



# **National Guidance** for Child Protection in Scotland 2021: Supporting Narrative



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

## Introduction

The National Guidance for Child Protection in Scotland 2021 describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It sets out how agencies should work together with children and young people, families, carers and communities to protect children and young people from abuse, neglect and exploitation and replaces the 2014 National Guidance.

This overarching national Guidance is a resource that provides advice to local partnerships and agencies to inform the development of local multi-agency child protection procedures, processes and training. It also informs pre- and post-qualifying training and education for all key professions and volunteers. The Guidance is set within a broader range of materials, guidance and training which local areas draw on to inform local practice and policy development.

The Guidance has been revised to ensure consistency with the legislative and policy framework and current practice developments. It incorporates our understanding of best practice from various sources, including practitioner and stakeholder experience, inspections, research, and learning from child protection cases.

‘Child’ is defined as a child or young person up to 18 years of age in line with the United Nations Convention on the Rights of the Child (UNCRC) definition. In general terms, while respecting the implications of different legal definitions of a ‘child’, the Guidance considers the protection of unborn babies and of children under the age of 18 years.

The broad objectives of this revision are to:

- ensure children’s rights and voices are central to child protection
- underline the critical 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 to reduce unwarranted variation
- integrate essential changes in legislation and national guidance
- reference key policy, research and practice developments and sources

The intended outcomes of this revision are to:

- support a reduction in the incidence of significant harm and child death in Scotland
- improve professional inter-agency practice, supervision, management, training and development
- promote a shared, rights-based inter-agency ethos of care and protection, as experienced by children, families and communities
- support a context in which children and young people receive a more consistent approach to care and protection

The Guidance is part of a wider child protection improvement programme and provides an opportunity to reinforce that the protection of children and support for their wellbeing starts from the earliest stages of community-based family support and should be incorporated into broader, community planning frameworks.

## Context and key changes

This revision has been undertaken in a period of extraordinary challenge and inspiration as:

- we prepare for incorporation of the UN Convention on the Rights of the Child (UNCRC) into Scots law
- we learn and rebuild from the coronavirus (COVID-19) pandemic
- we fully recognise the influence of structural factors, including poverty and housing on assessments of rights, needs and risk
- our leadership and strategic goals are given new focus through our commitment to implementing the UNCRC and fulfilling the ambition and aspirations of The Promise

The UNCRC requires a clear unified approach to protecting children from all forms of abuse, neglect, exploitation and violence and supporting parents, families and carers. Scotland's approach to supporting and protecting children is consistent with this principle: being increasingly rooted in accessible and responsive universal services and a holistic, proportionate approach to statutory intervention which acknowledges that the creative expertise of the third sector will often be key to reducing risk without stigmatising families.

This approach depends on a culture and ethos which recognises that whilst there are specific responsibilities associated with certain professional roles, everyone has a job in making sure children 'are alright'. The number and diversity of respondents to the public consultation on this Guidance is a welcome sign that children's wellbeing, safety and protection is increasingly seen as everyone's responsibility.

One of the key changes in the 2021 Guidance is to reflect the greater integration of child protection within the Getting it right for every child (GIRFEC) continuum and use GIRFEC language and core components to frame identification and proportionate responses to child protection concerns within the National Practice Model.

The Guidance outlines the continuum of support for all children, from universal support through to protection from significant harm, underlining that the wellbeing and safety of children are indivisibly connected. There is a clear articulation of the importance of GIRFEC to protecting children, particularly in recognising that all children must receive the right help at the right time.

Whilst the Guidance is aligned with the current context in which practitioners are working, it is also consistent with the ambitions of The Promise and anticipates and prepares for the changes in the years ahead. This includes a greater emphasis on ensuring that a child's views are taken into account in all decision-making that affects them, and supporting practice that recognises and builds on strengths as well as addressing risk, working in partnership with families and communities. This is a necessary shift in practice that supports the least intrusive and most supportive levels of intervention at all stages.

The Guidance also sets out the relationship between GIRFEC and contextual safeguarding, illustrating that these approaches are not distinct, but are in fact mutually supportive, situating a child within their wider world.

