



Dundee Contemporary Arts

DCA Child Protection Policy & Procedure

1. Introduction and purpose

The purpose of this policy is to ensure that all concerns about the care and protection of children are effectively managed.

DCA will make provision for children and young people ensuring that:

- the welfare of the child is paramount
- all children, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse
- all suspicions and allegations of abuse and poor practice will be taken seriously and responded to swiftly and appropriately
- all staff working in DCA have a responsibility to report concerns to the appropriate person

The policy must be applied by all workers, volunteers and trustees in line with Section 5 of the Children (Scotland) Act 1995 which states that *“it shall be the responsibility of a person who is 16 or over and who has care and or control of a child under 16, to do what is reasonable to safeguard the child’s health, development and welfare”*.

2. Policy Aims

The aim of the DCA Child Protection Policy is to promote good practice in:

- providing children and young people with appropriate safety and protection whilst in the care of DCA
- allowing all staff/volunteers to make informed and confident responses to specific child protection issues

3. DCA has a Child Protection Designated Contact Person and a Deputy

3.1 DCA Child Protection Designated Person is as follows:

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Head of Education
Dundee Contemporary Arts
Dundee DD1 4DY
01382909237 / out of office hours contact 01382 909900
sarah.derrick@dca.org.uk

and deputy:

Alice Black
Head of Cinema
Dundee Contemporary Arts
Dundee DD1 4DY
01382 909243 / out of office hours contact 01382 909900
alice.black@dca.org.uk

3.2 The role of the Child Protection Designated Contact Person (and Deputy) is as follows, to:

- provide guidance and advice on matters relating to the implementing, promoting and updating of DCA's Child Protection Policy
- ensure that all staff are familiar with and adhere to DCA's Child Protection Policy.
- maintain up to date knowledge and understanding of the area of Child Protection, including attending appropriate training and sharing this with DCA Management teams and Head of Operations.
- ensure correct procedures in case of formal referrals
- encourage good practice and support of procedures to protect children.
- represent DCA in matters relating to statutory agencies e.g. Police and Social Work) during and following any formal investigations.
- maintain confidential records of reported cases and action taken. All records must be stored securely within the HR Department
- review annually DCA's Child Protection Policy with DCA Management teams.

4. Recruitment, vetting, induction and training

4.1 Staff, volunteers and sessional workers who work with children are carefully selected in line with The DCA Recruitment and Selection Policy and Child Protection Policy.

4.2 Two references are requested and obtained to check a potential employee, volunteer and sessional workers background and suitability for working with children.

4.3 Staff, volunteers or sessional workers who will be involved in delivering planned activities with children must be members of the PVG scheme (Protecting Vulnerable Groups Scheme) managed by Disclosure Scotland on behalf of the Scottish Government. (The existing Enhanced Disclosure Scheme is being phased out over a 4 year period)

4.4 All new members of staff, volunteers, trustees and sessional workers will be given induction training which will include the Child Protection Policy & Procedures. Those working with children will receive specific induction and training in relation to the DCA Child Protection Policy and Procedures to ensure that they know how to work safely with children.

4.5 Paid and voluntary appointments will be checked at probationary period interview for understanding and implementation of DCA Child Protection Procedures. All employees will annually receive formal feedback as part of the performance review process, during which any issues can be identified and addressed. Training needs relating to children will also be identified and where appropriate new goals set.

4.6 Complaints, appeals and disciplinary procedures arising from the Child Protection Policy and Procedures, both internal and external, will follow existing DCA complaints, appeals and disciplinary processes.

5. Responding to concerns about abuse / neglect

5.1 If a concern is raised that a child may be experiencing abuse / neglect by an individual outside the organisation because, for example,

- a child has alleged that they are being abused
- a third party report is received that a child is being abused / neglected
- there are signs and indicators which could point to abuse/neglect

The worker or volunteer should report this concern to the Child Protection Designated Person immediately. The Child Protection Designated Person should ensure that the worker / volunteer records their concerns on an incident report form as soon as possible.

N.B. If the allegation is against the Child Protection Designated Person then concerns should be reported to the Director.

The Child Protection Designated Person will ensure the following:

- a. Refer to the appropriate contact
A new single telephone number (and website) to report any child protection concerns in Dundee has been launched:

01382 307999 www.dundeeprotects.co.uk

Dundee's child protection line is the only one that people need to call to alert any of the agencies involved in child protection in the city.

