

Child Protection Improvement Programme

**Child Rights and Wellbeing
Impact Assessment**

July 2017

Child Protection Improvement Programme Child Rights and Wellbeing Impact Assessment

CRWIA Stage 1

Screening - key questions

1. What aspects of the policy/measure will affect children and young people up to the age of 18?

This CRWIA is being carried out pursuant to the Child Protection Improvement Programme (hereinafter "CPIP") All aspects of CPIP will potentially affect children and young people up to the age of 18.

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

CPIP will directly affect children and young people who come into contact with child protection systems in Scotland, broadly conceived, as a result of concerns being raised about their health and wellbeing.

Service delivery within child protection systems in Scotland is largely vested with Local Authorities, which encompass children's services (including child protection and children's social work services) and education services. The overarching national architecture is, in principle, non-statutory, though the guidance draws together statutory provisions from a range of sources, both domestic and international, including the Human Rights Act 1998 and Data Protection Act 1998. National policy guidance ("The National Guidance") was substantively re-issued in 2014; policy responsibility sits with the Child Protection Team, which sits within the broader Directorate for Children and Families. Concerns about the health and wellbeing of children, including suspected child neglect, may be raised by any member of the general public.

CPIP emerges from the commitment of Scottish Ministers to launch a programme of action on child protection; its core objective is: to deliver recommendations for sustainable improvement, building upon the observable improvements in practice that have already taken place in recent years and to seek to further embed Scotland's unique approach to child wellbeing: **Getting it Right for Every Child**. This objective is premised expressly upon the Scottish Government's vision for a child protection system **that keeps children safer from abuse and neglect, by placing the wellbeing of Scotland's children at the heart of everything it does**. This programme supports a range of national outcomes identified within the Scottish Government's National Performance Framework.

3. Are there particular groups of children and young people who are more likely to be affected than others?

Child protection issues can affect children and young people from all backgrounds and from all communities.

Research has demonstrated that there is a contextual relationship between the experience of child neglect and the experience of broader social, economic and health inequalities; this relationship is cyclical and mutually-reinforcing, producing significant intergenerational effects. Accordingly, the experience of poverty and social inequality makes it materially more difficult to meet the spectrum of

development needs of a child or young person. Having experienced one or more forms of neglect is directly attributable to poorer health and social outcomes in later life, which itself compounds the likelihood that victims of neglect continue to experience poverty and social disenfranchisement across the life course.

4. Who else have you involved in your deliberations?

Both the Children’s Rights and Wellbeing Impact Assessment and the Equalities Impact Assessment will be reviewed by the CPIP Programme Management Team, the Internal Advisory Group (i.e. intra-Scottish Government stakeholders) and the External Advisory Group, comprising broader sectoral interests.

5. Will this require a CRWIA?

Yes. CPIP and any recommendations emerging will affect the provision of child protection services across Scotland for our children and young people.

CRWIA Declaration

CRWIA required

Yes

CRWIA not required

Authorisation

Policy lead

Judith Ainsley

Date 02.03.17

Deputy Director or equivalent

Donald Henderson

Date 02.03.17

CRWIA Stage 2

Scoping - key questions

1. What children's rights are likely to be affected by the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols (see Annex 1). All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life; survival and development; and the right to have children's views given due weight.

Within the broad spectrum of CPIP, the following substantive rights, inter alia, have been identified as being potentially affected:

Article 2 - Non-discrimination

Article 3 - Best interests of the child

Article 4 - Protection of rights

Article 5 - Parental guidance and a child's evolving capacities

Article 6 - Life, survival and development

Article 11 - measures to combat the illicit transfer/ non return of children

Article 12 - Respect for the views of the child

Article 13 - Freedom of expression

Article 16 - Right to privacy

Article 17 - Access to information; mass media

Article 18(1,2) - Parental responsibilities and state assistance

Article 19 - Protection from all forms of violence

Article 32 - protection from harmful work

Article 34 - Sexual exploitation

Article 35 - measures to prevent abduction/ sale/ trafficking of children

Article 36 - Other forms of exploitation

Article 37(a) - Inhumane treatment and detention

Article 39 - Recovery and rehabilitation of child victims

Article 42 - Knowledge of rights

Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography

2. How will the policy/measure affect children's wellbeing as defined by the wellbeing indicators?

List all wellbeing indicators relevant to the policy/measure (see Annex 2). The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included.

