



## National Guidance for Child Protection 2014

### Briefing Document

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#### 1. Introduction

1.1 *National Guidance for Child Protection in Scotland* was published in 2010, with a commitment from the Scottish Government that the document would be regularly refreshed to ensure that it remains relevant and effective in protecting children.

1.2 A national reference group, led by WithScotland, undertook the first refresh and consulted widely with relevant stakeholders. The refreshed National Guidance for Child Protection in Scotland was published in May 2014.

1.3 This briefing document highlights key changes within the refreshed guidance from the 2010 guidance and the old NESPC 2012 guidance.

#### 2. Introduction to guidance

2.1 This refreshed guidance is firmly rooted in the *Getting It Right for Every Child* approach. There is a reflection of this in some of the language changes – from “*Scotland’s most vulnerable*”, to “*all children, including Scotland’s most vulnerable*” and, perhaps more significantly, from “*to support and protect*” to “*promote, support and safeguard*”.

2.2 The term “*welfare*” is changed throughout to “*wellbeing*”, again to incorporate greater adherence to the GIRFEC approach, the national guidance now states, “***The primary indicator for child protection is to keep a child safe and, in so doing, attention is given to other areas of wellbeing as appropriate.***” (Page 4)

2.3 There is more emphasis on utilising compulsory measures of supervision, including, for the purposes of achieving early intervention. These reminders about making use of compulsory measures are placed at regular intervals throughout the refreshed guidance.

2.4 The new Children and Young People (Scotland) Act 2014, hereafter referred to as the ‘Act’, will become law over the next 2 years and is included throughout the guidance, with greater reference to the Child’s Plan and to the Named Person which will come into force across Scotland over the next 2 years.

2.5 The Named Person is described as the “*single point of contact with responsibility for promoting, supporting and safeguarding children’s wellbeing*”. Given the change of language within the guidance in terms of less emphasis on “protection”, this is a significant shift.

**The guidance states the following about the Act and the duty to share information with the Named Person:**

- Introduces legal duty to share information that is likely to be relevant to the Named Person functions (Page 6)**
- Introduces a legal duty for a wide range of public bodies and those commissioned or contracted to them to share concerns about harm, abuse or neglect, with a child's Named Person. (Page 13)**
- Introduces a duty to share concerns about a child's wellbeing with the Named Person (Page 28)**

**Page 86 also states *"When they (staff) recognise that a child's wellbeing is compromised and/or that they are experiencing, or likely to experience, risks to their wellbeing they have a responsibility to follow local procedures for sharing these concerns with the Named Person."***

2.6 The Act will place a legal duty on Named Person Service providers to notify receiving service providers about any child moving into their area, and to share any information which may be necessary for the child's wellbeing needs to be met. (Page 19 and 29)

2.7 When the provisions of Part 3 of the Act come into force, local authorities and health boards will be required to jointly produce Children's Services Plans that identify how children's and related services will be provided in a way that best safeguards, supports and promotes the wellbeing of all children in their locality.

### **3. Part 1 – The context for child protection**

3.1 The definition of a child section has been strengthened and expanded in some detail, cross referenced with different legislation. (Pages 8-9)

**The guidance states that on commencement of the Children and Young People (Scotland) Act 2014, all adult protection interventions for 16 and 17 year olds will be managed through the statutory single Child's Plan. (Page 9)**

3.2 The definition of a parent has been expanded to include those by virtue of the Human Fertilisation and Embryology Act 2008. (Page 9-10)

3.3 The Children's Hearing (Scotland) Act 2011 and the National Risk Framework are introduced here and referenced throughout the guidance.

3.4 The definitions of the different types of abuse and neglect remain the same, with slight wording change in sexual abuse from "*pornographic material*" to "*indecent images*". (Page 12)

3.5 The role of the Named Person is expanded upon in this section and links made with the Lead Professional role and the Child's Plan.

The guidance states that where a child is believed to be at risk of significant harm, the previously referred to 'Child Protection Plan' **will be incorporated into** the overall Child's Plan. Following deregistration, the 'Child Protection Plan' is **to be removed from** a Child's Plan. (Pages 16 and 18)

**The guidance states that where there is an indication that a child's wellbeing is at risk, consent to share information should not be sought as the holder of this information can rely on other conditions within the Data Protection Act 1998 to share. However it would not be good practice to seek consent where the intention is to share the information anyway (Page 23 and 27)**

#### **4. Part 2 – Roles and responsibilities for child protection**

4.1 The guidance now places a responsibility on Children's Services to provide information to the general public on the role and responsibilities of the Named Person. (Page 36)

4.2 In relation to the responsibility of Child Protection Committees to ensure the development of appropriate child protection policies, procedures, protocols and guidelines, there are specific references made. These relate to disability, child trafficking, child sexual exploitation, online and mobile phone safety, and children and young people who are missing. The guidance states these should be developed "*where there is agreement that this is required.*" We are already progressing these within Moray.

