

## **Appendix 1**

### **Good Practice Guide for Elected Members, Staff and Volunteers**

The following guidelines for staff are to be used in conjunction with the North East Scotland Child Protection Committee Guidelines:

<http://www.nescpc.org.uk/>.

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## 1. INTRODUCTION

It is possible to limit the situations where child and young people abuse may occur, by promoting good practice to all staff, elected members and volunteers. This good practice guide covers the standards we expect from our staff, (including elected members and volunteers) when fulfilling their roles in the council. It should help protect both children and members of staff.

We want to encourage a positive experience for children and young people, and for staff working with them. These guidelines are intended to build the confidence of staff and to help them feel secure whilst working with children.

Child abuse can arouse strong emotions. It is therefore important to try and understand these emotions and not allow them to interfere with the action to be taken.

This good practice guide outlines the standards that The Moray Council expects from elected members, staff and volunteers when fulfilling their roles in the council.

It also seeks to detail the responses expected when there are concerns about the welfare of a child or young person or concerns about the actions of a colleague or other adult.

If properly implemented, this good practice guide should help to protect children and young people in Moray as well as elected members, staff and volunteers.

Elected members, staff and volunteers should endeavour to ensure that, in any contact with a child or young person, their practice reflects the guidance outlined under the heading 'good practice means' whilst avoiding that outlined under the heading 'unacceptable practice means'.

In addition to the guidance outlined under the heading 'code of practice' elected members, staff and volunteers should ensure that they also adhere to service or department specific guidance about working with or responding to a child or a young person e.g. staff in Educational Services will also use the NESPCP guidelines and the "Safe and Well" handbook: <http://www.scotland.gov.uk/Publications/2005/08/0191408/14093>

For the purposes of these guidelines a child is defined as a person under the age of sixteen years of age. (For persons over the age of 16 there is no requirement to follow these guidelines. However where appropriate e.g. A young person with special needs, the Council may find some of principles and practices within the guidelines provide a helpful framework for considering how best to protect that person.

The guidance will be subject to regular review.

## **2. Code of Practice**

### **Good Practice means;**

Always putting the welfare of a child or young person first.

All of our staff must follow our Child Protection Policy and guidelines.

Being confident about bringing to the attention of senior colleague or where appropriate the Social Work Service or the Police any concerns about the welfare of a child or young person.

Being confident about bringing to the attention of senior colleague or where appropriate the Social Work Service or the Police any concerns about the behaviour or actions of colleagues or other adults.

Taking action in accordance with the procedures outlined in appendix 4 when concerned about the welfare of a child or the behaviour or action of a colleague or other adult.

Being clear about the purpose of the contact with a child or young person and, where appropriate, recording the aims and objectives in an action plan.

Treating children and young people equally with respect and dignity.

Building balanced relationships based on mutual trust.

Empowering children and young people to share in decision making.

Always being publicly open when working with children and young people.

Never leaving children or young people unsupervised.

Ensuring that the environment in which you work with children or young people is safe.

Giving constructive feedback rather than negative criticism.

Ensuring that where any form of physical contact is required it is provided openly and in accordance with appropriate guidelines.

Ensuring that when transporting a child or young person in a vehicle that this is part of a planned and authorised activity or service and that the child or young person is encouraged to use a safety belt.

Endeavouring to have male and female supervisors when working with mixed groups particularly if the activity involves an overnight away from the child or young person's home.

Ensuring that where, as part of the work with a child or young person, assistance of a personal nature is required that this is carried out as part of an agreed care plan with the full understanding and consent of the parent or carer.

Ensuring that where, as part of the work with a child or young person, physical restraint may be necessary that this is done in accordance with SKIP techniques and is only carried out by those who have undergone the specialist training.

Keeping a written record of any injury sustained by or treatment given to a child or young person when involved in an activity provided by or when receiving a service from The Moray Council.

Ensuring that parents and a senior colleague are advised, at the earliest opportunity, of any incidents or accidents involving a child or a young person when involved in an activity provided by or when receiving a service from The Moray Council.

**Unacceptable Practice means;**

Failing to ensure that any concerns about the welfare of a child or young person are referred to a senior colleague, the Social Work Service or the Police.

Arranging to meet with a child or a young person outside an organised activity or service.

Taking or inviting a child or young person to your home unless in the role of an approved carer for the child or young person.

Transporting a child or young person in a vehicle unless this is part of a planned and authorised activity or service.

