

# **Regulation of child contact services**

## **Consultation**

**March 2021**

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## **Glossary of Terms used in this consultation**

Note: On-line access to legislation is available at [legislation.gov.uk](http://legislation.gov.uk)<sup>1</sup>

“1995 Act” – the Children (Scotland) Act 1995

“2020 Act” – the Children (Scotland) Act 2020

“Care Inspectorate” – set up in 2010 as Social Care and Social Work Improvement Scotland<sup>2</sup> the Care Inspectorate is a scrutiny body which supports improvement. It looks at the quality of care in Scotland to ensure it meets high standards and where improvement is needed, it supports services to make positive changes.

“Child” – defined in sections 1(2) and 2(7) of the 1995 Act as a person under the age of 16 years for the purposes of parental responsibilities and rights apart from in relation to parents providing guidance where “child” means a person under the age of 18 years.

“Child contact centre” – child contact centres are safe venues for parents, and other people in the child’s life, to establish or maintain conflict-free relationships with their children. A child contact centre is any premises in Scotland at which face to face child contact services are provided. For the purpose of this consultation a child contact centre is a place that deals primarily with separated parents and families who are referred in private law cases.

“Child contact services”- child contact services are provided by child contact centre providers. These services include supervised contact, supported contact and handover services. Providers may as necessary also provide services that are not face to face, for example, online contact sessions or “letterbox” services.

“contact order” - an order made under section 11 of the Children (Scotland) Act 1995 for contact between one person and a child or children.

“Equality and Human Rights Commission<sup>3</sup>” - national equality body responsible for safeguarding and enforcing the laws that protect people’s rights to fairness, dignity and respect.

“Handovers” – facility where the contact service facilitates a child going from one parent to another for a specified period of time and, after that time, returning to the first parent (a form of supported contact).

“The Scottish Charity Regulator” – (known as OSCR) is the independent regulator and registrar for Scotland’s charities, including community groups,

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<sup>1</sup> <http://www.legislation.gov.uk/>

<sup>2</sup> [Public Services Reform \(Scotland\) Act 2010 \(legislation.gov.uk\)](http://www.legislation.gov.uk/)

<sup>3</sup> [Home Page | Equality and Human Rights Commission \(equalityhumanrights.com\)](http://www.equalityhumanrights.com/)

religious charities, schools, universities, grant-giving charities, and major care providers.

“Relationships Scotland” – RS is Scotland's largest provider of relationship counselling, family mediation and child contact centre services.

“Scottish Social Services Council” – the SSSC is the regulator for the social service workforce in Scotland.

“Secondary legislation” – forms of law that are not primary legislation. This includes statutory instruments.

“Sheriff” – a judge in the Sheriff Court. Sheriffs deal with the majority of civil and criminal court cases in Scotland. Sheriffs hear almost all family cases including divorce, parental responsibilities and rights, adoptions and Children’s Hearing’s cases.

“Supervised contact” – contact taking place in the constant presence of an independent person who observes and ensures the safety of those involved.

“Supported contact” – contact where there is no significant risk to the child and therefore child contact centres only record that the contact took place and not details of how it went.

## Part 1: Introduction and how to respond to this consultation

### Introduction

- 1.1. Child contact centres are safe venues for conflict-free contact between children, parents, and other people in the child's life. Child contact centres play an important role in helping children to have a relationship with a parent, or other adult, they do not live with by providing support in a child-friendly environment. These services can be crucial, as the child contact centre may be the only way a child can safely have contact with one of their parents.
- 1.2. The Children (Scotland) Act 2020 (the 2020 Act) gives the Scottish Ministers the power to make provision about regulation of a contact service provided in relation to the requirements of a contact order. This provision is to be made in regulations. It can include minimum standards for the training of contact service provider staff and in relation to child contact centre accommodation. The 2020 Act also gives the Scottish Ministers the power to appoint a body<sup>4</sup> for the purposes of administering the registration of contact service providers and contact centres.
- 1.3. This consultation seeks views on what should be covered in the minimum standards for child contact services, how the standards should be monitored and what the complaints procedures should be.
- 1.4. Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres only provide the facilities for the contact and record that the contact took place and not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved.
- 1.5. Child contact centres also provide a handover service where one parent brings the child to the centre to be collected by the other parent. This means that the parents do not have to see each other during the handover.
- 1.6. Child contact centres receive referrals from the courts, solicitors, from parents themselves and a small number from other agencies, e.g. social work. Child contact centres can be used to facilitate contact between a parent and child for a period of time or to re-establish contact. Child contact centres are not intended to be a long term

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<sup>4</sup> The 2020 Act gives the Scottish Ministers the power to appoint a "person" for the purposes of administering the registration of child contact service providers and contact centres. A "person" includes a natural person or an individual, or a body of persons corporate or unincorporate. It is not the Scottish Government's intention to appoint a natural person to this role.

solution for maintaining contact between a parent and child, although handover services can in some cases be facilitated on a longer-term basis to provide a stress-free environment in which the contact can continue.

- 1.7. The child contact services that this consultation is focussed on are those that deal principally with separated parents and families who are referred in private law cases. For example, in situations where contact is ordered at a contact centre by the courts, where a referral is made to a contact centre by a solicitor on their client's behalf, or where parents self-refer. Under the 2020 Act there is a requirement (not yet commenced) on courts and solicitors when making a referral to a child contact service that they must refer to a regulated service.
- 1.8. There are currently 45 child contact centres across Scotland that deal primarily with private law cases. 42 are members of the Relationships Scotland (RS) network and the Scottish Government is aware of three independent centres in Inverclyde and Glasgow and Aberdeen.
- 1.9. The Scottish Government is aware that local authorities also facilitate child contact in public law cases involving looked after children. This type of child contact does not fall within the scope of the changes made by the 2020 Act and is not covered by this consultation. However, it is possible that in future centres regulated under the 2020 Act may continue to receive some referrals from local authorities.
- 1.10. The Financial Memorandum that accompanied the Children (Scotland) Bill (now the 2020 Act) set out a timetable for implementation of the child contact centre regulations<sup>5</sup>. It is anticipated that the regime may be fully operational by April 2023 and an updated indicative timetable is included at Annex C.
- 1.11. The 2020 Act also gives the Scottish Ministers power to confer functions on the appointed body. These functions could include:
  - Inspecting contact centres, regulated contact service providers and contact services providers applying for registration;
  - Issuing reports on the inspection of contact centres, regulated contact service providers and contact service providers applying for registration; and
  - Refusing to register contact service providers, and removing from the register regulated contact service providers, who do not meet the minimum standards.
- 1.12. The Care Inspectorate is the Scottish Government's preferred option for this regulatory role. We are engaging with the Care Inspectorate with a view to reaching agreement on its appointment in advance of the regulations being laid before Parliament in early 2022.

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<sup>5</sup> [Financial Memorandum \(parliament.scot\)](https://www.parliament.scot/Financial-Memorandum) – page 23.

- 1.13. The Scottish Government provided funding to the Care Inspectorate in 2019 to carry out a feasibility study on the proposed regulation of child contact centres. The Care Inspectorate published its feasibility study report in March 2020<sup>6</sup>. The report includes a number of recommendations which the Scottish Government responded to as part of a response<sup>7</sup> to the Justice Committee during Stage 1 of the Children (Scotland) Bill, now the 2020 Act.
- 1.14. One of the recommendations the Care Inspectorate put forward was that the Scottish Government should consider appointing a professional oversight body for child contact centres, separate to the regulatory body, and similar to the National Association of Child Contact Centres<sup>8</sup> covering England, Wales Northern Ireland and the Channel Islands, but which does not extend to Scotland.
- 1.15. The Scottish Government does not consider it necessary to appoint a professional oversight body for child contact centres. We would expect child contact providers may wish to develop their own standards further as the regulations made under the 2020 Act develop and may wish to consider themselves if a body with professional oversight should be set up.
- 1.16. Section 12 of the 2020 Act also amends the Children (Scotland) Act 1995 (the 1995 Act) to provide that the Scottish Ministers may enter into an arrangement with a person for the provision of services to facilitate contact between children and other individuals. This paves the way for the Scottish Ministers to tender a contract for the day-to-day operation of child contact services, within the regulatory framework under section 10 of the 2020 Act.
- 1.17. Currently child contact centres are funded from a range of sources, including from fees and charges, the Scottish Legal Aid Board through legal aid, local authorities and charitable trusts and donations. The RS Network of member services is the main provider of child contact centres in Scotland. RS receive funding from the Scottish Government through the Children, Young People and Families Early Intervention Fund, a small proportion of which goes towards contact centres.
- 1.18. Until recently, their child contact centre services were mainly funded from the Big Lottery Fund. The Big Lottery funding ceased on 31 March 2020 and in order to protect child contact centre services in the short to medium term the Scottish Government is providing RS with a grant of £700,000 in each of financial years 2020/2021 and 2021/2022.

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<sup>6</sup> [Care Inspectorate report on feasibility study of regulation of child contact centres.pdf](#)

<sup>7</sup> [Minister for Community Safety and Legal Affairs.dot \(parliament.scot\)](#) paragraphs 25 to 50.

<sup>8</sup> [Child Contact Centres - NACCC](#)

- 1.19. Tendering a contract would enable the Scottish Ministers to put the funding of child contact centre services on a longer-term and sustainable footing and would involve an open and transparent competition process. Decisions on tendering will be for the incoming administration.
- 1.20. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced into the Scottish Parliament on 1 September 2020. The Bill will incorporate the UNCRC into the law of Scotland and the Bill aims to ensure that:
- children’s rights are respected and protected in the law in Scotland;
  - public authorities are legally required to respect and protect children’s rights in all the work that they do
- 1.21. This would mean that children, young people and their representatives could use the courts in Scotland to enforce their rights and that children and young people should be effectively supported throughout the process of legal redress. The Bill will require public bodies to ensure that policy and practice is fully in alignment with the UNCRC requirements and that there is accountability for children’s rights across public services in Scotland.
- 1.22. During the coronavirus pandemic face to face services at child contact centres have been restricted. The Scottish Government sectoral guidance<sup>9</sup> for child contact services advises providers on what is expected with regard to providing services safely during the pandemic.

### **Why we are consulting**

- 1.23. Consultation is an essential part of the policy making process. We will consider the views expressed in response to this consultation along with other available evidence to help inform the Scottish Government’s decisions.

### **Responding to this consultation**

- 1.24. We are inviting responses to this consultation by 12 July 2021.

#### Replying on-line using Citizen Space

- 1.25. Please respond to this consultation using the Scottish Government’s consultation hub, Citizen Space (<http://consult.gov.scot> ). Access and respond to this consultation online at: <https://consult.gov.scot/justice/regulation-of-child-contact-centre-services/>

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<sup>9</sup> [Coronavirus \(COVID-19\): child contact services guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot)



1.26. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted by the closing date of 12 July 2021.

#### Replying by post

1.27. While normally the Scottish Government would be happy to accept postal responses, given the COVID19 pandemic, it would be helpful if you responded online via Citizen Space wherever possible.

1.28. However, if you are unable to respond using our consultation hub, the Scottish Government will by exception accept postal responses. Please complete the Respondent Information Form at Annex A (see “Handling your response” below) and send to:

Family Law Unit  
Room GW-15  
St. Andrew’s House  
Regent Road  
Edinburgh  
EH1 3DG

#### Not accepting responses by email

1.29. We will not accept responses submitted by email.

#### **Handling your response**

1.30. If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will treat it accordingly.

1.31. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

1.32. If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

1.33. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>.

#### **Next steps in the process**

1.34. Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially

defamatory material, responses will be made available to the public at: <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

- 1.35. Following the closing date, all responses will be analysed and considered along with any other available evidence. Responses will be published where we have been given permission to do so. An analysis report will also be made available.
- 1.36. After the consultation, the Scottish Government intends to lay regulations in the Scottish Parliament. Annex C to this consultation sets out an indicative timeframe for the regulation of child contact services.

### **Comments and complaints**

- 1.37. If you have any comments about how this consultation exercise has been conducted, please send them by email to: [family.law@gov.scot](mailto:family.law@gov.scot).

### **Scottish Government consultation process**

- 1.38. Consultation is an essential part of the policy making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views.
- 1.39. Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise, the responses received may:
- indicate the need for policy development or review
  - inform the development of a particular policy
  - help decisions to be made between alternative policy proposals
  - be used to finalise legislation before it is implemented
- 1.40. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Part 2: Accommodation standards

### Introduction

2.1. This section of the consultation focuses on the accommodation standards for child contact centres. Establishing minimum standards in relation to the premises used to facilitate child contact will help ensure that all centres are safe and welcoming locations for children and families.

2.2. This part of the consultation seeks views on:

- What minimum accommodation standards should be considered for the regulation of child contact services
- What minimum accommodation standards should be considered for the regulation of child contact services in relation to alternative premises
- Adjustments for disabled people<sup>10</sup> at child contact centres

### Background

2.3. In Scotland, the child contact centre sector has evolved over a number of years. Individual services have been developed by charitable organisations to meet a demand and this has led to there being a diverse range of services, in terms of size, structure, the types of services that are offered, and premises.

2.4. The 45 child contact centres across Scotland operate from a variety of different types of premises, ranging from older tenement buildings to more modern spaces. In some cases, bespoke centres are used; in other cases, the premises used may be shared between the child contact centre and another body or service. For example, we understand some child contact centres are based in buildings used by faith bodies, nurseries, local authorities or community centres.

2.5. The Scottish Government recognises that there may be additional costs for some child contact centre providers in ensuring their premises meet the required standards. The Scottish Government does not expect this additional expenditure to fall wholly to child contact centre providers and we would expect financial support to be made available to providers. The Financial Memorandum<sup>11</sup> that accompanied the Children (Scotland) Bill set out estimated costs in this regard. There may also be costs for child contact centre providers in relation to fees payable connection with the registration of a provider or contact centre.

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<sup>10</sup> [Equality Act 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>11</sup> [Financial Memorandum \(parliament.scot\)](http://parliament.scot) page 24.

- 2.6. One option, should the Scottish Ministers decide to tender a contract for the day-to-day running of child contact centres, may be to reflect in the contract that child contact centre providers may need resources to meet the cost of ensuring their centres can comply with the standards. Any tendering exercise and eventual contract would operate within the system of regulation and minimum standards provided for in the 2020 Act.
- 2.7. The Consultation on Review of Part 1 of the Children (Scotland) Act 1995, which closed in September 2018, informed the 2020 Act. The consultation sought views on whether child contact centres should be regulated. The analysis<sup>12</sup> of responses showed that 66% of respondents were in favour of regulation, 6% were not in favour and 28% did not give a response. Respondents commonly felt that regulation was required to provide and maintain minimum and consistent standards across the country, and to ensure the safety of children.
- 2.8. The Care Inspectorate in its feasibility study report spoke to a number of stakeholders and some child contact centre users. The feedback regarding the accommodation used by providers was that some found the buildings used not to be fun or natural places for children to be. There were also concerns that more age-specific areas are needed in premises to reflect the different age groups using these centres.
- 2.9. Shared Parenting Scotland carried out a survey in March 2019 as part of their annual survey of service users, which asked about their experiences of child contact centres. Comments showed that in relation to accommodation it is important for centres to be clean, safe, to have adequate space with waiting rooms and to be child-friendly with a sufficient range of age appropriate toys and activities with outside space.
- 2.10. During the parliamentary passage of the Children (Scotland) Bill written and oral evidence was provided by young people with experience of attending child contact centres<sup>13</sup>. The points raised included that child contact centre premises are often not fun, child friendly or places where a child would enjoy spending time. They said that there should be age appropriate toys, facilities and spaces for both younger and older children, and that the views of people who use contact centres should be heard regarding what buildings and facilities should be like.

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<sup>12</sup> [review-part-1-children-scotland-act-1995-creation-family-justice-modernisation-strategy-analysis-consultation-responses-final-report \(2\).pdf](#) – section 5.2

<sup>13</sup> See written and oral evidence provided by YELLO! [Children \(Scotland\) Bill - Parliamentary Business : Scottish Parliament](#)

2.11. There was also written evidence<sup>14</sup> informed by survivors of domestic abuse that child contact centres should have more than one entrance and exit and that there should be CCTV inside and outside the centre. Having separate entrances and exits can be important where parents do not wish to meet each other when attending the child contact centre: for example, in situations where there has been domestic abuse.

### Children (Scotland) Act 2020

2.12. Section 10(3) of the 2020 Act inserts new section 101C on contact services regulation into the 1995 Act<sup>15</sup>. Under section 101C(1) the Scottish Ministers may by regulations make provision about the regulation of a contact service provided in relation to the requirements of a contact order. The regulations may in particular make provision for minimum standards to be met by centres (including standards in respect of accommodation).

2.13. Under section 101C(2)(e) the regulations may make provision about the conditions on which a regulated contact service provider can provide a contact service at a place that is not registered as a contact centre (including conditions about the minimum standards for accommodation at a place if it is to be used for that purpose).

2.14. Section 101C(2)(e) allows the Scottish Ministers to make regulations about the conditions on which a contact service provider may provide a service at a place that is not registered as a child contact centre. This gives centres in more remote rural areas the necessary flexibility to continue providing contact services in alternative premises when required whilst ensuring minimum standards are in place.

2.15. Section 101C(2)(f) gives the Scottish Ministers the power to appoint a person or persons for the purposes of administering the registration of contact service providers and contact centres.

2.16. Under section 101C(3)(d) the functions conferred may also include issuing reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

### **What minimum standards should be laid down in regulations for child contact centre accommodation**

#### Existing situation

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<sup>14</sup> [JS519CH27\\_SWA.pdf \(parliament.scot\)](#)

<sup>15</sup> [Children \(Scotland\) Act 2020 \(legislation.gov.uk\)](#)

- 2.17. In addition to the range of premises that child contact centres operate from, the arrangements that providers have in place for use of those premises will also vary across the sector. In many cases the provider will not own the premises they use, meaning that any alteration or reconfiguration of the premises or general facilities, particularly any that are shared, may need to be discussed with landlords or other premises users as necessary.
- 2.18. There are also variations in the times when child contact services use their premises. Many are only open, or only use premises, on certain days of the week and perhaps only for certain parts of the day. A child coming to a centre for contact may only spend a limited amount of time there: for example, most court-ordered contact is for no longer than two hours.
- 2.19. Child contact centre providers, or their landlords, will already be subject to certain legal duties and obligations in terms of their business and premises, for instance, in relation to health and safety law, building standards and insurance.
- 2.20. The Equality Act 2010 requires service providers to make reasonable adjustments<sup>16</sup> in circumstances where a disabled person is placed at a substantial disadvantage in comparison with non-disabled people. That requirement covers changing the way things are done; making changes to the built environment; and providing auxiliary aids and services. This is an anticipatory duty and providers must think in advance about what people with a range of impairments might reasonably need.
- 2.21. The regulations proposed under the 2020 Act will not seek to duplicate or cut across any of these existing legal duties or obligations.

### Proposed requirements

- 2.22. The Scottish Government notes the concerns raised by stakeholders and child contact centre users regarding accommodation standards. It is the Scottish Government's view that child contact services should take place in safe, welcoming and child friendly environment. The premises used should be comfortable with adequate space for children and parents to play and bond with each other and with access to age appropriate toys, games and other play equipment.
- 2.23. A number of existing child contact centre providers operate more than one contact centre. For example, some RS member services operate a number of individual centres and one of the independent services operates two centres. The 2020 Act provisions are such that a service wishing to register more than one child contact centre would

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<sup>16</sup> [Using a service: reasonable adjustments for disabled people | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/using-a-service-reasonable-adjustments-for-disabled-people)

only be required to register its service once in order for all of its in centres to be registered, provided they each met the required standards.