Poverty is a mediating factor – amongst others – that increases the risk of interaction with the care and protection system. Evidence shows that there is a clear trend in the rates of children subject to formal child welfare interventions (such as child protection registration, criminal or children’s hearings proceedings, or becoming looked after) with children in the most deprived 10% of neighbourhoods being 20 times more likely to be subject to these interventions than those living in the least deprived (Bywaters et al., 2017). The Independent Care Review consistently heard that financial and housing support were some of the greatest concerns of children and families.

The Guidance places a stronger emphasis on the range of issues that impact on the wellbeing and safety of children. It underlines the importance of assessing the impact of all structural factors including poverty and poor housing as part of all care and protection planning. The intention is to further support more holistic approaches that reduce stressors in families and communities to help reduce the risk of harm to children.

The key role of the education workforce in protecting children is affirmed and strengthened by the inclusion of education staff in all references to multi-agency arrangements. The Guidance also underlines the responsibilities of adult services to consider the needs of children and their parents where vulnerability and protection needs are identified.

The previously separate guidance for health professionals – the ‘Pink Book’ – has been integrated and more clearly defines the role, function and contribution of health practitioners and designated services to child protection processes. This integration underlines the multi-agency nature of child protection.

The process of revising the Guidance involved extensive engagement with stakeholder groups and individuals prior to, during, and after the consultation, to ensure that it takes full account of developments and new thinking.

Best practice in engaging with children, young people and families has been captured and principles embedded throughout. The views of children, young people and families have been gathered and incorporated in a range of ways. Development of the Guidance has involved consultation with a range of organisations that support children, young people and families. The Promise has been carefully considered and reflected. Experiences and views have been gathered through practitioners and through direct engagement with children, young people and families. Views have been incorporated into the Guidance itself and have informed the development of the series of practice insights, published alongside the Guidance, ensuring a central focus on the child’s voice and perspective. Specific practice insights on sharing a child’s protection plan with a child and participation and engagement have also been created. A Children’s Rights and Wellbeing Impact Assessment has been published and will be reviewed and updated as the Guidance is implemented.

The [consultation analysis report and Scottish Government response to the consultation](#) provide further details of the development process. Views have informed and shaped the final version and many suggestions will inform the development of local procedures and processes and the delivery of wider strategic developments.

A review of our approach to learning from child protection cases has also been undertaken and new [National Guidance for Child Protection Committees Undertaking Learning Reviews](#) is linked from and published alongside this Guidance. This replaces guidance on conducting Significant Case Reviews published in 2015.

## Status of the guidance and degree of local variability

This Guidance is non-statutory. We have been asked to clarify our expectation in relation to the alignment between national and local guidance and the degree of variability in how local areas engage and use this resource.

All children must have their rights to support, protection and recovery from trauma upheld, and should be able to expect a consistent standard of public service irrespective of where they live.

Our intention is to support greater consistency in what children and families can expect in terms of support and protection in all parts of Scotland through the implementation of this Guidance. However, we recognise that local structures and protocols must be attuned to local conditions and demands. This may necessitate some flexibility in how the Guidance is implemented locally, to take account of this context and need.

While a degree of local variability may be seen across the country, there should be a clear articulation between local and national guidance; with an expectation that all public bodies in local areas will be able to describe the rationale for any divergent arrangements or practice within the context of their Children's Services and Corporate Parenting Plans. Public bodies will be expected to be able to set out how their practices remain consistent with the national Guidance to avoid unwarranted variation and ensure compatibility with their human rights obligations.

## Coherence with other strategic developments

Part 1 of the Guidance provides further clarity about the non-statutory status of GIRFEC including where local areas have health or education professionals in a named person role. While there has been strong support for placing child protection within the GIRFEC continuum, our engagement has highlighted a lack of clarity about named person and the status of the national work being undertaken to refresh GIRFEC policy since the Supreme Court decision on information sharing in 2016.

