



NATIONAL THEATRE OF SCOTLAND

CHILD AND ADULT PROTECTION POLICY AND PROCEDURES

NOVEMBER 2021

(revised June 2023)

PURPOSE AND AIM OF THE POLICY

With the aim to be a 'theatre for everyone', The National Theatre for Scotland (NTS) is committed to creating a safe environment in which to work with children, young people and adults at risk of harm (referred to as child/yp/adult throughout this policy).

NTS is committed to the welfare, wellbeing and protection of children and young people and adults at risk, promoting their safety and interest across all that we do. We will make sure that all children, young people and adults we work with have the same protection regardless of age, disability, race, religion or belief, sex, sexual orientation or gender.

The purpose of this policy is to protect children/adults and their families who are involved with NTS from harm and to provide staff with the overarching principles that guide our approach to child/adult protection.

Children, Young People and Adults at Risk of Harm have contact with NTS in many different ways. **For example:**

- Perform with us.
- Participate in workshops.
- Attend our production.
- Attend events.
- Attend residential programmes.
- Log onto our website.
- Complete work experience, placements and shadowing with us.

We create participatory work within our communities. Our work can take place in a number of settings and locations across Scotland, including NTS premises, schools, community facilities, pop-up rehearsal venues, and theatres, and can include overnight stays whilst on tour or residency projects.

This policy applies to all NTS staff, freelancers, practitioners, chaperones, creatives, contractors, partners, board members, members of steering/advisory groups (and similar) - referred to as 'staff' throughout this policy.

POLICY STATEMENT

NTS believes that everyone has a responsibility to promote the welfare of all children/adults at risk to keep them safe from harm and practice in a way that protects them. No one who comes into contact with NTS should ever experience abuse of any kind.

We recognise that:

- The welfare of children/adults at risk is paramount in all the work we do and in all the decisions we take.
- All children/adults at risk, regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have an equal right to protection from all types of harm or abuse recognises that additional needs of children from minority ethnic groups and disabled children and the barriers they may face, for example with communication or the impact of discrimination.
- Some children/adults at risk are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with children, young people, adults at risk, their parents, carers and other agencies is essential in promoting their welfare.

NTS will meet this commitment by:

- Valuing, listening to and respecting them.
- Appointing a designated lead for adult/child protection, a deputy lead, and a trustee/board member who takes lead responsibility for their protection at the highest level in the organisation.
- Adopting child/adult protection best practice through our policies, procedures and code of conduct for staff.
- Applying safer recruitment practices for all 'staff', ensuring all necessary checks are made.
- Ensuring all staff understand and follow this policy for the protection of children and adults at risk which is reviewed annually.
- Ensuring all participants working with NTS and their families know about this policy and what to do if they have a concern.
- Ensuring that when we are working with groups, we share our policy with the group leader and check they have an equivalent policy in place. If no policy is in place, work with the group to adopt/adapt the NTS policy and ensure training is given.
- Providing effective management for staff through supervision, support, training and quality assurance measures so that all staff follow our code of conduct confidently and competently.
- Recording, storing and destroying information securely, in line with data protection legislations and guidance.
- Building a culture where staff, volunteers, and children/adults know how they are expected to behave and feel comfortable about sharing concerns through various media platforms.
- Using our procedures to manage any allegations against staff appropriately.
- Creating and maintaining an anti-bullying environment and ensuring we have a policy and procedure to help us deal with any bullying that does arise.
- Ensuring we have effective complaints and whistleblowing measures in place.
- Ensuring we provide a safe physical environment for all involved with NTS by applying health and safety measures in accordance with the law and regulatory guidance.
- Supporting children and young people within Getting It Right For Every Child Framework (GIRFEC: <https://www.gov.scot/policies/girfec/>) and Scottish Government's eight indicators of wellbeing: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (SHANARRI indicators: <https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/>)

LEGAL FRAMEWORK

This policy has been drawn up on the basis of legislation, policy and guidance that seeks to protect children/adults in Scotland.

The following national legislative and policy initiatives inform our practice as appropriate:

- The Children and Young People (Scotland) Act 2014
- National Guidance for Child Protection in Scotland (2021)
- UN Convention on the Rights of the Child
- The Children Scotland Act 1995
- The Protection of Vulnerable Groups (Scotland) Act 2007
- Disclosure Scotland Act 2020
- The Children's Charter
- Getting it Right for Every Child 2005
- The Children (Scotland) Act 2020
- General Data Protection – Data Protection Act 2018
- The Adult Support and Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000
- Mental Health (Care and Treatment) (Scotland) Act 2002
- Creating Safety (2019)
- The Children (Performances and Activities) (Scotland) Regulations 2014
- Getting it Right for Young Performers (2015)

NTS PROTECTION COMMITTEE AND DESIGNATED PROTECTION OFFICER (DPO)

