



CHILD PROTECTION POLICY & PROCEDURES GUIDE

Creating a Safe Environment in fitness for Children

Policy, Procedures and Resource Templates
EFFECTIVE FROM JANUARY 2019

Introduction

Fitness can and does have a very powerful and positive influence on people – especially young people. Not only can it provide opportunities for enjoyment and achievement, it can also develop valuable qualities and skills such as self-esteem, leadership and teamwork. These positive effects can only take place if fitness is in the right hands – in the hands of those who place the welfare of all young people first and adopt practices that support, protect and empower them.

Everyone has a duty of care towards children to help to protect them from abuse. It is hoped that this Policy and the supporting procedures will help outline and create a safe environment in our Youth Academy and minimise risk for everyone involved in our Youth Academy Fitness Classes. It offers all volunteers, instructors and members a clear position of **Burn It Fitness** and the expected standards to be upheld at all times. In addition, it provides the Youth Academy with Guidelines for the protection of children.

Adopting best practice by everyone will help to safeguard children from potential abuse as well as adults in positions of responsibility from potential false allegations of abuse. **Burn It Fitness** is committed to the protection of children through the implementation of this policy and the supporting procedures.

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1. Child Protection Policy

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1.1 Responsibilities

Burn It Fitness will:

Respect and promote the rights of children for whom they are responsible.

Accept the moral and legal responsibility to provide a duty of care for children for whom they are responsible, and implement procedures to safeguard their well-being and protect them from all forms of abuse.

Promote the health and welfare of children by providing opportunities to participate in fitness safely.

Recruit, train, support and supervise its staff/volunteers to adopt best practice to safeguard and protect children for whom they are responsible from abuse and to minimise risk to themselves.

Require staff to adopt and abide by this Child Protection Policy and supporting Procedures.

Respond to any allegations of abuse in line with these procedures as well as implementing, where appropriate, the relevant disciplinary and appeals procedures.

Review and evaluate this policy and supporting procedures on a regular basis.

1.2 Principles

The welfare of children is everyone's responsibility, particularly when it comes to protecting them from abuse. Children have a lot to gain from fitness. Their natural sense of fun and spontaneity can blossom in positive fitness environments. They provide an excellent opportunity for them to learn new skills, become more confident and maximise their own unique potential. This policy and the supporting procedures are based on the following principles:

The welfare of children is the primary concern.

All children, whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse.

It is everyone's responsibility to report any concerns of abuse and the responsibility of the Social Work Department and the Police to conduct, where appropriate, a conjoint interview. The role of the Social Work Department is to carry out a risk assessment and it is for the Police to determine whether a criminal offence has occurred.

All incidents of alleged poor practice and abuse will be taken seriously and responded to swiftly and appropriately.

Confidentiality is upheld and personal data is processed in accordance with the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.

1.3 Legal Framework

This Policy and supporting Procedures are defined and informed by the following legislation and guidance:

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This Policy and the supporting procedures contain a number of terms that require clarification, including 'children', and 'abuse'. Appendix 1 sets out the Definition of Terms requiring definition for the policy.

Rehabilitation of Offenders Act 1974

Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975

UN Convention of the Rights of the Child 1992

The Children (Scotland) Act 1995

The Criminal Procedure (Scotland) Act 1995

Protecting Children *A Code of Practice for Voluntary Organisations in Scotland Working with Children and Young People* 1995

The Sex Offenders Act 1997

The Police Act 1997

The Human Rights Act 1998

The Data Protection Act 1998

The Scottish Office Protecting Children – *A Shared Responsibility: Guidance on inter-agency co-operation* 1998

Sexual Offences (Amendments) Act, 2000

Adults with Incapacity (Scotland) Act 2000

Disclosure Scotland Code of Conduct *Making Scotland Safer* (2002)

Disclosure Scotland Code of Conduct *Protecting the Vulnerable by Safer Recruitment* (2002)

1.4. Definitions of Abuse and Examples in Sport

These can be found in Appendix 2

2 Child Protection Procedures

2.1 Recruitment and Employment of Volunteers/Staff

Introduction

All reasonable steps must be taken to ensure unsuitable people are prevented from working with children.
For all positions that require contact with children the following recruitment procedures are to be completed.

2.2 Pre-recruitment Process and Induction

Advertising

For all forms of advertising used to recruit volunteers/staff for positions involving children the following will be included:

The aims of **Burn It Fitness** and where appropriate, the particular activities involved.

The responsibilities of the role.

The level of experience or qualifications required (e.g. experience of working with children is an advantage).

The organisation's open and positive stance on child protection

See Appendix 5 - The Law and Medical Consent.

2.4 Code of Conduct for the Protection of Children

The Code of Conduct details the Standards and practice required by all volunteers, staff and members of **Burn It Fitness** when in contact with children. These are categorised into good practice; practice to be avoided; practice never to be sanctioned; and safe practice in unforeseen circumstances. If there is a suspicion or allegation of non-compliance by a volunteer or member with this Code the volunteer or member will be dealt with through the **Burn It Fitness** Disciplinary Procedures or the *Procedure for Managing Allegations of Abuse of a Child against a Volunteer or Member*.

