



Pregnancy Counselling and Care (Scotland) Safeguarding Policies

Our Safeguarding Policies are made up of the two following documents, that are both in this pdf document:

1. PCCS Child Protection Policy
2. PCCS Adult Protection Policy

Reviewed January 2024

Pregnancy Counselling and Care (Scotland) Child Protection Policy

Introduction

Pregnancy Counselling and Care (Scotland), hereafter referred to as PCCS, is committed to promoting the wellbeing and rights of children and young people. This policy sets out the beliefs, approach and actions we will take to keep children and young people safe.

PCCS upholds the values and principles contained within the UN Convention on the Rights of the Child. We support children and young people's rights not only to be protected from harm and abuse, but to be offered the conditions to thrive, and to have their thoughts and wishes listened to and taken seriously in decision making. We believe that the welfare of children and young people should always be the most important consideration in decisions that affect them.

We are expected to, and are committed to, identifying and considering children's needs, and where appropriate sharing relevant information and concerns with other agencies (as well as the child and their family where appropriate) to secure safer outcomes for the child or young person.

PCCS has a responsibility to recognise and actively consider potential risks to a child, irrespective of whether the child is the main focus of our involvement. We also have a responsibility to protect children from both intentional and unintentional harm. The GIRFEC (Getting it Right for Every Child) practice model reminds us to always consider a child's world, and what may be inhibiting their wellbeing, even when working with adults in the child's life.

The Getting it Right for Every Child Approach

We are committed to these principles taken from the GIRFEC approach to child protection:

- **Promoting the wellbeing of individual children and young people** – and addressing their needs at the earliest possible time
- **Keeping children and young people safe** – Taking into account physical *and* emotional wellbeing
- **Putting the child at the centre** - Children and young people should have their views listened to and be involved in decisions that affect them
- **Taking a whole child approach** – Recognising that one area of a child's life can affect other areas of their life and wellbeing
- **Building on Strengths and Promoting Resilience** – Drawing on existing networks and supports

- **Provide Benefit** – We should believe there is significant likelihood the intervention will benefit the child or young person in question
- **Wellbeing** – What is best for the child or young person will sit at the very heart of our decision making
- **Views and wishes** - of the child or young person in question will be taken into account as much as is possible in our decision making
- **Equality and diversity** – all children and young people will be shown equal care and consideration and their background and culture will be valued and respected.
- **Dignity & Respect** – Treat and consider children and young people we work with or hear about with dignity and respect.
- **Providing appropriate, proportionate and timely help** – recognising that harm can develop quickly, providing help as early as possible, and considering long term and short term needs
- **Supporting informed choice** – supporting children, young people and families understanding what options and choices are available in terms of support
- **Working in Partnership with families** – supporting wherever possible those who know the child or young person well, and who know what might be helpful or less helpful to them
- **Respecting Confidentiality** – Sharing only information that is relevant and proportionate
- **Promoting Consistent Values** – of respect, patience, honesty, reliability, resilience and integrity across all working relationships with children, young people and their families
- **Coordinating help** – Recognising that practitioners need to work together with each other, and with families and children to provide the best possible help

Purpose of This Policy

This policy has been produced by PCCS to ensure that at every level of our organisation we are working to minimise the risk of harm and abuse to children and young people, by outlining clear procedures and ensuring all staff members, volunteers and trustees are clear about their responsibilities. Having read the policy staff and volunteers should:

- Understand their personal responsibility for protecting children and young people from harm. This includes children they come into contact with, and those about whom they have information
- Be clear as to the roles and guidelines in relation to protection of children and young people from harm and abuse
- Know the limits of confidentiality as far as the protection of children and young people is concerned
- Be able to take appropriate action if there is information to suggest that there is a child or young person at risk of harm
- Offer support to children and / or their families about whom a report is being made to statutory organisations (where appropriate and safe to do so)
- Be able to communicate clearly and compassionately with anyone we work with about our policy and the reason for our actions
- Be enabled to raise concerns about poor and dangerous practice (whistleblowing)

Defining Children and Young People

A “child” is defined differently across different pieces of legislation. A child is defined under the UN Convention on the Rights of the Child (1989) and the Children and Young People (Scotland) Act 2014 as someone up to the age of 18 years.

