

# CHILD PROTECTION GUIDELINES FOR MEDIATORS

The purpose of this briefing note is to provide information to community mediators, both paid and volunteer, on the responsibilities of, and the approach taken by a Community Mediation Service to instances or alleged instances of possible child abuse. You should check the procedures of your own Mediation Service.

Organisations should seek to minimise the risk to and enhance the well-being of children. They should develop a children and young person's protection policy / code of practice and identify processes for implementation. A timescale for this should be followed together with a review system. Information to assist such organisations can be obtained from the Scottish Executive (Online under "*Scottish Executive: Protecting Children and Young Persons: Framework for Standards*"). Appropriate training must be supplied so that mediators are clear on the procedures they are to follow where child protection has become an issue. All mediators who work or may come into contact with children or young persons should have an Enhanced Disclosure certificate from Disclosure Scotland. Details of the procedures involved can be obtained online under "*Disclosure Scotland*".

## Definition of a child

For the purposes of these guidelines, a child is anyone under 18, or 21 if they are subject to supervision requirements or a child with special needs.

## General

Community mediators engage with children in differing situations but the following considerations always apply:

- > The safety and well-being of the child override all other considerations including confidentiality
- > Any mediation work with children must be at a level they can relate to
- > Mediators must be clear about their purpose in any engagement with children: is it necessary? is it appropriate? What are the dangers, if any, associated with the engagement?

## Social work departments

Mediators should note that social work departments have a duty to act on any information received regarding the welfare of a child, regardless of the source. They have a legal duty to enquire into the circumstances of children who may have been abused or at risk and to take all reasonable measures to protect them from further harm.

## What is child abuse?

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

There are four main generally accepted types of child abuse that mediators should be aware of:

- > **Physical abuse:** Actual or likely injury to a child by parents or others. It includes hitting, kicking, scratching, burning, scalding and beating. It can cause death, pain, cuts, bruising, broken bones and marks.
- > **Sexual abuse:** This occurs when children are persuaded or forced into sexual acts or situations by others. It includes incest, rape, sodomy, and intercourse with a child and practices such as taking or storing indecent images or photos.
- > **Neglect:** This occurs when a child's basic needs such as food, warmth and medical care are not met. This may cause impairment to the child's health and development and may be life threatening.
- > **Emotional abuse:** This occurs where there is persistent or severe emotional ill treatment or rejection and there may be a severe adverse effect on the emotional or behavioural development of the child. This form of abuse includes sarcasm, degrading punishment, threats and not giving love and attention.

## Who abuses children?

There is no typical child abuser, but common threads are: that the child knows the abuser, that the abuser is a family member or a friend of the family, and that strangers are less likely to abuse a child. Around 90% of child sexual abusers are men, and fewer than 25% of abused children are abused by strangers. In Scotland in 1999 a total of 2,361 children were on the Child Protection Register, most commonly for physical abuse. It is suggested by Children First that this is an underestimate of the actual numbers of children abused.

## Why are children abused?

There is no definitive answer to this question as abuse can, and does, occur across the whole social spectrum. Factors identified as increasing risk of child abuse include family stress, alcohol or drug problems, feelings of isolation, lack of support, and a chaotic lifestyle. It must be stressed that many children living in what might be perceived, as "most difficult circumstances" never experience abuse, while some living in seemingly "privileged" circumstances do. Invariably, mediators will be meeting parties who are living in highly stressful situations.

## Mediators and child abuse

Mediators may either directly or indirectly come into contact with children who are at risk or could be at risk of abuse and have a duty and responsibility to promote social welfare in conjunction with the local authority. This requires mediators to ensure

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that they play their part in protecting children from abuse and neglect. These duties follow Standards 1 to 8 of the *Protecting Children and Young People: Framework for Standards*, (Scottish Executive, 2004).

The primary duty is to **observe, record and report any** suspicions of abuse or neglect. It is not to investigate these suspicions. Any mediator involvement with the victims, family and/or the alleged perpetrator(s) of abuse should be suspended until the relevant authority i.e. social work or the police, advises that the mediation process can continue. By "**any**" that is precisely what is meant from whatever source and of whatever kind; e.g. a neighbour tells you he/she hears constant crying from upstairs and believes the neighbours are maltreating their children or the mediator observes a child with cigarette burns on their arms or legs or deeply distressed at having to meet the mediator. If an allegation is made or some other factor triggers alarm then the procedures as detailed should be followed. In this situation there is no room for mediator judgement, the organisational procedures must be followed.

Procedures for mediators who find themselves in this situation are as follows and follow the standards:

If an employee (this includes a volunteer) has concerns relating to the safety or welfare of a child or young person and the employee perceives that there **is no immediate threat to the child** then the employee **must**, in the first instance, report suspicions/concerns of abuse/potential abuse, no matter the level/type of abuse, to their line managers/supervisors within two hours.

The line manager/supervisor must discuss concerns with service manager/senior manager operations and agree appropriate action within two hours of being notified. All verbal reports must be backed up by a written statement, signed by the employee and countersigned and dated by the line manager/supervisor.

All reports must be written and submitted to the line manager within one working day of any reported incident.

All reports relating to incident/suspicions of abuse must be recorded in the restricted access section of the service user's file and in the service logbook where appropriate. Report should also be logged on a significant incident form including the following information:

<b>Subject Section: About the child/young person</b>	<ul style="list-style-type: none"><li>&gt; Name</li><li>&gt; Address</li><li>&gt; Case reference number</li></ul>
<b>Information/Incident to be reported Section: Nature of Concern</b>	<ul style="list-style-type: none"><li>&gt; Date</li><li>&gt; Time</li><li>&gt; Brief description: factual, impartial notes – NO OPINION</li></ul>
<b>Evidence</b>	<ul style="list-style-type: none"><li>&gt; Evidence by observation – not investigation</li></ul>
<b>Action Taken Section</b>	<ul style="list-style-type: none"><li>&gt; Who you have notified; i.e. within your organisation, social work department, police and the date and time of contact.</li><li>&gt; The action you have taken</li><li>&gt; Sign with your name, role within organisation and date and time</li></ul>

**Where there is an obvious serious immediate risk or threat to the child's welfare** the employee must respond in order to safeguard the welfare of the child. In extreme circumstances this will include:

- > an immediate phone call to the police
- > an immediate phone call to the emergency social work team for the local area.

When a member of the public makes an allegation of abuse or suspected abuse to an employee, the member of the public should be advised to make an immediate referral to the local investigative authority; i.e. local social work department and/or police. In addition to such advice, employees must also follow the procedural guidelines outlined above.

Any person who is unhappy about our actions should be advised and assisted to use the organisation's *Suggestion and Complaints Policy*.

As stated previously, the overriding factor in any situation that involves a child is the safety of the child – that will take priority over any other consideration including confidentiality and the continuance of the mediation process.

## Relevant legislation

*Children (Scotland) Act 1995*

*Age of Legal Capacity (Scotland) Act 1991*

*The Protection of Children (Scotland) Act 2003*

*Protecting Children and Young People: Framework for Standards*, (Scottish Executive, 2004). (Online under Scottish Executive; Protecting Children and Young Persons)

## Further reading

The Health Education Board for Scotland (HEBS) Library, The Priory, Canaan Lane, Edinburgh.EH10 4SG (Tel. 0845 9125442) has a wide and varied range of up to date material.