Burn It Fitness supports and requires the following good practice with children
For programmes involving children

Make fitness fun, enjoyable and promote healthy living.

Always work in an open-environment e.g. avoid private or unobserved situations and encourage an open environment for activities.

Treat all children equally, with respect and dignity.

Put the welfare of each child first.

Be an excellent role model including not smoking or drinking alcohol in the company of children.

Give enthusiastic and constructive feedback rather than negative criticism.

Ensure that if any form of manual or physical support is required for a child, it is provided openly and the child is informed of what is being done.

For educational instruction, the instruction is to be delivered firstly verbally; secondly role-modelled; and thirdly, and only if necessary, with hands on - which must be accompanied by telling the child where you are putting your hands and why. If it is known prior to a programme that hands on assistance will be required, the parent/guardian's consent must be obtained before they participate in the programme.

Maintain a safe and appropriate distance from children e.g. do not have an intimate relationship.

Build balanced relationships based on mutual trust that empowers children to share in the decision-making process.

Involve parents and carers wherever appropriate.

Recognise the developmental needs and capacity of children, avoid excessive training and pushing them against their will or putting undue pressure on them.

Medical Consent, injuries and applying first aid:

All parents/guardians of children under 16 must complete the Pre Exercise Questionnaire online form (Appendix 4) before participating in a **Burn It Youth Academy class**, activity or event.²

If a child requires first aid or any form of medical attention whilst in your care, then the following guidance must be followed:

All volunteers/staff should endeavour to be aware of any existing medical conditions and/or pre-existing injuries and any treatment required.

Only those with a current, recognised First Aid qualification should respond to any injuries.

Where possible any course of action should be discussed with the child, in language which they understand, and their permission should be sought before any action is taken

In more serious cases, assistance must be obtained from a medically qualified professional as soon as possible

The child's parents/guardians or carers must be informed of any injury and any action taken as soon as possible

An Incident Record Form (see Appendix 6) must be completed and signed and passed to the Line Manager as soon as possible.

Transporting of children:

Request permission if volunteers/staff are required to transport young people in their cars or minibuses.

Ensure all vehicles are insured.

Whilst acknowledging that same gender abuse can occur, ensure *where possible*, if a mixed group of children are taken away, the group has a male and female member of staff accompanying them.

All reasonable safety measures are taken e.g. children in the back seat, seatbelts.

Practice to be avoided

The following practice should be avoided. If situations arise where these situations are unavoidable, they should only occur with the full knowledge and consent of a line manager and/or the child parents/guardians e.g. a child sustains an injury and needs to go to hospital or a parent/guardian fails to pick up a child at the end of a session.

Avoid having 'favourites' – this could lead to resentment and jealousy by other children and could be a cause for false allegations.

Avoid spending excessive amounts of time alone with children away from others.

Avoid taking children to your home.

Practice never to be sanctioned

Never engage in rough, physical or sexually provocative games, including horseplay.

Never allow or engage in any form of inappropriate touching.

Never make sexually suggestive comments to a child, even in fun.

Never reduce a child to tears as a form of control.

Never allow allegations made by a child to go unchallenged, unrecorded or not acted upon.

Never invite or allow children to stay with you at your home unsupervised.

Never do things of a personal nature for children that they can do for themselves.

Important Note: It may sometimes be necessary for staff or volunteers to do things of a personal nature for children, particularly if they are very young. These tasks should only be carried out with the full understanding and consent of their parents/guardians involved. There is a need to be responsive to a person's reactions. If a person is fully dependent on you, talk with him/her about what you are doing and give choices where possible. This is particularly so if you are involved in any dressing or undressing of outer clothing, or where there is physical contact, lifting or assisting a child or to carry out particular activities. Avoid taking on the responsibility for tasks for which you are not appropriately trained.

Reporting

It is very important if any of the following incidents should occur, that they are reported on the day to their line manager, and **Burn It Fitness** Incident Record Form is completed (Appendix 6). Parents should also be informed of the incident. It is expected that staff will apply **judgement** and **common sense** when reporting an incident for example, in any of the following circumstances:

If you accidentally hurt a child.

If a child seems distressed in any manner.

If a child misunderstands or misinterprets something you have done that has serious implications.

If a child appears to be sexually aroused by your actions.

If a child needs to be restrained.

2.5 Consent - Photographs (including Digital Images), Videoing and Filming of Children and Web-sites

In all circumstances where children and are likely to be photographed or video-recorded or digital images taken, it is necessary to obtain appropriate consent. Staff should ask all parents to complete the standard Consent Form (Appendix 4) when enrolling in an exercise class. Although children can consent to having their photographs taken from 12 years of age so long as the child understands the implications (see Appendix 8), consent should also be provided by parents; this will ensure that both parties legal rights are met. A judgement call will have to be made for some children with learning difficulties over 12. If in doubt parental consent should be sought. Records should be kept in a secure and confidential file. It will be the responsibility of the Parent/Guardian to inform of any change in circumstances.

