

PARTNERS IN ADVOCACY

EQUAL OPPORTUNITIES POLICY

Statement of Intent

1. Partners in Advocacy is committed to the full implementation of equal opportunities in all aspects of our work.
2. We are opposed to direct and indirect discrimination on the grounds of gender, race, national, cultural, ethnic or religious background, disability, class, age, sexual orientation, marital or parental status, or the use of mental health, HIV or any other services.
3. We will comply with all current anti-discrimination legislation.
4. The aim of this equal opportunities policy is to ensure that no employee, volunteer, job applicant, member or potential or actual user receives less favourable treatment on the grounds stated above;
 - we redress discrimination and provide genuine equality of opportunity in employment and service delivery;
 - groups which are discriminated against are as far as possible represented at all levels within Partners in Advocacy;
 - services will be responsive as far as possible to people from all backgrounds and communities;
 - all forms of discrimination and prejudice are challenged both within Partners in Advocacy, and when encountered in other organisations with which we work.

Implementation

1. Employment Recruitment and selection of staff, volunteers, Board members and sessional workers will be carried out in accordance with standard equal opportunities practice, as laid down in our Recruitment and Selection Procedures. Vacancies will be advertised as widely as possible, with targeted advertising to redress under-representation. Some posts may be targeted at particular groups, provided that membership of that group is a genuine occupational qualification, in line with discrimination legislation.

Employment contracts for staff, the codes of conduct for volunteers and Board members, will stipulate that discrimination, abuse or harassment on any of the grounds outlined in this policy are disciplinary offences.

2. Training and supervision Anti-discriminatory training will be offered to all staff, volunteers and Board members. Opportunities for training and self-development will be available to people from disadvantaged groups. Training and support will be offered to trustees from groups which experience discrimination, in order to ensure their full and meaningful participation in the organisation.

Training courses run by Partners in Advocacy will include attention to equal opportunities in their design, content, training materials and conduct.

3. Advocacy provision Partners in Advocacy is committed to providing advocacy which is sensitive to people with disabilities in terms of their experiences of discrimination and of the effects of such discrimination upon them.

When considered desirable and possible, age, gender, ethnic origin, etc, will be taken into account in the matching process, and in the recruitment of self-advocacy assistants.

4. Disability We are committed to ensuring full disability access to Partners in Advocacy premises, and, as far as possible, to those venues at which Partners in Advocacy events are held. Staff and volunteers will receive training in providing assistance where necessary.

Partners in Advocacy will comply with the provisions of current Disability Discrimination legislation.

An applicant with a disability will not be disbarred from employment on the grounds of disability, restricted access or inadequate equipment, where with reasonable efforts and expenditure the problem could be resolved.

Any employee with a recently acquired disability will be retained unless after all reasonable adjustment initiatives this proves impossible. Such adjustment initiatives will be undertaken in consultation with a recognised disability organisation.

Partners in Advocacy aims to be a supportive employer to those with chronic illnesses.

5. Religion Partners in Advocacy will not discriminate on the basis of religion and will endeavour to be sensitive to people's religious beliefs and practices (or lack of them). Partners in Advocacy employees will have the opportunity to observe religious festivals in accordance with the employment contract.

However where religious beliefs conflict with this EO Policy, the policy will prevail. While employed on Partners in Advocacy business or on Partners in Advocacy premises, employees are not permitted to proselytise their religious beliefs to other staff or to those receiving advocacy, and volunteers are discouraged from doing so.

Monitoring

The Board of Chief Executive Officers is charged with conducting periodic audits of the organisation, in order to establish whether we are conforming to this policy, meeting our equal opportunities targets and standards, and ensuring accessibility to all sections of the community.

Referrals for advocacy and job applicants will be asked to identify their gender, age, ethnic identity and any disability. This information will be collated on a quarterly basis, analysed by relevant managers and the Board of Chief Executive Officers and used to inform advocacy development and targeting for advertising.

The Chief Executive Officer and co-ordinators of Partners in Advocacy are required to monitor for anti-discriminatory practice and awareness of and sensitivity to equal opportunities issues, and to address any concerns.

Every annual review will include an assessment of our attainment of equal opportunities and our accessibility, with recommendations for improvements.

PARTNERS IN ADVOCACY

TRAINING AND DEVELOPMENT POLICY

POLICY STATEMENT

Staff Training and Development Policy

1 Introduction

PIA recognises that staff development and learning is an integral part of the organisation's strategic planning so that all members of staff can perform their individual jobs effectively and in doing so ensure that the organisation meets its' strategic objectives.

2 Aims

The main aims of this policy are to:

- Provide a working environment where continuous learning and development take place
- To ensure that employees are supported and enabled to meet the changing demands of the organisation and its service users.
- To ensure that the organisation achieves its strategic objectives
- To facilitate employee development at work and/or personal development through assisting employees to broaden, deepen and thereby further enhance their existing skill base.

3 Equal Opportunities

The organisation is committed to ensuring equality of learning opportunity, hence no employee will be excluded from learning on the grounds of protected characteristics gender Equality Act 2010 (including gender reassignment), age, marital status, disability, racial grounds (race, colour, nationality – including citizenship - ethnic or national origin), sexual orientation, religion or belief, responsibility for dependants, trade union membership or employment status. Part time and fixed term employees will have equal access to learning and development opportunities.

4 Responsibilities

Employees

Employee development is most effective when the individual employee takes responsibility for identifying any opportunities for self development which will enhance work performance through increased skills and knowledge.

We expect all employees to also take a proactive approach to furthering organisational wide learning and development.

Employees, through the support and supervision and appraisal process, must set out an Individual Learning Plan.

[Employees are also responsible for maintaining their own learning log, which will also lend itself to identifying and supporting continuous professional development.]

Line Managers

Line managers are responsible for assisting staff to develop Individual Learning Plans and for ensuring that they review these with staff on a regular basis during support and supervision sessions. The employee should keep a learning log and be discussed at these sessions.

Line managers have a responsibility to monitor and evaluate the effectiveness of learning for employees who have undergone training and development. Line managers should seek feedback on internal and external training programmes, including their quality and cost effectiveness. Line managers should ensure that employees implement the skills that they have gained through training.

Chief Executive

The co-ordination of the learning and development process is the responsibility of the Chief Executive Officer. The CEO will therefore ensure that evaluation of learning activities is undertaken including an annual organisational audit of learning needs and skills audit, and by liaising with line managers to ensure that any identified needs are addressed accordingly.

Trustees

Trustees are responsible for agreeing the learning and development budget on an annual basis. Trustees will agree an overall budget and advise the Chief Executive. The learning budget (or training budget as it is referred to internally) is controlled by the CEO. Its subsequent allocation is monitored by the CEO and management team.

5 Routes to Learning & Development

Options for learning & development may include:

- On the job learning including learning from other members of staff via job shadowing, mentoring, in house skill sharing, staff away days etc.
- Mentoring and Buddying Opportunities where appropriate
- Secondments and placements/visits to other organisations
- Setting up job development opportunities such as public speaking, in house presentations at team meetings
- Attending internal learning groups or events
- Attending internal or external training days/ workshops

- Attending conferences, forums
- An external course of study
- Web based e learning and use of intranet system

6 Key Professional And Skills Based Learning

The organisation aims to prioritise learning that focuses on areas which:

- Enable us to fulfil our strategic objectives
- Pertain to any organisational statutory obligations
- Are essential in order to generate and maintain income
- Enable effective responses and management of legislative changes
- Ensure IT skills are at a basic level of competency and developed in accordance with work needs
- Are essential to ensure the quality of service provision
- Enable employees to meet their responsibilities in completing continuous professional development required by relevant professional bodies.
- Enable management development in relation to those who have managerial/supervisory responsibilities

7 Core Learning

There are specific areas of learning which are essential for all employees and cover a rolling programme of needs which have been identified as part of a continuous programme of learning and development: Core learning will therefore cover the following areas:

Induction

All new employees are given a timely programme of induction as this is regarded as an essential part of staff learning and development and integration into the working environment. It is important that new employees are given guidance and support on the organisation, its work and practices and their individual duties and responsibilities. (see induction policy)

ICT (Information and Communication Technologies)

It is important that all employees are given opportunities to enhance their ICT skills base. The organisation is committed to ensuring that all employees have competent grounding in the use of ICT in the wider context of their professional roles. Employees will be positively encouraged to become familiar with the intranet, internet, email other electronic facilities and computer software packages at their disposal so that they become confident, skilled users.

