

Child Protection Improvement Programme

Equality Impact Assessment Record

July 2017

**Child Protection Improvement Programme
Equality Impact Assessment Record**

Title of policy/ practice/ strategy/ legislation etc.	The Child Protection Improvement Programme	
Minister	The Cabinet Secretary for Education and Skills Minister for Childcare and Early Years	
Lead official	Philippa Brosnan / Katherine Hudson	
Officials involved in the EqlA	Name	Team
	Sandra Aitken	Child Protection
	Deborah Gallagher	Child Protection
	Katrina McDonald	Child Protection
	Belinda McEwan	Child Protection
	Jack Murray	Child Protection
	Rachel Wilson	Child Protection
Directorate: Division: Team	Children and Families: Care and Protection: Child Protection	
Is this new policy or revision to an existing policy?	This is a new Programme designed to examine the effectiveness of existing policy and provide recommendations for further improvement.	

Screening

Aims

The Programme emerges from the commitment of Scottish Ministers to 'launch a programme of action on child protection'; its core objective is to deliver recommendations for sustainable improvement, building upon the observable improvements in practice that have already taken place in recent years and to seek to further embed Scotland's unique approach to child wellbeing: **Getting it Right for Every Child**. This objective is premised expressly upon the Scottish Government's vision for a child protection system **that keeps children safer from abuse and neglect, by placing the wellbeing of Scotland's children at the heart of everything it does**. Following consultation with senior leaders in the sector, the Programme was formally announced by the former Cabinet Secretary for Education and Lifelong Learning, Angela Constance MSP, in Parliament on 25th February 2016. The statement to Parliament committed the government to undertaking a substantive review of the formal elements of the child protection system in Scotland, namely Child Protection Committees; Initial Case Reviews, Significant Case Reviews and Child Protection registers. In addition, the programme will:

1. Work with the sector to develop a data and evidence programme, focussing on the use of data to inform effective practice, drive improvement and measure impact.

2. Review the impact of recent legislative changes to the Children's Hearings System (Children's Hearings (Scotland) Act 2011), in partnership with the Children's Hearings Improvement Partnership (CHIP).
3. Invest in activities that promote effective leadership and workforce development.
4. Review the existing programme of joint inspection, working with both the Care Inspectorate and Education Scotland.
5. Undertake significant work in the area of child neglect by supporting practitioners to develop effective neglect responses that are effectively tailored to local needs and individual circumstances; review the current criminal legislation non neglect to ensure that effective measures are in place to protect children from harm; develop a holistic picture of neglect across Scotland.
6. Continue to implement the National Action Plan to Prevent and Tackle Child Sexual Exploitation, updated in March 2016.
7. Publish a refreshed child internet safety action plan by March 2017.
8. The Human Trafficking and Exploitation (Scotland) Act 2015 has led to the drafting of a national trafficking strategy that includes an agenda for children and young people.

The Programme will contribute to the delivery of the following national outcomes:

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

Who will this activity affect?

The Programme will potentially have direct impacts on all children in Scotland who encounter formal child protection systems, including those subject to a Child Protection Register registration, those subject to relevant statutory orders and those subject to compulsory measures of supervision. Further, the neglect pilot will have impacts upon a broader constituency of children in Scotland who have not encountered formal child protection systems, but whom nevertheless have been identified as potentially 'at risk'. The leadership and workforce development aspects of the Programme will have impacts in relation to the children's services workforce and their approach to the delivery of child protection activity.

More specifically:

- Our formal child protection systems effectively facilitate a co-ordinated multi-agency response in support of our most vulnerable and at risk children; high quality help and support is delivered at the right time and professionals have access to the right information to enable them to exercise authoritative clinical judgement.
- Children and young people exposed to neglect in all its various forms receive effective early intervention from both universal and children's services professionals; practitioner responses can identify relevant causal factors in individual cases and a holistic approach is taken to intervention.
- Practitioners and leaders feel empowered and supported to deliver high-quality children's services tailored to the needs of their local area; their clinical judgement is valued; their professional registration and status is respected.
- The inspections regime provides effective periodic scrutiny of our child protection systems and practice; it is predicated on a culture of openness, honesty and high-quality self-evaluation; it does not instil fear or proceduralism.