Storage

Photographs and videos

These should be stored in line with the Data Protection Act i.e. all negatives and master copies should be in a secure place and labelled clearly. The video/photographs should not be kept for a longer period than is necessary i.e. the purpose for which they were taken.

Digital images

The files should be stored on a **secure system** and deleted when they are no longer required. If the images are to be stored on a fileserver then access should be controlled by a password.

Video, Film or Photographs (including digital images) as an Educational Aid

Consent is collected from the parents/guardian of the child (Appendices 7, 8 & 8(i)) and they should be informed:

- The reason for use of the video, film or photographs
- How the equipment will be used
- How the video, film or photograph will be processed
- Who will have access to the video, film or photographs
- Where the film, video or photographs will be stored
- How long the film, video or photographs will be kept

Concerns about Photographers, Video or Film Operators

Any concerns with the manner in which or the products of photographers or video or film operators are to be reported to the appropriate line-manger.

Children in Publications and on the Internet

Any imagery taken will only ever appear on the Burn It Fitness website, integral or Facebook page. No other third party websites will be used.

At no time is a publication or Internet site to include personal information that could identify a child e.g. home address, e-mail address, telephone number of a child or. Any contact information needs to be directed to Burn It Fitness / central contact address.

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Morgan S R (1979), *Psycho-Educational Profile of Emotionally Disturbed Abused Children*, Journal of Clinical Psychology, 8(1) pp3-6.
Watson G (1984), *Sexual Attitudes and Knowledge of Children with Mild and Moderate Learning Difficulties*, G Campbell (ed.) Health Education and Youth, Falmer Press.

Before publishing any information, written consent needs to be obtained from the child's parent/guardian. If the material is changed from the time of consent, the parents/guardians must be informed and consent provided for the changes.

Pictures or videos of children or a picture giving limited additional information may be used.

The content of pictures or videos of children are to be reviewed to ensure they are not portraying the child or in a demeaning or tasteless manner. Where reasonably practicable use photographs or shots that show the child:

- In Profile
- With their backs to the camera
- Their faces are not clearly visible

For photographs or videos of groups of children ensure that only the group is referred to, not individual members.

All published events involving children will require review to ensure the information will not put children at risk. Any publications of specific meetings or child events e.g. team coaching sessions, are not to be distributed to any individuals other than to those directly concerned.

Particular care is to be taken in publishing photographs, films or videos of children who are considered particularly susceptible e.g. a child who may be the subject of a child protection case or a matrimonial dispute where it is known.

Particular care is to be taken in publishing photographs, films or videos of children with physical, learning and/or communication or language disabilities, as they could be particularly susceptible to abuse (Morgan, 1979; Watson, 1984).

Important Note: Any concerns or enquiries about publications or Internet information are to be discussed with Burn It Fitness direct.

The requirements above are publicly promoted to ensure all people present at the event understand the procedure and are aware of where to proceed with it and who to contact if concerned.

No unsupervised access or one-to-one sessions are to be permitted unless this has been approved in advance and appropriate vetting has occurred e.g. Disclosure Scotland check.

NB Burn It Fitness has no control over who can take photographs or video in a public space unless they present themselves as a demonstrable risk to children.

3 Responding to Disclosures, Suspicions and Allegations of Abuse

Any allegation of physical or sexual abuse must be taken seriously. Although false allegations of abuse do occur, they are rare. If a child says or indicates that he/she is being abused or information is obtained which gives concern that a child is being abused, you must react immediately i.e. in line with the following procedures on the day.

3.1 Definitions of Abuse of Children

It is very important that individuals understand what abuse of a child is. The different types of abuse are listed below:

- Emotional Abuse
- Neglect
- Physical Abuse
- Sexual Abuse
- Race and Racism
- Bullying (includes bullying by gangs; bullying by family members; physical bullying; verbal bullying; teasing; and harassment)

Further details of these definitions can be found in Appendix 2

It is not the responsibility of anyone from Burn It Fitness to take responsibility or decide whether or not child abuse is taking place. It is however an individual's responsibility to pass on their concerns.

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

- React calmly so as not to frighten the child.
- Listen to the child.
- Do not show disbelief.
- Tell the child that he/she is not to blame and that he/she was right to tell.
- Take what the child says seriously while recognising the difficulties inherent in interpreting what a child says especially if they have a speech disability and/or differences in language.
- Do not pre-suppose that the experience was bad or painful – it may have been neutral or even pleasurable. Always avoid projecting your own reactions onto the child.
- If you need to clarify, keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said.
- If you need to clarify or the statement is ambiguous use open-ended, non-leading questions.
- Do not introduce personal information from either your own experiences or those of other children.
- Reassure the child.
- Pass your concerns on the day to Burn It Fitness management and/or the Social Work Department or the Police in the area where the abuse is alleged to have occurred (these services are available 24 hours a day).
- Make a full record of what has been said, heard and/or seen as soon as possible in the child's own words. If available, include the following information:
 - Name of child
 - Age, date of birth of child
 - Home address and telephone number of the child
 - The nature of the allegation in the child's own words.
 - Any witnesses to the incident/s
 - Any times, dates or other relevant information.
 - Whether the person making the report is expressing their own concern or the concerns of another person
 - The child's account, if it can be given, of what has happened and how any bruising or other injuries occurred.
 - The nature of the allegation (include **all** of the information obtained during the initial account e.g. time, date, location of alleged incident if available)
 - A description of any visible injuries or bruising, behavioural signs, indirect signs
 - Details of any witnesses to the incident
 - Whether the child's parent or guardian have been contacted.
 - Details of anyone else who has been consulted and the information obtained from them
 - If it is not the child making the report, whether the child been spoken to, if so what was said

