

SCRA Consultation Response FULL VERSION 2021

CONTACT CENTRES CONSULTATION



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.

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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.

Question 1):

How important do you feel it is that each of the following areas are included in the regulations for minimum standards of accommodation?

(Very important, somewhat important, fairly unimportant, very unimportant)

- are clean, bright, warm, well maintained and well ventilated
- are safe and secure (including any outdoor areas), free from avoidable hazards, and have a secure entry system
- have toilets and nappy changing facilities and (where available) kitchen facilities that are in good condition with access to hot and cold water and compliant with existing environmental health and safety requirements
- have furniture, soft furnishings, toys and equipment (including outdoor play equipment) and appliances/fittings that are in good condition and compliant with health and safety requirements, including British Standards Institution (BSI) safety standards
- have adequate space to meet the needs of children and families using the centre, including sufficient waiting areas
- have at least two separate entrances/exits, where possible
- have access to age appropriate and good quality play equipment and play spaces, including outside space where possible
- have clearly defined emergency evacuation plans in place that staff, parents and children are aware of and that are well signposted
- have fire safety equipment that conforms with BSI safety standards
- have a first aid box

Do you have any further comments regarding your selections?

All of the identified areas are very important, but the approach to take is to consider the experience of service users - and perhaps there are models of service provision that could be a measure for defining and for assessing compliance with any minimum set of standards developed. Education, for example, is an area where space is defined and determined in order for children to derive the best possible experience of learning, throughout their education journey. The difficulty for contact centres is that an infant, a primary child and a teen may all require age and stage specific environments.

Question 2):

Are there any other areas that should be considered for the minimum standards for accommodation?

Yes
No

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Don't Know

Why did you select your answer?

If you have answered yes, please list the areas you consider should be covered.

No.

The minimum standards should be for the contact centre, not just for specific parts of that. For example, a wonderful room within a difficult to reach, run down area of town with no safe access or egress is not something, in our view, which should be considered. Developing these standards gives Scotland a real opportunity to make sure these spaces are as fit for purpose as they can be so that the often difficult emotions and relationships are supported appropriately.

Question 3):

Do you agree with the proposed process for and frequency of inspections for a providers registered premises?

Yes

No

Don't Know

Why did you select your answer?

Yes.

The initial inspection followed by routine three yearly inspection seems fair and proportionate. We agree that this work sits with the Care Inspectorate and agree that the identified team will need lead in time.

Question 4):

Do you agree/disagree with the proposed sanctions for non-compliance with the accommodation standards?

Agree

Disagree

Don't know

Why did you select your answer?

Don't know.

We are less clear about what happens when a Centre is deemed not to meet minimum standards, particularly at the start of this new process. Children and families across Scotland should be confident from the beginning that all the Contact Centres in the country meet the minimum standards when the regulatory

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scheme commences. We agree that the Care Commission should have a role in a complaints procedure, but think that an initial complaint should be dealt with through the Centre and possibly through a national regulatory body who would also own the standards. It may be that the Scottish Government intends this regulatory body to be Care Commission, but that is not clear.

Question 5):

Should the same minimum standards that apply to registered premises also apply to alternative premises?

Yes

No

Don't know

Why did you select your answer?

Yes.

These are minimum standards that all children and families should be able to experience wherever they are in Scotland. The onus should be on the supplier to ensure any proposed premises meet the minimum standards, to ensure as positive an experience as possible.

Question 6):

Are there any other areas that you think should be included in the minimum standards for alternative premises used on an ad hoc basis?

Yes

No

Don't know

Why did you select your answer?

If you have answered yes, please list the areas you consider should be included

No.

The standards should apply even when space is used in an ad hoc way, as a result of some unforeseen circumstance. If at the last minute an arrangement is required which does not meet the minimum standards then there should be a clear choice for a child and family about where and when they can see each other.

Question 7):

Do you agree/disagree with the proposed process for inspections for alternative premises used on an ad hoc basis?

Agree

Disagree

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Why did you select your answer?

Agree.

The same inspection routine should apply. However, we think we should also say that locations which are used infrequently may be more difficult for providers to maintain, particularly if they are used by other services more often. Providers will need to consider this in selecting and maintaining their Centres.

Question 8):

Should a contact centre provider be able to self-certify a premises as appropriate in situations where alternative premises are required unexpectedly or in an emergency?

Yes

No

Don't Know

Why did you select your answer?

Yes, but only when providers offer a clear choice to families when a self-certified location is on offer.

Question 9):

Do you think the proposed arrangements to help ensure compliance with existing duties under the 2010 Act in relation to disabled access at child contact centres are adequate?