For the purposes of PCCS’ Child Protection Policy and associated Procedures, a child or young person will be understood by this definition, as someone under the age of 18 years.

Child protection and pregnancy

In Scotland, babies gain rights when they are born and do not have rights whilst in the womb. However, child protection policies and procedures still apply with their aim being to keep the baby safe if / when they are born. Risk to an unborn baby should still be considered, and should be reported if it meets the criteria for Child Protection. The focus of any action during pregnancy would be on working with and supporting the pregnant person to keep their baby safe, and planning for if / when the child is born.

Types of Harm

Harm, as defined in the National Guidance for Child Protection 2021, refers to the ill treatment or the impairment of the health or development of the child. A child’s development is understood holistically, and can mean physical, intellectual, emotional, social or behavioural development. “Health” can mean physical or mental health. Forming a view on the significance of harm involves considering each of these areas of a child or young person’s world.

Child Abuse

Child abuse takes many forms, and may take place in the home, the wider family, in institutions (such as education or healthcare settings), in wider community or elsewhere. Some examples of what constitutes child abuse are given below. This is not an exhaustive list.

Physical abuse

Physical abuse may involve hitting, slapping, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child, known as Fabricated, Factitious or Induced Illness.

Sexual abuse

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child consented or assented.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening.

This may involve forcing or enticing a child to take part in sexual activities, which may involve physical contact. They may include non- contact activities, such as involving children in looking at, or in the production of, pornographic material or in watching sexual activities, grooming, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

Emotional abuse

Emotional abuse is the persistent emotional neglect or ill treatment of a child such that it causes severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only in so far as they meet the needs of another person.

Neglect

Neglect is the persistent failure to meet a child's basic physical and / or psychological needs, likely to result in the serious impairment of the child's health or development. This may involve failing to provide adequate food, clothing and shelter, ensure adequate supervision, ensure access to appropriate medical care or treatment, or respond to a child's basic emotional needs.

Domestic abuse

Children and young people living with domestic abuse are at increased risk of significant harm through experiencing direct and indirect abuse, and witnessing frightening and violent behaviour. Domestic abuse can profoundly disrupt a child's environment, stability and physical, mental and emotional health. Harm caused to a child through domestic abuse is understood as a consequence of the perpetrator's abuse and not the non-abusing parent/carer's failure to protect.

Responsibilities

PCCS is responsible for:

- Respecting and promoting the children's rights, as outlined in the UNCRC
- Keeping informed of current developments in child protection legislation and frameworks. Including information about data protection, confidentiality, information sharing and other legal issues that impact on child protection.
- Maintaining and implementing appropriate procedures to safeguard and protect children from abuse, including historical abuse
- Introducing all partner agencies involved in supporting PCCS's work, to PCCS' child protection and confidentiality policies
- Recruiting, training, supporting and supervising staff and volunteers to safeguard and protect children from abuse and minimise risk to or harm

- Making sure that staff and volunteers in relevant roles have appropriate disclosure checks in place
- Maintain a confidential record of children cared for by PCCS clients / service users
- Requiring PCCS' staff and volunteers to adopt and abide by the PCCS Child Protection Policy
- Monitoring and reviewing the PCCS Child Protection Policy

PCCS workers and volunteers are responsible for:

- Respecting and promoting children's rights, as outlined in the UNCRC
- Recognising and being alert to the signs that children may need protection, including when working with adults in a child's life
- Taking appropriate actions to protect children who are at risk
- Working with other agencies to provide support to children and young people at risk, Maintaining an accurate written record of any child protection concerns, filed in a secure place according to PCCS' procedures
- Sharing information with other agencies when a child is in need of protection
- Attending appropriate training in relation to child protection
- Gathering facts (e.g. name, address, concern), where appropriate, if they are advised of a child being at risk of harm.
- Responding without delay to any allegations or information suggesting that a child or young person has been or is likely to be abused or neglected, or at risk of harm, by discussing with a line manager who will be responsible for deciding what action, if any, is to be taken
- Considering risk of harm to any other child in the household or family group where there are child protection concerns

Confidentiality

Confidentiality is a hugely important value in our work at PCCS. It is our policy that all support remains confidential except with a short list of exceptions which are made with the express intention of keeping people safe. No PCCS staff member or volunteer should promise absolute confidentiality and these exceptions should be clearly outlined to people using our services both in writing and verbally.

