



**Trinidad 2023
Commonwealth Youth Games**

Team Scotland

**Child Wellbeing and Protection:
Responding to Concerns Procedure**

Contents

| | | |
|-------|--|----|
| 1 | Responding to Concerns | 3 |
| 1.1 | Why it is important to respond to concerns | 3 |
| 1.2 | Confidentiality | 3 |
| 1.3 | Defamation | 3 |
| 2 | Procedures for Responding to Concerns About a Child, Young Person or Adults at Risk of Harm | 5 |
| 2.1 | Concerns about the General Welfare/Wellbeing of a Child, Young Person or Adults at Risk of Harm (NOT involving concerns about child or Adults at Risk of Harm abuse) | 5 |
| 2.2 | What to Do if a Child, Young Person or Adults at Risk of Harm Tells You about Abuse | 5 |
| 2.2.1 | Responding to a Disclosure | 5 |
| 2.2.2 | Record | 6 |
| 2.2.3 | Sharing Concerns with Parents | 7 |
| 3 | Responding to Concerns About Child or Adults at Risk of Harm Abuse | 8 |
| 4 | Procedure for Responding to Concerns About the Conduct of a Member of Staff or Volunteer | 9 |
| 4.1 | Concerns about the Conduct of a Member of Staff | 9 |
| 4.2 | Initial Reporting of Concerns | 9 |
| 4.3 | Recording | 9 |
| 4.4 | Establishing the Basic Facts | 10 |
| 4.4.1 | Establish the basic facts | 10 |
| 4.4.2 | Conducting the Initial Assessment | 10 |
| 4.4.3 | Possible outcomes of initial assessment | 10 |
| 4.4.4 | Initial assessment supports concerns about poor practice and/or misconduct (but not possible child or Adults at Risk of Harm abuse) | 11 |
| 4.4.5 | Initial assessment supports concerns about possible child or Adults at Risk of Harm abuse | 11 |
| 4.5 | Precautionary Suspension | 11 |
| 4.6 | Disciplinary Investigation | 12 |
| 4.7 | False or Malicious Allegations | 12 |
| 5 | Responding to Concerns About the Conduct of a Team Scotland Member of Staff | 13 |

1. Responding to Concerns

1.1 Why it is important to respond to concerns

It takes considerable courage for a child, young person or adults at risk of harm to disclose abuse. Disclosures need to be handled very carefully and sensitively to avoid causing further distress.

All concerns must be responded to in a way that ensures that a child, young person or adults at risk of harm receives appropriate help and support and to ensure that appropriate action is taken against those who pose a risk to children, young people and adults at risk of harm and to protect not only the child/young people/adults at risk of harm involved but also all other children, young people and adults at risk of harm.

Robust procedures for responding to concerns will:

- help to avoid those receiving information from engaging in judgements.
- reassure those who report concerns that an appropriate course of action will ensue.
- support those charged with managing concerns by providing them with a step-by-step process to follow.
- safeguard the rights of those against whom complaints or allegations have been made.

It is not the job of anyone in Team Scotland to decide whether or not a child, young person or adults at risk of harm has been abused. It is however, everyone's responsibility to report concerns.

1.2 Confidentiality

The Information Commissioners Office in Scotland is clear that information provided to organisations should remain confidential unless permission has been given to share the information by the individual concerned or the safety of that person or another person may be at risk.

However:

If there is a concern that a child, young person or adults at risk of harm may be at risk of significant harm, this will always override a professional or organisational requirement to keep information confidential. It is good practice to inform parents and children about the kind of situations which may lead to them having to share information with other agencies.

1.3 Defamation

Concerned adults are sometimes reluctant to report concerns about abuse for fear that the person suspected will sue them for defamation if the allegation turns out to be unfounded.

To be defamatory a statement must first of all be untrue. Even if subsequently shown to be untrue, the statement will be protected by 'qualified privilege' if it is made to the appropriate authority "in response to a duty, whether legal, moral or social or in the protection of an interest" (Norrie K, Defamation and Related Actions in Scots Law, 1995). Unjustified repetition of the allegations to other persons will not be protected by privilege.

The qualification on privilege refers to statements made by malice. If a statement, even to the appropriate authority, can be shown to be motivated by malice, then an action of defamation could be successful.

(Taken from Guidelines for Child Protection Prepared for the Independent Schools in Scotland, Kathleen Marshall, Second Edition, January 1997)

2. Procedures for Responding to Concerns About a Child, Young Person or Adults at Risk of Harm

These procedures apply to all staff and volunteers involved in Team Scotland.