Effective child protection activity is a fundamental cornerstone of Getting it Right For Every Child. Increasingly, research demonstrates that our resources and assets can be put to better use by focussing on providing early intervention and protection activity that is 'service user focussed'. We know that a holistic 'whole systems approach' to the delivery of child protection activity underpins the provision of effective services with a user focus and that such a whole systems approach can be informed by thinking about the delivery of child protection activity through a public-health lens, particularly in relation to neglect.

What might prevent the desired outcomes being achieved?

The Programme is ambitious, nevertheless our starting point is to consolidate and champion the existing good practice that is evident within Scotland's child protection activity, by promoting a culture of continuous learning and development and the sharing of promising practice.

Making the most effective use of extant data and undertaking work to consider where there are gaps in the data picture presents some challenges, particularly in terms of establishing linkages between data sets and producing robust qualitative and quantitative analyses to inform both national policy and local service delivery. We know in relation to neglect for instance that estimates of prevalence vary widely between assumptions drawn variously from child protection register statistics, referrals to the Scottish Children's Reporter Administration and self-reported academic surveys.

Areas of priority focus on the Programme include investment in encouraging cultural change to ensure that service delivery is underpinned by a strong service user focus and that the potential of GIRFEC as a national policy approach is fully exploited. Furthermore, engendering cultural change is necessary to ensure that effective learning is elicited from quality inspections and that leaders empower the workforce to make authoritative practice decisions. The Programme's outcomes rely upon wide-ranging and sustained engagement with the whole children's services sector and beyond, co-ordinating our communications efforts and synthesising the feedback from these is a significant logistical challenge.

Finally, it must be acknowledged that there continues to be significant pressure on human, physical and financial resources at all levels.

Stage 1: Framing

Results of framing exercise (set out here a summary of the initial findings of your framing exercise which helped identify existing evidence and potential impacts)

Existing evidence has been drawn from the findings of the **Brock Report**¹ and from the **Care Inspectorate's Triennial Review**.² Programme activity in relation to child neglect is predicated on pressing forwards with the delivery of priority findings of the **2012 Review of Child Neglect in Scotland**.³ The design of the programme has been informed by a period of consultation with senior leaders in the sector, furthermore the governance arrangements for the Programme have built in a continuous reporting and feedback cycle through our Communication Strategy. The Programme's internal advisory group encompasses policy professionals from across government, whilst the External Advisory Group comprises an extensive number of representatives from all areas of the sector.

We are actively working to be able to elicit the extant data and have commissioned new research in the area of child neglect. Analytical services colleagues will evaluate the extant data and are testing methods for effective analysis.

The research tells us that consistent investment in embedding the GIRFEC national policy agenda and promoting consistency in service delivery across Scotland will improve outcomes for our most vulnerable children and young people. Further, we know that consistent and quality service delivery requires providing tailored interventions and responses that address not only the symptoms but the root causes, this can only be achieved by maintaining a holistic approach to child wellbeing, as measured through the SHANARRI indicators.

Extent/Level of EqIA required (set out here your consideration of the extent/level of assessment required. Include any further evidence gathering and external engagement that is required to demonstrate that you are giving "due regard" to the equality duty of eliminating discrimination, promoting equality of opportunity and fostering good relations)

This EqIA will demonstrate that the Programme's management, design and implementation has given due regard to the needs of the public sector equality duty to eliminate discrimination and advance equality of opportunity for children who encounter any aspect of formal child protection systems in Scotland.

¹ Brock J. *The Brock Report: Safeguarding Scotland's vulnerable children from child abuse* (2014, Edinburgh, Children in Scotland)

² Care Inspectorate *Inspecting and improving care and social work in Scotland: Findings from the Care Inspectorate 2011-2014* (2015, Dundee, The Care Inspectorate)

³ Daniel B. et al *Review of Child Neglect in Scotland* (2012, Edinburgh, The Scottish Government)

As this policy has direct implications for children and young people, a Children's Rights and Wellbeing Assessment will be prepared to identify any potentially negative impacts of the Programme and how they will be mitigated.

