

WHAT IS CHILD ABUSE? SIGNS AND INDICATORS

The following examples are ways in which children may be abused or harmed, either within or outwith sport.

What is child abuse and child neglect?

“Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger.”

While it is not necessary to identify a specific category of abuse when adding a child's name to the Child Protection Register, it is still helpful to consider and understand the different ways in which children can be abused.

- | | |
|---------------------|---------------------|
| (i) Emotional Abuse | (ii) Physical Abuse |
| (iii) Neglect | (iv) Sexual Abuse |

These categories are not mutually exclusive, for example, a child experiencing physical abuse is undoubtedly experiencing emotional abuse as well. The following definitions show the different ways in which abuse may be experienced by a child but are not exhaustive, as the individual circumstances of abuse will vary from child to child. (All definitions taken from ‘*National Guidance for Child Protection in Scotland 2010*’).

Identifying Child Abuse

Although the physical and behavioural signs listed may be symptomatic of abuse, they may not always be an indicator and, conversely, children experiencing abuse may not demonstrate any of these signs.

Child abuse is often difficult to recognise. It is not the responsibility of anyone involved in sport to decide whether or not a child has been abused. This is the role of trained professionals. We all however, have a duty to act on any concerns about abuse.

(i) EMOTIONAL ABUSE

“...is the persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. ”

It may involve the imposition of age or developmentally inappropriate expectations of a child. It may involve causing children to feel frightened or in danger, or exploiting or corrupting children. 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.

Examples of Emotional Abuse in Sport

- Persistent failure to show any respect to a child e.g. continually ignoring a child
- Constantly humiliating a child by telling them they are useless

- Continually being aggressive towards a child making them feel frightened
- Acting in a way which is detrimental to the child's self-esteem

Signs which **may** raise concerns about emotional abuse include

- low self-esteem
- running away
- extremes of passivity or aggression
- significant decline in concentration
- indiscriminate friendliness and neediness
- self-harm or mutilation

(ii) PHYSICAL ABUSE

“...is the causing of physical harm to a child or young person. Physical abuse 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”.

Most children sustain accidental cuts and bruises throughout childhood. These are likely to occur in parts of the body like elbows, shins and knees. An important indicator of physical abuse is where the bruises or injuries are unexplained or the explanation does not fit the injury or the injury appears on parts of the body where accidental injuries are unlikely e.g. on the cheeks or thighs. The age of the child must also be considered. It is possible that some injuries may have occurred for other reasons e.g. skin disorders, rare bone diseases.

Examples of Physical Abuse in Sport

Bodily harm that may be caused by:

- Over training or dangerous training of athletes
- Over playing an athlete
- Failure to do a risk assessment of physical limits or pre-existing medical conditions
- Administering, condoning or failure to intervene in drug use

Signs which **may** raise concerns about physical abuse include

- refusal to discuss injuries
- improbable excuses given to explain injuries
- running away
- excessive physical punishment
- avoiding activities due to injuries or possibility of injuries being discovered
- aggression towards others
- fear of parents being approached for an explanation
- untreated injuries
- unexplained injuries, particularly if recurrent
- wearing long or extra clothing to hide injuries

(iii) 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. 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”.

Neglect may also result in the child being diagnosed as suffering from ‘non-organic failure to thrive’, where they have significantly failed to reach normal weight and growth of development milestones and where physical and genetic reasons have been medically eliminated. 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 and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

Examples of Physical Neglect in Sport

- Exposing a child to extreme weather conditions e.g. heat and cold
- Failing to seek medical attention for injuries
- Exposing a child to risk of injury through the use of unsafe equipment
- Exposing a child to a hazardous environment without a proper risk assessment of the activity
- Failing to provide adequate nutrition and water

Signs which may raise concerns about neglect include

- constant hunger
- constant tiredness
- untreated medical problems
- poor peer relationships
- poor personal hygiene and/or poor state of clothing
- frequent lateness or unexplained non-attendance (particularly at school)
- low self-esteem
- stealing

(iv) *SEXUAL ABUSE*

“...is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is 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, pornographic material or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways”.

