

**PUBLIC PROTECTION POLICY**

**Incorporating Adult Protection, Child Protection and Gender Based Violence.**

This document is available for Heartstart Supervisors, Instructors and Coordinators.

It outlines:

* our commitment to safeguarding all children and adults at risk that come into contact with our work
* what to do if you’re concerned about the welfare of a child or adult at risk
* what to do if the situation is urgent or immediately dangerous
* how to plan and minimise risk

It also includes the:

* Heartstart Public Protection Incident Reporting Form

**Introduction**

The Scottish Government (SG) views the protection of adults and children at risk of significant harm as a high priority and this policy is informed by legislation and national guidance. The overall focus of this is to place individual welfare at the centre of our approach to Public Protection.

 The Resuscitation Research Group, Edinburgh (RRG) is committed to safeguarding all children and adults at risk that come into contact with the work of the Save a Life for Scotland campaign. We believe that their welfare is paramount and as such commit to:

• All children and adults at risk have an equal right to protection from abuse and to be kept safe from harm regardless of their age, race, religion, nationality, ability, gender, language, or sexual orientation/identity.

• All suspicions and allegations of neglect or abuse will be taken seriously and responded to swiftly and appropriately.

• All activities involving children and adults at risk will be managed in an exemplary manner, with consideration given to equal access, risk assessments and risk management as a routine aspect of our work.

• Employees, contractors and volunteers will be clear about their responsibilities and know how to respond appropriately.

• We are committed to sound recruitment procedures and good practice for all individuals working with the organisation whether in a paid or voluntary capacity.

• We will ensure that individuals receive the support, education and training they need to be aware of and understand best practice and how to manage any welfare issues that may arise.

• We recognise that it is not the responsibility of employees, contractors or volunteers to determine if abuse has taken place, but it is their responsibility to act upon and report any concerns.

• We are committed to embedding and promoting safeguarding throughout the organisation at every level of

operation from frontline delivery to cross organisational policy and procedure.

**We expect everyone who represents the Heartstart programme (staff, partners and volunteers) to have read, understood and adhere to this policy and related procedures.**

This means, when working with children or adults at risk, you should never:

• promise to keep secrets – safeguarding relies on sharing concerns appropriately with other agencies

• give out personal phone numbers

• enter into a sexual or intimate relationship

• investigate any concerns you may have – it is your job to listen and report your concern, not to ask questions, make judgements or decisions

• shout, or be bullying or abusive

**Information Sharing**

**The wellbeing of the individual is central when taking the decision to share information.**

At all times any information shared should be necessary, relevant and proportionate to the circumstances and limited to those who need to know. When information is shared in relation to a Public Protection concern the RRG Schools and Communities project coordinator will maintain a record of when it was shared, with whom, for what purpose, in what form and whether the disclosure was made with or without informed consent.

Privacy and confidentiality are governed by legal provisions that aim to safeguard personal information, specifically:

The UN Convention on the Rights of the Child (1989).

The Human Rights Act (1998).

The Data Protection Act (2018).

The General Data Protection Regulations (2016).

Professional Codes of Conduct (GMC/NMC/HCPC).

The Data Protection Act (2018) stipulates the conditions under which personal information and sensitive personal information can be processed to ensure this is both fair and lawful. Only schedule 1 of the act requires that an individual provides informed consent, which in the case of Public Protection may not be appropriate. Therefore, personal information may be shared where at least one condition from Schedule 2 of the act is met, and sensitive information where at least one condition from Schedule 3 is met.

**It is not necessary to seek informed consent when there is a concern for the wellbeing of an individual and/or there is a legislative requirement to share information.**

**Policy Context in Scotland**

**Adult Protection**

The Adult Support & Protection (Scotland) Act 2007 provides a suite of legislation and provides a strong framework that seeks to protect and support adults who are at risk from harm. To be successful the Act requires full cooperation and integration from all aspects of Health & Social Care. By working together this provides a multi-agency approach that will assist in the protection and safeguarding of adults who are unable to protect themselves, their property and their rights. This can be a challenging task and it is often difficult to know when to intervene and when not to interfere with an adult’s right to live as independently as possible.

