offence under the Act. When an individual has been included on this list, it is then an offence for him or her to apply for, or accept, any child care position.

2.8 Children's Hearings (Scotland) Act 2011

The Children's Hearings (Scotland) Bill was introduced to Parliament in February 2010 and successfully passed through that process in November 2010. It received royal assent in January 2011 and is now called the Children's Hearings (Scotland) Act 2011.

The 2011 Act is a large piece of legislation which brings almost all of the legislation relevant to children's hearings into one place – it replaces large sections of the Children (Scotland) Act 1995.

2.9 Links between child protection and adult support and protection

When there are concerns about a young person reaching the age of 16 for whom there are identified vulnerabilities or child protection concerns, consideration must be given to adult protection legislation and to whether the young person meets the criteria for adult protection.

Young person subject to child protection measures

When a young person is formally subject to child protection measures and is approaching the age of 16 years:

- A review must be held prior to the young person's sixteenth birthday, when adult protection duties and powers must be considered. The review should include all relevant agencies involved with the young person and consideration must be given to inclusion of the young person and their family.
- An appropriate member of the adult team or service must be invited to attend the review.
- The review must consider all other relevant adult legislation, including the Adults with Incapacity (Scotland) Act 2000.

Adult support and protection

The Adult Support and Protection (Scotland) Act 2007 makes provision to support and protect adults who are or may be at risk of harm. Section 53 of the Act states that an adult is a person aged 16 or over.

The legislation sets out very clear duties for public bodies, which include the council, health boards, police and care inspectorate. The main duties are to report, cooperate and inquire. This Act does not just apply to a young person reaching the age of 16 years but will also be relevant to those workers who work with children up to the age of 21, such as throughcare workers or teachers working with disabled children up to the age of 18.

3. Identified vulnerabilities

3.1 Vulnerability and indicators of risk

When making judgements about the risks and needs of a child, there are a range of indicators that should trigger assessment and, where appropriate, action. Not all the indicators set out here are common; nor should their presence lead to any immediate assumptions about the levels of risk for an individual child. Where identified, though, they should act as a prompt for all staff, whether in an adult or child care setting, to consider how they may impact on a child.

In this section, indicators of potential risk are considered separately but they will often, particularly for children, occur together. Indicators of risk should therefore be considered not in isolation but in relation to all the relevant aspects of a child and family's circumstances. Where there are a number of risk factors in a child's life, practitioners should pay particular attention to their cumulative impact on the child.

Where a range of different services are involved, it is particularly important to maintain the focus on the child's needs and to ensure that children are seen at regular intervals as part of the ongoing assessment of their safety and wellbeing.

3.2 Identified vulnerabilities

Children looked after at home

A number of children referred to the Scottish Children's Reporter's Administration become looked after by local authorities; the majority are looked after at home subject to a supervision order.

Children who are looked after away from home

A number of children are looked after away from home in an alternative care placement, for example in a foster placement or residential placement.

Looked after children who have had to leave the care of their parents will often exhibit complex emotions and challenging or irrational behaviour.

Many will have experienced disruption in their early years and been emotionally or physically neglected or abused.

In all of the settings where looked after children live, their earlier experiences can lead them to interpreting care in diverse ways, including feeling that they have been singled out for 'criticism' or 'punishment' unfairly.

Whatever the action to be taken, practitioners will need to discuss the needs of the child, the context of their care, key events in their lives at that time and any possible triggers for concern being raised either by the child or others. Fostering or residential service providers should be included in the discussion. All concerns about a looked after child's safety should be rigorously investigated while treating carers consistently, fairly and with consideration.

Children and young people on the child protection register

Children and young people on the child protection plan register have been identified as being at risk of significant harm. This increased vulnerability has necessitated a multi agency response with an identified child protection plan; immediate action must therefore be taken and social work notified in the event that a child or young person whose name is on the child protection register goes missing or runs away.

Children and young people who place themselves at risk

Some children and young people place themselves at risk of significant harm from their own behaviour. Concerns about these children and young people can be just as significant as concerns relating to children who are at risk because of their care environment. The main difference is the source of risk, though it should be recognised that at least some of the negative behaviour may stem from experiences of abuse. Where such risk is identified, as with other child protection concerns, it is important that a multi agency response is mobilised and a support plan identified to minimise future risk. The key test for triggering these processes should always be the level of risk to the individual child or young person and whether the risk is being addressed, not the source of risk.

While not exhaustive, the following lists the different types of concern that may arise:

- self harm or suicide attempts;
- alcohol or drug misuse;
- running away or going missing;
- inappropriate sexual behaviour or relationships (for further information, see the section on under age sexual activity);
- sexual exploitation;
- problematic or harmful sexual behaviour;
- violent behaviour; or
- criminal activity.

Children and young people who are missing

Children can be deemed 'missing' because they are absent from statutory care or absent from home.

Describing a child or young person as 'missing' can cover a range of circumstances. A child, young person or family (including unborn children) can be considered as missing in different contexts:

- Children who are missing to statutory services. This can include a child or family's loss of contact with, or their 'invisibility' to, a statutory service, such as education (for example, home educated children), health or social services.
- Children who are missing from home or care. This can involve a child or young person who has run away from their home or care placement, who has been forced to leave or whose whereabouts are unknown. This may be because they have been the victim of an accident or crime, or because they have actively left or chosen not to return to the place where they are expected.
- A child or young person who has run away, and cases where children or young people have been 'thrown out' by their parents or carers, are both covered by the term 'runaway' (though the individual circumstances and needs of the child or young person may vary considerably). Extreme cases can result in homelessness and sleeping rough, engaging in crime or drugs, and vulnerability to sexual exploitation. Many cases are never reported to the police and few such children ever approach agencies for help.

A child or young person being missing includes the following circumstances: parental abduction; stranger abduction; asylum seeking; children and young people who are trafficked; and a child or young person being forced into marriage within the UK or abroad.

(Appendix 1 provides information on action to be taken when a child or young person goes missing.)

Children who are homeless and living in temporary accommodation or at risk of sleeping rough

Running away is associated with a number of risks including sleeping rough, involvement in crime, sexual exploitation and substance misuse.

