



**Scotland's Commissioner
for Children & Young People**

Enquiries Service Handbook

Updated April 2015

What Does the Enquiries Service Do?

The Commissioner for Children and Young People (Scotland) Act 2003 – the Act that created the Commissioner’s office - makes no provision for the Commissioner to intervene in individual enquiries. The reasoning behind this was that it was thought that focusing on issues affecting groups of children and young people – and not just individuals – would enable the Commissioner to work in a more strategic way.

However, it was recognised that, given the high profile of its work, the office would still be contacted by children and young people, members of the public and professionals looking for information and guidance about children’s rights and seeking solutions to their own individual issues.

For this reason, it made sense to have a dedicated enquiries team – with specially trained personnel – to handle these enquiries and provide a comprehensive signposting and information service.

SCCYP is an associate member of the Telephone Helplines Association (THA). We aim to follow the principles outlined in the THA’s Quality Standards, although we are not formally accredited by the THA. We are also members of the Helplines Partnership which is the UK membership body for organisations that provide helpline services.

General Principles of Enquiries Work at SCCYP

A key part of SCCYP’s work is engaging with children and young people, professionals and members of the public.

When people contact SCCYP they look to us for help with a range of issues relating to children and young people. In some cases – e.g. where a case relates to only one child or children in a particular family - we will endeavour to provide signposting assistance, as well as providing any additional information the enquirer may find useful, rather than intervening in an individual case.

In other cases the issues raised by an enquirer will be broader and may apply to a group of children and young people – e.g. a school class or pupils at a school - and it may then fall within the remit of the Commissioner to intervene.

We welcome all contact with SCCYP as:

- it highlights where there may be emerging issues/geographical trends
- it helps us maintain regular contact with our target group
- it gives us an opportunity to help children and young people have a say
- it helps inform our policy work.

We recognise, however, that whilst expectations of the Commissioner will always be high – particularly from children and young people and members of the public - we will not always have the capacity to help every enquirer in the way that they might wish. In some cases it may not be appropriate for us to get involved at all.

We are also aware that those coming to us at a late stage, having already spoken to a number of other agencies, may not understand the limitations of the Commissioner’s remit and are more likely to demand intervention at a disproportionately high level - i.e. a formal investigation – and may not be aware of the other forms of assistance we may be able to offer.

For this reason we have developed a Levels of Engagement framework. This framework clearly outlines the ways in which we are able to engage with our stakeholders. It also enables us to set out where we feel our involvement might be most useful or to identify where others may be better placed to help.

Definition of a Group Enquiry

SCCYP defines a group enquiry as being one that involves two or more children, not resident in the same household and/or not from the same family.

The enquiry should ideally relate to an issue which actually affects two or more children and young people and not just one that could potentially affect multiple children/young people.

For example, we will not automatically treat an enquiry as a group case on the grounds that it *may* have wider implications for other children and young people in Scotland (unless there is clear evidence to suggest this is the case and we feel it is appropriate for us to become involved).

Our Philosophy

When considering requests for help from SCCYP, we will operate under the following principles:

- we will acknowledge all enquiries promptly
- we will be open and honest with all enquirers about the help we may or may not be able to provide
- we will not make promises that we cannot deliver
- if we are unable to help, we will be clear about the reasons for this
- if we have to withdraw our help at any stage, we will do so in a timely manner and will be clear about the reasons for this
- where we are unable to take an issue forward, we will make every effort to signpost an enquirer on to alternative help
- we will not duplicate work or intervene where a complaint is more appropriately handled by another agency

Other Considerations

Experience to date has shown that many of those contacting SCCYP have already exhausted several avenues of complaint by the time they reach us.

Often they have been signposted repeatedly and have found no-one willing to take action on their behalf.

Those approaching SCCYP at this stage often feel that by contacting us they're "taking their issue right to the top". They may also feel that this is the only remaining avenue left open to them to pursue.

This may be accompanied by the (mistaken) belief that the Commissioner has the power to over-turn the official decisions of bodies – e.g. courts, Children's Hearings - or re-open investigations that have already taken place. There appears to be a common misconception amongst the public that the Commissioner performs an ombudsperson role, when s/he does not.

In addition to this, we are likely to receive regular requests for assistance from voluntary organisations and other agencies, asking the Commissioner to raise or take forward an issue on their behalf.

Requests to intervene that are made face to face – and those made directly to the Commissioner – are often the most difficult to refuse. Without a clear protocol/framework, it makes it almost impossible for SCCYP to justify saying "no" to any request for assistance.

A blanket refusal to help – without explanation - can add to the frustrations of enquirers, who may already feel that no-one is listening to what they have to say. It

may be, however, that we are not the most appropriate body to respond to their concerns.

We should always outline what we anticipate our role might be at an early stage so that we do not unfairly raise expectations. It is important to provide clarity on this, so that enquirers are clear about what their interaction with the Commissioner may or may not involve and at which stage(s) our involvement may be withdrawn.

Equally, SCCYP staff can benefit from knowing:

- that there is a clear process for deciding when SCCYP should become involved in a group enquiry
- that there are different levels of help that we can provide and specific examples of what these might be
- that SCCYP has a clear definition of what constitutes a group enquiry
- that there are clear exit strategies in place
- it will be rare that we are able to offer no help whatsoever

We should also be honest that when we decide to ask for further clarification – e.g. writing a letter to a local authority – that this does not automatically guarantee our future involvement in a case.

If we decide not to take an enquiry further, we will clearly indicate this to the enquirer and outline the reasons for our decision.

Investigations

We anticipate that, given the likely time commitment/staff resources required, the Commissioner carrying out a full-scale investigation is likely to be a rare event.

