

**DRAFT NATIONAL GUIDANCE FOR CHILD
PROTECTION IN SCOTLAND**

CONSULTATION

**SCOTTISH GOVERNMENT
JUNE 2010**

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HOW TO RESPOND TO THE CONSULTATION

Responding to this consultation paper

We are inviting written responses to this consultation paper by **Friday 17 September**. Please send your response with the completed **Respondent Information Form** (see "Handling your Response" below) to:

ChildProtection@scotland.gsi.gov.uk

or

Laura Holton
Child Protection Team
Safer Children Stronger Families Division
Scottish Government
2B North
Victoria Quay
Edinburgh
EH6 6QQ

If you have any queries contact Laura Holton on 0131 244 7583.

We would be grateful if you would use the consultation questionnaire provided, and could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government now has an email alert system for consultations (**SEconsult**: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** available at **Appendix B** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are 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.

Next steps in the process

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 on the [Scottish Government consultation](#) web pages by November 2010.

What happens next ?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us finalise the National Child Protection Guidance for publication. We aim to issue the finalised guidance by November 2010.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: Laura Holton

Address: Safer Children Stronger Families Division, Scottish Government, 2B North, Victoria Quay, Edinburgh, EH6 6QQ

E-mail: ChildProtection@scotland.gsi.gov.uk

SUMMARY

Since February 2009, the Scottish Government has been working with stakeholders and partners from across education, social work, health, justice, and the third sector to revise Scotland's national guidance on child protection. The draft guidance now being consulted on is a wholesale revision of *Protecting Children – A Shared Responsibility: Guidance on Inter-Agency Co-operation*, which was published by the Scottish Office in 1998. It also takes into account more focussed pieces of guidance that have been published in the interim, such as the *Children's Charter*, the *2004 Framework for Standards*, and the *2005 Guidance for Child Protection Committees*.

The new National Guidance on Child Protection is relevant to all whose work involves contact with children and/or their families, across departments and agencies as well as being relevant to those working in the statutory, third and independent sectors.

It aims to provide a national framework for services and local inter-agency forums such as Chief Officer Groups and Child Protection Committees to develop further in their local multi-agency protocols, training plans and procedures. The guidance also aims to serve as a useful resource for practitioners on particular areas of practice and signposts where additional information can be found.

This guidance is split into four parts:

Part 1 – The Context for Child Protection addresses the definitions, key principles, standards and legislative framework that underpin the approach to keeping children safe and promoting their welfare.

Part 2 – Roles and Responsibilities for Child Protection outlines the core responsibilities of services and organisations including statutory and non-statutory services, third sector organisations, and church and faith communities. The role and functions of Child Protection Committees are addressed here as well as the key responsibilities of Chief Officers. Effective leadership and staff development and training are also outlined in this part as are the connections with other strategic planning fora.

Part 3 – Identifying and Responding to Concerns about Children provides a framework for risk assessment and outlines the common stages of identifying and responding to concerns about a child's safety. This includes early gathering of information, joint decision-making and planning, joint investigations and medical examinations and assessment, and child protection case conferences.

Part 4 – Child Protection in Specific Circumstances gives additional information for dealing with specific conditions that may impact adversely on children as well as addressing operational considerations in certain circumstances. It should be noted that whilst a range of special or specific circumstances have been included in this part, the national guidance does not

provide detailed guidelines on areas of practice/policy that are contained elsewhere; but rather, where appropriate, signposts to relevant policies and materials or provides a framework of standards that local policies will need to consider.

Specific Issues

Aside from updating and bringing together previous existing guidance, the document also reflects the development since 1998 of new themes and concepts; new processes; and new areas of practice. In particular, the guidance:

