

# Framework for Decision Making by Reporters



SCOTTISH  
**CHILDREN'S REPORTER**  
ADMINISTRATION

Changing for children and young people





# Contents

---

Introduction	3
Using the Framework	5
Section A	
Initial Decision Stage	6
Final Decision Stage	8
Section B	
Guidance on Factors to be Considered in Assessment of Extent of Concern Regarding Child's Welfare	10
1. Child's Development	12
2. Parenting	15
3. Family and Environmental Factors	18
Section C	
Gravity of Incidents	22
Section D	
Children subject to supervision requirements	26
Section E	
Recording Decisions	30



## Introduction

### Purposes

- To assist Reporters in making Initial Decisions regarding the level of investigation, and Final Decisions regarding the need for compulsory measures of supervision, and the need to arrange a children's hearing for a child who is already subject to such compulsory measures.
- To provide principles and guidance to Reporters on the issues that are to be considered in coming to a decision.
- To assist Reporters, and indirectly report providers, to work effectively and efficiently.
- To balance appropriately the minimum intervention principle with the principle of investigating and responding to individual need.
- To provide for transparency of decision-making by promoting consistent and structured recording of reasons for decision.
- To equip Reporters to adopt a consistent approach to decision-making and to make appropriate decisions in a range of circumstances with variable information and assessments. The Framework is not intended to enable Reporters to carry out a comprehensive assessment of risk or need but recognises that the Reporter takes account of other professional assessments.

## Introduction

### Background

- The investigation of children's circumstances following referral, and the making of decisions on the basis of investigation, are core tasks for Reporters. Statute offers a wide discretion at the investigation stage ("...after making such initial investigation as he thinks necessary ...." – Children (Scotland) Act 1995, s.56(1)). Given the breadth of that discretion, however, it is all the more important to set it in its proper context and to provide principles and guidance to Reporters on the issues that are to be considered in coming to a decision.
- The Children (Scotland) Act 1995 itself contains, as an overriding principle, the "minimum intervention" principle (s. 16(3)). While the Act does not explicitly state that the principle covers actions and decisions by Reporters, our Practice Instruction reflects the need to adhere to the principle (para 2.1.4). The scope of the discretion at s.56 recognises that some referrals will trigger a need for intensive, pro-active multi-agency intervention, whereas others will not.
- The European Convention on Human Rights and the UN Convention on the Rights of the Child also form part of the context for the work of Reporters. Both require respect for family life but also justify intervention when needed to protect individual rights.
- At another level, neither Reporters nor agencies involved in working with children and providing reports have limitless resources available. We have a responsibility to work with those agencies in order to ensure that resources are used to the best possible effect for those children who require them.
- All of these issues are reflected in the Code of Principles and Good Practice in s.1 in our Practice Instruction.

## Using the Framework

**Section A** of this Framework sets out the principal factors that should be taken into account at the stage of making the Initial and Final Decisions when a child who is not subject to a supervision requirement is referred. Professional judgement will always be required as to what investigation is appropriate in relation to the particular circumstances of an individual child at any given time.

At any stage prior to a Final Decision being made, further information received may precipitate re-assessment against the criteria stated in the Framework, and thus a change in the investigation required.

**Section B** gives further guidance on what should be considered in assessing the “extent of the concern regarding the child’s welfare”, one of the principal factors at both the Initial and Final Decision stage.

**Section C** gives further guidance on the consideration of the gravity of the referral incident, one of the principal factors at the Initial Decision stage.

The framework does not consider the assessment of evidence, although clearly sufficient evidence of a ground for referral is required before a Reporter can be satisfied that compulsory measures of supervision are necessary. The framework is intended to apply to the assessment of whether compulsory measures are required, although it is recognised that there can be an overlap with the assessment of evidence.

The extent to which the detail of the Framework is referred to in any particular case will be a matter for professional judgement in relation to that case. However, the reasons recorded by the Reporter for both the Initial and Final Decisions should reflect the Reporter’s assessment of the principal factors listed in Section A.

**Section D** sets out the principal factors that should be taken into account at the stage of making the Initial and Final Decisions when a child who is subject to a supervision requirement is referred.

