

Foreword | by ELBEG

Edinburgh, Lothian and Borders Executive Group (ELBEG), comprises the Chief Executives of the Local Authorities of East Lothian, Midlothian, West Lothian, City of Edinburgh and the Scottish Borders along with the Chief Executives of NHS Lothian, NHS Borders and the Chief Constable of Lothian and Borders Police.

In the Scottish Executive document *A Common Approach to Inspecting Services for Children and Young People, October 2005*, the Scottish Ministers set a vision for Scotland's children: "in order to become confident individuals, effective contributors, successful learners and responsible citizens, all Scotland's children need to be: safe, nurtured, healthy, achieving, active, included, respected and responsible."

We have therefore undertaken to work closely together with other statutory and voluntary bodies and with the communities we serve jointly to deliver services for the protection of children. The Inter-agency Child Protection Procedures for Edinburgh and the Lothians, are evidence of our enduring commitment to deliver high quality services for vulnerable children and young people and to maintaining good professional standards in doing so.

For professionals, this document provides the procedures and processes that will be followed in dealing with child protection concerns. Responsibilities and roles in a shared multi-agency, approach are clear. Likewise, where to seek advice and assistance is clearly sign-posted. The Procedures reflect our collective commitment to interagency collaboration and joint responsibility in this vitally important area of work.

For children, young people and their families, these Procedures set out what can be expected from the professionals who have a responsibility for their protection. They indicate how children and their parents/ carers will be consulted, receive help and support in a timely manner, and be treated and kept informed of decisions concerning them. Furthermore, it is expected that professionals will work effectively and jointly and share information with each other when it is necessary to ensure the protection and welfare of children and young people.

The Procedures are clearly and directly linked to the standards set out by the Scottish Executive in *Protecting Children and Young People 2004: Framework for Standards*.

Therefore, these Procedures contain the necessary actions to be taken by professionals where there are concerns identified that a child or young person may be at risk of harm.

It is important that the Procedures are adhered to.

In doing so we can be more confident that our individual and collective efforts will be increasingly effective in protecting vulnerable children and young people across Edinburgh and the Lothians.

Edinburgh, Lothian and Borders Executive Group (ELBEG)

April 2007



Child Protection | Structure

Edinburgh, Lothian and Borders Child Protection Structure

Edinburgh, Lothian and Borders Executive Group (ELBEG)

Chief Constable - L & B Police
Chief Executives - 5 Local Authorities
Chief Executives - 2 Health Authorities



EL&B Child Protection Co-ordinating Group

Chair: L&B Police PP Forum
Chair: NHS Lothian CP Group
Chair: 5 x CP Committees
Procurator Fiscal Service
SCRA

EL&B Child Protection Office (ELBCPO)

Executive Officer
Continuous Improvement Officer
Training & Development Officer
Project Officer
3 x Support Assistants



East Lothian
Child Protection
Committee

Edinburgh
Child Protection
Committee

Midlothian
Child Protection
Committee

West Lothian
Child Protection
Committee

Scottish Borders
Child Protection
Committee



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Edinburgh and Lothians Inter-agency
Child Protection Procedures

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To Establish..	You could ask	Don't ask
What	What happened?	Did he/she?
Where	Where did it happen?	Did he/she come to your bedroom?
Who	Who did it?	Did daddy/baby-sitter/John do it?
When	When did it happen?	Did it happen last night?
How/Why	Avoid these questions, they require judgement from the child and may induce self blame	

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- Ensure that any Restricted Access Information (RAI) conforms to the criteria for RAI, is discussed outwith the presence of the child/parents and it's status agreed. The Chair will encourage the sharing of information where possible
- Ensure that this part of the CPCC is kept to a minimum and that discussion does not continue beyond RAI with the child/parent(s) excluded
- Ensure suitable accommodation is provided for the child/parent(s) while RAI is being considered by the CPCC
- Ensure that the Case Conference follows the agreed process
- Ensure each professional provides a succinct verbal summary of their agency's previously submitted report(s) relating to their agency's involvement with the child and family (including relevant adults) including the circumstances which led to referral and any subsequent involvement, ensuring participants agree with facts provided
- Seek the view of the parent(s)/carer(s), if in attendance, in relation to the factual information provided
- Lead a discussion on the risks to the child(ren), protective factors and what support can be offered from extended family/community and professionals. This will focus on each child as an individual in the context of their developmental progress, giving due regard to information about the child's day to day presentation and interactions with others from those who know them best
- Ensure each professional attending the Case Conference considers all the information made available