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 ⁴	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	<p>In June 2014 there were 1,033,183 children (under 18 years old) in Scotland. Of this, 233,984 children were aged 0-3 years and 525,073 children were aged 0-8 years. The number of children aged 0-15 in Scotland is projected to grow by 5% by 2037.</p> <p>A child can be defined differently in different legal contexts, accruing rights and responsibilities under the law variously at the ages of 16 or 18. The minimum age of criminal responsibility remains 8 in Scotland, though the Scottish Government is currently considering raising this to 12, in line with UNCRC expectations. An individual young person's circumstances and age will dictate what legal measures can be applied.</p> <p>The number of children on the child protection register has fluctuated regularly, but there is a general upwards trend. The total has increased by 34 per cent between 2000 and 2015 (from 2,050 to 2,751). In 2015, 51% of the children on the child protection register were aged under 5; since 2008 there have been more children aged under 5 than over 5 on the child protection register. In 2015 3.0 children for every 1,000 children under 16 were on the child protection register, this varies by local authority between 0.2 per 1,000 children in Eilean Siar, to 6.3 per 1,000 in Clackmannanshire.</p> <p>In 2015/16, 15,329 children and young people were referred to the reporter (1.7% of all children aged 0-16). The most common ages for referral are 14 & 15, for both offence and non-offence grounds.</p>	<p>Scottish Government</p> <p>SCRA</p>	

⁴ Refer to Definitions of Protected Characteristics document for information on the characteristics

<p>DISABILITY</p>	<p>There is evidence to suggest that children and young people who have disabilities or complex learning and care needs are more likely to experience child neglect, harm and abuse. This is fuelled by public perceptions that children with disabilities are less likely to be abused, narratives that minimise the impact of abuse and attributing the indicators of abuse to a child's impairment. In addition, we know that children and young people with disabilities face additional barriers to accessing support services.</p> <p>Disabled children at the greatest risk of neglect, abuse and harm are those with behaviour/conduct disorders. Other high risk groups include children with learning disabilities, children with speech and language difficulties, deaf children and children with health-related conditions.</p>	<p>NSPCC</p>	
<p>SEX</p>	<p>There is no strong gender pattern (gender assigned at birth) among children on the Child Protection register, of the 2,751 registered children in 2015, 50% were boys, 45% were girls and the remaining 5% were unborn children.</p> <p>Of the 15,239 children referred to the reporter in 2015/16, 55% were boys and 45% were girls. Referrals on care and protection grounds are almost evenly split, however boys represent some 77% of all referrals on offence grounds.</p>	<p>Scottish Government SCRA</p>	
<p>PREGNANCY AND MATERNITY</p>	<p>Teenage pregnancy rates in Scotland continue to fall, though it should be acknowledged that experiencing pregnancy at a young age is not a universally negative or unwanted life experience. In 2014, teenage pregnancy in the under 18 age group was 17.5 per 1,000 women. Within health boards, NHS Tayside records the highest rates of teenage pregnancy across age groups, with 5.8 women in the under 16 age group and 27.1 per 1,000 women in the under 18 age group.</p>	<p>NHS</p>	

	<p>Termination rates in the under 16 age group remain higher than the delivery rates and have done so since 2002. Though in the period 1994-2014, termination rates for the under 18 group remains lower than delivery rates, though the difference has progressively narrowed.</p> <p>There is a strong correlation between deprivation and teenage pregnancy. In the under 20 age group, a teenage female living in the most deprived areas is five times as likely to experience a pregnancy as someone living in the least deprived areas.</p>		
GENDER REASSIGNMENT	<p>The Young People’s Gender Service in Scotland, Sandyford, who offer a comprehensive gender identity service available to anyone who is concerned about their gender identity or expression of their gender, report increasing numbers of young people seeking the help of gender identity clinics in Scotland. Referral numbers are below. However, information about numbers of children and young people seeking gender reassignment are not held.</p> <p>2013: 34. 2014: 67. 2015: 187. 2016: 150 (as at 30/09/2016)</p>	Scottish Government	
SEXUAL ORIENTATION	<p>Scottish Surveys Core Questions 2014 showed 1.6% of people over 16 identified as “LGB and other”. Within that, 3.1% of 16-24 year olds identified.</p> <p>It should be noted that self-identified sexual orientation was introduced to Scottish government surveys to underpin the equality monitoring responsibilities of public sector organisations and to assess the disadvantage or relative discrimination experienced by the lesbian, gay and bisexual population. It is felt that the figures are likely to under-report the percentage of lesbian, gay or bisexual (LGB) people within society due to a number of reasons</p>	Scottish Government	