**Section E** provides guidance in relation to the recording of the reasons for both Initial and Final Decisions.

## Section A: The Basic Framework

### Initial Decision Stage

At the initial decision stage, in deciding on the level of information required in order to make a final decision, the following factors should be considered:

<p>1. Extent of Concern Regarding Child's Welfare - taking into account any previous knowledge of child and the likelihood of the reason for the referral recurring</p>	<p>Reporters should consider the:</p> <ol style="list-style-type: none"> <li>1. child's development;</li> <li>2. parenting;</li> <li>3. family and environmental factors</li> </ol> <p>and in relation to all 3, should consider:</p> <ol style="list-style-type: none"> <li>(a) strengths, and</li> <li>(b) weaknesses</li> </ol> <p>For a more detailed consideration of this, see Section B.</p>	<p>The greater the level of these concerns then the greater the information required – the greater the information required, the more likely it is that this will involve a comprehensive assessment of the child.</p>
<p>2. Nature of Incident that led to referral (if single incident)</p>	<p>Gravity/seriousness of incident</p> <p>For a more detailed consideration of this, see Section C.</p>	<p>The higher the gravity of the incident then the greater the information required -the greater the information required, the more likely it is that this will involve a comprehensive assessment of the child.</p>
<p>3. Co-operation/Impact of intervention</p>	<p>Level of co-operation/impact of current/prior intervention (e.g. by health, SWD, education, police, voluntary agencies etc)</p>	<p>The lesser the co-operation or response, the greater the information required -the greater the information required, the more likely it is that this will involve a comprehensive assessment of the child.</p>

## Section A

Having determined the information required, the Reporter must consider what investigation is required in order to obtain that information.

Any investigation of a child is in itself an intervention in the life of the child and his/her family. The Reporter should consider the factors outlined in Section A to identify the key areas of concern and to decide what additional information (if any) is necessary to enable an appropriate Final Decision to be made.

For example, the Reporter may already have a considerable amount of information regarding the child. Therefore, although the Reporter may decide that extensive information is required in order to make a final decision, only a minimal investigation is required in order to obtain the additional information that is required.

There will always be gaps in the information available to the Reporter. A key task for the Reporter is deciding whether it is necessary to fill those gaps in order to come to a final decision. Further guidance regarding the judgement regarding the "Extent of Concern Regarding the Welfare of the Child", and the information required to make this judgement, is contained in Section B (at page 11 – of current version).

However, where the Reporter's assessment is:

- "Low": regarding the "Extent of Concern Regarding Child's Welfare" (or there is no information to make such an assessment); and
- "Low": regarding the "Nature of Incident that led to referral", or this is not applicable); and
- There are no outstanding referrals already under investigation;

there is a presumption that:

- The Reporter shall proceed immediately to make a Final Decision in relation to that referral; and
- That the decision will be "not to arrange a children's hearing"

In these circumstances it is presumed that there is no basis for investigation of the referral. Any departure from this presumption requires to be justified in the reasons recorded for the initial decision.

## Section A

### Final Decision Stage

A final decision must be taken when the Reporter has sufficient information in order to make a decision, or having made efforts to obtain further information that information is not likely to be forthcoming.

In considering whether compulsory measures of supervision are required, the following factors should be considered:

<p>1. Extent of concern regarding the child's welfare - taking into account any previous knowledge of child and the likelihood of the reason for the referral recurring</p>	<p>Reporters should consider the:</p> <ol style="list-style-type: none"> <li>1. child's development;</li> <li>2. parenting;</li> <li>3. family and environmental factors</li> </ol> <p>and in relation to all 3, should consider:</p> <ol style="list-style-type: none"> <li>(a) strengths, and</li> <li>(b) weaknesses</li> </ol> <p>For a more detailed consideration of this, see Section B.</p>	<p>The greater the level of concern, the more likely that compulsory measures are required</p>
<p>2. History of co-operation with previous intervention and impact of any previous intervention</p>	<p>With any agency</p>	<p>The lesser the degree of co-operation with, or the impact of, previous intervention, the more likely that compulsory measures are required</p>
<p>3. Current motivation to change/willingness to co-operate</p>	<p>With any agency</p>	<p>The lesser the motivation to change, or the willingness to co-operate, the more likely that compulsory measures are required</p>

The following factors are not relevant in themselves at the stage of making a final decision:

- **Current Age**

i.e. a decision should not be taken to refer/not to refer to a hearing on basis of the child's age – however the age of the child will clearly be relevant to the assessment of the extent of the concern regarding the child's welfare (e.g. in relation to the basic care required, the level of parental supervision that is appropriate, or the difference in age with offending associates).

- **Gravity/Seriousness of Referral Incident**

i.e. a decision should not be taken to refer/not to refer to a hearing on the basis of the seriousness of the referral incident – however factors relating to the referral incident will clearly be relevant to the assessment of the extent of the concern regarding the child's welfare (e.g. parental misuse of alcohol during incident, or a child's substance abuse, attitudes to authority, or aggressive behaviour).

- **Availability of Service from Local Authority**

i.e. a child should not be referred to a hearing to ensure that he/she receives a service from the authority. However a decision to refer to the local authority under section 56(4) of the Act must be informed by a commitment by the authority to provide a service or intervention that the Reporter considers acceptable in relation to the child's needs and/or behaviour.