Safe

CPIP is likely to have a positive impact on children at risk of or subject to child abuse as a result of actions across the work streams focussing on improving practice in relation to improving identification of children and young people at risk of abuse and neglect, the awareness and coordination of support available to those at risk of and subject to abuse and neglect and the disruption of perpetrator activity and the strengthening of legislation to better protect children and young people.

Healthy

CPIP is likely to have a positive impact on children's health as a result of better use of data and evidence to improve coordination and support for children subject to child protection and children's hearings processes and the better identification and implementation of action to address neglect.

Achieving

CPIP is likely to have an indirect positive impact on children's achievement. We know that there is a significant correlation between poverty, deprivation and neglect and low attainment.¹ Work undertaken as part of this programme to address neglect includes identifying good practice evidence, testing how this can be implemented in the context of different local areas and sharing this knowledge with the broader universal services audience.

Nurtured

CPIP is likely to have a positive impact on children's nurturing. In particular, supporting families to tackle neglect and better awareness of harm and the impact as it relates to CSE, trafficking and online abuse will better equip families to support children and young people at risk.

It is acknowledged however, that for a very small number of children, the strengthened action to identify and disrupt perpetrators in relation to CSE and trafficking could negatively impact on them if a parent/ carer was incarcerated as a result of these actions.

Active

CPIP is most likely to have a neutral impact on children being active although it is possible that actions to tackle neglect, trafficking and CSE could impact on social integration and have an indirectly positive affect.

Respected

CPIP is likely to have a positive impact in this area. Whilst the child's voice is threaded through CPIP, the reviews of the Children's Hearing and child protection systems have a particular focus on the participation and position of children.

Responsible

CPIP is likely to have a neutral impact in this area. It is possible however that for a very small number of children who are perpetrators of trafficking and exploitation which is not related to them being victims of the same that action to tackle trafficking and exploitation could support their identification and prosecution.

Included

CPIP is likely to have a positive impact systemically through the reviews of the child protection and Children's Hearings processes. In addition, provision of better coordinated support in relation to CSE, trafficking and neglect will support the social reintegration of child victims.

¹ www.jrf.org.uk Closing the attainment gap in Scottish education

3. How many children and young people are likely to be affected by the policy or measure?

List potential sources of official and other data, or note the need to locate this information. Are there different levels of impact for different groups of children?

In June 2014 there were 1,033,183 children (under 18 years old) in Scotland. Of these, 233,984 children were aged 0-3 years and 525,073 children were aged 0-8 years. The number of children aged 0-15 in Scotland is projected to grow by 5%

A child can be defined differently in different legal contexts, accruing rights and responsibilities under the law variously at the ages of 16 or 18.

Whilst improvements made as a result of CPIP are for the benefit of the whole population, it is likely that the children most affected will be those known to services as requiring being at risk or having been subject to child abuse and neglect. It is also possible that improvements resulting from CPIP may well lead to identifying vulnerable and at risk children and young people not currently known to services.

The number of children on the child protection register has fluctuated regularly, but there is a general upwards trend. The total has increased by 34 per cent between 2000 and 2015 (from 2,050 to 2,751). In 2015, 51% of the children on the child protection register were aged under 5; since 2008 there have been more children aged under 5 than over 5 on the child protection register. In 2015 3.0 children for every 1,000 children under 16 were on the child protection register, this varies by local authority between 0.2 per 1,000 children in Eilean Siar, to 6.3 per 1,000 in Clackmannanshire. Although the child protection register numbers are rising, there is an acknowledgement that the variation in numbers across the Scottish local authorities, suggests that they are not wholly reliable indicators of children at risk and/or in need of protection.

4. What research evidence is available?

Preliminary identification of the research base for this policy/measure

Leading work to further improve the child protection system is a manifesto commitment of the current Administration. CPIP constitutes the Scottish Government's response to driving further improvements in the child protection system. It is designed to ensure, that we continue to support and secure both the effective implementation of the recommendations presented in the **Brock Report**² and findings from the **Care Inspectorate's Triennial Review**.³ Further, work in the field of child neglect is predicated explicitly on pushing forwards priority findings of the **2012 Review of Child Neglect** in Scotland.⁴ In addition, the Child Protection Team continues to receive representations from stakeholders in the sector, who are anxious to ensure that we invest sufficient time and resource into efforts to cement further practice improvements in tackling the prevalence and persistence of child neglect.