2.24. A number of suggestions have been put forward regarding accommodation standards for child contact centre premises and we are aware of further areas that could be considered. The suggested areas that the standards could cover are that premises:

- 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, 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, volunteers, 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

2.25. Given the range of premises currently in use in the sector, and the fact that many providers lease or share premises rather than owning them outright, a certain level of flexibility may be necessary during the initial registration process for services, as regards any alterations or improvements to premises required to meet the standards.

2.26. The Scottish Government recognises it may be necessary to consider what is reasonable to expect from providers. For example, some existing premises will already have separate entrances and exits, but others may not. If a provider currently leases their premises, or uses premises that form part of a shared building, they may be unable to reconfigure the buildings or break their lease to move to another premises.

2.27. We are aware that currently where premises only have one entrance and exit, providers will put other measures in place to ensure the

safety of their users: for example, staggering arrival times and having separate waiting areas. Such measures can be just as important for physical safety as separate entrances and exits.

2.28. There may be similar constraints on providers in relation to installing systems such as CCTV, where this is not already in use at a particular premises. Therefore, it may be reasonable to set out that a secure entry system should be in place as a minimum standard rather than CCTV.

2.29. The minimum standards for accommodation could be laid down in the regulations or the standards could be set out in guidance to accompany the regulations. If the standards were laid down in regulations this would mean that any changes to the standards would require secondary legislation.

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, 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?

Question 2):

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



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.

### Monitoring accommodation standards

- 2.30. It is envisaged that the body appointed to oversee regulation would carry out regular physical inspections of premises; would issue reports on the inspections; and would be involved in the complaints handling process.
- 2.31. In advance of the regulatory regime coming into effect, the regulatory body would carry out initial inspections of all the child contact centres that providers are seeking to register. This would involve a physical inspection of each premises to ensure the accommodation standards have been met.
- 2.32. Once a child contact service provider and their contact centre(s) are registered as a regulated contact service, the regulatory body would then carry out regular routine inspections to help ensure the standards laid down by the regulations are met. It is envisaged that these would be carried out on a three yearly basis, unless particular concerns regarding a child contact centre are raised, prompting an inspection during the three year period.
- 2.33. If an inspection identifies that accommodation standards have not been met, we would expect the child contact centre provider to be given the opportunity to address this within an appropriate timeframe. Should failure to meet accommodation standards continue, the child contact service could ultimately be removed from the register.
- 2.34. In their report, the Care Inspectorate identified a team that could potentially take on responsibility for inspecting child contact services, should the Care Inspectorate be appointed. They acknowledge that those staff would need to develop a knowledge and understanding of this sector and would require training in terms of their inspection teams' current specialisms given the nature of child contact services. It is intended that the person appointed to oversee child contact service regulation will have sufficient lead-in time from their appointment to when the regulations come into effect for such training to take place.

### Question 3)

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

Yes  
No  
Don't Know

Why did you select your answer?

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?

### **What minimum standards should be set down in regulations for premises used on an ad hoc basis**

#### Existing situation

- 2.35. To facilitate contact for families in remote areas, where there is no permanent contact centre, rural contact service providers will often utilise alternative premises on an ad hoc basis. These are referred to in this consultation as “alternative” premises. For example, in certain areas of north and west Scotland and in the Western Isles and Shetland there are no child contact centres, so the service provider may provide a “floating” service, which means that some premises are used very occasionally.
- 2.36. Section 101C(2)(e) allows the necessary flexibility for contact service providers operating in such areas to continue to provide services to families when necessary at alternative premises that are local to them.
- 2.37. If a place is not registered as a contact centre, it can still be used in the provision of regulated contact services. This will ensure that contact service providers can, if necessary, provide contact services on an ad hoc basis at premises that are not their regulated centres, if certain conditions (to be specified in the regulations) are met. Any premises used on this basis must also meet minimum standards that will be set down in the regulations. Failure to do so could also lead to removal of the contact service provider from the register.
- 2.38. Without this flexibility children and families requiring contact services in areas where there is no permanent centre would have to travel to other parts of Scotland, in some cases significant distances, in order to access services. This would not be in the best interests of the children involved.

2.39. It may also be necessary for a child contact centre provider to use alternative premises in other circumstances: for example, in a situation where their usual premises have been flooded or has suffered fire damage.

### Proposal

2.40. The 2020 Act allows separate provision to be made in terms of the minimum standards set down under the regulations for alternative premises. It could be argued that the same range of standards should not apply to alternative premises as apply to a provider's registered premises. Alternative premises may only be used very intermittently or on a one-off basis for one family's contact sessions.

2.41. However, the intention behind regulation remains that any venue used by a child contact service should be safe, welcoming and child friendly and should be comfortable with adequate space and facilities.

2.42. On this basis we think that the same standards as have been outlined above for registered premises in the previous section should also apply for alternative premises.

### Monitoring standards for alternative premises

2.43. As regards the monitoring of accommodation standards for alternative premises, it is envisaged that in advance of the regulations coming fully into effect the regulatory body will carry out initial inspections of all the child contact centres that a provider operates. As regards any alternative premises that the provider already uses on an ad hoc basis, this would mean the provider could provide the regulator with details of those alternative premises so that these could also be inspected. The provider could decide to register these premises if they perhaps use them regularly on an ad hoc basis.

2.44. Once the regulations are fully in force, there could be cases where new alternative premises may be needed on an ad hoc basis. If, for instance, a family referred to the contact service lives in an area that the provider hasn't previously covered, the provider may wish to find alternative premises closer to the family for contact to take place. There is likely to be a period of time between the referral being received and the contact sessions commencing. It is envisaged the provider would notify the regulatory body if intending to use new alternative premises so that an inspection could be carried out before contact sessions are due to start.

2.45. There could also potentially be situations where alternative premises are required unexpectedly: examples of this, as indicated above, could be where registered premises have been flooded or have suffered fire damage.

- 2.46. Where a new alternative premises is being used, or an alternative premises is required unexpectedly, and there is insufficient time for an inspection to take place prior to the contact sessions commencing, a child contact service could self-certify that the premises met the required standards. The service would then alert the regulator to the fact they have self-certified the premises and the regulator would be able to inspect the premises retrospectively. This would allow contact to continue if there was an unexpected or emergency situation which meant a registered premises or alternative premises, which had already been inspected, was not available.
- 2.47. If an inspection identifies that accommodation standards at an alternative premises have not been met, and where the child contact centre provider intends to use these premises again, we would expect the provider to be given them the opportunity to address the failings within an appropriate timeframe. Should failure to meet accommodation standards continue, the child contact service could ultimately be removed from the register.
- 2.48. A retrospective inspection may identify that the accommodation standards have not been met at alternative premises in a situation where the provider does not intend to use the premises again: for example, in an emergency situation. In these circumstances we would expect the regulator to note the failing against the provider and to discuss with them, as part of any improvement plan that is in place, how they can avoid the failure happening again. Should such a failure to meet accommodation standards be repeated, the child contact service could ultimately be removed from the register.
- 2.49. Where a provider decides to register an alternative premises as well as their main premises, for example, where they expect to use it from time to time to provide an outreach service, the alternative premises would be subject to routine inspections in the same way as their main premises, which we envisage being on a three yearly basis. Where a provider uses a premises unexpectedly, for example, in an emergency, or for a particular contact session(s), and they don't expect to use the venue again, we envisage there will be an initial or retrospective inspection, but no requirement for the premises to be registered and subject to further routine inspections.

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?

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

Question 7)

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

Agree

Disagree

Don't know

Why did you select your answer?

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?

### **Adjustments for disabled people at child contact centres**

2.50. Under section 101C(3)(d) of the 2020 Act the functions conferred on the body appointed to oversee regulation may include issuing reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010 (the 2010 Act), and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

2.51. The 2020 Act does not enable regulations to require child contact providers to make reasonable adjustments, since this is already a requirement under the 2010 Act, which is generally a reserved matter for Westminster. Instead section 101C(3)(d) focuses on helping to ensure the observance of the duties set out in the 2010 Act.

- 2.52. The 2010 Act requires service providers to make reasonable adjustments<sup>17</sup> in circumstances where a disabled person is placed at a substantial disadvantage in comparison with non-disabled people. That requirement covers changing the way things are done; making changes to the built environment; and providing auxiliary aids and services. This is an anticipatory duty and providers must think in advance about what people with a range of impairments might reasonably need.
- 2.53. The Equality and Human Rights Commission (EHRC) has provided information on what service users can do if they think an organisation has not made reasonable adjustments.<sup>18</sup> In its regulatory role the EHRC has a range of powers<sup>19</sup> that enable them to enforce the law.
- 2.54. In terms of section 101C(3)(d) of the 2020 Act, if the body appointed to oversee child contact centre regulation becomes aware of a failure, or possible failure, at a child contact centre in terms of the existing duties to make reasonable adjustments for disabled people, the body can report publicly on this, for example, by publishing the report on its website. It would also be open to the body to formally ask the EHRC to consider enforcement.
- 2.55. On the basis that the 2010 Act is largely reserved to the UK Government, the Scottish Ministers cannot change the existing duties or legal enforcement powers in this area.
- 2.56. All child contact centre providers should be aware that some children and parents and employees may have particular needs in relation to the accessibility of the building and should ensure that appropriate action can be taken when they are accessing the provider's contact services and facilities. As noted above, the duty to make reasonable adjustments is anticipatory.
- 2.57. Child contact centre providers should think in advance about what people with a range of impairments might reasonably need. If they have not done this and a disabled parent or child wants to use a service, then the service provider should make reasonable adjustments as quickly as possible.
- 2.58. An organisation is not required to do more than it is reasonable for it to do, and this will depend, among other things, on its size and nature,

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<sup>17</sup> [Using a service: reasonable adjustments for disabled people | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/using-a-service-reasonable-adjustments-for-disabled-people)

<sup>18</sup> [What you can do if you think an organisation has not made reasonable adjustments | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/what-you-can-do-if-you-think-an-organisation-has-not-made-reasonable-adjustments)

<sup>19</sup> [Our powers | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/our-powers)

and the nature of the facilities or services it provides, or the public functions it carries out.

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?

## **Part 3: Staff and volunteer training standards**

### Introduction

3.1. This part of the consultation seeks views on:

- what minimum standard should be laid down in regulations for the training that contact centre staff and volunteers should receive.

3.2. Establishing minimum standards in relation to training will help ensure staff and volunteers have the appropriate training to facilitate contact services safely and to help ensure the best outcomes for children and families using child contact centre services.

### Background

3.3. In Scotland, the child contact centre sector has evolved over a number of years. Individual services have been developed by charitable organisations to meet a demand and this has led to there being a diverse range of services, in terms of size, structure, staffing and the types of services that are offered.

3.4. We understand that across all 45 child contact centres in Scotland there are approximately 320 members of staff, including volunteers and those working on a temporary basis. Recent figures provided by Relationships Scotland<sup>20</sup> show that they have approximately 152 paid workers and 128 voluntary workers across their member services.

3.5. The number of full-time members of staff at child contact centres will vary across the sector. Many centres are only open, or only use premises, at certain times of the week or weekends, and may only operate for a limited number of hours. Therefore many staff and volunteers across the sector will work on a part-time or on a temporary basis.

3.6. There are also a range of different roles that staff and volunteers may undertake when working at a child contact centre. There are, for example, managers, contact co-ordinators, intake workers, family support workers and administrative staff. Many existing staff and volunteers will already have completed training in certain areas and may have a range of relevant experience.

3.7. The Scottish Government recognises that there may be additional costs for child contact centre providers in ensuring their staff and volunteers have and maintain the minimum standards of training. The Scottish Government would expect to provide financial support to providers to help them meet the required standards. Estimated costs

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<sup>20</sup> [JS519CH8 Relationships Scotland.pdf \(parliament.scot\)](#)



were included as part of the Financial Memorandum<sup>21</sup> that accompanied the Children (Scotland) Bill.

- 3.8. As noted previously in relation to accommodation standards, should the Scottish Ministers decide to tender a contract for child contact centre provision, one option may be to reflect in the contract that child contact centre providers may need resources to meet the cost of ensuring their staff and volunteers meet the training standards.

### Children (Scotland) Act 2020

- 3.9. Section 10(3) of the 2020 Act inserts new section 101C on contact services regulation into the 1995 Act. Section 101C(2)(a) allows the Scottish Ministers by regulations to make provision for the minimum standards to be met by contact service providers, including qualifications and training of staff.
- 3.10. Section 101C(2)(f) gives the Scottish Ministers the power to appoint a body to oversee child contact centre regulation and section 101C(2)(g) empowers Ministers to confer functions on the appointed body. This will help ensure the minimum standards of staff training are met by child contact providers. It is envisaged the functions conferred on the appointed body would include carrying out regular inspections, scrutinising staff practice and training, issuing reports on the inspections, and handling complaints.
- 3.11. Under section 101C(3)(b) the functions conferred on the appointed body may also include having risk assessments of child contact centres undertaken by persons trained in undertaking such assessments.
- 3.12. As a result of the changes made by the 2020 Act, the regulation of child contact centres could include provision on qualifications of staff. The Scottish Government recognises that certain types of training may include some level of qualification, but this consultation does not ask about specific qualifications. The focus of the regulation of child contact centres is on ensuring staff are adequately trained in particular areas, rather than on any specific qualifications they should have.

### **What minimum standards should be laid down in regulations for training of child contact centre staff and volunteers**

#### Existing situation

- 3.13. Child contact services should be facilitated in way that is safe and ensures the best outcomes for children. Staff and volunteers have an important role in helping to facilitate contact between children and parents or other adults who use child contact centre services.

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<sup>21</sup> [Financial Memorandum \(parliament.scot\)](#) page 24

- 3.14. Staff and volunteers will be on-hand during contact sessions to help ensure the safety of those involved and for supervised contact a member of staff will be with the child at all times. Child contact services also have a general duty of care in respect of their premises and users. However, staff are not responsible for the care of children during contact sessions, since responsibility remains primarily with the adults involved in the contact arrangement.
- 3.15. We understand that there is a move towards more permanent staff being employed at child contact centres. However, contact service providers are likely to continue their reliance on volunteers and temporary workers. The Scottish Government recognises that while training is important for all child contact centre workers, whether paid or voluntary, the minimum standards for volunteers and temporary workers should be proportionate.
- 3.16. Contact service providers say they have seen an increase in the complexity of issues facing families using their centres in recent years: for example, mental health issues, drug and alcohol misuse and addiction issues. This means child contact centre staff often have to handle challenging situations and work with vulnerable children.
- 3.17. Although there is currently no national or external regulation of child contact centres, existing services have internal policies and practices in place in terms of staff practice and training. For example, Relationships Scotland set out in their written submission<sup>22</sup> to the Justice Committee during Stage 1 of the Children (Scotland) Bill that there is a set of national policies and Standards and Practice Procedures for Child Contact Centres for the network, which cover matters such as staff training, the PVG scheme<sup>23</sup>, and quality assurance.
- 3.18. Member services and associate services who are part of the Relationships Scotland network are all independent organisations. Member services enter into a Membership Agreement with Relationships Scotland agreeing to adopt the National Standards, policies and practice. The three independent child contact centres have their own policies and practices which they operate within.
- 3.19. In addition, each of the individual organisations currently providing child contact services is a registered charity and subject to the Scottish Charity Regulator (OSCR) guidelines. OSCR would, for example, deal

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<sup>22</sup> [JS519CH8 Relationships Scotland.pdf \(parliament.scot\)](#) – page 13.

<sup>23</sup> The Protecting Vulnerable Groups scheme helps ensure people whose behaviour makes them unsuitable to work with children and protected adults cannot do regulated work with these vulnerable groups - [The Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](#)

with complaints about the governance of the charity and would investigate any apparent misconduct in the administration of the charity.

### Potential regulation

- 3.20. The regulation being proposed under the 2020 Act seeks to introduce national standards that will apply consistently across the sector and will ensure all services operate to the same minimum standards in relation to staff training. Regulation will not require existing services to change their charitable status and will not cut across any existing duties in this regard or any function of OSCR.
- 3.21. The functions which may be conferred on the body appointed for the purposes of administering the registration of contact service providers and child contact centres may include having risk assessments of centres undertaken by persons trained in undertaking such assessments.
- 3.22. We understand that many contact services carry out a risk assessment during the initial intake meeting with parents. This is to ensure that it is safe for that particular contact to take place at the centre. We also understand that such assessments are carried out by appropriately trained members of staff. However, practice may vary across the sector.
- 3.23. The analysis<sup>24</sup> of the consultation on Review of Part 1 of the Children (Scotland) Act 1995 showed that respondents commonly felt that regulation of child contact centres was required to provide and maintain minimum and consistent standards across the country, and to ensure the safety of children. Some respondents highlighted that since child contact centres often have to deal with challenging situations and vulnerable children regulation was necessary. The current qualifications and training of staff was raised by a number of respondents who listed a range of training they considered child contact centre staff should have, including training on children's rights, domestic abuse, parental alienation, trauma, attachment and child protection.
- 3.24. The Care Inspectorate in its feasibility study report<sup>25</sup> set out that staff should have an understanding of the impact of negative practices and experiences on a child's health and wellbeing. It outlined that training should cover areas such as attachment theory, positive transitions, domestic abuse, adverse childhood experiences, trauma and brain

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<sup>24</sup> [review-part-1-children-scotland-act-1995-creation-family-justice-modernisation-strategy-analysis-consultation-responses-final-report \(2\).pdf](#) – section 5.2

<sup>25</sup> [Care Inspectorate report on feasibility study of regulation of child contact centres.pdf](#)

development. The report also identified more specific areas, such as proficient recording and reporting on contact and ensuring contact visits are appropriate.

- 3.25. In the user survey carried out by Shared Parenting Scotland the comments showed that users felt staff should be friendly, impartial, trained and professional; they should provide help and support; and should be able to respond to children's needs and behaviours.
- 3.26. During the parliamentary passage of the Children (Scotland) Bill, the written and oral evidence provided by young people with experience of attending child contact centres set out that staff should be trained in how to support, talk to and listen to children, including where the child doesn't want to go into the contact session. Staff should also be trained to treat children and young people in a safe way and understand domestic abuse and how this affects the child and the abused parent.
- 3.27. There was also written evidence<sup>26</sup> informed by survivors of domestic abuse that risk assessments on contact taking place should be monitored throughout and with the involvement of the abused parent and child and that training is not the only element required to ensure staff are equipped to understand the dynamics of domestic abuse.

### Proposal

- 3.28. The Scottish Government would expect child contact centre staff to undergo regular training to ensure they are aware of the latest understanding in key areas. We would expect training to be provided by experts in the relevant areas and using recognised training courses. However, the Scottish Government considers that it would be difficult to set out in standards the specific training courses that would be required as there may be a variety of courses available, which offer the same skills.
- 3.29. The costs estimated for staff training in the Financial Memorandum<sup>27</sup> were based on child contact centre staff requiring on average four days paid training a year. This was considered appropriate in order to strike a balance between ensuring regular training is provided and ensuring the training requirements are not overly burdensome. This recognises that some staff may only work on a voluntary or temporary basis and that some staff and volunteers will already have completed training in certain areas. The training costs would be recurring as requirements would be ongoing to ensure they remain current.
- 3.30. It may not be necessary or proportionate for all child contact centre staff to have training in every area that may be considered for the

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<sup>26</sup> [JS519CH27\\_SWA.pdf \(parliament.scot\)](#)

<sup>27</sup> [Financial Memorandum \(parliament.scot\)](#) – page 24

minimum standards and it may be necessary to apply different standards to different roles within the child contact centre. For example, the training standards that may be considered necessary for a child contact centre manager will be more extensive than for a member of staff in an administrative role.

