

Scottish Women's Convention response to:

The Scottish Government:

Consultation on the revised National Guidance for Child Protection in Scotland

January 2021

Introduction

The aim of the consultation is to seek views on the tone, level of detail and approach in the revised guidance, in particular in relation to the description of new or significant aspects, and whether there are any omissions or aspects that have not been adequately addressed.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

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. In your view, does the guidance fulfil these objectives?

Yes. The Guidance as laid out within this particular format gives a clear and comprehensive overview. Whilst the document is lengthy in terms of scope, this is necessary in order to fully cover the range of measures and advice available to local partnerships and agencies with regards to their own functions and roles. Given the importance of ensuring the most thorough knowledge of legislation and policy, it is paramount that this is laid out clearly and concisely. We would further this, however, by making provision for the Guidance to also be physically available for women who may not have internet access. In these instances, relevant subject areas could be produced in the form of small briefing papers.

It is also seen as helpful that the Guidance is structured into particular sections that are standalone in order to allow stakeholders to quickly identify the relevant topics and advice they need. This allows for a framework which partners can build on that can be informed by a host of individualised local and regional factors as well as individual circumstances depending on the child/young person's situation. This is particularly crucial in ensuring for the inclusion of lived experiences and an emphasis on individuals being made aware at all times of their rights.

This revised guidance seeks to reflect legislative and policy developments since 2014 and include relevant learning from practice and research. Are you aware of any additional legislative or policy developments, research or practice that should be included?

No. All the relevant legislative and policy developments have been reflected in the guidance. This also allows for the inclusion of Equally Safe and UNCRC Guidance which strives for equality and to uphold the rights of the child.

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

Yes. Women on the whole agree that the revisions within the Guidance more suitably align with the GIRFEC practice model, particularly where new amendments to standards and principles contain revisions concerning assessment and best practice. It is imperative that the following remains clearly emphasised within any final draft:

- The role of the GIRFEC model in relation to child protection.
- The duties placed on stakeholders in terms of the core components of the GIRFEC model.

Allowing for the child to be at the centre of the guidance, with their own thoughts sought is also in line with the UNCRC, with the 8 well-being indicators threaded throughout the Guidance. Using this practice can help services identify protection issues earlier as they see patterns emerging and concerns being raised. It would be useful going forward to include how GIRFEC has progressed since it was first introduced and the standards it has set. We would also include relevant legislation and a standalone section for the GIRFEC policy model to underline the emphasis that the Scottish Government and other public bodies place on this framework.

Practices and Processes – Part 3 seeks to accurately and proportionately describe the practice and processes critical in the protection of children. Are there any practices or processes that are not fully or clearly described in the guidance?

Summarising Practices and Processes within the one section is beneficial in that it can fully illustrate the interlinkage between different policy platforms. This should underscore training and pre-qualifying education as a way that uses a joined-up approach from the outset to ensure practitioners are fully briefed and knowledgeable of the appropriate processes.

Assessment Section – A new section of this National Guidance (Assessment part 2b) provides advice about child protection assessment practice. Is this section sufficiently clear and does it cover all of the aspects you would expect?

Yes. This section of the National Guidance is clear with regards to the advice about child protection assessment practice. Presenting the Assessment Section in an easy to read, accessible format including a colour coded design, infographics and quick flow charts helps the reader distinguish between processes and statutory options clearly. We would ask that this part, in particular, is reproduced in physical guides for those with no internet access to ensure they are fully aware of their rights and the relevant procedures.

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

Yes. There is an adequate amount of guidance regarding the processes and procedures for an IRD to take place. It gives clear instruction about who should be involved and who should be leading on this. It also gives examples and guidance that keeps the child at the heart of the process, ensuring views and feelings of the child are considered when deciding if they are at risk.

