# Child Protection Policy

Anne-marie Edwards counselling operates within the framework given under the Children Act 1989, for the care and protection of young people to care, safeguard and promote their welfare.

If we are receipt of any information which suggests that the welfare of young people has been compromised then it is my duty to disclose this.

I understand that this responsibility may result in tension in the trusting and confidential relationship that we aim to develop.

People need to understand my role and responsibility and therefore make informed judgement as to what is appropriate for them to disclose.

The Children Act 1989 provides the statutory framework for the care and protection of children. In this local authorities are given duties to:

1. Safeguard and promote the welfare of children within their area who are in need, and so far as is consistent with that duty to promote the upbringing of such children by their families.
2. Investigate where they have reasonable cause to suspect that a child is suffering or likely to suffer significant harm and to take appropriate action to safeguard or promote the welfare of the child.
3. Provide services to prevent children in their area suffering ill treatment and to reduce the need to bring court proceedings in respect of them.
4. Seek care or Supervision orders only where there appears to be no better way of safeguarding and promoting the welfare of the child suffering or likely to suffer significant harm.

The harm or likelihood of harm would have to be attributable to;

1. The care given to the child or likely to be given to him should the order were not made, not being what it would be reasonable to expect a parent to give him/her. or
2. The child is beyond parental control

The Children Act 1989 defines four categories of abuse

1. Physical
2. Sexual
3. Neglect
4. Emotional

Bullying is not a formal category of abuse however it can have a devastating effect upon both the physical and emotional well-being of a child/ young person and is therefore vitally important that the severity of its impact is both acknowledged and acted upon.

My counselling service operates within the All Wales Child Protection Procedures – ‘safeguarding children’

Working with self-harm.

As previously mentioned working with a client group who engage in self-harm or who express suicidal thoughts presents a counsellor with a unique challenge in attempting to maintain a balance between their right to privacy and a need to protect their wellbeing. In the case of significant self-harm or suicidal intent then the GP will be the first port of call.

The Children Act 1989 defines the criteria for protecting children in terms of significant harm

Harm as ill-treatment or the impairment of health and development

Significant the harm should be noteworthy and justify public intervention

(S31(9)). Children / Young people are defined in law as those under the age of 18 years.

# Gillick Competence and Fraser Guidelines for determining the maturity of a child under the age of 18.

According to the NSPCC ‘When we are trying to decide whether a child is mature enough to make decisions, people often talk about whether a child is 'Gillick competent' or whether they meet the 'Fraser guidelines'.

The Gillick competency and Fraser guidelines help us all to balance children’s rights and wishes with our responsibility to keep children safe from harm.

Lord Wolfe (1984) stated “...whether or not a child is capable of giving the necessary consent will depend on the child’s maturity and understanding and the nature of the consent required. The child must be capable of making a reasonable assessment of the advantages and disadvantages of the treatment proposed, so the consent, if given, can be properly and fairly described as true consent." [(Gillick v West Norfolk, 1984)](http://www.nspcc.org.uk/preventing-abuse/child-protection-system/legal-definition-child-rights-law/gillick-competency-fraser-guidelines/#pageref11215)

Lord Fraser states the premise to which the guidelines re; contraception can be applied.

Lord Scarman (1985) clarifies Lord Wolfe’s initial statement when Mrs Gillick took her case to The House of Lords “ ...it is not enough that she should understand the nature of the advice which is being given: she must also have a sufficient maturity to understand what is involved."

He also commented more generally on parents’ versus children’s rights:

"parental right yields to the child’s right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision."

# Guidelines are as follows:

Any person who has knowledge or suspects that a child is being harmed or is at risk of harm has a duty of care to refer their concern to one or more of the agencies with statutory duties or powers to investigate and intervene.

It is my responsibility to pass on concerns if I have them with or without consent of the person / people involved.

I will instigate the safeguarding process if I suspect significant harm or abuse. Where possible I will consult my supervisor.

Wherever possible the person will be involved in the decision making and be made aware of why decisions have been made. The reason for passing on information will be explained and the subsequent process described.

In certain circumstances information may need to be passed on without the young persons’ consent.

Signed ……………………………………………………………

Print ……………………………………………………………. Date …………………………………………