



Consultation on the revised National Guidance for Child Protection in Scotland

28 January 2021

About Children in Scotland

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland is pleased to be able to respond to this consultation. Over the past few years, our organisation has responded to a number of consultations relating to the care and protection of children and young people, including consultations about the Children (Equal Protection from Assault) (Scotland) Bill and the Age of Criminal Responsibility (Scotland) Bill, as well as several Scottish Government consultations relating to youth justice and the Children's Hearing System.

Our response to this consultation is grounded in children's rights and refers to evidence and recommendations from across the sector, including our own direct project work with children, families and professionals and our experience of delivering Enquire, the Scottish advice service for additional support for learning.

Children in Scotland's Manifesto for 2021-2026¹ includes a section entitled 'Protecting children and young people from harm' which highlights some of the issues identified in the guidance and calls for organisations to adopt strengths-based approaches in order to protect children and support families effectively. Our Manifesto, which is supported by a range of organisations across the children's sector, also highlights the importance of practitioners' relationships with families and we are pleased to see this reflected in the updated Child Protection Guidance.

Children in Scotland does not have in-depth knowledge of all areas covered in the proposed guidance.

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.

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

N/A.

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?

No, however we would like to see an addition to the 'Legislation relating to Child Protection' section in Part 1. We believe that the summary of the Education (Additional Support for Learning) (Scotland) Act (covered in paragraph 155) should highlight that the Act puts a proactive duty on local authorities to make arrangements to identify which children have additional support needs, and to identify their particular needs.

b) If so please provide further details.

¹ https://childreninscotland.org.uk/wp-content/uploads/2020/11/Manifesto-2021-26-V1_Spreads.pdf

N/A.

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?

To some extent.

b) Please explain your answer.

Children in Scotland believes that the new national guidance does align with language and core components of the Getting it right for every child (GIRFEC) practice model. Several sections in the proposed updated Child Protection Guidance note that 'refreshed GIRFEC guidance and policy is forthcoming'. Updated information in relation to GIRFEC has been in development for some time and Children in Scotland would like to highlight the importance of clear GIRFEC guidance and policy in supporting professionals to act early to support children and families appropriately and confidently deal with child protection processes.

Anecdotal evidence from our members highlights the need for this information to support appropriate and lawful information sharing and to increase practitioner confidence. This is particularly important at the moment with increased concerns around children's welfare due to the coronavirus pandemic.

Children in Scotland calls upon the Scottish Government to confirm a timetable for the publishing their refreshed GIRFEC guidance. We believe it would be helpful to reference this in the updated Child Protection Guidance.

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?

No.

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

N/A.

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?

Yes.

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

N/A.

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.

N/A.

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.

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.

N/A.

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. We agree that this is a complex area and support the inclusion of this text. We also support the inclusion of references to the influence of structural inequalities in our society within other sections of the guidance.

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.

N/A.

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?

To some extent.

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.

Children in Scotland welcomes the section on restraint in Part 4. Paragraph 131 acknowledges that children with additional support needs are more likely to experience the inappropriate use of restraint. The guidance could be

strengthened further by including direct references to the necessity for clear and consistent written agency policies and procedures in relation to restraint, the use of risk assessments and the recording of incidents. These actions are recommended in the *No Safe Place: Restraint and Seclusion in Scotland's Schools* investigative report published by the Children and Young People's Commissioner for Scotland in 2018².

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.

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?

To some extent.

b) Please provide further information

Across the children's sector, we have heard how children and families have had significantly different experiences during the coronavirus pandemic. Many organisations have reported families' negative experiences of restrictions and have highlighted reduced contact with social workers and other support services as key issues. However, there have also been instances where relationships between children and families and social workers have improved. In the October 2020 meeting of the Cross-Party Group for Children and Young People³, professionals highlighted that in some cases relationships between children and families and social workers were warmer and more relaxed and that children had found it easier to relate to their social workers who had been working from home.

We have also heard anecdotally that in some cases professional support and communication has been more flexible during the pandemic, which has better suited some families.

² <https://cypcs.org.uk/wp-content/uploads/2020/02/No-Safe-Place.pdf>

³ <https://www.parliament.scot/msps/children-and-young-people.aspx>

These examples highlight the importance of relationship-based practice and ensuring that support for families must be based upon families' needs rather than being process driven.

As a result of the pandemic, children and young people have become more reliant on digital technology and are now spending more time online. We understand the importance of child protection in the digital environment and welcome the guidance's emphasis on this in Part 4.

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

We are pleased to see revised text in paragraph 103 of Part 3. This section has been strengthened to reflect that advice and support *is* required to ensure children with additional support needs are fully involved in what is happening (previously the language was 'may require').

While the guidance contains a strong focus on children's rights and the UNCRC, Children in Scotland believes that there could be greater emphasis on supporting children and families to understand their rights as part of child protection processes. It is vital that children and parents/carers have a knowledge and awareness of children's rights in order to access and exercise these rights. This is a key element of UNCRC and is covered under Article 42. Children in Scotland recommends that additional information is included in the 'Principles and Standards for Child Protection' section of the guidance to ensure that there is a clear emphasis on children's rights awareness raising activity.

Children in Scotland welcomes the acknowledgement of the important work of the Independent Care Review through the language, approach and direct recommendations adopted in the guidance. We are very pleased that the guidance recommends that professionals seek to build on the strength and resilience that exists within families and communities and that there is a clear emphasis on partnership working with families and communities.

For more information please contact:

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