Equalities

The organisation is committed to promoting equalities through its policies, procedures and practices. It is therefore required that all employees attend a rolling programme of equalities training to heighten both individual and organisational

awareness. This covers all key equalities issues, e.g. Race, religion or belief, gender, disability, age and sexual orientation.

Performance Management

Performance Management is an ongoing communication process, which involves both the line manager and their employee in:

- Identifying and describing essential job functions and relating them to the strategic and operational objectives of the organisation
- Developing realistic and appropriate performance standards
- Giving and receiving feedback about performance
- Participating in constructive performance appraisals
- Planning learning and development opportunities to sustain, improve or build on employee work performance.

Appraisals are an essential component of our performance management framework and are supported by regular support and supervision sessions between line managers and their employees throughout the course of the year. The appraisal scheme allows for every employee to be formally appraised with their line manager through a structured discussion on work performance over the previous year and which, must also incorporate the employee's learning and development needs for the following year.

It is an opportunity to build on strengths and address areas, which require support, thereby enhancing the potential skill base of the individual employee.

8 Identifying And Assessing Learning Needs

There are a number of ways that learning and development needs are identified, these can be as follows:

- Occupational – As a result of introducing new technology, work methods, systems or practices (internally or externally).
- Promotion – As a result of an increase in responsibilities within the organisation.
- Developmental – Is vocational in nature and provides the employee with additional skills that can be applied at present or increases the individual's potential for further growth.

- Organisational - Affects a particular function or department as a result of changing work methods, procedures or practices and/or supports the overall strategy of the organisation.

It is the responsibility of line managers to identify and address learning needs through regular support and supervision sessions with individual employees, and during the annual appraisal.

9 Individual Learning Plans

Where individual learning needs have been identified through support and supervision or the appraisal process, employees are encouraged to discuss this with their line manager and develop a learning plan.

This should set out the learning required, by what method it will be achieved, what organisational objective it relates to, whether there are cost implications and the timescales involved.

Employees are encouraged to keep a record of all training, learning and development that they have undertaken or achieved.

Learning logs are a way of evaluating individual learning. It allows employees to record, self evaluate and discuss their learning experiences with their line manager, identifying how their learning can be used further to benefit others, and/or the organisation as whole. Alternatively if the learning has been unsuitable and has not complimented an individual's learning style and/or needs, this can be discussed. It allows employees to 'log' what has actually been achieved against planned learning as determined through any training needs analysis and agreement of individual learning plans through the appraisal process. Employees are encouraged to make entries on their learning forms as often as possible for further discussion at their support sessions.

Development of the log will help both line managers and employees, e.g. will inform annual appraisal discussions, support and supervision discussions, department plans, learning budgets, succession planning and career development.

10 Recording, Monitoring & Evaluating Learning

The Chief Executive is responsible for ensuring that a central record of employee learning is created and maintained, and that all learning and development activities are monitored and evaluated in terms of suitability, effectiveness and value for money. Individual staff are responsible for reporting back to their line managers after training undertaken and evaluation/comments should be logged locally and with admin in headquarters. This information should be included in the training log.

The Chief Executive will have responsibility for reporting back on the effectiveness of any staff development programmes to the MC.

PARTNERS IN ADVOCACY

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

Safeguarding children and vulnerable adults

Policy Summary

1. This policy includes a Code of Behaviour and information on Risk Assessments and Photography and Filming that must be adhered to by PIAT staff and volunteers followed as best practice by members and contractors. All staff, members and contractors who work with young people and vulnerable adults must have the necessary checks..

Statement of Policy

4. It is PIA's Policy that members, staff and contractors who undertake to work with young people or vulnerable adults as representatives of the PIA adopt appropriate behaviours, follow defined procedures and undergo any necessary checks to ensure that such activities can take place in a safe and non-threatening environment.

Purpose

5. As a charity PIA is required to have a Policy for Safeguarding Children and Vulnerable Adults. Many activities involving children are undertaken by staff and representatives of the Institution. Adhering to such a policy helps to ensure that neither the young people, vulnerable adults, representatives of the institution or the institution itself are placed at risk from inappropriate behaviour or damaging allegations and litigation. This policy outlines the appropriate behaviours, checks and legislation to be followed when working with children and vulnerable adults.

Scope

6. This policy applies to all employees, volunteers, and representatives of PIA and its subsidiaries and should be followed as best practice guidance by all members, including Trustees, and Contractors. The policy applies to any engagement between PIA and children and vulnerable adults including virtual environments such as teleconferencing, videoconferencing, websites, social networking, blogging etc.

7. Any infringement of these procedures will be taken extremely seriously and may lead to members being suspended or removed from membership, staff being subject to disciplinary action, up to and including dismissal and contractors having their contractual arrangements with the PIA terminated.

Roles and Responsibilities

8. PIA requires that all staff, members and contractors within the jurisdiction of UK legislation and regulation, who are working with children have the necessary checks (outlined in the table below).

9. The majority of these requirements are covered by being granted CRBS disclosure and therefore all staff and members regularly working with children must be disclosed. Ambassador. Very occasional interaction with Schools should not necessitate the need for these checks (points 1 and 2 of the table below), however all staff and members must still abide by points 4 to 6 of the table below. For further information as to whether a CRBS check is appropriate please contact the CEO..

10. Whilst CRBS checks and Vetting and Barring procedures will not apply to staff, members and contractors outside UK legislation and regulation they must abide by the Code of Behaviour and other terms of this policy, to the extent that this does not conflict with local law and that it also meets the legislative requirements of the countries in which they are working.

Necessary checks required to work with children or vulnerable adults	
1. Necessary Criminal Record Bureau (CRBS) checks	Covered as part of application and training for role.
2. SIAA Procedures and Practice followed	
3. Necessary Public Liability Insurance (PLI) in place – PIA provides up to £6M cover to all staff and members	
4. Abide by the Code of Behaviour	
5. Abide by PIA's Health and Safety policy and undertake appropriate risk assessments	
6. Abide by the PIA's Data Protection Policy	

11. With regard to incidences of child welfare concern, staff, members and contractors have responsibility to

- a. report concerns to CEO, trustees and /or the Designated Person for Safeguarding Children in PIA
- b. ensure the confidentiality of matter relating to child protection and only circulate personal information on a need to know basis;
- c. avoid placing themselves in a vulnerable situation that may lead to allegations; and
- d. immediately report any allegations to the trustees

Code of Behaviour

12. Staff, members and contractors should work within the principles and practice of SIAA and recommendations of Disclosure Scotland.

13. Adults should dress in a way that is appropriate to the role and the tasks that they are undertaking and not in such a way that could be considered inappropriate, including being culturally insensitive or politically controversial.