Designated Protection Officer

Paul Fitzpatrick, Director of Creative Engagement
NTS, 125 Craighall Road,
Glasgow
G4 9TL

tel: **07542 304 733**

email paul.fitzpatrick@nationaltheatrescotland.com

Depute Protection Officer

Karen Allan, Creative Engagement Producer
NTS 125 Craighall Road,
Glasgow
G4 9TL

tel: **0791 254 0137**

email karen.allan@nationaltheatrescotland.com

NTS has a Protection Committee which meets at least twice a year and is responsible for the implementation of this policy throughout the company and is made up of the following members:

- Designated Protection Officer (Director of Creative Engagement)
- Depute Protection Officer (Producer – Creative Engagement)
- Board advocate, Children and Adult's Protection
- Executive Director
- Programme Director
- Head of Human Resources
- Company Manager

ROLE OF THE DPO

- Be the first point of contact for all staff to raise any concerns.
- Work with NTS Protection Committee and have responsibility to review and update the child/adult protection policy and procedure annually.
- Advise and provide guidance to all staff about welfare, wellbeing, and protection issues across children, young people and adults at risk of harm.
- Have a working knowledge of the relevant legislation and national guidance in protecting children, young people and vulnerable adults.
- To act as the first point of contact and source of support, advice and expertise for all staff about the safety and welfare of a child or adult.
- Manage all referrals and refer all cases of suspected abuse to the appropriate agency, either Social Care and/or Police, and ensure that appropriate information is available, confirmed in writing under confidential cover as quickly as possible.
- To be familiar with Adult Protection Committee (APC) and Child Protection Committees (Scotland) (CPC) procedures.
- To ensure that NTS policies and procedures to protect children and adults are implemented and followed, and that all staff know where they can find these.
- To liaise with appropriate local agencies for support and advice and know where to find local contacts.
- Advise and organise mandatory training of all staff about their responsibilities to protect and keep children and adults safe.
- To collect monitoring data on all welfare, wellbeing and protection activities across NTS and evaluate their effectiveness.
- To lead on developing, reviewing, updating and disseminating NTS Protection policy and procedures and monitoring its implementation.
- Support staff after any an incident in NTS.

THIS POLICY FOLLOWS THE 4 Rs OF PROTECTION

- **Recognise** any concerns for a young person/adult at risk that you are working with, this may be welfare/wellbeing or child/adult protection.
- **Respond** appropriately to any concerns about a child/young person/adult at risk within organisation policy and procedures.
- **Refer** – this will be the responsibility of the DPO following discussion with yourself and others. This may include calling local statutory services or the NSPCC Helpline on **0808 800 5000**.
- **Record** – once you have discussed any concerns with the DPO you must record this information using your organisational recording form.

WHEN TO REPORT A CONCERN TO THE DPO

Any concern must be reported to the DPO immediately. Concern about a child or adult at risk, whether through observation or disclosure, must not be ignored. It is not up to the individual who has the concern to decide whether it needs to be reported, nor is it up to the individual to investigate further

WHO IS A CHILD/ADULT AT RISK OF HARM?

Child

For the purposes of this policy the definition of a 'child' or 'young person' is anyone aged under 18 years of age as supported by the Children and Young Person Act (2014) (Scotland). Where a young person in Scotland aged 16-18 requires protection it must be noted that the Adult Support and Protection (Scotland) Act 2007 legislation may apply.

Adult at Risk of Harm

An adult at risk of harm is a person (aged 16 years or over) who is:

- Unable to safeguard their own well-being, property, rights or other interests.
- At risk of harm.
- More vulnerable because they are affected by disability, mental disorder, illness or physical or mental infirmity.

WHAT IS ABUSE (RECOGNISE)

Child abuse and neglect is the maltreatment of a child in any form. An individual may abuse or neglect a child or adult at risk of harm directly, or may be responsible for abuse or neglect because they fail to prevent significant harm by another person. 'Significant Harm' is circumstances where "a child or young person's basic needs are not being met in a manner which is appropriate to his or her individual needs and stages of development and the child is. It can occur within a relationship of trust and can happen to a child/adult regardless of their age, gender, race, disability or ability, sexual orientation, religion or socio-economic status.

Children/young people and adults at risk of harm may be abused in a family or in residential care or in the community, including artistic and sporting activities, by any individual known to them or by a stranger. Children with disabilities are at increased risk of abuse through various factors such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse has occurred.

The main types of abuse are: physical, emotional, sexual and neglect.

Physical Abuse - is the causing of physical harm to a child or young person and may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child they are looking after (this is known as fabricated or induced illness). There may be some variation in family, community or cultural attitudes to parenting, for example, in relation to reasonable discipline. Cultural sensitivity must not deflect from a focus on a child's essential needs and protection from harm.