- Obtain the views of **each** professional in attendance in relation to the risk of harm. All professional views provided must be supported by clear evidence
- Ensure every Case Conference, including Pre-birth CPCCs, specifically decides whether to place the child's name on the Child Protection Register
- Ensure every Case Conference specifically decides whether to refer the child to the Children's Reporter for consideration of compulsory measures of supervision
- Ensure every Case Conference specifically considers the current and future living arrangements of the child including a specific consideration as to whether it is safe to discharge a child or baby home from hospital
- Seek the view of the parent(s)/carer(s), if in attendance, regarding the assessment of risk by professionals
- On the rare occasions where no consensus of professional views can be reached in relation to decisions, the Chair will make the required decisions. These circumstances will be reported to the Chair of the Child Protection Committee, without delay
- Ensure that where a parent/carer has not attended, that the decisions of the Case Conference are made known to them as soon as is practicable after the Case Conference
- Where possible, chair any Review CPCC and any subsequent Initial CPCC for the same child
- Where invitees fail to attend or make provision for delivery of relevant information, fail to submit reports or fail to participate fully in decision making and planning stages of the CPCC, report the circumstances to the invitees agency



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Section 13 | The Child Protection Register

Every local authority area in Scotland maintains a register of children in that area deemed to be at an unacceptable level of risk by a Child Protection Case Conference. There is one Child Protection Register for children in Edinburgh, East Lothian, Midlothian and West Lothian (The Edinburgh and Lothians Child Protection Register)

At the conclusion of a Child Protection Case Conference (see Section 11) it will be explained to a child or young person (where present) and to their parents, carers or representatives that their details will be placed on the Child Protection Register. This means that any professionals the child comes into contact with (including doctors, police, social workers, teachers, etc.) might know about their registration and the known or suspected risk to them. Those professionals might also let the Case Co-ordinator (see Section 12) know when the child has been in contact with them.

The purpose of sharing this information is: -

1. to let professional staff know that there has been an identified risk to the child concerned, and
2. to assist staff to evaluate the current level of risk to the child.

Details of registration will be routinely shared, using paper and electronic means, with Health, Police and other Local Authorities, to help protect children.

The Edinburgh, Lothian and Borders Child Protection Office maintains the Child Protection Register. Information from the Child Protection Register is available 24 hours a day, 365 days of the year.

Only those professionals authorised may make enquiry with the Child Protection Register and reference should be made to agency specific procedures or practice notes for guidance.

During normal working hours the Child Protection Register can be accessed by contacting the Edinburgh, Lothian and Borders Child Protection Office (see Appendix 'A' for contact details). At other times the CPR can be accessed through ESWS/SCET (see Appendix 'A' for contact details)

Categories of Abuse

When a child's name is placed on the Child Protection Register the Child Protection Case Conference making this decision will also decide which category of abuse applies. (see Section 3)

There may be overlap between categories. In such cases the child's name should be entered on the Child Protection Register under one main category of abuse with additional categories also recorded. For the purpose of individual case management, the case conference may identify combinations of abuse categories that the child protection plan will need to address.

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- The implementation of Child Protection Procedures and the conduct of any criminal investigation will take precedence over disciplinary or other internal agency procedures. Senior Managers must always ensure that Human Resources (or whoever is responsible for possible disciplinary investigations) is kept informed. It may be necessary to put in place initial disciplinary measures during a Child Protection/criminal investigation
- Internal disciplinary procedures may proceed independently of any Police/Social Work investigation but interviews of the child/children concerned will not be carried out without consultation with Police/Social Work (Children and Families)

STANDARD 2,4

Where a Child Protection Investigation is instigated, the following points should be noted:

- Those involved in the immediate line management of the staff member concerned will not conduct any part of the enquiry
- Consideration should be given to the need to locate the conduct of the investigation to personnel located out with the area in which the member of staff is employed
- If the decision is made not to suspend the member of staff, the need to remove children from their immediate care must be considered
- Parents or guardians of the children concerned should be kept informed of any developments in such an enquiry. The detail of how this is to be achieved will be decided in Inter-agency Referral Discussions (IRD)

STANDARD 2,4

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Appendix A

Edinburgh and Lothians Inter-agency
Child Protection Procedures

Appendix A | Contact Details

East Lothian

Social Work

Children's Services Social Work Team

Randall House, Macmerry Business Park,
Macmerry, EH33 1RW
Tel: 01875 824 090

Adult Social Work Services

Access Team, 6-8 Lodge Street, Haddington,
East Lothian, EH41 3DX
Tel: 0845 603 1576

Emergency Social Work Service (ESWS)

Out of hours:
Tel: 0800 731 6969

Police

Force Communication Centre (FCC)

Tel: 0131 311 3131
Out of hours ask for the Duty Inspector

Family Protection Unit

Dalkeith Police Station, Divisional Headquarters,
Newbattle Road, Dalkeith, EH22 1DY
Tel: 0131 654 5528