Following a break due to COVID-19, work on the co-production of refreshed GIRFEC policy, statutory and practice guidance has restarted and will be published later this year. This will reflect the role of GIRFEC in keeping The Promise, incorporating UNCRC and learning from the pandemic. The materials will include an Information Sharing Charter and practice guidance to provide clarity to organisations on the appropriate circumstances and considerations regarding sharing information with partners.

The Guidance frames child protection within the context of the wider strategic landscape and its development has highlighted challenges and pre-existing tensions in ensuring that sufficient resource is available to prioritise holistic support for all families and that a stronger emphasis on prevention and early help does not draw families unnecessarily into child protection processes.

We have focused efforts over recent years on taking a whole system approach and working collaboratively to design and deliver public services that are responsive to the needs of children and families and focused on prevention and early offers of support. When GIRFEC is put into practice fully, we know it works well and makes a positive difference. However, we know that there are barriers to its delivery, and that we need to focus on closing the implementation gap. The Promise highlights a significant gap between our aspirations and reality and identifies the need for a fundamental shift in how decisions are made about children and families in Scotland.

With so much change ahead, we need to ensure we proceed with strategic coherence, within Scottish Government as well as with our partners at national and local levels, including the important role of Children's Services Planning Partnerships. The development of a Wellbeing Outcomes Framework for Children and Families will have a part to play in providing that coherence. There is a strong appetite to innovate, using learning from the ways that services have adapted during the pandemic.

We are making progress but we have more to do.

Supported by the Children and Families Collective Leadership Group, the COVID-19 Education Recovery Group and the National Child Protection Leadership Group, work is underway within Scottish Government to identify, align and combine data collection, workforce development, training and investment requirements across the range of connected areas to support local whole system change. Support for implementation of this Guidance is being considered as part of this wider work.

## Next steps

Following publication, local areas will begin the work of considering how to adapt and change local processes, procedures and practice and then subsequently implement those adaptations and changes. There is variation across the country in the scale of change required as well as the areas where focused activity will be required.

Strong leadership is needed to model the values underpinning this Guidance and drive forward the expectations of single- and multi-agency responses to children and their families. Strategic scrutiny activity underlines the criticality of well-functioning Chief Officer Groups and Child Protection Committees in leading effective child protection responses. But there are current leadership challenges in some areas, notably, the complexity of local arrangements and the level of staff changes in key leadership positions.

We have established a small implementation steering group to undertake detailed implementation planning as local areas engage with the Guidance and a fuller picture of support needs for practitioners, managers and leaders emerges. This group will consider the appropriate balance between national supports where common needs are identified and developments that are taken forward at local or regional level through adaptation or augmentation of existing structures or programmes. Consideration of local resourcing requirements will be an early focus for this group.

In line with the emphasis in the Guidance on involving children, young people and families in the design and understanding of their own care and protection experiences, we will co-produce a 'Guide to the Guidance' document that is accessible for children, young people and families and explains the key aspects of protective responses as an early implementation action.

Work is also underway to develop an accountability framework for health boards, which will support NHS Chief Executives in assuring themselves with regard to their individual agency responsibilities for child and adult protection together with potential for enhancing shared multi-agency governance. In addition, NHS Education for Scotland has also been commissioned to develop and provide public protection training for healthcare practitioners. Currently, boards are required to develop and deliver public protection training for their staff and a national approach would seek to alleviate demand on board resource together with improving accessibility to learning and consistency in practice across Scotland.

The work and time required to consider and adapt local practice was highlighted by participants at consultation engagement events. Given current COVID-19 recovery planning and in recognition that local areas are at different stages of development we anticipate that a period of one-to-two years will be needed for local areas to assess, plan and implement the required changes.

We will work with partners to review and update the Guidance when required by significant legislative, policy or practice changes on an annual basis, with a broader review every three years to ensure it remains relevant and up to date. This will include a review of compatibility with the UNCRC as part of the implementation of the Incorporation Bill.

## Conclusion

Our ambition and aspiration is that all children and young people grow up loved, safe and respected. This requires a consistent approach to care and protection. This Guidance is not an end point but an important step in realising this goal.



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2021

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Published by The Scottish Government, September 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS904446 (09/21)

W W W . g o v . s c o t