Emotional Abuse - Emotional abuse is the persistent emotional maltreatment that has severe and persistent adverse effects on the child's emotional development. 'Persistent' means there is a continuous or intermittent pattern which has caused, or is likely to cause, significant harm. It may involve conveying to a child that they are worthless or unloved, inadequate or imposition of demands inappropriate for their age, repeated silencing, ridiculing or intimidation. Extreme overprotection, such that a child is harmed by prevention of learning, exploration and social development, seeing or hearing the abuse of another (in accordance with the Domestic Abuse (Scotland) Act 2018). Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

Sexual Abuse - Is an act that involves a child under 16 in any activity for the sexual gratification of another person – whether or not it is claimed that the child consented or assented. Forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at or in the production of indecent images, in watching sexual activities, using sexual language towards a child, or encouraging children to behave in sexually inappropriate ways. Child sexual exploitation involves a young person under the age of 18 being manipulated, forced, pressurised or coerced into taking part in a sexual act in exchange for something.

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. 'Persistent' means there is a pattern which may be continuous or intermittent which has caused, or is likely to cause significant harm. However, single instances of neglectful behaviour by a person in a position of responsibility can be significantly harmful.

The GIRFEC Framework and SHANARRI Indicators (Getting It Right For Every Child: <https://www.gov.scot/policies/girfec/> and Scottish Government's eight indicators of wellbeing: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included <https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/>) indicators set out the essential wellbeing needs. Neglect can impact on healthy development It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to a child's basic emotional needs. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation.

Other areas of concern include:

Female genital mutilation: An extreme form of physical, sexual and emotional assault.

Honour-based abuse and forced marriage: A marriage conducted without the full and free consent of both parties.

Child trafficking: Involves recruitment, transportation, transfer, harbouring or receipt, exchange or transfer of control of a child under the age of 18 years.

Criminal exploitation: The action of an individual or group to coerce, control, manipulate or deceive a child under the age of 18 into any criminal activity in exchange for something the victim needs or wants, or for the financial or other advantage of the perpetrator or facilitator.

Bullying: Please refer to NTS Anti-bullying statement.

WHAT IS HARM AND SIGNIFICANT HARM IN A CHILD PROTECTION CONTEXT?

'Harm' means the ill treatment or the impairment of the health or development of the child, including, for example, impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, 'development' can mean physical, intellectual, emotional, social or behavioural development and 'health' can mean physical or mental health. Whether the harm suffered, or likely to be suffered, by a child or young person is 'significant' is determined by comparing the child's health and development with what might be reasonably expected of a similar child. Deciding whether harm has been or is likely to be significant can be complex, and where there are concerns about harm, abuse or neglect, NTS staff and or volunteers must share these with the relevant agencies who will assess whether the harm is, or is likely to be, significant.

ADULT PROTECTION

An adult at risk of harm is a person (aged 16 years or over) who is unable to safeguard their own wellbeing, property, rights or other interests; is at risk of harm; is more vulnerable because they are affected by disability, mental disorder, illness, or physical or mental infirmity.

What is harm?

Harm includes all harmful conduct and, in particular, includes:

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

As with child protection, abuse of adults includes physical, emotional, neglect (and acts of omission) and sexual abuse. Further categories include financial or material.

EMPLOYEES AND FREELANCERS MUST:

- Report immediately any suspicion that a child/protected adult could be at risk of harm or abuse. Follow procedures for reporting safeguarding concerns or allegations and never agree to keep any information relation to a child/protected adult confidential.
- Listen carefully to any child/protected adult who ‘tells you’ (sometimes through drawings and behaviour as well as words) that they are being harmed and report what you have discovered immediately to DPO.
- Play a part in helping develop an ethos where all people matter and are treated equally with respect and dignity.
- Always put the care, welfare and safety needs of a child/protected adult first.
- Respect a child/protected adult’s right to be involved in making choices and decisions which directly affect them.
- Work with children/protected adults in an open and transparent way - where physical contact is required, be transparent and inform the child within the relevant setting. In a group setting always offer the opportunity for the child/protected adult to opt out. In a one-on-one setting always seek approval, allow the child/protected adult to opt out and record the reasoning as part of your risk assessment.
- Actively involve children/protected adults in planning activities for children/protected adults wherever possible and ensure activity is set at the correct level and appropriateness.
- Listen attentively to any ideas and views a child/protected adult wants to share with you at all times regardless of their age, gender, ethnicity, ability or sexual orientation.
- Respect a child/adults right to privacy and personal space.
- Respond sensitively to children/protected adults who seem anxious about participating in certain activities.
- Ensure that when you’re working with children/protected adults you are at least within sight or hearing of other adults and avoid unobserved situations of one-to-one contact with a child/protected adult. If this is unavoidable, always ensure another adult knows where you are, with whom and why. The exception to this is chaperones whose role necessitates one-to-one contact with children.
- Never dismiss what a child/protected adult tells you as ‘lies’ or exaggeration.