## Section B

### Guidance on Factors to be Considered in Assessment of Extent of Concern Regarding Child's Welfare

The key outcome that the Reporter's decision is seeking to achieve for every child referred is the enhancement of the child's welfare, whether that be in terms of a reduction in the risk to the child, a reduction in the child's offending, an improvement in the child's life opportunities, or in many cases, a combination of all three. As a result, Section A of this Framework identifies the extent of the concern regarding the child's welfare as one of the principal factors in both the Initial and Final Decisions.

In considering the extent of the concern regarding the child's welfare, Section A of this Framework indicates that Reporters should consider the child's development, the parenting and the family and environmental factors, and in relation to all 3 areas, should consider the strengths and weaknesses.

The assessment of the extent of the concern regarding the child's welfare requires to specifically consider the likelihood of the reason for the referral recurring. Any significant delay since the referral incident should be taken into account in considering the likelihood of recurrence.

The table that follows gives specific aspects of the child's development, the parenting and the family and environmental factors that should be considered. It also provides examples of strengths and weaknesses in relation to these factors, and describes specific risk factors to be considered in relation to the risk of a young person re-offending and the risk of domestic abuse recurring.

In deciding on the level of investigation at the Initial Decision stage, the extent to which such strengths and weaknesses are present will be a significant consideration. A key task is to balance appropriately the "minimum intervention principle" with the principle of investigating and responding to individual need. Having considered the information available from the current referral, and from any previous information available regarding the child and his/her family, (recognising that the available information may be limited at this stage) the Reporter is required to exercise a professional judgement on the extent of the concern regarding the child's welfare.

## Section B

At the Final Decision stage, it is not intended that Reporters carry out a comprehensive assessment of risk or need but instead they should take account of other professional assessments. However, Reporters are required to consider to what extent the assessment received is sufficiently comprehensive to enable a decision to be made, while still recognising the “minimum intervention principle”.

Reporters need to gauge the quality of the information received and be alert to any significant gaps in that information, and then to analyse and assess the significance of that information.

There may also be situations where, having made efforts to obtain further information, that information is not likely to be forthcoming, or where a decision has to be taken as a matter of urgency.

The factors detailed in the table below are intended to assist Reporters in making such judgements. However, the examples in relation to the factors are intended to be illustrative, not exhaustive. It is not a checklist and Reporters are required to make a professional judgment regarding the extent of the concern regarding the child’s welfare.

In using the Framework Reporters require an appropriate knowledge and understanding of child development, assessing risk and need, and any relevant racial and cultural issues.

The structure of the table below is based primarily on the Department of Health’s “Framework for the Assessment of Children in Need and their Families”<sup>2</sup>. However it also draws on other assessment frameworks, in particular ASSET<sup>3</sup>, YLS/CMI<sup>4</sup> and the Spousal Assault Risk Assessment framework<sup>5</sup>.

The Scottish Executive has developed its own draft integrated assessment framework<sup>6</sup> for use across universal and specialised service providers, from the simplest, most routine situation, through to the most complex. The Department of Health’s assessment framework has significantly influenced the development of the Scottish Executive’s integrated assessment framework, although the Executive’s framework uses its own language. The titles of the sections in the Scottish Executive’s framework are shown in brackets and italics in the table.

<sup>2</sup> Published jointly by the Department of Health, Department of Education and Employment, Home Office 2000

<sup>3</sup> Published by the Youth Justice Board for England and Wales

<sup>4</sup> “Youth Level of Service/Case Management Inventory” published by the Cognitive Centre Foundation

<sup>5</sup> Published by The British Columbia Institute Against Family Violence

<sup>6</sup> Published by the Scottish Executive June 2005

## Section B

### Factors relevant to the assessment of the extent of the concern regarding the welfare of the child

1. CHILD'S DEVELOPMENT (where the child is developmentally) ("how I grow and develop")				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
i. Health ("being healthy")	Frequent casualty attendance; previous non-accidental injuries; unexplained physical injury; child's addiction issues impacting on child's health; physical disability; chronic illness; concerns regarding child's mental health	Good health; Good mental health	Substance misuse: chronic use of illicit drug; chronic alcohol use; substance misuse interferes with life e.g. education or relationships with others; substance use linked to offences whether directly by virtue of committing offences whilst under influence or indirectly by virtue of committing offences to pay for substances; occasional use of illicit drug	
ii. Education ("learning and achieving")	Not attending school; behavioural difficulties in school; learning difficulties; persistent low attainment; being bullied or bullying others; specific educational needs not being met	Regularly attending nursery/school; having a positive experience of education; progress at school commensurate with ability	Education concerns: non-attendance at school without reasonable excuse for absences; disruptive behaviour in school, whether in or out of class; low achievement in class; history of exclusion from school; problems with relationships with peers, such as being bullied, isolated or disliked; problems with relationships with teachers; unemployed or not seeking employment if left school	



