

Legislative Framework

Child Protection is not entirely governed within a legislative framework, and this list is not exhaustive.

- **The Children (Scotland) Act 1995** which requires Local Authorities to promote the welfare of children in need, and to make enquiries when they receive information that a child may be in need of compulsory measures of supervision. It also requires the Children's Reporter and the Children's Hearing to consider who are deemed to be in need of compulsory measures of supervision.
- **The Police (Scotland) Act 1997**, which requires the Police to guard, watch and patrol in order to prevent crime, preserve order and protect life and property and to pass information to the Procurator Fiscal when an offence may have been committed.
- **The Criminal Procedure (Scotland) Act 1995 - Schedule 1** which lists offences against children.
- **Protection of Children (Scotland) Act 2003**. This act came into force on January 10th 2005. An individual who is disqualified from working in a child care position will commit an offence if they apply for, offer to do, or accept such work. An organisation will have a duty to refer individuals working in a child care position to the DWCL (Disqualified from Working with Children List) if the individual has harmed a child or placed a child at risk and has been dismissed or moved away from access to children as a consequence. Similarly the organisation will have a duty to refer an individual who would have been dismissed but resigned, retired or was made redundant before the dismissal process was completed.
- **Protection of Children Act (2003)** – Implications for Disclosure Scotland applications.
- **Additional Support for Learning Act (2005)**
- **Data Protection Act (1998)** – data should be gathered and processed fairly and held securely and only used for the purpose for which it was collated.
- **Children and Young People (Scotland) Act 2014**

Legislation and practice are underpinned by the principles from:

- **The United Nations Convention on the Rights of the Child (1991)**
- **National Guidance for Child Protection (2014)**
- **Human Trafficking & Exploitation (Scotland) Act 2015**