Record, sign and date on the day what you have seen or been told. Decide who will inform parents Disclosure of child to Burn It Fitness staff Observation Other child/person or agency to staff Information of alleged/suspected/actual child abuse Who does it apply to? *All Burn It Fitness Members All volunteers working with Burn It Fitness to Social Work /Out of Hours Social Work Service and/or Police and record on the day* Decide what support Burn It Fitness can offer Inform parents Report to the Burn It Fitness and record on the day.

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

Referral Form (Appendix 10).

If making an electronic copy do not save to the hard drive or floppy disk. Print off the record, sign and date, then delete electronic copy, all on the day.

Remember: Listen, Respond, Report and Record

Actions to Avoid

On receiving information concerning a disclosure:

- Do not panic.
- Do not allow shock or distaste to show.
- Do not probe for more information than is offered.
- Do not speculate or make assumptions.
- Do not make negative comments about the alleged abuser.
- Do not approach the alleged abuser.
- Do not make promises or agree to keep secrets.
- Do not give a guarantee of confidentiality.

Reports can be made to Burn It Fitness management.

3.3 Allegations of Previous Abuse (Historical Abuse)

An adult who was abused may make allegations of abuse some time after the event e.g. as a child or by a member of staff who is still currently working with children. Where such an allegation is made, these procedures should be followed and the matter reported to the Social Work Department or the police. This is because other children, either within or Burn It Fitness, may be at risk from this person.

3.4 Suspicions or Allegations of Abuse against an Instructor / Member

It is important to acknowledge that the feelings caused by the discovery of potential abuse by an instructor or member will raise different issues e.g. people may feel that it could not possibly happen by the person who is alleged to have done it. It is not the responsibility of a Burn It Fitness or voluntary member to take responsibility or to decide whether or not the child has been abused. However, as with allegations of non members, it is the responsibility of the individual to act on any concerns.

Burn It Fitness will decide who will inform parents Disclosure of child to staff Observation Other child/person or agency to staff Information of alleged/suspected/actual child abuse Who does it apply to? *All Burn It Fitness Members All volunteers working with Burn It Fitness to Social Work /Out of Hours Social Work Service and/or Police and record on the day Decide what support Burn It Fitness can offer Inform parents Report to Burn It Fitness management on the day.*

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

Procedures for Managing Suspicions and Allegations of Abuse of a Child against a Volunteer/Staff Member or a member of Burn It Fitness (Appendix 3). This procedure will assist in distinguishing allegations of abuse from poor practice.

3.5 Sharing concerns with Parents, Guardians or Carers

Where it is Not Abuse

There is always a commitment to work in partnership with parents/guardians/carers where there are concerns about their children. Therefore in most situations, **not involving the possibility of child abuse**, it would be important to talk to parents/guardians/carers to help clarify any initial concerns. For example, if a child seems withdrawn, there may be a reasonable explanation. He/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement.

Allegations of Abuse

However there are circumstances in which a child might be placed at even greater risk if concerns are shared e.g. where a parent/guardian/ carer may be responsible for the abuse or not able to respond to the situation appropriately. In these situations or where concerns still exist, any suspicion, allegation or incident of abuse must be reported to the Burn It Fitness as soon as possible and record.

In all cases of abuse, advice and guidance is to be sought from the local Social Work Department or Police as to who contacts the parents.

3.6 False or Malicious Allegations

Where an investigation of abuse has been conducted and is unfounded Burn It Fitness member will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. Where after reviewing the details of the account of the circumstances or the investigation it is clear that the allegation has been malicious or unfounded, the person may wish to seek legal advice .

Managing Allegations or Suspicions of Child Abuse Source of Information Action by Burn It Fitness decide who will inform parents Disclosure of child to Burn It Fitness staff Observation Other child/person or agency to staff Information of alleged/suspected/actual child abuse Who does it apply to? *All Members, All volunteers working with Burn It Fitness.*

Refer to Social Work /Out of Hours Social Work Service and/or Police and record on the day Decide what support can be offered. Inform parents Report to the Burn It Fitness management and record on the day.

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

will take all reasonable steps to support the individual in this situation. In these circumstances, Burn It Fitness reserves the right to discontinue a child's access to that activity.

Data collected for the investigation will be destroyed in accordance with the requirements of the Data Protection Act 1998.

Definition of Terms Appendix 1

Child:

A child is defined as anyone under 16 years of age.

16-18 year olds:

Young people aged 16-18 years are sometimes classified as children in Scotland. In terms of the Children (Scotland) Act 1995, a 16-18 year old will be regarded as a child if they are subject to a supervision requirement through a Children's Hearing. For the purposes Part V of the Police Act 1997 a child is defined as anyone under the age of 18 years.