To date the Commissioner has carried out no investigations.

When Would We Definitely Not Become Involved in an Enquiry?

There are some instances where SCCYP would definitely not take up an enquiry. These are outlined in the legislation creating the Commissioner's role – the Commissioner for Children & Young People (Scotland) Act 2003 - and specified below:

- where an enquiry clearly relates only to a particular child or young person (or children/young persons in the same family/household). *E.g. where a case relates to a dispute over custody following a family break-up*
- where there are legal proceedings relating to the issue or a tribunal is ongoing (or where the enquirer is seeking to overturn the decision of a court of law). *E.g. where a case relates to a birth parent contesting an adoption order in court*
- where we would be duplicating the role of another agency. *E.g. where the matter clearly comes under the remit of the Care Inspectorate or the Scottish Public Services Ombudsman*
- where the enquiry affects children not resident in Scotland (in this case, we may signpost an enquirer on to another UK Commissioner) *E.g. where the child concerned lives with their father in England*
- where the enquiry relates to a matter that is reserved to the Westminster Parliament. *E.g. relating to a benefits claim*

The Commissioner retains the right to veto SCCYP's involvement in any group enquiry if s/he feels SCCYP's involvement would be inappropriate or damaging to SCCYP in any way. The Commissioner can also decide to withdraw support at any stage.

When Should A Group Enquiry Take Priority?

The Commissioner is clear that the following enquiries should take priority:

- those raised by children and young people themselves
- those raised by (or on behalf of) children and young people whose views might not otherwise be heard
- those where the Commissioner feels that SCCYP's intervention can make a unique and recognisable difference

Whilst these groups of enquiries will take always priority, this does not, however, indicate that all issues falling into this category will necessarily be taken forward by SCCYP.

Definition of a Child or Young Person

SCCYP's remit is to help children and young people resident in Scotland up to the age of 18. This remit extends to 21, if a young person has at any time been in the care of a local authority (e.g. in foster care). This is the definition we will use when deciding whether or not to intervene in a group enquiry.

Definition of a Child or Young Person Whose Views Might Not Otherwise Be Heard

There are groups of children and young people who may find it more difficult to have their views heard. This may be due, for example, to disability, to geography or to family circumstances.

SCCYP positively encourages enquiries from all children and young people, but especially from these groups. This is not an exhaustive list, but examples of who this might include are:

- children and young people who have a communication difficulty (e.g. who are deaf or have a hearing impairment or who are blind or visually-impaired)
- children and young people who have learning difficulties
- children and young people who have been looked after/in care
- children and young people for whom English is not their first language

What Other Factors Will Be Taken Into Account?

When considering whether or not to get involved, these other factors should also be taken into account:

- whether the matter raises an issue of particular significance to children and young people generally or to particular groups of children and young people (as stipulated in the Commissioner for Children & Young People (Scotland) Act 2003)
- whether the matter fits with current policy priorities
- whether the matter links into research we may already be undertaking
- the potential local/national impact of the issue
- whether our involvement will safeguard and/or promote awareness and understanding of the rights of children and young people
- whether work is already being carried out by other UK Commissioners on the same topic
- whether the issue closely links to forthcoming legislation/a Scottish Government consultation
- whether we can have a measurable and lasting impact in the matter
- whether we have the staff capacity to take the matter forward

Levels of Engagement

Our involvement in a group enquiry might encompass one or several of these activities.

For the purposes of clarity, activities have been grouped into 5 different levels.

Level 1 = basic information provision & signposting/logging of an enquiry

Level 2 = more involved information provision & signposting/clarification

Level 3 = lower level hands-on involvement by SCCYP

Level 4 = higher level hands-on involvement by SCCYP

Level 5 = formal investigation

Specific examples of what each level of engagement might involve are listed below:

Level 1

Engaging at Level 1 might involve:

- providing a listening ear/logging the query (in order to monitor emerging trends)
- offering to personally inform the Commissioner of the query/issues arising out of it
- providing basic information & signposting (e.g. a phone number/details of another organisation)
- providing SCCYP resources (e.g. reports, a factsheet/leaflet) or links to resources

Level 2

Engaging at Level 2 might involve:

- providing more in-depth information and signposting (involving some research)

- making contact with an external agency e.g. a local authority to request information/clarify the issue
- contacting an external agency to find out if/how children and young people have been involved in a decision that affects them
- offering to feed information into existing SCCYP work (e.g. a case study for research)
- suggesting another organisation who might be able to take forward the issue on an enquirer's behalf
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Level 3

Engaging at Level 3 might involve:

- facilitating a meeting with involved parties
- carrying out a Children's Rights Impact Assessment (to be shared with the enquirer and external agency)
- making recommendations about how practice could be improved
- highlighting an issue in our annual report
- the Commissioner highlighting the issue as part of a speech/presentation
- including an issue in SCCYP's response to a Scottish Government consultation
- asking children and young people for an input
- issuing a press statement
- producing a briefing note

Level 4

Engaging at Level 4 might involve:

- SCCYP writing a report and laying it before Parliament
- SCCYP carrying out research
- SCCYP offering to host a seminar on the subject
- SCCYP proposing an amendment to legislation
- SCCYP leading on a joint statement of all UK Commissioners

Level 5

Engaging at Level 5 would involve:

- conducting a formal investigation into the issue raised

We do not formally assign an enquiry a formal “Level” when deciding how to progress it. These “Levels of Engagement” are designed to help prompt ideas and to give an indication of the different types of action the Commissioner might take to resolve an enquiry. We do not currently log statistics of how many enquiries we have tackled at which level.