Some of the aforementioned activities can occur through the internet. Boys and girls are sexually abused by males and females, including persons to whom they are and are not related and by other young people. This includes people from all walks of life.

Some children may never be able to tell someone they have been sexually abused. Changes in a child's behaviour may be a sign something has happened. In some cases there may be no physical or behavioural signs to suggest that a child has been sexually abused.

Examples of Sexual Abuse in Sport

- Exposure to sexually explicit inappropriate language or jokes
- Showing a child pornographic material or using a child to produce such material
- Inappropriate touching
- Sexual intercourse and/or sexual activity with a child under 16

The following signs may raise concerns about sexual abuse

- lack of trust in adults or over familiarity with adults, fear of a particular adult
- sleep disturbance (nightmares, bed-wetting, fear of sleeping alone)
- girls taking over the mothering role
- social isolation – being withdrawn or introverted, poor peer relationship
- running away from home
- school problems e.g. falling standards,

- | | |
|--|--|
| <ul style="list-style-type: none"> • reluctance or refusal to participate in physical activity or to change clothes for games • drug, alcohol or solvent abuse • sexual promiscuity, over-sexualised behaviour, compulsive masturbation • unusual interest in the genitals of adults, children or animals • bruises, scratches, bite marks to the thighs or genital areas • discomfort/difficulty in walking or sitting • urinary tract problems, vaginal infections or genital damage • stained underwear, soiling or wetting • fear of bathrooms, showers, closed doors • having irrational fears • psychosomatic factors e.g. recurrent abdominal or headache pain | <ul style="list-style-type: none"> • truancy • low self-esteem • display of sexual knowledge beyond the child's age • eating disorders • anxiety, depression, self-harm/mutilation, suicide attempts • pregnancy • fear of medical examinations • genital odour, venereal /sexually transmitted diseases • itchiness, soreness, discharge, unexplained bleeding from the rectum, vagina or penis • abnormal sexual drawings • developmental regression/acting younger than their age • "Grooming" including over the internet • wearing extra clothing / clothing tied tight (e.g. tracksuit trousers); reluctance to wear sports kit |
|--|--|

Children and Young People with a Learning or Physical Disability

Research, including "It doesn't happen to disabled children" Child Protection and Disabled Children, NSPCC (2003), tells us that children and young people who have a learning or physical disability are more vulnerable to abuse. This is because

- They are often dependent on a number of people for care and handling, some of which can be of an intimate nature
- They may be unable to understand the inappropriateness of the actions or communicate to others that something is wrong
- Signs of abuse can be misinterpreted as a symptom of the disability
- Like other children, they are fearful of the consequences of disclosing abuse
- Attitudes and assumptions that children with disabilities are not abused
- They may be unable to resist abuse due to physical impairment
- Of negative attitudes towards children with disabilities
- Possible failures to recognise the impact of abuse on children with disabilities

Particular care should be taken by all staff and volunteers when working with children affected by disability.

RELEVANT LEGISLATION

This is intended as a brief guide to the legislation relevant to the care and protection of children in Scotland. Sports organisations should obtain advice from a solicitor in relation to specific legal issues.

INTERNATIONAL CONVENTIONS

United Nations Convention on the Rights of the Child (1989) UNCRC

An international agreement which prescribes the rights of all children and young people under the age of 18. The rights in the Convention generally cover three areas: participation (e.g. a child's right to have a say in decisions which affect them), provision (e.g. provision of services to promote health and education) and protection (e.g. the right to be protected from all forms of abuse, harm and exploitation at all times).

The UK is a signatory to UNCRC and must report to a UN Committee on steps taken to promote and respect these rights. Whilst not legally binding, the Convention is highly influential on decisions made by courts and public authorities about the lives of children.

