

The purpose of this briefing note is to provide information to mediators on the responsibilities of, and the approach taken by, a mediation service to instances of possible child abuse.

Legislation: <https://tinyurl.com/2vktne2z>

Child Protection Guidance: <https://tinyurl.com/5t34kctf>

What is child abuse?

There are four main generally accepted types of child abuse:

- > **Physical Abuse:** Actual or likely injury to a child by parents or others. It includes hitting, kicking, scratching, burning, scalding and beating. It can cause death, pain, cuts, bruising, broken bones and marks.
- > **Sexual Abuse:** This occurs when children are persuaded or forced into sexual acts or situations by others. It includes incest, rape, sodomy, intercourse with a child and practices such as taking or storing indecent images or photos.
- > **Neglect:** This occurs when a child's basic needs such as food, warmth and medical care are not met. This may cause impairment to the child's health and development and may be life threatening.
- > **Emotional Abuse:** This occurs where there is persistent or severe emotional ill treatment or rejection and there may be a severe adverse effect on the emotional or behavioural development of the child. This form of abuse includes sarcasm, degrading punishment, threats and not giving love and attention.

Who abuses children?

There is no typical child abuser, but statistically common threads are that the child knows the abuser, that the abuser is a family member or a friend of the family, and that strangers are less likely to abuse a child. Around 90% of child sexual abusers are men, and less than 25% of abused children are abused by strangers. In Scotland in 2023 just over 2000 children were on the Child Protection Register, most commonly for physical abuse. It is suggested by Children First that this is an underestimate of the actual numbers of children abused.

Why are children abused?

There is no definitive answer to this question as abuse can, and does, occur across the whole social spectrum. Factors identified as increasing risk of child abuse include family stress, alcohol or drug problems, feelings of isolation, lack of support, and a chaotic lifestyle. It must be stressed that many children living in what might be perceived as "most difficult circumstances" never experience abuse, while some living in seemingly "privileged" circumstances do.

Social Work Departments

Social Work Departments have a duty to act on any information received regarding the welfare of a child, regardless of the source. They have a legal duty to enquire into the circumstances of children who may have been abused or at risk and to take all reasonable measures to protect them from further harm.

Mediators and Child Abuse

Mediators are not trained in the recognition of child abuse so should never make a decision about whether abuse is taking place. If, however, a mediator suspects that a child may be being abused or that a person may

be abusing a child they should consult first with their supervisor and then the Social Work Department. They should not investigate further themselves.

The safety of the child/children must be put before all other considerations including that of confidentiality.

It must be emphasised that in a situation where abuse is witnessed, as for instance during a house call, the first responsibility of the mediator/s must be to secure the safety of the child/children. The mediation service manager and the Social Work Department must be informed without delay. If abuse is actually witnessed then the police should be informed immediately and in these circumstances the mediator/s must accept that they may be called as witnesses in any criminal prosecution that may result.

All incidents and information given from whatever source, including the child/children concerned should be carefully recorded together with notes of the action taken by the mediator/s and why they took such action.

This is one in a series of briefing papers on Community Mediation for practising and trainee mediators.

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