Historically, the vast majority of enquiries have been handled at levels 1 and 2 (although some enquiries might then go on to be handled at Levels 3 & 4 – e.g. where information is being collated together for a SCCYP Report or a consultation response is being prepared to send to the Scottish Government).

Ways in Which We Receive Enquiries at SCCYP

There are a number of ways enquiries come to SCCYP. These include:

- a phone call to SCCYP’s main reception
- a phone call to SCCYP enquiries line
- a phone call to SCCYP’s Young Persons’ Freephone numbers
- a discussion with a SCCYP staff member at an event
- via e-mail
- via text message
- via the SCCYP website
- via letter
- via anonymous letter (e.g. where someone is whistleblowing suspected poor practice)
- via SCCYP’s Information Officer (e.g. where an information request turns into an enquiry)
- via social media (e.g. Facebook or Twitter)
- via visit to the office

What is the difference between an Enquiry and an Information Request?

For SCCYP, an enquiry:

- tends to be more in-depth in nature and often relates to individual circumstances (even if we cannot directly intervene in those circumstances)
- may relate to a group of children and young people
- often requires signposting in addition to information.

Enquiries are normally handled by the Enquiries Officer

For SCCYP, an information request:

- may be a general question about SCCYP's functions (e.g. what we do and how we do it)
- may be a question about statistics (not necessarily related to SCCYP), but usually related to children and young people
- may be a request for factual information/copies of SCCYP's publications
- may be made under the Freedom of Information (Scotland) Act

Information requests are normally handled by the Information Officer. In the absence of the Information Officer, they will be handled by the Head of Corporate Services.

How do people find out about SCCYP

Whilst we do publicise the work of SCCYP widely, and the enquiries service is publicised as part of this, we do not normally publicise the Enquiries Service widely as a separate entity. People tend to hear about the enquiries service through:

- reading a SCCYP publication (the details of the Young Persons' Freephone are always printed at the back of these)
- the SCCYP website
- word of mouth
- hearing the Commissioner speak at an event
- press coverage
- inclusion of SCCYP's details in certain outside publications (e.g. confidentiality leaflet for young people produced for use in the NHS)
- inclusion of SCCYP's details on certain key websites
- social media

We tend not to publicise the service further as:

- we do not have a remit to intervene in individual enquiries and are wary of raising expectations that we cannot meet
- we have limited capacity to deal with enquiries

Contacting the Enquiries Service

Recognising that enquirers--particularly young people--may find it difficult to contact us by telephone during office hours, we also offer the option of e-mailing the service, writing to us, or contacting us via the SCCYP website. Children and young people may also contact the enquiries service on the Young Person's Freephone number or the Young Person's free mobile number, by text message (via the website), on Facebook (Scotland's Commissioner for Children and Young People page) or Twitter (@RightsSCCYP).

The enquiries service has one dedicated e-mail address, which is linked to the form on the website home page: inbox@sccyp.org.uk. This address and the links on the website are automatically directed to the Enquiries Officer's inbox.

Another e-mail – info@sccyp.org.uk – is also used in some of our publications as a means of contacting SCCYP, particularly in regard to Freedom of Information requests. This e-mail goes directly to our Information Officer.

The Digital Media Officer will pass on any posts from Facebook or Twitter that may need to be treated as enquiries to the Enquiries Officer for decision and follow-up. If a post raises a child protection concern and the Enquiries Officer is not contactable, the Digital Media Officer will contact the Head of Policy or the Commissioner (or in their absence, another member of the Management Team).

Enquirers do not often come to the office, but when they do they should be seated in a meeting room, offered refreshments and the Enquiries Officer informed. Anyone meeting with an enquirer should ensure that:

- where possible, the blinds are left open, that you are clearly visible and that another member of staff is aware of the meeting
- you should seat yourself closest to the door in order that you can leave quickly & safely, if required
- if the meeting room is unavailable, you should avoid using areas such as the kitchen/toilet areas. Stick to public areas such as the soft seating instead

If the Enquiries Officer is not in the office, enquirers should be given contact details for the Enquiries Officer (telephone and email), along with the option of leaving a contact number and convenient time if they would prefer the Enquiries Officer to telephone them.

Interpreters and translators

SCCYP are members of 'Happy to Translate' and have designated contacts for interpretation and translation services.

If an enquirer contacts the office needing interpretation services, there is a Happy to Translate folder kept at Reception with information and aids for communication.

The Scottish Government currently funds an NHS 24 online BSL Video Relay Interpreting Service pilot which aims to improve access to health services for people in Scotland who are deaf, deafened or hard of hearing. Service users are now able to contact this office through the BSL Video Relay Interpreting Service. If you receive a call from a deaf person using the VRS system you should treat it in the same way as you would if it was from a hearing person. The only difference is that there is an interpreter acting as an intermediary; they will tell you this when you answer the phone. You simply need to be aware that you may receive a call in this way. You can also make a call to a deaf person using the same system. To use this service, you should call 0131 510 4555 to connect to the online interpreter and give the name of the person you wish to call. The deaf person you are calling will have to have the "interpretnow" app installed and the interpreter will relay the call. More information on how the BSL Video Relay Interpreting Serviceworks can be found on the contactSCOTLAND website at www.contactscotland-bsl.org.

Enquiries in the Enquiries Officer's absence

If the Enquiries Officer is away for a short time and you do take a call, a message should be taken (ask if the enquirer would like to leave a number or if they would prefer to phone back) or the enquirer can be asked to e-mail their enquiry (with the exception of a child protection concern which needs to be dealt with immediately. Information about how to respond to child protection concerns is circulated to staff members and should be kept on desktops so easily to hand. It is also available on TRIM). Do not leave a child protection concern unanswered (unless you have checked with the Commissioner and they feel it does not need to be dealt with urgently).