3.31. In responses to the consultation on Review of the Children (Scotland) Act 1995, in the Care Inspectorate's report, and during the parliamentary passage of the Children (Scotland) Bill, a number of suggestions were put forward regarding the training that child contact centre staff should have. We consider the key areas 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) are:

- child protection
- understanding domestic abuse, particularly the dynamic of coercive control
- understanding the ways adults can influence
- 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
- observing supervised contact
- proficient recording of contact
- reporting on contact
- complaints handling

3.32. The Scottish Government also proposes that all child contact centre staff and volunteers must have PVG scheme membership<sup>28</sup>.

3.33. There were also a number of suggestions made regarding other areas that child contact centre staff should have when working with children and families. We consider that it may be desirable for certain staff at the child contact centre to have training in the following areas depending on their role, but that these wouldn't necessarily be required as minimum standards under the regulations:

- an introduction to trauma
- adverse childhood experiences<sup>29</sup>
- positive transitions

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<sup>28</sup> [The Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](https://www.mygov.scot)

<sup>29</sup> [Adverse Childhood Experiences \(ACEs\) - gov.scot \(www.gov.scot\)](https://www.gov.scot)

- attachment theory in child development
- brain development
- working with families where English is not their first language

3.34. The Scottish Government is aware that there are a number of other internal policies that child contact centres may require their staff to be trained on, some of which may relate to existing legal requirements. The Scottish Government would not plan to lay down minimum standards under the regulations in these areas, but would expect providers to ensure staff have an awareness and understanding of:

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

3.35. The Care Inspectorate put forward in its feasibility study report<sup>30</sup> that requiring paid staff at child contact centres to be registered with the Scottish Social Services Council (SSSC)<sup>31</sup> could support the improvement of skills and understanding of best practice, which could improve the experiences and outcomes for children.

3.36. The Scottish Government understands that a condition of registration with the SSSC is that staff need to attain a relevant qualification. The Care Inspectorate report sets out that there would be a cost associated with SSSC registration as staff would have to pay an initial registration fee and also an annual fee. There are also SSSC Codes of Practice, which staff and employers must adhere to.

3.37. The Scottish Government is concerned that introducing a further layer of regulation and cost to the child contact service sector would be disproportionate for such a relatively small workforce. In addition to the standards being proposed under the 2020 Act, child contact centre providers also have their own policies and codes of practice. It is not clear that there would be significant benefits for children and parents using child contact centre services from SSSC registration. Also, SSSC registration would only be available to paid staff and based on the figures provided by Relationships Scotland<sup>32</sup> we understand that

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<sup>30</sup> [Care Inspectorate report on feasibility study of regulation of child contact centres.pdf](#) – pages 7 and 9.

<sup>31</sup> [The Scottish Social Services Council - Scottish Social Services Council \(sssc.uk.com\)](#)

<sup>32</sup> [JS519CH8 Relationships Scotland.pdf \(parliament.scot\)](#)

approximately 46% of their staff are unpaid and would therefore be ineligible.

3.38. For these reasons we do not consider it appropriate to include SSSC registration as a requirement for paid staff under the regulation of child contact services.

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, 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?

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 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?

Question 12)

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/data protection/disclosure of information
- anti-harassment
- anti-bullying
- medication and nutrition
- disciplinary/whistleblowing
- practicalities of child contact centre management/admissions

Do you have any further comments regarding your selections?

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.

Monitoring staff training standards



- 3.39. In terms of monitoring the training standards, it is envisaged that the body appointed to oversee the regulation would be responsible for scrutiny of child contact services to ensure they meet these standards.
- 3.40. It is expected that in advance of the regulatory regime commencing, initial inspections of all child contact services and centres seeking to be registered would be carried out by the appointed person. This would include assessing whether staff and volunteers have received the training required under the standards for their particular roles.
- 3.41. Once registered as a regulated service, the person appointed would carry out regular routine inspections and this would include reviewing records on staff training and talking to managers and staff to ensure training standards are maintained.
- 3.42. It is envisaged that routine inspections would be carried out on a three yearly basis, unless particular concerns regarding a child contact centre have been raised that prompt an ad hoc inspection during the three year period.
- 3.43. If an inspection identifies that staff have not received the required training for their role, or their training has lapsed, we would expect the child contact centre provider to be given the opportunity to address this within an appropriate timeframe. Should a failure to meet the staff training standards continue, the child contact service could ultimately be removed from the register.
- 3.44. The Care Inspectorate identified in their report a team that could potentially take on responsibility for inspecting child contact services should the Care Inspectorate be appointed. They acknowledge that those staff would need to develop a knowledge and understanding of this sector and would require training in terms of their inspection teams' current specialisms given the nature of child contact services. It is intended that the person appointed to oversee child contact service regulation will have sufficient lead-in time from their appointment to when the regulations come into effect for such training to take place.

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?

## Part 4: Complaints procedures

### Introduction

- 4.1. One of the key aims of regulating child contact centre services is to ensure that there is a clear and consistent complaints mechanism that is accessible and child friendly.
- 4.2. This part of the consultation seeks views on:
  - complaints about a child contact centre service
  - complaints about the body appointed to oversee child contact centre regulation.
- 4.3. Child contact centre providers already have their own procedures to deal with complaints.

### Complaints about a child contact centre service

- 4.4. Service users would be encouraged to contact the child contact centre provider should they have any concerns about the service provided. If this does not resolve the issue the service user could then raise a formal complaint with the provider, following the appropriate complaints process. If, following the outcome of the investigation of the complaint, the service user remains dissatisfied they could raise their complaint with the regulator. As indicated above, the Scottish Government's preferred approach is to appoint the Care Inspectorate for the purposes of administering the registration of contact service providers and contact centres
- 4.5. The Care Inspectorate set out in its report that they have a statutory duty to deal with complaints made to it about the registered services it regulates. Should the Care Inspectorate be appointed as the body to oversee child regulation any complaint about a registered child contact centre service could be made to them directly. However, we understand that the Care Inspectorate would encourage anyone wishing to complain about a registered service to first of all raise any concerns with the service itself.
- 4.6. If after raising the complaint with the Care Inspectorate, the service user is unhappy with the way in which the Care Inspectorate handled their complaint, they could ask the Scottish Public Services Ombudsman (SPSO)<sup>33</sup> to look into this. The SPSO have published guidance on what a person can do if they wish to complain about the Care Inspectorate<sup>34</sup>. This sets out that SPSO would consider the process by which the Care Inspectorate reached their decision on the

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<sup>33</sup> [Home | SPSO](#)

<sup>34</sup> [Care Inspectorate \(spsos.org.uk\)](https://www.spsos.org.uk/)

complaint, rather than considering the specific issue that the person complained about to the Care Inspectorate.

- 4.7. If a service user wished to complain about the conduct of an individual member of staff or volunteer working at a child contact centre, this would be dealt with under the child contact centre provider's own complaints process.
- 4.8. The regulatory body would be responsible for regulating service providers and ensuring they deliver services in compliance with the minimum standards. The Scottish Government does not consider that the regulator would investigate the conduct of individuals working at child contact centres, other than to ensure that standards of staff training are met. This is in line with the Care Inspectorate's position currently regarding its regulatory function for registered care services<sup>35</sup>.
- 4.9. Any complaint regarding the governance of the child contact provider as a charity, or any apparent misconduct in the administration of the charity, should continue to be raised with OSCR. Such complaints would not fall to be dealt with by the body appointed under the 2020 Act regulations.
- 4.10. Should a person have a concern or complaint about the decision of the court to order contact at the child contact centre this would not be for the provider, or the regulatory body, to consider. If a service user is unhappy with the terms of the court order, or if there has been a change of circumstances, this would be a matter for the court.
- 4.11. Following the outcome of a complaint to the regulatory body, and where there is evidence of failings under the regulations, the Scottish Government expects the regulatory body could recommend improvements such as, for example, more staff training or improved best practice guidance for staff. The ultimate sanction would be to remove the child contact service from the register.
- 4.12. Child contact centre providers and the regulatory body would be required to ensure that parents and children are aware of the complaints process, of how to use it, and the potential outcomes. There should also be a child-friendly complaints mechanism for children and young people alongside that which is available for adults.
- 4.13. The Care Inspectorate set out in their report that they have a team that currently deals with complaints regarding the registered services they regulate, separate to the staff who deal with the registration and inspection of services. The Care Inspectorate acknowledged that if they are appointed to regulate child contact services their complaints staff would need to develop a knowledge and understanding of this

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<sup>35</sup> [Unhappy about a care service.pdf \(careinspectorate.com\)](https://www.careinspectorate.com/unhappy-about-a-care-service.pdf)

sector and would require training to deal with complaints. It is intended that the person appointed to oversee child contact service regulation will have sufficient lead-in time from their appointment to when the regulations come into effect for such training to take place.

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?

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?

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

### **Complaints by a child contact centre provider**

4.14. A child contact centre provider may wish to complain about the regulatory body. The Scottish Government envisages that the provider should first raise any concerns with the regulator directly. If this does not resolve the issue the provider could then raise a formal complaint with the regulator, following their complaints process. Should the Care Inspectorate be appointed it has published its complaints process and the policy on complaints handling on its website<sup>36</sup>.

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<sup>36</sup> [Complain about the Care Inspectorate](#)

4.15. If, after full investigation by the regulatory body, the child contact centre provider is dissatisfied with the way the complaint was dealt with, they could ask the SPSO to look at this.

4.16. If a child contact centre provider is unhappy with a decision of the regulatory body to refuse to register a contact service provider or child contact centre or to remove a contact service provider or child contact centre from the register, the 2020 Act makes provision for appeal rights to be included in the regulations. The Scottish Government envisages that the provider would have the right to appeal the decision and this appeal would be made to the sheriff court.

4.17. The SPSO would not be part of this appeals process and they would not be able to overturn decisions of the regulator in relation to matters such as inspections and registration of services.

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?

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?

## Part 5: Conclusion

### Impact Assessments

- 5.1. In accordance with usual practice, the Scottish Government has prepared a number of impact assessments in relation to the development of policy in this area.
- 5.2. The Scottish Government considers that the changes proposed or considered in this consultation have minimal impact on the environment. Accordingly, the Scottish Government has sent a pre-screening exemption from Strategic Environmental Assessment (SEA) to the usual SEA consultation authorities.<sup>37</sup>
- 5.3. A draft Business and Regulatory Impact Assessment (BRIA) is attached at Annex D. This provides details of the estimated cost of adopting various options discussed in the consultation.
- 5.4. A draft Child Rights and Wellbeing Impact Assessment (CRWIA) is attached at Annex E. This considers which Articles of the UNCRC are engaged by the proposals and the policy options identified for children and young people. The CRWIA also sets out the evidence that the Scottish Government has identified so far as relevant to the assessment of these options.
- 5.5. A Data Protection Impact Assessment (DPIA) has also been undertaken and a draft is attached at Annex F.
- 5.6. The changes proposed to the law would have impacts in relation to equalities. A draft Equality Impact Assessment (EQIA) is attached at Annex G.
- 5.7. A Fairer Scotland Duty Assessment has been undertaken and a draft is available at Annex H
- 5.8. An Island Communities Impact Assessment has been undertaken and a drafts is available at Annex I.

#### 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
- b) the draft Child Rights and Wellbeing Impact Assessment Yes/No

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<sup>37</sup> The SEA consultation authorities are: the Scottish Environment Protection Agency, Scottish National Heritage, and Historic Environment Scotland.

- 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 Island Communities Impact Assessment Yes/No

If you have answered yes please provide your comments.

### **Any further comments**

5.9. The Scottish Government recognises that in order to develop well informed policy and legislation, it is important that we receive responses reflecting the range of views held on this subject.

5.10. Consultees are welcome to make any other comments relating to this consultation.

Question 21)

Do you have any further comments?

Yes

No

If you have answered yes please provide your comments.

## Annex A – Respondent Information Form



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

**Title**

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name



- Publish response only (without name)
- Do not publish response

**Information for organisations :**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

## Annex B - Consultation questions

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?

Question 2):

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

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.

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?

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?

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?

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

Question 7):

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

Agree  
Disagree  
Don't know

Why did you select your answer?

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?

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?

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, 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?

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?

Question 12)

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?

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.

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?

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?

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?

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.

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?

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?

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
- 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.

Question 21):

Do you have any further comments?

Yes

No

If you have answered yes please provide your comments.

## Annex C - Indicative timetable for implementation of child contact services regulation

NB these are indicative only and may change.

<b>Timing</b>	<b>Activity</b>
Summer 2021	Analysis of consultation responses and drafting regulations
Late 2021	Regulations appointing body to oversee regulation of child contact centres laid before Parliament.
Early 2022	Regulations appointing body to oversee regulation of child contact services comes into force.
Early 2022	Regulations laid in the Scottish Parliament establishing minimum standards for accommodation and staff training at child contact centres.
Early 2022 – Summer 2022	Initial set up time for appointed body, including staff training and developing internal policies and processes
Summer 2022 – Spring 2023	Appointed person carries out initial inspections and registers child contact services
April 2023	Regulations establishing minimum standards come fully into force,



## Annex D - Draft Business and Regulatory Impact Assessment (BRIA)

<b>Title of Proposal</b> Regulation of child contact services.
<b>1. Purpose and intended effect</b> <ul style="list-style-type: none"><li>• <b>Background</b></li></ul> <p>1.2 The Children (Scotland) Act 2020 (the 2020 Act) gained Royal Assent on 1 October 2020. Section 10 of the 2020 Act gives the Scottish Ministers the power to set minimum standards for child contact centre accommodation and staff training by regulations. The 2020 Act also gives the Scottish Ministers the power to appoint a body to oversee regulation, which would include registering child contact services, carrying out inspections, reporting on inspections, and handling complaints.</p> <p>1.3 Child contact centres play an important role in providing safe venues for conflict-free contact between children, parents, and other people in the child's life. Child contact centres receive referrals from the courts, solicitors, from parents themselves and some from social work services so that contact can be facilitated between a parent and child.</p> <p>1.4 Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres provide the facilities for the contact and record that the contact took place and not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved.</p> <p>1.5 Child contact centres also provide a handover service where one parent brings the child to the centre to be collected by the other parent. This means that the parents do not have to see each other during the handover.</p> <p>1.6 The child contact centre services that this consultation is focussed on are those that deal primarily with separated parents and families who are referred in private law cases. For example, in situations where contact is ordered at a child contact centre by the courts, where a referral is made by a solicitor on their client's behalf or where parents self-refer.</p> <p>1.7 The Scottish Government is aware that local authorities also facilitate child contact in public law cases involving looked after children. This type of child contact does not fall within the scope of the changes made by the Children (Scotland) Act 2020 (the 2020 Act) and is not covered by this consultation. However, it is possible that in future centres regulated under the 2020 Act may continue to receive some referrals from local authorities.</p> <p>1.8 There are currently 45 child contact centres across Scotland that deal primarily with private law cases. 42 are members of the Relationships</p>

Scotland (RS) network<sup>38</sup> and the Scottish Government is aware of three independent centres in Aberdeen<sup>39</sup>, Inverclyde<sup>40</sup> and Glasgow<sup>41</sup>.

- **Objective**

1.9 The policy aim of regulating child contact services is to ensure all child contact centres remain safe locations for children to have contact with a parent or other family member and that children will be protected when they are referred to a child contact centre.

1.10 The aim is that by establishing minimum standards the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved.

### **Rationale for Government intervention**

1.11 Currently child contact services are not subject to any external regulation. Although child contact service providers have their own policies and procedures in place, there are no national standards and there is no independent oversight.

1.12 On 9 January 2017 petition PE1635<sup>42</sup> was lodged with the Public Petitions Committee of the Scottish Parliament asking for a review of the system and operation of child contact centres and the procedure under section 11 of the Children (Scotland) Act 1995, so that the rights, safety and welfare of children are paramount in relation to child contact arrangements where domestic abuse is an issue, and to ensure that section 11 of the Act is consistently implemented across Scotland.

1.13 The Committee agreed to close the petition<sup>43</sup> on 27 June 2019 on the basis that the issues highlighted by it had been recognised by the Scottish Government. In particular by provisions in the Children (Scotland) Bill (now the 2020 Act), including the regulation of child contact centres.

1.14 The Consultation on Review of Part 1 of the Children (Scotland) Act 1995, which closed in September 2018, informed the 2020 Act. The consultation sought views on whether child contact centres should be regulated. The analysis<sup>44</sup> of responses showed that 66% of respondents

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<sup>38</sup> [Child Contact Centres – Relationships Scotland \(relationships-scotland.org.uk\)](http://relationships-scotland.org.uk)

<sup>39</sup> [VSA - Contact Centre](#)

<sup>40</sup> [Inverclyde Family Contact Centre](#)

<sup>41</sup> [Promoting Positive Contact - Contact Us \(renfieldcontactcentre.co.uk\)](http://renfieldcontactcentre.co.uk)

<sup>42</sup> [PE01635: Review of section 11 of the Children \(Scotland\) Act 1995 - Getting Involved : Scottish Parliament](#)

<sup>43</sup> [<UNSPECIFIED> \(parliament.scot\)](#) see columns 23-24.

<sup>44</sup> [review-part-1-children-scotland-act-1995-creation-family-justice-modernisation-strategy-analysis-consultation-responses-final-report \(2\).pdf](#) – section 5.2

were in favour of regulation, 6% were not in favour and 28% gave no response. Respondents commonly felt that this was required to provide and maintain minimum and consistent standards across the country, and to ensure the safety of children. The current qualifications and training of staff was also questioned with some respondents highlighting that child contact centres often deal with challenging situations and vulnerable children, meaning regulation was needed.

- **Consultation**

2.1 In preparing the consultation, the Scottish Government's Family Law Unit have worked with:

Within Scottish Government

- The Directorate for Children and Families
- Equalities Unit
- Justice Analytical Services
- Office of Chief Social Worker

2.2 The Scottish Government has also taken on board responses received to the 2018 consultation on the Review of the Children (Scotland) Act 1995<sup>45</sup> and also the evidence received during the passage of the Children (Scotland) Bill through the Parliament<sup>46</sup>. The Scottish Government also met with Relationships Scotland, Promoting Positive Contact and Inverclyde Family Contact Centre during the passage of the Bill to discuss the proposed regulations.

- **Public Consultation**

2.3 This draft BRIA forms part of a public consultation which will run for 16 weeks. The Scottish Government will seek views from a range of organisations representing children, parents, grandparents, child contact service providers, victims of domestic abuse, lawyers, social care services, disabled people, and regulators/inspectors.

2.4 The 2020 Act gives the Scottish Ministers the power to make provision about regulation of child contact services. This provision is to be made in regulations. It can include minimum standards for the training of contact service provider staff and in relation to contact centre accommodation. The Financial Memorandum that accompanied the Children (Scotland) Bill set out a timetable for implementation of the child contact centre regulations<sup>47</sup>. It is anticipated that the regime may be fully operational by April 2023.