Health

Paediatrician on call for Child Protection

NHS Lothian, (contact from 9-5pm Mon-Fri)
Tel: 0131 536 8107
Out of hours: 0131 536 0000 and ask for the
'paediatrician on call'

Nurse Consultant for Vulnerable Children

NHS Lothian
Tel: 0131 316 6634

Child Protection Advisor

East Lothian CHP, Edenhall Hospital, Pinkieburn,
Musselburgh, EH21 7TZ
Tel: 0131 316 6674
Mobile: 07909 877672

Scottish Children's Reporter Administration (The Children's Reporter)

East Lothian and Midlothian

Dewar House, 1 Loch Road, Tranent, EH33 2JX
Tel: 01875 613 355
Fax: 01875 616 178

Edinburgh

Social Work

East Neighbourhood

Craigmillar Social Work Centre, 171 Duddingston Park South, Edinburgh, EH15 3EG

Tel: 0131 657 8500

North Neighbourhood

(Muirhouse & West Pilton), Muirhouse Crescent, Social Work Centre, 34 Muirhouse Crescent, Edinburgh, EH4 4QL

Tel: 0131 343 1991

Leith Social Work Centre

St John's House, 71 Constitution Street, Edinburgh, EH6 7AF

Tel: 0131 553 2121

South Neighbourhood

Captain's Road Social Work Centre, 40 Captains Road, Edinburgh, EH17 8QF

Tel: 0131 529 5300

South West Neighbourhood

Oxgangs Path Social Work Centre, 4 Oxgangs Path, Edinburgh, EH12 9LX

Tel: 0131 445 4451

West Neighbourhood

Westfield House Social Work Centre, 5 Kirk Loan, Edinburgh, EH12 7HD

Tel: 0131 334 9933

Emergency Social Work Service (ESWS)

Out of hours:

Tel: 0800 731 6969

Family Protection Unit

Amethyst Team, Vega House, Lothian and Borders Police, Police Headquarters, Fettes Avenue, Edinburgh, EH4 1RB

Tel: 0131 316 6600

Health

Paediatrician on call for Child Protection

NHS Lothian, (contact from 9-5pm Mon-Fri)

Tel: 0131 536 0467

Out of hours: 0131-536-0000 and ask for the 'paediatrician on call'.

Nurse Consultant for Vulnerable Children

NHS Lothian

Tel: 0131 316 6634

Child Protection Advisor (South)

Vega House, Clocktower Estate, South Gyle Industrial Crescent, Edinburgh, EH12 9LB

Tel: 0131 316 6675

Mobile: 0777 041 0739

Child Protection Advisor (North)

Vega House, Clocktower Estate, South Gyle Industrial Crescent, Edinburgh, EH12 9LB

Tel: 0131 316 6676

Mobile: 0797 698 9757

Child Protection Advisor

(Acute Division except for St John's Hospital), Sick Children's Hospital, Rillbank Terrace, Edinburgh

Tel: 0131 536 0170

Mobile: 0791 727 7415

Police

Force Communications Centre (FCC)

Tel: 0131 311 3131

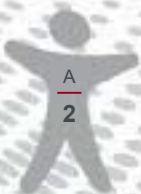
Scottish Children's Reporter Administration (The Children's Reporter)

Edinburgh Children's Reporter

1 Fountainhall Road, Edinburgh, EH9 2NL

Tel: 0131 667 9431

Fax: 0131 662 4640



Midlothian

Social Work

Dalkeith

11 St Andrew Street, Dalkeith, EH22 1AL

Tel: 0131 271 3860

Emergency Social work Service (ESWS)

Out of hours:

Tel: 0800 731 6969

Police

Force Communications Centre (FCC)

Tel: 0131 311 3131

Family Protection Unit

Divisional Headquarters, Newbattle Road,

Dalkeith, EH22 1DY

Tel: 0131 654 5528

Health

Paediatrician on call for Child Protection

Midlothian

(contact from 9-5pm Mon-Fri): 0131 536 8107

Out of hours: 0131 536 0000 and ask for the 'paediatrician on call'.

Chief Nurse

Midlothian Community Health Partnership (CHP),
Dalkeith Health Centre, St Andrews Street,

Dalkeith, EH22 1AP

Tel: 0131 561 5564

Clinical Nurse Manager

Midlothian Community Health Partnership (CHP),
Dalkeith Health Centre, St Andrews Street,

Dalkeith, EH22 1AP

Tel: 0131 561 5538

Child Protection Advisor

Midlothian Community Health Partnership (CHP),
Dalkeith Health Centre, St Andrews Street,

Dalkeith, EH22 1AP

Tel: 0131 316 6673

Mobile: 0790 987 7672

Scottish Children's Reporter Administration (The Children's Reporter)