Yes

No

Don't Know

Why did you select your answer?

No, we think the minimum standards should cover any adjustment required as a result of protected characteristics and that there should be no need for any reasonable adjustment. The Centre should be safe, welcoming and child friendly by design and this should be for all children and families.

Question 10):

These are the key areas we consider staff and volunteers in child contact centres working with children and families should be trained in under the proposed standards (other than staff or volunteers carrying out administrative or maintenance roles).

Please rate each on whether you feel it should be:

Required for all staff (except those in administrative roles), Desirable for some staff to complete,

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but not required for all staff, or Not required for any staff to complete.

- child protection
- understanding domestic abuse, particularly the dynamic of coercive control
- understanding the ways adults can influence a child
- working with families in conflict
- responding to children's needs and behaviour
- child development, including learning disabilities and developmental disorders
- risk assessments
- parental mental health
- drug and alcohol misuse
- awareness of other services that are available for children and young people
- proficient recording of contact
- reporting on contact
- observing supervised contact
- complaints handling

Do you have any further comments regarding your selections?

We think the process of risk assessment may not need to be understood by all staff, although completed risk assessments and what they mean should be. All the other elements suggested seem crucial.

Question 11)

These are the areas we consider that it may be desirable for certain staff at the child contact centre to have training in depending on their role, but that these wouldn't necessarily be required as minimum standards under the regulations.

Please rate each area on whether you feel it should be: Required for all staff as a minimum standard (except those in administrative roles), Desirable for some staff to complete, but not required for all staff, or Not required for any staff to complete.

- an introduction to trauma
- adverse childhood experiences
- positive transitions
- attachment theory in child development
- brain development
- working with families where English is not their first language

Do you have any further comments regarding your selections?

These areas also seem essential for all people with a role directly with children and families.

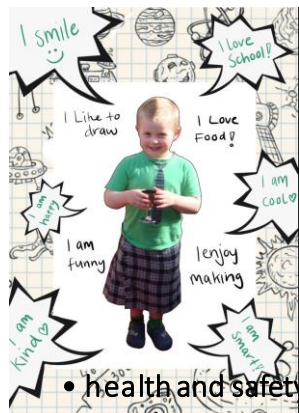
Question 12)

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These are the areas we would not plan to lay down as minimum standards under the regulations, but we would expect providers to ensure that members of staff have an awareness and understanding.

For each area please indicate whether you Agree or Disagree with the proposed approach or if you Don't Know.



- health and safety
- equality and diversity
- confidentiality and disclosure of information
- anti-harassment and anti-bullying
- medication and nutrition
- disciplinary/whistleblowing
- practicalities of child contact centre management/admissions

Do you have any further comments regarding your selections?

The proposed areas of internal policy all seem essential for providers to have in place as a minimum requirement. We do not fully understand why they are not being laid down as minimum standards for providers. Most of the policy areas will be areas covered by larger Organisations and are not just areas for training and or awareness.

Question 13):

Are there any other areas that should be considered for child contact centre staff training standards?

Yes

No

Don't Know

Why did you select your answer? If you have answered yes, please list the areas you consider should be covered.

Yes.

It may be that some perhaps introductory training in relation to the different routes into using the service provided at the Centre may be really beneficial, for those working at the Centre but also potentially for children and families.

Question 14):

Do you agree/disagree with the proposed process for monitoring of training requirements?

Agree

Disagree

Don't Know

Why did you select your answer?

Don't know.

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We are unclear whether the training requirements for staff are to be included in the standards. We think there should be an expectation around induction, job specific training and continuous professional development. We are of the view that this would help make the Contact Centre safe.

Question 15):

Do you agree/disagree with the proposed process for raising complaints against a child contact service?

Agree

Disagree

Don't know

Why did you select your answer?

Agree.

We support the proposed 'layered' approach to complaint as we think it will result in resolution of most issues appropriately and timeously. We absolutely support the idea of a complaints process that needs to be understood by children and that this may require bespoke information for them. We think that a process where children and families can approach the service provider, then the regulator and finally the SPSO as a final arbitrator of the complaints process is robust and proportionate.

Question 16):

Do you agree/disagree with the proposed process for raising complaints against individual members of staff and volunteers?

Agree

Disagree

Don't know

Why did you select your answer?

Agree.

A complaint to the service provider should be the right level for any complaint about a member of staff / volunteer.

Question 17):

Do you have any suggestions on how guidance on complaints procedures should be made accessible to children using child contact centre services?