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<sup>45</sup> [Review of Part 1 of the Children \(Scotland\) Act 1995 and creation of a family justice modernisation strategy - Scottish Government - Citizen Space \(consult.gov.scot\)](#)

<sup>46</sup> [Children \(Scotland\) Bill Written Submissions - Parliamentary Business : Scottish Parliament](#)

<sup>47</sup> [Financial Memorandum \(parliament.scot\)](#) – page 23.

2.5 The 2020 Act also gives the Scottish Ministers power to confer functions on the body appointed to oversee the regulations. These functions could include:

- Inspecting child contact centres, regulated contact service providers and contact services providers applying for registration;
- Issuing reports on the inspection of child contact centres, regulated contact service providers and contact service providers applying for registration; and
- Refusing to register contact service providers, and removing from the register regulated contact service providers who do not meet the minimum standards.

2.6 Under the 2020 Act there are requirements on courts and solicitors when making a referral to a child contact service that they must refer to a regulated service (see sections 10 and 11 of the 2020 Act). The 2020 Act also makes provision for appeal rights to be included in the regulations. The Scottish Government envisages that the provider would have the right to appeal the decision and this appeal would be made to the sheriff court.

2.7 The Care Inspectorate is the Scottish Government's preferred option for the regulatory role. We are engaging with the Care Inspectorate with a view to reaching agreement on its appointment in advance of the regulations establishing the minimum standards for child contact centres being laid before Parliament in early 2022.

2.8 The Scottish Government provided funding to the Care Inspectorate in 2019 to carry out a feasibility study on the proposed regulation of child contact centres. The Care Inspectorate published its feasibility study report in March 2020<sup>48</sup>. The report includes a number of recommendations which the Scottish Government responded to as part of a response<sup>49</sup> to the Justice Committee during Stage 1 of the Children (Scotland) Bill, now the Children (Scotland) Act 2020.

### **3. Options & Impact on Scottish Business**

3.1. This section focuses on the key options that are considered in the consultation. The consultation document itself lists all the options we are considering.

3.2. There are 3 areas being considered in relation to the regulation of child contact services. These are:

- accommodation standards
- staff and volunteer training standards

<sup>48</sup> [Care Inspectorate report on feasibility study of regulation of child contact centres.pdf](#)

<sup>49</sup> [Minister for Community Safety and Legal Affairs.dot \(parliament.scot\)](#) paragraphs 25 to 50.

- complaints process

#### Option 1 – do nothing

3.3. There is the option of maintaining the status quo and not introducing regulations to establish minimum standards and not appointing an independent person to oversee child contact service standards. This would mean that child contact services would not be subject to external regulation or regular inspections. The option of doing nothing would have no cost implications and also no impact on business, voluntary sector, public bodies or Scottish Government as it would be maintaining the status quo.

3.4. However, this option would not further protect children and others using the child contact centres and would not ensure a consistent standard of provision across Scotland.

#### Option 2 – lay regulations to establish minimum standards for accommodation and staff training in the proposed areas and appoint an independent person to oversee regulation of child contact services

3.5. The 2020 Act gives the Scottish Ministers the power to make regulations to establish minimum standards for accommodation and staff training for child contact services. The 2020 Act also gives the Scottish Ministers the power to appoint a person to oversee regulation.

3.6. The consultation considers the proposed areas the minimum standards may cover in terms of accommodation and staff training. The consultation also covers the proposed approach regarding monitoring the standards and the complaints process.

3.7. This option has significant financial implications, which are set out in the costs section below. If the standards were laid down in regulations this would also mean that any changes to the standards would require secondary legislation.

3.8. This option affects Relationships Scotland and their members and associate members who operate child contact services. It also affects the independent child contact centres.

3.9. This option also affects the person appointed to oversee the regulation of child contact services.

3.10. This option also has an impact on the courts who order contact at a child contact centre and who may be required to hear appeals on decisions to register or remove contact services and centres from the register. However, the number of appeals is expected to be relatively low given the size of the sector. This option also has an impact on solicitors referring clients to a child contact centre as such

orders and referrals would only be able to be ordered at a regulated centre.

Option 3 - publish guidance for child contact services on the expected minimum standards for accommodation and staff training

3.11. There is the option of not introducing regulations to establish minimum standards and not appointing an independent person to oversee child contact service standards and relying instead on providing guidance to child contact services on what is expected in terms of standards.

3.12. This would mean that child contact services would not be subject to external regulation. This is likely to cause concern among stakeholders and individuals.

3.13. There would be concern as to how to ensure child contact services are complying with the guidance, since it would not have the same legal status as standards set by regulation.

3.14. There may be reduced costs given that any guidance would be advisory only and services may decide to opt out of certain recommendations in terms of what is expected for their premises and staff. There could also be reduced costs in relation to the requirement to appoint a regulator.

**Sectors and groups affected**

3.15. We consider the following groups or sectors will be affected by the options being considered:

- Children and young people
- Parents, carers or other family members in a child's life
- Child contact service providers
- Child contact service staff and volunteers
- The appointed regulatory person
- The Courts
- Family lawyers
- Organisations supporting parents, families and children
- Disabled child contact centre users
- Local authorities
- Scottish Courts and Tribunals Service

**Benefits**

Give details of all benefits associated with each option you are considering.

Option 1

3.16. The main benefit of option 1 is that doing nothing would have no cost implications and also no impact on business, voluntary sector, public bodies or Scottish Government as it would be maintaining the status quo.

### Option 2

3.17. The main benefit of option 2 is that by establishing minimum standards for accommodation and staff training and appointing an independent person to oversee regulation all registered child contact services will be subject to appropriate standards that will apply consistently across the sector.

3.18. Regulation will ensure all child contact centres remain safe locations for children to have contact with a parent or other adult and that children will be protected where they are referred to a child contact centre.

3.19. Establishing minimum standards will help ensure the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved.

3.20. Regulation will contribute to the following National Outcome:

We grow up loved, safe and respected so that we realise our full potential.

3.21. The aim is the proposed standards for child contact centres will contribute to this National Outcome by helping to ensure children grow up in an atmosphere of happiness, love and understanding, by supporting families when they need it, and ensuring children are not left worried or isolated.

### Option 3

3.22. The main benefit of option 3 would be that setting out expected standards by guidance rather than regulation may reduce costs to service providers and in relation to the need to appoint a body to oversee the regulation of the providers. .

#### **Costs**

Give details of all costs (additional and savings) associated with each option you are considering.

3.23. The costs associated with regulating child contact services are set out in the Financial Memorandum which accompanied the Children (Scotland) Bill when it was introduced into the Scottish Parliament<sup>50</sup>.

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<sup>50</sup> [Financial Memorandum Children \(Scotland\) Bill \(parliament.scot\)](http://parliament.scot)

This includes costs in relation to child contact centre providers and also in relation to the body appointed to oversee regulation.

3.24. It was estimated in the Financial Memorandum that the cost of regulation of child contact centres for providers could be between £0.76m and £2.52m in initial costs (2022-23) and £0.32m a year in ongoing costs. The costs for the body appointed to oversee regulation are estimated to be £0.49m in the first year (2022-23) and £0.43m a year subsequently in ongoing costs.

3.25. There may also be costs for child contact centre providers in relation to fees payable connection with the registration of a provider or contact centre. If the Care Inspectorate are appointed each child contact service registered would have to pay a registration fee as a one-off cost and an annual continuation fee<sup>51</sup>.

3.26. It is likely that some of the costs for the body appointed to oversee regulation could be off-set by any registration fees charged.

#### **4. Scottish Firms Impact Assessment**

4.1. To appreciate the impact that the proposed regulation may have on businesses operating in Scotland, the Scottish Government met with Relationships Scotland, Promoting Positive Contact and Inverclyde Family Contact Centre during the passage of the Children (Scotland) Bill to discuss the proposed regulations.

4.2. As part of this consultation process on the regulation of child contact services the Scottish Government will seek views from Relationships Scotland, whose network includes 11 member services and two associate members. These are all individual organisations operating child contact centres.

4.3. The Scottish Government will also seek views from the independent child contact services: Promoting Positive Contact, Inverclyde Family Contact Centre and VSA Child Contact Centre.

4.4. The Scottish Government will also seek views from the Care Inspectorate.

4.5. The Scottish Government recognises that there are significant costs associated with regulation. We will seek to ensure that minimum standards will not be disproportionately onerous and will consider what support can be made available to child contact providers in the lead up to the regulations coming into force to assist in meeting the standards.

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<sup>51</sup> [Fees \(careinspectorate.com\)](https://www.careinspectorate.com/fees/) – this provides an indication of the Care Inspectorate’s current service registration fees.



## **5. Competition Assessment**

5.1. We do not expect the options to have an impact on competition as they will not:

- Limit the number or range of suppliers.
- Limit the ability of suppliers to compete.
- Limit suppliers' incentives to compete vigorously.
- Limit the choice and information available to consumers.

5.2. We will seek to ensure that minimum standards will not be disproportionately onerous and will consider what support can be made available to child contact providers in the lead up to the regulations coming into force to assist in meeting the standards.

5.3. We would welcome any comments during the consultation as to whether any of the proposals would have an impact on competition.

## **6. Test run of business forms**

6.1. We expect that new forms may need to be introduced for businesses as a result of regulations. It is envisaged that child contact providers will need to apply to the body appointed to oversee regulation in order to be registered as a regulated service. We expect that the body appointed will have 12 to 18 months lead-in time in advance of the standards coming into effect. A test run of any new forms with the services which will be using them could be carried out at that time to ensure that they are easy to use.

## **7. Legal Aid Impact Test**

7.1. The proposed regulations will not give rise to increased use of legal processes or create new rights or responsibilities that would result in impacts on the legal aid fund.

7.2. Currently, any fees charged by child contact providers are met either through legal aid or privately by the individuals using the services<sup>52</sup>. It is not envisaged that the proposed regulations will make any changes to the current regimes that providers have in place for fees and charges.

7.3. In terms of funding more widely, child contact services are currently funded through a variety of means including Scottish Government funding, grants from other bodies, charitable trusts and donations and fees and charges met either through legal aid or privately by individuals using the services. The proposed regulations will not make any changes to these funding arrangements.

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<sup>52</sup> The Scottish Legal Aid Board estimate that work up to a value of £0.5 million a year is authorised by them in relation to child contact centres.

7.4. However, as set out in paragraph 1.16 of the consultation the 2020 Act makes provision for Scottish Ministers to tender a contract for the operation of child contact services, which would put the funding of child contact centre services on a longer-term and sustainable footing

## **8. Enforcement, sanctions and monitoring**

8.1. The body appointed to oversee child contact services regulation will be responsible for the inspection of contact centres and regulated contact service providers and those applying for registration, to ensure they meet the minimum standards.

8.2. It is expected that regulations appointing the body would be laid before Parliament in late 2021 and would come into force in early 2022. It is expected the regulations establishing the minimum standards would be laid before Parliament in early 2022 and that these would come fully into force in April 2023. This will mean that the person appointed would have 12 to 18 months lead-in time in advance of the standards fully coming into effect.

8.3. It is envisaged that one of the functions the body appointed to oversee child contact centre regulation will have will be to inspect child contact centres and providers to ensure they meet the required standards. It is expected that in advance of the regulatory regime commencing, initial inspections of all child contact services and centres seeking to be registered would be carried out by the appointed body. This would include a physical inspection of premises to ensure accommodation standards have been met and an assessment of whether staff and volunteers have received the training required under the standards for their particular roles.

8.4. Once a centre is registered, the regulatory body would carry out regular routine inspections. This would include physical inspections of premises and reviewing records on staff training and talking to managers and staff to ensure training standards are maintained. It is envisaged that routine inspections would be carried out on a three yearly basis, unless particular concerns regarding a child contact centre have been raised that prompt an ad hoc inspection during the three year period.

8.5. If an inspection identifies any failure to meet the minimum standards it is expected that the child contact centre provider will be given the opportunity to address this within an appropriate timeframe. Should a failure to meet those standards continue, the child contact service or centre could ultimately be removed from the register. This would mean that the courts and solicitors would not be permitted to make referrals to these child contact centre(s).

- 8.6. It is also intended that there will be an independent complaints mechanism. It is not envisaged that this will change the way complaints about a child contact service should be raised initially. If an individual is unhappy about the service they have received they would be encouraged to contact the child contact service provider in the first instance. If this does not resolve the issue, the service user could raise a formal complaint with the provider, following the appropriate complaints process. If following the outcome of the investigation of the complaint, the service user remains dissatisfied they could raise their complaint with the person appointed to oversee regulation.
- 8.7. Should the Care Inspectorate be appointed as the regulator any complaint about a registered child contact centre service could be made to them directly. However, we understand that the Care Inspectorate would encourage anyone wishing to complain about a registered service to first of all raise any concerns with the service itself, as outlined above. The Care Inspectorate have a statutory duty to deal with complaints made to it about the registered services it regulates.
- 8.8. If after raising the complaint with the Care Inspectorate, the service user is unhappy with the way in which it dealt with the complaint, they could ask the Scottish Public Services Ombudsman (SPSO) to look into the complaint handling.
- 8.9. If a service user wished to complain about a specific individual working in a child contact centre, the Scottish Government would expect that this would be dealt with under the child contact centre provider's own complaints process.
- 8.10. On the basis that the regulatory body would be responsible for regulating service providers and ensuring they deliver services in compliance with the minimum standards, the Scottish Government does not consider that the regulator would investigate individuals working at child contact centres, other than to ensure that standards of staff training are met. This is in line with the Care Inspectorate's position currently regarding its regulatory function for registered care services.
- 8.11. Any complaint regarding the conduct of an individual member of child contact centre staff or a volunteer would be dealt with under the child contact centre provider's complaints process.
- 8.12. Following the outcome of a complaint to the regulatory body, and where there is evidence of failings under the regulations, the Scottish Government expects the action available to the regulatory body would be to recommend improvements: for example, more staff training or improved good practice guidance for staff. The

ultimate sanction would be to remove the child contact service from the register.

8.13. The 2020 Act also makes provision for appeal rights to be included in the regulations. The Scottish Government envisages that the provider would have the right to appeal the decision and this appeal would be made to the sheriff court.

8.14. The 2020 Act also provides that the functions conferred on the person appointed to oversee regulation may include issuing reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010 (the 2010 Act), and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

8.15. The body responsible for regulating the 2010 Act is the Equality and Human Rights Commission (EHRC). Their regulatory work includes monitoring, enforcing and promoting compliance with the duty. In its regulatory role the EHRC has a range of powers.

8.16. The 2020 Act does not enable regulations to be made requiring child contact providers to make reasonable adjustments, since this is already a requirement under the 2010 Act, which is generally a reserved matter for Westminster.

8.17. If the body appointed to oversee child contact centre regulation becomes aware of a failure, or possible failure, at a child contact centre in terms of the existing duties to make reasonable adjustments for disabled people, the body can report publicly on this, for example, by publishing the report on its website. It would also be open to the body to formally ask the EHRC to consider enforcement.

## **9. Implementation and delivery plan**

9.1. The consultation will influence the Scottish Government's decisions about next steps and the content of the regulations. This BRIA will be finalised for the regulations, taking account of points made by consultees. The final version of the BRIA will be published on the Scottish Government website.

9.2. It is envisaged that the regulations will take time to commence. The Scottish Government expects the regulations appointing the body to oversee regulation will be laid before Parliament in late 2021 and come into force in early 2022. It is hoped that regulations will be laid before Parliament prescribing the minimum standards in early 2022 and come into force in April 2023. This will mean the person

appointed will have 12 to 18 months lead-in time before the standards come into effect from April 2023.

#### **Post-implementation review**

9.3. The Scottish Government will review the legislation to ensure that it is still fit for purpose within 10 years of enactment.

#### **10. Summary and recommendation**

10.1. The Scottish Government's preferred option and proposed approach in the consultation is option 2, setting by regulations minimum standards for accommodation and staff training for child contact services.

10.2. The Scottish Government are seeking views on the areas that the standards should cover and approaches for monitoring and complaints. This section will be completed in the final BRIA when we have considered the responses from this consultation.

10.3. The estimated financial costs of regulating child contact services and the ongoing costs are set out in the Financial Memorandum which accompanied the Children (Scotland) Bill when it was introduced into the Scottish Parliament<sup>53</sup>. These are summarised at paragraph 3.24 of this draft BRIA.

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<sup>53</sup> [Financial Memorandum Children \(Scotland\) Bill \(parliament.scot\)](https://www.parliament.scot/Bills-Proposed-Legislation/2020/Children-Scotland-Bill)

## Annex E - Draft Child's Rights and Wellbeing Impact Assessment (CRWIA)

CRWIA Stage 1
<p><b>1. Name the policy, and describe its overall aims.</b></p> <p>The Children (Scotland) Act 2020 gives the Scottish Ministers the power to set by regulations minimum standards for accommodation and staff training at child contact centres. Child contact centres are safe venues for conflict-free contact between children, parents, and other people in the child's life.</p> <p>The policy aim is that by establishing minimum standards the outcomes for children using child contact centres will be improved and that children will be protected when they are referred to a child contact centre.</p> <p>The 2020 Act also gives the Scottish Ministers the power to appoint a body to oversee regulation. The body will be responsible for registering services that meet the standards, carrying out inspections and handling complaints.</p>
<p><b>2. What aspects of the policy/measure will affect children and young people up to the age of 18?</b></p> <p>This policy will ultimately affect the children and young people who use the services of child contact centres. Child contact centres are used by children and young people to maintain contact with a parent or other family member where it is not possible for this to take place in another location.</p> <p>Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres provide the facilities for the contact session and record that the contact took place, but not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved. Details may be reported back to the court. Child contact centres also facilitate handovers of children between a person with whom they are living to another person with whom they are not or will not be living.</p>
<p><b>3. What likely impact – direct or indirect – will the policy/measure have on children and young people?</b></p> <p>The proposed standards of accommodation and staff training will have a direct impact on children using child contact centres. The aim of the proposed standards for accommodation and staff training is to improve the experiences of children using child contact centres and ensure better outcomes for children. For example, the standards will aim to ensure child contact centre premises continue to be safe, secure and child-friendly and that there is access to age appropriate play equipment that is in good condition. It is proposed that the standards for staff training will include</p>

areas such as child protection and child development.

**4. Which groups of children and young people will be affected?**

The policy will affect all children and young people who engage with child contact services.

However, the policy is likely to have a greater effect on younger children. Figures from Relationships Scotland, whose member services operate 42 out of the 45 child contact centres in Scotland, showed that in 2018/19 65% of children using the service were 0-4 years old, 24% were 5-8 years old, 8% were 9-12 years old, and 3% were 13-16 years old.

The policy is also likely to have more of an impact on children who have experienced domestic abuse and those involved in court proceedings about the arrangements for their upbringing.

**5. Will this require a CRWIA?**

Explain your reasons.

Yes. This policy directly affects children and young people.

**CRWIA Declaration**

Tick relevant section, and complete the form.

**CRWIA required**

**CRWIA not required**

Yes

**Authorisation**

**Policy lead**

Name, title, division (or equivalent)

To be completed in Final Version

**Date**

**Deputy Director or equivalent**

Name, title, division (or equivalent)

To be completed in Final Version

**Date**





**CRWIA Stage 2**  
**The CRWIA – key questions**

**1. Which UNCRC Articles are relevant to the policy/measure?**

**List all relevant Articles of the UNCRC and Optional Protocols.** 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 child's right to have their views given due weight.