Research has indicated that around one in six young people who had been away overnight reported being either physically or sexually assaulted whilst away from home. Even when a child or young person is not exposed while away to immediate danger, running away can be a frightening and upsetting experience for the child or young person and for their family. All agencies in Lanarkshire need to identify children and young people at risk and provide them with appropriate support.

Young people are often ill equipped for independent living, therefore homelessness by its very nature increases vulnerability and risk. The risk is pronounced when young people are resident in temporary accommodation without adequate support networks.

Children and young people in homeless households are at increased risk due to the lifestyle, the instability that accompanies homelessness, experiences of loss, dislocation and disruption to education and health services that is likely to result from being in temporary accommodation. There is a requirement to ensure that temporary accommodation and support are tailored to the needs of vulnerable children and young people to ensure risk is minimised.

Children and young people at risk of being exposed to prostitution or sexual exploitation of any kind

Sexual exploitation through prostitution may include the provision of sexual services in exchange for some form of payment, such as money, drink, drugs or consumer goods or even a bed and a roof over one's head for the night. In some cases there may be no exchange of material goods and the child or young person may not recognise that they are being sexually exploited. The relationship, however, will generally be characterised by coercion and intimidation.

This definition of sexual exploitation through prostitution includes young people aged sixteen to eighteen years (or where there are specific issues of vulnerability this may be extended to 21 years). Local authorities have responsibilities under the Children (Scotland) Act 1995 to provide services to safeguard and promote the welfare of children in need (children being defined as those under 18). Local authorities also have responsibilities to children in need of protection from neglect and abuse. (For further information see Appendix 3.)

Under age sexual activity

Increasing numbers of young people are engaging in a range of sexual activity before the age of 16. The reasons behind this behaviour vary considerably. In some cases, the activity will be wholly consensual; in others it will happen in response to peer pressure or as the result of abuse or exploitation. Young people who are sexually active will, therefore, have differing needs, so services and practitioners must provide a range of responses. National guidance provided by the Scottish Government covers the legal issues and advises practitioners on how they can strike a balance between assuring the freedom of young people to make decisions and protecting them from activity which could give rise to immediate harm or longer term adverse consequences.

The law is clear that society does not encourage sexual intercourse in young people under 16. However, it does not follow that every case presents child protection concerns and it is important that a proportionate response is made. If there are no child protection concerns, there may still be needs to be addressed either on a single agency or multi agency basis. However, child protection measures must be instigated:

- If the child is, or is believed to be, sexually active and is 12 or under.

- If the young person is currently 13 or over but sexual activity took place when they were 12 or under.
- Where the 'other person' is in a position of trust in relation to the young person.

When a practitioner becomes aware that a young person is sexually active or is likely to become sexually active, they should undertake an assessment of risks and needs so that the appropriate response can be provided. The practitioner has a duty of care to ensure that the young person's health and emotional needs are addressed and to assess whether the sexual activity is of an abusive or exploitative nature. This process may not always be straightforward, so it will require sensitive handling and the use of professional judgment. The Scottish Government has issued national guidance and a DVD to assist practitioners across services to work with young people involved in underage sexual activity.

Children dealing with issues surrounding their sexuality

Problems within the family may be even more significant for lesbian, gay, bisexual and transgender young people. 'Coming out' can lead to young people running away, being thrown out of home or cut off from parental support. Research with lesbians and gay men has shown that one third had to leave their home when their sexuality became known. Young lesbian, gay, bisexual and transgender people may also be more at risk of violence once they have left home and may be unwilling to access provision which does not take specific account of their sexual orientation.

Children and young people who may be vulnerable as a result of disability, mental health or additional support needs

Disability

Abuse of disabled children is significantly under reported. Where a child has a disability, the type and, if relevant, the severity of that disability should be recorded, along with the implications for the child's support and communication needs.

Disabled children can have an increased risk of the same types of abuse as their able bodied peers. Children who are deaf or hard of hearing or with behavioural disorders, learning disabilities or sensory impairments are particularly at risk.

Children can also be affected by the disability of those caring for them. Disabled parents, carers and siblings may have additional support needs relating to physical and or sensory impairments, mental illness, learning disabilities, serious or terminal illness, or degenerative conditions. These may impact on the safety and wellbeing of their children, affecting their education, physical and emotional development. A full assessment of parents' needs, and of the support they need in order to fulfil their parenting responsibilities, should be carried out as well as an assessment of the needs of the child.

Children and young people experiencing mental health problems

The emotional wellbeing of children and young people is just as important as their physical health. Most children grow up mentally healthy, but certain risk factors make some more likely to experience problems than others. Children and young people can experience a range of mental health problems, from depression and anxiety through to psychosis.

Traumatic events in themselves will not usually lead to mental health problems, but they may trigger problems in those children and young people whose mental health is not robust.

Changes, such as moving home or changing school, can act as triggers. Teenagers often experience emotional turmoil as their minds and bodies change and develop. Some find it hard to cope and turn to alcohol or drugs. Over the past 15 years, the incidence of self harm and suicide among young people has increased.

For some young people, mental health problems will severely limit their capacity to participate actively in everyday life and this will continue to affect them into adulthood. Some may go on to develop severe difficulties and display behaviour that challenges families and services, including personality disorders. A small number of children with mental health problems may pose risks to themselves and others.

Children and young people affected by parental mental health problems

It is not inevitable that living with a parent or carer with mental health issues will have a detrimental impact on a child's development and many adults who experience mental health problems can parent effectively. However, there is evidence to suggest that many families in this situation are more vulnerable.

A number of features can contribute to the risk experienced by a child or young person living with a parent or carer who has mental health problems; these include:

- The parent or carer being unable to anticipate the needs of the child or put the needs of the child before their own.
- The child becoming the focus for parental aggression or rejection.
- The child witnessing disturbing behaviour arising from the mental illness (often with little or no explanation).
- The child being separated from a mentally ill parent, for example because the latter is hospitalised.
- The child taking on caring responsibilities which are inappropriate for their age.

Some factors which may impact on parenting capacity include:

- Maladaptive coping strategies or misuse of alcohol or drugs.
- Lack of insight into the impact of the illness (on both the parent or carer and child).
- Poor engagement with services or non-compliance with treatment.

A holistic approach to assessment is fundamental to providing appropriate services to both parents or carers and children in families dealing with mental health problems. Universal services must also be aware of the potential impact of adult mental illness on parenting capacity and, therefore, on children and young people.