- Ensure that dangerous or otherwise unacceptable behaviour by a child/protected adult is managed appropriately: in an education establishment this should fall to the designated teacher, in a care setting, prison or similar establishment this should fall to the designated staff member of the establishment.
- Ensure that if you need to comfort a child/protected adult who has become distressed, you do so in a way which is both age appropriate and respectful of their personal space.
- Never act in a way which may be perceived as intrusive or threatening; ask children/protected adult before you act.
- Be aware that children/protected adults can and do develop both heterosexual and homosexual infatuations towards adults working with them. If you become aware of this happening towards yourself, you should inform your manager and they will respond to the situation in a way which maintains the dignity for all concerned.
- Never underestimate the contribution that you can make to the development of safe communities for children/protected adults.
- Ensure that the focus of your relationship with a child/protected adult you have met through work is always on work: the aim should never be, or become, to develop the relationship into a long-term friendship.
- Never invite, or allow a child/protected adult you have met through work into your home or make contact with them outside of work. The exception to this is where your own child/protected adult may be friends with a child/protected adult that is or has been part of the company. In such circumstances, the DPO should be notified in writing.
- Avoid favouritism, singling out and gossiping.

EMPLOYEES AND FREELANCERS MUST NOT:

- Engage in sexually provocative games, including horseplay.
- Allow others or yourself to engage in touching a child/protected adult in a sexually provocative manner.
- Make sexually suggestive comments to a child/adult, even in fun.
- Consume alcohol or take drugs whilst on duty, including any breaks or when in contact with children /adults (see Alcohol and Drug policy).
- Smoke/Vape with or in front of children/adults.
- Steal or condone someone else stealing, regardless of the value of item stolen.
- Discuss staff members' own sexual/personal relationships in front of children.
- Offer to transport a child/adult alone in your car unless it's an emergency and having notified your manager or DPO.
- Engage in or tolerate inappropriate physical activity involving children/adults, or any bullying of a child/adult by an adult or another child/adult.
- Use sarcasm, demeaning or insensitive comments to a child/adult.
- Use any physical punishment as part of disciplining children/adults.
- Shout at children/adults.
- Have contact with children/adults by phone, letter, email or social media in any way, unless directly related to a project and agreed in advance and in writing by the Creative Engagement team.
- Photograph or film children/adults for which no prior consent from the parent carer/school/establishment is obtained.
- Exaggerate or trivialise another staff member's concerns about a child or ignore an allegation or suspicion of abuse in the hope that it will either 'go away' or that 'someone else will deal with it'.
- Discuss personal issues about a child/adult or their family with other people except with the DPO when you are concerned about the child/adult's wellbeing.

- Be drawn into derogatory remarks or gestures in front of children/adults.
- Allow a child/adult to be bullied or harmed by anyone in the organisation.
- Allow children/adults to swear or use sexualised language unchallenged.
- Discriminate or be prejudicial.
- Ask children to keep secrets.

DISCLOSURE OF ABUSE, WHAT TO DO (RESPOND) (INCLUDING HISTORICAL ABUSE)

Adults don't always recognise, understand or react appropriately when a child/young person or adult starts to tell them about experiences of abuse and that this can mean that they don't get the support they need. **If a child/adult discloses abuse, remember that this may be the beginning of a legal process, as well as of a process of recovery. Legal action against a perpetrator can be seriously damaged by any suggestion that the child/adult has been led in any way.**

The following guidance should be followed as far as possible:

- **Show them you care, help them** OPEN UP. Give them your full attention and ensure your body language is open and encouraging. Be compassionate, be understanding, and reassure them that their feelings are important. Phrases like "you've shown such courage today" help.
- **Take your time**, SLOW DOWN. Respect pauses and don't interrupt them – let them go at their own pace. Recognise and respond to their body language. It is not your responsibility to investigate or to ask questions, your role is to listen and to report to the DPO.
- **Show you understand**, REFLECT BACK. Make it clear you're interested in what they're telling you. Reflect back what they've said to check your understanding – and use their language to show it's their experience.

Staff should be aware that:

- **it is not their responsibility to investigate** suspected cases of abuse.
- they should not take any action beyond that in their organisation's procedures and
- they cannot promise a child/adult complete confidentiality – they must explain that they may need to pass information to other professionals to help keep the child/adult or other children safe.

If we have concerns, we **MUST ACT** – it may be the final piece of the jigsaw that is needed to protect that child, or we may prevent other children from being hurt.

If the child/adult decides to withdraw at this stage, the adult should stress that they can have further discussions in the future – that there will always be someone to listen to them.

They should also be given alternative sources of support such as the telephone number of **ChildLine – 0800 11 11**. However, the child/adult should also be told that their current concerns will be passed on.

- Affirm their feelings as expressed by them (show empathy).
- Ask open, non-leading questions – Remember it is not your role to investigate. Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said.
- Re-assure that they are being courageous in 'telling'.