2.1 Concerns about the General Welfare/Wellbeing of a Child, Young Person or Adults at Risk of Harm (NOT involving concerns about child or Adults at Risk of Harm abuse)

Team Scotland is committed to working in partnership with parents whenever there are concerns about a child, young person or adults at risk of harm. Parents and carers have the primary responsibility for the safety and wellbeing of their children, young people and adults at risk of harm.

In most situations, not involving the possibility of the abuse of a child, young person or adults at risk of harm, concerns should be discussed with parents/carers/the adult at risk. For example, if a child, young person or adults at risk of harm seems withdrawn, he/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement. Common sense is advised in these situations.

During the Games, any significant, untoward or unusual incidents which cause concern about the welfare of a child, young person or adults at risk of harm should be reported to **Team Scotland's** Child Wellbeing and Protection Officer or their Deputy as soon as possible and recorded on the 'Report Log' and. Parents should also be informed of the circumstances as soon as possible.

Advice should be sought from **Team Scotland's** Child Wellbeing and Protection Officer or their Deputy if there is any uncertainty about the appropriate course of action where there are concerns about the general welfare of a child, young person or adults at risk of harm.

Team Scotland's Child Wellbeing and Protection Officer or their Deputy will consult with the Team Scotland Chef de Mission as deemed appropriate.

2.2 What to Do if a Child, Young Person or Adults at Risk of Harm Tells You about Abuse

No member of Team Scotland shall investigate allegations of abuse or decide whether or not a child, young person or adults at risk of harm has been abused.

Allegations of abuse must always be taken seriously. False allegations are very rare. If a child, young person or adult at risk of harm says or indicates they are being abused or information is obtained which gives concern that a child, young person or adults at risk of harm is being abused, the information must be responded to on the same day in line with the following procedure.

2.2.1 Responding to a Disclosure

Always:

- Stay calm - ensure that the child is safe and feels safe.
- Show and tell the child that you are taking what he/she says seriously.
- Reassure the child and stress that he/she is not to blame.
- Be aware of interpreting what a child says, especially if they have learning or physical disabilities which affect their ability to communicate or English is not their first language.
- Keep questions to a minimum so that there is a clear and accurate understanding of what has been said. Only ask questions to clarify.

- Be careful about physical contact, it may not be what the child wants.
- Be honest, explained to the child that you HAVE to other people know about what they have told you, reassure them that this is to help stop the abuse continuing and to keep them safe.
- The safety of the children is paramount. If they need urgent medical attention call an ambulance, inform the doctors of the concern and ensure they are made aware that this is potentially linked to abuse. If there is an immediate risk to the child, then called police.
- Make a record of what the individual has said as soon as possible after the event.
- Follow Team Scotland's Wellbeing and Protection procedures.
- Report the incident to the Team Scotland's Wellbeing and Protection Officer.

Never:

- Rush into actions that may be inappropriate.
- Make promises you cannot keep (e.g., you won't tell anyone).
- Ask more questions than are necessary for you to be sure that you need to act.
- Takes sole responsibility - consult someone else (ideally Team Scotland's Wellbeing and Protection Officer, Chef de Mission or someone you can trust) so that you can begin to protect the child and gain support for yourself.

You must report all direct disclosures from children or any situation where you have not received a disclosure but you suspect that a child is at list or experiencing abuse. Reporting disclosures and concerns ensures that a child receives appropriate help and support, resulting in appropriate action being taken against those who pose a risk to the child and will help protect not only child involved but all other children. Where there is uncertainty about what to do with the information, Team Scotland Wellbeing and Protection Officer, their deputy or CdM must be consulted for advice on the appropriate course of action.

If you have any doubt - report it! If you receive a disclosure – report it!

If **Team Scotland's** Child Wellbeing and Protection Officer, their Deputy or CdM is unavailable or an immediate response is required, the police (and social work services (Children and Family Department)) must be consulted for advice. They have a statutory responsibility for the protection of children, young people and adults at risk of harm and they may already hold other concerning information about the child, young person or adults at risk of harm. Record any advice given.

If you are concerned about the *immediate* safety of the child, young person or adults at risk of harm:

Take whatever action is required to ensure the child, young person or adults at risk of harm's immediate safety.

2.2.2 Record

Make a written record of the information as soon as possible using the Report Log, completing as much of the form as possible. The following information will help the police and social workers decide what action to take next:

- Child, young person or adults at risk of harm's name, age and date of birth.
- Child, young person or adults at risk of harm's home address and telephone number.
- Any times, dates or other relevant information.