Children affected by parental alcohol and drug misuse

Substance misuse can involve alcohol and drug misuse (including prescription as well as illegal drugs). Alcohol or drug misusing parents and carers often lack the ability to provide structure or discipline in family life.

It is important that all practitioners working with alcohol and drug misusing parents or carers know the potential impact of that misuse on children, both in terms of the impact on the care environment and of direct exposure to alcohol or drug misuse. Addictions staff must consider the needs of any children when working with alcohol or drug misusing adults and know when and how to share any concerns.

Alcohol or drug misuse during pregnancy can have significant health impacts on the unborn child. The impact of parental alcohol and drug misuse can cause foetal alcohol syndrome and neo natal abstinence syndrome.

Assessment and planning is vital, particularly in the case of unborn children, and will often include input from agencies that do not have a frontline child care role. Effective intervention will depend on robust working relationships between practitioners within both child and adult care settings.

Children affected by domestic abuse

Domestic abuse describes any behaviour that involves exerting control over a partner or ex partner's life choices and that undermines their personal autonomy. It is an assault on their human rights. Although most victims are women, men can also suffer domestic abuse, and it can also occur in same sex relationships. Children and young people living with domestic abuse are at increased risk of significant harm, both as a result of witnessing the abuse and being abused themselves. Children can also be affected by abuse even when they are not witnessing it or being subjected to abuse themselves. Domestic abuse can profoundly disrupt a child's environment, undermining their stability and damaging their physical, mental and emotional health.

The impact of domestic abuse on a child will vary, depending on factors including the frequency, severity and length of exposure to the abuse and the ability of others in the household (particularly the non abusive parent or carer) to provide parenting support under such adverse conditions. If the non abusive parent or carer is not safe, it is unlikely that the child will be. Indeed, children frequently come to the attention of practitioners when the severity and length of exposure to abuse has compromised the non abusing parent or carer's ability to nurture and care for them.

The best way to keep both children and non abusive parents or carers safe is to focus on early identification, assessment and intervention through skilled and attentive staff in universal services. Domestic abuse is widely under reported to the police. Given the reticence of victims to come forward, it is crucial that staff are aware of the signs of domestic abuse and routinely make appropriate enquiries. It is crucial that practitioners recognise that domestic abuse involves both an adult and a child victim when there is a child in the household.

Unaccompanied asylum seeking children (UASC)

UASC are children who have fled their country of origin for varying reasons but who are separated from their families. Local authorities are responsible for assessing their needs and offering support. They will often be vulnerable due to their unaccompanied status and to their experiences in their home countries as well as during their journey to the UK.

If child protection concerns arise, they should be addressed in the same way as if the child was a UK national, bearing in mind differences in culture and the experiences that the child may have already endured.

If not already confirmed, contact should be made with the UK Border Agency, an agency of the Home Office, to establish the child's current status as to whether they have leave to stay in the UK up to the age of 17 years and 6 months.

Particular consideration needs to be given to the use of interpreters for UASC and to accessing specialist legal advice.

Children and young people who are trafficked

Trafficking is defined as the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation. (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, United Nations 2000.) This trafficking protocol, otherwise known as the Palermo Protocol, was signed by the United Kingdom on 14 December 2000 and ratified on 9 February 2006. It was the first international instrument to define and address the problem of trafficking.

Trafficking is now recognised as a significant issue for the United Kingdom, as in many other countries. Many of the victims of human trafficking are children who have already experienced not only the trauma of war and conflict but also many forms of abuse, sexual, physical and emotional. It is important to understand their needs and to respond to them appropriately. Adequate consideration must also be given to issues such as religion, culture, ethnicity and gender as well as their physical health and emotional needs. Tackling child trafficking requires a multi agency response at all levels. All agencies and practitioners must be aware of the issues pertaining to child trafficking and of the potential indicators of concern.

Children who are victims of trafficking may arrive with either false identification or no formal identification which can pose particular challenges. When children are identified as having been trafficked (often during police raids), it is vital that a photograph of the child is taken immediately. Sometimes this is the only evidence of a child's existence and it is often the only possibility of recovering that child if they subsequently go missing. From initial identification through to the child's final recovery and re-integration it is vital that children are protected from further abuse or exploitation and that support is tailored to meet the individual needs of the child.

The Council of Europe Convention on Human Trafficking (signed by the UK in March 2007) requires agencies to provide certain supports to victims of human trafficking and the Scottish Government is currently working with the Home Office on developing minimum standards of care and support expected of agencies when dealing with child victims.

All children and young people who have been identified as having been trafficked should be subject to local child protection procedures. Initial child protection procedures may include the need for medical or psychological involvement with the child, and they may also be a vulnerable witness in criminal proceedings to follow.

Considering what accommodation is appropriate for children identified as having been trafficked is a very challenging issue. This is due both to the complex needs of the child and therefore the great skill and understanding required by any carers, and also to the serious dynamics involved in the crime of trafficking. The importance of maintaining the confidentiality of the child's placement cannot be over emphasised. This also means that carers need to understand that protecting such children and young people will involve controlling and monitoring such activities as telephone use and direct contact with others.

Children and young people exposed to potential risk online or when using mobile technology

New technologies, digital media and the internet are an integral part of children's lives. No matter what the device or system being used, children and young people are increasingly accessing the internet whenever they can and wherever they are. This has enabled entirely new forms of social interaction to emerge, for example, through social networking websites and online gaming. But these new technologies also bring a variety of risks, such as:

- exposure to obscene, violent or distressing material;
- bullying or intimidation through email and online (cyber bullying);
- identity theft and abuse of personal information; and
- predators – such as sexual grooming.

Where police undertake investigations into online child abuse, or networks of people accessing, or responsible for, images of sexually abused children, consideration must be given to the needs of the children involved. This may include children or young people who have been victims of abuse or children or young people who have close contact with the alleged perpetrator. In many cases, they will have been targeted because they were already vulnerable.

Children and young people need to understand the risks the internet and mobile technology can pose so that they can make sensible and informed choices. Practitioners and carers need to support young people to use the internet and mobile technology responsibly and know how to respond when something goes wrong.