- Do not make value judgements about an alleged abuser/s and what has taken place.
- Explain that information will be passed on to another member of staff and explain why this is important.
- Explain the next step, be open and honest, reassure them that they will be kept informed of what is happening and will be supported as appropriate. Any information subsequently shared with the child/adult should always be appropriate to their age and stage of development and should not breach the confidentiality of any other parties involved.
- Treat the allegation very seriously and report it immediately to NTS DPO/Depute DPO/Establishment Head.
- Write down exactly what you have been told using the pro-forma shown in this guidance. Always try to record what the child/adult said (if a verbal allegation) and the words they used. If the allegation came to light through other sources (e.g. drama, play etc.), include any original material (if available) with the completed pro-forma. A copy of the record may be required (at a later date) as part of the child/adult protection process or as evidence for future criminal prosecution.
- Remember that the child/adult's welfare is paramount even where the child's parents/carers are considered to be the primary client(s) of your service.
- On no account speak with the parent/carer about what has happened until the DPO has advised on the next step.
- Where the need for urgent medical intervention is indicated, the DPO must take action to ensure medical treatment. First aid and urgent removal to hospital accompanied by an appropriate staff person will be a priority, followed by immediate notification to Police, as appropriate.
- Ask for support. It is recognised that dealing with child/adult protection concerns can have stressful consequences for workers so the provision of support is essential.
- DPO to make decision to refer to statutory agencies with timescales, option to consult with others.
- Discuss concerns with DPO – it is not staff responsibility to deal with concerns on their own.
- Escalation of concerns – clear roles and responsibilities.
- Include immediate danger/medical attention.

Children and young people from birth to 18, or beyond if still in school, may have a Named Person to help support their wellbeing within the GIRFEC approach. The Named Person is a central point of contact if a child, young person or their parent(s) want information or advice, or if they want to talk about any worries and seek support. They can also, when appropriate, reach out to different services who can help. The Named Person will be the headteacher, guidance teacher, or other promoted member of staff for a school-age child. For Pre-school children this will be their health visitor.

The Named Person will be a point of contact for any concerns about a child's welfare and wellbeing. The Named Person will carefully consider the situation by asking five questions:

- **What is getting in the way of this child or young person's wellbeing?**
- **Do I have all the information I need to help this child or young person?**
- **What can I do now to help this child or young person?**
- **What can my agency do to help this child or young person?**
- **What additional help, if any, may be needed from others?**

Once they have considered the situation, a Named Person will discuss this with the child's parent(s) and other appropriate professionals if required, to assess what needs to be done to improve the child or young person's wellbeing. They may plan what action(s) will be taken next and arrange appropriate review dates for the plan. Each situation and concern will be unique to the child or young person, and the way they are supported will be tailored to their individual needs. If a matter is serious enough then a referral will be made to Social Work Services or Police Scotland (please note if named person is not in place within the local authority area the child lives in you can call your local social work office or NSPCC on 0808 800 5000 to discuss your concerns).

ESCALATION PROCESS - WHAT TO DO IF CONCERNS ARE NOT BEING APPROPRIATELY ACTED UPON.

Escalating is the course of action that should be taken when there are concerns that a child/adult's safety is compromised and the current actions of either NTS or other external agencies do not support the protection of a child or adult at risk of harm. This also applies if NTS has concerns that an external agency is not acting on concerns appropriately.

If you have concerns about the safety or welfare of a child/adult and feel they are not being acted upon by your manager or DPO, you can take further advice from social care yourself or contact the NSPCC Helpline. However in the first instance, the aim should be to resolve the disagreement at the lowest level between those involved. If this fails, the matter will be raised with Protection Committee for further discussion and agreed course of action. A record of all conversations and actions must be kept.

NTS ACKNOWLEDGE THAT:

- Problem resolution is an integral part of professional co-operation and joint working to protect children/adults.
- Professional disagreement requires resolution in a constructive and timely fashion.
- At no time must professional disagreement distract from ensuring the child/adult is safe.
- The aim must be to resolve a professional disagreement at the earliest possible stage.

MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

Any concerns about the welfare of a child or vulnerable adult arising from alleged poor practice, abuse or harassment by an employee of NTS must be discussed with the DPO and reported immediately to the Head of HR and the Protection Committee. Concerns about a member of staff may fall into any of the following three categories where someone has:

- Behaved in a way that has harmed the child, or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to them, or that as a member of staff s/he is unsuitable to work with children.

SUPPORTING EMPLOYEES

- Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.
- Suspension should be carefully considered and is not automatic.
- It is essential that any allegation is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- All options to avoid suspension should be considered prior to taking that step.

Where it is clear that an investigation by the police is unnecessary, the DPO should discuss the next steps with the head of the organisation and HR.

- Keep Records on an individual's file until retirement or 10 years if that will be longer.
- Decisions regarding suspension are with the employer.
- If NTS removes an individual (paid or unpaid) from work such as looking after children or adults (or would have, had the person not left first) because the person poses a risk of harm to children or adults, the organisation must make a referral to Disclosure Scotland. It is an offence to fail to make a referral without good reason.

COUNSELLING

Receiving a disclosure of abuse or reporting a concern can be a difficult or emotionally demanding process. Free, confidential, independent counselling is available to all NTS employees and freelancers by calling **0141 228 6250** or emailing: **info@counsellingandcoachingsupport.co.uk**

WHISTLEBLOWING

NTS understand that staff and volunteers will often be the first to know when someone inside or connected with the organisation is doing something illegal, dishonest, or improper, but may feel apprehensive about voicing their concerns. However, it is in the interest of everyone, including the organisation, that individuals with knowledge of wrongdoing are supported in reporting such behaviour. Any individual with knowledge of any such activities should inform their DPO/supervisor/manager who will take the matter further as appropriate and necessary, or alternatively call NSPCC Whistleblowing advice line on **0808 028 0285**. Please see NTS Whistleblowing policy for full details of process and procedures.