- reflects the Government's commitment to the *Getting it right for every child* (GIRFEC) approach for the future of children's services, embedding child protection within the wider GIRFEC context;
- sets out some definitions of key concepts such as significant harm, risk and child abuse (*Part 1: Key Definitions and Concepts*);
- suggests the removal of the need to identify a category of abuse when registering a child on the Child Protection Register (*Part 1: The Child Protection Register*);
- provides more detail on information-sharing and recording of information than in previous guidance documents (*Part 1: Principles and Standards for Child Protection*);
- provides detail on legislation introduced since 1998 that impacts on child protection practices (*Part 1: Legislation*);
- reinforces the message that child protection is everyone's business by expanding guidance on roles and responsibilities to include a number of services and agencies not previously included, in particular adult service providers and the third sector (*Part 2: Responsibility for Child Protection*);
- provides new guidance on the wider planning links that need to exist within community planning (*Part 2: Wider Planning Links*);
- introduces set timescales for responding to concerns about a child (*Part 3: Child Protection Case Conferences and Appendix 1*);
- provides more detail on core groups and their role in delivering child protection plans (*Part 3: Core Groups*); and
- provides guidance on new areas of practice, for example: female genital mutilation; honour-based violence and forced marriage;

fabricated or induced illness; child trafficking; and online child safety (*Part 4: Child Protection in Specific Circumstances*).

Purpose of consultation

We want this guidance to be fit for purpose and useful for all services, agencies and individuals that work with and for children and young people in Scotland, as they develop their child protection policies and procedures.

There are some specific issues where respondents are asked to take a view, but more generally, we want to know that the guidance is as useful and fit for purpose as possible.

The comments we receive in consultation will help shape the final guidance document, to be published towards the end of the year, as well as help inform other ongoing and future programmes of work.

Developing the guidance

The process of revising the 1998 guidance has been comprehensive and inclusive, involving over 100 representatives from child protection committees, health, social work, police, justice, education, Her Majesty's Inspectorate for Education, the Scottish Children's Reporter Administration and the third sector. These representatives have drafted and debated the text at length, and the final version has been produced by a social work and child protection professional. The draft document was also circulated to key stakeholders for their comments ahead of formal consultation.

Timescales for consultation

The consultation will run from 1 June 2010 until 17 September 2010. After the consultation closes, responses will be collated and considered, with a view to publishing the finalised document by November 2010.

Alternative formats

Alternative formats of this consultation paper, or translations into community languages can be made available on request. If you wish to make such a request, please contact Laura Holton on 0131 244 7583, or at ChildProtection@scotland.gsi.gov.uk at the earliest opportunity.

CONSULTATION QUESTIONS

General Questions

1. What are your views on the usefulness and accessibility of the guidance for your sector? Are the suggested processes and terminology used relevant to your service/agency/profession? How could they be improved?
2. The guidance seeks to strike a balance between acknowledging the *Getting it right for every child* approach as the future direction for children's services, and the current stage of its development and implementation across Scotland. What are your views on how GIRFEC has been incorporated into the document?
3. Are there any equality or diversity issues that should be more fully reflected in the guidance?

Specific Questions

4. **Part 1: Key Definitions and Concepts:** The guidance suggests that there should no longer be a requirement to identify a category of registration when registering a child on the Child Protection Register. This is to encourage a move towards a focus on the needs and risks to the individual child, rather than on categorisation.

a) Do you agree with this change in process?

Yes, No, In Part, Don't Know

Please provide additional comments.

b) We are aware that removal of categories of registration will have an impact on management information availability, and a separate project is underway to consider information requirements at a local and national level. What are the child protection management information requirements in your area of expertise? How is this information currently collected?

5. **Part 3: Risk Assessment:** While the guidance discusses risk assessment and indicators of risk, it should be noted that the intention is to develop a separate risk assessment toolkit. The toolkit will be based on the general principles and framework set out within the guidance, and in particular link with the GIRFEC model. On this basis, are you content with the principles set out in the guidance around risk assessment?

Yes, No, In Part, Don't Know

Please provide additional comments.

6. **Part 3: Responding to Concerns about Children:** The guidance states: *'There are a number of tasks and roles that specific agencies have a particular responsibility for – for example, the decision to undertake a child protection enquiry (police and social work), planning a joint investigation, including the need for a medical examination (police, social work and health), and co-ordination of child protection case conferences and the child protection plan (social work).'* Do you agree with these roles and responsibilities?

Yes, No, In Part, Don't Know

Please provide additional comments.

7. **Part 3: Child Protection Case Conferences and Appendix 1:** The guidance introduces national timescales, in particular that initial Child Protection Case Conferences should be held as soon as practically possible and no later than **21 calendar days** from the notification of concern. Also, it suggests that participants should receive the agreed child protection plan within **5 calendar days** of the conference; and the minutes no later than **15 calendar days** after the conference.

Do you agree with these timescales? If not, what is the best standard that could be reasonably expected?