Midlothian and East Lothian

Dewar House, 1 Loch Road, Tranent, EH33 2JX

Tel: 01875 613355

Fax: 01875 616178

West Lothian

Social Work

Bathgate Children and Families Team

69 Whitburn Road, Bathgate, EH48 1HE
Tel: 01506 776 700

Broxburn Children and Families Team

Strathbrock Partnership Centre,
189a West Main Street, Broxburn, EH52 5LH
Tel: 01506 775 666

Livingston Children and Families Team

Cheviot House, Owen Square, Livingston,
EH54 6PW
Tel: 01506 777 777

Social Care Emergency Team (SCET)

(out of office hours)
Tel: 01506 777 401/2

Police

Force Communications Centre (FCC)

Tel: 0131 311 3131

Family Protection Unit

Bathgate Police Station, South Bridge Street,
Bathgate, EH48 1TW
Tel: 01506 652 615

F Division HQ

Livingston Police Station, Almondvale,
Livingston, EH54 6NB
Tel: 01506 431 200

Health

Paediatrician on call for Child Protection

Community Child Health, St. John's Hospital,
Howden, Livingston, West Lothian, EH54 6PP
(contact from 9-5pm Mon-Fri) Tel: 01506 422 783
Out of hours: 0131 536 0000 and ask for the
'paediatrician on call'.

Nurse Consultant for Vulnerable Children

NHS Lothian
Tel: 0131 316 6634

Child Protection Advisor

(West Lothian), St John's Hospital, Howden,
Livingston, West Lothian
Tel: 01506 524 421
Mobile: 0773 439 7350

Scottish Children's Reporter Administration (The Children's Reporter)

West Lothian Children's Reporter

5 Edinburgh Road, Bathgate, EH48 1BA
Tel: 01506 632 741
Fax: 01506 631 077

Edinburgh, Lothian and Borders Child Protection Office

Executive Officer

Continuous Improvement Officer

Training & Development Officer

Child Protection Register Checks

1st Floor Vega House,
c/o Lothian and Borders Police, Fettes Avenue,
Edinburgh, EH4 1RB
Tel: 0131 316 6693
Fax: 0131 316 6690
e-mail: elbcpo@lbp.pnn.police.uk
website: www.elbcpo-scotland.gov.uk



Scottish Children's Reporter Administration (The Children's Reporter)

East Regional Team

11-16 Kittle Yards , Causewayside, Edinburgh,
EH9 1PJ

Tel: 0131 667 0284

Fax: 0131 667 4402

Military Welfare Services

Army Welfare Service (AWS)

Divisional Welfare Support Officer (DWSO)

HQ 2 Div, Building 37, Craigiehall,
South Queensferry, West Lothian, EH30 9TN

Tel: 0131 310 2107 / 2108

Divisional Personal Support Officer (DPSO)

HQ 2 Div, Building 37, Craigiehall,
South Queensferry, West Lothian, EH30 9TN

Tel: 0131 310 2618 / 2108

Personal Support Team

Building 29, Dreghorn Barracks, Redford Road,
Edinburgh, EH12 9QW

Tel: 0131 310 2845

Lowlands Welfare Support Officer

Building 29, Dreghorn Barracks, Redford Road,
Edinburgh, EH12 9QW

Tel: 0131 310 2845

Highlands Welfare Support Officer

24 Wimberley Way, Inverness, IV2 3XX

Tel: 01463 233 132

Royal Marines

SCOTLAND Welfare Officer

RM Condor, Arbroath, Angus, DD11 3SJ

Tel: 01241 872 201 Ext 2015/6

Team Manager Naval Personal & Family Service & Royal Marines Welfare Service

Northern Area Office, Triton House,

1 - 5 Churchill Square, Helensburgh, G84 9HL

Tel: 01436 672 798

Royal Air Force

SSAFA Forces Help for informal discussion

RAF (UK), Social Work Service, Social Work Team,

Tel: 01334 839 471

Ext. 7444/7656

To notify SSAFA where a Child Protection plan exists in this country for a child in a service family who are to move overseas

Director of Social Work, SSAFA Forces Help,
Central Office, 19 Queen Elizabeth Street,
LONDON, SE1 2LP

Tel: 020 7403 8783

Fax: 020 7403 8815

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Appendix B

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Appendix C

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Appendix C | Alerting Signs of Child Abuse

It is important that any such lists are considered as completely definitive or exhaustive.

The information in such lists has to be used **in the context of the child's whole situation** and in combination with a range of other information in relation to the child and his/her circumstances.

Some behaviour, e.g. covering arms/legs in hot weather and avoidance of swimming/PE may be due to sensible precautions against sunburn or cultural issues about dress/changing etc.

There can be an overlap between all the different forms of child abuse, and all or several can co-exist.