Home educated children

A child may be unknown to services as a result of their removal from mainstream education or never having been enrolled within an education authority. Where this is the result of a decision being made to educate them at home this should not, in itself, be regarded as a child protection concern. Wherever possible an assessment of the circumstances of a child being home educated should be carried out to ensure the overall safety and wellbeing of the child.

Bullying

Bullying behaviour can take place at home and in the community and can be from both children and adults. It is also increasingly associated with the use of the internet and mobile technologies, especially via social networking (so called 'cyber bullying'). In essence, the behaviour is the same and requires similar prevention methods.

Bullying behaviour may include:

- name-calling, teasing, putting down or threatening;
- ignoring, leaving out or spreading rumours;

- physical assault;
- stealing and damaging belongings;
- sending abusive texts, tweets, posts, email or instant messages;
- making people feel like they are being bullied or fearful of being bullied; and
- targeting someone because of who they are or are perceived to be.

Such behaviour can leave children feeling helpless, frightened, anxious, depressed or humiliated and can have a devastating and lifelong impact. Vulnerable and marginalised children and young people may be particularly at risk.

‘Unseen’ child

Different circumstances can result in a child not being seen by agencies, for example working with non engaging families when there is difficulty gaining access to the child or family.

In all circumstances, there is a risk of ‘drift’ setting in before it is identified that the child has not been seen. For example if letters are ignored, or appointments not kept, or appointments are routinely kept without the child being seen, weeks can pass by without practitioner contact with the child.

Good record keeping is essential, including contacts and whether these are successful or not and whether the child has been seen. The core record should also have an updated chronology. Managers and practitioners need to be clear what action is to be taken when contact with the child has not been maintained. This should include multi agency sharing of information to establish whether any agency or service is seeing the child and whether a single or multi agency approach is necessary to address the issue. If a child has not been seen and there are concerns about their safety, immediate action should be taken.

Where a child is subject to compulsory measures of supervision, the area children’s reporter administration (local SCRA) should be notified if agencies are unable to gain access.

4. Assessment

4.1 Getting it right for every child (GIRFEC)

The GIRFEC practice model enables all agencies to think and act in a consistent way. This makes it easier to share information and respond to the needs of a child in a single or multi agency context, identifying when to call in other help or support.

The model is all about assessment, gathering information and analysis. The 'My World Triangle' supports a model of practice that considers the needs and risks (pressures) in a child's life together with the positive features (strengths). It can be used to explore a child's experience at every stage, recognising there are interconnections between the different parts of their world and the likely impact on their wellbeing and development.

The dimensions of resilience and vulnerability, and protective environment and adversity provide a framework for analysis of the interactions between the strengths and pressures identified using the 'My World Triangle' together with information from any specialist assessments. Strengthening protective factors in the environment will help boost a child's resilience. Intervention should aim to identify and support protective resources in addition to nurturing the child's capacity to benefit from these resources.

When it is no longer possible to support the child or young person on a single agency basis, a multi agency assessment must be undertaken. Both single and multi agency assessment, planning and review must be underpinned by the principles of 'Getting it right for every child', this should include multi agency meetings to support assessment and planning based on needs and outcomes for the individual child or young person.

5. Appendices

Appendix 1

Why is running away such a concern?

A child or young person who has run away should have the opportunity to discuss with a professional their reason for running away, the risk of it occurring again and what action needs to be taken to reduce the risk, including the need for additional support.

Running away puts children and young people in danger and is often a sign of underlying problems in a child or young person's life. These may include involvement with substance misuse, trouble with the police or difficulties at school such as truanting or exclusion. Sometimes children's difficulties are as a result of being the victim of physical, emotional or sexual abuse or violence. In some instances it may already be clear that a child or young person is in need. But in many instances these problems may be hidden.

Running away is associated with a number of short term risks including sleeping rough, involvement in crime, sexual exploitation and substance misuse. Research has indicated that around one in six young people who had been away overnight reported being either physically or sexually assaulted while away from home. Even when a child or young person is not exposed to immediate danger, running away can be a frightening and upsetting experience for the child or young person and for their family.

There are also implications for the long term outcomes for children and young people who run away in terms of increased levels of homelessness, social exclusion and unemployment. All agencies in Lanarkshire need to identify children and young people at risk and provide them with appropriate support.

Running away from home

The majority of young runaways have run from their family home. The most common reasons that children and young people give for running away from home are arguments and conflict with parents or carers, neglect and rejection, experiences of emotional or physical abuse or to seek respite from parents' or carers' personal problems such as alcohol or drug dependency or mental health problems. Research has shown that a high percentage of young runaways are from stepfamily backgrounds. Running away is closely associated with problems at school and children and young people who run away are more likely to be unhappy at school and to have missed time due to truancy or exclusion.

Children and young people who run away from home may not previously have had any contact with statutory agencies. This does not necessarily mean that they will not be experiencing significant problems in their life. The fact that they have run away should alert agencies that support might be required.

Children and young people in foster or residential care

While most young runaways run from their family home, a higher proportion of young people in foster or residential care (40%) run away compared with those who have never been looked after (9%) and children or young people who are looked after are more likely to run away repeatedly.

Some children and young people may have started to run away from home before their entry into the care system. However, the quality of care experienced by children is clearly important. Also to be considered is the fact that they are looked after away from home or that limits are being placed upon their freedom, possibly for the first time. It is important therefore that agencies work together to identify those children who are most vulnerable, to ensure their immediate safety and to consider the need for appropriate support to prevent a pattern of repeat running developing. This support should include helping children being looked after away from home to develop alternative coping strategies to those that result in them running away.

Children who cannot return home

A proportion of children and young people - especially older children - do not run away from home but are forced to leave by their parents or carers. There are also a number of children and young people for whom it is not safe to return home. For some older children running away is a transition to independent living. Children and young people who cannot return home often need support to prevent them becoming homeless or drawn into high risk activity.

Appendix 2

Professional responsibilities when children and young people go missing

Some children and young people go missing from home, residential or foster care for a short period of time and then return; often their whereabouts are known. These children and young people are not considered at risk and are often testing boundaries. Sometimes children and young people will stay out longer than agreed either on purpose or unwittingly. This sort of boundary testing activity is well within the range of normal adolescent behaviour and would not be considered as a missing child or runaway situation within this document. However, each individual child should be subject to a risk assessment based on individual circumstances and vulnerability.

