



National Galleries of Scotland

Policy for the Protection of Children, Young People and Adults at Risk of Harm 2016

1. Aim

The Scottish Government has set a clear vision that all people in Scotland have the right to live in safer and stronger communities - where we live, work and play - in which we all take responsibility for our actions and how they affect others. This personal responsibility is particularly important when it concerns children, young people and adults at risk of harm.

The National Galleries of Scotland is committed to safeguarding the wellbeing of all children, young people and adults at risk of harm by protecting them from abuse and harm. All people, without exception, have the right to protection from abuse regardless of gender, race, age, ethnicity, disability, sexual orientation, gender reassignment, religion, belief or on the basis of pregnancy, maternity or marital status (as outlined in the Equality Act (2010)). This policy sets out the rules on the protection of children, young people and adults at risk of harm and includes guidance for employees, non-employee workers and others working with them.

The National Galleries of Scotland aims to engage, inform and inspire the broadest possible public. This policy sets out the steps we will take to ensure the safety and wellbeing of children, young people and adults at risk of harm when visiting the Galleries or involved in any National Galleries of Scotland's offsite activities.

2. Definition of individuals covered by this policy

A child is generally defined as someone under the age of 18 (see The Scottish Government's National Guidance for Child Protection in Scotland 2014).

Section 93(2) (a) and (b) of the Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a compulsory supervision order by a Children's Hearing can be viewed as a child. The United Nations Convention on the Rights of the Child applies to all persons "below the age of 18 years of age"

An adult at risk of harm is defined as 'an adult aged (16 or over) who is unable to safeguard his or her own personal wellbeing, property, rights or other interests; is at risk of harm; and because they are affected by disability, mental disorder, illness or physical infirmity, are more vulnerable to being harmed than adults who are not so affected. To be classed as an adult at risk of harm all three criteria must apply (see Adult Support and Protection (Scotland) Act 2007).

3. Principles

All staff are required to undergo the Basic Disclosure procedure before being appointed.

Posts which involve regulated work defined under the Protecting Vulnerable Groups (PVG) Scheme, e.g. specific posts within the Education Department, will be designated as such by the relevant Head of Department in agreement with HR. These post holders will be required to become PVG Scheme members (see section 7 for more information).

Posts that involve specific contact with children, young people and adults at risk of harm will be designated as such by the relevant Head of Department in agreement with Human Resources (HR) and the appropriate level of Disclosure identified. Specific contact posts carry out direct work with children, young people, and adults at risk of harm or other family members or provide specific services to them.

The key principles that underline this policy are:

- The safety of the child, young person or adult at risk of harm must always be a primary consideration.
- All children, young people and adults at risk of harm should be treated fairly and with dignity and respect.
- All children, young people and adults at risk of harm have the right to protection from all forms of harm, abuse, neglect and exploitation.
- All children, young people and adults at risk of harm have the right to express their views on matters that affect them.

4. Definitions of Abuse and Risk of Harm

The following abridged definitions of risk of harm, neglect, physical and sexual abuse are taken from the *Adult Support and Protection Act (Scotland) 2007* and the *National Guidance for Child Protection in Scotland 2014*.

An individual is at risk of harm if another person's conduct is causing or is likely to cause the individual to be harmed.

or

The individual is engaging or is likely to engage in conduct which causes or is likely to cause self-harm. Harm 'includes all harmful contact' and in particular, includes

- Conduct which causes physical harm
- Conduct which causes psychological harm (e.g. By causing fear, alarm or distress)
- Unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- Conduct which causes 'self-harm'

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child or when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child in their care.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities whether or not the child is aware of what is happening and can involve non-contact activities such as using sexual language towards a child.

Neglect is the persistent failure of a parent or carer to meet a child's physical and/or psychological needs.

The above definitions can also be applied to adults at risk of harm.