If the Enquiries Officer is absent for a longer period (annual leave or prolonged illness) the Head of Policy will provide cover.

Any **child protection concerns** need to be discussed **straight away** with the Commissioner, the Head of Policy or a member of the senior Management Team as they may require urgent and immediate action.

Support and Debriefing

The nature of calls (and e-mails/letters) coming into SCCYP can be very distressing and graphic in content. For example:

- where a call relates to an issue that mirrors your own experiences or “hits a nerve” (e.g. a call about bullying might remind you of something that happened to you)
- where a call has come from a young person who has been very distressed and/or angry
- where a call has come from a parent who is upset and/or crying
- where a call describes circumstances that are very sad and/or shocking (e.g. description of sexual abuse/physical abuse)

Listening to these types of call can be emotionally and physically draining. If you become involved in a distressing enquiries phone call, you may wish to take the opportunity to ‘debrief’. The office also subscribes to the “Health Matters Assistance Programme”, which provides practical information, resources and counselling to help staff balance their work, family and personal life. This service is available 24 hours a day over the telephone ((0800 083 7545) and online at www.hmap.online.co.uk

Ways to Debrief

- for very graphic calls, it’s helpful to find someone you can talk to who is not going to be emotionally affected by what you have to say (anyone who is likely to become very upset can actually make you feel worse as you may feel guilty for upsetting them)
- it is usually easier to talk to someone who is one step removed from the enquiry – that is, someone who hasn’t had direct contact with the enquirer - as sometimes the most distressing thing about a call is listening to the emotions of the caller (e.g. where they are crying)
- you need to talk about what you have heard and any ways in which it has personally affected you so that you do not take an enquiry home with you.

- you are not personally responsible for the caller – but you can feel that you are - and you sometimes need to talk to someone else to realise this is not the case.

Enquiries Database

The Enquiries Service has a dedicated database for logging enquiries. The Filemaker system is a case management system in which all information relating to the enquiry, e.g. letters, e-mails, notes of phone calls, etc. is stored as separate case files.

When an Enquiry Comes In

Enquiries are logged on Filemaker as soon as possible as:

- it ensures the correct contact details are stored with the enquiry
- it ensures that we have a written record of all calls (particularly important where a child protection concern has been raised)
- it ensures enquiries letters to SCCYP are logged and we can track who is dealing with a particular enquiry
- it keeps information secure and confidential
- it provides a clear trail – so we can see what has happened to an enquiry e.g. if we have written to a local authority and then received a response – all the information is attached to the enquiry
- it highlights who is still waiting for a response from SCCYP at any given time
- it means if an enquirer contacts us again, we have details of their original enquiry
- it helps us build up a picture of emerging issues
- it helps us categorise enquiries and create statistical data/reports for our annual report

Phone Calls

Phone calls to SCCYP should be noted and logged as soon as possible (ideally immediately after a call). It is important that notes are written up quickly in order to ensure the facts are correct and to avoid any ambiguity.

Emails, Texts and Letters

All emails, texts, letters and social media enquiries should be acknowledged within two working days of receipt by the Enquiries Officer.

All emails are forwarded to the database using the email address:
filemaker@sccyp.org.uk.

Letters received by SCCYP are opened and date stamped by the Administrator and passed to the Enquiries Officer. Letters will be scanned and e-mailed to filemaker where either a) a new case note is created (where the person has not contacted us about this particular issue before) or b) it is attached to the relevant case notes. Please note that, even if the *person* has contacted us before, it may be that they are contacting us about a new *issue* or query, in which case a new case file is created.

Once a letter has been scanned to the filemaker system, then we would normally be free to destroy the original, unless it raises an anonymous concern, in which case the original letter and envelope should be retained.

Adding Information to Filemaker

Each time new information is received relating to an enquiry, this is logged on the enquiries database. Any documents (e.g. e-mails, letters etc) about the enquiry are attached and “tasks” can be assigned.

Each time the database is opened, these tasks will appear on the user’s home page. Once a task has been carried out, it can be designated ‘complete’ and will be deleted from the home page (although a record of tasks will remain on the individual case page).

Response Targets

Enquiries should be acknowledged as soon as possible after receipt—normally within two days-- and a substantive response as soon as practicable thereafter.

Whilst every attempt should be made to answer enquiries within a reasonable timescale, the nature of the service means that, in some cases, enquirers may wait longer than anticipated to receive a response from us.

We recognise that some cases will have to take precedence and inevitably other cases will then move down the priority list. When this happens, the enquirer must

be kept informed about the reason for the delay and given a new timescale within which they can expect to receive a response.

The enquiries workload should be reviewed on a regular basis with the Head of Policy in order to identify and discuss any problems/issues and assess the number of open cases.

Ways in Which Non-Enquiries Staff May Find the Enquiries Database Useful

- if staff need information on enquiries about a particular topic – the Enquiries Officer can easily perform a search, either by using a keyword or searching via the subject categories or synopsis. Information can also be provided on enquiries by local authority area or type (e.g. ‘parent or carer’, ‘young person’, ‘social worker’, etc)
- analysing cases on the database can help identify emerging issues or see where the work of SCCYP or media coverage has made an impact and can provide useful examples for Scottish Government Consultations, briefings, etc
- provides statistical information for annual reports, etc

Before sharing any information from the enquiries database, please refer to the SCCYP confidentiality policy. If in any doubt, please speak to the Enquiries Officer to ensure that you are not inadvertently breaching confidentiality in any way (remembering that confidentiality goes beyond simply not revealing a name or a home town).