<p>RACE</p>	<p>At 31 July 2015, 75% of all children on children protection registers were reported as being from a 'White' ethnic group, with a further 6% being from 'Mixed or Multiple Ethnicity', 'Asian, Asian Scottish or Asian British', 'African, Caribbean or Black', or 'Other' ethnic groups.</p> <p>The 2011 census shows that for children aged between 0 and 17, 94% were from a 'White' ethnic group and 6% from a 'mixed or multiple ethnic group', 'Asian, Asian Scottish or Asian British', 'African', 'Caribbean or Black' and 'Other' ethnic groups. However, as 20% of all children on child protection registers were reported as having a 'Not Known' ethnic group it is impossible to extrapolate further meaning from the figures.</p>	<p>Scottish Government</p>	<p>Roshni deliver the SAFE Project, a community outreach and education programme for children and young people aged 6-16 which empowers minority young people to disclose abuse and increases awareness of mainstream support services, and the Protecting You, Protecting Children Service which helps organisations providing services to minority ethnic communities put effective governance and child protection procedures in place.</p>
<p>RELIGION OR BELIEF</p>	<p>As at 31 July 2014, the religion of 78% of children on child protection registers was unknown, 14% had no religion and 9% had a religion.</p> <p>Information on religion or belief has limited reliability owing to quality concerns, underreporting and misreporting. Children and young people from minority ethnic communities can have specific vulnerabilities associated with their culture which create barriers to disclosing or reporting abuse, for example, blackmail connected with shame and dishonour can be used to control victims. Cultural sensitivities can lead to an unwillingness to discuss or recognise abuse.</p>	<p>Scottish Government</p>	

<p>MARRIAGE AND CIVIL PARTNERSHIP (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 Characteristics document for details)</p>	N/A		
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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?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	Yes			The Programme has been designed, inter alia, to promote and disseminate improved practice responses from both children’s and universal services professionals to the adverse circumstances experienced by children and young people in relation to neglect. Further, the Programme seeks to improve the quality of the management information derived from extant data and evidence and the inspections process to improve learning and feedback within the system and to efficiently manage the allocation of resources in order that we achieve the most positive impacts and outcomes for children and young people in respect of the wellbeing indicators.
Advancing equality of opportunity	Yes			The Programme’s core objective is strategically aligned to the delivery of national performance indicators designed to promote equality of opportunity, diminish the effects of inequalities and progressively remove structural inequality from Scottish society.
Promoting good relations among and between different age groups			Yes	The Programme has a distinct focus on the promotion of child wellbeing and on the alignment of practice responses to meeting the individual needs children experiencing wellbeing and/or child protection concerns.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	Yes			<p>The Programme is predicated explicitly on embedding a culture of continuous improvement and on driving the dissemination of promising practice in relation to neglect (and by extension, abuse and harm). Scotland's vision for a child protection system is located within the GIRFEC national policy umbrella that seeks to promote the wellbeing needs of all children, including those living with a physiological or psychological disability, or learning impairment.</p> <p>Extensive improvement work will be delivered in the context of the neglect improvement pilot to identify how and where service delivery can be tailored to individual contexts. Rapid analysis of existing responses and neglect toolkits will include consideration of how specifically to address the neglect experienced by children living with disabilities as a result of their more complex needs.</p>
Advancing equality of opportunity	Yes			As above
Promoting good relations among and between disabled and non-disabled people			Yes	