Other relevant legislation includes Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care & Treatment) (Scotland) Act 2003. However, the 2007 Act provides legislative responses for adults who may not be covered by either of these, thus allowing inquiries to be progressed where prior there would not have been the power to do so. This Act complies with the European Convention of Human Rights. It provides a range of measures which the agencies and public bodies can use.

**An adult is defined for the purpose of this policy as a person who is eighteen years and older**.

**Child Protection**

All children and Young People have the right to be cared for and protected from harm and abuse and to grow up in a safe environment in which their rights are respected and their needs met. The RRG recognises both its responsibility in the care and protection of Children & Young People and within the wider context of ‘Getting It Right for Every Child’ (GIRFEC), the Early Learning Years and the UN Convention on the Rights of the Child and acknowledges that the welfare of the child or young person is paramount.

The statutory duty to protect children by reporting and investigating child care issues derives from two sources of legislation; the Police (Scotland) Act 1967, which provides a mandate for Police Officers; and the Children (Scotland) Act 1995, in particular sections 53 & 56 in relation to the provision of information to the Principal Reporter (PR). The PR or children’s reporter as it is otherwise known is a local independent official who can decide if any legal interventions need to be made to protect a child. The legal interventions that may be applicable including Child Protection Orders and the operation of the Child Hearings system are covered by the Children’s Hearings (Scotland) Act 2014.

The Children and Young People (Scotland) Act 2014 set out further requirements about which children should have a ‘named person’ and who that named person should be, however not all of the provisions in the Act have been implemented at the time of writing (2019). Nonetheless, this is a significant piece of legislation concerning children’s rights and services in Scotland.

**A child is defined for the purpose of this policy as a person who is under eighteen years old.**

**Gender Based Violence**

Gender Based Violence (GBV) can happen to anyone regardless of sex, sexual identity or gender. The key risk factor for experiencing GBV, however, is being female (Health Scotland, 2018).

Gender is used to describe social expectations of people based upon their gender identity, and in this context GBV describes the abuse that arises from or reinforces inequalities. There is a disproportionate impact of GBV for women and girls and GBV cuts across boundaries including a number of additional factors. For example; age, disability, ethnicity, sexual orientation, religion and belief, financial dependence, poverty, class, homelessness and insecure immigration status increasing an individual’s level of vulnerability.

Examples of GBV include:

* Domestic abuse
* Rape and sexual assault
* Childhood sexual abuse
* Commercial sexual exploitation
* Stalking and harassment
* Harmful traditional practices (for example female genital mutilation, ‘honour’ crimes and forced marriage.

**Children and Young people - Heartstart teaching - key points**

As part of their standard procedures, school and colleges will have policies to ensure that visitors are always

accompanied whilst on their premises. As such, the school should never leave visitors alone with children. If working in a school or another site/organisation identify yourself to the organisation’s lead safeguarding officer or most senior person on site.

If you are a Heartstart school, you should follow your school’s Safeguarding code of conduct or policy.

The good practice information below must be followed when visiting schools and colleges or other locations where children and young people are present:

* Always be public and open when working with children and young people.
* Always ensure a teacher is present when you are with children and young people.
* Avoid inappropriate language and subject matter. Where possible check the content of a talk in advance with a teacher.
* Be careful not to do or say something that could create a false impression or be misunderstood or interpreted as innuendo.
* Avoid showing favouritism or singling out individuals in any way.
* Be aware of individual needs and personalities, and never make derogatory or discouraging remarks.
* If a child is upset, make sure that it is school staff that provides comfort and support.
* Contact with children or young people in or near school premises must only be made with the prior knowledge and approval of the Head Teacher, the school safeguarding lead or a member of the school’s staff designated by the Head Teacher and according to processes agreed with them
* Do not take any photographs or videos with any type of recording equipment of a child or young person.
* Never drive or walk a child or young person home.
* Never take a child or young person into your home.
* Never give out your personal contact details.