## Section B

1. CHILD'S DEVELOPMENT continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
<p>iii. Emotional and behavioural development ("learning to be responsible"/ "being able to communicate")</p>	<p>Attachment difficulties; lack of appropriate self-control; not showing age-appropriate behaviour; hyperactivity; aggression; excessive wariness and anxiety and child appears fearful of parent/ hostile towards parents; sexualised behaviour</p>	<p>Positive early attachments; Warm, secure and stable relationships with parents/ carers; child is able to show appropriate compliance with boundaries in other settings such as school</p>	<p>History of anti-social behaviour: physically aggressive, verbally aggressive and abusive; behaviour is defiant of authority, including that of parents, school and police; intention to cause serious harm to other person or animal; early involvement in such behaviour Concerns regarding personality/attitudes: poor control of temper; short attention span / is hyperactive; participates in reckless activity to get a "buzz"; poor tolerance of frustration; tendency to act impulsively; lack of concern for the welfare or feelings of victim; lack of remorse for behaviour or unwillingness to accept responsibility for actions; anti-authority attitudes; lack of concern for the welfare or feelings of others; has discriminatory attitudes that provide motivation for offending History of offending Concerns regarding leisure time: spends large periods of time just "hanging around" / in activities that are not constructive; not involved in positive activities or organised activities such as sports or youth clubs</p>	

## Section B

1. CHILD'S DEVELOPMENT - continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
iv. Identity ("confidence in who I am")	Child's negative view of him/herself, or negative self-image or self-esteem; child views self as a "trouble-maker"	Positive self-esteem; Positive sense of racial and cultural identity	Child views self as an "offender"	
v. Family and social relationships ("enjoying family and friends")	Lack of a stable and affectionate relationship with parents/carers; poor relationship with siblings; age inappropriate relationships with peers; Isolated from peers	Stable and affectionate relationships with parents/carers; Age-appropriate relationships with peers; Friends who represent positive role-models	Concerns regarding peer relationships: few or no acquaintances or friends who represent positive role models; lack of age-appropriate relationships; age-inappropriate relationships	
vi. Social presentation ("learning to be responsible")	Poor cleanliness or personal hygiene; lack of age-appropriate understanding of social norms of behaviour and dress	Understanding of social norms of behaviour; Appreciation of the need for cleanliness or personal hygiene		
vii. Self care skills ("being independent, looking after myself")	Lack of early practical skills such as dressing and feeding; lack of independent living skills (in relation to older children)	Having independent living skills (in relation to older children); Having the practical, emotional and communication skills for increasing independence		



## Section B

2. PARENTING (what the child's carers are doing that impacts on the child's needs and whether they are met) ("what I need from people who look after me")				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
i. Basic care ("everyday care and help")	<p>Concerns regarding caregiver's motivation or ability to meet basic needs;</p> <p>Lack of co-operation with medical treatment;</p> <p>Physical neglect;</p> <p>Not ensuring child is appropriately dressed for the weather;</p> <p>Providing poor/inadequate diet;</p> <p>Not providing appropriate health /dental care, or immunisations;</p> <p>Not ensuring adequate personal hygiene</p>	<p>Ability to meet the child's physical needs;</p> <p>Ability to respond to support and advice;</p> <p>Understanding of children's needs;</p> <p>Ensure adequate health care;</p> <p>Ensures child is provided with appropriate health and dental care;</p> <p>Provides nutritious diet</p>		
ii. Ensuring safety ("keeping me safe")	<p>Not ensuring child is adequately protected from danger, including unsafe adults or other children;</p> <p>History of failure to protect;</p> <p>Lack of supervision appropriate to age;</p> <p>Lack of knowledge of child's activities and whereabouts when out of the home;</p> <p>Lack of recognition of hazards and danger in the home and elsewhere;</p> <p>Poor hygiene in home</p>	<p>Recognition of harm by parents and ensuring protection from harm;</p> <p>Parent takes protective measures appropriate to child's age and stage of development</p>		

## Section B

2. PARENTING continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
<p>iii. Guidance and boundaries ("guidance, helping me to make the right choices")</p>	<p>Not providing the child with clear boundaries or effective discipline; Not demonstrating or providing guidance on, the management of anger, or consideration for others; Caregiver's unrealistic expectations of the child; Inappropriate discipline of child, such as excessive use of physical punishment or overly strict rules</p>	<p>Parent provides clear boundaries and effective discipline; Parent shows an awareness of the importance of guidance and boundaries; Parent has been willing to implement strategies suggested by practitioners; Supervision and monitoring of child's whereabouts as appropriate to child's age and development</p>	<p>Concerns regarding parenting: inadequate supervision of child by parents; parents have difficulty in controlling child's behaviour; inappropriate discipline of child, such as excessive use of physical punishment or overly strict rules; inconsistent supervision, boundary setting or discipline; lack of concern at child's offending</p>	
<p>iv. Stability ("knowing what is going to happen and when")</p>	<p>Not providing sufficiently stable family environment to enable child to develop and maintain a secure attachment to primary carer; History of regular changes of address; Failure to meet child's need for continuity in relationships</p>	<p>Parent ensures secure attachments are not disrupted; Consistent response by parent to similar behaviour; Emotional stability and support during changes in family structure or housing change</p>		