**Article 1**

Is relevant because the regulation of child contact centres directly affects children and young people who are at the centre of a case under section 11 of the Children (Scotland) Act 1995 (the 1995 Act). Under the 1995 Act parental responsibilities and rights (PRRs) generally last until the child is 16 with the parental responsibility to provide guidance, in a manner appropriate to the stage of development of the child, lasting until the child is 18.

**Article 2**

Is relevant because the regulations for child contact centres may confer on the body appointed to oversee regulation the function of issuing reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

**Article 3**

Is relevant because one of the key aims of regulating child contact centres is to ensure that the best interests of the child remain at the heart of every case.

The regulations for child contact centre accommodation and staff training will ensure child contact services are subject to appropriate standards. We have suggested that the standards relating to accommodation should include that premises are safe and secure locations for children to have contact. We have suggested that the standards for staff training should include the impact of domestic abuse on a child, child protection, and the ways in which a parent can influence a child.

**Article 6**

Is relevant in relation to further protection of children and young people from domestic abuse. We have proposed that the training requirements set out in the standards for child contact centre staff should include an understanding of domestic abuse, particularly the dynamic of coercive control, and of child protection.

**Article 7**

Is relevant because one of the key aims of regulating child contact centres is to ensure that there are safe and child-friendly venues where a child and

a parent, or other family member, who doesn't live with the child are supported to have and maintain contact with each other. A child contact centre may be the only way a child can safely have contact with one of their parents.

We have proposed that the training requirements set out in the standards for child contact centre staff should include understanding the ways adults can influence a child. This understanding could be useful when child contact centre staff are providing a report to the court on how a child's contact with a parent or other adult in their life has progressed.

### **Article 8**

Is relevant because one of the key aims of regulating child contact centres is to ensure that there are safe and child-friendly venues where a child and a parent, or other family member, who doesn't live with the child are supported to have and maintain contact with each other. A child contact centre may be the only way a child can safely have contact with one of their parents.

We have proposed that the training requirements set out in the standards for child contact centre staff should include understanding how an adult can influence a child. This could be relevant particularly in relation to supervised contact, where the child contact centre may report back to the court.

### **Article 9**

Article 9(1) is relevant because we have proposed that the training requirements in the standards for child contact centre staff include an awareness of domestic abuse including coercive control; an understanding of how an adult can influence a child; and child protection. This could be relevant particularly in relation to supervised contact, where the child contact centre may report back to the court.

Article 9(3) is relevant because one of the key aims of regulating child contact centres is to ensure that there are safe and child-friendly venues where a child and a parent or other adult who they don't live with are supported to have and maintain contact with each other. A child contact centre may be the only way a child can safely have contact with one of their parents.

We have proposed that the training requirements set out in the standards for child contact centre staff should include an awareness of domestic abuse, particularly the dynamic of coercive control, an understanding of how an adult can influence a child; and child protection. This training could be useful particularly in relation to supervised contact, where the child contact centre may report back to the court.

### **Article 12**

Is relevant because a key aim of the regulation of child contact services is that there will be a child-friendly complaints mechanism in place so that children and young people using child contact centres can raise concerns.

**Article 16**

Article 16 is relevant because the training requirements set out in the standards for child contact centre staff and volunteers will ensure that they are suitably trained in matters such as families in conflict and confidentiality. The consultation also sets out a proposed complaints procedure if individuals, including children, are unhappy with staff at a child contact centre.

**Article 18**

Is relevant because one of the key aims of regulating child contact centres is to ensure that there are safe and child-friendly venues where a child and a parent, or other family member, who doesn't live with the child are supported to have and maintain contact with each other. A child contact centre may be the only way a child can safely have contact with one of their parents.

**Article 19**

We have proposed that the training requirements set out in the standards for child contact centre staff should include an awareness of domestic abuse, particularly the dynamic of coercive control; an understanding of how an adult can influence a child; and child protection. This training could be useful particularly in relation to supervised contact, where the child contact centre may report back to the court.

We have also proposed that the training requirements set out in the standards for child contact centre staff should include an awareness of other services that are available for children and young people, for example, child advocacy services or counselling services for children.

**Article 23**

Is relevant. Under the proposed regulations, the Scottish Ministers may confer on the person appointed to oversee child contact centre regulation a function to issue reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

It is also proposed that child contact centre staff should be trained in child development, including learning disabilities and developmental disorders, as a minimum standard under the regulations.

**Article 30**

Is relevant because we have proposed that the training requirements set out in the standards for certain child contact centre staff should include working with families where English is not their first language.

**2. What impact will the policy/measure will have on children's rights?**

Positive/negative/neutral

The proposed regulation of child contact services will have a positive impact on children's rights. Regulating to establish minimum standards for child contact services will help ensure all child contact centres remain safe locations for children to have contact with a parent (or other family member) and that children will be protected where they are referred to a child contact centre. Establishing minimum standards will help ensure the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved.

It is also proposed that a body will be appointed to oversee regulation and ensure the minimum standards are met and that the best outcomes for children are maintained. This will include including carrying out regular inspections and issuing reports. It is also proposed that there will be a child-friendly complaints process should a child wish to raise concerns about a child contact service.

It is proposed that the accommodation standards for child contact centres will ensure they remain safe and secure premises for children to have contact with a parent or other family member. The standards will help ensure premises are welcoming, clean, bright and well maintained with adequate space and with age appropriate play equipment and facilities to meet the needs of children using the centres.

It is proposed that the standards on staff training will help ensure staff and volunteers have the appropriate training to facilitate contact services safely and to provide support to children who are accessing their contact services. This will help ensure the best outcomes for children using child contact centre services.

### **3. Will there be different impacts on different groups of children and young people?**

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

Children and young people of all ages will be affected, in particular those with separated parents and those involved in court proceedings about the arrangements for their upbringing. Children who have experience of domestic abuse may also be affected.

The proposed regulation may have more of a positive impact on younger children than older children, because there tends to be a higher number of families with younger children using child contact services. In 2018/19, Relationships Scotland figures showed that 65% of children using their child contact centres were aged 0-4 and 24% were aged 5-8.

In 2018, the Inverclyde Family Contact Centre provided services for 72 children, 21 of which were aged 3 or under. They provided services for 60

children in 2016 and 76 children in 2017, where 25 children were 3 and under, 20 were 4-6, 17 were 7-10 and 6 were aged 11 and over.

**4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?**

If options to modify the policy/measure are included here, include associated resource implications where relevant.

None of the proposed regulation has been identified as having a negative impact on any areas of rights of children and young people. However, there is a risk that over-regulation could lead to the closure of some existing child contact centres and reduce the availability of these services for children and young people. The Scottish Government will monitor closely the impact of regulating child contact centres on the availability of these services across Scotland.

**5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?**

Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

**Safe:** The proposed standards for child contact centre accommodation include that premises are safe, secure, well-maintained and well-ventilated, with furniture, play equipment and facilities that are in good condition and meet safety standards.

The proposed standards for child contact centre staff training include that staff are trained in understanding domestic abuse particularly the dynamic of coercive control, child protection, how an adult can influence a child, parental mental health, drug and alcohol misuse, and an awareness of other services that are available for children and young people.

**Healthy:** The proposed standards for child contact centre staff training include that certain staff are trained in responding to children's needs and behaviour, child development including learning disabilities and developmental disorders, and an awareness of other services that are available for children and young people. It is proposed that training in other areas may also be desirable for certain staff, including an introduction to trauma, adverse childhood experiences, positive transitions, brain development, and attachment theory in child development.

**Nurtured:** The Scottish Government considers that both parents should be fully involved in their child's life as long as this is in the child's best interests. The proposed regulation of child contact services will support the facilitation

of contact between a child and a parent (or other family member) that they do not live with.

**Active:** The proposed regulation of child contact services will support the facilitation of contact between a child and a parent (or other family member) that they do not live with, including by providing toys, games and other play equipment for children and parents to play and spend time together.

**Respected:** One of the proposed areas for regulation is that there will be a child-friendly complaints mechanism if a child is unhappy with the child contact service or considers that the minimum standards are not being met.

**Included:** Under the proposed regulations, the Scottish Ministers may confer on the body appointed to oversee child contact centre regulation, a function to issue reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.

It is also proposed that child contact centre staff should be trained in child development, including learning disabilities and developmental disorders, and that it may be desirable for certain staff to have training in working with families where English is not their first language.

#### **6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?**

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

One of the key aims of the Children (Scotland) Act 2020, which makes provision for the regulation of child contact services, is to ensure further compliance with the UNCRC. Establishing minimum standards for child contact services will help ensure that the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved.

#### **7. What evidence have you used to inform your assessment? What does it tell you?**

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing 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. Identify any gaps in the evidence base, and set out how you will address these.

This is a draft CRWIA. A final CRWIA will be completed to go with any regulations that are laid before the Scottish Parliament.

## **Background statistics**

### Number of births and number of children

Data from National Records of Scotland shows that there were 49,863 births registered in Scotland in 2019<sup>54</sup>.

The NRS statistics for 2019 show that of the 49,863 births in Scotland the mother was aged 18 and under in 433 cases, 17 and under in 214 cases and 16 and under in 121 cases<sup>55</sup>.

In Mid 2019 there were 921,397 children aged 15 or under in Scotland<sup>56</sup>.

### Court statistics

According to figures provided by Scottish Courts and Tribunals Service (SCTS) in 2018/19 there were 2,562 cases disposed of in the sheriff courts in relation to parental responsibilities and rights. In 2018/19 there were 3,554 family cases raised which involved children and 15,649 hearings in family cases involving children (excluding adoption and permanence). Of the 15,649 hearings there were 6,655 Child Welfare Hearings, 1,383 proofs called and 239 proofs proceeding.

### Number of children with disabilities

According to Scotland's Pupil Census in 2020 there were 226,838 pupils in special schools and those with Additional Support Needs in mainstream schools<sup>57</sup>.

Figures from The Way We Are Now 2016<sup>58</sup> – an annual study of the relationships of over 5,000 people across the UK by Relate and Relationships Scotland show that across the UK parents of children with a learning disability are 50% more likely to consider divorce or separation.

## **Child contact centre services**

There are currently 45 child contact centres across Scotland. Of these, 42 are run by members and associate members of the Relationships Scotland Network. In addition, there are three independent child contact centres in Glasgow, Inverclyde and Aberdeen.

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<sup>54</sup> [Publication \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

<sup>55</sup> [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk) table 3.14.

<sup>56</sup> [Mid-2019 Population Estimates Scotland | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk)

<sup>57</sup> [Summary statistics for schools in Scotland \(www.gov.scot\)](https://www.gov.scot) – see page 18.

<sup>58</sup> [TWWAN8-Feb-Families-Under-Pressure-Summary.pdf \(relationships-scotland.org.uk\)](https://relationships-scotland.org.uk)

Figures from Relationships Scotland show that in 2018/19, 2,572 children were able to maintain contact with a non-resident parent by using Relationships Scotland child contact centres. In 2018, Promoting Positive Contact supported 200 families. In 2019 the Inverclyde Family Contact Centre provided services to 65 children from 54 families. In 2018 they provided services to 72 children from 60 families. They provided services to 60 children from 53 families in 2016 and 76 children from 58 families in 2017. The VSA child contact centre in Aberdeen provides support for up to 12 families per year at their child contact centre.

Figures from Relationships Scotland suggests that in 2018/19, 65% of children using child contact centres were aged 0-4 and 24% were aged 5-8, 8% were aged 9-12 and 3% were aged 13-16. 21 of the children using the Inverclyde Family Contact Centre in 2018 were aged 3 and under. In 2016-17, 25 children were 3 and under, 20 were 4-6, 17 were 7-10 and 6 were aged 11 and over.

Figures from Relationships Scotland show that in 2018-19 79% of child contact centre referrals were made by the courts and solicitors, 13% are self-referrals, and 8% are from other agencies, e.g. social work. There were 3,385 supervised contact sessions (the majority of which were ordered by the court). There were 8,656 supported contact sessions, and 6,287 handover sessions.

Relationships Scotland figures also show that mums tend to be the resident parent (89%) and dads tend to be the non-resident parent (85%). 53 families used the Inverclyde Child Contact Centre in 2016, of which three were to facilitate contact with the mother. In 2017, 58 families used the centre, of which nine were to facilitate contact with the mother.

#### Care Inspectorate Feasibility Study Report

Following a commission by the Scottish Government in 2019 to carry out a feasibility study on the regulation of child contact services, the Care Inspectorate published a Feasibility Study Report<sup>59</sup> in March 2020. The report set out seven recommendations, the first being that based on the benefits and risks outlined in the report, the Care Inspectorate recommended that child contact centres should be regulated.

The Care Inspectorate concluded that there are opportunities to affect change through regulation and that having a holistic approach to regulating these services, which impact on children's lives, would minimise trauma and adverse childhood experiences. Positive experiences would support children's health and wellbeing, enabling them to achieve their potential.

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<sup>59</sup> [Care Inspectorate report on feasibility study of regulation of child contact centres.pdf](#)



The Scottish Government responded to the recommendations in the report as part of a response<sup>60</sup> to the Justice Committee during Stage 1 of the Children (Scotland) Bill, now the Children (Scotland) Act 2020.

### **Domestic abuse and cases under section 11 of the 1995 Act**

Research undertaken by Kirsteen Mackay in 2013<sup>61</sup> shows that domestic abuse was alleged in half of all court actions over contact. When a child was not seeing their non-resident parent this was allegedly due to violence upon the child in 18% of the cases.

Research by CAFCASS and Women's Aid in 2017 shows that in England and Wales domestic abuse was alleged in 62% of cases with fathers more likely to be the subject of allegations than mothers. Cases featuring allegations of domestic abuse were more likely to result in an order for no direct contact than cases without<sup>62</sup>. Research undertaken by the Ministry of Justice in 2009 showed that 53% of the contact and residence cases in England and Wales involved allegations of domestic abuse or concerns about abduction or harm to children<sup>63</sup>.

According to the Scottish Crime and Justice Survey 2017/18<sup>64</sup> published in March 2019, 40% of those who experienced partner abuse in the last 12 months said that children were living in their household when the most recent incident took place. In addition, in 62% of cases where children were living in the household the children were present during the most recent incident.

Figures on the number of incidents of domestic abuse recorded by the police showed that 88% of domestic abuse incidents were recorded by police to have taken place in a home or dwelling. This can be split into 39% of incidents of domestic abuse that occurred within the victim's own home and 17% that occurred within a joint home<sup>65</sup>.

### **Child's important relationships with other people**

There is evidence to suggest that children benefit from contact with grandparents particularly in times of a family crisis<sup>66</sup>. There is also research

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<sup>60</sup> [Minister for Community Safety and Legal Affairs.dot \(parliament.scot\)](#) paragraphs 25 to 50.

<sup>61</sup> <https://www.cypcs.org.uk/ufiles/views-of-children-and-domestic-abuse.pdf>

<sup>62</sup> <https://www.cafcass.gov.uk/2017/07/25/cafcass-womens-aid-collaborate-domestic-abuse-research/>

<sup>63</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217368/family-justice-childrens-proceedings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217368/family-justice-childrens-proceedings.pdf)

<sup>64</sup> <https://www.gov.scot/news/scottish-crime-and-justice-survey-2017-18/>

<sup>65</sup> [Domestic abuse: statistics 2018-2019 - gov.scot \(www.gov.scot\)](#)

<sup>66</sup> Jappens, M and Van Bavel J Parental divorce, residence arrangements and contact between grandchildren and grandparents Journal of Marriage and Family vol 78(2) p 451-467

that shows a close relationship with grandparents can reduce the level of socio-emotional adjustment for a child after a divorce<sup>67</sup>.

According to figures from Growing Up in Scotland, close to 99% of children aged six in the survey had a least one living grandparent and 80% of children at age six had three or more living grandparents<sup>68</sup>.

CLAN Childlaw has produced a report which highlights the importance of child contact with siblings<sup>69</sup>.

### **Involvement of a child's parents in bringing the child up**

In terms of the non-resident parents using Relationships Scotland centres in 2018-19, only 15% of non-resident parents had been having any contact with their children prior to using the child contact centre. 29% had had no contact at all with their children for over 12 months prior to using the contact centre. By the time the child contact centre provider carried out their first review of the contact (usually between 3-12 months later) 42% of all non-resident parents had established weekly contact with their children and 52% had established twice monthly contact. Even in those cases where there had been no contact for 6-12 months before using the child contact centre, 97% had established regular contact at least twice a month by the time of the first review.

The Scottish Government is aware of a literature review on children's and parents' well-being in joint physical custody<sup>70</sup>.

Some research suggests that children benefit from both parents being involved in their lives. For example Edward Kruk<sup>71</sup> has produced 16 arguments in support of equal parental responsibility. These include:

- Preserving of parents' relationships with their children;
- Decreasing parental conflict and preventing family violence;
- Enhancing the quality of parent-child relationships and reducing litigation;
- and
- Reducing the risk of parental alienation.

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<sup>67</sup> Lussier, G, Deater-Deckard, K, Dunn J and Davies L (2002) Support across two generations: children's closeness to grandparents following parental divorce and remarriage Journal of Family Psychology vol 16(3) p363-376.

<sup>68</sup> [Growing Up in Scotland - 2012: Research Findings No.1/2012: Growing Up in Scotland - The involvement of grandparents in children's lives \(webarchive.org.uk\)](http://webarchive.org.uk)

<sup>69</sup> [Download.ashx \(clanchildlaw.org\)](http://clanchildlaw.org)

<sup>70</sup> Steinbach A 2018 Children's and Parents' well-being in joint physical custody: a literature review Family Process

<sup>71</sup> Kruk E 2012 Arguments for an equal parental responsibility presumption in contested child custody The American Journal of Family Therapy

There is research showing that more frequent and regular contact is associated with closer relationships with non-resident parents and fewer adjustment problems in children<sup>72</sup>.

There is also research to suggest that children benefit from their father being involved in their upbringing. For example, the Scottish Government's Growing Up in Scotland study found that children with poor father-child relationships are more likely to have higher levels of behavioural and emotional problems and poor school adjustment<sup>73</sup>.

However, research is divided as to whether children benefit from contact with both parents in situation of conflict. If parents reach the stage of court proceedings then they are unlikely to be cooperating. Research suggests that domestic abuse is alleged in half of all sheriff court cases in relation to contact and residence. Research by the Nuffield Foundation in 2013 also found that children often feel responsible for their parents' happiness and therefore are unwilling to raise the possibility of changing shared parenting arrangements<sup>74</sup>.

There is also research from Belgium which says there has been little evidence that children's well-being in shared residence is higher than children living with one parent<sup>75</sup>. There is research that found that if parental conflict is high and ongoing then shared parenting can be associated with lower child wellbeing compared with sole residence<sup>76</sup>.

### **Gaps in data**

The Scottish Government would welcome information during the course of this consultation on any further data or information available which could be included in the final CRWIA.

For example, we do not have any data on the number of children using child contact centres who are disabled. Also, we have heard anecdotally that a small number of contact sessions are facilitated at child contact centres between a child and a grandparent, sibling or adult other than a parent, but we do not have any data on numbers.

## **8. Have you consulted with relevant stakeholders?**

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<sup>72</sup> See for example Bauserman, R 2002 Child Adjustment in joint-custody versus sole custody arrangements: a meta-analytical review Journal of Family Psychology 16(1) 91-102.