Engaging in rough physical or sexually provocative games including horseplay.

Allowing or engaging in inappropriate touching of any form.

Assisting a child or young person with personal care unless this is part of an agreed care plan.

Make sexually suggestive comments about or to child or young person, even in fun.

Allow allegations made by a child to go unchallenged, unreported or unrecorded.

Use the internet to access child pornography sites (see The Moray Council Email and Internet Policy and Guidance)

**The Moray Council takes its responsibility to protect children very seriously. Staff who breach any of the above code will face investigation, and may face disciplinary action which could lead to dismissal.**

### **3. Risk Indicators, why might you be concerned about a child?**

A child or a young person will rarely tell if they are being abused. There are however signs that might indicate that the child or young person is being abused.

If any or a combination of the following is noted about a child or a young person then this could indicate that they are being, or are at risk of abuse and stresses the need for action.

- unexplained bruising or bruising in an unusual place
- appearing afraid, quiet or withdrawn
- afraid to go home
- appearing constantly hungry, tired or untidy
- being left unattended or unsupervised
- having too much responsibility for their age
- acting in a sexually inappropriate way
- misusing drugs or alcohol
- talking about something that sounds as though they have been hurt by someone

If any or a combination of the following is noted about colleagues or other adults then this is a cause for concern and indicates the need for action.

- acting in an aggressive, violent or sexual manner towards a child or young person
- misusing alcohol or drugs while caring for a child or young person
- leaving a child unattended or with unsuitable carers
- presenting as overly or inappropriately affectionate to a child or young person that they are working with or for whom they are providing a service

Evidence of any of the above signs or behaviours do not, in most instances, confirm that abuse is happening but does indicate the need for further investigation.

If you see behaviour that is of concern, or if a child or young person tells you something, you need to take them seriously, do something about it, you should inform your line manager or team leader. If they are not available you should contact the duty worker of the Children and Families Team **WITHOUT DELAY**.

#### **4. Responding to a Disclosure**

A child or a young person may disclose abuse to an adult who is working with them or is providing a service. The following points should be noted when responding to any disclosure.

- remain calm
- listen to the child or young person and take what they say seriously
- give the child or young person time to say what they want to say
- try not to show any revulsion at what is said no matter how distasteful the information
- do not ask any leading questions or suggest who might be responsible no matter the clues that may be contained in the information
- do not promise to keep secrets
- reassure the child or young person that they are doing the right thing by telling someone
- if it is believed that the child or young person is in immediate danger or at significant risk contact should be made with the duty social worker for the area in which the child lives or with the Police
- as soon as practicable record in detail, using the language used by the child or young person, the information shared with you
- discuss the disclosure with a senior colleague this should, where possible, be the designated child protection officer
- in the absence of a senior colleague or were there is no designated child protection officer contact the duty social worker for the area in which the child or young person lives
- if after hours or at the weekend contact should be made with the out of hours social work service

## 5. Dealing with a Concern

Elected member, staff and volunteers must, without delay, implement the following procedures when concerned about the welfare of a child or young person or about the actions or behaviour of colleagues or any other adult.

- if it is believed that the child or young person is in immediate danger or at significant risk contact should be made with the duty social worker for the area in which the child lives or with the Police
- discuss the concern with a senior colleague preferably the designated child protection officer
- in the absence of a senior colleague or were there is no designated child protection officer contact the duty social worker for the area in which the child or young person lives. See below
- if after hours or at the weekend contact should be made with the out of hours social work service

## 6. Contacts

### Moray - Children and Families Teams

<b>Elgin and Lossiemouth Area</b>	<b>Forres, Speyside and Tomintoul Area</b>
Duty or Senior Social Worker	Duty or Senior Social Worker
1 Gordon Street	Auchernack House
Elgin	Forres
IV30 1JQ	IV36 1DX
Tel. 01343 557222	Tel. 01309 694000
Fax. 01343 541125	

<b>Buckie Area</b>	<b>Keith Area</b>
Duty or Senior Social Worker	Duty or Senior Social Worker
Moray Access Point, 13 Cluny Square	Resource Centre
Buckie	Keith
AB56 1AJ	AB55 5AH
Tel. 01542 837200	Tel. 01542 886174
Fax. 01542 835783	Fax. 01542 835783