² Brock J. *The Brock Report: Safeguarding Scotland's vulnerable children from child abuse* (2014, Edinburgh, Children in Scotland)

³ Care Inspectorate *Inspecting and improving care and social work in Scotland: Findings from the Care Inspectorate 2011-2014* (2015, Dundee, The Care Inspectorate)

⁴ Daniel B. et al *Review of Child Neglect in Scotland* (2012, Edinburgh, The Scottish Government)

CPIP has been designed to contribute directly to the delivery of the following national outcomes, a full outline programme structure is appended at **Annex A**:

1. Our children have the best start in life and are ready to succeed.
2. We have tackled the significant inequalities in Scottish society.
3. We have improved the life chances for children, young people and families at risk.
4. We live our lives safe from crime, disorder and danger.
5. Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Our children have the best start in life and are ready to succeed.

The Scottish Government maintains a progressive, universalist and preventative approach to child wellbeing: Getting it Right for Every Child (GIRFEC). The provision of timely, appropriate and effective assistance to children and young people in need of help and support is the guiding force of the programme. It will take forward work (in particular in the Systems Review, Leadership and Workforce Development and Neglect work streams) to promote the further embedding of GIRFEC, to prioritise prevention and early intervention strategies, and to ensure effective integration of new practices and processes deriving from phased implementation of the Children and Young People (Scotland) Act 2014 (for example Named Person and the Child's Plan).

We have tackled the significant inequalities in Scottish Society & We have improved the life chances for children, young people and families at risk.

We are aware that children and young people who face multiple adverse childhood experiences (ACEs), are significantly more likely to experience diminished life chances well into adulthood. Abuse, dysfunctional home environments and neglect (in all its myriad forms) have been shown to be associated with the development of harmful behaviours. They are also linked to the development of a number of chronic health conditions, increased morbidity and mortality, and poorer educational attainment. The latter, in turn, has a direct impact on social and economic wellbeing, forestalling career opportunities and stifling potential.⁵

The Programme's work to tackle the impact of neglect, by identifying promising practice within localities, testing this and promoting its dissemination across Scotland sits at the heart of minimising the impact of poor, ineffective, ambivalent or abusive parenting on the life chances of our children and young people. Effective and tailored interventions must follow from rigorous assessment of the wider family situation, including parental capacity and willingness to change.

⁵ Bellis MA. et al 'Measuring mortality and the burden of adult disease associated with Adverse Childhood Experiences in England: a national survey' *Journal of Public Health* (2014) doi: 10.1093/pubmed/fdu065; Bellis MA. et al 'National household survey of adverse childhood experiences and their relationship with resilience to health harming behaviours in England' *BMC Medicine* (2014) 12:72; Bellis MA. et al 'Adverse childhood experiences: retrospective study to determine their impact on adult health behaviours and health outcomes in a UK population' *Journal of Public Health* (2014) 36:81. The foregoing papers present findings from the first UK study into the impact of ACEs on the life course. It was conducted using internationally validated ACE tools and the findings build upon those previously reported in the USA.

Further, the Leadership and Workforce development work stream will seek to empower practitioners across the spectrum of children's services to deliver Scotland's vision for child protection, ensuring that the right support and monitoring is in place whilst also promoting accountability. Finally, the Data and Evidence workstream will consider how to effectively harness extant sources of data and pinpoint where there is missing data, in order to ensure that the strategic delivery of services is predicated on best evidence.

We live our lives free from crime, disorder and danger

The neglect workstream will consider explicitly the case for reform of section 12, Children and Young Persons (Scotland) Act 1937: 'cruelty to young persons under 16'. It will consider the extent to which the offence must now be reformed to encompass modern understandings of child neglect, the interaction of this offence with other (chiefly common law) offences and referrals for 'lack of parental care' to the Children's Hearing's system. Views are being considered from across the spectrum of stakeholder interests, leading to recommendations that will ensure we have balanced and effective legislative provision, which facilitates successful prosecution in the most egregious cases of child neglect.

