



Consultation on the revised National Guidance for Child Protection in Scotland 2020

October 2020



Scottish Government
Riaghaltas na h-Alba
gov.scot

REPORTING CONCERNS ABOUT A CHILD'S SAFETY AND WELLBEING	3
1. CONSULTATION ARRANGEMENTS	4
2. INTRODUCTION	6
3. OVERVIEW	8
4. KEY AREAS OF CHANGE FROM THE 2014 GUIDANCE	9
ANNEX A: Consultation questions	10
ANNEX B: Respondent Information Form	13
ANNEX C: Steering Group Members	14
ANNEX D: Consultation List	15



Closes 17 January 2021
Opened 21 October 2020

REPORTING CONCERNS ABOUT A CHILD'S SAFETY AND WELLBEING

If you have concerns about a child's safety and wellbeing we would encourage you to contact the child's local authority and discuss your concerns. As you may be aware, child protection services are provided by each local authority. The contact details for the relevant local authority can be found online at <https://blogs.gov.scot/education/2020/05/14/contact-details-for-all-social-care-departments-in-scotland/>

If you are concerned that a child is at risk of harm, including abuse or neglect, we would urge you to contact the police by dialing **101** in the first instance or **999** if you think a child is in immediate danger. You don't need to be sure that a child or young person has been harmed - it's fine to report a suspicion.

If you require support and advice you may wish to consider calling the NSPCC helpline on **0808 800 5000** or visit the NSPCC website <https://learning.nspcc.org.uk/child-protection-system/scotland/> or Child Protection Scotland - <https://www.childprotection.scot/> for further information.

Additionally you may wish to contact Children 1st's confidential helpline Parentline on **08000 28 22 33** or website at <https://www.children1st.org.uk/what-we-do/how-we-help/parentline-scotland/>

Closes 17 January 2021
Opened 21 October 2020

1. CONSULTATION ARRANGEMENTS

Responding to this Consultation

We are inviting responses to this consultation by 17 January 2021.

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/ChildProtection> You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 17 January 2021.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and send to ChildProtectionConsultation@gov.scot

A full list of consultation questions is contained in Annex A of this document.

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

Handling your response

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 regard it as confidential, and we will treat it accordingly.

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.

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

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

Closes 17 January 2021
Opened 21 October 2020

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

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to ChildProtectionConsultation@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking 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, either online, by email or by post. 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

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.

Need assistance?

If you need support in answering this consultation or alternatively have a query about the consultation process, or a complaint about how this consultation has been conducted you can send your query by email to: ChildProtectionConsultation@gov.scot

Closes 17 January 2021
Opened 21 October 2020

2. INTRODUCTION

This consultation is seeking views on updated National Guidance for Child Protection in Scotland, which will replace the current National Guidance published in 2014.

The National Guidance describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. It sets out how agencies should work together with children, young people, parents, families and communities to protect children from abuse, neglect and exploitation.

The National Guidance should underpin local multi-agency child protection procedures, guidance and training and can inform pre-qualifying practice education. It should provide a source document to enable Child Protection Committees to develop local guidance for their partnership. Local guidance, aligned to the National Guidance, provides fuller detail on local processes and operational issues. The National Guidance is set within a broader range of materials, guidance and training which local areas should draw on to inform local practice and policy development.

The National Guidance is structured in sections that are intended to be standalone, to be accessible to practitioners who seek advice on particular aspects of practice, such that the relevant issues or themes can be accessed without the guidance having to be read in its entirety.

A range of practice notes will be accessible through links to more detailed content on a range of specific issues.

Consultation responses will be analysed alongside the feedback from online engagement sessions. Views will inform the final content of the revised National Guidance, which will be published in spring 2021, and child protection improvement work more generally. The final revised National Guidance will be published online. This will ensure accessibility and allow the National Guidance to be updated regularly to reflect legislative, policy and practice developments.

Background

The Child Protection Improvement Programme (CPIP), published in 2016, states that the National Guidance for Child Protection should be revised “to ensure it is consistent with the legislative and policy framework and current practice developments.”

This revision has involved consultation and collaboration with a wide range of partners to consider and reflect the range of legislative, policy and practice developments. It incorporates our understanding of best practice from various sources, including practitioner and stakeholder experience, inspections, research, and learning from Significant Case Reviews (SCRs). [The Joint Strategic Inspection of Services for Children and Young People: Review of Findings from the Inspection Programme 2012-2017](#) has also provided evidence about areas of progress and areas for improvement. The revised National Guidance for Child Protection is integral to the rights-based Getting it right for every child (GIRFEC) approach; and the GIRFEC National Practice Model is integrated within the revised National Guidance. The safety and wellbeing of children are inseparably connected.