In relation to a child or young person considered to be missing from home by their parent, carer or guardian, the professional should apply their own judgement with regard to the overall circumstances of the child or young person and how they came to be missing. If, in their opinion, the absence is more than 'boundary testing' activity they should, in normal circumstances, alert the police. Local procedures must always be implemented.

What should agencies and voluntary organisations do?

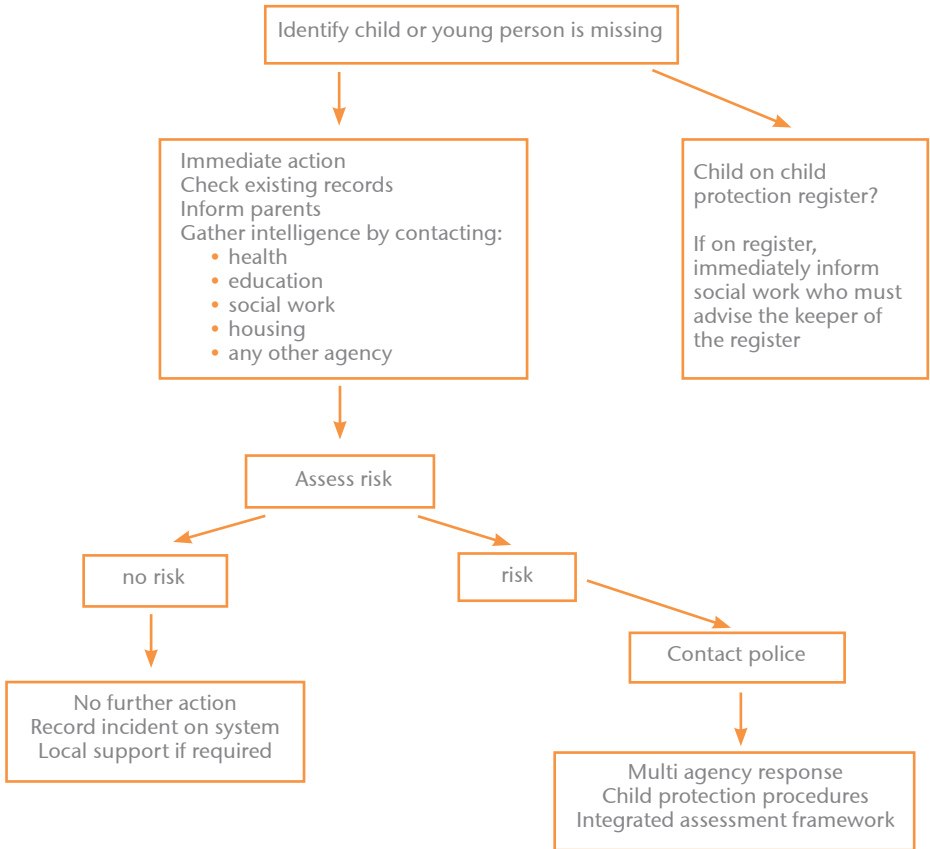
If it comes to the attention of any agency or voluntary organisation that a young person is missing from home they must:

- Advise the parent or carer of the agency's duty to ensure the matter is reported to the police by the parent or carer. The police

will ensure their own procedures are implemented. If it is felt necessary, the agency should follow this up by verifying that the reporting by the parent or carer has occurred.

- Contact other appropriate agencies such as social work, health or education. This will ensure that the vulnerability of the child or young person has been noted and that information has been shared in order to most effectively protect the child or young person from harm. In relation to action following a child or young person's return, multi agency collaboration will also help to ensure that ample opportunity is given to offer the child or young person choices in relation to discussing their whereabouts during the 'missing' period and to providing any advice, guidance and support they may need on their return. The flowchart on the next page should be used as a guide.

Flowchart for all agencies



Social work

- Notify social work team leader or manager.
- Consider child protection procedures.
- Contact all necessary agencies for information.
- Advise parent or carer where appropriate.
- Check current information systems.
- Complete appropriate paperwork.
- Advise Strathclyde Police where necessary (refer to flowchart).
- Advise reporter where child is subject to statutory intervention.
- Advise legal services where appropriate, for example when a child or young person is looked after at home or away from home.

Residential staff unit

Staff must follow North or South Lanarkshire residential protocols on missing children and young people using unauthorised absence procedures. Consideration must also be given to North or South Lanarkshire Child Protection Procedures.

Police

It is the role and responsibility of the police, where a person is reported missing or absconded, to make enquiries to establish the whereabouts of that person to ensure that they are safe and well. The term 'missing persons' incorporates all persons officially reported missing.

Persons under 16 years of age

On receipt of a report of a missing person, the police will obtain all relevant details of the person being reported missing or absconded including:

- Personal details (name, age, date of birth, home address, etc).
- Address reported missing from.
- Place last seen and by whom.
- Description.
- Clothing worn.
- Possessions (money, valuables etc).
- Previously missing (where located).
- Places frequented.
- Details of family and friends.

An initial risk assessment will be made based on all the known information at that time. The missing child or young person will be classed as either:

- Low risk.
- Medium risk.
- High risk.

The risk assessment will determine the resources dedicated to the enquiry.

The police have access to numerous databases, which can assist in gathering information on a person reported missing. In most cases the following will be checked to obtain all information available including potential addresses and associations:

- Scottish Criminal Record Office (SCRO).
- Police National Computer (PNC).
- Internal police databases such as Crime Management, Family Protection Unit and Vulnerable Persons Database (Domestic Abuse).
- Scottish Criminal Intelligence Database (SID).

When the missing child or young person is traced or returns to their place of residence, they are to be interviewed as soon as possible to establish when and where the child or young person was traced, where the child or young person had been while missing, persons with whom the child or young person had associated while missing and the likelihood of the child or young person having been involved in criminal activity or having been the victim of criminality while missing.

Where a child or young person has been a victim of a crime, this will be investigated in line with normal police procedures and any relevant inter agency protocol.

When a child or young person is traced, a report will be submitted outlining the circumstances to the reporter to the children's panel.

Health

Health should work within the integrated assessment framework contacting all necessary agencies for information. Consideration should always be given to child protection procedures and the missing family protocol 'Guidance for Health Professionals – Missing Family Alert'.

