

MIDNIGHT LAW:

Child Protection & Safeguarding



SITUATION

An inpatient under your care discloses that they have been abusing their children.

CONSIDERATIONS

Abuse is the suspected or actual harm inflicted by neglect, physical, sexual or emotional mistreatment. If there are genuine and reasonable concerns that a patient may have been abusing a child or young person, there is an obligation for doctors to act to protect the safety and welfare of the child or young person.

Confidentiality and Information Sharing

It is good practice to ask for the patient's consent before sharing confidential information in order to protect other people. This may not be practicable or, if it is believed that doing so may jeopardise the safety of the child or young person, appropriate.

Information may legitimately be shared without consent in the public interest to prevent harm to a third party or to prevent, detect and/or prosecute a serious crime. The *Data Protection Act 2018* and the *General Data Protection Regulation (GDPR)* do not prevent sharing of information with other appropriate agencies if it is necessary to safeguard the safety and welfare of children or young people.

What steps should I take?

- *You must inform the relevant authority promptly and securely.*
If the child or young person is not in immediate danger, local safeguarding procedures should be followed. However, if the child or young person is in immediate danger, the police should be contacted.
- *Share your concerns and get advice from the local designated professional or lead clinician for child protection.*
- *Share relevant information about the child protection concerns.*
GMC guidance states you should provide information about both of the following:
a) the identities of the child or young person, their parents and any other person who may pose a risk to them.
b) the reasons for your concerns and any relevant information about their parents or carers.
- *Inform your patient*
You should discuss with your patient the information shared, with whom and the reasons unless doing so would put the child or young person at increased risk.
- *Follow up your concerns.*
If you believe your concerns have not been acted upon properly escalate to the next level of authority.
- *Make a clear, contemporaneous record.*
Record your concerns and the details of any actions taken.

GUIDING PRINCIPLES:

- Doctors must act upon concerns about the welfare or safety of children and young people.
- The relevant authority must be informed promptly and relevant information shared
- It is important to be familiar with local safeguarding procedures.

KNOW THE LAW:

Children Act 1989.
Children (Scotland) Act 1995.
Children & Young People (Scotland) Act 2014.
Social Services & Wellbeing (Wales) Act 2014.

FURTHER READING:

GMC: Protecting Children & Young People.

RCoA, AAGBI, APAGBI,
RCPCH: Child Protection & The Anaesthetist.

NICE Guideline [NG76]:
Child Abuse & Neglect.

NSPCC Learning:
Recognising &
Responding to Abuse.