One of these exceptions is: When there are concerns that a child or young person (up to the age of 18) is at risk of experiencing harm or abuse

Child protection legislation and procedures supersede Data Protection legislation, where there is reason to suspect that there is a child or young person at risk of harm.

Counselling and Confidentiality

The requirements of this policy in relation to confidentiality (and its limits) are in keeping with the recommendations of COSCA, the professional counselling body of which PCC(S) is a registered member. Confidentiality is a hugely important value within counselling and the COSCA Statement of Ethics requires that *“members respect privacy and preserve the confidentiality of information acquired in the course of their work.”* However, the COSCA Code of Practice also states that *“exceptionally, a member may disclose information obtained during the working relationship with their client in the interests of the safety of the client and/or others. In advance of this disclosure, wherever practicable, the client’s permission will be sought and the client-work supervisor consulted.”*

Engaging With Statutory Investigations

We have no general legal duty to answer questions as part of a police or social work investigation in relation to a client or another person unless required to do so under court order. If a staff member or volunteer is asked for information by the police or social work services, this should immediately be discussed with a line manager and:

- No information should be provided without organisational agreement.
- The identity of the representatives of statutory services should first be verified
- The situation and reason for the investigation should be established and information should only be provided if the situation meets one or more of the criteria for breaking confidentiality outlined above **OR** if a court order is in place
- If information sharing must take place, clients should be kept informed and be subsequently supported *only where it does not increase risk to a child or young person to do so.*

Recruitment

Workers and volunteers whose primary duties involve contact with vulnerable adults are required to complete a PVG scheme membership update prior to full acceptance of appointment. PCCS will ensure that we recruit carefully and effectively train and supervise all staff and volunteers.

Monitor and Review

PCCS will monitor and review this policy annually and when there are relevant changes in legislation or circumstances.

Legislative Framework

The UN Convention on the Rights of the Child (1989) and Children Scotland Act (1995) sets out children's legal right to be protected from abuse, neglect and exploitation.

The Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act) sets out the legislative framework by which staff and volunteers are vetted, and where appropriate are listed as barred from work with children and young people.

The Children and Young People (Scotland) Act 2014 brought the UNCRC into Scottish legislation. It introduced a legal duty for a wide range of public bodies and those commissioned or contracted to them to share wellbeing concerns with a child's Named Person.

This policy has been created in the context of the wider Getting it right for every child (GIRFEC) National Practice Framework, Edinburgh and the Lothians Multi-agency Child Protection Procedures and National Guidance for Child Protection in Scotland 2021 - updated 2023.

Revised: January 2024

Pregnancy Counselling and Care (Scotland)

Adult Protection Policy

Introduction

Pregnancy Counselling and Care (Scotland), hereafter referred to as PCCS, works to improve the lives of the people who use our services. This policy sets out the beliefs, approach and actions we will take to keep adults who we work with safe, and will also take in the safety of other adults we hear about through the course of our work.

Any decision or intervention we take in the interests of safeguarding will be underpinned by the following principles to:

- **Provide Benefit** – Any intervention should benefit the adult in question, and we should be satisfied that the benefit cannot reasonably be achieved without intervention
- **Take the Least Restrictive Option** – Any intervention must restrict the person's freedom as little as possible
- **Dignity and respect** – all vulnerable adults will be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs.
- **Equality and diversity** – all vulnerable adults will be shown equal care and consideration and their background and culture will be valued and respected.
- **Views and wishes** - of adults at risk will be taken into consideration

We aim to build an environment where adults at risk of harm are valued, respected and treated with dignity.