14. When working with children, members, staff and contractors **should always:**
- a. Treat all children with respect and understand the difference between friendliness and familiarity;
 - b. act as a role model of good and appropriate behaviour;
 - c. ensure that whenever practicable the persons who are normally responsible for the children (teachers, parents, guardians, etc) are present during activities or that there is always more than one adult present;
 - d. respect a child's right to personal privacy;
 - e. bear in mind that someone else might misinterpret your actions, no matter how well intentioned;
 - f. be aware that any physical contact with a child may be misinterpreted and so must be avoided whenever possible;
 - g. challenge unacceptable behaviour and report all allegations and/or suspicions of abuse.
15. When working with children, members, staff and contractors **should never:**
- a. have inappropriate physical or verbal contact with children;
 - b. do things of a personal nature for children that the child can do for themselves;
 - c. allow children to use inappropriate language unchallenged;
 - d. allow bullying of one child by another to go unchecked;
 - e. make suggestive or derogatory remarks or gestures in the presence of children;
 - f. show favouritism to any one child;

 - g. become complacent on the (spurious) grounds that "it could never happen to me";
 - h. let any allegations a child makes go unrecorded.

Risk Assessment

16. Any activity undertaken on behalf of PIA should be properly managed and delivered within principles and practice of SIAA and should have an up to date Risk Assessment (RA). This cannot be generic; it has to be relevant to the activity and the location in which it is held. Guidance on completing a risk assessment can be found in the policy guidelines along with RA templates. If in doubt, discuss with your line manager at all times.

Photography and Filming

17. Any photography or filming of children or vulnerable adults needs to comply with the Data Protection Act and PIA Data Protection Policy .. Written consent to take photographs of children and to subsequently use/reproduce those photographs should be obtained from the person themselves, relevant parent or guardian - as appropriate . Templates for Photography Consent Forms are available. Such forms

need to make clear how the images will be used, how they will be stored, who will be able to access the image and how long the image will be stored for. The image should only be used in line as agreed and kept in a secure manner along with a copy of the Consent Form. Consent for the use of an image cannot be transferred from or to a third party.

Discrimination

18. Any activity delivered by members, staff or contractors on behalf of PIA should avoid discriminating against any participants and promote equality. Activity providers should make reasonable adjustments to the activity “as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.” Equality, Inclusion, Anti Discrimination is at the centre of PIA’s work, ethos, and services

Review: May 2011, or sooner in line with legislative requirements

PARTNERS IN ADVOCACY

ADULT PROTECTION POLICY

The protection of our clients who we work with in partnership is a prime aim of Partners in Advocacy. Any evidence or suspicion of harm (abuse) is always taken seriously and understood from the perspective of the victim. Their interests will be considered distinctly from the interests of any other person and priority will be given to the action necessary to protect them.

Advocates are expected to discuss anything that they judge to be a protection issue with their advocacy co-ordinator or the Director. As far as possible confidentiality will be respected, but Partners in Advocacy staff cannot promise not to pass on information if there is evidence or serious suspicion of abuse.

Advocates will work within this procedure and in line with the “Adult Support and Protection: Ensuring Rights Preventing Harm” Multi agency guidelines produced by the Edinburgh, Lothians and Borders Executive Group.

The Adult Support and Protection (Scotland) Act 2007 sets out clearly in a legal framework what makes an adult “at risk” and defines what “harm” is as well as key principles contained within the Act, the duties and responsibilities of public bodies and duties of e.g. those in the voluntary sector. For the purposes of the Act, an adult is defined as anyone **over the age of 16.**

Who is an Adult at Risk?

Adults at risk are – adults aged 16 years and over who are:-

- Unable to safeguard their own well-being, property, rights or other interests
- At risk of harm
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, more vulnerable to being harmed than adults who are not so affected.

ALL THREE POINTS MUST BE MET TO CONSIDER USING THE LEGAL PROVISIONS OF THE ACT

NB: It is the responsibility of the “Council Officer” to lead in the decision making with relevant professionals, following a Duty to Inquire, whether the adult is an adult at risk. This is often referred to as an “inter-agency referral discussion” or “IRD”.

Definition of Harm

- Harm includes all harmful conduct 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 interest (e.g. theft, fraud, embezzlement or extortion)
- Conduct which causes self-harm

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

A brief description of the harm that someone “at risk” can face are given below.

Physical harm can include hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions

Sexual harm can include rape and sexual assault or sexual acts to which the adult at risk has not consented, could not consent or was pressured into consenting

Psychological harm can include emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks

Financial or Material harm can include theft, fraud, exploitation, pressure in connection with wills, property, inheritance, financial transactions, or the misuse or misappropriation of property, possessions or benefits

Neglect and Acts of Omission can include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition or heating

Discriminatory harm includes actions (or omissions) and / or remarks of a prejudicial nature focusing on a person's age, gender, disability, race, colour, sexual or religious orientation

Information harm is for example, failure to adhere to the relevant 'Data Protection Act' guidance, failure to provide adequate and appropriate information about Complaints / Customer Services procedures etc.

Human Rights harm can include denial of an understanding of Criminal Justice processes (Article 5) or a fair hearing (Article 6)

Institutional harm is when an institution or organisation is run for the ease and benefit of the institution and its staff, not for the benefit of the clients or patients

Self Harm is when an individual engages, knowingly or unknowingly, in any behaviour or activity that, directly or indirectly, can cause harm/serious harm to their physical, psychological or social well-being. Self-harm is a broad term and is seen as a way of expressing very deep distress. People may injure or poison themselves by scratching, cutting or burning their skin, by hitting themselves against objects, taking a drug overdose or swallowing or putting other things inside themselves. Less obvious forms are staying in an abusive relationship, developing an eating problem (anorexia or bulimia), being addicted to alcohol or drugs, or simply not looking after their own emotional or physical needs.

Although there is no definition for Serious Harm, this needs to be assessed on an individual case by case basis

1. WHAT TO DO IF YOU SUSPECT ABUSE (for those 18 and over)

Where harm or the suspicion of harm having taken place must always be taken seriously and understood from the perspective of the person at the centre of the abuse.

People we work with may have difficulty in disclosing abuse not merely because of the dynamics that can be involved where this happens where one person exercises power over another but equally because they do not have the experience or ability to express their views in a conventional way; therefore it is essential that expressions (or physical evidence) of distress, discomfort or pain are not simply seen as a symptom of their disability or personal circumstances. If the person is unable to

communicate and tell you what is happening in a conventional way you may have to find other ways of understanding what is happening and checking out your suspicions.

If the individual does talk to you, listen carefully to what they have to say, with an open mind. Let them tell you in their own words and try not to lead them or to put it into your own words. Clarify what they say, but do not question or challenge them. It may be important that you can relate exactly what you were told as it may be used as evidence.

Wherever possible seek to empower the individual, ensure that they are aware of the choices they can make in the situation, and try to plan what to do together.

Sometimes the person may tell you in confidence that they are being abused, and ask that you keep what they have said secret. Do not promise not to tell, because you may not be able to keep this promise. As their advocate you will be acting in accordance with their wishes, but you also have a responsibility to ensure their safety from serious harm. Make sure that the person knows your responsibilities and what action you may be required to take.

It is a good idea to write down what you have been told. If your suspicion is right, your information could be crucial in helping to protect your partner or the group member.

Partners in Advocacy staff also have the responsibility of ensuring the safety of people registered, and therefore cannot promise not to pass on information to the appropriate authorities.

You should not feel worried or guilty about passing on information but you should always be open and honest with your partner or group member, and tell them what you are going to do. Telling someone as soon as possible may save the person from further harm. It could save a life.

2. WHO TO TELL

Unless you feel the danger may be imminent and serious, you should discuss it first with your advocacy co-ordinator, line manager, or failing that Partners in Advocacy's Director on 0131 478 7723. However there may be occasions when you need to take more urgent action. In this case, contact one of the following:

- Your partner's social worker or key worker
- The police
- Social Work Out of Hours Team.
- The local police public protection unit if it is likely that a criminal offence has occurred.