**Emergency Out Of Hours for Moray Tel. 08457 565656**

## **OTHER CONTACTS**

### **AUTHORITY REPORTER**

Phoenix House  
1 Wards Road  
Elgin  
IV30 1QL  
Tel. 01343 550015

### **GRAMPIAN POLICE**

Family Protection Unit  
Tel. 0845 600 5 700

### **CHILDLINE**

Tel. 0800 1111

### **PARENT LINE**

Tel. 0808 800 2222



## **7. Photographs Filming and the use of Photographic/Filming Equipment**

There is some evidence that people can misuse photographic or video/film footage of children and disabled people. All staff should be vigilant and any concerns reported to duty worker of the Children and Families Team. (See contacts below). In the interests of Child Protection, filming, photography and recording of children, under the age of 16 should not take place within Council establishment's grounds/premises, without parental consent. The Council is increasingly using photographs of people on its publications, including the Council website.

Before taking photographs of children it is important that consent be secured from the parent or guardian.

Departments/services should ensure that these consent forms are kept on file, together with a note of the photograph taken and where it has been used.

Wherever possible children should not be identified by name on any photographs, unless in exceptional circumstances, e.g. prizewinners of a competition, and their contact details should never be published.

As indicated on the form, those photographed have the option of contacting the Council in writing to request that the photograph be removed from the Council's photo library. Where such requests are made then the photograph should not be used on future publications and should in the case of the internet be replaced as soon as is reasonable.

As a matter of courtesy photographs taken for one purpose should not be transposed for other purposes. An appropriate form is available below.

The photography of children in the Council's, changing areas and swimming pools is generally prohibited. Photographs may be taken with permission and under the supervision of the management for certain activities e.g. birthday parties.



The Moray Council

Permission to Publish Photographs

Consent form for photographing children

The Moray Council would like permission to take photographs of your child/children. These photographs may be published in our printed publications and/or our Council website www.moray.gov.uk. Children's names will not be published.

Before taking photographs of your child we need your permission. Please answer the questions below, then sign and date the form.

Please Circle

- 1. May we use your child's photograph in printed publications produced by The Moray Council? Yes / No
2. May we use your child's photograph on our Council website? Yes / No

Please remember that websites are looked at by anyone, worldwide.

Your Name ..... (Please print)

Address .....

Tel No .....

Signed ..... (Parent / guardian)

Date .....

I understand that in the future, should I not want this photograph published I have the option of contacting The Moray Council to request, in writing, that the photograph be removed from the Council's photo library.

## **8. Useful Resources**

**North East Scotland Child Protection Committee Guidelines:**

<http://www.nescpc.org.uk/>.

**“Safe and Well” handbook:**

<http://www.scotland.gov.uk/Publications/2005/08/0191408/14093>

**Care Commission**

<http://www.carecommission.com>

**Early Education and Childcare up to the age of 16 (revised March 2005)  
National Standards**

<http://www.scotland.gov.uk/Resource/Doc/37432/0010250.pdf>

The procedures for recruitment and selection of staff take account of the Safer Recruitment and Selection for Staff Working in Child Care Toolkit published by the Scottish Executive in 2002 at:

<http://www.scotland.gov.uk/library3/social/srsreport.asp>

## APPENDIX 2

### **RECRUITMENT AND SELECTION GUIDELINES (ON THE EMPLOYMENT OF STAFF WHO HAVE SUBSTANTIAL ACCESS TO CHILDREN)**

The procedures for recruitment and selection of staff take account of the Safer Recruitment and Selection for Staff Working in Child Care Toolkit published by the Scottish Executive in 2002 at:

<http://www.scotland.gov.uk/library3/social/srsreport.asp>

There are specific procedures for the recruitment of Social Work staff across all services from Practitioners to Head of Service and Forster Carers.

Our Personnel Services Section oversees recruitment on behalf of all council departments. Prior to a post being advertised, the recruiting manager will review the job description and decide whether or not the new recruit will have substantial access to children either through direct supervision or otherwise.

