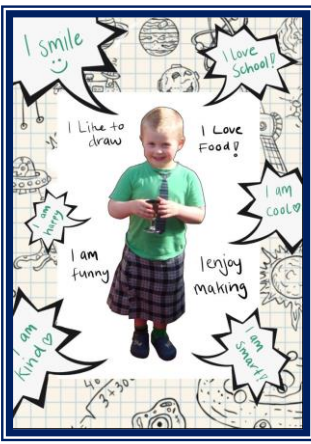


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SCRA's response to the Consultation on the re-draft of the 2014 Child Protection Guidance, January 2021.

The Scottish Children's Reporter Administration (SCRA) welcomes the opportunity to respond to this consultation.

The Children's Hearing is Scotland's distinct statutory approach, in which concerns about a child's circumstances (whether about the care or treatment of the child by adults or the behaviour of the child) are considered by Children's Reporters and then by panel members in a Children's Hearing, who make a decision about whether there needs to be compulsory professional involvement with the child and family.

In the Children's Hearings System:

- the needs of children or young people are addressed through one holistic and integrated approach which considers all the circumstances of the child and the child's welfare
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making
- the rights of children and families are respected

The role and purpose of SCRA is:

1. Receiving referrals for children/young people who may be at risk.
2. Ensuring that other public agencies carry out enquiries and assessments into children/ young people's circumstances so we can make informed decisions about children/young people referred to us.
3. Making decisions on whether to refer a child/young person to a Children's Hearing if they need compulsory measures of supervision.
4. Drafting the grounds for the Hearing.
5. Arranging for Children's Hearings to take place when we decide that compulsory measures of supervision are warranted and where there is sufficient evidence to prove the grounds.
6. Ensuring fair process takes place within the Hearing, including the rights of those in attendance being met.
7. Having a key role in establishing grounds of referral in court, where these are contested, and in defending decisions of Children's Hearings which are subject to appeal.

Our Vision: Children and young people will be listened to, protected and supported to realise a positive future where they are safe, valued and respected.

Our Mission: We protect and support Scotland's children and young people, by making high quality decisions, upholding their rights and working collaboratively as compassionate, inclusive corporate parents to enable the most positive and personalised experience of the Children's Hearing.

Our Values: Our values are the shared motivations, beliefs and behaviours that underpin all that we do.

Supportive

We work with kindness to support children, young people and families, our Partners and each other.

Child Centred

Children and young people are at the heart of everything we do.

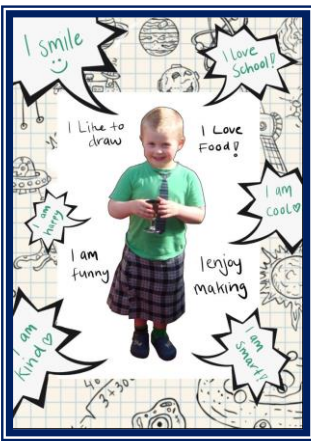
Respectful

Everyone is respected and treated fairly, inclusively and lawfully.

Accountable

We are responsible for our decisions, our ethics and our learning.

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Consultation questions

Q1: Advice and Accessibility – This guidance seeks to provide advice to local partnerships and agencies to inform the development of local guidance, and has been structured in sections that are intended to be standalone and accessible to practitioners seeking advice on particular aspects of practice.

a) In your view, does the guidance fulfil these objectives?

Yes

The guidance is accessible and informative and is a strong central reference for professionals across sectors working with children, and although not specifically designed or written for families, the involvement of many groups and individuals in the drafting of key sections also means that the finished draft document is also accessible for them.

The principled philosophical stance of the guidance is clear and unequivocal. It aligns with the key principles underpinning the social structures and systems in Scotland which exist for children and will work as a strong bedrock for them. Scotland seeks to protect its children, at the earliest opportunity, and to prevent wherever possible the escalation of issues which require a more draconian and invasive response. The responsibility for this protection sits with all of us.

The guidance also recognises that different professionals will use the guidance in different ways. The accessibility of the guidance for all is going to be dependent on effective indexing and referencing and the continuing relevance of the guidance is going to be dependent on continued Scottish Government investment – of time, money and resources to keep the dynamic, living document up to date and accurate. All of us working with children recognise the pace of change and perhaps this year more keenly than any other. 2020 has brought with it unparalleled challenge to the ways in which we work with and for children and challenge to the ways in which children and families access public service provisions which have previously been taken for granted. The guidance needs to be able to shift and adapt to the continuous improvement agenda now adopted by public service bodies and in this format is well equipped to do that.

The changes to the 2014 guidance do mean that local or agency guidance will also need to be developed and adapted to align with the new approach / approaches. Previously local guidance has existed as a standalone paper document. Now, when equipped with a national dynamic, 'living' document it may be that local authorities and public bodies will require support to develop local guidance which is also dynamic, so that the strengths of the national approach are not lost through local implementation. It might be helpful if the Scottish Government could give some consideration to how this support could be provided.