You will be provided with emergency phone numbers. Their telephone number is also available from Directory Enquiries.

3. WHAT HAPPENS NEXT?

Depending on who you tell, either a member of staff of Partners in Advocacy, a member of staff associated with your partner, or a member of staff from the Social Services, will come to talk to you and discuss the matter in more detail. Whoever you talk to, it may result with the Social Services starting an investigation.

4 Duties and responsibilities under the Act

a the local authority

The Act sets out clear roles and functions for public bodies and places a “duty to enquire” on council officers once a concern has been raised. The local authority then has to carry out additional functions which may result in interviewing the client concerned, carrying out a medical assessment, removing the person from a place where they may be experiencing harm or banning someone having access to the person at the centre who is either subject to harm or there being a suspicion of harm taking place. The principles of the Act and its provisions set out how this should happen and what council’s officers have to do to ensure they are acting within the law..

b non statutory bodies

Whilst the legislation says that advocates and the person who may be at risk of harm or have disclosed that they have been harmed are not bound by the principles and requirements of the Act, the Act does set out that there is a duty to comply and does give the sheriff the power to set fines and jail terms for those s/he has deemed to have broken the law.

Section 13, Chapter 2 of The Code of Practice on the Adult Support and Protection (Scotland) Act 2007 published by the Scottish Government states

“A wide range of voluntary and private organisations in Scotland work with adults and provide a range of services. While these organisations do not have specific legal duties or powers under the Act, as care providers they have a responsibility to involve themselves with the Act where appropriate by contributing to investigations.

These organisations should discuss and share with relevant statutory agencies information they may have about adults who may be at risk of harm. They may also be a source of advice and expertise for statutory agencies working with adults with disabilities, communication difficulties or other needs. Organisations will also have a legal duty to comply with requests for examination of records.

No matter what agency, staff have a duty to report all concerns about an adult at risk, whether suspected, witnessed or disclosed. Under the Adult Support and Protection (Scotland) Act 2007 the council is required to make inquiries about and / or investigate a person’s well-being, property or financial affairs if it knows or Believes:

- (a) that the person is an adult at risk and
- (b) that it might need to intervene in order to protect the person's well-being, property or financial affairs

Any request to access a client's file must be presented in writing and addressed to the advocate supporting the person at the centre of the abuse and be in line with our open access policy. Any request should be clear about what the purpose of the access is for, which period it covers and what is intended to be done with the information and if any copies taken, what will happen to these copies once the investigation or other procedures have been completed.

Any concerns about sharing information in this way should be discussed with your line manager/advocacy coordinator who may seek clarification from the Director and the Board if it appears likely that we would wish to withhold this information.

No suspicion of abuse of any kind is treated lightly, and if your suspicions are found to be groundless, it does not matter. It is better that they have been properly investigated rather than left with the risk that the person you are concerned about is still in danger.

PARTNERS IN ADVOCACY

CHILD PROTECTION POLICY STATEMENT AND PROCEDURE FOR PARTNERS UNDER THE AGE OF 18 YEARS

Introduction

This policy and procedure relates to children and young people under the age of 18 years. It should help:

- PIA staff, advocates and self-advocacy assistants fulfil their duty of care to children and young people who are considered to be at risk of abuse.
- to support the development of safe and creative partnerships with children and young people.
- to provide clear reporting and recording systems where there are concerns that a child/young person could be at risk of abuse.

In developing this policy and procedure, PIA has taken into account key principles and national child protection best practice (e.g. *Protecting Children – A Shared Responsibility*, Scottish Executive 2004):

- Every child and young person has the right to protection from all forms of abuse, neglect or exploitation irrespective of their gender, 'race', sexual orientation, disability, social-class, religious or cultural background.
- The welfare of the child and young person will always be the paramount consideration.
- Following advice from the child protection agencies, PIA will normally inform parents/carers of any action taken to protect their child or young person from suspected abuse.

- Children and young people have a right to confidentiality and to know when confidential information will be shared with other agencies (including the child protection agencies) unless certain exceptions apply.

All PIA staff, Board members, advocates and self-advocacy assistants are required to follow this policy and procedure. Although advocates and self-advocacy assistants are independent of Partners in Advocacy, they still have a responsibility to take steps to protect and safeguard their 'partner' or group member. The failure to do so may leave a partner vulnerable to continuing abuse. It may also leave PIA open to challenge for failing to fulfil its duty of care to its partners.

This policy and procedure is part of PIA's wider safeguarding framework which includes:

- Recruitment procedures
- Guidelines on boundaries
- Code of Practice
- Confidentiality policy
- Information sharing protocol
- Guidelines for the Protection of Vulnerable Adults (to be developed in-line with planned for Scottish Executive legislation).

Further information on PIA's Safeguarding work should be directed to Julie Hogg – Chief Executive Officer of Partners in Advocacy.

PIA is committed to raising awareness of child protection and safeguarding issues through induction, supervision and training of staff, Board members, advocates and self-advocacy assistants.

PARTNERS IN ADVOCACY

CHILD PROTECTION POLICY STATEMENT

Partners in Advocacy is fully committed to safeguarding the welfare of all children and young people¹. It recognises its responsibility to take all reasonable steps to promote safe practice and to protect children from harm, abuse and exploitation.

PIA will:

- Ensure that all advocates and self-advocacy assistants understand their obligations to protect children and young people from harm, abuse and exploitation.
- Ensure that all advocates and self-advocacy assistants understand their responsibility to work to the standards and procedures detailed in PIA's safeguarding policies and guidelines.
- Ensure that all advocates and self-advocacy assistants understand their obligation to report child protection concerns to PIA's designated persons for child protection **OR** when working in a school to the school's designated person for child protection.
- Ensure that its designated persons for child protection understand their responsibility to refer any child protection concerns to the relevant child protection agencies.
- Where resources allow, provide opportunities for its advocates and self-advocacy assistants to develop appropriate skills and knowledge in relation to the care and protection of children and young people.
- Endeavour to keep up-to-date with national developments relating to the care and protection of children and young people.
- Develop best practice in relation to the recruitment of all staff, advocates and self-advocacy assistants.

**Partners in Advocacy
Child Protection Procedure August 2005**

Section 1: recruitment of advocacy and self-advocacy assistants

It is the policy of PIA that all those who seek to work with partners of all ages are required to have an Enhanced Level Disclosure Check. This is part of PIA's recruitment process – **see PIA's recruitment procedure.**

For the purpose of this policy statement a child or young person means an individual who is under the age of 18 years.

In addition, PIA considers that all advocates and self-advocacy assistants who seek to work with children and young people under 18 years are working in a “childcare position” as defined under Schedule 2 of the Protection of Children (Scotland) Act 2003.

PIA understands its obligations under the Protection of Children (Scotland) Act 2003 in relation to the recruitment to “childcare positions”. It therefore undertakes Enhanced level Disclosure checks for all advocates/self-advocacy assistants who work on a regular and unsupervised basis with partners who are under the age of 18 years.

a) Advocates/self-advocacy assistants who are awaiting appointment and are provisionally listed on the Disqualified from Working with Children List (DWCL).

Where a Disclosure Check shows that an advocate/self-advocacy assistant who is awaiting appointment is provisionally listed on the DWCL, PIA will wait to appoint the individual to a post until final notification is received about the outcome of the Scottish Executive’s Determination Process.

Where a provisionally listed individual goes on to be fully listed on the DWCL by Scottish Ministers, PIA will withdraw its support to that individual.

b) Notification to PIA that an existing advocate/self-advocacy assistant is fully listed on the DWCL

Where PIA receives notification that an existing advocate/self-advocacy assistant is fully listed on the DWCL, PIA will withdraw its support to that individual.