Closing Cases

The Enquiries Officer has an open caseload of enquiries which are being actively worked on. When an enquiry is concluded the case will be closed and stored on the database according to the SCCYP data retention policy.

Statistics and Reports

The enquiries database is configured to allow us to extract certain types of data and create reports. For example, we can tell the number of enquiries coming into SCCYP, the type of people contacting us and the types of issues they are raising.

We can do this on a monthly, quarterly and annual basis. This information is used for quarterly reports, briefings, policy work and the annual report.

How Do We Evaluate the Service We Offer?

In addition to statistical information, some helplines choose to carry out formal evaluations to gauge the effectiveness of the service they are offering.

This might involve, for example, contacting a random sampling of enquirers to see if they had been provided with the help they needed to resolve their query.

At SCCYP we have, to date, made a conscious decision not to use this approach because whilst many people contact us with straightforward requests for information, the majority of cases relate to issues that are distressing and serious in nature (e.g. relating to family contact disputes or allegations of abuse).

In contacting someone several months after they have originally spoken to us, we run the risk of:

- stirring up memories and reminding someone of a distressing problem they may have now dealt with
- seeming crass – by carrying out a “satisfaction survey” when someone has contacted us about child protection concerns
- becoming involved again in an issue where we can be of no further help

For these reasons we are currently exploring methods to sensitively gather information from service users, both for performance review and for equalities duties and corporate parenting reporting.

Co-ordinating with other Commissioners’ Offices

In general, we are careful about what information we share and with whom due to confidentiality reasons. We will usually seek the permission of the enquirer before discussing their case with a third party.

However, in some instances it will become clear that all of the UK Commissioners have been contacted by the same person on the same issue. In those instances it

may be appropriate to co-ordinate our efforts in order to provide a consistent reply to the enquirer.

For example, where an enquiry requires a letter to be written one Commissioner's office might take the lead and then share their findings with the other offices – rather than all the Commissioners writing their own correspondence. In other cases, the Commissioners may decide that one Commissioner is the most appropriate person to take the issue forward. In that case, they would write to the enquirer to let them know this is the case.

Special Arrangements for Children and Young People

Children and young people may need additional support to help them submit an enquiry to SCCYP.

The most common ways for a child or young person to approach SCCYP are:

- via e-mail
- via SCCYP's Young Persons' Freephone numbers
- via text message
- in person (e.g. at a SCCYP event or via contact with a SCCYP member of staff)
- via social media

Expectations can be high, so it is important that we operate in a way that is child and young person-friendly, whilst being clear about what we can achieve. We should always be open about what we can and cannot do and how long it might take us to handle an enquiry.

In general, we would always give an enquiry from a child or a young person priority as, in general, children and young people expect immediate answers to their queries. This means, for example, that they should receive a reply to an e-mail within 24 hours of sending it (or 48 hours at the weekend).

This reply may not constitute a full response, but if that is the case it will be an acknowledgement with a clear indication of when they can next hear from us. If the matter is outside our remit – or we know that we will be unable to help – we should be clear about this making every attempt to put the young person in touch with someone else who can help them. In some cases, we may ask their permission to pass on contact details so a third party can contact the young

person directly (which a young person may find more helpful than having to make contact themselves).

Unaccompanied CYP Arriving During Office Hours

During office hours, the Administrator will normally be a visiting young person's first point of contact).

- If the young person arrives at the SCCYP office and appears to be distressed or is presenting with a particular problem (which they may not want to disclose initially), the person on reception should ask the young person if they can wait for a few minutes whilst she consults with another member of the team (normally the Enquiries Officer). In the absence of the Enquiries Officer, where possible a member of the Management Team should speak to the young person. Where no member of the Management Team is available, any other member of staff can talk to the young person, as long as SCCYP's Child Protection Procedures are adhered to.
- if the young person is accompanied by an adult on their visit, it may be more appropriate to suggest that they make an appointment to come back and see the Enquiries Officer at a later date. You might also ask them to supply additional information. You should also offer the option of e-mailing their enquiry to info@sccyp.org.uk or you could offer to phone them back. If the young person is simply looking for general information about the work of SCCYP, whoever is on reception can provide a range of SCCYP promotional materials. We also stock some young person-friendly leaflets produced by the Scottish Government e.g. guide to the UNCRC (United Nations Convention on the Rights of the Child). If the young person is looking for information relating to a school/college project, the Information Officer or a member of the Participation and Education team may be best placed to help them.

Whoever is on reception should check if the Information Officer is able to help straight away or whether it would be better if the young person e-mails their request. We should not make the process overly onerous or bureaucratic, though. If it is possible for us to take the details of an enquiry straight away, then we should always aim to do so.

What Happens Next

If the young person needs to discuss their query with the Enquiries Officer, they should then be shown to a meeting room so that they can discuss their query in private.

Again, care should be taken to ensure that current SCCYP child protection procedures are followed.

In particular:

- as per our child protection procedures you should try to avoid being alone with a young person in the office
- when using the meeting room, you should ensure that, where possible, the blinds are left open, that you are clearly visible and that another member of staff is aware of the meeting
- you should seat yourself closest to the door in order that you can leave quickly & safely, if required
- if the meeting room is unavailable, you should avoid using areas such as the kitchen/toilet areas to discuss the young person's query. Stick to public areas such as the soft seating instead

If You Need to Contact the Young Person with Further Information

If you cannot supply the information the young person needs whilst they are in the office, you should check the best way of contacting them in future.

They may prefer to keep control of their query by asking to contact you at a specified time, rather than leaving details of their phone number/e-mail with you. You should respect their wishes wherever possible.