European Convention on Human Rights (1950)

This convention is legally binding on the UK because its provisions were introduced in to the law of Scotland by the Human Rights Act 1998 and the Scotland Act 1998. The rights prescribed apply to children and adults. The main articles of relevance are:

Article 8: right to respect for private and family life, home and correspondence

Article 3: the right not to be tortured or experience inhuman or degrading treatment

Courts and public authorities must act in a manner which is consistent with these rights and can only interfere (in some cases) where there is a legitimate reason to do so. The protection of children is one such reason. For a copy of the Convention see

http://www.hrcr.org/docs/Eur_Convention/euroconv.html

UK and SCOTTISH LEGISLATION

Rehabilitation of Offenders Act 1974

Generally, criminal convictions become spent after a period of time (which depends on the sentence imposed by the court at the time of conviction). As a result of this Act spent convictions, generally, do not have to be disclosed to potential employers.

Exclusions and Exceptions (Scotland) Amendment Order 2010

There are certain jobs and voluntary positions for which prospective employers need to know about a person's criminal record to decide whether they are suitable for the position e.g. regulated work with children and protected adults. This Order lists the positions and professions where there is an exception to the general rule on non-disclosure of convictions.

Police Act 1997

Part V of this legislation made it possible for local authorities, third sector organisations (e.g. sports organisations) as well as other organisations to seek to obtain criminal record certificates on individuals likely to undertake direct work with children and other vulnerable groups.

Age of Legal Capacity (Scotland) Act 1991

Children under 16 do not generally have legal capacity. This act sets out the circumstances in which children are regarded as having legal capacity including the ability to consent to medical treatment.

Criminal Procedure (Scotland) Act 1995

Schedule 1 to this Act contains a list of offences against children e.g. abandonment or wilful neglect. Someone who has committed an offence which is listed in this Schedule is often referred to by professionals as a “Schedule 1 offender”.

Children (Scotland) Act 1995

The main piece of legislation covering child welfare and protection. Covers the rights and responsibilities of parents, the role of the local authority, the Children’s Hearing System and introduced a number of measures for taking action to protect children in an emergency. This Act clearly states that the best interests of the child must always be considered and children should be given an opportunity to have a say on matters which affect them, should they wish to do so.

Data Protection Act 1998

Applies to any information, however obtained and used, which relates to living persons. Covers how such information is to be gathered, stored, processed and protected. All organisations that hold or process personal data must comply.

Sexual Offences (Amendments) Act 2000 – Sexual Offences (Scotland) Act 2009

Introduced a new offence of abuse of trust applicable to “positions of trust” which involve looking after children and young people who are in full time education, detained under a court order, looked after in a hospital/ children’s home or other establishment providing social care or in foster care.

Section 55 also allows for a Scottish resident to be convicted of an offence committed abroad if it would be deemed a criminal offence in Scotland. It is no longer necessary for the behaviour to be illegal in the country where it occurs. Unlawful sexual intercourse with a 12-year-old somewhere in Asia, for example would be able to be prosecuted in Scotland.

Protection from Abuse (Scotland) Act 2001

While the primary focus of this legislation is women subjected to domestic abuse and the potential legal remedies available to them, parts of this Act can be applied to attempts to safeguard the interests of children, particularly given what is now known about the impact of abuse on children. The primary remedy offered by the Act is that of the powers of arrest being attached to an interdict, regardless of the relationship between the abused and the abuser.

Criminal Justice (Scotland) Act 2003

Amended the law in Scotland in relation to the physical punishment of children by parents. This Act makes it illegal for parents to hit a child on the head, hit a child with an implement and to shake a child.

Commissioner for Children and Young People (Scotland) Act 2003

This Act created the role of Scotland’s Commissioner for Children and Young People. The Commissioner promotes and safeguards the rights of children living in Scotland as set out in UNCRC.