## Section B

2. PARENTING continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
v. Emotional warmth ("being there for me")	<p>Not meeting the child's needs for secure, stable and affectionate relationships with significant adults;</p> <p>Little evidence of parental approval or praise;</p> <p>Child is scapegoated within family;</p> <p>Early bonding difficulties;</p> <p>Persistent criticism and hostility;</p> <p>Active emotional abuse</p>	<p>Meeting child's emotional needs, including the need for a secure and affectionate relationship with significant adults;</p> <p>Parents meet child's needs for praise and encouragement</p>	<p>Concerns regarding parenting: poor relationship with parents</p>	
vi. Stimulation ("play, encouragement and fun")	<p>Not promoting child's learning and intellectual development;</p> <p>Not promoting social opportunities;</p> <p>Lack of encouragement to attend school (or equivalent educational/ social opportunities);</p> <p>Collusion in child not attending school</p>	<p>Promoting the child's development through encouragement, stimulation and promoting social opportunities</p>		

## Section B

3. FAMILY & ENVIRONMENTAL FACTORS (factors that impact on parenting or on where the child is developmentally) ("my wider world")				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
<p><b>i. Family history and functioning ("support from family, friends and other people" "understanding my family's background and beliefs)</b></p>	<p>Concerns regarding the impact of negative family relationships on child, including the impact of domestic violence, or bullying/abuse by or towards siblings; Anti-social or offending behaviour by adults in household; Effect of parent's mental or physical health on capacity to meet child's needs; Effect of parent's substance misuse on capacity to meet child's needs; Lack of acceptance by family; History of concerns regarding other siblings; Parent's abuse/negative experience of care as a child</p>	<p>Family has sought help and responded positively to intervention in the past; Positive acceptance of the child by family; Parents use strategies to minimise the impact of their lifestyle upon the child</p>	<p>Concerns regarding living situation: chaotic living situation / lack of stable accommodation; other members of household involved in criminal activity; other members of household involved in alcohol or drug abuse</p>	<p>Factors that give rise to increased risk of repeat of domestic abuse (all factors relate to the abuser):</p> <ul style="list-style-type: none"> <li>• Current offence includes serious physical injuries, sexual violence, use of weapons or credible threats of death; violation of "no contact" interdict or bail condition</li> <li>• Previous incidents include assaults of past or current partner, use of weapons or credible threats of death towards past or current partner</li> <li>• Escalation in frequency or severity of violent behaviour towards partner in past year</li> <li>• Violations of "no contact" interdicts or bail conditions in the past</li> <li>• Minimising or denial of past domestic violence or attitudes that support or condone domestic violence</li> </ul>

## Section B

3. FAMILY & ENVIRONMENTAL FACTORS continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
i. Family history and functioning (continued)				<ul style="list-style-type: none"> <li>• Previous actual or attempted assault of family members (other than past or current partners) or assault of strangers or acquaintances</li> <li>• Previous violation of a criminal justice order e.g. bail, probation (regardless of whether the order was in relation to previous domestic violence)</li> <li>• Recent relationship problems with partner</li> <li>• Recent employment problems i.e. unemployed or unstable work history in past year</li> <li>• Victim of and/or witness to family violence as a child or adolescent</li> <li>• Substance abuse or dependence in past year</li> <li>• Homicidal or suicidal ideas; psychotic symptoms in past year; or serious problems with anger</li> </ul>

## Section B

3. FAMILY & ENVIRONMENTAL FACTORS continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
ii. Network of support/wider family ("support from family, friends and other people")	Lack of supportive friends or extended family; Negative contributions by extended family / friends; Isolation	Extended family members take an interest in the child; Supportive network of family or friends; Network of attachment figures available in extended family/carers; Access to formal support resources – eg family centre; Child is a member of a club, or has a mentor	Anti-social associates: some friends or associates are known offenders exhibiting antisocial attitudes or behaviour	
iii. Housing ("comfortable and safe housing")	Lack of the basic amenities and facilities for age and development of child; Overcrowding	Suitable accommodation for age and development of child; Access to, and willingness to work with housing support personnel		
iv. Income ("enough money")	Lack of provision for the child e.g. use of income by parent on his/her own needs to the detriment of child (whether or not due to addiction issues); Debt	Ability and willingness to work with financial and budgeting advice; Household income managed efficiently		