Section 2: Roles and responsibilities in relation to the care and protection of children and young people
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a) PIA’s Designated Persons for Child Protection

The designated persons for child protection are:

- Chief Executive Officer of PIA – Julie Hogg
- Advocacy Co-ordinators

PIA’s Designated Persons for Child Protection will ensure that:

- *An appropriate child protection policy and procedure is in place and reviewed regularly.*
- *Recruitment and selection procedures are consistently and equitably applied.*
- *Advocates and self-advocacy assistants understand their obligation to adhere to ‘safe practice’ guidance and report all child protection concerns according to agreed policy and procedure.*
- *Child protection concerns are referred to the child protection agencies and that effective use is made of the advice available from the relevant local area child protection agencies (e.g. social work and/or police).*

- *Where resources allow, advocates and self-advocacy assistants have access to opportunities to develop an understanding of child protection good practice at an introductory level.*
- *Personal and sensitive data held in child protection records, recruitment pro-forma etc. are stored in compliance with the Principles of Data Protection as stated in the Data Protection Act 1998.*

b) Advocates and self-advocacy assistants

Advocates and self-advocacy assistants are required to:

- Fulfil their obligations in relation to child protection.
- Make a positive contribution to the development of child protection policy and practice.
- Report immediately any concerns of abuse following the referral procedure detailed in **sections 4 to 7** of this procedure.
- Be pro-active in identifying and discussing child protection training needs with their advocacy co-ordinator.
- Participate fully in any child protection training provided by PIA.

c) PIA Board members

The PIA Board has an advisory role and, as such can provide support and guidance to the Director of PIA and staff. Its remit is also to work in partnership with PIA staff to ensure that PIA's practice reflects national legislative demands and good practice in relation to the care and protection of children and young people under the age of 18 years and that of vulnerable adults. The PIA Board expects all advocates and self-advocacy assistants to implement this child protection policy and procedure.

Section 3: Defining abuse

a) Defining abuse

“All forms of child abuse involve the elements of a power imbalance, exploitation and the absence of true consent, whether they concern acts of commission or omission.”

Advocates and self-advocacy assistants should be clear that a high percentage of abuse occurs within the family or the wider family network. Abuse is also perpetrated by those who work in 'positions of trust' with children, young people and adults.

Advocates should be sensitive to the power which exists in relationships where:

- one person is dependent upon another for their care;
- one person has more status or credibility than the other; or
- one person controls access to resources or to contact with other people.

Appendix 1 summarises how abuse is categorised into different ‘types’ and some of the possible ‘signs’ which may indicate that a person is at risk of or being abused. It is important for advocates/self-advocacy assistants to be aware of the nature of abuse and how it can present itself through a number of signs and indicators. They should also understand the importance of sharing concerns about possible abuse with PIA’s designated persons for child protection.

It is never the responsibility of advocates, self-advocacy assistants, PIA staff or Board members to determine the nature or extent of abuse being experienced by a partner. The responsibility for determining this always rests with external agencies such as Social Work and/or the police.

Section 4: How abuse may come to light

Advocates and self-advocacy assistants should understand that abuse/neglect may come to light through:

- A. An allegation of abuse made directly by a partner
- B. Signs and indicators of abuse and/or neglect (see Appendix 1).
- C. A report from a third party.
- D. An allegation of ‘historical abuse’

A. An allegation of abuse made directly by a child or young person.

- a) Listen attentively to what your partner tells you.
- b) If your partner is unable to communicate in a conventional way you may have to find other ways of understanding what is happening to him/her. However, in doing this it is very important that you do not distort what your partner is trying to tell you or lead them into giving you false information.
- c) **Do not promise confidentiality.** When the information being shared with you indicates that your partner (or a child or young person within your partner’s family) is at risk of abuse you **must** pass this information to your advocacy co-ordinator or PIA’s Director – 0131 478 7723.
- d) Affirm your partner’s feelings by showing empathy.
- e) If you need to ask questions make sure they are open and non-leading. Always strive to keep questions to a minimum.
- f) Re-assure your partner that s/he has been courageous in telling you.
- g) Do not make value judgments about an alleged abuser and what has taken place.
- h) Explain to your partner that you will need to pass on what s/he has told you. Explain why it is important to do this and in a way that is appropriate to your partner’s understanding.
- i) Take the allegation very seriously and report it immediately to your advocacy co-ordinator or PIA Director – 0131 478 7723. If the allegation is made outwith office hours, report it to the relevant social work/police area office – see **section 5** below. Make sure that, at the earliest opportunity you inform a PIA designated person that a report was made to the child protection agencies.

- j) If an allegation was made by a child or young person in a **school setting**, a report must be made to the school's designated person for child protection. A PIA designated person must be told that this report was made and PIA will note this in a confidential child protection file.
- k) It is important that you make a note of your main concerns. You can use the pro-forma shown in **Appendix 2**. If you find it difficult to write things down your advocacy co-ordinator or PIA's Director will record what you tell them. You will however be asked to confirm that what they have written down is what you told them.
- l) **On no account** should you or any member of PIA:
 - Subject the partner to a series of 'interviews' – the investigation of child protection concerns is always the responsibility of Social Work and/or the police.
 - Speak with your partner's parents/carers about the allegation until appropriate advice has been obtained from Social Work and/or the police.
- m) Ask for support for yourself – remember that receiving an allegation of abuse can be very distressing.

B. Acting on a concern which is based on 'signs' of possible abuse

- a) Record the 'signs' that you have observed and your concerns.
- b) Take your concerns very seriously and report them to your advocacy co-ordinator or PIA Director – 0131 478 7723. If you are concerned that the signs and indicators show the possibility of very serious abuse which could endanger a partner's life, and you are unable to speak to a PIA designated person, you must report your concerns to the relevant social work/police area office – see **section 5** below. Make sure that, at the earliest opportunity you inform a PIA designated person that a report was made to the child protection agencies.
- c) If the concerns were noted in a **school setting**, a report must be made to the school's designated person for child protection. A PIA designated person must be told that this report was made and PIA will note this in a confidential child protection file.
- d) Make a note of your main concerns. You can use the pro-forma which is shown in **Appendix 2**. If you find it difficult to write things down your advocacy co-ordinator or PIA's Director will record what you tell them. You will however be asked to confirm that what they have written down is what you told them.
- e) Do **not** discuss your concern(s) with your partner's parent/carer until you have spoken to your advocacy co-ordinator/PIA Director and, where appropriate, s/he has taken advice from Social Work and/or the police.

C. Managing a report of suspected abuse from a 'third party'

- a) If you receive a report from a third party which indicates that your partner could be at risk of abuse, you must pass this information to your advocacy co-ordinator or PIA's Director – 0131 478 7723. If you receive this concern outwith office hours, you should make a report to the relevant social work/police area office.

- b) You should also advise the person who has expressed their concern to contact Social Work and/or the police. However, it is important to understand that many people are nervous about contacting Social Work and/or the police so you should never assume that they are going to do this. Once you are told that a partner could be at risk of abuse you must act on the information you have been given.
- c) Make a note of what you have been told. You can use the pro-forma which is shown in **Appendix 2**. If you find it difficult to write things down your advocacy co-ordinator or PIA's Director will record what you tell them. You will however be asked to confirm that what they have written down is what you told them.

D. Dealing with an allegation of 'historical abuse'

- a) Some partners may tell you about incidents of abuse which happened in their past and which no longer occur. Where a partner alleges 'historical abuse' and the information they give suggests that the alleged abuser may still pose a risk to children and/or vulnerable adults PIA will discuss these concerns with the police.
- b) Reporting a concern of 'historical abuse' should normally be done during the next working day by a PIA designated person for child protection.

