

Taking Care of Children:

Information for families living in Scotland

This leaflet gives basic information about the laws concerning the care and protection of children and young people living in Scotland. It also provides information about what is expected of adults caring for children.

In Scotland, parents have a legal responsibility to:

- Promote the general welfare, health and full development of their children and
- Protect them from harm

Equally, anyone caring for children has a responsibility to ensure their safety and wellbeing at all times.

Approved by

Shetland Child Protection Committee

Safeguarding Children and Young People in Shetland

Jul 09

The Law

In Scotland, a child is someone under the age of 16. The law affecting children and young people in Scotland is founded on the principles that:

- The welfare of the child is paramount
- All children have a right to protection from all forms of abuse, neglect or exploitation
- Parents should normally be responsible for the upbringing of their children

There are various laws in Scotland, which are designed to make sure that children and teenagers are properly protected and cared for. The Local Authorities and the Police are largely responsible for enforcing these laws, but all agencies and public bodies have responsibilities in ensuring that the requirements of the law are met. Also, we recognise in Scotland that it is **everyone's** responsibility to make sure that children and young people are safe whether parents or members of the public.

Physical punishment of children

In Scotland the law protects children and young people from harsh or excessive physical punishment or harm. You are encouraged to discipline your child in ways that do not require physical chastisement.

Our laws say that it is illegal to punish children using dangerous forms of physical punishment such as:

- Shaking
- Hitting on the head
- Using an implement to "punish" children (such as a shoe, cane, slipper)

Any indication of the physical abuse of children will be investigated by child protection services.

Dangerous forms of physical punishment to children and young people in Scotland are banned in law.

Children left unattended

You should never leave young children unattended, even for short periods of time and it is advised not to leave children at home alone. The Police will investigate and legal action may be taken if anything goes wrong in your absence, or if a child is injured or harmed as a result of being left alone.

Always leave your child in the care of a trusted adult.

You should always take steps to satisfy yourself that anyone else who may be looking after your child is responsible and trustworthy.

Never leave your child with a stranger.

The employment of children

In Scotland, children under the age of 13 are not allowed to work. No child under 16 may be employed before 7am or after 7pm. Children under 16 are not allowed to work more than 2 hours a day on any day, excluding Saturday, when they are allowed to work up to 5 hours (if under 15) or 8 hours (if 15 or over).

Children cannot be employed to work during school hours and can only work 1 hour before school begins. It is prohibited for children to work in any industrial setting (including factories and building sites) or in any work that is likely to be harmful to their health, wellbeing or education.

Children begging

Culturally, in Scotland, it is not acceptable for parents and carers to allow children to beg. Indeed, it is an offence in Scotland to cause or allow children under the age of 16 to be used for begging. This means that parents are responsible for their children and will be prosecuted should they allow their children to beg. It is very likely that if members of the public were to see children begging, they would inform the police.

Female Genital Mutilation (FGM)

It is an offence in Scotland to carry out this procedure or carry it out (or arrange to carry it out) abroad, even in countries where this may be legal.

Female Genital Mutilation is extremely harmful, causing long-term mental and physical suffering. It violates the most basic of human rights and is forbidden in Scotland.

Forced Marriages

Forced marriage is not condoned in Scotland and is considered to be an abuse of human rights.

The Police will investigate criminal offences that have been committed in order to force a child or young person to marry against their wishes.

Children who are forced into marriage or subjected to emotional, physical or sexual abuse as a result, are protected in law and abuse will be investigated by Child Protection Services.

Sexual activity and young people

In Scotland, anyone under the age of 16 is deemed in law as unable to give consent, and therefore, any sexual intercourse where there is no consent will be regarded as a criminal offence.

It is an offence in Scotland for adults to have sexual relationships with children under the age of 16.

Young people have a natural interest in sex and sexual relationships and have a right to receive Health Education, support and protection and this is recognised with the Education and Health Services in Scotland.

However, adults have a responsibility to identify when any relationships with young people may be abusive or exploitative. Adults should respond and offer support if this is thought to be the case. On such occasions adults must always consider reporting the matter to the authorities so that the young person concerned can be properly protected.

It is important to know that adults may groom children and young people with the intention of causing them harm. "Grooming" can be described as the behaviour of adults who may contact, befriend and associate with a child or young person with the intent of sexually abusing them. If you are concerned that your child or another child is being contacted in this way, seek advice and support and always report this to the Police.

Your responsibility

If you are a parent, you are responsible for the safety and well being of your children.

In normal circumstances, parents meet their responsibilities with no need for intervention on the part of state agencies. It is important in Scotland that the conduct of family life is, in general, left to parents and family members. However, it is equally important that the protection and wellbeing of children and young people is a matter of priority for everyone.

If you need any assistance in discussing any of these issues, there are a number of agencies in a position to help.

Useful telephone numbers

Emergency: 999

Child Protection

Duty Social Work:

Mondays – Thursdays, 9:00 am to 5:00 pm, and Fridays 9:00 am to 4:00 pm: **01595 744421**

At all other times, or when the offices are closed for national holidays please phone: **01595 695611**

Police: 01595 692110

Scottish Children's Reporter Administration: 01595 692436

NHS 24 — 24 hour telephone number for health services: **08454 242424**

ChildLine – Free 24 hour telephone number for confidential advice to children and young people: **0800 1111**

ChildProtectionLine – National free 24 hour contact number for child protection: **0800 022 3222**

ParentLine – Free 24 hour telephone number for confidential advice to parents: **0808 800 2222**

Scottish Domestic Abuse Helpline – Free phone 24 hour helpline for victims of domestic abuse: **0800 027 1234**

Victim Support Scotland – confidential helpline for people affected by crime: **0845 603 9213**

Equality and Human Rights Commission Helpline Scotland: 0845 604 5510

Useful publications

Shetland Islands Council's New Residents Guide to Shetland available in a number of languages on the internet at:

<http://www.shetland.gov.uk/newresidents>

Children, Physical Punishment and the Law:

A Guide for Parents in Scotland 2003, Scottish Executive ISBN 0 7559 0898 8

<http://www.scotland.gov.uk/Resource/Doc/47049/0025077.pdf>

Protecting Children and Young People: What you

can do to help if you are worried about a child or young person 2004, Scottish Executive, 2008

Shetland Child Protection Committee

<http://www.shetland.gov.uk/communitysafety/documents/CPCLeaflet-March2008.pdf>

To get this information in another language or format phone your local NHS Board on 01595 743060