NHS personnel with concerns that a child or young person or family is missing should contact their child protection advisor. All reasonable and practical efforts should be undertaken to locate the family. This should include discussion with other health professionals and interrogation of systems such as Community Health Index (CHI), Standard Immunisation Recall (SIRS) and Patient Administrative System (PAS). Contact with other statutory agencies that may be able to assist is essential.

Preparatory work within the health board area to locate the family should be documented using the NHS Scotland Children Missing from Known Address Form (MKA1).

If a child, young person or family remain missing, the nurse consultant within the health board, in collaboration with the Caldicott Guardian, should agree the appropriateness (as determined by professional judgement based on an assessment of risk) of raising an NHS Scotland Missing Family Alert Form (MFA1).

Education (Learning and Leisure)

Staff in educational establishments should work within the integrated assessment framework contacting all necessary agencies for information. Consideration should always be given to child protection procedures and the missing from education protocol within Safe and Well 'Children Missing from Education – ensuring they are safe and well'.

Schools should:

- Follow normal procedures to monitor attendance and make contact with parents or carers at an early stage of unexplained absence.
- Make appropriate referrals to staff responsible for home visits. The teacher making the referral should request feedback on any contact made or failure to make contact.

The school child protection co-ordinator should be informed when a child is missing from education (and in any case when attendance is erratic, as this may indicate concern). Information on the child should be gathered from staff and any services associated with the school providing for the child. The child's school records should be reviewed to ensure they are up to date. The school (child protection co-ordinator) should contact the head of service (inclusion) or the quality improvement manager (inclusion). This

will initiate a search to establish: if the child has enrolled in another local school, independent school or alternative provision; if other family members are also missing; if other service providers (such as housing, social work services, health) in the area are in touch with the child or family or have information on their whereabouts; or if other service providers have concerns about safety and wellbeing of the child or family.

After conducting a local search, the head of service (inclusion) will consider making a referral to Children Missing from Education (Scotland). Timescales will vary according to each case and will depend on:

- The level of risk and protective actions required.
- Previous and current actions taken.

Once a child or young person is located, the local authority or the school will make arrangements to support the child's return to school. The success of re-engaging children and families with services is dependant on the building of trusting relationships with staff who can assist and provide appropriate support in returning the child to school.

Housing

Housing services have a duty to ensure the best interests of children are considered when providing accommodation. There is a further responsibility undertaken to identify risk factors for children and young people whilst homeless and in temporary accommodation. Where there is evidence of risk or exploitation, there is a possibility to report this to the relevant statutory agencies in order to protect vulnerable children and access support.

In response to vulnerable children and young people, where a child or young person is homeless or part of a homeless household, staff should:

- Assess the risk level.
- Assess the suitability for temporary accommodation.
- Alert the relevant agency where the concern is identified.
- Alert the police and social work where the child or young person is believed to be missing from temporary accommodation, passing on all gathered intelligence.
- Check information systems.

Where a temporary accommodation officer or support worker working with a family suspect that a child or young person is missing they should:

- Check files to ascertain if the child or young person was granted overnight stay.
- Collate information from parents.
- Identify where, and by whom, the child or young person was last seen.
- Identify the level of risk.
- Contact the police or social work.

Where a young person (aged 16 to 18) is booked into temporary accommodation, the booking officer should:

- Collate all contact details including mobile and family contacts.
- Identify the risk level using guidance.
- Be extra vigilant around the risk of sexual exploitation, especially where other risk factors are identified.

If a young person fails to return home within 24 hours:

- Check the risk level.
- Check case files and history.
- Confirm the date and time last seen.
- Check contact numbers.
- Check with other agencies working with the young person.

Voluntary and community organisations

Voluntary and community agencies have a duty to ensure children and young people are protected from harm. In relation to missing children and young people, these organisations must encourage the parent or carer to report the child or young person as missing. Refer to the flowchart on earlier page.

If the parent refuses to take action, the organisation should seek advice from the police or social work.

Child protection register and child protection concerns

If the missing child or young person is on the child protection register or there are any child protection concerns identified at the time of reporting, there must be immediate implementation of child protection procedures. Social work must always be informed.

When a child whose name is on the child protection register goes missing, immediate action must be taken:

- Notify the allocated social worker or team manager.
- If there are difficulties contacting social work services or resources, then the police should be informed immediately.
- Where this arises out of office hours, at weekends or during public holidays, contact the social work emergency service on 0800 121 4114 in North or the emergency social work service on 0800 678 3282 in South.

When social work or the police receive notification of a child who is missing and is on the child protection register, the keeper of the register must be informed and appropriate action taken.

Where a vulnerable child or young person remains missing

Where a vulnerable child or young person remains missing over a period of time, consideration should be given to convene a multi agency meeting to review circumstances and agree further action.

Returning home

If information is gathered during the course of enquiries which indicates a child or young person may be at risk when they return home, social work and the police must be informed immediately using child protection procedures.

In all instances, on return of the child or young person, the police will attend as soon as possible to ensure the child is safe and well and where possible establish their whereabouts during the 'missing' period. In some circumstances, a joint police and social work interview will be arranged.

The police will cancel any circulation of the child or young person's details and will inform all agencies of the child or young person's return or whereabouts.

The child or young person should be offered access to a further independent interview to assess their needs with regards to advice, information and support and to agree an appropriate response. The young person's views must always be taken into account.

Information sharing and confidentiality

All agencies have different functions and responsibilities but it is necessary to share information within and between agencies at different times and for different purposes. The integrated assessment framework in Lanarkshire supports this process by ensuring that all relevant information is shared by agencies that know the child or young person.

Information sharing can be electronic, verbal or in writing. The decision to share information does not rest with one individual. If a professional is uncertain about when to share information initially this should be discussed with their line manager and reference made to the Lanarkshire Information Sharing Protocol: Obtaining Consent Good Practice Guidance. In some circumstances such as child protection, agencies have a duty to share information.

Agencies may have specific guidance in relation to information sharing, which should be used in conjunction with the Lanarkshire Information Sharing Protocol: Obtaining Consent, Good Practice Guidance. Professionals should familiarise themselves with these and know where to access them as required. Advice can also be obtained from professional bodies, agency legal services and, for NHS staff, the Caldicott Guardian will offer advice on information sharing and confidentiality.