The revised guidance also integrates the (previously separate) guidance for health professionals – the ‘Pink Book’ – and more clearly defines the role, function and contribution of health practitioners and designated services to child protection processes. This is intended to underline the multi-agency nature of child protection. Parallel work is also underway to develop an accountability framework for Health Boards to support NHS Chief Executives in assuring themselves of the adequacy of their child and adult protection arrangements.

Closes 17 January 2021
Opened 21 October 2020

Meaning of ‘child’. Within the National Guidance, the term ‘child’ is taken to mean a child or young person up to 18 years of age. In general terms, while respecting the implications of different legal definitions of a ‘child’, the National Guidance considers the protection of unborn babies and of children under the age of 18 years, as explained in detail in Part 1.

The broad objectives of this revision are to:

- Ensure children’s rights and voices are central to child protection.
- Underline the need to engage with families to offer support and reduce risk of harm.
- Support consistency in understanding about key processes when agencies must work together to prevent and respond to significant harm.
- Integrate essential changes in legislation and national guidance.
- Reference key developments and sources in relation to policy, research and practice.

The intended outcomes of this revision are to:

- Support a reduction in the incidence of significant harm to children and of child death in Scotland.
- Improve professional inter-agency practice, supervision, management, training and development.
- Promote a shared, rights-based inter-agency ethos and philosophy of care and protection, as experienced by children, families and communities.

Direction and leadership: This revision has been co-ordinated and reviewed through a National Guidance Steering Group (see Annex B). This group was formed at the start of this process to oversee each step of the redraft. The membership of this group is drawn from key stakeholders organisations and other key interests. This Steering Group reports to the [National Child Protection Leadership Group](#).

Timing: The timing of this revision follows the publication of the Independent Care Review, which provided in depth evidence about the need for tonal as well as systemic shift in preventative support and protective action. This is in line with our national commitment to Getting it right for every child, and to uphold and incorporate the UN Convention on the Rights of the Child (UNCRC) into Scots law.

The consultation had been planned to commence in April 2020, but was postponed because of the significant additional pressures on organisations and services due to the impact of COVID-19.

Over the last few months, services have had to adjust practice rapidly to reflect public health imperatives. While many children and families have adapted with extraordinary resilience and strength, some child protection concerns have been heightened during and after lockdown. In the interim, the Scottish Government published COVID-19 Supplementary Child Protection Guidance. The learning from the pandemic may inform adapted practice which could be sustained beyond 2020. (See question 12).

Engagement with Children, Young People and Families regarding the guidance is taking place through some established groups, involving those who are likely to have experienced child protection processes. Children and young people will also be engaged in the development of a signposting document, setting out what the guidance means for them.

The Practice Notes will highlight the experience of child protection activity for children and young people.

3. OVERVIEW

The **structure** of the 2014 National Guidance has been retained to assist ease of understanding, building on the familiar headings:

- **Introduction**
- **Part 1: principles, definitions and overarching legal framework** – setting out the definitions, key principles, standards and legislative framework that underpin the approach to keeping children safe and promoting their welfare and defines harm and significant harm in the context of child protection.
- **Part 2: roles and responsibilities in child protection** – outlining inter-agency and single agency child protection roles and responsibilities.
- **Part 2b: approach to assessment** – setting out essential considerations in multi-agency child protection assessment. It is not intended to be an assessment framework.
- **Part 3: identifying and responding to child protection concerns** – covering key child protection processes including the consideration, assessment, planning and action required when there are concerns that a child may be at risk of harm caused by abuse and neglect.
- **Part 4: specific areas of concern** – providing guidance on specific forms of abuse and neglect, concerns and circumstances and signposts further resources.
- **Appendices** – references and sources, including a summary of UNCRC articles, key contacts for the Defence Community and a list of legislation. The appendices also include a link to a range of practice notes which will aim to illustrate key processes or concepts.