Appendix 2

Types of Abuse (including Racism and Bullying) and examples in Sport

It is generally accepted that there are four main forms of abuse. However, in some cases racism and bullying can have severe and adverse effects on a child. **Managing Allegations or Suspicions of Child Abuse** Source of Information Action by Burn It Fitness decide who will inform parents Disclosure of child to Burn It staff Observation Other child/person or agency to staff Information of alleged/suspected/actual child abuse Who does it apply to? *Members All volunteers working with Burn It Fitness.*

Refer to Social Work /Out of Hours Social Work Service and/or Police and record on the day Decide what support can be offered. Inform parents Report to Burn It Fitness and record on the day.

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

Burn It Fitness is committed to protecting children from all forms of abuse.

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Emotional Abuse

Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to the child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person.

It may feature age or developmentally inappropriate expectations being imposed on children. It may also involve causing children to frequently feel frightened or in danger, or the corruption and exploitation of a child.

Some level of emotional abuse is persistent in all types of treatment although it may exist alone.

Emotional Abuse in Sport

This may include the persistent failure to show self-respect, build self-esteem and confidence, and support children that may be caused by:

Exposing children to a humiliating, taunting or aggressive behaviour or tone.

Failure to intervene where a child's self confidence and worth are challenged or undermined

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter, warmth, clothing, and cleanliness. It may also include leaving a child home alone, exposing the child in a manner likely to cause them unnecessary suffering or injury and the failure to ensure that a child's receives appropriate medical care or treatment.

Neglect in Sport

- This could include the lack of care, guidance, supervision, or protection that may be caused by:
- Exposing the child to unnecessary cold or heat
- Exposing the child to unhygienic conditions, lack of food, water or medical care
- Non intervention in bullying or taunting
- Neglect, as well as being the result of a deliberate act can also be caused through omission or the failure to act or protect.

Physical Abuse

Physical abuse may involve the actual or attempted physical injury to a child including hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating or otherwise harming a child.

Physical abuse may also be caused when a parent or carer feigns the symptoms of or deliberately causes ill health to a child whom they are looking after. This is known as **Munchausen Syndrome by Proxy or Fictitious Order by Proxy**. A person may do this because of the need to enjoy the attention they receive through having a sick child.

Physical abuse may also be a deliberate act, omission, or failure to protect.

Physical Abuse in Sport

- This may include the bodily harm caused by a lack of care, attention, or knowledge that may be caused by:
- Over training or dangerous training of members
- Over exercising a member
- Failure to do a risk assessment of physical limits or pre-existing injuries or medical conditions
- Administering, condoning or failure to intervene in drug use

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 or non-penetrative acts. They may include no-contact activities such as forcing children to look at or be involved in the production of pornographic material, to watch sexual activities or encouraging children to behave in sexually inappropriate ways.

Boys and girls can be sexually abused by males and/or females, including people to whom they are not related, and by other young people. This includes people from all walks of life.

Sexual Abuse in Sport

- This could include contact and non-contact activities and that may be caused by:
- Exposure to sexually explicit inappropriate language, jokes or pornographic material
- Inappropriate touching
- Having any sexual activity or relationship
- Creating opportunities to access children's bodies

More detailed signs of the abused child

It is important to remember this list is not definitive or exhaustive. Any of these signs or behaviours has to be seen in the context of the child's whole situation and it is the combination with other information related to the child and his/her circumstances that may indicate abuse. There can also be an overlap between different forms of abuse.

PHYSICAL ABUSE

Signs of possible physical abuse:

- Unexplained injuries or burns, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to discuss injuries
- Untreated injuries, or delay in reporting them
- Excessive physical punishment
- Arms and legs kept covered in hot weather
- Avoidance of swimming, physical education etc
- Fear of returning home
- Aggression towards others
- Running away
- Genuine accidental injuries, which are common. The nature and site of the bruising relative to the child's age is important
- Bleeding and clotting disorders
- Mongolian blue spots which occur naturally in Asian, Afro-Caribbean and Mediterranean children

When considering the possibility of non-accidental injury it is important to remember that the injuries may have occurred for other reasons. Among the most important are:

- Skin disorders e.g. impetigo
- Rare bone diseases e.g. brittle bone
- Swelling or dislocation of the eye caused by tumour
- Undiagnosed birth injury, e.g. fractured clavicle

Medical advice must be sought in all cases.

Signs of possible physical neglect:

- Constant hunger
- Poor personal hygiene
- Constant tiredness
- Poor state of clothing
- Frequent lateness and/or unexplained non-attendance at school
- Untreated medical problems
- Low self esteem
- Poor peer relationships
- Stealing

NON ORGANIC FAILURE TO THRIVE

Signs of possible non-organic failure to thrive:

- Significant lack of growth
- Weight loss
- Hair loss
- Poor skin on muscle tone
- Circulatory disorder

EMOTIONAL ABUSE

Signs of possible emotional abuse are:

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

SIGNS OF THE SEXUALLY ABUSED CHILD

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

NB. A child who is distressed may have some of these signs which should alert you to a problem. It is the combination and frequency of these signs that may indicate sexual abuse. Always seek advice. Try to notice changes in usual behaviour.