Good practice is to obtain the child or young person's consent to share information. In cases where it is considered that a child is at risk then consent is not required. Confidentiality should not be a barrier to information sharing. If a child or young person has shared information on the basis that it will be treated in confidence but is then or at a later stage deemed to be at risk then the best interests of the child or young person are paramount and issues of confidentiality are overridden by the safety and wellbeing of the child or young person.

Appendix 3

Additional information regarding sexual exploitation

Grooming process

Adults may befriend children and young people, initially showing an interest in them, the offering of lifts in their car and generally nurturing what young people see as a positive relationship. Young people may receive gifts, for example clothes, trainers, accommodation, money, alcohol, drugs and mobile phones. These gifts create a dependency on these adults but also enable absconders to 'survive' away from their place of residence for longer.

Some young people may be used as conduits or contacts to introduce other young people to males. Many are encouraged to bring their friends along for company. Details of flats identified as 'safe houses' are shared amongst absconders, enabling them to remain missing for longer periods.

For many young people, particularly young women, they may mistakenly identify the adult as a 'boyfriend', being taken out for meals, attending parties and being introduced to the 'boyfriend's' friends. Often the male is several years older than the young person and the age difference is of concern.

These relationships are key to the abuse process in which young people are involved. Children and young people may not recognise exploitation as it is taking place. They may welcome the attention they are receiving. In some cases, young people may believe they are exploiting the adults – believing they are manipulating and controlling them to gain alcohol, cigarettes, etc.

Internet abuse and mobile technology

The internet and mobile devices provide new and imaginative ways of gaining information and communicating. They have transformed the way children and young people learn and benefit children and young people across the spectrum of abilities, including those with physical and learning disabilities. Although it offers a wealth of new experiences and possibilities, those intent on harming children and young people have discovered ways of using this new technology to abuse them.

The use of mobile technology is not only a tool in the grooming process, but is a means for adult men to maintain contact with young people and for networking with those young people involved.

The challenge facing professionals is twofold. Firstly, new technology makes many children far more accessible to those who wish to abuse them. It is more anonymous and it may act as a vehicle for groups of abusers to communicate with one another and provide mutual legitimisation. Secondly, the new technology introduces new features to the way in which abusers organise their abuse, which has implications for our practice, policies and procedures, both for investigation and for the subsequent assessment and treatment needs of the victims.

Areas of concern in internet and mobile technology:

- Children and young people who view adult pornography.
- Children and young people sold online for sexual abuse off line.
- Children and young people abused through prostitution using the internet and mobile technology to contact their abusers.
- Adults who engage in 'cyber sex' with children and young people.
- Children and young people who place images of other young people on line.
- Children and young people or adults who download or distribute sexually abusive images of children.
- Children and young people who download sexually abusive images of children and young people.
- Children and young people groomed online for sexual abuse off line.
- Children sold online for live sexual abuse online.
- Children made the subject of child abuse images.

Identifying children at risk of sexual exploitation

Children sexually exploited through prostitution may not be visible on the streets. It is important that professionals are aware of the potential indicators that a child or young person may be involved in prostitution or other forms of sexual exploitation.

Sexual exploitation through prostitution

Sexual exploitation through prostitution is abuse. The fact that some form of remuneration may take place should not imply consent on the part of the child or young person. Children and young people cannot consent to their own abuse and exploitation. Sexual exploitation through prostitution robs a child of their childhood.

Children and young people who are sexually exploited through prostitution are likely to be experiencing other problems. These problems may include parental disharmony, physical violence, relationship problems, sexual abuse, bullying, truancy or substance misuse (either by the child or young person or by a member of their family).

It is important that the needs of children and young people sexually exploited through prostitution are not seen in isolation. Action must be taken to address all of these underlying issues, which can increase a child or young person's vulnerability and potentially lead to their involvement in high risk activity.

Some children and young people may not recognise that they are in an exploitative relationship although this may be clear to those around them. It may be very difficult for a child or young person to accept that someone they trust is seeking to exploit and manipulate them and they may need support to help them to deal with these issues. It is important that professionals are aware of the potential indicators that a child or young person may be involved in sexual exploitation through prostitution; that they are equipped to deal with this and to treat any complaints or concerns from a child or young person, parent or carer seriously.

Potential indicators of involvement in sexual exploitation

These indicators should not be read as a definitive list. They are intended as a guide which should be included in a wider assessment of the young person's circumstances.

The indicators may include:

- Physical symptoms (bruising suggestive of either physical or sexual assault).
- Existence of a sexually transmitted infection.
- Child or young person known to be sexually active.
- Reports from reliable sources suggesting the likelihood of involvement in prostitution.
- Reports that the child or young person has been seen in places known to be used for prostitution.
- Evidence of substance misuse.
- Leaving home or care setting in clothing unusual for the individual child or young person (e.g. inappropriate for age, borrowing clothing from older young people).
- Reportedly consorting with unknown adults outside the usual range of contacts or other children and young people known to be involved in sexual exploitation.
- Phone calls or letters from adults outside the usual range of social contacts.
- Adults loitering outside the child or young person's usual place of residence.
- Significantly older 'boyfriend'.
- Accounts of social activities with no plausible explanation of the source of necessary funding.
- Persistently missing or returning late with no plausible explanation.
- Returning after having been missing, looking well cared for in spite of having no known base.
- Missing for long periods, with no known base.
- Possession of large amounts of money with no plausible explanation.
- Acquisition of expensive clothes or other possessions without plausible explanation.
- Low self image.
- History of physical, sexual, emotional abuse and neglect.
- Truancy.

- Entering or leaving vehicles driven by unknown adults.
- Going missing and being found in areas where the child or young person has no known links.
- Possible inappropriate use of the internet and the forming of relationships, particularly with adults, via the internet.

Appendix 4

Adult Support and Protection (Scotland) Act 2007

Introduction

Acting to support, protect and minimise the potential for harm to children, young people and adults is a priority for all staff who work in public agencies. The ability to identify potentially harmful situations and to take appropriate action is the first step towards protecting a vulnerable person whatever their age.