~~b) If you do not think the guidance fully fulfills these objectives, or if any sections are not sufficiently standalone please explain your view and suggest how improvements could be made.~~

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Q2: Legislative and Policy Development – This revised guidance seeks to reflect legislative and policy developments since 2014 and include relevant learning from practice and research.

a) Are you aware of any additional legislative or policy developments, research or practice that should be included?

Yes

b) If so please provide further details.

Barnardo's and SCRA 2020 Research on Child Sexual Exploitation in Scotland should be included as a reference in the CSE references.

[Sexual exploitation of children involved in the Children's Hearings System](#)

SCRA's research on Complexity in the Scottish legislative and policy landscape is also not referenced and it feels like this should be acknowledged – probably in the introduction or in the section on statutory interventions. An increasingly complex landscape is one of the areas for system reform clearly focussed on by the Independent Care Review – and there will be no obvious solution until the problems which result from the context in which we work are fully and clearly articulated.

[Complexity in the lives of looked after children and their families in Scotland: 2003 to 2016](#)

SCRA and CELCIS Research on [Contact Decisions in the Children's Hearings System](#) and SCRA's series of research papers on CSO's (7 reports which can be accessed from the SCRA website [here](#)) may also be worth adding to references.

Q3: GIRFEC Practice Model – Our aim is to ensure that the guidance is fully integrated with the language and core components of the Getting it right for every child (GIRFEC) practice model.

a) Do you think the revised National Guidance for child protection is integrated with the GIRFEC practice model?

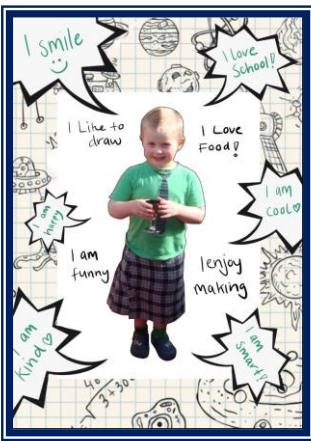
Yes

b) Please explain your answer.

The guidance is clearly built on the GIRFEC practice approach from the first pages. It uses the cornerstones of GIRFEC to structure and present the aspects of practice and the experiences of children and families which can lead to child protection concerns and responses in a clear and completely integrated way.

This integration is one of the great strengths of this guidance and the authors should be commended for capturing the language, tone and principles of the approach in a way which should stand the test of time.

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Q4: Practices and Processes – Part 3 seeks to accurately and proportionately describe the practice and processes critical in the protection of children.

a) Are there any practices or processes that are not fully or clearly described in the guidance?

Don't Know

b) If so, please state which processes/practices are not fully or clearly described and suggest how the description could be improved.

The guidance is full and detailed – but it can never be exhaustive. It may be that there are aspects of childhood / adult behaviour which have not been captured or detailed enough.

Q5: Assessment Section – A new section of this National Guidance (Assessment part 2b) provides advice about child protection assessment practice.

a) Is this section sufficiently clear and does it cover all of the aspects you would expect?

To some extent

b) If No or To Some Extent, please suggest how this section could be improved.

This is a welcomed addition to the guidance which could also consider whether it is possible to map out more clearly the different key multi-agency assessment documents – and the audience for those documents. This information could be tabulated and could also be an appendix.

One of the repeated asks from children's hearings experienced children has been that all of the information they receive for the hearing be written for them (this is repeated in the Our Hearings, Our Voice [Zine](#) calls for action in the Children's Hearing System) and it might help professionals to always have an audience reference.

Q6: Description of child protection processes and procedure – This National Guidance covers the consideration, assessment, planning and actions that are required, when there are concerns that a child may be at risk of harm. It also provides direction where child protection procedures are initiated. This is when Police, Social Work or Health determine that a child may have been abused or may be at risk of significant harm and an Inter-agency Referral Discussion (IRD) will take place.

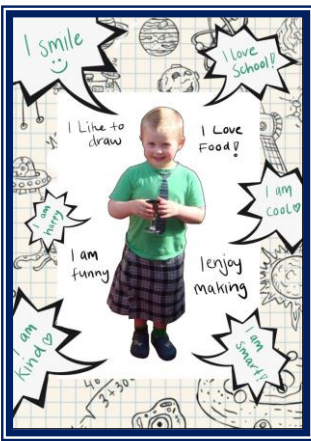
a) Are the processes and procedures that lead to and follow IRD clearly described within the Guidance?

Yes

b) Please provide additional comments.

SCRA welcomes the more streamlined and standardised approach to IRD – and specifically the introduction of e-IRD. As a public body providing a national service we strive to train Children's Reporters in consistent national practice. This is clearly more difficult for us to achieve when different local authorities or areas take different approaches to

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key elements of their own practice. A consistent national approach as outlined in the guidance will strengthen the consistent approach of Children's Reporters nationwide.

It also strengthens the protection we can give to children – evidence of the concerns for a child and the professional response to those concerns will often need to be presented to court in order for a statutory intervention for the child to proceed. If the process which initiated the intervention is robust, accurately and timeously recorded then it is less likely to be disputed or open to any legal challenge.