If the post is deemed to have unavoidable substantial access to children:

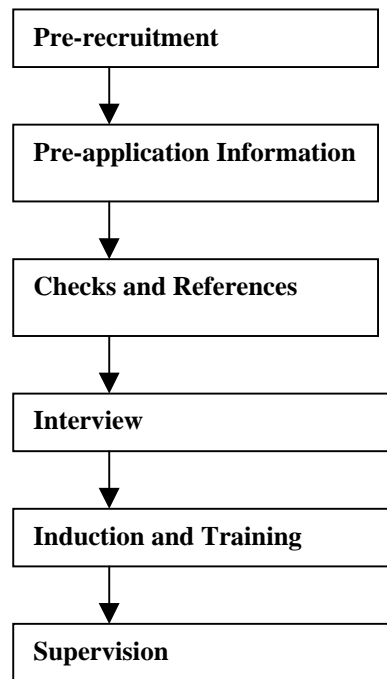
- ◆ Draws attention to the Policy on Recruitment of Ex-Offenders.
- ◆ Informs the applicant that any offer would be subject to a satisfactory disclosure check.
- ◆ Informs the applicant of the need to provide references relating to previous employment involving children.
- ◆ Once the candidates have been short-listed for interview, they will be required to complete a self-disclosure form (appendix 2). This is returned to the Personnel Section. Candidates then have the opportunity to explain any previous 'misdemeanours' at interview.
- ◆ The successful applicant will then be subject to a satisfactory disclosure check prior to appointment.

In order to conduct a disclosure check prior to appointment, the applicant is asked to provide proof of identity (Appendix 3 details the appropriate documents required).

It is important that all staff and volunteers working or having contact with children and young people, whether they are full time, part time, paid or unpaid, have the same recruitment and selection procedures applied to them and that we ascertain as much information as possible. The fundamental stages of the procedure for recruiting and selecting staff and volunteers are illustrated in diagram.

## Diagram

### Fundamental stages in the recruitment and selection of staff and volunteers working with children and young people



#### Pre-recruitment

If any form of advertising is used to recruit staff and volunteers, it should reflect:

- The aims of The Moray Council
- If appropriate the aims of the particular programme involved
- The responsibilities of the role
- The level of experience or qualifications required (e.g. experience of working with children is an advantage)
- The Moray Councils Equal Opportunities Policy and Code of Conduct

#### Pre-application Information

The pre-application information e.g. application pack, sent to interested or potential applicants should contain:

- A job description including roles and responsibilities
- A person specification (e.g. stating qualifications or experience required)
- An application form
- Safety and rigorous selection should be prominently mentioned in relation to posts with children and young people.

## Applicant Information

Information that can/should be requested within the application form and a self-declaration form includes:

- Name, address and National Insurance Number
- Past career, relevant interests, any gaps in employment and reasons for leaving
- Relevant experience, educational qualifications, job specific qualifications and training
- A full employment history (with information about candidates sickness record, involvement in disciplinary or grievance procedures)
- Any criminal record
- The names of at least two people (not relatives) willing to provide written references that comment on the applicant's previous experience of, and suitability for, working with children and young people where it is a requirement of the job
- Medical declarations
- The applicant's consent to a Disclosure Check being undertaken and former employers being contacted in addition to the referees nominated by the candidate. **(Candidates should be warned that failure to disclose important information might lead to dismissal if discovered at a later date)**

It should be made clear that effective measures are in place to ensure confidentiality of information under the Data Protection legislation.

## Checks and References

Staff and volunteers recruited to work in services for children and young people must be checked for any possible irregularities, which may give reason for concern.

- A disclosure check must be carried out with the Criminal Records Bureau at the appropriate level. Personal identification must be requested. The most reliable forms are birth certificates and National Insurance Number. Other forms of identification that can be requested include passport, drivers licence, or another form of identification that gives the applicant's full name, date of birth and current address, together with a signature and photograph
- A minimum of two references must be taken up, and be from reputable sources and where relevant followed up by letter or telephone. References should include the applicant's suitability to work with children and young people where it is a requirement of the job
- Candidates should consent to former employers being contacted in addition to the referees nominated by the candidate. **(Candidates should be warned that failure to disclose important information might lead to dismissal if discovered at a later date)**
- Social Services and health checks could also be considered
- Qualifications should be verified with the relevant award body

## **Basis for Requesting a Disclosure**

The Council will seek Standard or Enhanced Disclosures where this is considered proportionate and relevant to the particular position. This will be based on a risk assessment of the position, based on the likelihood and consequences of the risk.

In general, the Council will seek a Disclosure where there is access to children and young people or to vulnerable adults through the appointment or where the post is in a position of trust as defined in the Act. These are appointments in respect of which the Council would wish to ask exempt questions under the Rehabilitation of Offenders Act (ROA).

Where a Disclosure is deemed necessary for a position, it will be made clear in all relevant documentation, e.g. person specification, that a Disclosure will be requested in the event that an individual is made a conditional offer of the position.