PARTNERSHIP WORKING.

NTS engages with different organisations such as schools, other voluntary and community organisations, private companies, contractors supplying services, theatres, and hiring venues. When working with other organisations, whether long term or as a one-off, the responsible manager will ensure as part of the planning and contracting process the area of child/adult protection is addressed, whether working with the organisation in NTS premises or in non NTS premises.

The responsible manager will ensure the following minimum requirements when considering performances, events or activities, and rehearsals:

- Partner agency has in place its own child/adult protection policy and agreement for working in partnership when concerns are identified.
- Joint working agreement on whose policies will be followed.
- Designated Child/Adult protection officer and their contact details.
- Agreed escalation procedures for concerns raised.
- In the event that protection policies are either not sufficient or none in place, NTS will seek agreement to apply NTS policies with advice sought from NTS DPO around adequate vetting procedures.
- Any identified concerns are recorded within NTS and reported to DPO.

RECORDING, CONFIDENTIALITY AND INFORMATION SHARING

Sharing relevant information is an essential part of protecting children/adults from harm. NTS staff should understand when and how they may share information and will be supported and guided within the law, these procedures and supervision.

Where there is a child/adult protection concern, relevant information should be shared with police or social services without delay, provided it is necessary, proportionate and lawful to do so. The lawful basis for sharing information should be identified and recorded. NTS data protection leads should be able to advise where doubt about the appropriate lawful basis exists.

NTS staff with child/adult protection concerns may share relevant information order to:

- Clarify if there is a risk of harm to a child/adult.
- Clarify the level of risk of harm to a child /adult.
- Safeguard a child/adult at risk of harm.
- Clarify if a child/adult is being harmed.
- Clarify the level of harm a child/adult is experiencing.
- Safeguard a child/adult who is being harmed.

Professional judgement must always be applied to the available evidence about each specific emerging concern, and about what is relevant, proportionate, and necessary to share. The concern must be placed in the context of available observed and recorded information about the child/adult, their needs and circumstances.

Consent to share: UK General Data Protection Regulation (GDPR) sets a high standard for consent and, in most cases where there are child/adult protection concerns, consent is unlikely to be an appropriate lawful basis to rely upon as it requires that individuals have real choice and control about the processing of their personal data. Relying on 'consent' as the lawful basis is not appropriate if, for example, refusal to give consent would prejudice a criminal investigation or might lead to serious harm to the child/adult. Furthermore, due to the power imbalance between a child or families and the authorities, it would be difficult to demonstrate that consent was freely given. In matters of child protection, it is therefore likely that reliance on consent would be the exception and not the rule.

Sharing without consent: Where there may be a child/adult protection concern, information may be lawfully shared without the need for consent to be obtained from the individual(s) to whom the information relates. The following considerations will be helpful to support relevant, proportionate, timely, safe and effective information sharing.

- If there is evidence that a child is at risk of significant harm, relevant information can be shared with a statutory agency without delay. Consent is not required or appropriate because the information must be shared in order to protect the child/adult. Consent should only be sought when the individual has a real choice over the matter. However, where appropriate, agreement and understanding about the sharing of information may be helpful in engaging individuals in the process.
- The needs, feelings, views and wishes of the child/adult should be taken into account and documented. They may also need additional support to understand and communicate.
- Information sharing decisions must be based not only upon considerations about the safety and wellbeing of the individual, but also the safety of others.
- Information can be shared without consent if, for example, a practitioner is unable to gain consent from the individual in time to prevent risk of harm, or if gaining consent could place a child/adult at risk.
- Relevant personal information can be shared lawfully if, for example, it is to keep a child/adult or individual at risk safe from neglect or physical, emotional or psychological harm. This must be done in a way that complies with the relevant areas of law such as data protection, human rights and confidentiality.
- In all circumstances, it is important to be transparent with children and families so that they know what information is to be shared or has been shared and in what circumstances. In certain exceptional circumstances, it may not be appropriate to advise the individual that information is to be shared.
- Children and their families should also be aware that they can challenge whether sharing information is proportionate.
- A record should be made of the reasons and considerations that informed the decision to share the information.

If, where there is a possible child/adult protection concern, a decision is made not to share information, **consider:**

- What are the reasons for deciding not to share information?
- What harm could result if this information is not shared?
- What are the possible risks for the child/adult or young person or for others if information is not shared and how serious could those risks be?

Reasons for not sharing should be recorded.

GUIDING PRINCIPLES

Information shared must only be that which is necessary for child/adult protection purposes. Individuals about whom information is being shared should not be put under pressure to consent to the sharing of their information. They should be informed and involved in such a way that they understand what is happening and why.