5. Responsibilities

5.1 Responsibilities of Employees and Non-Employee Workers

- Strictly observe this policy.
- Take all reasonable steps to protect the wellbeing of children, young people and adults at risk of harm who are engaging with NGS.
- Take appropriate action if an incident occurs.
- Take all reasonable steps to prevent abuse of children, young people or adults at risk in contact and engaging in activities with the Galleries.
- Report any incident or suspicion of abuse to a senior manager.
- Make a signed record of details relating to incident and date and time. (Appendix 4)
- Ensure that appropriate adult to child ratios are applied when children are accompanied as part of an NGS organised event (this does not apply to self-guided visits where responsibility lies with the organising group)

AGE	RATIO (Adult: child)
Under 2	1:3
2 to 3	1:5
3 + (Where children aged 3 and over attend facilities providing day care for a session which is less than a continuous period of four hours in any day the adult: child ratio may be 1:10. providing individual children do not attend more than one session per day)	1:8
If all children are over 10	1:10

- Ensure that photographs of persons are not taken without the consent of the individual, young person, adult at risk of harm and if a child their parent or guardian, or if an adult at risk of harm their carer. See paragraph 6
- Be aware of the possibility that children, young people and adults at risk of harm may have complicated and/or traumatic backgrounds which could make them sensitive to certain issues.
- If a member of staff is in a situation where they are alone with a child or vulnerable adult, they should make sure they can be clearly seen or observed by other members of staff.

5.2 Responsibilities of Managers

- Ensure that their team members, whether employees or non-employee workers, are fully aware of this Policy.
- Advise and support their team members on child and adult protection issues.
- Advise HR of any posts that will have regular or unsupervised contact with children, young people or adults at risk of harm. Agree with HR the correct level of Disclosure for these posts.
- Consider all posts they manage are appropriately designated under the Protecting Vulnerable Groups Scheme.
- Ensure that people who will have contact with children, young people or adults at risk of harm are informed of the requirement for appropriate checks and also ensure that no such person is permitted contact with children, young persons or adults at risk of harm until the checking process is satisfactorily completed.
- Supervise their staff's contact with children, young people or adults at risk of harm as appropriate and ensure that they adhere to the provisions of this policy.

5.3 Responsibilities of Human Resources Department

- Liaise with managers on the appropriate levels of Disclosure required for post holders liable to deal with children, young people and adults at risk of harm.
- Check the identity, recent employment history and criminal conviction statement of employees and workers.
- Provide guidance and training on child and adult protection and wellbeing issues to managers, employees and non-employee workers as required.
- Advise and assist managers, employees and non-employee workers in dealing with any child and adult protection concerns, including the possibility of seeking expert help.
- Act as the counter signatory for Disclosure Scotland.

5.4 Responsibilities of Volunteer Programme Coordinator

- Liaise with Department Volunteer Supervisors and Human Resources Department on the appropriate levels of Disclosure required for volunteers having regular contact with children, young people and adults at risk of harm.
- Check the identity, recent employment history and criminal conviction statement of volunteers.
- Provide guidance and training on child and adult protection and wellbeing issues to Department Volunteer Supervisors.
- Advise and assist Department Volunteer Supervisors in dealing with any child or adult protection concerns, including the possibility of seeking expert help.

6. Physical Contact

Any physical contact between staff and children, young people or adults at risk of harm is strongly discouraged. However it is acknowledged that some enthusiastic children, young people and adults at risk of harm may make contact spontaneously, or may need help to put on aprons during workshops, for example. This is unavoidable but should not be encouraged and staff should never initiate physical contact. If physical contact must take place ensure another staff member is present.

It is acknowledged that physical contact may be necessary to prevent children, young people and adults at risk of harm hurting themselves or damaging NGS property. These situations, if they occur, should be noted and reported to a line manager.

Mobility assistance for people with physical impairments should only be provided by responsible adults accompanying the group or individual, however staff should be prepared to provide assistance where requested. In the case of an adult at risk of harm who requires assistance (e.g. a person with a visual impairment, learning difficulties or co-ordination issues) then the nature of the contact should be explained and agreed before it takes place.

Responsible adults accompanying groups or individuals should take responsibility for pushing wheelchairs or guiding mobility devices, with the exception of emergency situations where the wheelchair user would be in danger. In these cases permission should be obtained from the child/ adult at risk of harm and their carer where possible.

If a child, young person or adult at risk of harm requires first-aid this should be administered by a qualified first-aider. A first-aider can be contacted by asking a member of Security and Visitor Services Staff to call for assistance.

Staff must not search children, young people or adults at risk of harm or their property. A responsible adult (parent, guardian or group leader) should carry out necessary searches, unless the situation dictates that the police should be called.

7. Protecting Vulnerable Groups Scheme (PVG Scheme)

Employees and non-employee workers who will be undertaking regulated work with children and adults at risk of harm defined by the PVG Scheme s are required to be a member of the PVG Scheme. The PVG Scheme is delivered and managed by Disclosure Scotland.