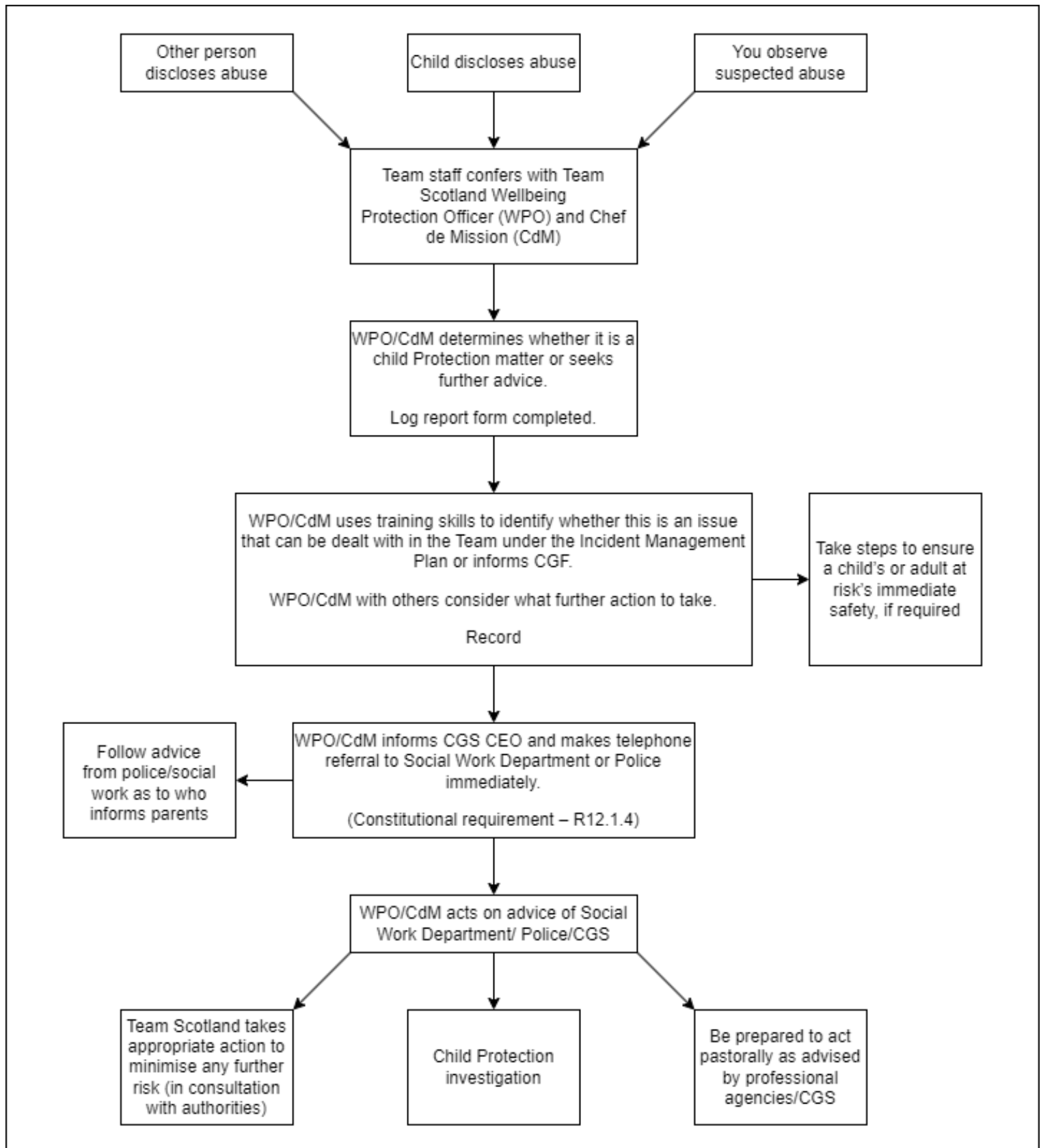
- Whether the person making the report is expressing their own concern or the concerns of another person.
- The child, young person or adults at risk of harm's account, if it can be given, of what has happened and how any injuries occurred using the child, young person or adults at risk of harm's own words.
- The nature of the concern (include all of the information obtained during the initial account e.g. time, date, location).
- A description of any visible (when normally dressed) injuries or bruising, behavioural signs, indirect signs (do not physically examine the child, young person or adults at risk of harm).
- Details of any witnesses.
- Whether the child, young person or adults at risk of harm's parents have been informed. (see 'Sharing Concerns with Parents' below).
- Details of anyone else who has been consulted and the information obtained from them.
- If it is not the child, young person or adults at risk of harm making the report, whether the child, young person or adults at risk of harm has been spoken to, if so what was said using the child, young person or adults at risk of harm's own words.
- The child, young person or adults at risk of harm's views on the situation.