Unaccompanied Children & Young People Arriving Outwith Office Hours

If a young person arrives at the SCCYP office outwith office hours – i.e. before 9am and after 5pm - extra care should be taken to ensure the safety of both you and the

young person, particularly if there are few members of staff present in the building at the time. For this reason, the decision whether or not to admit a young person to the office rests with you.

Whilst we recognise that most young people will be approaching us with a genuine query and be looking for our help, you may feel you have concerns about a young person's behaviour that leads you to question the wisdom of letting them into the office. This might include:

- concerns that the young person is or may be under the influence of drugs or alcohol
- concerns that the young person is using abusive language or that their body language suggests they may act aggressively

In these circumstances, it is still possible to offer some form of help/assistance by using the door entry intercom system to pass on relevant information. There is also the option of asking a young person to return at a time when it is likely there will be more people in the office.

If, however, you are immediately concerned for the young person's safety or you think they might harm themselves in some way, you can call the **Police** on **999**.

If the child/young person needs to talk to someone urgently, you can also provide the number for **Childline** on **0800 11 11** or **the Samaritans** on **08457 90 90 90** or **0131 221 9999**.

The Samaritans also offer a face to face service (probably more suitable for older teenagers, rather than children). In Edinburgh the Samaritans are based at 25 Torphichen Street and can receive visits in person between 9am and 10pm. Alternatively, the Samaritans have an e-mail address: jo@samaritans.org (this is usually answered within 24 hours).

After the Visit

If you have handled an enquiry from a young person, you should immediately write up notes of what was said (it may not always be appropriate to take notes whilst the young person is there) and organisations you may have signposted a young person to. As per SCCYP's child protection procedures, you should also note if you have been alone with the young person during their visit and the circumstances

surrounding this. These notes should be passed to the Enquiries Officer as soon as practicable.

Confidentiality

Due to the sensitive nature of our work, it's crucial that everyone in the Commissioner's office is clear about our confidentiality policy and how it applies to them on a day to day basis.

SCCYP has a set format for explaining our confidentiality procedures to anyone contacting the Enquiries Service:

"Normally what you say to us will be kept private unless you give us your permission to share this with someone outside of SCCYP. However, if we are worried about your safety – or the safety of someone close to you – then we might have to pass information on without your permission (although we would normally let you know we were doing this and explain why)".

Depending on the circumstances, this might involve us contacting the Children's Reporter, the local Social Work Office or the Police.

Breaching Confidentiality

We may, on occasion, have to breach confidentiality for child protection reasons.

We will only do this where we feel a child or young person may be at risk/in danger and this will always be in line with SCCYP's child protection procedures. This should ideally be done with the permission of a member of the Commissioner's Management Team, but can also be done without this permission, provided you are sufficiently concerned a child or young person may be in immediate danger.

The safety of the child/young person should always be paramount in any decision to breach confidentiality so where no-one from the management team is contactable, the decision to involve another agency (e.g. an emergency social worker/the Police) rests with you as an individual.

We will always try to ensure that the child/young person is consulted and consents to confidentiality being broken. However, where the child/young person is in

immediate danger, we may decide to pass on information without their consent. We will always try to explain the reasons for doing so to the child/young person.

Breaching confidentiality for reasons other than child protection – and without the permission of the Commissioner’s Management Team – will normally be regarded as a disciplinary offence and may result in action being taken against you.

In practice, confidentiality within SCCYP means:

- you are free to discuss a particular case with your work colleagues whilst in the office, but not outside of work (e.g. in a social setting such as having a drink in a local pub or on a train to an event) if you need to discuss a case with/find out information from an outside organisation, you should ensure that no identifying details are divulged (e.g. names/children’s names/ages/town etc.) unless the enquirer has given you their express permission to do so
- as a rule, you should not discuss details of queries you have handled with anyone else outside of the office, including your friends & family, other professionals etc. (unless you are doing so anonymously or with the permission of the enquirer)

Members of staff are asked to sign a confidentiality statement to say that you have read and understood the policy (usually as part of your induction) and that you agree to its terms.

Confidentiality applies to all enquiries made to the office. It is helpful to be aware that confidentiality can be unwittingly breached in a number of ways. For example:

You have just finished taking a telephone enquiry, but you realise you are not clear on a couple of the details and so you want to call the person back. You do not think this will be a problem – but when you ring the number the caller gave you, the person who answers (not your original caller) is very curious to know what is going on.....

- confidentiality is relevant to all stages of an enquiries desk call. At the beginning and throughout each call, be aware of who might be listening close-by. Is there someone touring the Commissioner’s office, for example, or is an external guest in for an informal meeting? If so, make sure that you do not repeat back details aloud that could identify the

caller. If you need to, ask the caller to read the number back to you again, rather than you reading it out. (Also, don't leave written case notes lying around the office where they might be read)

at the end of each call, you should check if it is possible to phone someone back and whether it is safe to leave a message. Be aware that you might breach confidentiality by leaving a message with someone who is unaware of why the person called the Commissioner in the first place. It is very difficult to try and extricate yourself from a conversation started with the words "so why did he call you then....?!!!!" If you are asked "who's calling" just give your full name and say you are returning his/her call. Avoid saying "I'm calling from Scotland's Commissioner for Children & Young People" if you feel this might not be appropriate.

"We had a call just like yours last week...."

- if, at all possible, do not refer to other people's queries/issues when speaking to an enquirer, even in an anonymous way. Not only can it make the person feel that you are not taking their query very seriously (as you are implying that their problem comes up all the time) – but it can also provide ammunition for someone phoning up another agency – e.g. *"The Children's Commissioner says that there have been hundreds of queries like mine...so you must take action...."*. Where possible, do not get drawn into discussion about other similar cases – treat each case as being unique.