Signs of Possible Sexual Abuse

1 Behavioural

- Lack of trust in adults or over familiarity with adults
- Fear of a particular individual
- Social Isolation -withdrawal or introversion
- Sleep disturbance (nightmares, bed-wetting, fear of sleeping alone, needing a night light).
- Running away from home
- Girls taking over the mothering role
- Sudden school problems e.g. falling standards, truancy
- Reluctance or refusal to participate in physical activity or to change clothes for games
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond the child's age e.g. French kissing
- Unusual interest in the genitals of adults or children or animals
- Fear of bathrooms, showers, closed doors
- Abnormal sexual drawings
- Fear of medical examinations
- Developmental regression
- Poor peer relationships
- Over sexualised behaviour
- Compulsive masturbation
- Stealing
- Irrational fears
- Psychosomatic factors e.g. recurrent abdominal or headache pain
- Sexual Promiscuity
- Eating disorders.

2 Physical/Medical

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

The lives of many people are made miserable by bullying. Victims of bullying can feel lonely, isolated and deeply unhappy. It can have a devastating effect on a child's self-esteem, destroy their self-confidence and concentration. They may also become withdrawn and insecure, more cautious, less willing to take any sort of risk. They may feel it is somehow their fault or that there's something wrong with them and at the worst cause depression and/or feelings of worthlessness that lead to suicide.

3.2 Responding to a Disclosure

On receiving information concerning a disclosure follow the steps below:

Adhere where bullying of children is unacceptable the Guidelines for identifying and managing bullying have been developed. Any suspicions or allegations of bullying of a child against a volunteer/staff member will be dealt with through Burn It Fitness' Disciplinary Procedures.

Bullying can be difficult to pick up because it often happens away from others and victims do not tend to tell. However you can watch for signs that may indicate the presence of bullying. The following provides common victim of bullying behaviours.

If a child:

- Hesitates to come to class/programme/session.
- Is often the last one picked for a team or group activity for no apparent reason, or gets picked on when they think your back is turned.
- Is reluctant to go to certain places or work with a certain individual/s.
- Has clothing or personal possessions go missing or are damaged.
- Has bruising or some other injury.
- Is quite nervous, withdraws from everybody else and becomes quiet and shy, especially in the case of those who are normally noisy and loud.
- A usually quiet person becomes suddenly prone to lashing out at people, either physically or verbally.

Important Note: Remember that victims of bullying may be adults, and that a child's aggressor may not be a peer.

Action to Help the Victim/s and Prevent Bullying:

- Take all signs of bullying very seriously.
- Encourage all children to speak and share their concerns. Help the victim to speak out and tell the person in charge or someone in authority. Create an open environment.
- Take all allegations seriously and take action to ensure the victim is safe. Speak with the victim and the bully/ies separately.
- Reassure the victim/s that you can be trusted and will help them, although you cannot promise to tell no one else.
- Keep records of what is said i.e. what happened, by whom and when.
- Report any concerns to the person in charge at the organisation where the bullying is occurring.

Action towards the Bully/ies:

- Talk with the bully/ies, explain the situation and try to get the bully/ies to understand the consequences of their behaviour.
- Seek an apology from the bully to the victim/s.
- Inform the bully's parents/guardians.
- If appropriate, insist on the return of 'borrowed' items and that the bully/ies compensate the victim.
- Impose sanctions as necessary.
- Encourage and support the bully/ies to change behaviour.
- Keep a written record of action taken.

Appendix 3

Burn It Fitness Procedures for managing allegations of abuse of a child or made against a volunteer/member of staff or a member.

1.

Purpose and status of the procedures

1.1

These procedures aim to ensure that all allegations of abuse involving a child are dealt with in a timely and appropriate manner.

1.2

These procedures do not stand-alone and should be read in conjunction with Burn It Fitness' Child and Protection Policy and Procedures and the companies Disciplinary Procedures where the allegation relates to a volunteer/member of staff or member.

1.

Scope

2.1

These procedures apply to all Burn It Fitness volunteers/staff and all members of Burn It Fitness that have contact with children.

2.2

Any allegation of abuse concerning a child will be taken seriously and appropriate action taken in accordance with the procedures detailed below.

3.0

Any information that raises concern about the behaviour of a member of volunteer/staff or a member of the Burn It Fitness towards a child must be passed on as soon as possible in accordance with the procedures detailed below. No volunteer/member of staff or a member of Burn It Fitness management in receipt of such information shall keep that information to himself or herself, or attempt to deal with the matter on their own.

1.

Initial reporting of information – Burn It Fitness Volunteer/Staff

4.1

Any concerns for the welfare of a child or vulnerable adult arising from the behaviour of a volunteer/member of staff must be reported to Burn It Fitness management immediately on the day, as soon as is practically possible.

4.2

Where the concern is about the Burn It Fitness it must be reported to Burn It Fitness management.