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

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	Yes			<p>In the context of the Programme, consideration will consistently be given to the need to prioritise service responses that are tailored to the individual wellbeing needs of the children involved.</p> <p>In relation to the revision of existing legislation on child cruelty, attention has been paid to the potentially disproportionate impact of that legislation on mothers, as opposed to the fathers of neglected or abused children, particularly in the context of homes characterised by the experience of domestic abuse.</p> <p>Consideration will be given in the leadership and workforce development aspects of the programme to ensure that activities to promote empowerment of the workforce and the authoritative exercise of clinical judgement do not have adverse impacts in relation to sex or gender identity.</p>
Advancing equality of opportunity	Yes			As above.
Promoting good relations between men and women			Yes	

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	The aim of the Programme is to deliver consistently good service responses to children experiencing wellbeing needs/child protection concerns, irrespective of their pregnancy status.
Advancing equality of opportunity			Yes	
Promoting good relations			Yes	

Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	As above, the aim of the Programme is to deliver consistently good service responses to children experiencing wellbeing needs/child protection concerns, irrespective of their LGBTI status.
Advancing equality of opportunity			Yes	As above
Promoting good relations			Yes	

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

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	As above, the aim of the Programme is to deliver consistently good service responses to children and families, irrespective of the LGBTI status of either the child or young person, or their parent/carer.
Advancing equality of opportunity			Yes	As above
Promoting good relations			Yes	

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

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	Our aim is to promote equality of access to high quality support and services irrespective of race.
Advancing equality of opportunity			Yes	
Promoting good race relations			Yes	

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

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			Yes	The programme aims to promote the delivery of effective high quality support services irrespective of religion or belief. It is recognised that children and young people from minority ethnic communities can have specific vulnerabilities associated with their culture which create barriers to disclosing or reporting abuse, for example, blackmail connected with shame and dishonour can be used to control victims. Cultural sensitivities can lead to an

				unwillingness to discuss or recognise abuse, neglect and harm. The Programme will consider the interface between universal and children's services activity, including relevant thresholds for intervention in the context of neglect. Attention will be paid to how responses are driven by mechanisms for identifying the prevalence of neglect and professionals' assessments of children in need.
Advancing equality of opportunity			Yes	As above
Promoting good relations			Yes	

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

Marriage and Civil Partnership⁵	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination				N/A

⁵ 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

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Some positive impacts have potentially been identified for children and young people who belong to one or more protected groups as identified by the legislation. No direct or indirect unlawful discrimination has been identified within this impact assessment. Impacts of the programme on service delivery will be continuously monitored by the Programme management team and reviewed by the Programme's internal governance group. Appropriate action will be taken to eliminate any discriminatory impacts found.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ⁶ ?	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

No changes to the design of the Programme were considered necessary following the equality impact assessment as there is no evidence to suggest that there will be a negative impact on any individual, with a protected characteristic. However, we will continue to work with our internal and external Advisory Groups, delivery partners and key stakeholders to ensure that we collectively undertake full and on-going consideration of relevant equalities issues.

It is acknowledged that there are some groups of children and young people who are more vulnerable than others or whom face multiple sources of potential discrimination resulting from their LGBTI or disability status, ethnicity and religion or

⁶ See EQIA – Setting the Scene for further information on the legislation.

belief. It is further acknowledged that there are limitations in the available data concerning all groups of children exhibiting one or more protected characteristics.

Monitoring and Review

Monitoring of the Programme's milestones and deliverables is the responsibility of the Programme management team. These are documented in the Programme Initiation Document, which is periodically reviewed by the Internal Governance Group.

We know that child protection activity takes place in a complex landscape and that the risks to children's wellbeing are consistently evolving. We will continue to monitor developments taking place in other parts of the UK and elsewhere to ensure that we have a culture of continuous learning and development, informed by the latest research and observable improvements in child protection practice across the globe.

The Cabinet Secretary for Education and Skills and the Minister for Childcare and Early Years will receive regular updates on progress. The Programme's Internal Governance Group will continue to provide leadership challenge and monitor the evolving impacts of the Programme's improvement activity.

Stage 5 - Authorisation of EQIA

Please confirm that:

- This Equality Impact Assessment has informed the development of this policy:

▪ Yes No

- Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

• Yes No

- If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to

eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for The Child Protection Improvement Programme (CPIP) and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: Donald Henderson

Position: Deputy Director for Care and Protection

Authorisation date: 2 March 2017



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