Work will also be taken forward under the trafficking and child sexual exploitation workstreams to implement the National Action Plan to Prevent and Tackle Child Sexual Exploitation and the Human Trafficking and Exploitation Strategy. In both instances, these actions will support the embedding of recent legislative reform to tackle the scourge of these heinous forms of abuse.

Our public services are high quality, continually improving, efficient and responsive to local people's needs

The Systems Review Group [systems review work stream] will consider the operation of each of the 'formal' components of the existing child protection system to ensure that we have an effective, adaptable and responsive child protection architecture that is capable of meeting the needs placed upon it. In particular, the review will consider how learning is currently captured within those formal components and how it is fed back to promote continuing improvements. Explicit consideration will be given to the need to undertake structural reform that secures effective information sharing and synthesis between relevant organisations, systems and personnel. Further, these priorities will be reflected in work taken forward in the Leadership and Workforce Development and Data and Evidence workstreams to ensure that Scotland's child protection system is underpinned by a robust, challenging and forward looking vision, that the workforce is readily engaged to make best use of available resources and that specific interventions are predicated on the most comprehensive data available.

5. Has there been any public or stakeholder consultations on the policy/measure?

Stakeholders include children and young people, parents/carers, children's workforce, NGOs

The programme has been designed in conjunction with the sector, who continue to provide scrutiny and oversight via the External Advisory Group. In addition, there are

specific stakeholder groups in relation to CSE, trafficking and the systems review work streams. Discreet public consultation will be held on any specific recommendation emerging from the programme requiring legislative change. Further, public consultation would be held on any substantive redrafting of The National Guidance.

6. Has there been any estimate of the resource implications of the policy/measure?

Capital costs, expenditure, recruitment and training costs for the workforce etc.

A Programme budget has been allocated from the Child Protection Team programme budget, with resourcing being provided by the team. This budget has been set to cover all direct programme management costs, including the commissioning of services, and of research and improvement activity, undertaken by delivery partners. Further resource implications will be considered as part of the recommendations emerging from the CPIP, which will be delivered to Ministers in December 2016.

CRWIA Stage 3

Data Collection, Evidence Gathering, Involvement of/Consultation with Stakeholder Groups - key questions

1. What does the evidence tell you?

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys etc. Identify any gaps in the evidence base. In particular, look at what the evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal

The extant evidence demonstrates that there is some analytic difficulty in assessing how widespread neglect and other child protection concerns are. Accordingly the population of children and young people about whom we are concerned cannot be defined at the outset, which accordingly presents both structural and logistical difficulties in respect of both service and resource planning. Nevertheless, the sources of evidence identified at stage 2 (the scoping stage) of this impact assessment, broadly acknowledge that the GIRFEC policy umbrella and its associated institutional architecture, is suitably placed to deal with this uncertainty, given the focus on early identification and prevention activity, which can diminish reliance on more resource intensive downstream interventions and which promotes better, healthier and happier lives for children overall.

Officials have approached the children's sector, through the Programme's External Advisory Group to solicit further evidence-informed practice on how we successfully design inclusive environments through which children and young people have the space and the confidence to contribute to public consultation and policy development, both in relation to CPIP and in respect of the broader policy environment. Valuable learning in this regard has been taken from the Everyone has a Story action learning project, run by Lloyds Partnership Drugs Initiative; officials will seek further engagement directly with children's groups to discuss the recommendations emerging from CPIP and their implementation.

2. What further data or evidence is required?

Is the evidence up to date, robust and reliable, sufficiently relevant to what is being proposed, or do you need to commission new research?

The distinct analytic focus of much of CPIP coalesces about how GIRFEC's twin aims of early intervention and prevention are effectively embedded within local structures and processes, thereby improving practice responses to child protection concerns, broadly conceived. In order to effectively do this, many of CPIP's work streams are concerned with improving the efficiency and effectiveness of leadership, governance and data collection within the various systems that comprise the overarching Child Protection system, at both national and local levels. Accordingly much of the programme has been designed to elicit further evidence by directly testing and evaluating with stakeholders, in localised settings, relevant change processes.