4.3

Burn It Fitness must be consulted before any action is taken where there is uncertainty about whether the information constitutes possible abuse or not and/or it is unclear about what action should be taken.

4.4

Where allegations concern poor practice rather than possible abuse, Burn It Fitness management, must be consulted and appropriate action taken as soon as is practically possible.

4.5

Where information received suggests a complaint against a volunteer/member of staff/Burn It Fitness before any formal procedure is entered into an initial assessment of the facts (see section 5) will be carried out which could result in a formal investigation.

4.6

There may be three types of formal investigation: -

(i)

A disciplinary investigation

(ii)

A criminal investigation

(iii)

Civil proceedings (to sue or charge in the event of an unsuccessful prosecution) may also be initiated by the person/family who alleged the abuse

4.7

The results of a criminal investigation may well influence the disciplinary investigation, but not in all cases.

5. Procedure - establishing the basic facts

5.1

Following receipt of information that may support an allegation of abuse, it is essential to establish the basic facts in order to determine the appropriate route by which to deal with the allegation.

5.2

In a large proportion of cases it will be appropriate for an initial assessment to be carried out by Burn It management. (This is because it is more likely that the information will be ambiguous or borderline, or where the facts do not support an allegation of abuse).

5.3

The purpose of the initial assessment is to clarify the nature of the incident, or misgivings that have led to the information being received and to establish whether there is reasonable cause to suspect or believe that a child or vulnerable adult is at risk.

5.4

The initial assessment must be conducted before any formal action is taken.

5.5

A decision has to be made at this point which route to follow.

5.6

External agencies such as the Police and Social Work Department may be consulted for advice. This is important because they have an overview of child protection issues and may well have other information that together causes concern.

5.7

An independent investigating officer i.e. a person who has no direct involvement in the situation from which the investigation arises, will be appointed by Burn It Fitness to undertake an immediate investigation into all the circumstances of the case.

5.8

Following advice from the police, cases that also involve a criminal investigation, will not preclude disciplinary action being taken provided sufficient information is available to enable Burn It Fitness to make a decision

1.

Procedure- Managing allegations of abuse

6.1

In all cases of suspected abuse an initial assessment of the facts must be carried out.

6.2

If the initial information received gives reasonable cause to suspect or believe that a child or vulnerable adult has been abused by a volunteer/member of staff, this must be reported to Burn It Fitness management as soon as possible on the day.

Conducting an initial assessment where information may suggest an allegation of abuse

7.1

In all cases where the facts support a possible allegation of abuse, the initial assessment will not form part of the disciplinary investigation.

7.2

If appropriate, the volunteer/member of staff about whom the allegation has been made may be approached as part of the information gathering process.

7.3

Where the nature and seriousness of the initial information suggests that a criminal offence may have been committed, or to assess the facts may jeopardise the evidence, in these circumstances, advice should be sought from the Police before any approach is made to the volunteer/member of staff.

7.4

As each situation is unique guidance cannot be prescriptive. Assessment of the basic facts, however, may involve that the child(ren) or vulnerable adult involved are asked some basic, open-ended, non-leading questions solely with a view to clarifying the basic facts. It may also be necessary to ask similar basic questions of other children, or other appropriate individuals e.g. coaches.

7.5

If it is necessary to speak to the child or vulnerable adult in order to clarify the basic facts best practice suggests that consent from the parent/guardian be obtained.

Making a referral in cases of suspected abuse

8.1

Burn It Fitness will refer the allegation to the Social Work Department and the Police. Appropriate steps will be taken to ensure the safety of the child(ren) or vulnerable adult who may be at risk.

8.2

Where possible all information passed to the Police and Social Work Department should include the following, where known (complete an Incident Record Form to gather the following information, see Appendix 6):

Name of child/vulnerable adult

Age, date of birth of child/vulnerable adult

Home address and telephone number of the child/vulnerable adult

Whether the person making the report is expressing their own concern or the concerns of another person

The nature of the allegation (include all of the information obtained during the initial investigation e.g. time, date, location of incident)

A description of any visible injuries or bruising, behavioural signs, indirect signs.

Details of any witnesses to the incident

The child/vulnerable adult's account, if it can be given, of what occurred and how any injuries/bruising occurred

Whether the child/vulnerable adult's parent or guardian have been contacted,

Details of anyone else who has been consulted and the information obtained from them

If it is not the child/vulnerable adult making the report, has the child/vulnerable adult been spoken to, if so what was said?

Details of the volunteer/member of staff/Burn It Fitness against whom the allegation has been made

8.3

Reporting of the matter to the Police or Social Work Department must not be delayed by attempts to obtain more information.

8.4

Where possible any referral telephoned to the Police and Social Work Department should be confirmed in writing by Burn It Fitness within 24 hours.

8.5

A record should be made of the name and designation of the social work member of staff or the Police Officer to whom the concerns were passed together with the time and date of the call, in case any follow up is required.