Section 5: Making a referral to/seeking advice from Social Work and/or the police
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Whenever there are concerns that a partner could be at risk of abuse, advice should be sought from Social Work and/or the police. Seeking advice from these agencies will usually be done by an advocacy co-ordinator or PIA's Director. Advocates and self-advocacy assistants should, however, report concerns to the child protection agencies whenever a concern arises outwith office hours and a PIA designated person for child protection is not available.

Which Social Work and/or police divisions will be contacted?

In general, PIA will contact the Social Work and/or police area in which the partner resides.

Section 6: Supporting a partner following a concern/allegation of abuse
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It may be appropriate for advocates/self-advocacy assistants to provide on-going support to their partner. Whilst the relationship between the advocate and partner will hopefully be maintained, PIA recognises the importance of seeking advice from the child protection agencies during a child protection investigation. It is important that any support given to a partner by PIA does not interfere with any investigation being carried out by Social Work and/or the police.

Section 7: Reporting concerns of abuse which involve an advocate or self-advocacy assistant

- a) If you suspect or receive an allegation that an advocate or self-advocacy assistant has harmed, or placed a partner at risk of harm, you must share this information with your advocacy co-ordinator or PIA's Director – 0131 478 7723.
- b) Where it is believed that a criminal offence has been committed, PIA will contact the police.
- c) Whilst ensuring that PIA does not interfere with any external child protection investigation, PIA will undertake its own internal review of any report that an advocate/self-advocacy assistant has harmed a child or placed a child at risk of harm. In undertaking this review members of the PIA Board, together with PIA's Director and appropriate advocacy co-ordinator, will take into account a number of factors including the advocate's/self-advocacy assistant's expected standards of behaviour (detailed in relevant policies and guidelines) and the reasons why these standards were breached by the advocate.
- d) Following this review, where PIA considers that the advocate/self-advocacy assistant harmed a child or placed a child at risk of harm and, as a consequence the advocate can no longer be supported by PIA, the Board will make a referral to Scottish Ministers for possible inclusion on the Disqualified from Working with Children List. This is a legal requirement under Section 2 of the Protection of Children (Scotland) Act 2003.

Section 8: Sharing confidential information with external agencies.

PIA's **Confidentiality Policy** explains how confidential information will be managed where there is a concern that a partner is at risk of abuse, intends to commit suicide, seriously self-harm or inflict harm on another.

Section 9: Review of PIA's child protection policy and procedure

These Guidelines will be reviewed every 2 years or sooner where relevant child protection legislation and national guidance is introduced/reviewed by the Scottish Executive.

Appendix 1 Types of abuse

All individuals who work with children and young people should be open to the possibility that a child or young person participating in an activity could be at risk of neglect or experiencing abuse.

Abuse can be defined as:

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

Neglect can be defined as:

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

These definitions are taken from the Scottish Executive’s *Protecting Children and Young People: Framework for Standards* (2004).

Advocates, self-advocacy assistants and PIA staff should be aware of the following types of abuse:

- Physical injury
- Physical neglect
- Emotional abuse
- Sexual abuse
- Non-organic failure to thrive
- Abuse by young children

For the purposes of these procedures, PIA has adopted the following definitions of abuse as stated in Edinburgh and The Lothians *Child Protection Guidelines*.

Physical injury

All children where there is physical injury and where:

a) It is known, admitted or reasonably suspected that the injury was inflicted by any person caring for the child or any person likely to be a member of the same household

or

b) anyone caring for the child knowingly failed to prevent the injury or acted without due regard for the safety of the child

or

c) the nature of the injury is inconsistent with the account of how it occurred.

Possible signs and indicators of physical injury

- Injuries, particularly if they are recurrent
- Improbable excuses given to explain injuries
- Refusal to explain and discuss injuries
- Admission of punishment which appears excessive
- Fear of medical help particularly on the part of the parent who may seem reluctant/make excuses for not taking a child to the GP
- Arms and legs kept covered in hot weather
- Withdrawal from physical contact
- Black eyes
- Bruising on the soft parts of the body – thighs, upper arms, buttocks
- Bruising around the neck area
- Physical aggression towards others

- Physical aggression towards self – hitting and telling self off for doing something wrong

Physical neglect

Persistent or severe exposure of a child to danger or the persistent failure to fulfil the child/young person/s basic needs, such as for food, sleep, nappy changing, clothing, warmth and shelter or medical treatments, which is likely to result in serious impairment of the child's health and development.

This can also occur when an adult carer persistently pursues or allows a child/young person to follow a lifestyle inappropriate to the child/young person's development needs or which jeopardises the child/young person's health.

This may also occur when a child is left unattended or inadequately supervised, though careful judgment is required as to the appropriateness of any care arrangements.

Possible signs and indicators of physical neglect

- Constant hunger
- Compulsive stealing or scavenging
- Emaciation
- Constant tiredness
- Poor personal hygiene
- Poor state of clothing and/or child inappropriately clothed for the weather
- Untreated medical problems
- Frequent lateness or non-attendance at school

Emotional abuse

Failure to provide for the child/young person's basic emotional needs, so as to have a severe effect on the behaviour and development of the child/young person. This can include persistent coldness, hostility or rejection by a care giver and can be seen as the 'wilful destruction or significant impairment of a child/young person's confidence.'

Other types of abuse are likely to involve some degree of emotional abuse which, because of its damage to the child's emotional growth and development, may have serious long term effects.

Possible signs and indicators of emotional abuse

- Fear of parents being contacted
- Admission of punishment which appears excessive
- Physical, intellectual and emotional development lags
- Significant decline in concentration
- Sudden speech disorders
- Over-reaction to mistakes
- Continual self-deprecation
- Fear of new situations
- Inappropriate emotional responses to painful situations

- Neurotic behaviour
- Self harm
- Extremes of passivity or aggression
- Drug/solvent abuse
- Chronic running away
- Compulsive stealing/scavenging
- Indiscriminate friendliness
- Socio-emotional immaturity

Sexual abuse

Any child below the age of consent will be deemed to have been sexually abused when any person, by design or by neglect, causes that child to be involved in any activity that might reasonably be expected to lead to the sexual arousal or gratification of that or any other person, including organised networks. This definition holds whether or not there has been genital contact and whether or not the child is said to have initiated the behaviour.

Sexual abuse may include activities such as incest; rape; sodomy or intercourse with children; lewd and libidinous or sexual practices towards children; indecent assault of children; taking indecent photographs of children; encouraging children to become prostitutes; or to witness intercourse, adult sexual activity or pornographic material.