Weaknesses with existing data collection, at a national level, have been highlighted, and recommendations from the data and evidence workstream of the programme will consider how we remedy this. Further detail on the evidence we collect in respect of

children and families and the prevalence of protected characteristics, is detailed in the accompanying Equalities Impact Assessment.

3. Has there been any consultation on the development of the proposal(s)?

Public or targeted consultation with children and young people, their parents/carers, the children's workforce - is there enough information on the views of the children and young people who will be affected by the policy/measure?

Detailed consultation with stakeholders and experts took place in the articulation of the Cabinet Secretary's statement to Parliament in February 2016, in which was set out the broad principles of the current Programme. Additionally, the Programme's governance structure utilises formal continuous feedback mechanisms in the form of the Internal and External Advisory Groups, which comprise expert stakeholders and interested parties. Further public consultation will be held on any proposals emerging from the recommendations presented at the end of Phase One, including formal consultation on any legislative proposals emerging from the review of s. 12 of the 1937 Act.

4. Should children and young people be further involved in the development of this policy? Are there particular groups of children and young people whose views should be sought?

Specify how - outline the purpose, format, timetable and the questions you want to ask

Harnessing the voice of the child is a distinct policy priority and research focus of the Programme, as indicated in response to 'question 1 above'. An early priority of the Programme is to design mechanisms for engaging with children directly, taking into account the risks attendant upon re-traumatising and re-victimising children with experience of formal child protection systems. During the first stage of the Programme we both consulted children and young people directly, for example with the development of the Internet Safety Action Plan, and planned for the development of a strategic approach to allowing children and young people with lived experience to feed into policy development going forward.

5. Should other stakeholders and experts be further involved in the development of this policy?

Specify how - outline the purpose, format, timetable and the questions you want to ask

The programme management team will continue to monitor the composition of the internal and external advisory groups. At this time we have identified the need to engage more closely with clinicians and adult social work services, given the evident overlap between child protection issues, substance misuse issues and mental health.

CRWIA Stage 4

Assessing the Impact and Presenting Options - key questions

1. What likely impact will the policy have on children's rights?

Negative/positive/neutral. For those assessed as having a negative impact, list options for modification or mitigation of the policy/measure, or suggested alternatives to the policy/measure

Positive.

2 How will the policy/measure contribute to the wellbeing of children and young people?

Provide any additional assessment using the wellbeing indicators framework.

The recommendations emerging from CPIP will be designed explicitly to augment the functionality of child protection systems in Scotland, including, but not limited to, the interfaces between targeted and universal services, governance, data collection and evidence informed-practice. The Programme will contribute to the effective realisation of children's rights, focussing specifically on the most marginalised children with the greatest degree of need.

A number of wellbeing indicators are relevant to the Programme, as set out previously, highlighting the potential for further realising the rights of Children and Young People, as detailed in the Convention and pursuant to Scottish Ministers' obligations under the 2014 Act.

3. Are some children and young people more likely to be affected than others?

Which groups of children and young people will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and other groups? List options for modification or mitigation of the proposal.

Potentially any child in Scotland could have need of formal child protection systems, broadly conceived, though the vast majority will not.

Research, has demonstrated that a number of sociological, health-related and familial factors can increase a young person's need to access the child protection architecture, as set out previously in this assessment. These include the experience of socio-economic inequality, intra-familial circumstances and culturally held expectations about childhood and child rearing.

Recommendations will be designed to increase the functionality and responsiveness of child protection systems. Though different groups of children and young people will present with different needs and circumstances, in the context of their experiences, there are, in principle, no competing interests as between the groups of children that Scotland's child protection systems serve; they are there for all in times of need.

4. Resource implications of policy modification or mitigation

If recommending any changes to the policy/measure, include estimates of cost implications

Relevant resourcing considerations and budgetary allocations are detailed in the accompanying programme governance literature.

5. How does the policy/measure promote or impede the implementation of the UNCRC and other relevant human rights standards?

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

The Programme promotes the implementation of the UNCRC as it works towards better ensuring that the Scottish Government and local partners successfully realise Convention Rights. These are supported through the overarching GIRFEC policy umbrella, which forms the fundamental philosophical rationale of the Programme and is the inspiration for the Programme's vision.



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