You receive a call from someone who says they are worried about their friend. The friend is a mother who is currently in the middle of a distressing court case where custody of her children may potentially be given to their father. There are several details that the enquirer gives that match up with an enquiry you took some time ago – e.g. children's names and ages, allegations made against the father. You know that you have already provided information to the friend herself, but are not sure whether or not to reveal this.

- You should not reveal that you have already talked to the mother, no matter how tempting it may seem to do so. To do otherwise would totally compromise their confidentiality. If the mother subsequently has a conversation with her friend and tells her that she had already been in touch with SCCYP then, although it might be a bit awkward, we have just

been following our confidentiality procedures. You should also ensure the information you provide to both is consistent

Who Should Deal With What?

It is expected that the Enquiries Officer will answer most of the queries to the Commissioner's office.

If the Enquiries Officer is not in the office, attempt to take only basic details (not always possible if someone is angry/distressed) and promise that the Enquiries Officer will call them back within a specified timescale (usually 24-48 hours). You could also offer the enquirer the option of e-mailing their query to inbox@sccyp.org.uk.

Confidential Waste

Any notes relating to an enquiry should be regarded as confidential waste and disposed of properly. Examples could include anything that records a name or names, ages, phone numbers etc. – even if it is just roughly scribbled on a Post-It or a scrap piece of paper. You should shred confidential waste as soon as possible. Where there is a large amount of confidential waste this can be uplifted and disposed of securely by a specialist recycling company. Contact the Administrator for more details.

Out of Hours Answering Machine Message

The Young Persons' Freephone has the following message for out-of-hours enquiries:

"You're through to the Young Persons' Freephone at the office of Scotland's Commissioner for Children & Young People.

I'm sorry, but no-one can answer your call at the moment. If you have a problem and need to speak to someone urgently, please call Childline on 0800 11 11 – that's 0800 11 11 or the Samaritans on 08457 90 90 90 – that's 08457 90 90 90. Both are open 24 hours a day.

Otherwise, please leave your name and number and we'll call you back during office hours. You can also e-mail us at inbox@sccyp.org.uk. That's i-n-b-o-x at sccyp – s-c-c-y-p dot org dot uk – that's s-c-c-y-p dot org dot uk.

Thank you"

All other calls (e.g. to the Enquiries Line) go through to main reception out of hours (and the answerphone there).

Data Protection

As we are logging personal data, we are careful to ensure that we are operating within the terms of the Data Protection Act 1998. Please refer to SCCYP's Data Protection policy for further details.

Each time we receive an enquiries call, we should check that the enquirer is happy for us to store their data on the system.

The following is a suggested script which can be adapted to your own words:

"We do log all the calls we receive here at SCCYP on a database. It means that we have all the info to hand if you call us again and it also helps us build up a picture of emerging issues across Scotland. This database is confidential to SCCYP. Are you happy for us to keep your details on this database?"

If they are unhappy to do so, the other option is to log the issue on the database anonymously – so we still have a record of the issue, but ensure that all identifying details have been removed.

Enquiries case records are retained in line with SCCYP's records retention schedule. Working enquiries papers are secured in the designated locked cupboard.

Vetting of Enquiries Staff

All SCCYP staff are Disclosure Checked at Enhanced Level.

Temporary staff (e.g. those providing admin support) are usually checked at Basic Level. As a rule, they will not be given access to the enquiries database.

Caller ID

All SCCYP phones have caller ID. The number an enquirer is ringing from will always be visible to us - unless the caller had chosen to withhold their number e.g. by dialling 141 before our number.

Despite the fact we can see where someone is calling from we will normally not take a note of a person's number without their permission. We will usually wait and ask which number they would like us to use to contact them again. This is good practice as:

- the number someone is calling from with their enquiry may not be the one they want us to use when calling them back (e.g. someone might call us from work, but would rather we used their mobile for future calls)
- we can give a caller the choice of whether or not to leave their contact details with us

In exceptional circumstances, we may note down the number someone is calling us from without having been given it. For example, if the caller is a young person and we are worried they or someone close to them may be in danger, we may take a note of the number in order to direct help to them in an emergency situation.

Professional Indemnity Insurance

Both the Commissioner (as an individual) and SCCYP as a whole have professional indemnity insurance.

For more information, please speak to the Head of Corporate Services, who retains a copy of this policy.

SCCYP Publication Requests

Normally requests for SCCYP publications are handled by our Administrator .

However, sometimes people will contact us through the Enquiries Line or Young Persons' Freephone to ask for a copy of one of our publications. If that happens, the request should be forwarded to the Administrator for action.

Offensive Callers

From time to time any service offering help to the public will receive calls that may be considered offensive. This might range from the tone of the caller's voice (e.g. shouting or ranting); the content of what is being said (e.g. swearing or being racist) to consistently going off-topic.

The definition of “offensive” can vary – and what is offensive to one person may not be to another. If you are uncomfortable, however, and wish to end a call, you are free to do so – as long as you note that you have done this and the reasons for doing so.

Other callers may insist on calling the service repeatedly – even when we have already explained we are unable to help. In this case, we may choose to restrict access to our service.

We have a policy which specifically addresses these issues. This is attached as an Appendix to this handbook (Unacceptable Actions Policy).

Some staff have completed training on managing challenging behaviour. If any staff wish to complete similar training, please discuss with your line manager.