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 or seeking treatment for them
- Excessive physical punishment
- Fear of returning home
- Arms and legs kept covered in hot weather
- Avoidance of swimming, P.E. etc
- Aggression towards others
- Running away
- Frequent attendance at Accident and Emergency Departments

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:

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

Medical advice must be sought in all cases.

Fabricated (Factitious) and Induced Illness

FII is characterised by children being presented with symptoms of physical ailments or disease and may undergo many medical or surgical procedures. In FII the adult uses the child to obtain medical attention by creating medical symptoms in the child, often induced by highly dangerous procedures (e.g. asphyxiation, poisoning) or causing a series of invasive tests and/or operations to be carried out on the child.

Alerting signs include:

- More than one infant death in a family (particularly where other concerning factors are present)
- Repeated or persistent hospital/medical visits or hospital medical/referrals where either no complaint is found in the child or the illness may have been fabricated by the parent/adult
- Any other presentation of behaviour by the adult, or suspicion by professionals, that FII may be present

Sexual Abuse

Not all children are able to tell parents that they have been sexually abused or victimised. Changes in behaviour may be a signal that something has happened, although these may be indicators that the child may be troubled though not necessarily about sexual abuse. The child may have some of these problems or none at all. It is the combination, frequency and duration of signs that will alert you to a problem. Try to notice all changes in usual behaviour.

It is important to remember that in sexual abuse there may well be no physical or behavioural signs.

Signs of possible sexual abuse:

Behavioural

- Lack of trust in adults or over familiarity with adults
- Fear of a particular individual
- Social isolation - withdrawal and introversion

- Sleep disturbance
- Running away from home
- Girls taking over the mothering role
- Reluctance or refusal to participate in physical activity or to change clothes for activities
- Low self-esteem
- Drug, alcohol or solvent abuse
- Display of sexual knowledge beyond child's years
- Unusual interest in the genitals of adults or children or animals
- Expressing affection in inappropriate ways
- Fear of bathrooms, showers, closed doors
- Abnormal sexualised drawing
- Fear of medical examinations
- Developmental regression
- Poor peer relations
- Over sexualised behaviour
- Eating disorders
- Compulsive masturbation
- Stealing
- Psychosomatic factors
- Sexual promiscuity



Physical/Medical

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

Non Organic Failure to Thrive

Signs of possible non-organic failure to thrive:

- Significant lack of growth
- Weight loss
- Hair loss
- Poor skin or muscle tone
- Circulatory disorders

Emotional Abuse

Signs of possible emotional abuse:

- Low self esteem
- Continual self-deprecation
- Sudden speech disorder
- Significant decline in concentration
- Socio-emotional immaturity
- “Neurotic” behaviour (e.g. rocking, head banging)
- Self-mutilation
- Compulsive stealing
- Extremes of passivity or aggression
- Running Away
- Indiscriminate friendliness

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Appendix D

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Appendix D | Military Welfare Services

Army Welfare Service (AWS)

The welfare of Army families whose children are considered by a social work service to be at risk is the responsibility of the Army Welfare Service (AWS). The AWS provides a confidential professional welfare support service to all Army personnel and their families through Army Welfare Workers (AWW).

Where a child of an Army family is subject of a Child Protection Referral

- Social Work (Children and Families) will liaise with the AWS Personal Support Team
- The team will be invited to send a representative to any Child Protection Case Conference concerning an Army child

Social Work services can also liaise on more general matters with the two Welfare Support Officers (WSO) who between them cover the whole of Scotland. They respond to the Divisional Welfare Support officer (DWSO) who works together with the Divisional Personal Support Officer (DPSO), a qualified social worker, in the Army Headquarters 2nd Division (see Appendix 'A' for contact details).

Royal Marines

All Welfare matters within the Royal Marines are dealt with by the Royal Marine Welfare Service (RMWS) which is now formally aligned with the Naval Personal and Family Service (NPFS). This is a non-statutory agency which provides a confidential and professional service to all Royal Marine personnel and their families.

Where a child of a Royal Marine family is subject of a Child Protection Referral

- Social Work (Children and Families Services) will liaise with the Royal Marine Welfare Service
- The team will be invited to send a representative to any Child Protection Case Conference concerning a Royal Marine child

The Royal Marine Welfare Service will negotiate service action on behalf of families.

In the event that no-one is available at Condor within the Welfare Team, then contact should be made with the main NPFS office in Scotland of which the address is appended.

Royal Air Force

The Royal Air Force (RAF) is supported by an independent Social Work Service in the name of SSAFA Forces Help (The Soldiers, Sailors and Airmen's Families Association). Most Stations have trained Personal & Family Support Workers but small Stations are still offered a service from a local designated team. The Officer Commanding Personnel Management Squadron (OC PMS) is the main focus within the RAF system in relation to the welfare of families on their Station.