They should also be told what information about them is being shared, with whom and why this is necessary, unless to do so would be detrimental to:

- The best interests of a child/adult.
- The health or safety of a child/adult or another person.
- The prevention or detection of crime (e.g. creating a risk of harm to a child/adult).

or: The apprehension or prosecution of offenders.

or: It is not reasonably practical to contact the person.

- It would take too long given the particular circumstances (e.g. where you have to act quickly).
- The cost would be prohibitive.
- There is some other compelling reason.

Information sharing must be:

- Timely in relation to the child/adult protection concern.
- Secure in the manner in which it is shared.
- Explicit in the records about any dispute in facts or opinions shared.

Shared information and records held must:

- State with whom the information has been shared and why.
- Be accurate and up to date.
- Be explicit about reasons for sharing or not sharing information sharing that may be viewed as interfering with the right to private family life can only be lawful if it is done in a way that is proportionate to the achievement of a legitimate aim.

Records should only be retained for a period of ten years and destroyed in line with NTS Data Protection Policy and Retention Schedule. Collection, sharing and any other processing of special categories data made under this policy are also covered by the appropriate policy document referred to above.

When information is requested by other organisations this must be passed to the DPO and the Data Protection Officer for consideration. A decision to share information or not must be recorded and stored appropriately.

(adapted from National Guidance for Child Protection in Scotland 2021)

RECORDING

Good child/adult protection practice depends on having sufficient, clear, succinct, accurate and accessible records.

Write down the nature of the concern and anything else the person may have told you using, as far as possible the words used by the person. Remember to sign and date the notes taken. This information will form the basis of the referral and will also be required if there is an investigation.

STORAGE

Currently stored electronically in a password-protected file as well as passed to HR for secure storage. Records are retained for 10 years.

ONLINE SAFETY

All employees and freelancers must be aware of the Social Media Policy. In particular, the following sections that relate to the protection of children and adults at risk:

- Social Networking sites should not be used for accessing or sharing illegal content.
- If a member of staff is concerned by information or content posted on one of NTS official sites (Twitter, Facebook, YouTube, Instagram, TikTok) they should raise this concern with their DPO or line manager.
- Staff should refrain from using language which could cause offence to others.
- Privacy should be respected always – if a staff member wishes to post a photograph or information on an individual, they should gain prior permission from the individual and must not be posted on personal pages.
- Viewing and updating personal sites is not permitted during working times.
- Staff must not friend/follow participants of NTS projects on their personal accounts.

PHOTOGRAPHY

Permission must be sought to use imagery of participants in any activities of NTS. It must be made clear where the photographs are to be used. **(Appendix A)**

RECRUITMENT AND EMPLOYMENT

NTS will take all reasonable steps to prevent unsuitable people from working with children and adults. All staff and volunteers will be interviewed, require to be members of PVG and have two suitable references of their suitability to work with children/young people/adults.

TRAINING, LEARNING AND DEVELOPMENT

NTS has a responsibility to ensure all new staff undertake an induction programme. As part of this induction programme, NTS will ensure all staff are made aware of and understand their responsibilities in respect of this policy. For further information see Training and Development Policy.

Contractors and Sub Contractors

- Contractors provide valuable services to and on behalf of NTS. These contractors in turn may employ people or sub-contract to others. To protect children/adults and the reputation of NTS it is important that, where appropriate, any such contract for services/terms of engagement reflect the need for them to be aware of and to follow NTS Child and Adult protection policy and procedures; this includes ensuring that they are made aware of the process for reporting concerns to NTS DPO or an appropriate manager through induction process. If the contractor/subcontractor is delivering regulated work in relation to children or adults, they will be PVG checked in the same manner as an employee or freelancer.
- The responsibility for employees of contractors, and sub-contractors remain with the main contractor who must ensure that they are informed about their responsibility to report any concerns directly to them in the first instance and/or to an identified NTS DPO in line with this policy and procedure.

Chaperones

If a child is taking part in a performance and will not be supervised by their parent, school teacher or home tutor, they must be supervised by a chaperone.

There is no specific guidance about supervision ratios for organisations that are not in education or early years sectors. NSPCC recommend having at least two adults present when working with our supervised children and young people. NSPCC recommend the following adult to child ratios as the minimum numbers to help keep children safe.

0-2 years – one adult to three children

2-3 years – one adult to four children

4-8 years – one adult to six children

9-12 years – one adult to eight children

13-18 years - one adult to ten children

Depending on the needs and abilities of the children, and the nature of the activity, you may need to have more adults than the minimum.

If young people are helping to supervise younger children, only people aged 18 or over should be included as adults when calculating adult to child ratios.

learning.nspcc.org.uk/safeguarding-child-protection/for-performing-arts

Recruitment of Ex-offenders

NTS will treat any applicant for any position (paid or voluntary) within our organisation fairly, and not discriminate unfairly against the subject of a PVG on the basis of a conviction or other information revealed.