## **Interview**

If relevant/appropriate, at least two persons should conduct an interview at which they should explore information contained in the application form against the qualities and skills needed in the post.

## **Induction and Training**

It is important that the recruitment and selection process is followed by relevant inductions and training in order to further protect children and young people from possible abuse. Appropriate training will enable individuals to recognise their responsibilities with regard to their own good practice and the reporting of suspected poor practice and concerns or allegations of abuse. The induction and training should include:

- Basic awareness of the signs and indicators of abuse and an understanding of their responsibility to act swiftly and sensitively when concerns arise
- All staff and volunteers need to be aware of the procedures they need to follow in response to any concerns that they have
- Line Managers should ensure that this policy document is read and understood by all new and existing staff and volunteers and that the policy declaration (Appendix F) is signed and completed
- Clarification of the job expectations, roles and responsibilities (e.g. through a formal or informal work programme/objectives)
- Child Protection procedures explained and training needs established

## **Supervision**

All staff and volunteers work more effectively when they are well informed, trained and supported. Line Managers should be sensitive to any concerns about abuse, act on them at an early stage and offer support to those who report.

It is the responsibility of Line Managers to monitor good practice. This can be done in a number of ways:

- Direct observation of the activity or service
- Staff appraisals, mentoring and providing feedback on performance
- Children and young people's feedback on the activities or services



## **APPENDIX 3**

### **TRAINING FOR STAFF IN CHILD PROTECTION**

Once we have recruited our staff, we need to ensure that they are well informed, trained, supervised and supported, so that they are less likely to become involved in actions that can cause harm or be misunderstood.

This process will include the following:

#### **Induction**

**Our new staff will be made familiar with our Child Protection Policy during induction training**

#### **Ongoing Training Needs**

This revised policy will be placed on the Council Intranet and all staff will be sent a brief summary version that also tells them where the full version can be found. The summary version will be kept short but must include contact details for the Area Social Work Managers and procedures to follow in the event of an incident.

Supervisors who carry out ERDP Reviews must be aware of child protection issues in order to ensure that relevant training needs are identified. A reference to this Child Protection Policy, and the types of staff particularly effected, should be included in all appraiser training.

The following levels of Child Protection Training will be offered to appropriate Council departments, managers and staff. The aim is to increase awareness of the Child Protection issues and procedures set out in this Child Protection Policy.

The training will be delivered at three different levels, as follows:

- **Child Protection Awareness Training:**  
Duration: 45mins  
This training will be for all employees, volunteers and members of the council and will form part of the induction training process. It will outline the main issues in the Child Protection Policy.
- **Operational Child Protection Training**  
Duration: 1.5 hours  
This training will be for all employees, volunteers and members with significant direct contact with children and young people, as identified on page 4. The training will cover all the relevant Child Protection issues such as awareness of abuse, code of behaviour and reporting procedures.
- **Management/Supervisory Training**  
Duration: 3 hours

This training will be for Officers, Managers and Team Leaders with responsibility for managing staff who has direct contact with children and young people. Such staff will, in addition to their supervisory roles, have responsibility for creating, implementing and revising, service specific procedures for their own areas of work focusing on such issues as signs and symptoms of abuse, supervision and support of staff, code of behaviour and the role of the North East Scotland Child Protection Committee.

### **Other Relevant Training Courses**

- North East Scotland Child Protection Committee – Various courses at different levels
- Sports Coach UK – Good Practice and Child Protection (to work effectively with children and young people, e.g. Sports Coach UK)
- In Safe Hands-( Children 1<sup>st</sup> ) for sports coaches
- Red Cross First Aid Qualification

## **APPENDIX 4**

### **RELEVANT LEGISLATION**

#### **The Age of Legal Capacity (Scotland) Act 1991**

Children under 16 do not normally have legal capacity but this Act identifies the circumstances in which children can act in a way that is legally competent. The Act specifies when children and young people can consent to medical treatment or instruct a solicitor.

#### **Social Work (Scotland) Act 1968**

The Act places a duty on local authorities to “promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for their area”.

#### **National Health Service (Scotland) Act 1978**

The Act imposes a duty on Scottish Ministers to provide a comprehensive and integrated health service to promote physical and mental health and to provide for the prevention, diagnosis and treatment of illness, and to set up health boards to deliver these services. The Act includes a duty on health boards, local authorities and education authorities to co-operate with one another to secure and advance the health of the people of Scotland. It also imposes a duty on Scottish Ministers to provide medical inspection services and supervision of the health of school children and for health boards and education authorities to encourage and assist pupils to take advantage of the facilities provided.