Purpose of This Policy

This policy has been produced by PCCS to ensure that at every level of our organisation we are working to minimise the risk to vulnerable adults of harm and abuse, by outlining clear procedures and ensuring all staff members, volunteers and trustees are clear about their responsibilities. Having read the policy staff and volunteers should:

- Understand their personal responsibility for protecting adults at risk with whom they come into contact or about whom they have information
- Be clear as to the roles and guidelines in relation to protection of adults at risk
- Know the limits of confidentiality as far as the protection of adults at risk is concerned
- Be able to take appropriate action if there is information to suggest that there is an adult at risk of harm
- Offer support to adults about whom a report is being made to statutory organisations
- Be able to communicate clearly and compassionately with adults we work with about our policy and the reason for our actions

- Be enabled to raise concerns about poor and dangerous practice (whistleblowing)

Defining Adults at Risk

For the purposes of this policy, adults at risk are defined as people who are over the age of 16* and who:

- 1) Are unable to safeguard their own well-being, property, rights or other interests;
- 2) Are at risk of harm, **and**
- 3) This is **because** they are affected by disability, mental disorder, illness or physical or mental infirmity, and are more vulnerable to being harmed than adults who are not so affected.

*Although the legal definition for Adults at Risk refers to people aged 16+, our Child Protection policy applies up to the age of 18 and would supersede the Adult Protection policy when considering risk to 16 or 17 year olds we hear about or are in contact with.

Defining Risk of Harm

For the purposes of this Adult Protection Procedure, an adult is at risk of harm if:

- Another person's conduct is causing, or is likely to cause the adult to be harmed
- or,
- The adult is engaging or is likely to engage in conduct, which causes or is likely to cause self-harm.

Types of Harm

Domestic Abuse - Where an abuser exerts power, control or coercion over an intimate partner or family member. This could take the form of many of the following forms of abuse.

Physical Abuse- involving actual or attempted injury to an adult defined as at risk. For example:

- by punching, pushing, slapping, inappropriate use of restraint, giving food or medication forcibly, or denial of medication

Emotional/Psychological Abuse- resulting in mental distress to the adult at risk. For example:

- Excessive shouting, bullying, humiliation, denigration of culture or religion

- Manipulation of, prevention of access to services that would be of benefit to the adult, isolation or sensory deprivation

Financial or Material Abuse- involving the exploitation of resources and property belonging to the adult at risk. For example:

- Theft or fraud, misuse of money, property or resources without the informed consent of the adult at risk

Sexual Abuse- involving activity of a sexual nature where the adult at risk cannot or does not give consent. For example:

- Rape, Incest, acts of gross indecency, inappropriate touching or verbal or physical sexual harassment

Neglect and acts of omission - by others charged with the care of the adult, including ignoring medical or physical care needs. For example:

- Failure to provide access to appropriate health, social care or educational services
- Withholding of the necessities of life such as nutrition, appropriate heating, etc.

Exploitation- the deliberate targeting of vulnerable adults for personal benefit.

Discriminatory abuse- for example, treating one service user less favourably than another.

Information abuse- deliberately giving erroneous information or withholding information.

Human rights abuse- for example deprivation of a right to family life or to a fair hearing

It is important to note that the presence of one of these types of harm will not necessarily lead to a referral to statutory services. The key factor in relation to activating adult protection procedures is that they must be an adult at risk of harm as defined by the three criteria outlined above under Defining Adults at Risk.

Rights of Adults at Risk of Harm

- To be made aware of this policy
- To have alleged incidents recognised and taken seriously
- To be made aware of the limitations of confidentiality
- To receive fair and respectful treatment
- To be involved in any process and have their wishes considered where this is possible
- To receive information about the outcome of any discussion or action

Responsibilities

PCCS is responsible for:

- Respecting and promoting the rights, wishes and feelings of vulnerable adults
- Keeping informed of current developments and understanding information about data protection, confidentiality, and other legal issues that impact on adults
- Maintaining and implementing appropriate procedures to safeguard and protect vulnerable adults from abuse
- Recruiting, training, supporting and supervising staff and volunteers to safeguard and protect vulnerable adults and minimise risk to or harm
- Ensure that each worker is clear about their roles, responsibilities and accountability
- Ensure all workers and volunteers have access to this policy
- Ensure PCCS works in a consistent way with statutory organisations and other partners to protect adults at risk of harm
- Monitoring and reviewing the PCCS Adult Protection Policy.