Possible signs and indicators of sexual abuse

Children under the age of five may:

- Become insecure or cling to parent in a fearful way
- Show extreme fear of a particular person
- Cry hysterically when their nappy is changed
- Become hysterical when clothing is removed particularly underclothes
- Have some physical signs in the genital or anal areas; smell of semen etc.
- Have soreness or bleeding in the throat, anal or genital area
- Regress to a much younger behavioural pattern
- Stare blankly, seem unhappy, confused, sad
- Become withdrawn, stop eating, have chronic nightmares, begin wetting again when previously dry
- Stop enjoying activities with other children, such as stories or games
- Seem to be bothered or worried
- Act in a sexually inappropriate way towards adults
- Behave in a sexually inappropriate way to their age, being obsessed with sexual matters as opposed to normal exploration
- Play out sexual acts in too knowledgeable a way with dolls or other children
- Produce drawings of sex organs such as erect penises
- Repeat obscene words or phrases
- Say repeatedly that they are bad, dirty or wicked

Children from the ages of five to twelve may:

- Hint about secrets they cannot tell
- Say that a friend has a problem
- Ask if you will keep a secret if they tell you something

- Seem to be keeping secret something which is worrying them
- Begin lying, stealing, blatantly cheating in the hope of being caught
- Have unexplained sources of money
- Exhibit sudden inexplicable changes in behaviour, such as becoming aggressive or withdrawn or regressing to younger behaviour patterns
- Stop enjoying previously liked activities such as music, sports, art, scouts, guides
- Be reluctant to undress for gym
- Have terrifying dreams
- Act in a sexual way, inappropriate to their age
- Draw sexually explicit pictures depicting some act of abuse
- Start wetting themselves
- Have urinary infection, bleeding or soreness in the genital or anal areas
- Have soreness or bleeding in the throat
- Children from the age of twelve onwards may:
- Be fearful about certain people like relatives or friends
- Assume the role of parents in the house to such an extent that they are taking care of everyone's needs except their own
- Not be allowed to go out on dates or have friends round
- Find excuses not to go home or to a particular place
- Run away frequently
- Have unexplained sums of money
- Have recurring nightmares/be afraid of the dark
- Exhibit a sudden change in school/work habits, begin to truant
- Be fearful or undressing for games/gym
- Become withdrawn, isolated or excessively worried
- Have outbursts of anger or irritability
- Be chronically depressed
- Be suicidal
- Use drugs or drink to excess
- Self harm
- Develop eating disorders
- Exhibit inappropriate sexual/seductive behaviour
- Have recurrent genital/urinary/anal infections/bleeding
- Have chronic ailments such as stomach pains and headaches
- Become pregnant
- Have a friend who has a problem and then tell about the abuse of the friend
- Sexually abuse a child, sibling or friend

Non-organic failure to thrive

Failure to meet expected weight and growth norms or developmental milestones, which does not have a basis in an hereditary or medical condition, as medically diagnosed. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long term effects such as greater susceptibility to serious childhood illnesses, reduction in potential stature and, with young children in particular, the results may be life threatening over a relatively short period.

Possible signs of non-organic failure to thrive

This condition is normally identified whilst the child is an infant. Signs which could indicate non-organic failure to thrive:

- Significant lack of growth
- Unexplained physical changes such as weight and/or hair loss
- Poor skin or muscle tone
- Circulatory disorders

Abuse by young people or children

Activities between children and young people of a sexual or physical nature where one or more of the following characteristics is present:

- Lack of true consent;
- Inequalities in power (such as chronological age, developmental stage or size);
- Actual or threatened coercion.

A distinction must be made between behaviour normally expected between young people and children and that which is clearly of a seriously abusive nature.

PARTNERS IN ADVOCACY

DISCLOSURE POLICY

GUIDELINES & PROCEDURES

INTRODUCTION

PIA complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes.

The aim of the Disclosure Scotland service is to enhance public safety and to help employers and other organisations in Scotland make safer recruitment decisions. The bureau will provide criminal history information on anyone seeking paid or voluntary employment that involves a position of trust such as working with children and vulnerable adults. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

POLICY

PIA has responsibilities in relation to the employment of employees working with children and vulnerable members of society. PIA is required to ensure that procedures are in place to check the criminal records of applicants applying for employment within PIA.

PIA's policy is that:

- All new recruits into PIA will be subject to a disclosure check prior to providing an advocacy service directly to clients – this includes employees moving internally to a promoted or demoted post.
- Employment shall not provide an advocacy service directly to clients until a disclosure check has been received and deemed satisfactory and the timing to allow for this should be borne in mind when planning a recruitment campaign.
- Relevant employees whose post has been designated as working with children and/or vulnerable adults will be Enhanced Disclosed. All other posts will be Standard Disclosed.
- Employees have a duty to inform PIA of any pending or actual change in their status.

- This policy applies to permanent and fixed term employees and applies uniformly to all types of employment (including unpaid).
- The employment of agency staff/freelance advocates will only be undertaken where the recruitment/employment agency has undertaken a disclosure (at the relevant level). SAC reserves the right to obtain proof that the required disclosure check has been undertaken prior to the agency staff commencing employment.
- Any self-employed person who will undertake work on behalf of PIA are required to be disclosed (at the relevant level).
- If the position is relevant for a disclosure check and the applicant does not agree to a disclosure check then the conditional offer of employment may be withdrawn.

PIA is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.

WHO DOES THIS AFFECT?

This Policy applies to anyone who undertakes a childcare position, as defined below, on behalf of PIA. Schedule 2 of the Act defines nine types of positions which are deemed to be “Childcare Positions”. Two of these positions will affect this organisation:

- Positions whose normal duties include **caring for, training, supervising, advocating on behalf of** or being **in sole charge** of children;

- Positions whose normal duties include **advocating for, supervising or managing** an individual whose normal duties include caring for, training, supervising or being in sole charge of children. A child is defined as an individual under the age of 18. It is not possible to list all categories of staff that would be covered or not covered by the Act as much depend on the individual duties of the position. However it would be prudent to take a cautious approach when considering the application of the Act to ensure that checks are being obtained for the correct roles. This Act will apply to positions such as (but not limited to) :

- All advocates
- Academic staff (Including visiting staff)
- Manager positions where they manage, or manage a manager who manages, staff under 18
- Research staff whose role interacts with students or whose research involves children/vulnerable adults
- Technicians
- Security Staff
- First Aiders
- Admin & Support staff who have contact with students/vulnerable adults

- Some Domestic staff (i.e. covering Halls of Residence, Catering)

RECRUITMENT PROCESS

- Disclosure is deemed necessary for all relevant post. Job adverts, recruitment literature, website, and any other appropriate material will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- PIA will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. PIA will ask that this information be sent to the CEO and PIA guarantees that this information will only be seen by those who need to see it as part of the recruitment process. This will be conducted under the terms of the Rehabilitation of Offenders Act 1974.

- Where an applicant for a post has previous criminal convictions these should be declared at the point of application and prior to formally taking up post. Where these convictions are spent under the terms of the Rehabilitation of Offenders Act 1974, the applicant has the right not to disclose them, except in the case where the post involves working with children under the age of 18 or vulnerable adults.

- PIA undertakes to treat all applicants for positions within PIA fairly and not to discriminate against them unfairly on the basis of conviction or other information revealed.

- In considering information about convictions received from an individual or through Disclosure Scotland, PIA will take the following into account when deciding whether to appoint the individual:

- Whether the conviction or information is relevant to the position being offered;
- The seriousness of the offence or information revealed;
- The length of time since any particular offence or alleged incident took place (Appendix 1 details the rehabilitation times for offences);
- Whether the applicant has a pattern of offending or other unsuitable behaviour;
- Whether the applicant's circumstances have changed since offending took place.

- In any cases of uncertainty the matter should be referred to the CEO
- Employment will not normally be confirmed until the Disclosure Procedure has been satisfactorily completed but where significant delays have happened, the employment can be confirmed subject to a positive Disclosure being received by PIA and no advocacy service can be delivered directly to clients outwith a public place until this has been received. Information that is directly relevant to the position sought which is subsequently revealed in a Disclosure Check may result in the withdrawal of a conditional offer of employment.

VALIDITY/EXPIRY OF DISCLOSURE INFORMATION

- The Disclosure Certificate is valid for the date of issue only, as it represents information to Disclosure Scotland on that date only.