Where a child of a Royal Air Force family is subject of a Child Protection Referral

- Social Work (Children and Families Services) will liaise with the serviceman/woman's unit if known or the nearest RAF unit by contacting the OC PMS or SSAFA Forces Help
- The team will be invited to send a representative to any Child Protection Case Conference concerning a Royal Marine child

Every RAF unit has an officer appointed to this duty and he/she will be familiar with Child Protection Procedures.

For informal discussion contact SSAFA Forces Help (see Appendix 'A' for contact details) – RAF (UK) Social Work Service, Social Work Team manager on (01334) 839 471 Ext. 7444. Or Ext. 7656

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Appendix E

Edinburgh and Lothians Inter-agency
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Emergency Child Protection Measures (Scotland) Regulations, 1996

Persons to be informed when child removed to Place of Safety

Further Legislation

Sexual Offences (Amendment) Act, 2000

Abuse of position of trust

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

Grooming

Risk of Sexual Harm Orders

Tattooing Of Minors Act, 1969

Child Abduction Act, 1984

Parent etc. taking or sending child out of UK

Children Act, 1989

Registration of Child Minders

Surrogacy Arrangements Act, 1985

Meaning of terms

Negotiating On A Commercial Basis, etc.

Advertisements About Surrogacy

Offences

Civic Government (Scotland) Act, 1982

Obscene Material

Indecent Child Photographs

Possession of Photographs

Interpretation

Protection from Abuse (Scotland) Act, 2001

Attachment of Power of Arrest to Interdict

Duration, extension and recall

Notification to police

Powers and duties of police

Court appearance

Interpretation

Protection of Children (Scotland) Act, 2003

Duty of Scottish Ministers to keep list

Reference following disciplinary action etc.



The following are the primary pieces of legislation that impact on Child Protection in Scotland

The Children (Scotland) Act, 1995

Establishes

- The duty of local authorities to safeguard and promote the welfare of children in need (Section 22)
- The duty of local authorities to make enquires when they receive information that a child may be in need of compulsory measures of supervision (Section 53)
- Parental responsibilities and rights (Sections 1 & 2)
- Conditions for Referral to a Children’s Hearing for consideration as to whether a child is in need of compulsory measures of supervision (Section 52)

The Police (Scotland) Act, 1967

Establishes the duty of the police to

- Prevent crime, preserve order and protect life and property
- Where a crime has been committed, carry out investigation and pass information to the Procurator Fiscal

The Criminal Procedure (Scotland) Act, 1995 - Schedule 1 (as amended)

Lists offences against children under 17 years of age in respect of which Section 21 of the Act confers power on a police constable, in certain circumstances, to take people into custody without a warrant if they have committed or the constable has reason to believe they have committed the offences. Such offenders are commonly termed ‘Schedule 1 offenders’.

Schedule 1 offences are;

- 1.** Any offence under Part I of the Criminal Law (Consolidation) (Scotland) Act 1995 (Section 1 incest with a child, Section 2 intercourse with a step-child, Section 3 intercourse of person in position of trust with child under 16, Section 5 intercourse with a girl under 16, Section 6 indecent behaviour towards girl between 12 and 16, Section 7 procuring unlawful intercourse etc. in relation to a child, Section 8 abduction and unlawful detention of unmarried girl under 18, Section 9 permitting girl under 16 to use premises for intercourse, Section 10 causing or encouraging the seduction of, the prostitution of, unlawful intercourse with or the commission of an indecent assault on a girl under 16, Section 11 trading in prostitution and brothel-keeping in relation to a child, Section 12 allowing a child who is 4 or over but under 16 to be in a brothel, Section 13 homosexual offences)
- 2.** Any offence under Section 12 (Cruelty to person under 16), 15 (Causing or allowing persons under 16 to be used for begging), 22 (Exposing children under 7 to risk of burning) or 33 (Dangerous performances) of the Children and Young Persons (Scotland) Act 1937.
- 2A.** Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (Perform, aid, abet, counsel, procure or incite an act) where the person mutilated or, as the case may be, proposed to be mutilated, is a child under the age of 17 years.
- 2B.** Any offence under section 52 (Take, permit, make, distribute, possess with intent to distribute or advertise), or 52A (Possession) of the Civic Government (Scotland) Act 1982 in relation to an indecent photograph of a child under the age of 17 years.
- 2C.** Any offence under section 1 (Meet child following preliminary contact), 9 (Paying for sexual services of a child), 10 (Cause/incite provision by child of sexual services or child

Table - Degrees Of Relationship

Column 1	Column 2
1.Relationships by consanguinity	
<p>Mother Daughter Grandmother Grand-daughter Sister Aunt Niece Great grandmother Great grand-daughter</p>	<p>Father Son Grandfather Grandson Brother Uncle Nephew Great grandfather Great grandson</p>
2.Relationships by adoption	
<p>Adoptive mother or former adoptive mother. Adopted daughter or former adopted daughter.</p>	<p>Adoptive father or former adoptive father. Adopted son or former adopted son.</p>

subsection (2) above as it has effect for the purposes of that section.