#### **The Education (Scotland) Act 1980**

The Act provides a link into section 39 of the 1978 Act for Education Authorities to encourage pupils to make use of medical facilities provided. Where a child has not attended for routine medical inspection and an education authority has concerns about that child’s health, the authority can require parents to submit their child for medical examination.

#### **The Housing (Scotland) Act 1987**

The Act requires local authorities to treat homeless persons with dependent children, those under 21 years of age and those who are over 16 who have been looked after, have been in care or have been subject to a supervision order as having a priority need for accommodation. When carrying out their duties under the Act authorities must have regard to the best interests of the child/children when considering the needs of homeless families and must ensure accommodation is suitable for their occupation.

## **Foster Children (Scotland) Act 1984**

The Act requires each local authority to secure the welfare of children in their area who are fostered (including those who are privately fostered) and to visit and give advice on care and maintenance of those children. The local authority can inspect premises, impose conditions and remove children from unsuitable surroundings or carers.

## **The Police (Scotland) Act 1997 and The Protection of Children (Scotland) Act 2003**

There are a number of measures to protect children from those who are unsuitable to work with them. One of the measures available is the Disclosure Check, which is used by employers to check the suitability of any prospective employee. Applications for disclosure certificates are made to Disclosure Scotland, which is part of the Scottish Criminal Records Office, under The Police (Scotland) Act 1997. The certificates issued will include relevant information on criminal convictions. They will also include information from the List to be established under The Protection of Children (Scotland) Act 2003 when this Act is brought into force on individuals unsuitable to work with children. The 2003 Act provides that a person working in a child care position (paid or unpaid) will be referred to the List by their employer (or other specified bodies) if he or she harms a child or puts a child at risk of harm and is dismissed, resigns or is moved away from access to children as a consequence. The courts will refer those convicted of offences against a child to the List. Once an individual is on the List, he or she will commit an offence if they apply to or work with children and it will be an offence to knowingly employ someone who is disqualified from working with children.

## **APPENDIX 5**

### **GLOSSARY OF TERMS**

#### **FOR THE PURPOSE OF THIS DOCUMENT:**

##### **Abuse**

A deliberate act of ill treatment that can harm or is likely to cause harm to a child's safety, well-being and development.

##### **Agencies**

Organisations in the statutory or voluntary sector where staff, paid or unpaid, work with or have access to children and/or families. This includes, but is not exclusive to, social work, health, education and the police.

##### **Child**

Is a person under 16 years of age. It is also a young person over 16 years of age with special needs who requires help from statutory agencies in order to be protected.

##### **Concern**

A suspicion or a belief that a child may be in need of help or protection.

##### **CPO**

Child Protection Officer.

##### **ERDP**

Employee Review and Development.

##### **Inter-Agency**

Where more than one agency is working together.

##### **Neglect**

Failing to provide for, or to secure for a child the basic needs of food, warmth, clothing, emotional security, physical safety and well-being.

##### **Parents**

Includes those who have parental rights as defined in law and those who have care of a child. For example, foster carers and co-habitees. We include for the purposes of these guidelines, other adults who may have substantial or intermittent care of the child, since such adults whilst not having parental responsibilities, nonetheless have a duty of care. (S5 Children (Scotland) Act 1995). Some examples might be a relative taking the child on holiday, partner of a child's parent who lives with the child and that parent, a childminder etc. Unmarried fathers have no automatic rights even when their name appears on the birth certificate: there is a legal process whereby an unmarried father can acquire parental rights.

##### **Partnership**

Where more than one person, group, agency, professional or community are working together and share responsibility for decisions and actions.

**Professionals**

Staff who work directly or indirectly with children and/or families and can include, but is not exclusive to, police officers, doctors, nurses, teachers, nursery staff, social workers, therapists, dentists, youth leaders, leisure and recreational workers, housing staff and staff who work in criminal justice, mental health or drug and alcohol services. In many cases the term 'professionals' may mean volunteers in contact with children.

**Protective Action**

Action taken to protect a child from harm now and in the longer term.

**Protective Factors**

The personal, family and community strengths that together can help protect a child.

**Risk**

Exposure to identified harm.

**Staff**

Includes full time and part time employees: elected members and volunteers.

**Statutory Responsibilities**

A responsibility enshrined in legislation and/or regulation.