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

Addresses the predatory behaviour of those who “groom” children with the aim of abusing them by introducing a new offence of “grooming”. Enables the police to take preventative action before the child meets the perpetrator. Provides the police and courts with additional powers to apply for and grant, a Risk of Sexual Harm Order on those who are considered to pose a risk to children.

Protection of Vulnerable Groups (Scotland) Act 2007

All organisations have a legal responsibility to ensure that any individual who will be in regulated work with children or protected adults is not listed on the Children’s List and/or Adult’s List, which bars them from working with children and/or protected adults. Regulated work with children includes
- caring for children

- teaching, instructing, training or supervising children
- being in sole charge of children
- having unsupervised access to children
- being a host parent

The PVG Scheme is a membership scheme for people doing regulated work with children and/or protected adults in Scotland. For an organisation to check an individual against a list, they can request an individual becomes a PVG Scheme member by applying for a Scheme Record. A Scheme Record disclosure will provide the organisation and individual with any vetting information, criminal conviction information, if they are on the Sex Offender's Register, relevant non-conviction information from police forces and any prescribed civil orders. This information may then help employers to make safer recruitment decisions. Short scheme records and statements of scheme membership are other forms of disclosure available to organisations and individuals.

Organisations also have a legal duty to refer individuals who meet the referral criteria to Disclosure Scotland to be considered for listing. The PVG Scheme is managed and delivered by Disclosure Scotland. Organisations can register directly with Disclosure Scotland to access this vetting information.

For more information and details on PVG: <http://www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation/>

USEFUL CONTACTS AND WEBSITES

USEFUL CONTACTS

CHILDREN 1ST - www.children1st.org.uk

sportscotland - www.sportscotland.org.uk

Local Authority Child Protection in Sport Network Group

Scottish Association of Local Sports Councils - www.salsc.org.uk

Scottish Disability Sport - www.scottishdisabilitysport.com

Scottish Sports Association - www.scottishsportsassociation.org.uk

Stop it now - www.stopitnow.org.uk

Credit: This policy document was produced in partnership with Safeguarding in Sport, CHILDREN 1ST, 61 Sussex Street, Glasgow, G41 1DY

T: 0141 418 5674

E: safeguardinginsport@children1st.org.uk

W: www.safeguardinginsport.org.uk

| | |
|---|---|
| Safeguarding in Sport | CHILDREN 1 ST 61 Sussex Street Glasgow G41 1DY 0141 418 5674 www.safeguardinginsport.org.uk |
| sportscotland Help For Clubs | Doges, Templeton on the Green 62 Templeton Street Glasgow, G40 1SA 0141 534 6500 www.sportscotland.org.uk www.helpforclubs.org.uk |
| CHILDREN 1ST | 83 Whitehouse Loan Edinburgh EH9 1AT 0131 446 2300 www.children1st.org.uk |
| ChildLine in Scotland | 0800 1111 www.childline.org.uk |

| | |
|--|---|
| ParentLine Scotland | 0800 028 2233 www.parentlinescotland.org.uk |
| Child Protection in Sport Unit (NSPCC- covers England, Wales and Northern Ireland) | 0116 234 7278 www.thecpsu.org.uk |
| Scottish Disability Sport | 0131 317 1130 www.scottishdisabilitysport.com |
| Central Registered Body in Scotland | General Helpline: 01786 849 777 www.crbs.org.uk |
| Disclosure Scotland | 0870 609 6006 www.disclosure-scotland.org.uk |
| Scottish Government | www.scotland.gov.uk/childprotection |
| Commissioner for Children and Young People | www.sccyp.org.uk |
| Volunteer Development Scotland | 01786 479 593 www.vds.org.uk |
| Legislation | www.opsi.gov.uk/index.htm |
| Child Exploitation Online Protection (CEOP) | www.ceop.police.uk |
| Respect Me | www.respectme.org.uk |
| Anti Bullying Network | www.antibullying.net/ |

For more information and details on PVG: <http://www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation/>