- (4) For the purposes of subsection (2) above, a certificate of the Lord Advocate as to the date on which the evidence in question came to his knowledge is conclusive evidence of the date on which it did so.
- (5) Subject to subsection (6) below, a person guilty of an offence under Section 1, 2 or 3 of this Act shall be liable—
 - (a) On conviction on indictment, to imprisonment for any term of imprisonment up to and including life imprisonment; and
 - (b) On summary conviction, to imprisonment for a term not exceeding 3 months.

(Section 4).

Intercourse With Girl

- (1) Subject to section 205A of the Criminal Procedure (Scotland) Act 1995 (imprisonment for life on further conviction of certain offences) any person who has unlawful sexual intercourse with any girl under the age of 13 years shall be liable on conviction on indictment to imprisonment for life.
- (2) Any person who attempts to have unlawful sexual intercourse with any girl under the age of 13 years shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years or on summary conviction to imprisonment for a term not exceeding three months.
- (3) Without prejudice to Sections 1 to 4 of this Act, any person who has, or attempts to have, unlawful sexual intercourse with any girl of or over the age of 13 years and under the age

of 16 years shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years or on summary conviction to imprisonment for a term not exceeding three months.

- (5) It shall be a defence to a charge under subsection (3) above that the person so charged—
 - (a) Had reasonable cause to believe that the girl was his wife; or
 - (b) Being a man under the age of 24 years who had not previously been charged with a like offence, had reasonable cause to believe that the girl was of or over the age of 16 years.
- (6) In subsection (5) above, “a like offence” means an offence under—
 - (a) Subsection (3) above; or
 - (b) Section 4(1) or 10(1) of the Sexual Offences (Scotland) Act 1976 or Section 5 or 6 of the Criminal Law Amendment Act 1885 (the enactments formerly creating the offences mentioned in subsection (3) above and Section 9(1) of this Act); or
 - (c) Section 6 of the Sexual Offences Act 1956 (the provision for England and Wales corresponding to subsection (3) above), or with an attempt to commit such an offence; or
 - (cc) any of sections 9 to 14 of the Sexual Offences Act 2003;
 - (d) Section 9(1) of this Act.

(Section 5 as amended by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005).

(11) No proceedings for

- (a) The offences mentioned in subsections (5) and (6) above; and
- (b) Any offence under subsection (9) above which consists of soliciting or importuning any male person for the purpose of procuring the commission of a homosexual act,

shall be commenced after the expiration of twelve months from the date on which that offence was committed.

(Section 13 as amended by the Convention Rights (Compliance) (Scotland) Act 2001 and the Sexual Offences (Amendment) (Scotland) Act 2000).

Conspiracy or Incitement to Commit Sex Acts Outside the UK

- (1) This section applies to any act done by a person in Scotland which would amount to the offence of incitement to commit a listed sexual offence but for the fact that what he had in view is intended to occur in a country or territory outside the United Kingdom.
- (2) Where a person does an act to which this section applies, what he had in view shall be treated as the listed sexual offence mentioned in subsection (1) above and he shall, accordingly, be guilty of, as the case may be, incitement to commit the listed sexual offence.
- (3) A person is guilty of an offence by virtue of this section only if, what he had in view would involve the commission of an offence under the law in force in the country or territory where the whole or any part of it was intended to take place, and conduct punishable under the law in force in the country or territory is an offence under that law for the purposes of this section however it is described in that law.
- (4) Subject to subsection (6) below, a condition specified in subsection (3) above shall be taken to be satisfied unless, not later than such time as the High Court may, by Act of Adjournal, prescribe, the accused serves on the prosecutor a notice

- (a) Stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in his opinion satisfied;
- (b) Setting out the grounds for his opinion; and
- (c) Requiring the prosecutor to prove that the condition is satisfied.

(5) In subsection (4) above “the relevant conduct” means what the accused had in view.

(6) The court, if it thinks fit, may permit the accused to require the prosecutor to prove that the condition mentioned in subsection (4) above is satisfied without the prior service of a notice under that subsection.

(7) In proceedings on indictment, the question whether a condition is satisfied shall be determined by the judge alone.

(8) Any act of incitement by means of a message (however communicated) is to be treated as done in Scotland if the message is sent or received in Scotland.