4. KEY AREAS OF CHANGE FROM THE 2014 GUIDANCE

The key areas of change in this revision are as follows:

- **Changes to core requirements** including, for example, new guidance on information sharing; integration of child protection guidance for health professionals; detail on essential processes such as inter-agency referral discussions; and a focus throughout on children's rights.
- **Tonal changes** including a focus on engagement and collaboration with families, on building resilience, strengthening relationships and ensuring a learning culture in workforce supervision, training and development.
- **Standards and principles** are augmented with, for example, new guidance on assessment, interviewing, and planning; trauma informed practice; chronologies, timescales and complex investigations. General principles also underpin the consideration and conduct of investigative activities in relation to children who may be harmed and those who may cause harm to others.
- **Revision and supplement** occurs in a completely revised and extended Part 4 which outlines intersecting, dominant and emerging areas of concern. This section considers neglect, abuse and exploitation and the environmental, chronological and institutional context of concerns. In addition, consideration is given to the impact of poverty and ill health; risk of harm in transitional phases; and response in public emergencies.
- **Research, policy and guidance** references and links are provided in the extended appendix and these are organised so that each part and subsection of the Guidance has associated resources. Practice notes will sit separately, offering perspectives on the application of concepts, principles and processes outlined in the core text.

Closes 17 January 2021
Opened 21 October 2020

ANNEX A

Consultation questions

Q1: Advice and Accessibility – This guidance seeks to provide advice to local partnerships and agencies to inform the development of local guidance, and has been structured in sections that are intended to be standalone and accessible to practitioners seeking advice on particular aspects of practice.

a) In your view, does the guidance fulfil these objectives?

Yes, To Some Extent, No, Don't Know

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

Q2: Legislative and Policy Development – This revised guidance seeks to reflect legislative and policy developments since 2014 and include relevant learning from practice and research.

a) Are you aware of any additional legislative or policy developments, research or practice that should be included?

Yes, To Some Extent, No, Don't Know

b) If so please provide further details.

Q3: GIRFEC Practice Model – Our aim is to ensure that the guidance is fully integrated with the language and core components of the Getting it right for every child (GIRFEC) practice model.

a) Do you think the revised National Guidance for child protection is integrated with the GIRFEC practice model?

Yes, To Some Extent, No, Don't Know

b) Please explain your answer.

Q4: Practices and Processes – Part 3 seeks to accurately and proportionately describe the practice and processes critical in the protection of children.

a) Are there any practices or processes that are not fully or clearly described in the guidance?

Yes, To Some Extent, No, Don't Know

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

Closes 17 January 2021
Opened 21 October 2020

Q5: Assessment Section – A new section of this National Guidance (Assessment part 2b) provides advice about child protection assessment practice.

a) Is this section sufficiently clear and does it cover all of the aspects you would expect?

Yes, To Some Extent, No, Don't Know

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

Q6: Description of child protection processes and procedure – This National Guidance covers the consideration, assessment, planning and actions that are required, when there are concerns that a child may be at risk of harm. It also provides direction where child protection procedures are initiated. This is when Police, Social Work or Health determine that a child may have been abused or may be at risk of significant harm and an Inter-agency Referral Discussion (IRD) will take place.

a) Are the processes and procedures that lead to and follow IRD clearly described within the Guidance?

Yes, To Some Extent, No, Don't Know

b) Please provide additional comments.

Q7: Integration of health guidance – We have integrated previously separate guidance for health practitioners into the revised guidance and more clearly defined the key role of health in protecting children at risk of harm from abuse or neglect.

Do you have any comments on specific aspects for health practitioners?

Q8: Neglect – The draft National Guidance defines 'neglect' as child abuse, where it:

“Consists in persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. There can also be single instances of neglectful behaviour that cause significant harm. Neglect can arise in the context of systemic stresses such as poverty and is an indicator of support needs.”

a) Do you agree with this definition?

Yes, To Some Extent, No, Don't Know

b) Please provide additional comments.

Q9: Neglect – Recognising that it is a complex area we also include some discussion about whether neglect should be defined as abuse where it is “a consequence of systemic stresses such as poverty.”

a) Do you agree with this approach?

Yes, To Some Extent, No, Don't Know

b) Please provide additional comments.

Closes 17 January 2021
Opened 21 October 2020

Q10: Pre-birth assessment and support – Part 4 of the National Guidance sets out the context in which action is required to keep an unborn baby safe. Part 3 sets out the processes for this.

a) Do these parts of the guidance clearly and fully set out the context and processes?

Yes, To Some Extent, No, Don't Know

b) If answering To Some Extent or No, please detail why.

