

Appendix 1: Definitions

- 1) **Minor:** Any child under the age of 16. For example, a school pupil studying at college on a school link program.
- 2) **Child:** A child can be defined differently in different legal contexts. Under the [Children and Young People \(Scotland\) Act 2014](#) a "child" will be defined for the purposes of all Parts of that Act, as someone who has not attained the age of 18.
 - 2.1 The individual young person's circumstances and age will dictate what legal measures can be applied. For example, the Adult Support and Protection (Scotland) Act 2007 can be applied to over-16s where the criteria are met.
 - 2.2 Where a young person between the age of 16 and 18 requires protection, services will need to consider which legislation or policy, if any, can be applied. This will depend on the young person's individual circumstances as well as on the particular legislation or policy framework. On commencement of the [Children and Young People \(Scotland\) Act 2014](#), similar to child protection interventions, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan.
 - 2.3 The Children's Hearings (Scotland) Act 2011 now contains the current provisions relating to the operation of the Children's Hearings system and child protection orders. Section 199 states that, for the purposes of this Act, a child means a person under 16 years of age.
 - 2.4 Additionally, children who turn 16 during the period between when they are referred to the Children's Reporter and a decision being taken in respect of the referral, are also regarded as "children" under the Act. Children who are subject to compulsory measures of supervision under the Act on or after their 16th birthday are also treated as children until they reach the age of 18.
 - 2.5 The United Nations Convention on the Rights of the Child applies to anyone under the age of 18.
- 3) **Child Protection:** Child Protection is a part of the overall area of safeguarding and refers to the activities undertaken to protect specific children who are being harmed or are at risk of suffering harm.
- 4) **Adult at Risk:** Someone who is aged 16 or over and who is, or may be, in need of community care services by reason of mental or other disability, age or illness; and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation
- 5) **Vulnerable Adult:** Vulnerable Adult is the term that was previously used to refer to someone we would most often now refer to as an Adult at Risk
- 6) **Harm:** Harm is most broadly defined as being all harmful conduct, but more specifically is: conduct which causes physical, psychological or self-harm or unlawful conduct which appropriates or adversely affects property, rights or interests.
- 7) **Abuse:** A broad definition of abuse is: all forms of physical and/or emotional ill treatment, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

- 8) Trafficking:** The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation.
- 9) Exploitation:** Includes the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- 10) Corporate Parenting:** Is a legal duty placed on all Colleges and Universities in relation to those applicants and learners from 'care experienced backgrounds'. It involves a number of key duties and obligations.
- 11) Prevent:** All Colleges and Universities have to fulfil new obligations under the Counter Terrorism and Security Act 2015: to have due regard to the need to prevent learners from being drawn into terrorism.
- 12) Hate Crime:** is associated directly with protected personal characteristics, (Also see **e-safety**)
- 12.1 The Scottish Government defines hate crime as: "Crime committed against a person or property that is motivated by malice or ill-will towards an identifiable social group". In other words, a hate crime is a crime against someone because of who they are.
- 12.2 Characteristics covered by Scots law include race, religion, sexual orientation, transgender identity, and disability. Hate crime legislation does not cover crimes against someone because of their gender, although other Laws may apply based on the crime.
- 12.3 Some colleges and universities have become Third Party Reporting Organisations for hate crime. They have committed to report any form of hate crime and to work with local Police and partners to encourage a tolerant and diverse learning community. This definition also applies to activities online and also to hate speech.
- 13) Care Experienced Children and Young People:** Any child or young person who has experienced living in foster care, residential accommodation, living at home but under a supervision order, those in kinship care, or living in a secure unit. New changes in legislation give Young people some choice in where they stay after they turn 16.
- 14) E-safety:** E-safety is the safeguarding of vulnerable people online (and includes some or all of the following: bullying, stalking, harassment, blackmail, fraud, abuse, hate crime)
- 14.1 The dangers associated with being online are huge: but here are some of the main risks and most common issues. Some of the risks and dangers are exclusively related to being online, but for some issues the dangers can happen off-line as well (in the real world). Some dangers can apply to both realms and in some cases can happen in both simultaneously.
- 14.2 Bullying, harassment, grooming or stalking, are examples of inappropriate behaviour that can happen both online and in the real world or can take place in both realms simultaneously.
- 14.3 Safeguarding for issues that happen online is becoming increasingly important, especially for sexually motivated activities like grooming, or sexting; which in turn can include blackmail or fraud. Blackmail and Identity Fraud are also examples of online

crimes that are increasingly committed using others personal details or accounts on-line.

- 14.4 Safeguarding includes ensuring learners are aware of the dangers online and know how to protect themselves online and how to report an issue or concern. New legislation connected to **Prevent** have placed a duty on Universities and Colleges around e-safety – as part of our duty to prevent vulnerable students being radicalised and being drawn into extremism.
- 15) **Sexting:** is when someone sends or receives a sexually explicit text, image or video on their mobile phone, usually in a text message.
- 16) **Grooming:** is when someone builds an online relationship with a young person and tricks them or forces them to do something sexual. It might include trying to meet up with the young person. People who do this often lie about who they really are.
- 17) **Forced marriage:** A forced marriage is one where people are made to get married against their will. It may also involve physical or emotional abuse. This is not arranged marriage – which is consented to by both parties.
- 18) **Blackmail:** The crime of threatening to reveal embarrassing, disgraceful or damaging facts (or rumours) about a person to the public, family, spouse or associates unless paid off to not carry out the threat. It is one form of extortion (which may include other threats such as physical harm or damage to property). Online blackmail can be connected to the posting or sending of compromising photos, videos or details.
- 19) **Identity fraud:** Is the act of deliberately using a stolen or fictitious identity to make applications for new products or services or to open a new account. Facility takeover fraud, or account takeover fraud, is when a fraudster has enough details (like passwords) to bypass security on your existing accounts and take them over.
- 20) **Female genital mutilation: (FGM)** is the partial or total removal of external female genitalia for non-medical reasons. It's also known as female circumcision, cutting or Sunna. Religious, social or cultural reasons are sometimes given for FGM. However, FGM is child abuse. It is dangerous and a criminal offence.
- 21) **Human Trafficking:** the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- 23) **Slavery:** A person who is by law deprived of their liberty for life, and becomes the property of another. Slavery and trafficking are often joined together for safeguarding purposes.
- 24) **Gender Based Violence**
- 24.1 Describes a spectrum of behaviour that starts with objectification and unwanted comments and includes: intimidation, harassment, online abuse, intimate image sharing, domestic abuse, physical and emotional abuse, stalking, sexual assault and murder. The term also includes commercial sexual exploitation and so-called 'honour

based' violence, including female genital mutilation, forced marriages and 'honour' crimes.

- 24.2 Scotland uses the term gender based violence because women and girls are much more likely to experience it and men most likely to perpetrate it as a result of the continued inequality in our society. However, the term recognises that men and the LGBT+ community can be victims too.