(9) In this section “listed sexual offence” means any of the following

- (a) Rape of a girl under the age of 16;
- (b) Indecent assault of a person under the age of 16;
- (c) Lewd and libidinous conduct;
- (d) Shamelessly indecent conduct involving a person under the age of 16;
- (e) Sodomy with or against a boy under the age of 16;
- (f) An offence under section 5(1) or (2) of this Act (unlawful sexual intercourse with a girl under the age of 13);
- (g) An offence under section 5(3) of this Act (unlawful sexual intercourse with a girl under the age of 16);

- (3) An arrangement is a surrogacy arrangement if were a woman to whom the arrangement relates to carry a child in pursuance of it, she would be a surrogate mother.
- (4) In determining whether an arrangement is made with such a view as is mentioned in subsection (2) above regard may be had to the circumstances as a whole (and, in particular, where there is a promise or understanding that any payment will or may be made to the woman or for her benefit in respect of the carrying of any child in pursuance of the arrangement, to that promise or understanding).
- (5) An arrangement may be regarded as made with such a view though subject to conditions relating to the handing over of any child.
- (6) A woman who carries a child is to be treated for the purposes of subsection (2)(a) above as beginning to carry if at the time of the insemination or of the placing in her of an embryo, of an egg in the process of fertilisation or of sperm and eggs as the case may be that results in her carrying the child.
- (7) “Body of persons” means a body of persons corporate or unincorporate.
- (8) “Payment” means payment in money or money’s worth.
- (9) This Act applies to arrangements whether or not they are lawful. (**Section 1**, as amended by Human Fertilisation and Embryology Act, 1990).

No surrogacy arrangement is enforceable by or against any of the persons making it.

(**Section 1A**, as inserted by Human Fertilisation and Embryology Act, 1990).

Negotiating On A Commercial Basis, Etc.

- (1) No person shall on a commercial basis do any of the following acts in the United Kingdom, that is—
 - (a) Initiate or take part in any negotiations with a view to the making of a surrogacy arrangement,
 - (b) Offer or agree to negotiate the making of a surrogacy arrangement, or
 - (c) Compile any information with a view to its use in making, or negotiating the making of surrogacy arrangements, and no person shall in the United Kingdom knowingly cause another to do any of those acts on a commercial basis.
- (2) A person who contravenes subsection (1) above is guilty of an offence; but it is not a contravention of that subsection—
 - (a) For a woman, with a view to becoming a surrogate mother herself, to do any act mentioned in that subsection or to cause such an act to be done, or
 - (b) For any person, with a view to a surrogate mother carrying a child for him, to do such an act or to cause such an act to be done.
- (3) For the purposes of this section, a person does an act on a commercial basis (subject to subsection (4) below) if—
 - (a) Any payment is at any time received by himself or another in respect of it, or
 - (b) He does it with a view to any payment being received by himself or another in respect of making, or negotiating or facilitating the making of any surrogacy arrangement.

In this subsection “payment” does not include payment to or for the benefit of a surrogate mother or prospective surrogate mother.

Possession of Photographs

- (1) It is an offence for a person to have any indecent photograph or pseudo-photograph of a child in his possession.
- (2) Where a person is charged with an offence under subsection (1), it shall be a defence for him to prove—
 - (a) That he had a legitimate reason for having the photograph or pseudo- photograph in his possession; or
 - (b) That he had not himself seen the photograph or pseudo-photograph and did not know, nor had any cause to suspect, it to be indecent; or
 - (c) That the photograph or pseudo- photograph was sent to him without any prior request made by him or on his behalf and that he did not keep it for an unreasonable time.
- (3) A person shall be liable
 - (a) On summary conviction of an offence under this section to imprisonment for a period not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both,
 - (b) On conviction on indictment of such an offence to imprisonment for a period not exceeding 5 years or to a fine or to both
- (4) Subsections (2) to (2C) and (8) of Section 52 of this Act shall have effect for the purposes of this section as they have for the purposes of that section.

(Section 52A, as inserted by the Criminal Justice Act 1988, and amended by Criminal Justice and Public Order Act 1994 and the Criminal Justice (Scotland) Act 2003).

Interpretation

“public place” means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes—

- (a) The doorways or entrances of premises abutting on any such place; and
- (b) Any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses.

(Section 133).

Protection from Abuse (Scotland) Act 2001

Attachment of Power of Arrest to Interdict

- (1) A person who is applying for, or who has obtained, an interdict for the purpose of protection against abuse may apply to the court for a power of arrest to be attached to the interdict under this Act.
- (2) The court must, on such application, attach a power of arrest to the interdict if satisfied that—
 - (a) The interdicted person has been given an opportunity to be heard by, or represented before, the court;
 - (b) Attaching the power of arrest would not result in the interdicted person being subject, in relation to the interdict, to a power of arrest under both this Act and the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59); and
 - (c) Attaching the power of arrest is necessary to protect the applicant from a risk of abuse in breach of the interdict.
- (3) The court, on attaching a power of arrest, must specify a date of expiry for the power, being a date not later than three years after the date when the power is attached.

(Section 1).



