

Policy 34 – Protection of Children and Adults

Version: 3

Last Amended: 13 March 2024

Next Review Date: 31 March 2026

1.0 Background

Promoting the protection of children and adults is a key duty for all ILF Scotland staff and is explicit in our policies, procedures and values. The health, safety and welfare of all persons who use ILF Scotland services are of paramount importance. All activity associated with ILF Scotland process must be carried out in accordance with this principle, with a view to ensuring that services meet the identified needs of individual recipients in a manner which promotes and respects their independence and affords them choice in the way the service is provided, while maintaining their safety.

2.0 Policy

Health & Social Care Partnerships / Northern Ireland Trusts (HSCP / HSCT) have a statutory responsibility in respect of children (Children (Scotland) Act 1995) and adults (Adult Support and Protection (Scotland) Act 2007), The Children (Northern Ireland) Order 1995 and

The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

However, all services that work with children and adults are responsible for promoting, supporting and safeguarding the wellbeing of all children and adults at risk of harm and ensuring that members of the public know who to contact if they are concerned about a child or adult at risk of harm.

All ILF Scotland staff have a duty to report concerns of harm. If any ILF Scotland staff member becomes aware of potential or actual harm, they will act with or without the consent of the ILF Scotland applicant / recipient or of the person affected, by providing information in the form of a referral to the relevant HSCP / HSCT, and in line with the policy of that HSCP / HSCT. This will normally involve using an agreed referral form or by telephone.

3.0 ILF Scotland Staff

For all ILF Scotland staff, protecting children and adults means recognising when to be concerned about their safety and understanding when and how to share these concerns. ILF Scotland provide all relevant staff and Board Members with Child and Adult Protection Awareness training, both at time of induction, followed by regularly updated training every three to five years or individually as required.

All staff should be familiar with this Protection Policy and the Procedure Guidance. All staff have the required Disclosure checks and Registered Body memberships.

4.0 Procedure

If any staff member becomes aware of potential or actual harm, they will:

- Where possible, discuss any concerns of harm with their line manager or a member of the ILF Scotland Senior Management team. However, this does not stop any staff member reporting concerns immediately to the relevant HSCP / HSCT.
- If any reported concern involves an ILF Scotland applicant, recipient or family member, ILF Scotland staff will follow up as appropriate to ensure the safety and wellbeing of the person.
- Any protection concerns will be reported timeously to the Senior Management Team and quarterly to the Board of Directors and the Scottish Government / Department of Health NI Sponsor Teams.

5.0 Adults at Risk

The Adult and Support Protection (Scotland) Act 2007 defines 'Adults at risk' of harm or self-harm as adults who:

- are unable to safeguard their own well-being, property, rights or other interests
- are at risk of harm, and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

6.0 Harm or Abuse of an Adult at Risk

Abuse may be of a physical, psychological, sexual, financial, neglectful or discriminatory nature or other type. This could be a single act or repetitive acts. Examples include:

- Where a third party is using an adult's money for purposes other than that for which it is intended e.g. a non ILF 2015 Fund grant purpose.
- Where a person puts pressure on an adult at risk to allow someone to carry out care tasks when the adult at risk adult does not want them to.
- Where someone forces an adult at risk to take part in sexual activities when they have neither the capacity nor the ability to consent to this.
(See the Protection Policy Guidance for more details.)

7.0 Children at Risk

In Scotland, a child is generally considered to be someone under the age of 18. Child protection in Scotland should be seen in the context of the wider, "Getting It Right For Every Child" (GIRFEC) approach, the Early Years Framework and the UN Convention of the Rights of the Child. GIRFEC promotes action to improve the wellbeing of all children and young people in eight areas. These wellbeing indicators are known as SHANARRI (safe, healthy, achieving, nurtured, active, respected, responsible and included). The primary indicator for child protection is to keep a child safe and, in doing so, give attention to other areas of wellbeing as appropriate.

In Northern Ireland, the legislative framework for the child protection system is set out in The Children (Northern Ireland) Order 1995. This sets out parental responsibilities and rights and the duties and powers public authorities have to support children.

The creation of the regional Safeguarding Board for Northern Ireland (SBNi) was set out in law in the Safeguarding Board Act (Northern Ireland) 2011. This also established five Safeguarding Panels to support the SBNi's work at a Health and Social Care Trust (HSCT) level.

The Children's Services Co-operation Act (Northern Ireland) 2015 requires public authorities to co-operate in contributing to the wellbeing of children and young people, in the areas of:

- physical and mental health
- enjoyment of play and leisure
- learning and achievement
- living conditions, rights, and economic wellbeing.

8.0 What is Child Abuse or Neglect?

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutionalised setting, by those known to them, or more rarely, by a stranger. 'Child protection' means protecting a child from child abuse or neglect.

9.0 Values Statement

Notwithstanding the duty to report concerns of harm, ILF Scotland supports recipients to exercise choice and control, promoting positive risk taking, to enable recipients to use their funding in an outcome focused way to lead independent lives.

Review History

Version 1: 1 July 2015

Version 2: 1 October 2018

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