If completing the form electronically, do not save copies. Print a copy, sign and date and then delete immediately. Pass the record to social work services (Children and Family Department) or the police (Family Protection Unit) and to Commonwealth Games Scotland CEO.

2.2.3 Sharing Concerns with Parents

Where there are concerns that the parent(s) may be responsible for or have knowledge of the abuse, sharing concerns with the parent(s) may place the child, young person or adults at risk of harm at further risk. **In such cases advice must always firstly be sought from the police or social work services as to who informs the parents.**

3. Responding to Concerns About Child or Adults at Risk of Harm Abuse



4. Procedure for Responding to Concerns About the Conduct of a Member of Staff or Volunteer

4.1 Concerns about the Conduct of a Member of Staff

This section of the procedures should be read in conjunction with Commonwealth Games Scotland Complaints and Disciplinary Procedures. Section 2 (above) 'What to do if a Child, Young Person or Adults at Risk of Harm tells you about Abuse', applies whether the information is about a member of staff, or someone not connected in any way with Team Scotland. The following section details the procedure to be followed where the concern is about a member of staff.

These procedures aim to ensure that all concerns about the conduct of a member of staff are dealt with in a timely, appropriate and proportionate manner. No member of Team Scotland staff in receipt of information that causes concern about the conduct of a member of staff towards child, young person or adults at risk of harm shall keep that information to himself or herself or attempt to deal with the matter on their own.

In the event of an investigation into the conduct of a member of staff all actions will be informed by the principles of natural justice:

- Staff will be made aware of the nature of concern or complaint.
- Where the concern is about possible child, young person or adults at risk of harm abuse, advice will firstly be taken from the police as to what can be said to the staff member.
- Staff member will be given an opportunity to put forward their case.
- Team Scotland will act in good faith to ensure the matter is dealt with impartially and as quickly as possible in the circumstances.

In all cases where there are concerns about the conduct of a member of staff towards children, the welfare of the child, young person or adults at risk of harm will be the paramount consideration.

At any point in the management of concerns about the conduct of a member of staff, advice may be sought from the police or social work services.

4.2 Initial Reporting of Concerns

Any concerns for the welfare of a child, young person or adults at risk of harm arising from the conduct of any member of staff must be reported to the Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission on the day the concern arises, as soon as practically possible.

Where the concern is about the Child Wellbeing and Protection Officer it must be reported to the Chef de Mission. If the concern is about the Chef de Mission, it must be reported to the Team Scotland President/Secretary General in Trinidad and Tobago or to CGS CEO in Scotland.

4.3 Recording

Concerns must be recorded using the Report Log as soon as possible. Reporting the concerns to Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission should not be delayed by gathering information to complete the form or until a written record has been made.

All subsequent actions taken and reasons for decisions shall be contemporaneously recorded on the Report Log, signed and dated by the Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission or the person appointed to manage the response to the concerns. Where Disciplinary Procedures are invoked, a written record will be made of all actions and reasons for decision. Guidance on the storage, sharing and retention of such records is contained in the relevant Data Protection Policy.

4.4 Establishing the Basic Facts

Once the concerns have been reported, Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission will:

4.4.1 Establish the Basic Facts

- Conduct an initial assessment of the facts in order to determine the appropriate course of action.
- Consult CGS CEO and external agencies such as the police and social work services for advice at any time. This is important because they may hold other important information which, when considered alongside the current concerns builds a significant picture of concern.

4.4.2 Conduct the Initial Assessment

Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission along with CGS CEO will conduct the initial assessment.

The purpose of the initial assessment is to clarify the nature and context of the concerns. It should determine whether there is reasonable cause to suspect or believe that a child, young person or adults at risk of harm has been abused/ harmed or is at risk of abuse or harm. Every situation is unique so guidance cannot be prescriptive.