## Section B

3. FAMILY & ENVIRONMENTAL FACTORS continued				
Aspects to be considered	Examples of weaknesses (risk/need factors)	Examples of strengths (protective factors)	Examples relating particularly to risk of re-offending (but not exclusively)	Examples of other areas of concern regarding child
v. Family's social integration ("belonging")	<p>Family is socially isolated;</p> <p>Family is seen by the rest of the neighbourhood as 'antisocial' or are scapegoated;</p> <p>Family is the object of racial or other prejudice;</p> <p>Lack of acceptance of child by peer group and wider society</p>	<p>Family participate in neighbourhood events and organisations</p>		
vi. Community Resources ("local resources/school")	<p>Area of high levels of poverty, drug abuse or poor housing;</p> <p>Area of high anti-social behaviour;</p> <p>School unable to meet specific educational needs</p>	<p>Parents seek to protect the child from the negative impact of the environment;</p> <p>Family makes use of local resources e.g. GP, Voluntary groups, library, SW;</p> <p>Child has access to other stimulating settings, eg day care, family centre, extended family</p>	<p>Lack of age-appropriate facilities in the area</p>	

## Section C

### Gravity of Incidents

At the Initial Decision Stage, the gravity of the referral incident is a relevant consideration. This section of the Framework for Decision Making gives guidance on the assessment of the gravity of referral incidents.

It is important to note that the assessment of gravity relates only to a single incident e.g. a single offence committed by a child or a single incident of domestic violence. Although recurring incidents may each be of "low gravity", the fact that they are recurring will clearly be a particularly relevant consideration in assessing the "extent of the concern regarding the child's welfare" when making both Initial and Final Decisions.

If a referral relates to an ongoing situation rather than a single incident (e.g. a referral in terms of section 52(2)(a) or (c)), factors that make the referral more "serious" should be considered in the assessment of the "extent of concern regarding the child's welfare".

### Gravity of Offences Committed by a Child

The following table is intended to provide examples of the types of offences that may be presumed to be of high, moderate or low gravity.

Factors arising in relation to a particular offence in a referral may result in a Reporter deciding that an offence should "move" between ratings of gravity – however only in exceptional circumstances would such a factor result in an offence moving from a "High" rating to a "Low" rating or vice versa. Factors that should always result in an increase in a gravity rating are:

- where offence has a racial motivation (except an offence of racially aggravated behaviour in terms of section 50A(1)(b) and (5) of the Criminal Law (Consolidation) (Scotland) Act 1995 as it has such a motivation by definition)
- where offence was directed at a vulnerable victim (e.g. elderly person or repeat victim)
- where offence has significant impact on victim

## Section C

GRAVITY	EXAMPLES
High	<ul style="list-style-type: none"> <li>• assault with a weapon (whether or not injury caused)</li> <li>• theft of motor vehicle/s 178 (1)(a) of Road Traffic Act 1988</li> <li>• sexual offences involving coercive sexual behaviour</li> <li>• Misuse of Drugs Act 1971 - supply of drugs</li> <li>• intentional fireraising</li> <li>• robbery</li> <li>• Road Traffic Act 1988 offences – driving with no insurance, licence etc</li> <li>• Possession of knife or offensive weapon</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• assault resulting in injury, or assault on police officer</li> <li>• theft by housebreaking</li> <li>• Misuse of Drugs Act 1971 – possession of drug other than cannabis</li> <li>• racially aggravated behaviour (section 50A(1)(b) and (5) of Criminal Law (Consolidation) (Scotland) Act 1995)</li> </ul>
Low	<ul style="list-style-type: none"> <li>• theft by opening a lockfast place (from vehicle)</li> <li>• theft, including shoplifting</li> <li>• drinking alcohol in a public place (contrary to local byelaws)</li> <li>• vandalism</li> <li>• breach of the peace</li> <li>• assault with no or minor injury caused</li> <li>• Misuse of Drugs Act 1971 - possession of cannabis</li> </ul>

## Section C

### Gravity of Offences Committed Against Children

The following table is intended to provide examples of the types of offences that may be presumed to be of high, moderate or low gravity.

Factors arising in relation to a particular offence in a referral may result in a Reporter deciding that an offence should "move" between ratings of gravity – however only in exceptional circumstances would such a factor result in an offence moving from a "High" rating to a "Low" rating or vice versa. If a child is particularly vulnerable due to age, or other factors (e.g. learning difficulties), that should always result in an increase in a gravity rating.