Q11: Specific areas of concern (Part 4)

a) Do all sections of Part 4 of the National Guidance address the specific areas of concern appropriately?

Yes, To Some Extent, No, Don't Know

b) Please let us know any sections you do not think address the specific area of concern appropriately and suggest how these could be improved.

Q12: Implementation – The Scottish Government considers that Chief Officer Groups and local Child Protection Committees, supported by Child Protection Committees Scotland, the Scottish Government and a range of other partners, are the key fora for implementation of this Guidance.

a) Do you agree or disagree?

Strongly Agree, Agree, Disagree, Strongly Disagree, Don't Know

b) Please explain your answer.

Q13: COVID-19 – During the COVID-19 pandemic, it has been necessary to adapt practice to ensure continuity of child protection processes. Learning from the pandemic and examples of best practice will be incorporated into the National Guidance.

a) Are there adapted processes that you would like to see continued?

Yes, To Some Extent, No, Don't Know

b) Please provide further information

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

Closes 17 January 2021
Opened 21 October 2020

ANNEX B



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://beta.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

Closes 17 January 2021
Opened 21 October 2020

ANNEX C

STEERING GROUP MEMBERS

Professor Brigid Daniel	Emeritus Professor, Queen Margaret University (Chair from 1 October 2020)
Bill Alexander	Associate, Children in Scotland (Chair until 30 September 2020)
Lorna Aitken	Senior Education Officer, Education Scotland
DCS Lesley Boal	Detective Chief Superintendent, Police Scotland (member until February 2020)
Marianne Cochrane	Consultant Paediatrician, Lead for Child Protection and Adoption and Fostering, NHS Grampian
James Cox	Professional Social Work Advisor, Scottish Government
Euan Currie	Child Protection Committee Lead Officer
Nicola Dickie	Chief Officer – Children and Young People, COSLA (member until March 2020)
Eddie Folan	Chief Officer – Children and Young People, COSLA (member from March 2020)
Jennifer King	Education Manager, Chair of ADES Network
Melissa Hunt	Policy Manager, Scottish Children’s Reporter Administration
Andy Jeffries	Senior Manager, Children’s Practice Teams, City of Edinburgh Council
Lindsay MacDougall	Acting Head of Child Protection, Scottish Government
Mairi Macpherson	Deputy Director, Creating Positive Futures, Scottish Government
DCS Samantha McCluskey	Detective Chief Superintendent, Police Scotland (member from February 2020)
Neil McKenzie	Professional Advisor, Child Protection Unit, Scottish Government (member from October 2020)
Aileen Nicol	Head of Improving Protection and Permanence, CELCIS
Kevin Mitchell	Executive Director of Scrutiny and Assurance, Care Inspectorate
Wendy Mitchell	Professional Advisor, Nursing and Midwifery Policy Unit, Scottish Government
Jacquie Pepper	Chief Social Work Officer, Perth and Kinross Council
Kate Rocks	Head of Public Protection/Chief Social Work Officer, East Renfrewshire
Maureen Scott	Associate Chief Nurse, NHS Greater Glasgow and Clyde
Alan Small	Chair Child Protection Committee Scotland and Independent Chair Fife Child Protection Committee
Meg Thomas	Head of Programme Design and Policy, Includem. Representing CCPS
Deborah Wicksted	Professional Advisor, Child Protection Unit, Scottish Government (member until September 2020)

Closes 17 January 2021
Opened 21 October 2020

ANNEX D

CONSULTATION LIST

Child Protection

Centre for Excellence for Children's Care and Protection (CELCIS)
Child Protection Committees Scotland
National Child Protection Guidance Steering Group
National Child Protection Leadership Group

Public Protection

Adult Protection Committees
Alcohol and Drugs Partnerships
Drug Recovery Commission
Drug Recovery Consortium
Partnership Drugs Initiative

Justice

Age of Criminal Responsibility Advisory Group
Association of Chief Police Officers in Scotland (ACPOS)
Association of Scottish Police Superintendents (ASPS)
Centre for Youth and Criminal Justice (CYCJ)
Chief Constable of Police Scotland
Children's Hearings Improvement Partnership (CHIP)
Children's Hearings Scotland
Clan Child Law
Crown Office and Procurator Fiscal Service (COPFS)
Faculty of Advocates
Law Society of Scotland
Our Hearings Our Voice
SACRO
Scottish Legal Aid Board
Scottish Police Federation (SPF)
Scottish Child Law Centre
Scottish Children's Reporter Administration (SCRA)
Youth Justice Improvement Board