PCCS workers and volunteers are responsible for:

- **Responding without delay to any allegations or information suggesting that an adult at risk of harm has been or is likely to be abused or neglected, or at risk of significant harm, by discussing with a line manager**
- To know and to follow PCCS' policy and procedures relating to Adult Protection
- To be aware of the definition of Adults at Risk
- Respecting and promoting the rights, wishes and feelings of vulnerable adults
- Recognising and being alert to the signs that adults at risk of harm may need protection
- Gathering information, listening fully, but avoiding interrogation where there is an allegation or concern
- Taking appropriate actions to protect adults who are at risk
- Maintaining an accurate written record of any Adult Protection concerns, filed in a secure place
- Attending training and reading updates from PCCS about data protection, confidentiality, and other legal issues that impact on adult protection
- Actively managing the sharing of information with other agencies when an adult at risk of harm is in need of protection
- Considering risk of harm to any other person in the household or family group where there are Adult Protection concerns
- To report any suspicion of misconduct within PCCS by reporting it to their line manager. If the allegations involve their line manager then it should be reported to the Operations Manager, or a Board member. See the Complaints Policy available on

the PCCS website (counsellingandcare.co.uk) for contact details and further information.

Confidentiality

Confidentiality is a hugely important value in our work at PCCS. It is our policy that all support remains confidential except with the following exceptions which are made with the express intention of keeping people safe. No PCCS staff member or volunteer should promise absolute confidentiality and these exceptions should be clearly outlined to people using our services both in writing and verbally. The exceptions where we must act to keep people safe are:

- When there are concerns that a child or young person (up to the age of 18) is at risk of experiencing harm or abuse
- Where someone is making **active steps** to take their own life through suicide
- Where it is reasonable to believe that there is an Adult at Risk of harm – meeting the three point definition above, and where we are reasonably satisfied that the intervention will provide benefit
- Where it is reasonable to believe that a serious crime or harm to the public may have been committed and that a danger is still present AND / OR that this is imminently likely
- Where it is reasonable to believe that information has been shared relates to specific crimes of drug money laundering, acts of terrorism or identifying the driver in a motor vehicle accident where there is a legal duty to report.

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Engaging With Statutory Investigations

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- No information should be provided without organisational agreement

- The identity of the representatives of statutory services should first be verified
- The situation and reason for the investigation should be established and information should be provided if the situation meets one or more of the criteria for breaking confidentiality outlined above **OR** if a court order is in place
- If appropriate, the client / service user's consent should be sought before information is shared.
- If it is agreed that information sharing will take place, clients should still be kept informed and be subsequently supported, where it does not increase risk of harm to do so.

Recruitment

Workers and volunteers whose primary duties involve contact with vulnerable adults are required to complete a PVG scheme membership update prior to full acceptance of appointment. PCCS will ensure that we recruit carefully and effectively train and supervise all staff and volunteers.

Monitor and Review

PCCS will monitor and review this policy annually and when there are relevant changes in legislation or circumstances.

Legislative Framework

Human Rights Act 1998: Incorporates the European Convention on Human Rights (ECHR) meaning that most of the ECHR principles are directly enforceable within the UK. This includes the Right to a Private and Family Life, and also the Right to Life – meaning that public bodies must protect the lives of service users.

Adults with Incapacity (Scotland) Act 2000: This act defines adults who are 'incapax' (incapable of making decisions, communicating decisions, understanding decisions). It provides a means to protect adults at risk due to lack of capacity to make a decision & to intervene re property, finances or welfare of adult.

Mental Health (Care & Treatment) (Scotland) Act 2003: This Act provides a means to protect people who have a mental illness, learning disability or related condition.

The Regulation of Care (Scotland) Act 2001: Regulates care service in Scotland.

Protection of Vulnerable Groups (Scotland Act) (2007): This is a scheme to register people to work with vulnerable adults/children (vetting).

Equality Act 2010: Legally protects people from discrimination in the workplace and in wider society.

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011: Protects those threatened with forced marriage and those already in such a marriage.

The Social Work (Scotland) Act 1968 and the NHS and Community Care Act 1990: Give local authorities legislative power to become responsible, in collaboration with other agencies, for the assessment of needs of an individual for whom they are likely to provide a community care service.

Adult Support and Protection (Scotland) Act 2007: This Act establishes Statutory Committees, operating on a multi-agency basis.

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