- We will request the appropriate level of PVG only where it is necessary and relevant to the position sought.
- Where a position requires a PVG, we will make this clear on the application form, job advert and any other information provided about the post.
- At interview, we will ensure that open and measured discussions can take place about offences.
- Failure to reveal information at interview that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
- At interview, or when receiving a PVG which indicates a conviction, we will take into consideration the following:
 - Whether the conviction is relevant to the position being offered.
 - The seriousness of the offence revealed.
 - The length of time since the offence took place.
 - Whether the applicant has a pattern of offending behaviour.
 - Whether the applicant's circumstances have changed since the offence took place.

We will ensure that all our staff members/volunteers involved in the recruitment process are aware of the Policy and have received relevant training and support.

Learning and development

NTS has a responsibility to ensure all new staff undertake an induction programme. As part of this induction programme, NTS will ensure all staff are made aware of and understand their responsibilities in respect of its Protection and Prevent Policies.

Other sources for help

NSPCC – 0808 800 5000

Childline - www.childline.org.uk 0800 1111

CEOP – Child Exploitation Online Protection www.ceop.police.uk/saety-crime

thinkyouknow – online safety education programme for CEOP www.thinkyouknow.co.uk

Social Work – contact the local authority where the project is taking place. You can find the right number to contact on the Scottish Government website:

www.mygov.scot/report-child-abuse

Police Scotland – 101 or 999 for emergency

APPENDIX A

FILMING/PHOTOGRAPHY/AUDIO - CONSENT FORM

Project Title – _____

National Theatre of Scotland is committed to the protection of all individuals who attend or are involved with its productions and activities.

The Company would like to record (film/photography/audio) your contribution as part of your participation in _____, including in rehearsals, workshops and the final production in its entirety.

The full recording of the final production shall only be used for research, not-for-profit educational, and archive purposes.

Selected extracts of recordings, up to a combined maximum of three minutes completed edited footage (three minutes rehearsal, and three minutes production, where relevant), and selected photos, may be used online or offline to promote:

- _____ or National Theatre of Scotland's programme.
- National Theatre of Scotland, the art form and/or the artists

National Theatre of Scotland reserves the right to share the content with partners and venues attached to _____ for the additional marketing and promotion of the project or the ongoing promotion of partners/venues work to their audiences/stakeholders on their own materials/ platforms.

National Theatre of Scotland will take all reasonable measures to ensure these recordings/ images are used solely for the purposes for which they are intended, as listed above. If you become aware of these recordings/images being used inappropriately, please email **info@nationaltheatrescotland.com** immediately.

Event: _____

Contributors Name: _____

SECTION A OR B TO BE COMPLETED

A. Contributor (Complete below)

I, _____ give my permission to be filmed, photographed, and/or my voice recorded for use by National Theatre of Scotland on its website and for other promotional uses, as listed above.

Signature _____

Print Name _____

Date _____

B. Parent/Guardian/Carer (Complete below) - Required to be signed if the person is under 18 years of age or an adult at risk.

I, _____ consent to National Theatre of Scotland filming, photographing and/or recording the voice of _____ for use on its website and for other promotional uses, as listed above.

Signature _____

Print Name _____

Relationship to young person/adult at risk _____

Date _____

National Theatre of Scotland will retain copyright for all recorded material.

If you wish to withdraw your permission after signing this form, please contact us at **info@nationaltheatrescotland.com**. We will cease using your image(s)/audio(s) as soon as practicable after our receipt of your email.

Recordings will be stored in line with National Theatre of Scotland's Child Protection Policy. Please email **info@nationaltheatrescotland** for a copy of this policy.

Data will be held in line with GDPR guidelines and the Data Protection Act 1998.

Any use outside of marketing and promotion of the project by partners and venues, or the ongoing promotion of their work to audiences/ stakeholders on their own materials/ platforms, offline and online, will be negotiated on a case-by-case basis.

It is National Theatre of Scotland's policy only to offer the first name of any children in the credit for photographs.

APPENDIX - CHAPERONES

Essential Criteria

Demonstrable experience of working with children and young people, including previous experience of acting as a chaperone to children and young people.

2 character references

Photo ID

Current membership of Protection of Vulnerable Groups scheme

Doctor's confirmation that they are fit and well - as required

Details of any previous and/ or current listing on another licensing authority's administrative chaperone register.

Face to face interview

Desirable Criteria

Awareness of UNCRC and the rights of the Child

Knowledge of the Common Core of Skills, Knowledge and Understanding & Values for the Children's Workforce.

Awareness of *Getting it Right for Every Child*

Awareness of the concept of Wellbeing and how to promote the wellbeing of children of varying ages.

PROCESS FOLLOWING A DISCLOSURE OR CONCERN FOR A CHILD, YOUNG PERSON OR ADULT AT RISK OF HARM

IF THERE IS IMMEDIATE RISK OF DANGER TO AN INDIVIDUAL, CALL THE POLICE, SOCIAL SERVICES OR THE NSPCC, THEN FOLLOW THE STEPS OF THE PROCESS.



STEPS FOLLOWING A CONCERN OR ALLEGATION AGAINST STAFF/CHAPERONE