Yes

No

If yes, please outline these suggestions.

Yes.

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A complaints procedure for children needs to be easy to access and available whenever a child wishes to access the process. Adults and children should both be aware of any complaints process, as adults may support children in taking such action. Our view would be that a website or information pack should be developed in conjunction with SCTS to explain fully to children involved in any family court process all the elements of that process. Posters and leaflets in the Contact Centres may also be useful, and this consultant has already covered the position in relation to relevant training for Centre staff and volunteers.

Question 18):

Do you agree/disagree with the proposed process for a child contact centre raising complaints against the regulatory body?

Agree

Disagree

Don't know

Why did you select your answer?

Agree.

The proposed process for complaining against the regulatory body is clear. We support it.

Question 19):

Should the right to appeal by a child contact centre of a decision made by the regulatory body be to the sheriff court?

Yes

No

Don't know

Why did you select your answer?

Yes.

If a provider or Centre is not registered or is removed from the register, the regulator will have used the standards to assess the suitability of the provider or Centre. Any appeal of this decision should be in relation to the factual content of the regulator decision and it is right that disputed fact should be determined by the Sheriff Court. It is difficult to know where else the appeal could be made, unless there was an Oversight Body for the Providers or other group who could act as an arbitration service before recourse to the Sheriff Court.

Question 20):

As we continue to develop these policy proposals and work to understand their potential impact, do you have any comments about, or evidence relevant to, any of the following:

a) the draft Business And Regulatory Impact Assessment Yes/No

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- b) the draft Child Rights and Wellbeing Impact Assessment Yes/No
 - c) the draft Data Protection Impact Assessment Yes/No
 - d) the draft Equality Impact Assessment Yes/No
 - e) the draft Fairer Scotland Duty Assessment Yes/No
 - f) the draft Islands Impact Assessment Yes/No
- If you have answered yes please provide your comments.



a) BRIA we have one comment, and that is in relation to the continuation of the current funding arrangements for Contact Centres. We wonder if costing for Centres set up and run directly as a non departmental public body on behalf of the Government has been done? It might be a simpler solution, and one which may be easier to standardise and therefore regulate.

b) CRWIA we do not think the standards should merely 'aim' to improve. The standard should improve the experience of children and their families. The standards must ensure Centres are safe, secure and child friendly and that age appropriate resources are available and in good condition. Post pandemic this is especially important. The Relationships Scotland service user profile is very interesting and such profiling of the users of the service should be used to lead to targeted service provision. However, we would caution against equipping Centres only for the majority. The standards should ensure that any Centre is equipped for any child who may be referred to the Centre.

We think that the references to training throughout the CRWIA are all relevant, but should be supplemented with comment on how the design of a Centre can also protect the rights of people using the Centre.

We agree absolutely that the changes will have a positive impact on children's rights.

We do not see a risk from over-regulation and we think it is incumbent on Government to ensure the level of regulation put in place is appropriate and achievable, and that suppliers receive appropriate financial and other supports in order to meet the demands of regulation.

We would, finally, ask that in relation to wellbeing indicators that some thought is given in the standards to 'exit' routes from the Contact Centre. A child's relationship with their parent will be affected by the surroundings of a Centre, no matter how well designed or equipped and there has to be a clear and recognisable way for a family to have a different approach agreed by the decision maker. This should perhaps be clear from the standards and could also cover different ways of facilitating contact which do not use the Contact Centre - for reference and planning purposes for children, families and professionals.

c) DPIA we would ask that the DPIA considers specifically the role of the Centre in relation to the collation, retention and information sharing of supervised contact sessions. This information will need to be made available to a decision maker, but a clear description of the potential for information sharing with other statutory and non statutory organisations should also be covered. This may involve some standards around the IT use of the service providers and also the training of staff and volunteers in relation to GDPR and information governance. There may also be elements of information which require to be withheld from some service users. This is always a difficult and stressful area of work and we think needs specific consideration in the standards.

d) EQIA we think that the different protected characteristics of the Equalities Act should stand as a measure for the development of standards. We think each Centre should be safe, welcoming and child friendly for any child or adult using the centre, regardless of protected characteristic.

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e) Fairer Scotland Duty we think that this duty should also stand as a measure for the development of standards. We think each Centre should be safe, welcoming and child friendly regardless of the demographic of service users.

f) Island Communities Impact we think that this duty should also stand as a measure for the development of standards. We think each Centre should be safe, welcoming and child friendly regardless of the demographic of service users.

Question 21):

Do you have any further comments?

Yes

No

If you have answered yes please provide your comments.

No further comments.

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