Child protection in Dundee is delivered by Dundee City Council, NHS Tayside and Tayside Police.
- b. The individual who first received / witnessed the concern should make a full written record, using an incident report form (Appendix D), of what was seen, heard and / or told as soon as possible after observing the incident / receiving the report.
It is important that the report is an accurate description. The Child Protection Designated Person/Deputy can support the worker during this process but must not complete the report for the worker.
- c. The incident report form should be passed to the Child Protection Designated Person who will record any steps that they have taken and summarise any advice given by the child protection agencies.
- d. A copy of the record should be passed to the local Police and / or Social Work. The original should be stored in a secure place with DCA Ltd.

5.2 If a concern is raised that a child is being harmed by a worker from within DCA because, for example,

- a child alleges that they have been harmed by a worker
- a parent / carer alleges that their/a child has been harmed by a worker
- other workers have witnessed or have concerns about a worker's behaviour

toward children

Any such behaviour should be reported to the Child Protection Designated Person.

The Child Protection Designated Person will ensure the following:

- a. immediately report this matter to the appropriate contact.
- b. the appropriate agency should be asked whether or not it is appropriate for the organisation to approach the worker implicated in the allegation as part of the organisation's internal investigation.
- c. The individual who first received / witnessed the concern should make a full written record using an incident report form (Appendix D), of what was seen, heard and / or told as soon as possible after observing the incident / receiving the report. It is important that the report is an accurate description. The Child Protection Designated Person can support the worker during this process but must not complete the report for the worker.
- d. The incident report form should be passed to the Child Protection Designated Person who will record any steps that they have taken and summarise any advice given by the child protection agencies.
- d. A copy of the record should be passed to the local Police and /or Social Work. The original should be stored in a secure place with DCA.
- e. Where the Police have advised that it is appropriate to inform the worker that an allegation has been made against them, the worker should be told this and the worker should be suspended (in line with DCA Disciplinary Policy) whilst an internal investigation is undertaken.
- f. The internal investigation should not compromise the work of the child protection agencies and should not involve questioning the child about the nature of the abuse that is being alleged.

Where there is a complaint against a member of staff there may be three types of investigation:

- a criminal investigation
- a child protection investigation
- a disciplinary or misconduct investigation

The result of the police and child protection investigation may influence and inform the disciplinary investigation, but all available information will be used to reach a decision.

- g. Where the internal investigations indicate that the worker harmed or placed a child at risk of harm and the worker is removed from access to children, a referral to the List (in the context of the Protection of Children (Scotland) Act 2003 - Disqualified from Working with Children List (Scottish Executive 2003) should be made by the Director. No attempt should be made to investigate any child protection concern.

6. Records and confidentiality

6.1 The Data Protection Act requires DCA through appropriate management, strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with legal requirements
- Ensure the quality of information used
- Apply strict checks to determine the length of time information is held
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act.
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.

7. Code of behaviour

7.1 A code of behaviour is set out in the attached Guidelines for DCA staff, trustees, volunteers and sessional workers, and issued as part of the DCA Induction process.

8. Definitions

8.1 Definitions of 'abuse'

Abuse can occur wherever there are young people or vulnerable adults of any age. The effects of abuse can be so damaging and if untreated, they may cause serious problems in adulthood including the possibility of difficulty in maintaining stable, trusting relationships, involvement with drugs or prostitution, attempted suicide or even abuse of a child.

Someone may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. Children can be abused by adults or other children; there is growing evidence to suggest that peer abuse is an increasing concern for young people. In addition to bullying, four main categories of abuse are recognised:

- **Physical abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical abuse may also be caused through the omission or the failure to act or protect.

- **Emotional abuse**

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may

involve making a child feel or believe they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person.

- **Sexual abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of, or consents to, what is happening. The activities may involve physical contact, including penetrative acts such as rape, buggery or oral sex or non-penetrative acts such as fondling. Sexual abuse may also include non-contact activities, such as involving children in looking at, or in the production of pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways. Boys and girls can be abused by both males and females, by adults and by other young people. This includes people from all walks of life.

- **Neglect**

This is the persistent failure to meet a child's basic physical and/or psychological needs. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to a child's basic emotional needs.

Definition of 'children'

Who are Children?

These guidelines refer to children. This means people who are under the age of 18 that is the definition contained within the UN Convention on the Rights of the Child, Police Act 1997 & the Protection of Children (Scotland) Act 2003.

However in Scots Law, legal responsibilities for some purposes define a child as up to the age of 16. e.g. The Children (Scotland) Act 1995 (Section 5) states that an adult (over 16 years of age) who has care or control of a child under the age of 16 has the responsibility to: "do what is reasonable in all circumstances to safeguard the child's health, development and welfare" When working with those between the ages of 16 and 18 then you should make further enquiries as to whether or not you have the legal responsibilities according to the nature of your project.

The term 'young people' is often used but has no legal status. For the purposes of this policy and procedures at DCA the phrase 'children and young people' will mean those up to age 18 years.