<sup>73</sup> [Growing Up in Scotland: father-child relationships and child socio-emotional wellbeing - gov.scot \(www.gov.scot\)](http://www.gov.scot/publications/growing-up-in-scotland/father-child-relationships-and-child-socio-emotional-wellbeing-2014/pages/100.aspx)

<sup>74</sup> [bp 8 v6.pdf \(nuffieldfoundation.org\)](https://www.nuffieldfoundation.org/publications/bp-8-v6)

<sup>75</sup> Sodermans AK, Matthijs K Joint physical custody and adolescents' subjective well-being: a personality x environment interaction 2014 Journal of Family Psychology vol 28(3) p346-356.

<sup>76</sup> Vanassche S. Alternating residence for children after parental separation: recent findings from Belgium 2017 Family Court Review vol 55(4)

This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce.

Yes. This draft CRWIA will be published along with a public consultation document seeking views on our proposals. The Scottish Government has regular meetings with a range of organisations including the following:

Children 1<sup>st</sup>

Children and Young People's Commissioner Scotland

Inverclyde Family Contact Centre

Promoting Positive Contact

Relationships Scotland

Scottish Courts & Tribunals Service

Scottish Women's Aid

Shared Parenting Scotland

During the consultation process we will seek to arrange engagement events with organisations.

**9. Have you involved children and young people in the development of the policy/measure?**

Is there enough information on the views of the children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?

This is a draft CRWIA. During this consultation process we will seek to arrange engagement events with children and young people.

The Care Inspectorate in its feasibility study report spoke to a number of stakeholders and child contact centre users, including a small number of children and young people.

During the parliamentary passage of the Children (Scotland) Bill written and oral evidence was provided by young people with experience of attending child contact centres<sup>77</sup>.

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<sup>77</sup> See written and oral evidence provided by YELLO! [Children \(Scotland\) Bill - Parliamentary Business : Scottish Parliament](#)

### CRWIA – Stage 3

<b>CRWIA title:</b> Regulation of child contact services.	
<b>Date of publication:</b> March 2021	
<b>Executive summary</b>	<p>The Children (Scotland) Act 2020 (the 2020 Act) gives the Scottish Ministers the power to set by regulations minimum accommodation standards and staff training standards for child contact services. The 2020 Act also gives the Scottish Ministers the power to appoint a body to oversee regulation and to confer functions. It is envisaged the body would register contact services, undertake regular inspections, issue reports and handle complaints.</p> <p>The Scottish Government is now seeking views on what the accommodation standards and standards for staff and volunteer training should cover and what the monitoring and complaints procedures should be.</p>

## Background

Child contact centres play an important role in providing safe venues for conflict-free contact between children, parents, and other people in the child's life. Child contact centres receive referrals from the courts, solicitors and from parents themselves so that contact can be facilitated between a parent and child.

Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres provide the facilities for the contact and record that the contact took place and not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved.

Child contact centres also provide a handover service where one parent brings the child to the centre to be collected by the other parent. This means that the parents do not have to see each other during the handover.

The child contact centre services that this consultation is focussed on are those that deal primarily with separated parents and families who are referred in private law cases. For example, in situations where contact is ordered at a child contact centre by the courts, where a referral is made by a solicitor on their client's behalf or where parents self-refer.

The Scottish Government is aware that local authorities also facilitate child contact in public law cases involving looked after children. This type of child contact does not fall within the scope of the changes made by the 2020 Act and is not covered by this consultation.. However, it is possible that in future centres regulated under the 2020 Act may continue to receive some referrals from local authorities.

There are currently 45 child contact centres across Scotland that deal primarily with private law cases. 42 are members of the Relationships Scotland (RS) network<sup>78</sup> and there are three independent centres in Aberdeen<sup>79</sup>, Inverclyde<sup>80</sup> and Glasgow<sup>81</sup>.

Currently child contact services are not subject to any external regulation. Although child contact service providers have their own policies and procedures in place, there are no national standards and there is no independent oversight.

Regulating child contact services will help ensure centres remain safe locations for children to have contact and that children will be protected when they are referred to a child contact centre.

Establishing minimum standards for accommodation and staff training and appointing an independent body to oversee regulation will ensure appropriate standards apply consistently across the

sector and that the best outcomes for children using these services are achieved.

<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>The draft CRWIA considers whether the proposals in relation to the regulation of child contact services impact on the rights and wellbeing of children and young people in Scotland.</p> <p>The evidence base is contained in the stage 2 of the draft CRWIA.</p> <p>The draft CRWIA should be read in conjunction with the other draft impact assessments published at the same time as the draft CRWIA.</p>			
<p><b>Children and young people's views and experiences</b></p>	<p>The Scottish Government welcomes responses to the consultation from children and young people and will seek to engage further with children and young people during the consultation process.</p>			
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>The Scottish Government is of the view that the regulation of child contact services will advance the realisation of children's rights and wellbeing in Scotland.</p> <p>A full list of how the Scottish Government considers the regulation of child contact services will meet various articles of the UNCRC is available in the draft CRWIA stage 2 report.</p>			
<p><b>Monitoring and review</b></p>	<p>The Scottish Government is seeking views on the draft CRWIA as part of the consultation on the regulation of child contact services. This will help inform the final CRWIA that will be published alongside any regulations that are laid in the Scottish Parliament.</p>			
<p><b>Regulation</b></p>	<p><b>Aims of measure</b></p>	<p><b>Likely to impact on . . .</b></p>	<p><b>Compliance with UNCRC requirements</b></p>	<p><b>Contribution to local duties to safeguard, support and promote child wellbeing</b></p>



<p>Regulation of child contact services</p>	<p>To ensure all child contact centres remain safe locations for children to have contact with a parent or other family member and that children will be protected where they are referred to a child contact centre.</p> <p>The aim is that by establishing minimum standards the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved.</p> <p>Appointing an independent body to oversee regulation will ensure appropriate standards apply consistently across the sector.</p>	<p>Children going through a case under section 11 of the 1995 Act where contact is ordered at a child contact centre.</p> <p>Children whose parents are or have separated.</p> <p>This may in particular affect younger children or those with a learning disability as one of the proposed training standards is child development .</p>	<p>Article 1</p> <p>Article 2</p> <p>Article 3</p> <p>Article 6</p> <p>Article 7</p> <p>Article 8</p> <p>Article 9</p> <p>Article 12</p> <p>Article 16</p> <p>Article 18</p> <p>Article 19</p> <p>Article 23</p> <p>Article 30</p>	<p>Regulating child contact services will meet wellbeing indicators:</p> <p>Safe</p> <p>Healthy</p> <p>Nurtured</p> <p>Active</p> <p>Respected</p> <p>Included</p>
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<b>CRWIA Declaration</b>				
<b>Authorisation – To be completed in final version</b>				

## Annex F - Draft Data Protection Impact Assessment (DPIA)

### 1. Introduction

The purpose of this DPIA is to report on and assess any potential data protection impacts in relation to the regulation of child contact services.

### 2. Document metadata

- 2.1 Name of Project: Regulation of child contact services.
- 2.2 Author of report: Family Law Unit, Civil Law & Legal System, Justice Directorate, Scottish Government.
- 2.3 Date of report: March 2021
- 2.4 Name of Information Asset Owner (IAO) of relevant business unit: Denise Swanson, Deputy Director, Civil Law & Legal System
- 2.5 Date for review of DPIA: This draft DPIA will be reviewed after the public consultation is completed and the Scottish Government has decided on the appropriate next steps.

### 3. Description of the project

#### 3.1 Description of the work:

The Children (Scotland) Act 2020 gives the Scottish Ministers the power to set by regulations minimum standards for accommodation and staff training at child contact centres. The Act also gives the Scottish Ministers the power to appoint a body to oversee child contact services regulation.

Child contact centres are safe venues for conflict-free contact between children, parents, and other people in the child's life. The policy aim is that by establishing minimum standards the outcomes for children using child contact centres will be improved and that children will be protected where they are referred to a child contact centre. The Care Inspectorate is the Scottish Government's preferred option for this regulatory role. We are engaging with the Care Inspectorate with a view to reaching agreement on its appointment in advance of the regulations establishing the minimum standards being laid before Parliament in early 2022 and coming fully into force in April 2023.

The current indicative timetable is for the regulations appointing the body to oversee regulation to be laid before Parliament in late 2021 and come into force in early 2022.

### 3.2 Personal data to be processed.

Variable	Data Source
<p>1. It is proposed that child contact centre providers will apply to the body appointed to oversee regulation to be registered under the new regulatory system. The appointed person will carry out an initial inspection and regular routine inspections to monitor whether child contact services providers are compliant with the minimum standards for staff training and to issue reports. It is envisaged that this will mean the inspection body will receive personal information on the training that individual members of staff and volunteers have undertaken and data relevant to disclosure and PVG checks.</p>	<p>The personal data would be provided by the child contact centre provider from their staff training records.</p>
<p>2. It is proposed that the body appointed to oversee child contact services regulation would deal with complaints relating to failings to meet the minimum standards, including any failings to meet staff training standards. This would mean that the body appointed to oversee regulation may require personal information on the training of individual members of staff and volunteers. If a complainer is not satisfied with how the appointed body handled their complaint it is envisaged that this could be raised with the Scottish Public Services Ombudsman (SPSO). This may also require personal information to be shared.</p>	<p>The personal data would be provided by the child contact centre provider or the body appointed to oversee regulation.</p>

### 3.3 Describe how this data will be processed:

In the first scenario, any information on staff training would currently be held by the child contact centre provider. Under the proposed regulatory system, child contact centre providers will have to meet minimum standards for staff training before their service can be registered as a regulated service. It is envisaged that personal information in relation to staff training would be provided by the child contact service provider to the body appointed to oversee regulation as part of the provider's initial application to be registered. Personal information may also be provided during inspections, either the initial inspection or subsequent routine inspections, which will include checking staff training records and documentation and disclosure and PVG checks. The personal information in relation to staff training could include individuals' names, contact details, training courses being undertaken or completed, dates of completion and any qualifications they have.

If personal information from staff training records is to be held by the body appointed to oversee regulation, for example for reporting purposes, it would be held securely, stored in an appropriate manner and disposed of securely when no longer required. The Care Inspectorate is the Scottish Government's

preferred option for this regulatory role. We are engaging with the Care Inspectorate with a view to reaching agreement on its appointment. If appointed, any personal data received by the Care Inspectorate in its regulatory role would be held lawfully and securely subject to its existing core privacy notice. It is also expected that a specific team would be responsible for registering and inspecting child contact providers and centres. Only the necessary staff would have access to the information.

In the second scenario, it is envisaged that in the first instance child contact centre providers will deal with complaints relating to any failing to meet the minimum standards. If the complainer is not satisfied with the outcome, the complainer could complain to the person appointed to oversee regulation. Where the complaint relates to a failure in staff training it may be necessary for the body appointed to oversee regulation to request information from the child contact service provider, which could include personal information from their staff training records. The personal information in relation to staff training could include individuals' names, contact details, training courses being undertaken or completed, dates of completion and any qualifications they have.

If personal information from staff training records is to be held by the body appointed to oversee regulation, it would be held securely, stored in an appropriate manner and disposed of securely when no longer required. The Care Inspectorate is the Scottish Government's preferred option for this regulatory role. We are engaging with the Care Inspectorate with a view to reaching agreement on its appointment. If appointed, any personal data received by the Care Inspectorate in its regulatory role would be held lawfully and securely subject to its existing core privacy notice. It is also expected that a specific team would be responsible for handling complaints in relation to child contact centres and providers. Only the necessary staff would have access to the information.

Where personal information is to be held by the SPSO, as part of a complaint into how the Care Inspectorate has handled a complaint, we would expect data to be stored securely and disposed of appropriately subject to SPSO's existing privacy notice.

In relation to both scenarios, child contact centre providers have internal policies in place in relation to confidentiality and disclosure of information and data protection.

#### 3.4 Explain the legal basis for the sharing with internal or external partners:

The Children (Scotland) Act 2020 gives the Scottish Ministers the power to set by regulations minimum standards for staff training at child contact centres. The Act also gives the Scottish Ministers the power to appoint a body for the purposes of administering the registration of contact service providers and contact centres and to confer functions on that person. The Act provides that

functions may include inspecting child contact centres and providers, issuing reports on the inspection of child contact centres and providers, and refusing to register or removing child contact centres or providers from the register.

The Care Inspectorate have a statutory duty to deal with complaints made to it about the registered services it regulates. Should the Care Inspectorate be appointed as the regulator any complaint about a registered child contact centre service could be made to them directly.

If a complainer is not satisfied with how the Care Inspectorate handled their complaint they could raise this with the SPSO.

#### **4. Stakeholder analysis and consultation**

This draft DPIA is part of the full public consultation on the minimum standards for child contact services regulation. We are seeking views on this draft DPIA as part of the consultation process. The final DPIA will be published on the Scottish Government website.

#### **5. Questions to identify privacy issues**

##### **5.1 Involvement of multiple organisations**

In the first scenario, the Scottish Ministers have the power to appoint a body for the purposes of administering the registration of contact service providers and contact centres and to confer functions on that body, including inspecting child contact centres and providers to ensure the minimum standards are being met and issuing reports on the inspections.

It is proposed that minimum standards for staff training will be prescribed and that personal information regarding an individual's training history and qualifications will need to be shared with the appointed person and we would expect this information to be shared in a secure format and stored securely by that person. If it is the Care Inspectorate, we would expect data to be stored securely and disposed of appropriately subject to their data protection policies. Privacy of data would be part of the conditions of appointment.

In the second scenario, information about the training standards for staff may require to be shared with the person appointed to oversee regulation when a complaint is raised. It is expected that information would be shared in a secure format. If personal information from staff training records is to be held by the person appointed to oversee regulation, it would be held securely, stored in an appropriate manner and disposed of securely when no longer required.

If it is the Care Inspectorate is appointed, we would expect data to be stored securely and disposed of appropriately subject to their existing core privacy notice. Privacy of data would be part of the conditions of appointment.

Where personal information is to be held by the SPSO, as part of a complaint into how the Care Inspectorate has handled a complaint, we would expect data to be stored securely and disposed of appropriately subject to SPSO's existing privacy notice.

In relation to both scenarios, it is understood that child contact centre providers have policies in place in relation to confidentiality and disclosure of information and data protection.

## 5.2 Anonymity and pseudonymity

Not applicable in either of the scenarios as it is not the intention to combine data from two or more systems.

## 5.3 Technology

Not applicable in either of the scenarios as it is not the intention to gather any personal data as a by-product of a technology project.

## 5.4 Identification methods

Not applicable as it is not envisaged that unique identifiers will be used in either of the scenarios.

## 5.5 Sensitive/Special Category personal data

No information on special category personal data is envisaged to be gathered in either of the scenarios.

## 5.6 Changes to data handling procedures

Personal data will not be made publicly available in either of the scenarios.

None of the situations involve:

- new or changed data collection policies or practices that are unclear or intrusive; or
- changes to data quality assurance, processes and standards that may be unclear or unsatisfactory; or
- new or changed data security access or disclosure arrangements that may be unclear or extensive; or
- new or changed data retention arrangements that may be unclear or extensive; or
- a change in the medium for disclosure of publicly available information such that the data becomes more readily accessible than before.

## 5.7 Statutory exemptions/protection

Neither of the scenarios would require statutory exemptions/protections.

## 5.8 Justification

This is not applicable in either of the scenarios.



## 6.9 Other risks

No other risks have been identified.

## 6. General Data Protection Regulation (GDPR) Principles

<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.1 Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>The processing of data is required for the performance of a task in the public interest, under powers provided in the Children (Scotland) Act 2020. It is necessary to process personal data in the course of creating a system of regulation for child contact services.</p> <p>Child contact centre staff will be informed about how their personal data may be processed.</p> <p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.2 Principle 2 – purpose limitation	Yes	<p>Child contact centre staff will be informed about how their personal data may be processed and they will be informed of the extent and specificity of personal information that is required.</p> <p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies. Child contact centre providers will have their own privacy notices.</p>

		There will be no further use of the data beyond the purpose it has been processed for. Child contact service providers and the body appointed to oversee regulation (or the SPSO where appropriate) will hold the data securely, store it in an appropriate manner and disposed of it securely when no longer required. This will be subject to existing privacy notices.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.3 Principle 3 – adequacy, relevance and data minimisation	Yes	<p>It is envisaged that any data to be processed in the first and second scenarios would be limited to staff training records and would only be shared in the event of an inspection or a complaint. This would be subject to existing privacy notice for the person appointed to oversee regulation (or the SPSO where appropriate).</p> <p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies. Child contact centre providers will have their own privacy notices.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.4 Principle 4 – accurate, kept up to date, deletion	Yes	<p>It is required that any data processed in the first and second scenarios will be kept up to date.</p> <p>It is envisaged that the person appointed to oversee regulation will inspect child contact centres and providers on a three yearly cycle, unless an inspection is necessary within that time period, and personal information held will be reviewed at that time.</p>

		<p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies. Child contact service providers will have their own privacy notices.</p> <p>The person appointed to oversee regulation (or the SPSO where appropriate), will hold the data securely, store it in an appropriate manner and disposed of it securely when no longer required subject to their existing privacy notices.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.5 Principle 5 – kept for no longer than necessary, anonymisation	Yes	<p>It is envisaged that if an individual is no longer working at the child contact centre, their personal information will be deleted.</p> <p>It is envisaged that the person appointed to oversee regulation will inspect child contact centres and providers on a three yearly cycle, unless an inspection is necessary within that time period, and personal information held will be reviewed at that time.</p> <p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies. Child contact service providers will have their own privacy notices.</p> <p>The person appointed to oversee regulation (or the SPSO where appropriate), will hold the data</p>

		securely, store it in an appropriate manner and dispose of it securely when no longer required, subject to their existing privacy notices.
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.6 GDPR Articles 12-22 – data subject rights	Yes	<p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Under the proposals providers will be recommended to ensure their staff are aware of these policies. Child contact service providers will have their own privacy notices.</p> <p>It is envisaged that an individual would be able to access a copy of the information that is held about them.</p> <p>The person appointed to oversee regulation (and the SPSO where appropriate) have existing privacy notices in place.</p>
<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.7 Principle 6 - security	Yes	<p>In all scenarios it is expected that data will be held on secure systems and servers with access only granted to staff deemed to have the training and legitimate need to access such data.</p> <p>Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection. Providers will be recommended to ensure their staff are aware of these policies. Child contact service providers will have their own privacy notices.</p> <p>The person appointed to oversee regulation (and the SPSO where appropriate) have existing privacy notices in place.</p>

<b>Principle</b>	<b>Compliant – Yes/No</b>	<b>Description of how you have complied</b>
6.8 GDPR Article 44 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	N/A	No data is likely to be stored outwith the UK.