GRAVITY	EXAMPLES
High	<ul style="list-style-type: none"> <li>evidence of deliberate intent to harm the child, physically or emotionally</li> <li>physical abuse causing bruising in child aged under 4</li> <li>physical abuse causing fractures in any child</li> <li>sexual offence involving coercive behaviour</li> <li>sexual offence where victim not of similar age</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>physical abuse causing bruising (unless child aged under 4)</li> <li>physical assault with implement, where no bruising or other injury caused</li> <li>section 12 of Children and Young Persons (Scotland) Act 1937 involving child being left unattended</li> <li>section 12 of Children and Young Persons (Scotland) Act 1937 involving child being cared for by person under the influence of alcohol</li> <li>offence involving sexual exhibitionism</li> </ul>
Low	<ul style="list-style-type: none"> <li>sexual offence committed by person of similar age and not involving coercive behaviour</li> </ul>

The above table assumes that there appears to be sufficient evidence of the offence e.g. sufficient evidence of unnecessary suffering or injury to health in relation to a section 12 offence.

### Gravity of Incidents of Domestic Abuse

The following factors should be considered in an assessment of the gravity of an incident of domestic abuse. As more than one of the factors could be present in a single incident, they are not presented in the form of a table of examples of high/moderate/low incidents.

#### Factors that give rise to an increase in the gravity of an incident:

- child directly physically harmed during the incident
- child used as a way to get at the other parent e.g. direct threats to harm the child
- child showed extreme emotional distress during or after incident
- incident involved the use of a weapon or other implement
- incident involved credible threats of death
- incident caused serious physical injuries or involved sexual violence
- incident involved a violation of "no contact" interdict or bail condition

Note that the presence or threat of violence can significantly impact on the whole of a child's life, and this must be taken into consideration in assessing the "extent of the concern regarding the child's welfare".

## Section D

### Guidance on factors to be considered in assessment of whether or not to refer a child subject to a supervision requirement to a hearing to consider new grounds of referral.

As with children referred to the Reporter who are not subject to supervision requirements, the key outcome that the Reporter's decision is seeking to achieve for every child referred is the enhancement of the child's welfare.

Before considering the Reporter's role in making decisions on children referred who are subject to supervision requirements, it is important to consider the functions of the children's hearing where the child is subject to a supervision requirement.

When a child is subject to a supervision requirement the unique functions that the children's hearing performs are:

- To review the supervision requirement and decide whether to continue, vary or terminate the requirement;
- To consider any grounds for referral and decide, amongst other things, whether to refer the grounds to the sheriff for proof;
- To provide advice to the court in relation to permanency plans or where the child has been prosecuted;
- To consider whether to impose duties on the local authority to enable a child to comply with a supervision requirement and then directing the serving of a notice on the local authority where the duties have not been complied with.

These functions of the children's hearing can only be accessed through the Reporter. In some situations this is through an administrative process (for example, arranging the review hearing when requested by the local authority, relevant person or child). However, where a child who is already subject to a supervision requirement is referred to a children's hearing to consider new grounds for referral (thus triggering a review of the supervision requirement if the new grounds are accepted or established), it will be as a result of a discretionary decision of the Reporter.

As with all referrals received by the Reporter, the Reporter must be satisfied that there is sufficient evidence of a ground for referral before deciding to refer a child to a hearing to consider new grounds of referral.

## Section D

A Reporter should only decide to refer a child subject to a supervision requirement to a hearing to consider new grounds for referral if:

1. The Reporter is of the view that the child's welfare requires that specific grounds for referral are considered by the hearing; or
2. The Reporter is of the view that the referral indicates that the child's welfare requires that his/her supervision requirement is varied.

In assessing whether or not either of the above situations applies, Reporters should take into account the specific factors set out in the following table.

- These factors are intended to assist Reporters in assessing whether or not either of the above situations applies.
- The factors should not be considered in isolation from each other.
- The extent to which any of the factors applies in a particular case will be a matter for professional judgement in relation to the case.

Reporters should not refer a child to a Hearing to consider new grounds of referral simply on the basis that there is a review hearing already scheduled to take place for another reason, eg annual review.

Nature of current referral	<p>The Reporter should always consider whether there is a need for the drafting and establishment of any significant new grounds for referral.</p> <p>The higher the gravity of the incident the more likely it is that a further hearing will be needed.</p> <p>However, regard should be had to the nature of previously established or accepted grounds of referral. The more similar the current referral is to the grounds of referral which have been established or accepted (especially in relation to patterns of behaviour such as lack of parental care or non school attendance) the less likely it is that the Reporter will need to refer the child to a hearing.</p>
Response and attitude of carers and/or child to the referral	<p>Where there is an acceptance by the carers and, if applicable, the child, that the incident which led to the referral occurred and that something needs to be done about it, the less likely it is that the Reporter will need to refer the child to a hearing.</p>