Q7: Integration of health guidance – We have integrated previously separate guidance for health practitioners into the revised guidance and more clearly defined the key role of health in protecting children at risk of harm from abuse or neglect.

Do you have any comments on specific aspects for health practitioners ?

No. We welcome the integration of the guidance for health professionals and think that it sends a clear message that we are working together to prevent harm to children.

Q8: Neglect – The draft National Guidance defines 'neglect' as child abuse, where it:

"Consists in persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. There can also be single instances of neglectful behaviour that cause significant harm. Neglect can arise in the context of systemic stresses such as poverty and is an indicator of support needs."

a) Do you agree with this definition?

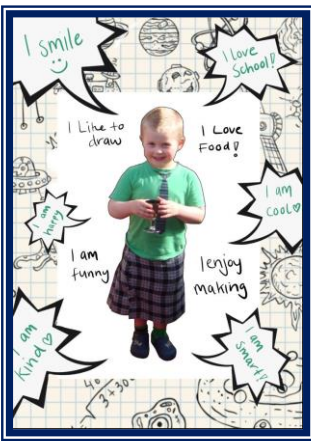
Yes

b) Please provide additional comments.

SCRA concurs with the view taken in the guidance that the complexities of each and every case where an aspect of neglect has been a feature of a child's experience cannot be captured or detailed in full. Every Scottish Significant Case Review details the tragedy which arises when experiences of different aspects of neglectful parenting are not accurately or timeously identified. Neglect is a complex area of practice and can occur in many forms – and we recognise that some professionals may not be fully aware of some of these forms – and that this definition does not articulate all of the forms.

It may be that there are models / schemas to more fully explain forms of neglect which could be included in the references to the guidance and which would be a valuable resource for professionals who do not regularly deal with such circumstances.

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Q9: Neglect – Recognising that it is a complex area we also include some discussion about whether neglect should be defined as abuse where it is “a consequence of systemic stresses such as poverty.”

a) Do you agree with this approach?

Yes

b) Please provide additional comments.

Absolutely. Children and families should not feel any penalty for aspects of their lives which are beyond their control.

Poverty is one such aspect. The landscape for families however can be complicated and there can be reactions to stressors such as poverty which do result in neglectful or other harmful behaviours – the guidance recognises this nuance and allows professionals to navigate their way through this within their working relationships with children and families.

Q10: Pre-birth assessment and support – Part 4 of the National Guidance sets out the context in which action is required to keep an unborn baby safe. Part 3 sets out the processes for this.

a) Do these parts of the guidance clearly and fully set out the context and processes?

Yes

b) If answering To Some Extent or No, please detail why.

Q11: Specific areas of concern (Part 4)

a) Do all sections of Part 4 of the National Guidance address the specific areas of concern appropriately?

Yes

b) Please let us know any sections you do not think address the specific area of concern appropriately and suggest how these could be improved.

Q12: Implementation – The Scottish Government considers that Chief Officer Groups and local Child Protection Committees, supported by Child Protection Committees Scotland, the Scottish Government and a range of other partners, are the key fora for implementation of this Guidance.

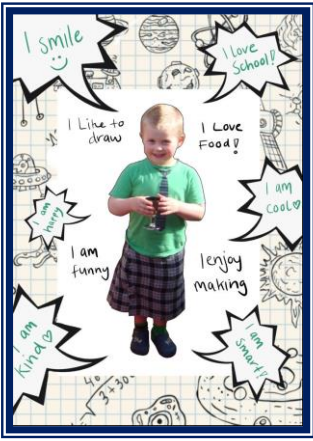
a) Do you agree or disagree?

Strongly Agree

b) Please explain your answer.

The Guidance once written becomes the ‘property’ of those who are tasked with implementing its contents in a consistent national way – and the fora outlined are the key structural bodies who will be responsible for such implementation.

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However, perhaps Scotland's wider systemic vision as outlined in The Promise by the Independent Care Review should also be considered by the Scottish Government in relation to the Guidance. It should absolutely be implemented by professionals - but it also needs to be owned by the children and families the Guidance will impact and perhaps more work needs to be done on that.

Q13: COVID-19 – During the COVID-19 pandemic, it has been necessary to adapt practice to ensure continuity of child protection processes. Learning from the pandemic and examples of best practice will be incorporated into the National Guidance.

a) Are there adapted processes that you would like to see continued?

Yes

b) Please provide further information

Some elements of the use of technology to facilitate children's hearings should continue. The shortened multi-agency assessment which has been in use in some parts of the country since March 2020 should be evaluated and considered more fully. The use of digital authentication of documents in the children's hearing should be continued.

Q14: Do you have any further comments on the National Guidance?

This comment is more in relation to indexing – whilst the titular page to Part 2 is clear, the initial index is not so clear – and would make it less easy to access specific information about a role / responsibility. It would also be helpful if the section titular pages were hyperlinked to the relevant parts of the guidance.

We are happy for our response to be published and we would be happy to discuss our response further if that is helpful.

SCRA Practice and Policy Team, January 2021.