In order to address the needs of vulnerable children, young people and adults who may be at risk of harm at an early stage, it is important that all staff, irrespective of their specialism, have a holistic view of their role and a duty of care to all individuals with whom they come into contact. Effective partnership working, including appropriate information sharing can go some way to make up for individual gaps in knowledge and skills.

This guidance aims to assist professionals by:

- Raising awareness of the Adult Support and Protection (Scotland) Act 2007.
- Outlining some of the circumstances in which it may apply.
- Providing guidance about the transition arrangements for young adults aged between 16 and 21.
- Providing a protocol for partnership working across and within agencies.
- Providing guidance in relation to information sharing.

The Adult Support and Protection (Scotland) Act 2007

The Act introduced new measures which provide additional opportunities to support and protect adults who may be at risk of harm. Adults are defined as people aged 16 and over and therefore includes young people aged 16 and 17 who are known to social work, education and health services and who might also be subject to other legislation, such as The Children (Scotland) Act 1995.

Adults at risk of harm are those who are unable to safeguard their own interests and who are affected by disability, mental disorder, illness or physical or mental infirmity. These measures extend the options currently

available to those supporting children and young people through a range of duties and powers, particularly for council employees but applicable to employees in all public bodies.

The Act sets out the definitions of:

- An adult at risk.
- Harmful conduct.
- Categories of harm, which include self harm.

The Act places a duty to report the circumstances of an adult or young person, who they believe may be at risk of harm, on all public bodies. It also places a duty on public bodies to cooperate with the council and each other, when undertaking inquiries and investigating an adult's circumstances. The Act gives councils (social work), lead responsibility for undertaking inquiries into the circumstances of adults or young people at risk of harm.

All employees working with children, young people, adults and families are expected to be aware of and familiar with the duties and powers conferred by both the Adult Support and Protection (Scotland) Act 2007 and the Children (Scotland) Act 1995. It is equally important that employees in children and young people's services recognise when an adult is at risk of harm as it is for employees in adult services to recognise when a child or young person is at risk of harm. It is important when considering the use of legislation that advice is sought from colleagues with appropriate expertise, including legal services.

Circumstances where the Act may apply

There is a wide range of situations in which adults and young people may be at risk of harm: within families, local communities and institutions, particularly those providing full time care. The Act also applies to adults or young people who self harm.

Below are some of the situations where the Act may apply; it is important to remember that public bodies have a duty to report situations where an adult or young person is at risk of harm and that the council (social work) has a duty to make inquiries into their circumstances.

These examples are not exhaustive; the potential for harm can exist in any setting where risk factors such as poverty, isolation, disability or an

imbalance in relationships combine. Good assessment skills and the application of professional judgement will help identify such situations.

- a) A young person subject to child protection measures is approaching their sixteenth birthday; the Act provides additional measures, such as protection orders which may be relevant to their circumstances.
- b) A young person with disabilities or mental health issues may become an adult at risk of harm on reaching their sixteenth birthday.
- c) A young person with additional support for learning needs may be an adult at risk of harm.
- d) A young person subject to a looked after and/or accommodated order may be harming other young people or adults who may be defined as adults at risk of harm.
- e) A parent who is subject to domestic abuse may also be an adult at risk of harm.
- f) A child or young person in need may be part of a family where an adult is at risk of harm.
- g) When investigating an allegation of child abuse, the alleged perpetrator may have access not only to other children but also to other vulnerable adults who may be at risk of harm, such as a disabled relative.
- h) An adult at risk of harm may also be a risk to children.
- i) When planning for children, it should be ensured that this does not put other vulnerable adults at risk of harm.
- j) A parent or a young person is self harming.

Transition arrangements for young people aged 16 to 21

Children and families services may provide support and guidance until a young person turns 21. In the event of a protection concern arising for a young person aged between 16 and 21, a referral should be made to reception services in the relevant locality social work office.

If the young person has an allocated social worker in either children and families or adult services then the matter will be referred to the appropriate worker for consideration and appropriate action.

Where the young person is not an open case, consideration should be given as to which team is best placed to investigate the matter. The decision should be based on the young person's needs as well as the nature of the information involved in the referral. It is for the team leaders from each service to agree this. If there is any disagreement and there is no

obvious resolution then the matter should be discussed with the relevant fieldwork managers for the locality.

Protocol for partnership working

If a young person meets the definition of an adult at risk of harm, the council has a duty to undertake an inquiry into their circumstances. In such cases, consideration should be given to the best way of assessing and managing the risk of harm and how best to meet the needs of the young person.

Adult protection procedures should be used to ensure that all opportunities are taken to support and protect the young person. However, other legislation or guidance may also be appropriate, depending on the young person's circumstances. This could include such direction as the Adults With Incapacity Act 2000, or the 'Lanarkshire vulnerable children and young people good practice guide'.

It is recommended that if a young person aged 16 years or above is identified as being at risk and is an open case to the children and family service, that a 'council officer' (as defined by the Act) is involved throughout the adult protection process, to provide advice and guidance on the applicability of the Act. Likewise, staff within the adult team should seek guidance from colleagues within children and family services should they become involved with a young person who has previously been supported by that service.

For a young person who is subject to child protection, looked after and accommodated or care management arrangements and who is also likely to remain at risk of harm after they turn 16 years old, it is recommended that:

- Transition into the adult protection system is considered either at the looked after and accommodated review prior to their sixteenth birthday or at a child protection review meeting if this is appropriate.
- All relevant agencies must be represented at the review including a council officer from the relevant adult team.
- A decision is made as to whether the young person is an adult at risk of harm; if so the Adult Support and Protection (Scotland) Act 2007 applies. This should be recorded and an adult protection inquiry undertaken.

- Any actions taken to support and protect the young person should be consistent with multi agency adult and child protection procedures.
- All other relevant legislation such as the Adults With Incapacity Act 2000 and the Mental Health (Care & Treatment) (Scotland) Act 2003 is considered within the review.
- An action plan for the young person is agreed.
- The decisions and reasons for the decisions are minuted and recorded.

In relation to adult protection concerns more generally:

- Concerns should be brought to the line manager's attention immediately.
- The adult protection procedures of the employee's organisation should be followed.

notes

notes

notes

If you require more information, please see the national guidance at:

<http://www.scotland.gov.uk/Resource/Doc/???>

For additional copies of this guidance or to request this in another format,
please call 01698 452859 or 01698 452860.