In addition to the actions recommended in the policy, we follow the following procedure if we have had to end a call prematurely:

- e-mail the Commissioner and/or a member of the senior Management Team to let him/her know what has happened, when this has happened and to outline the reasons for the decision to terminate the call
- ensure that the e-mail to the Commissioner/senior Management Team is attached to the relevant case notes in the enquiries database (so there is a clear indication of what has happened)
- if necessary, note in the “special info” section of the case notes on the enquiries database that a decision has been taken to restrict access to SCCYP

Whistleblowing

When someone decides to become a whistleblower, it usually means that they are so concerned about an activity or practice concerning children and young people that they feel they have no choice but to approach us. Usually, in order for someone to be defined as a whistleblower, the person would have to be putting their own job at risk in order to highlight a problem.

SCCYP has a Whistleblowing Policy which outlines what will happen if a SCCYP member of staff wants to act as a whistleblower (i.e. against SCCYP).

However, we also have procedures in place for when someone from an outside organisation wishes to raise a serious issue with us about practice relating to their own work/employer.

A whistleblower may have already tried to address the problem by speaking to their manager, but feel that insufficient action has been taken to put things right. In some cases they may feel the problem is so serious that they need to come to us in the first instance, e.g. where their manager may be implicated in the unacceptable practice.

Since the 6th of April 2008, SCCYP is a Prescribed Person under The Public Interest Disclosure Act 1998 (see The Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2008) for *“Matters relating to promoting and safeguarding the rights of children and young people”*.

What this means in practice is that those working with children and young people who act as whistleblowers to SCCYP are afforded some protection in their employment. For example, if they are dismissed as a result of whistleblowing then they may be able to take their former employer to an employment tribunal to be reinstated or compensated.

The assumption is that the person acting as a whistleblower is doing so with the best interests of children and young people at heart and is not acting out of malice.

According to the Public Interest Disclosure Act 1998, a “qualifying disclosure” is taken to mean any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur
- (d) that the health or safety of any individual has been, is being or is likely to be endangered
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matters falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed

This type of enquiry might reach us in a number of ways:

- we may receive an anonymous letter/call highlighting concerns
- we may receive a number of enquiries relating to the same issue. These may come from different sources
- we may receive a letter or a call from someone who is happy to be identified (e.g. where they have already raised the issue with their employer and feel insufficient action has been taken)
- we may receive contact via a Trade Union

It is important that, no matter what form these concerns take, that they are taken seriously and reported on to the appropriate authorities as soon as possible.

Please note that all cases involving whistleblowers should be discussed with a member of the management team before any action is taken (unless it is an urgent child protection concern where a child is in immediate danger – in which case you should follow SCCYP's Child Protection Procedures).

If you are handling the concerns of a whistleblower, extreme care needs to be taken in order to protect them and, where required, to preserve their anonymity. The following factors should also be taken into account:

- if multiple people report concerns (e.g. where a concern relates to the actions of a local authority), you must be careful not to reveal facts/incidents that you have been told about by another party (as this might inadvertently give away who has called/contacted you). Care needs to be taken when contacting a whistleblower. Always check their preferred mode of contact and check they are in a place where they can speak freely when you call (e.g. they may have to move into a meeting room before they can talk). Be aware that some employers monitor work e-mails and so it is likely to be more appropriate to use a home e-mail address if you are calling a whistleblower and the person is not available, offer to call back rather than leave a message with someone. Be wary of saying where you are calling from – if asked, you could just say “I’m just returning his/her call”
- if the person acting as whistleblower does not want to reveal their name or leave contact numbers, you could offer them the option of calling SCCYP back at a pre-arranged time. This means that you will have the opportunity to update them on any progress that may have been made

Other Matters to Be Taken Into Consideration

- it is important that a person contacting us is aware of the full implications of being a whistleblower. When someone contacts us with a whistleblowing enquiry, we will always pass on contact details for Public Concern at Work (www.pcaw.co.uk). Public Concern at Work is a charity specialising in issues around whistleblowing and offers a free confidential telephone helpline. The number is 020 7404 6609 (open 9am-6pm, Monday to Friday). You can also e-mail them on helpline@pcaw.co.uk. We make sure that we keep in touch with a whistleblower to let them know what is happening on a regular basis. It may be that the Commissioner is doing some negotiating behind the scenes but unless the whistleblower knows this, they can feel that we have not taken their concern seriously, their concern hasn't been passed on or that no progress is being made. Be clear about when you will next be in contact and encourage them to contact SCCYP if they notice changes for the worse/better in the situation they are raising concerns about
- care must be taken when reporting a concern to the relevant authorities (e.g. Social Work, the Reporter, etc.) that a whistleblower cannot be identified purely by what they know – as some info may only be known by certain people (and therefore it will be clear who has raised a concern even without naming them)

Paper Files

We also sometimes store paperwork relating to current enquiries – but this is shredded once an enquiry has been dealt with and all the relevant paperwork is safely on the enquiries database. Any paper files should be scanned, logged and destroyed according to the Information Officer's records retention policy.

SCCYP Smartphones

Those members of staff with a work smartphone may from time to time receive sensitive e-mails relating to enquiries e.g. where a child protection concern has been raised.

Our aim, where possible, is to avoid sending any sensitive information via e-mail. However, where we need to send details of an enquiry via e-mail, we are sensitive

to this and will always attempt to anonymise the query in order to protect the identity of the enquirer.

Work phones must also be password protected. The only people holding this password are the work smartphone owner and the Head of Corporate Services.

Working from Home

Any enquiries work done from home or outside the office should be undertaken in accordance with SCCYP's home working policy and remote working policy. It should be approved by the Head of Corporate Services, using an office supplied laptop to enable secure access to the office network. No paper files or notes should be taken outside the office at any time.

Complaints

Any complaints about the Enquiries Services are handled in accordance with SCCYP's Complaints Procedures.

Further Information About Enquiries

For any further information about the Enquiries Service, please speak to the Enquiries Officer.