Much of the procedures as set out here underscores the need for sensitivity when approaching these matters. In keeping with this, it is hoped that national training will be provided on a refreshed basis to keep all relevant stakeholders up to date with such procedures. Going forward, it would also be beneficial to expand on this by referring to the needs of the mother where such an order has been invoked. This should involve the inclusion of a strong focus on women's real lived experiences and any issues they themselves may be facing, such as domestic abuse or threats to their own health and wellbeing.

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?

Women are on the whole in agreement that any and all guidance relevant to the protection of children should be fully accessible in the one place as has been done with the integration of health guidance. This is effective in going forth to ensure inter-agency collaboration alongside health practitioners who play a pivotal role in the protection of children, often as the first individuals to spot signs of abuse or neglect.

This could be further expanded to also emphasise external factors being taken into account on the part of health practitioners. For instance, where mothers are experiencing domestic abuse or coercive control. Training should be made available to account for these situations. This may also allow for interventions to happen quicker and stop abuse or neglect occurring. Ensuring that Equally Safe protocols are aligned with this Guidance will ensure that health practitioners are aware of violence towards women and girls and look for signs that they may not have noted before.

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.” Do you agree with this definition?

Whilst women tend to agree with this definition, further comments also included:

- It is advantageous that poverty and systemic stresses have been selected for inclusion, as this infers that in some instances where poverty is a factor, neglect is out of the parent’s control.
- If a parent is experiencing difficulties due to their own abuse, they may not have the ability to nurture and ensure the child’s development is as it should be if they cannot ensure their own.
- There should be a recognition of harm and neglect as being intentional and non-intentional when thinking of child protection procedures.

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.” Do you agree with this approach?

As noted above, systemic stresses such as poverty are not always in the hands of the family or parent who is seen to be neglecting the child. This should inform part of a wider conversation in Scotland regarding the effects of poverty and inequality and how we eradicate these issues. Ensuring gender mainstreaming is a part of these processes when looking at this complex area is also crucial. For instance, to understand the effects of domestic abuse, multiple caring responsibilities, or the effect of poverty on single parents, the majority of whom are mothers.

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

The national guidance sets out the context in what action is needed to keep an unborn baby safe to fully emphasise that they can suffer abuse or neglect. However, it is also essential that this recognises abuse or neglect which may be experienced by the mother herself. For instance, if domestic abuse is a factor, it is imperative that the language which is used around this individual is not judgemental or blaming. Understanding the mechanisms of domestic abuse is important when handling cases like this and we would urge adequate training for all practitioners regarding this subject.

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

It is to be commended that the Guidance outlines all services which have a clear role to play. This could be followed up by public information and sharing of best practice which details how these specific areas of concern are being addressed on the ground. Women have continuously vocalised to the SWC that all information related to areas of concern should be available to women from day one. It should also note:

- The inclusion of the need for joined up approaches at local, regional and national levels.

- Designing services in coordination with individuals with lived experiences in a way that recognises intersectional discrimination.
- Appropriate guidance and best practice as to the implementation of such statutory duties and policy procedures where this has been updated or refreshed.

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 for implementation of this Guidance. Do you agree or disagree?

Agree. It is essential that this contains real lived experience from relevant stakeholders, including a commitment to account for intersectional characteristics, children themselves and other kinship carers, such as grandparents. This is crucial to identify extenuating factors which may hinder the effective carrying out of the Guidance in practice and which may not be apparent at the current time. Ensuring consideration of these groups with reference to child protection procedures may also be beneficial in that it continues to formulate a human rights-based approach and an open dialogue with stakeholders who may feel they are not regularly consulted at present.

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

Women have continued to voice concern to the SWC regarding the effect of the pandemic and subsequent lockdown on children's safety and rights. This includes the withdrawal of certain services for safety reasons and a deepening of already pervasive child poverty. It is imperative that the pandemic's long-term impact is kept under constant review due to these implications and solutions found.

Conclusion

The SWC is grateful for the opportunity to respond to the Scottish Government's Consultation on the revised National Guidance for Child Protection. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to equality at both a reserved and devolved level.

For further information, please contact
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