- Where the established facts support a concern about possible abuse, the initial assessment may form part of the disciplinary investigation.
- Subject to the nature and seriousness of the situation, if it is not clear at this stage whether a criminal offence may have been committed, the member or Team Scotland staff may be approached as part of the information gathering process.
- Where the nature and seriousness of the information suggests that a criminal offence may have been committed, or that to assess the facts may jeopardise evidence, advice will be sought from the police before the member or Team Scotland staff is approached.
- An initial assessment of the basic facts may require the need to ask a child (ren) / young people 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 / young people, or other appropriate individuals.
- Interviewing children / young people about possible abuse and criminal offences is the sole remit of specially trained police officers and social workers. Questioning of child/ young person by those conducting an initial assessment should always be avoided as far as possible. If it is necessary to speak to the child/ young person in order to clarify the basic facts best practice suggests that consent from the parent / carer should be obtained.

4.4.3 Possible Outcomes of the Initial Assessment

- (i) No further action (facts do not substantiate complaint).

- (ii) Situation is dealt with under procedures to manage poor practice; and/or,
- (iii) Disciplinary investigation (by Commonwealth Games Scotland).
- (iv) Child Protection investigation (jointly by police and social work services).
- (v) Criminal investigation (by the police).
- (vi) Civil proceedings (by the child/family who alleged abuse).

4.4.4 Initial assessment supports concerns about poor practice and/or misconduct (but not possible child or Adults at Risk of Harm abuse)

Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission will deal with the situation in line with the relevant procedures, depending on the individual involved this may be in agreed conjunction with the CGS CEO who invokes their power under Governance rule R13.2.4 as noted above.

Pending the outcome of any investigation conducted under any of the above named, a precautionary suspension will be considered in all cases where there is significant concern about the conduct of the individual being investigated. The wellbeing of children / young people will be the paramount concern in such circumstances.

Where the circumstances meet the referral criteria set out in the Protection of Vulnerable Groups (Scotland) Act 2007, CGS has a duty to make a referral to Scottish Ministers.

4.4.5 Initial assessment supports concerns about possible child or Adults at Risk of Harm abuse

Where the initial assessment of information gives reasonable cause to suspect or believe possible child abuse Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission along with the CGS CEO will refer the concerns to the police and/or social work services as soon as possible on the day the information is received.

Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission or CGS CEO will make a written record of the name and designation of the social worker 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.

Referrals to the police/social work services will be confirmed in writing Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission or CGS CEO within 24 hours. A copy of the Report Log should be provided to the police/ social work services on request.

Appropriate steps will be taken to ensure the safety of the child (ren) / young people or individual who may be at risk. The parents of the child (ren) / young people involved will be informed as soon as possible following advice from the police/social work services.

Advice will firstly be obtained from the police/social work services about informing the staff member about the concerns. If the advice is to inform the individual, they will be told that information has been received which may suggest there is a serious concern about their conduct. As the matter is being dealt with by the statutory authorities, no details will be given unless advised by the police/ social services. All actions will ensure the best evidence is preserved for any criminal proceedings while at the same time safeguarding the rights of the individuals involved.

4.5 Precautionary Suspension

The staff member involved may be suspended whilst an investigation is carried out.

Precautionary Suspension is not a form of disciplinary action it is a protective measure and is viewed as a precautionary measure to all involved.

Notification of the suspension and the reasons will be conveyed in writing to the individual.

4.6 Disciplinary Investigation

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 Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission in consultation with the CGS CEO to make a decision and that to do so does not jeopardise the criminal investigation.

R13.2 Where an individual shall been convicted or have been the subject of caution in respect of an Offence the Chief Executive Officer shall have the power to impose summarily either or both of the following penalties:

- a) the withdrawal with immediate effect of a license granted by the Company, which the individual may hold.
- b) the life suspension of the individual from any event or activity promoted or authorised by the Company or any other body directly or indirectly affiliated to the SASA wherever held.

There shall be a right of appeal under this section R13.2.4

4.7 False or Malicious Allegations

In the very exceptional circumstances that an investigation establishes an allegation is false, unfounded or malicious:

- The staff member involved will receive an account of the circumstances and/or investigation and a letter confirming the conclusion of the matter.
- All records pertaining to the circumstances and investigation will be destroyed.
- Team Scotland Child Wellbeing and Protection Officer or the Chef de Mission will take all reasonable steps to support the individual in this situation.
- In these circumstances, Team Scotland will review the child's participation in the team.
- Data collected for the investigation will be destroyed in accordance with the requirements of the Data Protection act 2018.

5. Responding to Concerns About the Conduct of a Team Scotland Member of Staff