Yes, No, In Part, Don't Know

Please provide additional comments.

8. **Part 3: Child Protection Case Conferences:** The guidance suggests that pre-birth case conferences, where they identify the need for the unborn child to have a child protection plan, should also place that child on the Child Protection Register.

Do you agree with this approach? Is this approach already taken in your area? What benefits do you see from pre-birth registration? What disadvantages?

Yes, No, In Part, Don't Know

Please provide additional comments.

9. **Part 3: Child Protection Case Conferences:** The guidance states that *'while the chair of case conferences will often be from social work services, where an individual could fulfil the required criteria, it would not be inappropriate for a practitioner from a different agency or service to undertake the role.'* The focus is therefore on the competency and impartiality of the chair, rather than their particular profession. Do you agree with this approach?

Yes, No, In Part, Don't Know

Please provide additional comments.

10. **Part 3: Child Protection Case Conferences:** The guidance states the desire to move towards a position where only one report is considered by a case conference. However, it also recognises that this is not something all areas are capable of implementing at this stage. However, are you content with the *principle* of having one composite report co-ordinated by the Lead Professional and representing the views of all services, agencies and families involved?

Yes, No, In Part, Don't Know

Please provide additional comments.

11. **Part 3: Child Protection Case Conferences:** The guidance suggests that *'all participants at a CPCC with significant involvement with the child/family have a responsibility to determine whether or not to place the child's name on the Child Protection Register. Where there is a split decision, the Chair will determine the final decision.'* Do you agree with this approach?

Yes, No, In Part, Don't Know

Please provide additional comments.

12. Do you have any additional comments?

RESPONDENT INFORMATION FORM



RESPONDENT INFORMATION FORM

Please Note That This Form **Must** Be Returned With Your Response To Ensure That We Handle Your Response Appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions

I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) 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?

Please tick as appropriate Yes No

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to the consultation exercise (except those where the individual or organisation requested confidentiality) are placed on the Scottish Governments website.

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Government consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. 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

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

¹ <http://www.scotland.gov.uk/consultations>

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.

CONSULTATION LIST

Child/Adult Protection Sector

Child Protection Committees Chairs
Child Protection Committee Lead Officers
National Child Protection Guidance Steering Group Members
National Child Protection Guidance Workstream Members
Alcohol and Drug Partnerships
Domestic Abuse (and Sexual Abuse) Forums
The Scottish Children's Reporter Administration
Local Authority Chief Executives
Local Authority Directors of Social Work
Local Authority Directors of Education
Adult Protection Committees
Highland Violence Against Women Partnership
Scottish Children's Reporter Administration
Scotland's Commissioner for Children and Young People
Association of Directors of Education in Scotland
Association of Directors of Social Work
Her Majesty's Inspectorate of Education

Justice

Association of Chief Police Officers in Scotland (ACPOS)
Association of Scottish Police Superintendants
Scottish Police Federation
Chief Constables
Crown Office and Procurator Fiscal Service

Health

Child Health Commissioners
NHS Chief Executives
NHS Board Lead Clinicians
NHS Health Scotland
NHS Board Directors of Public Health
Royal College of Nursing
Royal College of Midwifery
Royal College for Paediatrics and Child Health (RCPCH) Scotland
NHS Sexual Health Strategy Leads
NHS Sexual Health Promotion Leads
Royal College of General Practitioners (RCGP) Scotland
Local Authority Sexual Health Leads
Caledonia Youth

Fertility Care
Family Planning Association
Gay Men's Health
HIV Scotland
National Aids Trust
Positive Steps
Terrence Higgins Trust (THT)
Waverly Care

Third Sector

Children in Scotland
Aberlour
Action for Change
Action for Children
ChildLine Scotland
Children 1st
Rape Crisis Centre/Rape Crisis Scotland
Crew2000
Fairbridge Scotland
Fast Forward
CAIR Scotland
Archway Glasgow
Barnardo's Scotland
Brook Centres
Caledonia Youth
Highland Wellbeing Alliance
Glasgow Community and Safety Services
Lifeline Scotland
Pro-Life Feminists International
SAY Women
Scottish Women's Aid
Victim Support Scotland
Women's Support Project
YMCA Scotland
Quarriers
Includem
The Scouts
Community Care Providers Scotland
Voluntary Health Scotland