**What to do if you are concerned about the welfare of a child or adult at risk**

The decision to raise a concern under the public protection process should be based on the available information that indicates the potential that a vulnerable person may be at risk from abuse/neglect/GBV. It is important to consider that this does not just apply to children or members of the general public but also work colleagues.

Everyone has a responsibility to report any concern.

The following questions will help to understand any concern you may have:

1. Why do I think this person is not safe?

2. What is preventing this person from being safe?

3. What have I observed, heard or identified from the individual that causes concern?

4. Are there factors that indicate significant harm is present, and in my view, do those factors pose a significant risk requiring immediate action?

5. In relation to an adult, are they more vulnerable to being harmed because of gender, disability, ethnicity, physical or mental illness?

**If you have any concerns about the immediate safety of any adult or child, you should contact the police immediately to request their attendance.**

**Once the police have been notified you should also make an appropriate Safeguarding referral to Adult or Child Protection services as per the current process.**

**Process - Adult**

If you have any concern about the immediate safety of any adult you should contact the police immediately to request their attendance.

On identifying a concern, the person raising the concern must also phone the local council's Adult Protection team to ensure a formal record of referral is held.

Contact details for the team are available at <http://www.actagainstharm.org/getting-help/>

Having contacted the relevant local council team, the person raising the concern should complete the incident reporting form and email it to heartstart@savealife.scot

**Process - Child Protection**

For the purpose of this policy a child is defined as a person 18 years and under.

There are four categories of child protection concern:

* Physical Abuse
* Emotional Abuse
* Sexual Abuse
* Neglect

In addition, there are a number of indicators that a child may be at risk which may often occur in combination with each other namely:

* Domestic Abuse
* Parental Problematic Alcohol and Drug Use
* Child Disability
* Non-Engaging Families
* Children and Young People Experiencing Mental Health Problems
* Children and Young People who Display Harmful or Problematic Sexual Behaviour
* Female Genital Mutilation
* Honour Based Violence and Forced Marriage
* Fabricated or Induced Illness

This list is not exhaustive

If you have any concern about the immediate safety of any child you should contact the police immediately to request their attendance.

If the concern is identified in a school, the safeguarding lead for the school should be informed immediately. The person identifying the concern must also phone the local councils child Protection team to ensure a formal record of referral is held. Contact details for the team are available at:

<https://www.celcis.org/knowledge-bank/protecting-children/worried-about-child-or-young-person>

Having contacted the relevant local child protection team, the person raising the concern should email heartstart@savealife.scot

**Process - Gender Based Violence**

People subjected to GBV may not recognise or disclose this and therefore it is important to be vigilant to potential risk factors and indications. GBV may require you to raise a public protection concern in line with this policy for both Adults and Children at risk.

If you have any concern about the immediate safety of any adult or child you should contact the police immediately to request their attendance.

If you have a concern that a person may be at risk of GBV you should:

Identify - Be aware that domestic abuse is a possibility. Recognise signs, create an environment to support disclosure and ask sensitively.

Respond - Listen to what they say, show empathy, be non-judgemental, validate their experience and ask what they need.

Support - Assess risk and enhance safety, provide information and help them connect to support services. If appropriate, consider whether there is a need to raise an Adult and/or Child Protection concern in line with this policy.

Further advice on how to respond to GBV can be obtained from:

www.healthscotland.scot/health-topics/gender-based-violence

Heartstart

Public Protection incident reporting form

Today's date

Your name and role

Brief notes about what happened

Have you informed the lead safeguarding officer or most senior person your site of concern? (if applicable)

Date of first concern

Has there been a delay in completing this form? Please provide an explanation

Does your concern involve:

* Child / young person
* Adult at risk
* Member of staff / volunteer / contractor
* Other (please state)

Describe your concern and what prompted it. Use short factual sentences to describe:

* the reason for your concern
* what happened when
* who was involved
* who said what, when
* what you said, when
* if anyone else saw/heard anything (e.g. police or witness)
* any damage or other relevant details

Short summary of concern:

List any agreed actions with those involved

Are these your own concerns?

* Yes
* No (please state who below)

Name and Signature of Heartstart representative receiving this form and date of receipt.

Name

Signature

Date

Record of action taken by Heartstart representative