## Section D

Nature of current supervision	Where there is an existing condition on the supervision requirement which addresses the referral, the less likely it is that the reporter will need to refer the child to a Hearing. If a condition on the supervision requirement is not being complied with, the local authority have a duty to request a review of the supervision requirement.
Co-operation with and progress of care plan	<p>To assess this, regard should be had to the information which the Reporter already has in relation to the child's case, for example, the recorded decision of the Reporter to refer the child to a hearing, reports from the local authority, the referral history (including the recorded decisions by the Reporter) and the most recent Reasons for decision of the hearing.</p> <p>The greater the levels of co-operation and the greater the progress in the care plan, the less likely it is that the Reporter will need to refer the child to a hearing. In assessing the levels of cooperation and progress in the care plan, Reporters should have regard not just to whether the family are making themselves available to services but the impact of the intervention in addressing the child's needs.</p>
Length of time since last hearing	The more recently that the child has attended a hearing, the less likely it is that a further hearing will be needed. It takes time for care plans to achieve their aims. Full assessments take a significant period of time for workers to complete, reducing the time they spend carrying out direct work. For offence referrals received, Reporters are referred to PGN 28.

### Initial Decision Stage

At the initial decision stage, where the Reporter's assessment is low regarding the gravity of the incident that led to the referral and there are no other referrals under investigation, best practice for Reporters is to telephone to speak to the allocated social worker to advise them of the referral and ascertain if there are any further concerns in respect of the child. If it is not possible to do this or no further concerns arise from the telephone call, there is a presumption that the Reporter shall proceed immediately to make a final decision in relation to that referral and that the decision will be "not to arrange a children's hearing." Any departure from this presumption requires to be justified in the reasons recorded for the initial decision.

Where investigation is needed at this stage, the purpose of it is to obtain enough information to enable the Reporter to make a final decision based on the factors specified in the table.

## Section D

At the initial decision stage, the following options apply:

1. No action without investigation. This applies where it is a low gravity incident and / or taking into account the factors in table, no further investigation is needed.
2. Minimal investigation. This applies where, based on the information the Reporter has, the factors in the table indicate that it is unlikely that the child will be referred to a hearing but further information is needed from the lead agency, usually social work services before a final decision can be made.
3. Standard investigation. This applies where, based on the information the Reporter has, the factors in the table indicate that it is likely that the child will be referred to a hearing but further information is needed before a final decision can be made. Reporters should request a Review Report and any other reports from agencies known to the child (eg education, health visitor, psychological services) which they consider relevant and necessary.
4. Extensive Investigation. This applies where, in addition to reports requested under standard investigation, it is necessary to obtain further information by way of a specialist report, eg psychological assessment where child not already known to service; evidence report from expert witness.
5. Further action with no investigation. This applies where there is sufficient information to make a decision and based on the factors in the table, there is a clear need to refer the child to a hearing to consider new grounds of referral. Reporters should ensure that appropriate reports are available for the hearing.

### Final Decision Stage

At the final decision stage, the following options apply:

1. Not to arrange hearing – insufficient evidence.
2. Not to arrange a children's hearing – current measures. This applies where, taking into account the factors in the table, there is no need to refer the child to a hearing to consider new grounds of referral.
3. Not to arrange a hearing – no action. This applies when the referral does not justify any action by virtue of its age, triviality or irrelevance
4. Arrange a children's hearing. This applies where, taking into account the factors in the table, there is a need to refer the child to a hearing to consider new grounds of referral.

In all cases where a referral is received for a child subject to a supervision requirement, the Reporter must notify the lead agency (usually social work services) of the referral and the Reporter's decision.

## Section E

### Recording of Decisions

The extent to which the detail of the Framework is referred to in any particular case will be a matter for professional judgement in relation to that case. However, the reasons recorded by the Reporter:

- for a child who is not subject to a supervision requirement, must reflect the Reporter's assessment of the principal factors in Section A;
- for a child who is subject to a supervision requirement must reflect the Reporter's assessment of the principal factors in Section D

The reasons must also be relevant and sufficient, referring to relevant, reliable information, sufficient to justify the intervention.

Where the Framework provides for a particular presumption about a factor (e.g. an offence is low gravity), no further explanation for making this an assumption is required beyond noting that the Framework was followed. Any departure from the assumption (e.g. considering a particular offence of vandalism to be moderate or high gravity) requires explanation.

Similarly, when application of the Framework is tending to point towards a particular decision, but the decision taken is a different one, clear and robust reasons are required.

[www.scra.gov.uk](http://www.scra.gov.uk)



**Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE**

**Tel: 0300 200 1555**

**Fax: 0300 200 1541**

**[communications@scra.gsi.gov.uk](mailto:communications@scra.gsi.gov.uk)**