Advice on whether a post should be designated under the PVG Scheme must be sought from HR. **IN NO CIRCUMSTANCES** will an applicant be appointed to a post designated under the PVG Scheme until all clearances have been completed.

Employees are already required, as a condition of employment, to disclose any convictions obtained while in employment. This policy restates and emphasises this requirement. Employees and non-employee workers whose post is designated under the PVG Scheme and who are charged or convicted of an offence which would preclude them from working with children, young people or adults at risk of harm have a duty to inform their line manager, who will ensure that appropriate actions are taken, including the redeployment of staff pending the outcome of the matter. Employees found guilty of such an offence may be charged with gross misconduct and may be dismissed.

8. Photographing Children, Young People or Adults at risk of harm

The Organisation will exercise care and control over the photographing of children, young people or adults at risk of harm. If a child or young person is to be identifiable in a photograph then consent from the parent/guardian must be obtained if under 16 and the child or young person must endorse this. Persons over the age of 16 are required to sign consent forms themselves.*

If an adult at risk of harm is unable to give their permission due to capacity issues their image will not be taken or used by NGS unless their relevant carer/responsible person agree.

A standard photo permission form is attached to this policy at [Appendix 1](#).

Additional forms may be created for specific projects where additional information or permissions are required, see Appendix 2.

NGS will not print any personal details (e.g. a child/adult at risk of harm's name) when publishing photographs. An exception may be made to this rule where the child/adult at risk of harm is the main subject of the photograph, e.g. as a competition winner, but specific consent of the parent/guardian or carer must be obtained prior to publication.

At large events, e.g. exhibition openings at which an official photographer is present it may not be possible to obtain permission from every individual. In such cases Appendix 3 must be displayed prominently at the entrance to the event.

All staff should be aware of members of the public taking photographs of individuals covered by this policy. If staff sees someone taking photographs they suspect does not have appropriate consent (i.e. they are not part of the group/organised activity) staff should politely ask them to stop and if necessary point them to this policy, a copy of which will be held in every Education Room, Information Desk and Control Room.

Example response: 'It is National Galleries of Scotland policy not to allow photography/filming of children/young people/adults at risk of harm/groups by members of the public unless specific permission has been sought. Please do not publish the images you have taken and please do not take any more'

*Some local authorities have different photography policies. The policy of the lead project partner is dominant.

9. Reports of Child/Adult abuse/harm, Confidentiality and Staff Welfare

If a child, young person or adult at risk of harm reports to staff that they are suffering or are likely to suffer some form of abuse or harm, or if abuse or harm is witnessed/suspected by a member of staff, this will be referred to the Duty Manager without delay and will be recorded on the NGS Child Protection or Adult at Risk of Harm Referral form in as much detail as possible. The Duty Manager will progress any actions required. The Duty Manager receiving a report as above will contact the NGS Child/Adult Protection officer without delay and make them aware of the circumstances. Further actions may include consultation with the statutory services e.g. Social Services or Police as appropriate and liaison with the Head of Education and the school/group/institution involved. Any disclosure of information to non-statutory organisations must be authorised by the Head of Operations, or above.

If a child, young person or adult at risk of harm reports abuse or harm, staff should take this report seriously, listen to the person and accept what is being said. They should not express shock, ask leading questions or make promises they are unable to keep (e.g. to keep the information confidential or to stop the abuse happening). They should inform the person at the beginning of the report that the matter will need to be referred to the duty manager. It is vitally important that staff record the information reported in the person's own words, where possible and refer the matter to the Duty Manager without delay. Staff should not engage in any investigation of the incident other than to note the report.

Where a member of staff believes that a child, young person or adult at risk of harm is in imminent danger they must contact Police Scotland on 999 or 101, dependant on the speed of response required and inform a Duty Manager immediately.

Where a member of staff has been involved in a child/adult protection incident their supervisor will ensure that they are debriefed and a welfare check carried out. It must be borne in mind that reports of child/adult abuse or involvement in investigations can be stressful and traumatic and supervisors and managers will ensure that appropriate advice and support is provided, where needed.

10. REVIEW

This policy will be kept under review and will be formally addressed at a minimum of every three years. Revisions may be required in the interim in the light of NGS policy and procedures as directed by legislation and national guidance.