MATTERS REVEALED IN STANDARD OR ENHANCED DISCLOSURE

- Having a criminal record will not necessarily debar an individual from working with PIA. This will depend on the nature of the position, together with the circumstances and background of the offences or other information contained on a disclosure certificate or provided directly to us by a police force.
- PIA undertakes to discuss any matter revealed in a Disclosure with the member of staff and their chosen representative if they so wish.
- Where the matter revealed is one which in the determination of PIA represents a risk to vulnerable client groups, then this will be initially considered if this is a matter to be furthered under PIA's disciplinary procedure. This will largely be dependent on the merits of any individual case and will take account of the nature of the offence and any evident dishonesty on the part of the employee.
- If the matter is determined not to be one requiring a formal disciplinary investigation then alternative methods to resolve the matter including re-deployment or restricted remit should be considered (where viable).

EXISTING PIA EMPLOYEES

- The provisions of the Protection of Children (Scotland) Act do not stipulate that disclosure checks should be carried out for existing employees therefore, at present, checks will only apply to new entrants and promoted/demoted staff.
- This is already standard practice and procedure within PIA where voluntary disclosure checks have been undertaken on existing employees within the division who have been identified as being in eligible posts or who are active in widening participation initiatives involving children under the age of 18 or vulnerable adults.
- This policy provides that in exceptional cases, subject to due consultation with the trade union and identified employees groups, PIA will conduct criminal record checks on identified individuals who are deemed to be operating in risk roles/eligible posts.

CRIMINAL CONVICTIONS GAINED WHILST EMPLOYED WITH PIA

- Criminal convictions gained whilst employed with PIA should be disclosed to the CEO in the appropriate manner. Failure to disclose criminal proceedings/convictions that arise during employment could result in disciplinary action or dismissal.
- Any convictions gained whilst in employment will be assessed to determine the relevance of the conviction to the post that individuals currently hold. Convictions deemed to be relevant could result in disciplinary proceedings or dismissal.

FOREIGN CONVICTIONS

- Disclosure Scotland works under UK legislation and has no jurisdiction to obtain criminal history information from other countries. Not all foreign countries have a system of recording information. If a UK resident is convicted overseas and the

authorities in that country notifies a UK Police Force then that conviction will be recorded and will be available for disclosure.

- For Registered Bodies dealing with overseas applicants the onus on the individual to provide details of their criminal history from their home country.

DISCLOSURE INFORMATION

• PIA will use Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within PIA is not used or disclosed in a manner incompatible with the purpose of recruitment or determining the individual's continuing suitability in a position identified as a risk. PIA processes personal data only with the express consent of the individual and will notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the Data Controller, the purpose of the processing, and any further relevant information.

Access and Storage

- We do not keep Disclosure information on an individual's personnel file. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled to CEO who is entitled to see such information in the course of their duties.

Retention

- We do not keep Disclosures or Disclosure information for any longer than is required after a recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days. This is to allow for the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this period in exceptional circumstances which justify retention for a longer period. The same conditions relating to secure storage and access will apply during any such period.

Disposal

- Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding, pulping or burning.

- PIA will ensure that Disclosure information which is awaiting destruction will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack). We will not retain any image or photocopy or any other form of the Disclosure information. We will, however, keep a record of the date of issue of the Disclosure, the name of the subject, the Disclosure type, the position for which the Disclosure was requested.

APPEALS PROCESS

- An appeal against a decision in connection with issue(s) highlighted in a Disclosure Report will be considered by the HR Group Manager (or nominee).

- The Appellant will state their grounds for appeal in writing and will have an opportunity to make representations in person. The decision of the HR Group Manager (or nominee) will be final.

FURTHER INFORMATION

Further information is available directly from Disclosure Scotland at their website (www.disclosurescotland.co.uk) or by contacting the Disclosure Scotland helpline number 0870 609 6006.

POLICY REVIEW AND ASSESSMENT

This Policy may be amended by PIA at any time in order to take into account changes in legislation and best practice.

Any enhancements to statutory provisions that affect this Policy will automatically be incorporated.

Advice and guidance on the operation of this policy is available. For further information and advice on the implementation of the policy, or if this publication is required in an alternative format (for example, large type or electronically) please contact the CEO (tel: 0131 478 7723 or email: Julie@partnersinadvocacy.org.uk).

Policy Author: Julie Hogg, CEO

Date Last Reviewed: 20th July 2011

APPENDIX 1 – CONTACT DETAILS FOR DISCLOSURE SCOTLAND

Registration Application forms and further information or assistance can be obtained by any of the following methods:

Telephone Helpline* 0870 609 6006 (calls charged at national rates)

The Helpline is available during the following hours:-

Monday to Friday - 8:00am to 6:00pm

(* Calls may be recorded or monitored for training and quality purposes)

Fax No. 0870 609 6996 (calls charged at national rates)

Email info@disclosurescotland.co.uk

Writing to Disclosure Scotland

P.O. Box 250

GLASGOW

G51 1YU

PARTNERS IN ADVOCACY

WHISTLEBLOWING POLICY

(Making a Disclosure in the Public Interest)

GUIDELINES & PROCEDURES

Introduction

PIA is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of PIA to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. PIA has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by PIA nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside PIA.

Scope of Policy

This policy is designed to enable employees of PIA to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Safeguards

i. Protection

This policy is designed to offer protection to those employees of PIA who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

ii. Confidentiality

PIA will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

iii. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

iv. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the CEO, Trustee, or appropriate body unless the complaint is against the CEO or is in any way related to the actions of the CEO. In such cases, the complaint should be passed to the Chair for referral.
- In the case of a complaint, which is any way connected with but not against the CEO, the Chief Executive will nominate an appropriate person to act as the alternative investigating officer.
- Complaints against the CEO should be passed to the Chair of Board of Trustees who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

If there is evidence of criminal activity then the investigating officer should inform the police. PIA will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- * Full details and clarifications of the complaint should be obtained.
- * The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- * The investigating officer should consider the involvement of PIA's auditors and the Police at this stage and should consult with the Chair/ CEO
- * The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- * A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the CEO or Chair as appropriate.
- * The CEO/ Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate PIA procedures.
- * The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- * If appropriate, a copy of the outcomes will be passed to the Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the CEO / Chair, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, PIA recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

PARTNERS IN ADVOCACY

Environment, Sustainability, Ethical and Green Policy

PIA believes that we have a responsibility to care for and protect the environment in which we operate. We are fully committed to improving environmental performance across all of our business activities, and will encourage our business partners and members of the wider community to join us in this effort.

PIA recognises our key impacts to be in the areas of [for example]:

- energy use
- raw material use
- waste generation
- emissions to air/water
- water use
- transport
- procurement
- Funding

We will strive to:

Adopt the highest environmental sustainability ethical and green standards in all areas of operation, meeting and exceeding all relevant legislative requirements.

Assess our organisational activities and identify areas where we can minimise impacts for example, using public transport whenever possible rather than personal transport, clustering meetings to cut down on transport need, promoting bike ownership and supporting staff to purchase whenever appropriate and possible. We will purchase recycled materials wherever possible and from materials that have been marketed in a sustainable way.

We will also strive to ensure that all funding received and money invested is viewed ethically in line with our mission and values.

Minimise waste through careful and efficient use of all materials and energy.

Purchase sustainable products wherever feasible for example recycled, FSC or low environmental impact products and energy from renewable sources. Re cycle paper and cans etc., whenever possible.

Publicise our environmental position.

Train employees in good environmental practice and encourage employee involvement in environmental action.

Reduce risks from environmental, health or safety hazards for employees and others in the vicinity of our operations.

Adopt an environmentally sound transport strategy.

Aim to include environmental and ethical considerations in investment decisions where appropriate.

Assist in developing solutions to environmental problems.

Continually assess the environmental impact of all our operations.

PIA will periodically review performance in an appropriate manner reporting back to the Board of Trustees. Staff are encouraged to review and suggest improvements and a Green Ambassador is appointed per office to take the agenda forward.

April 2011