## 7. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

<b>Risk</b>	<b>Ref</b>	<b>Solution or mitigation</b>	<b>Result</b>
Personal data is inadvertently shared between a child contact service provider and the person appointed to oversee child contact service regulation.	1	Child contact centre providers should have policies in place in relation to confidentiality and disclosure of information and data protection.	Eliminate and reduce
Personal data is stored by the person appointed to oversee regulation in a shared folder accessible to more people than is intended.	2	The body appointed to oversee regulation will be expected to ensure the staff responsible for registration and inspection of child contact centres and providers are suitably trained on how to store data.	Eliminate and reduce
Lack of transparency with data subjects over new powers	3	Renewal of privacy notices/policies from Care Inspectorate.	Eliminate and reduce
Data to be sent to SPSO in the event of an investigation is disputed by	4	The body appointed to oversee regulation will be expected to ensure the staff responsible for dealing with complaint in relation to child contact centres and	Eliminate and reduce

either party in the initial complaint.		providers are suitably trained on how to deal with disputes over data that has been shared.	
Transfer of data between organisations is not secure; recipients of data at each organisation are not clearly identified	5	The body appointed to oversee regulation should identify existing secure methods of transfer, which may include technical methods (such as encrypted emails) and documentation such as data sharing agreements if appropriate to avoid breaching security principle.	Eliminate and reduce

## 8. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

<b>Risk</b>	<b>Ref</b>	<b>How risk will be incorporated into planning</b>	<b>Owner</b>
Personal data is inadvertently shared between a child contact service provider and the body appointed to oversee child contact service regulation	1	This will be considered as part of the appointment process for the body that will oversee child contact services regulation. The body will be expected to ensure the staff responsible for dealing with child contact centres and providers are suitably trained on how to share data. It will also be recommended that child contact centre staff are aware of data protection and confidentiality/disclosure of information as part of their internal policies.	The body appointed to oversee regulation or the child contact centre providers would be responsible.
Personal data is stored by the body appointed to oversee regulation in a shared folder accessible to more people than is intended.	2	This will be considered as part of the appointment process for the body that will oversee child contact services regulation.	The body appointed to oversee regulation would be responsible.

Lack of transparency with data subjects over new powers.	3	Renewal of privacy notices/policies from body appointed to oversee regulation. This will be considered as part of the appointment process for the body that will oversee child contact services regulation.	Body appointed to oversee regulation would be responsible
Data to be sent to SPSO in the event of an investigation is disputed by either party in the initial complaint.	4	The body appointed to oversee regulation will be expected to ensure the staff responsible for dealing with complaint in relation to child contact centres and providers are suitably trained on how to deal with disputes over data that has been shared. This will be considered in the appointment of the body.	Body appointed to oversee regulation would be responsible
Transfer of data between organisations is not secure; recipients of data at each organisation are not clearly identified	5	The body appointed to oversee regulation should identify existing secure methods of transfer, which may include technical methods (such as encrypted emails) and documentation such as data sharing agreements if appropriate to avoid breaching security principle. This will be considered in the appointment of the body.	Body appointed to oversee regulation would be responsible

## 9. Data Protection Officer (DPO)

The DPO may give additional advice, please indicate how this has been actioned.

Advice from DPO	Action
To be completed in Final DPIA	

## 10. Authorisation and publication

To be completed in Final DPIA.

## Annex G - Draft Equality Impact Assessment Record (EQIA)

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	Regulation of child contact services to set minimum standards for accommodation and staff training.	
<b>Minister</b>	Minister for Community Safety	
<b>Lead official</b>	Wendy Georgeson	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
		Justice Analytical Services Family Law Unit Parenting, Play and Baby Boxes Disability & BSL
<b>Directorate: Division: Team</b>	Justice: Civil Law and Legal System: Family Law Unit	
<b>Is this new policy or revision to an existing policy?</b>	New policy	

### Screening

#### Policy Aim

The Children (Scotland) Act 2020 (the 2020 Act) gives the Scottish Ministers the power to set by regulations minimum standards for accommodation and staff training at child contact centres. The 2020 Act also gives the Scottish Ministers the power to appoint a body<sup>82</sup> to oversee regulation, including to register services, carry out inspections, issue reports and handle complaints.

Child contact centres are safe venues for conflict-free contact between children, parents, and other people in the child's life. The policy aim is that by establishing minimum standards that will apply consistently across the sector the outcomes for children using child contact centres will be improved and children will be protected where they are referred to a child contact centre.

The most relevant National Outcome is:

- We grow up loved, safe and respected so that we realise our full potential.

The proposed standards for child contact centres will contribute to this National Outcome by helping to ensure children grow up in an atmosphere of happiness, love and understanding, by supporting families when they need it, and ensuring children are not left worried or isolated.

#### Who will it affect?

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The proposed standards will affect a range of people including:

- children or young people who attend child contact centres to have contact with a parent, family member or other adult that they don't live with, in particular younger children who are more likely to use child contact centres;
- parents, family members or other adults who attend child contact centres to have contact with a child they don't live with;
- parents or other adults who bring a child to a child contact centre to have contact with the other parent, another family member or another adult;
- child contact centre providers in Scotland;
- child contact centre staff and volunteers;
- the courts when referring a case to a child contact centre;
- lawyers who refer clients to child contact centres;
- lawyers who are acting for parties who use child contact centres;
- others persons or bodies who refer people to child contact centres;
- the Care Inspectorate who may be the body appointed to oversee child contact centre regulation.

### **What might prevent the desired outcomes being achieved?**

The cost implications for child contact centre providers in meeting the prescribed standards could pose a barrier. The aim is that the standards will be proportionate and not unreasonably onerous. The Scottish Government will consider what support it can provide to services in meeting the required standards.

The desired outcomes may be impacted if it is not possible to reach agreement with an appropriate body to oversee the regulatory regime.

## **Stage 1: Framing**

### **Results of framing exercise**

The Family Law Unit met with colleagues from Justice Analytical Services, the Parenting, Play and Baby Boxes team, and the Disability & BSL team for the purpose of this framing exercise.

The framing exercise suggested that the following groups of people might potentially be impacted by the regulation of child contact services and identified where further evidence may be available:

#### **Age**

- Children and in particular younger children will be positively affected.
- As regards the age of parents, younger parents will be affected. There may be a number of parents under 18 years of age. In terms of UNCRC a child is defined as under 18.
- There may be NRS data on parents that are under 18 years of age.
- Section 11 orders can't commence until a child is born.
- Some grandparents may use child contact centres, and elderly users may have specific issues, such as physical disability or dementia.
- However, many grandparents, particularly in relation to families using child contact centres, will be younger. Important to remember that people are individuals.
- Child contact centre staff, particularly voluntary and temporary staff, may generally be either older and retired, or younger adults such as, for example, students on work experience.

#### **Disability**

- Disabled children and parents will be positively affected by regulation.
- There is data to suggest that parents of children with a learning disability are 50% more likely to consider divorce or separation.
- Important as a next step to consult with stakeholders involved in disability support.
- There is a lack of understanding and awareness of physical access issues.
- Need to remember disabled parents who are accessing child contact centres as well as children.
- Introducing minimum standards in training, etc. could provide an opportunity to see how services can promote equality. May be helpful to get evidence on the accessibility of existing premises within the sector.
- Disability awareness should also cover deafness and visual impairment awareness.
- Read-across to the new social security benefit system and how disabled people with lived experience were considered as the system was developed.

#### **Sex**

- Non-resident parents are more likely to be male.
- Gender-based violence could mean that a female child contact centre user may not feel comfortable with a male member of staff.

- Anecdotally we understand that more women than men work at child contact centres.
- 2013 research showed that approximately 50% of family court cases involved allegations of domestic abuse.

### **Gender reassignment**

- It is important for staff to have awareness of transgender children and parents.
- Staff may need training/awareness of cases where a child is uncertain about their own gender.
- No robust data on the Scottish trans population currently exists.

### **Sexual orientation**

- Staff and volunteers at child contact centres should be aware of diversity with regard to sexual orientation.
- Staff and volunteers shouldn't make assumptions about how a child has been conceived.

### **Race**

- May need to be an awareness of language barriers between parents and children.
- Training on cultural sensitivity would be helpful.
- Have Gypsy/Travellers been considered?
- If there is a lack of data in child contact services sector, how can this be improved?
- Useful to understand how child contact centres make translators and interpreters available.
- Useful to get more information from child contact services on any cultural barriers.

### **Religion or belief**

- One child contact centre has been supported by the Church of Scotland and we understand that two other centres use religious buildings.
- In some religions women may not be able to use centre run by men.

### **Pregnancy and maternity**

- There is some data on the number of children using child contact services who are aged 0-4.
- In terms of court ordered contact, parental responsibilities and rights do not start until the child is born.

### **Extent/Level of EQIA required**

Following the framing exercise, the Scottish Government believes that the extent of the EQIA required was high.

A draft Child Rights & Wellbeing Impact Assessment (CRWIA) has been prepared separately and will be cross referred to in this EQIA.

The Scottish Government engaged with the Equality and Human Rights Commission Scotland about the requirement that may be conferred on the body appointed to oversee child contact centre regulation, to report any failure by a contact service provider to comply with the Equality Act 2010, and in particular any duty on the provider to make reasonable adjustments to premises to facilitate their use by disabled people.

The Scottish Government engaged with the Fair Justice System for Scotland Group (FJSS) to assess the impact on diversity and equality of policy development within family law. This included how the Scottish Government should engage with BAME groups during the consultation process for child contact centre regulation.

## Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>83</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	<p>1. The draft Child Rights &amp; Wellbeing Impact Assessment (CRWIA) sets out the evidence gathered in relation to children and young people.</p> <p>2. Younger parents may be affected. Unpublished data from Relationships Scotland suggests that in 2018/19, 3,615 adults used a child contact centre. Of these, 48% were aged 20-29, 29% were aged 30-39, 12% were aged 40-49 and 11% were aged 50-64. At the independent contact centre in Glasgow 38% of individuals who gave their age were between 20 and 29.</p> <p>NRS statistics for 2019 shows that of the 49,863 births in Scotland the mother was aged 18 and under in 433 cases, 17 and under in 214 cases and 16 and under in 121 cases.</p>	<p>2. Relationships Scotland and Promoting Positive Contact.</p> <p>2. NRS statistics<sup>84</sup> for live births, stillbirths and maternities, by sex of child, marital status of parents and age of mother, Scotland and administrative areas, 2019</p>	<p>2. There is no information from VSA Child Contact Centre and the Inverclyde Family Contact Centre.</p> <p>There is no information on the number of grandparents using child contact centres.</p>

<sup>83</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<sup>84</sup> [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/publications/list-of-data-tables) table 3.14.

	<p>3. Regulation of contact centres will affect children. In 2018/19, 2,572 children were able to maintain contact with a non-resident parent by using Relationships Scotland Network contact centres. The VSA Child Contact Centre provides support for up to 12 families per year at their centre. In 2019 the Inverclyde Family Contact Centre supported 65 children from 54 families. In 2018 they supported 72 children from 60 families. In 2017 they supported 76 children from 58 families and they supported 60 children from 53 families in 2016. In 2018, Promoting Positive Contact supported 200 families.</p> <p>4. Younger children may be affected. Relationships Scotland suggests that in 2018/19, 65% of children using child contact centres were aged 0-4 and 24% were aged 5-8. 21 of the children using the Inverclyde Family Contact Centre in 2018 were aged 3 and under. In 2016-17, 25 children were 3 and under, 20 were 4-6, 17 were 7-10 and 6 were aged 11 and over.</p>	<p>3. Relationships Scotland, VSA Child Contact Centre, Inverclyde Family Contact Centre and Promoting Positive Contact.</p> <p>4. Relationships Scotland and Inverclyde Family Contact Centre.</p>	<p>4. There is no information from Promoting Positive Contact or VSA Child Contact Centre.</p> <p>There is no information on the age of child contact centre staff and volunteers.</p>
<b>DISABILITY</b>	<p>1. Figures from 2017 across the UK suggest that parents of children with a learning disability are 50% more likely to consider divorce or separation.</p>	<p>1. The Way We Are Now 2016<sup>85</sup> – an annual study of the relationships of over 5000 people across the UK by Relate and</p>	<p>There is no data on the number of children or parents with a disability that use child contact centres.</p>

<sup>85</sup> [TWWAN8-Feb-Families-Under-Pressure-Summary.pdf \(relationships-scotland.org.uk\)](https://www.relationships-scotland.org.uk/TWWAN8-Feb-Families-Under-Pressure-Summary.pdf)

		Relationships Scotland.	
<b>SEX</b>	<p>1. In 2018-19, Relationships Scotland figures suggest non-resident parents having contact tend to be dads (85%) and resident parents tend to be mums (89%). 53 families used the Inverclyde Child Contact Centre in 2016, of which three were to facilitate contact with the mother. In 2017, 58 families used the centre, of which nine were to facilitate contact with the mother.</p> <p>2. Anecdotally we understand that more women than men work at child contact centres.</p> <p>3. Research shows that domestic abuse was alleged in half of all court actions over contact. When a child was not seeing their non-resident parent this was allegedly due to violence upon the child in 18% of the cases.</p> <p>4. Statistics show that in 2018/2019 where the information was recorded, around four out of every five incidents of domestic abuse in 2018-19 had a female victim and a male accused. 16% of domestic abuse incidents involved a male victim and a female accused (where this was recorded).</p>	<p>1. Relationships Scotland and Inverclyde Family Contact Centre.</p> <p>3. Research undertaken by Kirsteen Mackay in 2013<sup>86</sup>.</p> <p>4. Scottish Government statistics.</p>	<p>1. No information from Promoting Positive Contact or VSA Child Contact Centre.</p> <p>2. There is no hard information on the numbers of women and men that work and volunteer at child contact centres.</p>

<sup>86</sup> <https://www.cypcs.org.uk/ufiles/views-of-children-and-domestic-abuse.pdf>

<b>PREGNANCY AND MATERNITY</b>	<p>1. Relationships Scotland suggests that in 2018/19, 65% of children using child contact centres were aged 0-4. Inverclyde Family Contact Centre said in 2018, 21 of the 72 children using the centre were 3 years and under, the youngest was 3 weeks. In 2016-17, 25 children were under 3 years, including four under a year old. The youngest was 4 weeks old.</p> <p>2. Child contact cases under section 11 of the Children (Scotland) Act 1995 are only likely to be initiated once a child has been born.</p>	1. Relationships Scotland and Inverclyde Family Contact Centre.	<p>1. There is no information from Relationships Scotland on the number of children aged under one year using child contact centres. There is no information from Promoting Positive Contact or VSA Child Contact Centre.</p> <p>2. There is no information available on the age of a child when an order under section 11 of the 1995 Act is sought.</p>
<b>GENDER REASSIGNMENT</b>	1. No robust data on the Scottish trans population currently exists.		There is no information on the number of people using child contact services who have this protected characteristic.
<b>SEXUAL ORIENTATION</b>			There is no information available on the number of same sex couples using child contact centres.
<b>RACE</b>	<p>1. NRS statistic suggest that in 2018 the most common non-British nationalities in Scotland were:</p> <p>Poland – 87,000  Republic of Ireland – 20,000  Lithuania – 15,000  Pakistan – 15,000  Italy – 12,000  France – 12,000  India – 12,000</p>	1. & 2. Population by country of birth and nationality <sup>87</sup>	<p>There is no information available on the race of individuals using child contact centres</p> <p>There is no hard information on the cultural barriers that exist, for example, for the BAME community.</p>

<sup>87</sup> [Publication \(nrscotland.gov.uk\)](http://nrscotland.gov.uk)



	<p>2. NRS statistics suggest that in 2018 the most common non-UK countries of birth in Scotland were:  Poland – 78,000  Pakistan – 25,000  Germany – 23,000  India – 22,000  Republic of Ireland – 21,000</p> <p>3. There may be cultural barriers regarding approaches to child contact issues for those in the BAME community.</p>		<p>There is no information on the number of gypsy/traveller families that use child contact services.</p> <p>There is no information on the use of translators and interpreters.</p>
<b>RELIGION OR BELIEF</b>	<p>1. The Inverclyde Family Contact Centre is supported by the Church of Scotland Presbytery of Greenock and Paisley.</p> <p>2. Two contact centres that are members/associate members of the Relationships Scotland network usually use religious establishments as a venue for facilitating contact.</p>	<p>1. Inverclyde Family Contact Centre.</p> <p>2. Unpublished data from Relationships Scotland.</p>	<p>There is no data on the religion or belief of children or parents using child contact centres.</p>
<b>MARRIAGE AND CIVIL PARTNERSHIP</b> (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected	<p>The proposed regulations will establish minimum standards for staff training at child contact centres, but the requirements would be the same regardless of whether staff and volunteers are married, in a civil partnership or single.</p>		<p>There is no data on the number of staff and volunteers working at child contact centres who are married, in a civil partnership or single.</p>

Characteristics document for details)			
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**Stage 3: Assessing the impacts and identifying opportunities to promote equality**

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

**Do you think that the policy impacts on people because of their age?**

<b>Age</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation			X	There are benefits to children and adults using child contact services from the proposed regulation of child contact centres. However, these benefits seem to relate to other areas rather than the elimination of unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	Policy is not designed for this.
Promoting good relations among and between different age groups	X			The policy will have a positive impact on promoting relations between different age groups as contact centres are used by adults and children to maintain contact. Ensuring contact takes place in a safe and secure environment could help promote relations.

**Do you think that the policy impacts disabled people?**

<b>Disability</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	X			1. Under the 2020 Act the Scottish Ministers may confer on the body appointed to oversee child contact centre regulation, a function to issue reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and

				in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.
Advancing equality of opportunity	X			<p>1. Under the 2020 Act the Scottish Ministers may confer on the body appointed to oversee child contact centre regulation, a function to issue reports on any failure, or possible failure, by a contact service provider to comply with the provider's duties under the Equality Act 2010, and in particular any duty to make reasonable adjustments to premises in order to facilitate their use by disabled people.</p> <p>2. It is proposed that child contact centre staff should be trained in child development, including learning disabilities and developmental disorders, as a minimum standard under the regulations.</p>
Promoting good relations among and between disabled and non-disabled people	X			It is proposed that child contact centre staff should be trained in child development, including learning disabilities and developmental disorders, as a minimum standard under the regulations

**Do you think that the policy impacts on men and women in different ways?**

<b>Sex</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.
Advancing equality of opportunity			X	Policy is not designed for this.
Promoting good relations between men and women	X			An aim of the regulations is to ensure relationships between children and a person they do not live with can be maintained in a safe and child-friendly environment. It is

				proposed that child contact centre staff should have training in areas including working with families in conflict and parental mental health. Providing support for parents when contact is being facilitated at a contact centre may help promote relations between mums and dads.
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**Do you think that the policy impacts on women because of pregnancy and maternity?**

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.
Advancing equality of opportunity			X	Policy is not designed for this.
Promoting good relations	X			The purpose of the regulations is to ensuring contact takes place in a safe and secure environment. This could help promote good relations in relation to this protected characteristic.

**Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	. Policy is not designed for this
Advancing equality of opportunity			X	Policy is not designed for this,
Promoting good relations			X	Policy is not designed for this.

**Do you think that the policy impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.
Advancing equality of opportunity			X	Policy is not designed for this
Promoting good relations	X			Enhanced training for child contact centre staff and volunteers may help to raise awareness of different types of families.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.
Advancing equality of opportunity	X			The consultation is seeking views on whether as a minimum standard some child contact centre staff should have training in working with families where English is not their first language.
Promoting good race relations	X			The consultation is seeking views on whether as a minimum standard some child contact centre staff should have training in working with families where English is not their first language.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.
Advancing equality of opportunity			X	Policy is not designed for this.
Promoting good relations			X	Policy is not designed for this.

**Do you think the policy impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership<sup>88</sup></b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			X	Policy is not designed for this.

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<sup>88</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.



## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

Have positive or negative impacts been identified for any of the equality groups?	Yes, positive for a number of groups.
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	No.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

### Describing how Equality Impact analysis has shaped the policy making process

This is a draft EQIA and the Scottish Government is seeking views on this as part of a consultation exercise.

The EQIA has helped identify areas where further evidence will be useful and we will discuss this with Justice Analytical Services, other colleagues and child contact service providers.

The EQIA has helped identify other areas that the minimum standards for child contact services should cover and views will be sought on these as part of the consultation exercise.

The final EQIA will be published alongside any regulations that are introduced into the Scottish Parliament in relation to child contact centres.

### Monitoring and Review

This is a draft EQIA and will be revised following comments received from stakeholders during the consultation period.

### Stage 5 - Authorisation of EQIA – to be completed in final EQIA

## Annex H - Draft Fairer Scotland Duty Assessment (FSDA)

### Fairer Scotland Duty

<p><b>Title of Policy, Strategy, Programme etc.</b></p>	<p>Regulation of child contact services.</p>
<p><b>Summary of aims and expected outcomes of strategy, proposal, programme or policy</b></p>	<p>The Children (Scotland) Act 2020 (the 2020 Act) gained Royal Assent on 1 October 2020. Section 10 of the 2020 Act gives the Scottish Ministers the power to set minimum standards for child contact centre accommodation and staff training by regulations. The 2020 Act also gives the Scottish Ministers the power to appoint a body to oversee regulation, which would include registering child contact services, carrying out inspections, reporting on inspections, and handling complaints.</p> <p>Child contact centres play an important role in providing safe venues for conflict-free contact between children, parents, and other people in the child’s life. Child contact centres receive referrals from the courts, solicitors and from parents themselves so that contact can be facilitated between a parent and child.</p> <p>Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres provide the facilities for the contact and record that the contact took place and not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved.</p> <p>Child contact centres also provide a handover service where one parent brings the child to the centre to be collected by the other parent. This means that the parents do not have to see each other during the handover.</p> <p>Child contact services are not currently subject to any external regulation. Although child contact service providers have their own policies and procedures in place, there are no national standards and there is no independent oversight.</p> <p>The policy aim of regulating child contact services is to ensure all child contact centres are safe locations for children to have contact with a parent or other family</p>

	<p>member and that children will be protected when they are referred to a child contact centre.</p> <p>The aim is that by establishing minimum standards and appointing a person to oversee those standards the best interests of children remain at the centre of contact cases and that the best outcomes for children using child contact centres will be achieved. National standards will also ensure appropriate standards apply consistently across the sector.</p> <p>It is not an aim of the regulations to prescribe what, if any, fees and charges child contact providers should have in place for contact services.</p>
<p><b>Summary of evidence</b></p>	<p>There are currently 45 child contact centres across Scotland that deal primarily with private law cases. 42 are members of the Relationships Scotland (RS) network<sup>89</sup> and the Scottish Government is aware of three independent centres in Aberdeen<sup>90</sup>, Inverclyde<sup>91</sup> and Glasgow<sup>92</sup>.</p> <p>Unpublished figures from Relationships Scotland show that in 2018-19, 79% of referrals to their contact centres were from the court or solicitors.</p> <p>It is generally understood that some families with children are much more likely to live in poverty – these include minority ethnic families, families with a disabled adult or child, lone parent families, and families where the mother is under 24 years old. As regards the position on low income and household poverty it is also understood that lone parents (mostly women) and single adults who live alone (mostly men) are much more likely to live in poverty.</p> <p>Discussions with stakeholders has indicated that families using child contact services tend to be from lower income backgrounds.</p> <p>Child contact services tend to be used in cases where parents have separated or were never together, so more lone parents may use these services.</p>

<sup>89</sup> [Child Contact Centres – Relationships Scotland \(relationships-scotland.org.uk\)](http://relationships-scotland.org.uk)

<sup>90</sup> [VSA - Contact Centre](#)

<sup>91</sup> [Inverclyde Family Contact Centre](#)

<sup>92</sup> [Promoting Positive Contact - Contact Us \(renfieldcontactcentre.co.uk\)](http://renfieldcontactcentre.co.uk)

	<p>Unpublished data from Relationships Scotland shows that younger parents tend to use their child contact services. In 2018/19, 3,615 adults and 2,572 children used their members' child contact centres. The figures indicate that of the 3,615 adults using services, 48% were aged 20-29, 29% were aged 30-39, 12% were aged 40-49 and 11% were aged 50-64. At the independent contact centre in Glasgow 38% of individuals who gave their age were between 20 and 29.</p> <p>Stakeholders have said that in some cases there can be more reliance on the venues that child contact services provide because parents may not themselves have suitable accommodation for the contact to take place. Some parents may also be unable to afford to access other activities in the community when having contact and may need to rely on the child contact centre facilities.</p> <p>Stakeholders have also said that many users rely on their relatives or public transport to get to the child contact centre as they are unable to afford their own means of transport.</p> <p>Child contact providers may charge fees for their contact services. Fees are paid either by the parents themselves or by the Scottish Legal Aid Board (SLAB) if the parents are eligible for legal aid. SLAB estimate that work up to a value of £0.5 million a year is authorised by them in relation to child contact centres. SLAB indicate that the average cost requested to cover court ordered supervised contact was £644. The Scottish Government understands that generally of the child contact centre income generated by fees a higher proportion tends to come from legal aid than from privately paying users. This may suggest that those using services have lower incomes.</p>
<p><b>Summary of assessment findings</b></p>	<p>The available evidence and information suggests that parents and children who experience inequalities of outcome caused by socio-economic disadvantage are more likely to be impacted by the proposed regulation of child contact services.</p> <p>Inequalities of outcome mean that people have less chance of being treated with dignity and respect.</p> <p>Establishing minimum standards of accommodation for child contact services will help ensure child contact centre premises are welcoming environments for parents and</p>

	<p>children to use that are safe, secure, clean, bright, warm and well maintained. The proposed standards will require facilities, toys and equipment to be in good condition with adequate space to meet the needs of children and families.</p> <p>Establishing minimum standards for staff training will also help improve inequalities of outcome by helping to ensure staff are trained appropriately in a range of areas. It is proposed training standards will cover areas such as: working with families in conflict; responding to children's needs and behaviour; child protection; adverse childhood experiences; parental mental health, drug and alcohol misuse; and an awareness of other services that are available for children and young people.</p> <p>The assessment has identified that we should consult with organisations and groups that support individuals who are more at risk of inequalities of outcome, for example: separated parents, non-resident parents; one parent families; disabled people and ethnic minority families.</p>
<p><b>Sign off</b></p>	<p>To be completed for final version of Fairer Scotland Duty Assessment</p>

## Annex I - Draft Islands Communities Impact Assessment (ICIA)

### Step one – develop a clear understanding of your objective

<p>What are the objectives of the policy, strategy or service Do you need to consult? How are Islands identified for the purpose of the policy, strategy or service? What are the intended impacts / outcomes and how do these potentially differ in the islands Is the policy, strategy or service new?</p>	<p>The Children (Scotland) Act 2020 (the 2020 Act) gained Royal Assent on 1 October 2020. Section 10 of the 2020 Act gives the Scottish Ministers the power to set minimum standards for child contact centre accommodation and staff training by regulations. The 2020 Act also gives the Scottish Ministers the power to appoint a body to oversee regulation, which would include registering child contact services, carrying out inspections, reporting on inspections, and handling complaints.</p> <p>The Scottish Government is now consulting on the proposed standards and on the monitoring and complaints processes.</p> <p>Child contact centres play an important role in providing safe venues for conflict-free contact between children, parents, and other people in the child's life. Child contact centres receive referrals from the courts, solicitors and from parents themselves so that contact can be facilitated between a parent and child, generally where parents have separated or divorced or were never together.</p> <p>Child contact centres offer a mixture of supported and supervised contact. Supported contact is where centres provide the facilities for the contact and record that the contact took place and not details of how it went. Supervised contact is where contact takes place in the constant presence of an independent person who observes and ensures the safety of those involved.</p> <p>Child contact centres also provide a handover service where one parent brings the child to the centre to be collected by the other parent. This means that the parents do not have to see each other during the handover.</p>
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There are currently 45 child contact centres across Scotland that deal primarily with private law cases, e.g. where contact is ordered by the court or where there is a referral by a solicitors or where parents self-refer. Of these 45 centres, 42 are members of the Relationships Scotland (RS) network<sup>93</sup> and there are three independent centres in Aberdeen<sup>94</sup>, Inverclyde<sup>95</sup> and Glasgow<sup>96</sup>.

This consultation focusses on child contact centres that deal primarily with private law cases.

The Scottish Government is aware that local authorities facilitate child contact in public law cases involving looked after children. This type of child contact does not fall within the scope of the changes made by the 2020 Act and is not covered by this consultation. However, it is possible that in future centres regulated under the 2020 Act may continue to receive some referrals from local authorities.

The 2020 Act requires that when the courts are ordering contact at a child contact centre or when solicitors are referring their clients to these services, it must be to a regulated service. Unpublished figures from RS show that in 2018-19, 79% of referrals to their contact centres were from the courts or solicitors.

There is a currently a child contact service in Orkney which is a member of the RS network. However, there are currently no child contact centre services based in other island communities, such as the Western Isles or Shetland. The Scottish Government recognises that certain aspects of the proposed regulation of child contact services may have an impact on island communities more so than other communities.

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<sup>93</sup> [Child Contact Centres – Relationships Scotland \(relationships-scotland.org.uk\)](https://relationships-scotland.org.uk)

<sup>94</sup> [VSA - Contact Centre](#)

<sup>95</sup> [Inverclyde Family Contact Centre](#)

<sup>96</sup> [Promoting Positive Contact - Contact Us \(renfieldcontactcentre.co.uk\)](https://renfieldcontactcentre.co.uk)

Potential impacts

The Scottish Government understands that in island communities currently, if the court orders contact at a child contact centre and there is no permanent child contact centre in that community, the contact will either be facilitated on mainland Scotland or at another island centre, or the contact provider may facilitate the contact by using an outreach or “floating” service. This is where the provider uses an alternative premises from its usual child contact centre on an ad hoc basis.

This practice is not exclusively limited to island communities, as it may also be necessary in remote areas of mainland Scotland. However we think that island communities are more likely to be in need of such services.

The purpose of proposed regulations and standards is not to increase the current geographical spread of child contact services across Scotland. Therefore, the Scottish Government does not expect that these regulations will cause any impact on island communities in that particular regard. However, there is a risk that over-regulation could lead to the closure of some existing child contact services and reduce their availability. The potential impact of this could be seen in any area of Scotland, as well as in island communities.

However, the 2020 Act allows contact providers the flexibility to continue to provide “floating” services for families when necessary and allows for different standards of accommodation to be put in place for alternative premises, as opposed to those prescribed for a provider’s usual premises.

The consultation will seek views on this, but it is the Scottish Government view that the same minimum standards that will apply to a provider’s registered (or usual) premises should also apply to any alternative premises they use. This could mean if an island community uses a venue for a child contact centre only occasionally, the same standards will apply as would to a heavily used venue in a city centre. On the one hand, this could be seen as onerous for the islands where it may be



more difficult to find other suitable premises in the locality. On the other hand, it is important to ensure that children and families in island communities enjoy the same standards at child contact centres as children and families on the mainland of Scotland.

It is also likely that different monitoring and inspection procedures will be required for alternative premises under the regulations. If a child contact service is using an alternative premises we would expect the provider to notify the person appointed to oversee regulation so that an inspection can be carried out before contact sessions are due to commence. There is usually a period of time between the referral being received and the contact sessions commencing.

However, there could be situations where alternative premises are required unexpectedly or with insufficient time for a pre-inspection. In these circumstances we consider that a child contact service could self-certify that the alternative premises meets the required standards and alert the regulator to the fact they have self-certified a venue. The regulator would then be able to inspect the venue retrospectively. This would allow contact to continue if there was an unexpected or emergency situation.

There is a risk that a child may have contact at alternative premises which does not meet the minimum standards. This may not be in the best interests of the child. In such cases we envisage that the regulator could report on this accordingly and would work with the provider, as part of any ongoing improvement plan, to avoid the situation arising again. If the contact provider continues to fail to meet the standards in this way, they could be removed from the register.

The impact of what is proposed here could be greater in island communities. Firstly, because there is a higher likelihood of alternative premises being required in these communities, and secondly, because it may take longer for an inspector to travel to an island community to carry out the inspection within the available time.

	<p>The regulation of child contact services will also establish minimum training standards for child contact centre staff and volunteers. There could be an additional burden on child contact services in island communities in terms of any additional time and costs that may be incurred where an individual has to travel to mainland Scotland to attend a training course. In some cases, it may be possible to undertake training on-line or virtually.</p>
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**Step two – gather your data and identify your stakeholders**

<p>What data is available about the current situation in the islands?          Do you need to consult?          How does any existing data differ between islands?          Are there any existing design features or mitigations in place?</p>	<p>There is a currently a child contact centre service in Orkney, which is a member of the RS network. However there is currently no child contact centre services based in other island communities, such as the Western Isles or Shetland.</p> <p>Figures from Relationships Scotland show that RS Orkney had 28 children and 18 adults use its centre in 2019-20. They offered 67 supported sessions, 136 supervised sessions and 53 handovers and they delivered 62 supported sessions, 120 supervised sessions and 49 handovers. In 2018-19 RS Orkney had 31 children and 29 adults use its centre. They offered 72 supported sessions, 86 supervised sessions and 25 handovers and delivered 59 supported sessions, 81 supervised sessions and 20 handovers.</p> <p>There is no available information on the number of “floating” or outreach services child contact providers currently provide to island communities or on the number of alternative premises that providers have used in these communities.</p>
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<p>This draft ICIA forms part of a public consultation which will run for 16 weeks. The consultation contains a section asking for comments specifically on the partial impact assessments, including this draft ICIA. The Scottish Government also intends to engage with stakeholders and individuals during the consultation period and to seek further evidence and information.</p>
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**Step three - consultation**

<p>Who do you need to consult with?          How will you carry out your consultation and in what timescales?          What questions will you ask when considering how to address island realities?          What information has already been gathered through consultations          what concerns have been raised previously by island communities?          Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?</p>	<p>This draft ICIA forms part of a public consultation which will run for 16 weeks. The consultation contains a section asking for comments specifically on the partial impact assessments.</p> <p>This draft ICIA and will be finalised following comments received from respondents and stakeholders during the consultation period.</p> <p>The Scottish Government will seek views from a range of organisations, including:</p> <ul style="list-style-type: none"> <li>• child contact service providers who provide services to island communities</li> <li>• family lawyers who represent people in island communities</li> <li>• organisations supporting children and young people</li> <li>• organisations supporting parents</li> </ul>
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The Scottish Government also intends to seek views from individuals, including families from island communities who have used or are using child contact services.

The Scottish Government also intends to engage with stakeholders, groups and individuals directly during the consultation period by holding events and discussions groups (virtually where necessary).

There is a specific question in the consultation asking if the same minimum standards that apply to a provider's registered (or usual) premises should also apply to any alternative premises they use.

There is also a specific question in the consultation on asking if a contact centre provider should be able to self-certify a premises as appropriate in situations where alternative premises are required unexpectedly or in emergency.

During the consultation on review of the Children (Scotland) Act 1995 in 2018, which informed the 2020 Act, the Scottish Government engaged with RS regarding the initial proposal to regulate child contact services. At that time RS said there was no concern that the centre in Orkney would have any difficulty in continuing its service once regulation is introduced since all RS contact services already operate to national policies and guidelines.

No issues regarding the regulation of child contact services were raised by island communities during that consultation.

	<p>In their written submission<sup>97</sup> to the Scottish Parliament during the passage of the Children (Scotland) Bill (now the 2020 Act), RS raised concerns about the impact of any regulations and standards on their outreach services being able to continue as, for example, may currently be provided in island communities.</p> <p>Under the 2020 Act provisions if a place is not registered as a child contact centre, it can still be used for providing regulated contact services on an ad hoc basis, if certain conditions (to be specified in the regulations) are met.. Any premises used on this basis must also meet minimum standards that will be set down in the regulations. It is envisaged that the same standards proposed for registered child contact centres should also apply for alternative premises.</p> <p>No issues regarding the regulation of child contact services were raised by island communities during the passage of the Bill.</p>
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**Step four - assessment**

<p>Does your assessment identify any unique impacts on island communities?  Does your assessment identify any potential barriers or wider impacts?  How will you address these?  <b>You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community which is significantly different</b></p>	<p>This draft ICIA forms part of a public consultation on the regulation of child contact services. The consultation contains a section asking for comments specifically on the draft impact assessments.</p> <p>This draft ICIA and will be revised following assessment of the comments received from respondents and stakeholders during the consultation period.</p>
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<sup>97</sup> [JS519CH8\\_Relationships\\_Scotland.pdf \(parliament.scot\)](#) part 7.

**from its effect on other communities (including other island communities).**

If your answer is No to the above question, a full ICIA will NOT be required and you can proceed to Step Six.

If the answer is Yes, an ICIA must be prepared and you should proceed to Step 5

To form your opinion, the following questions should be considered:

Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?

Are these different effects likely?

Are these effects significantly different?

Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?

## Step five – preparing your ICIA

<p>In Step Five, you should describe the likely significantly different effect of the policy, strategy or service</p> <p>Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.</p> <p>Consider alternative delivery mechanisms and whether further consultation is required.</p> <p>Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities.</p> <p>Identify resources required to improve or mitigate outcomes for island Communities</p> <p>An ICIA by Scottish Ministers in regard to legislation must:</p> <p>Describe the likely significantly different effect of the legislation, assess the extent to which the Scottish Ministers consider that the legislation can be developed in such a manner as to</p>	<p>This draft ICIA forms part of a public consultation on the regulation of child contact services. The consultation contains a section asking for comments specifically on the draft impact assessments.</p> <p>This draft ICIA will be revised following assessment of the comments received from respondents and stakeholders during the consultation period.</p>
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<p>improve or mitigate, for island communities, the outcomes resulting from the legislation, and</p> <p>set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation.</p>	
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**Step six – making adjustments to your work**

<p>Should delivery mechanisms/mitigations vary in different communities?</p> <p>Do you need to consult with island communities in respect of mechanisms or mitigations?</p> <p>Have island circumstances been factored into the evaluation process?</p> <p>Have any island-specific indicators/targets been identified that require monitoring?</p> <p>How will outcomes be measured on the islands?</p> <p>How has the policy, strategy or service affected island communities?</p> <p>How will lessons learned in this ICIA inform future policy making and service delivery?</p>	<p>This draft ICIA forms part of a public consultation on the regulation of child contact services. The consultation contains a section asking for comments specifically on the draft impact assessments.</p> <p>This draft ICIA will be revised following assessment of the comments received from respondents and stakeholders during the consultation period.</p>
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**Step seven – publishing your ICIA**

<p>Have you presented your ICIA in an Easy Read format?</p> <p>Does it need to be presented in Gaelic or any other language?</p> <p>Where will you publish your ICIA and will relevant stakeholders be able to easily access it?</p> <p>Who will sign-off your final ICIA and why?</p>	<p>This draft ICIA forms part of a public consultation on the regulation of child contact services. The consultation contains a section asking for comments specifically on the draft impact assessments.</p> <p>This draft ICIA will be revised following assessment of the comments received from respondents and stakeholders during the consultation period.</p>
<p>ICIA Completed by</p>	<p>To be completed in final version of ICIA</p>



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