23 24

8.6

The parents or carers of the child will be contacted as soon as possible following advice from the Social Work department and or Police in line with child protection procedures

Procedure for managing the staff member against whom the allegation has been made

9.1

Where the information gives reasonable cause to suspect or believe that alleged abuse has occurred the Police and Social Work Department must be notified as soon as possible on the day the information is received. (see Child Abuse Referral Form Appendix 10)

9.2

Following advice from the Police, if the decision is made that the volunteer/staff member against whom the allegation has been made is to be informed, the volunteer/member of staff should be told that information has been received which may suggest an allegation of abuse. As the matter will be subjudice no details will be given unless advised by the police.

9.3

At the same time, there must be an awareness of the need to preserve best evidence for any criminal proceedings while at the same time safeguarding the rights of the volunteer/staff member.

9.4

The Scottish Office has recommended that the general rule should be that anyone charged with this responsibility, after applying basic tests of logic and credibility, should always notify the Police before interviewing the person against whom the allegation has been made.

10

Suspension

10.1

A precautionary suspension is not a form of disciplinary action. The volunteer/member of staff may be suspended whilst an investigation is carried out. This is in accordance with Burn It Fitness' Disciplinary Procedures

10.2

Burn It Fitness Management dealing with the disciplinary situation will normally carry out suspension. However in exceptional circumstances, any Burn It Fitness members of staff may suspend a member of staff on the basis of the criteria outlined in 10.1

10.3

At the suspension interview the volunteer/staff member will be informed of why the suspension is taking place (within the confines detailed at 9.2) and given the opportunity to give a statement should he/she wish. Notification of the suspension and the reasons for it will be conveyed in writing to the employee within three working days of being informed of their suspension.

11

Managing allegations of historical abuse

11.1

Allegations of abuse may be made some time after the event e.g. an adult who was abused as a child by a volunteer/member of staff. Where such an allegation is made these procedures must be followed.

12

Managing false or malicious allegations

12.1

Where after investigation, the allegation is found to be false or malicious the volunteer/member of staff will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter. The volunteer/member of staff involved may wish to seek legal advice.

12.2

All records pertaining to the circumstances and investigation will be destroyed.

12.3

The volunteer/member of staff must be advised of the appropriate counselling services.

12.4

Burn It Fitness must take all reasonable steps to support the volunteer/member of staff.

The Law and Medical Consent: Children and Vulnerable Adults

In some cases it may be necessary to obtain consent for medical examination, treatment or procedure to a child or vulnerable adult e.g. where an injury has occurred in the course of training or competition or where it is alleged that the child has been abused.

The purpose of this guidance is to provide an overview of the Law in Scotland in relation to medical consent and to advise staff members on the best practice that must be followed.

A.

Children - Who can give consent?

1. The child

The Age of Legal Capacity (Scotland) Act 1991 allows children **under the age of 16** to give their own consent in certain circumstances. Section 2(4) states:

“ A person under the age of 16 shall have legal capacity to consent on his/her own behalf to any surgical, medical or dental procedure or treatment where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment”

The decision about competence is entirely one for the doctor or other medical practitioner to make.

This means where a child is assessed as being capable of providing consent, the consent of a parent/guardian is not required.

The Scottish Executive recommend that efforts should always be made to persuade the child that his/her parents/guardians or carers should be informed, except where it is clearly not in the child's best interests to do so. If a child refuses to allow parents/guardians or carers to be informed, then this must be respected.

Consent from the following categories would only be required where the child is assessed as incapable of providing consent.

2. Person with Parental Responsibilities in relation to the child.

The consent of a person who has parental responsibility towards the child should normally be required under the Children (Scotland) Act 1995 as this responsibility includes a duty to safeguard and promote the child's health, development, and welfare.

If a child's parents are or have been married to each other, both have parental responsibility and either can give consent. If the parents have not been married to each other, normally only the mother has automatic parental responsibility including the right to consent. The father will have the right to consent if either:

He has obtained an order from the court awarding him parental responsibilities

He and the child's mother have a registered parental responsibilities agreement

3. Person who has care and control of the child

Section 5 of the Children (Scotland) Act 1995 also allows consent to be given by those who have care or control of a child but who do not have either parental responsibilities or parental rights in respect of the child e.g. a grandparent who is the child's main carer. These people have a duty to do what is reasonable in all the circumstances to safeguard the child's health, development, and welfare. This includes giving consent to treatment or procedures.

Such consent would **not** be effective however, where

The child is capable of consenting

The person knew that the parent would not consent e.g. a parent who is a Jehovah Witness

The medical examination was for the purpose of establishing child abuse

If the child is looked after by the Local Authority, the authority can give consent only if it has obtained a Parental Responsibilities Order from the court or consent is authorised by conditions attached to an order or warrant issued by a Court or Children's hearing.

Burn It Fitness Appendix 6

Incident Record Form

This form must be completed *as soon as possible* after receiving information that causes concern about the welfare of a child. This must be passed to the Burn It Fitness Management as soon as possible after completion: do not delay by attempting to obtain information to complete all the details.

1.

Details of person making report

Name:
Position:
Contact telephone number:
Address:
person advised you of alleged incident:
Record here the information you were given from this person about the alleged incident (continue on a separate sheet if necessary):

person advised you of alleged incident:
Record here the information you were given from this person about the alleged incident (continue on a separate sheet if necessary):