Religious Groups

The Catholic Parliamentary Office
The Christian Institute
The Church of Scotland
The Evangelical Alliance

Looked After Children

The Fostering Network
Who Cares? Scotland
Scottish Throughcare and Aftercare Forum
British Association for Adoption and Fostering

Youth Work and Young People

Abernethy Trust
Clubs for Young People (CYP)
Boys Brigade
BTCV Scotland
Caledonian Awards
Campaigners
Chess Scotland
Commonwealth Youth Exchange Council
CSV Scotland
The Duke of Edinburgh's Award - Scotland
Fabb Scotland
Fairbridge
Fast Forward
Girls Brigade
Guide Association
IVS GB (International Voluntary Service)
Iona Community
LGBT Youth Scotland
John Muir Trust
Ocean Youth Trust Scotland
Scottish Association of Young Farmers Clubs
Scottish Centres
Urban Saints
Scottish National Council of YMCA's
The SSC - A Club for the Youth of Scotland
Scottish Youth Parliament
Scout Association
Venture Scotland
Woodcraft Folk
Young Scot
Youth Scotland
Youthlink Scotland
YWCA
Highland Youth Forum
Scottish Children's Parliament

Equality Organisations

Disability

Inclusion Scotland
Scottish Disability Equality Forum
Capability Scotland
Sense Scotland
The Royal National Institute for Deaf People (RNID) Scotland
Royal National Institute of Blind People (RNIB) Scotland
Scottish Council on Deafness
Deaf Action
Scottish Association of Sign Language Interpreters
Enable
Scottish Deaf Association
Council for the Advancement of Communication with Deaf People (CACDP)
Mobility and Access Committee for Scotland
Scottish Association for Mental Health
Leonard Cheshire Scotland
Deafblind Scotland
Scottish Consortium for Learning Disability
Communication Impairment Action Group
Scottish Accessible Transport Alliance
Communication Forum Scotland
Glasgow Centre for Inclusive Living
Lothian Centre for Inclusive Living
Glasgow Disability Alliance
National Autistic Society
Scottish Society for Autism
VOX (Voices Of eXperience) - Scotland
HIV Scotland
PAMIS
Alzheimer Scotland
Update
Guide Dogs for the Blind Association
Long Term Conditions Alliance Scotland

Race and Religion

Glasgow Anti-Racist Alliance
CEMVO Scotland
BEMIS
Scottish Refugee Council
Scottish Interfaith Council
Grampian Race Equality Council
West of Scotland Regional Equality Council
Central Scotland Racial Equality Council Ltd

Edinburgh and Lothian Race Equality Council
Positive Action in Housing Ltd

LGBT

Equality Network
Stonewall Scotland
Scottish Transgender Alliance

Gender

Scottish Women's Convention
Engender
Close the Gap (STUC)
Glasgow Women's Library
Amina, Muslim Women's Resource Centre
Women Onto Work
Women@Work
Scottish Community Foundation

Age

Scottish Older Peoples Advisory Group
Age Concern Scotland and Help The Aged Scotland
Scottish Pensioners' Forum
Better Government for Older People Network (South Lanarkshire)
Scottish Pensions Association
West of Scotland Seniors Forum
WRVS
CoSLA
Black and Minority Ethnic Elders Group
Better Neighbourhood Services Project
A City for All Ages
Scottish Seniors Alliance
National Pensioners Convention of Scotland
Contact a Family Scotland

Parenting Organisations

Consumer Focus Scotland
Scottish Traveller Education Programme
Glasgow Asylum Support Project
Scottish Parent Teacher Council
Scottish Muslim Parents Association
Scottish Catholic Education Service
Enquire
Parenting Across Scotland

Church of Scotland
Royal Caledonia Trust
Scottish Network for Parental Involvement in Children's Learning
National Parent Forum Scotland (c/o SCVO)

General

Scottish Council for Voluntary Organisations
Citizens Advice Scotland
Equality and Human Rights Commission
Scottish Human Rights Commission
Scottish Trade Union Congress
Convention of Scottish Local Authorities
Scottish Prison Service

Key Academics in Scotland

University of Edinburgh and NSPCC Centre for Learning in Child Protection
University of Stirling
University of Glasgow
University of Strathclyde
University of Edinburgh
University of Dundee