Closes 17 January 2021
Opened 21 October 2020

Local Government

British Association of Social Workers (BASW)
Chief Executives of Local Authorities
Chief Social Work Officers
COSLA
Scottish Association of Social Workers
Scottish Social Services Council (SSSC)
Social Work Scotland
SOLACE
SOLAR

Health

Chief Executives of NHS Health Boards
Child Health Commissioners
Directors of Public Health
NHS Board Lead Clinicians
Public Health Scotland
NHS Board Directors of Public Health
NHS Scotland Police Care Network
Royal College of General Practitioners (RCGP) Scotland
Royal College of Midwifery
Royal College of Nursing
Royal College for Paediatrics and Child Health (RCPCH) Scotland

Education

ADES
Association of Directors of Education in Scotland
Education Scotland
Her Majesty's Inspectorate of Education
Local Authority Directors of Education
Scottish Council of Independent Schools (SCIS)
The Boarding Schools Association (BSA)

Closes 17 January 2021
Opened 21 October 2020

Third Sector

Aberlour
Action for Children
Action on Hearing Loss
Adoption and Fostering Alliance Scotland
Adoption UK Scotland
AdvoCard
Alcohol Focus Scotland
Alliance Scotland
Article 12
ASSIST
Association for Real Change (ARC Scotland)
Barnardos
British Association for Adoption and Fostering
British Deaf Association Scotland
CAPS Independent Advocacy
Central Advocacy Partners
CHAS
Children 1st
ChildLine Scotland
Children in Scotland
Coalition of Care and Support Providers in Scotland (CCPS)
CORRA
Craighalbert Centre
Cyrenians Scotland
Deaf Action
Disability Agenda Scotland
Disability Equality Scotland
Disability Information Scotland
ENABLE Scotland
Engender
Epilepsy Scotland
Family Rights Group
Families Outside
Fathers Network Scotland
Glasgow Disability Alliance

Closes 17 January 2021
Opened 21 October 2020

Home Start Scotland
Inclusion Scotland
Includem
Independent Living in Scotland
Interfaith Scotland
IRISS
Just Right Scotland
Kibble
Lead Scotland
Learning Network West
LGBT Youth Scotland
Lothian Centre for Inclusive Living
National Deaf Children's Society
National Kinship Care Advice Centre
NSPCC
One Parent Families Scotland
PAMIS
Parents Advocacy and Rights
Parent Network Scotland
Parenting Across Scotland
Partners in Advocacy
People First Scotland
Quarriers
Rape Crisis Scotland
Rock Trust
Rossie Trust
Safe Families for Children Scotland
Self Directed Support Scotland
Sense Scotland
Scottish Commission for Learning Disability (SCLD)
Scottish Council for Voluntary Organisations (SCVO)
Scottish Funding Council
Scottish Independent Advocacy Alliance
Scottish Independent Living Coalition (SILC)
Scottish Kinship Care Alliance
Scottish Kindship Care Forum

Closes 17 January 2021
Opened 21 October 2020

Scottish Refugee Council
Scottish Throughcare and Aftercare Forum
Scottish Women's Aid
Scottish Women's Rights Centre
Scottish Young Carers Services Alliance (SYCSA)
Shared Parenting Scotland
Stand Up for Siblings
Stop it Now Scotland
Support in Mind
SWGfL
The Fostering Network Scotland
Third Sector Interfaces
Together: Alliance for Children's Rights
Victim Support Scotland
VOX Scotland
Whizz Kidz
Who Cares? Scotland
YMCA Scotland
Young Scot
Youthlink
Zero Tolerance

General

Care Inspectorate
Disabled Children and Young People Advisory Group
Disabled Children Child Protection Network
Domestic Abuse (and Sexual Abuse) Forums
Healthcare Improvement Scotland
HMICS
Scottish Children's Parliament
Scotland's Commissioner for Children and Young People
Scottish Sports Association
Scottish Youth Parliament
The Promise
VAW Network

Closes 17 January 2021
Opened 21 October 2020

Universities

Napier University

The Open University

University of Bedfordshire

University of Bristol

University of Dundee

University of Edinburgh

University of Hertfordshire

University of Stirling

University of Strathclyde

Universities Scotland



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