4.3 The guidance states that inter-agency child protection guidelines must include arrangements for the management of Child's Planning meeting. The section on self - evaluation by Child Protection Committee's has been updated. The guidance recommends the 2009 HMle document *How Well Do We Protect Children and Meet Their Needs?* to Child Protection Committees. It states evidence and outcomes from this self evaluation activity will inform the 2014 Care Inspectorate document *How Well Are We Improving The Lives of Children, Young People and Families.*

4.4 In relation to the section on single agency responsibilities, the following is noted:

- The responsibility of schools to ensure all children are offered support, if required, to build positive relationships and enable pupils and parents to access support by spending time with teachers and school staff and by trusting that they can have access to a member of staff when they need it.
- The role of education practitioners in offering advice and guidance on issues such as drugs, alcohol, under-age sexual activity, honour-based violence, forced marriage, female genital mutilation, using e-technology and bullying.
- The statutory responsibility of education staff to refer a child to SCRA as well as referring to social services or police where it is considered a child may be in need of compulsory measures of supervision.
- The responsibilities of education services towards children educated at home, including ensuring they have a Named Person.

- The statutory duty of police officers to refer all children who may be in need of compulsory measures of supervision to SCRA.
- The responsibility of police to share concerns with the Named Person, or, where this role is still to be embedded, to re-route concerns to social work or via the Reporter.
- The responsibility of health practitioners to work with statutory agencies when there are concerns about the wellbeing of a child.
- The responsibility of health practitioners to consider whether their adult patient poses a risk to children under risk factors including mental health issues, substance misuse issues, domestic abuse and poverty.

#### 4.5 Additional sections have been added about the role of healthcare staff:

- Family nurses – the family nurse works with first time teenage mothers and their families from pregnancy until the child is two years old. The family nurse will work with parents to develop confidence in their parenting and focus on their strengths to do this
- Specialist Nurse for Child Protection – provide advice and support on child protection to all healthcare staff and take a lead role on the development and implementation of child protection training
- Emergency and urgent care medical services (including out of hours GP, NHS 24 and Scottish Ambulance Service) – decide whether a child needs immediate examination or wait until the Child Protection doctor is available, to decide what clinical care is appropriate at time of presentation and carry out checks on whether Police/Social Work are or have been involved. In NHS Grampian there is Consultant Paediatrician available 24 hours a day seven days a week including public holidays and out of hours. A paediatrician can be contacted using the NHS Grampian switch board number 0845 456 6000 and request to speak to the on call paediatric medical consultant.

4.6 The section on GPs refers to following GMC guidance and states “*GPs must promptly tell an appropriate agency if they are concerned that a child or young person is at risk of, or is experiencing abuse or neglect, unless it is not in the child or young person’s best interest to do so.*”

#### 4.6 SCRA, Children’s Hearing Scotland, Procurator Fiscal Service are all referred to and there are new sections relating to:

- Scottish Prison Service – provide support to children whose parent(s) is at any stage in the criminal justice system, ensure that parent-child relationships are maintained, even if the parent is in long-term custody or prison; and recognise that, where a child is considered at risk, the response should be timely, appropriate, and proportionate
- Scottish Fire and Rescue Service – not responsible for the investigation into concerns regarding child protection, but to ensure that information is passed to the relevant services, without delay

4.8 There is a new section entitled “**Reviewing practices in relation to offenders who may pose a risk to the public**” which references Care Inspectorate guidance on conducting a Serious Incident Review and Scottish Government guidance on the review of Multi Agency Public Protection Arrangements when offenders managed under these

arrangements commit or attempt to commit other serious crimes. This MAPPA guidance includes steps for conducting a Significant Case Review. Moray CPC have already agreed to adopt the National SCR guidance.

## **5. Part 3 – Identifying and responding to concerns about children**

5.1 The National Risk Framework is referenced throughout this chapter and a new acronym is introduced for Child's Plans – SMARTER. Specific, measureable, attainable, relevant, timebound, evaluate, re-evaluate.

5.2 The guidance states staff should share concerns with the Named Person where they recognise that a child's wellbeing might be compromised or that they may experience risks to their wellbeing. Where there is a concern about the child's safety or possible harm to the child, these concerns should also be shared without delay with police or social work.

5.3 The need for social services to discuss and liaise with the Named Person in relation to all received concerns about children is highlighted.

5.4 Advocacy services is mentioned, including the need to consider how to respond if a parent refuses to allow their child access to such a service.

## **Part 4 – Child protection in specific circumstances**

6.1 The domestic abuse section now includes The Criminal Justice and Licensing (Scotland) Act 2010 and detail around the statutory offence of "stalking". The parental problematic alcohol and drug misuse section has been updated in line with the new Getting Our Priorities Right.

6.2 [The Child Protection and Disability Toolkit](#), which includes specific detailed guidance, was published shortly after the refreshed national guidance document and thus sits alongside the national guidance rather than being fully incorporated within.

6.3 The section on child trafficking has been updated to reflect the change from UK Border Agency to the Visa and Immigration Service within the Home Office and the UK Governments opt in to the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

6.4 CSE forms an important part of this section where it states:

- Child sexual exploitation is hidden and young people will often not disclose, or recognise their abuse
- Child sexual exploitation is sexual abuse – no child can consent to their own abuse
- Local Child Protection Committees should ensure there are specific and appropriate arrangements in place through guidance, protocols or procedures, which are known and implemented by relevant services

6.5 The section online and mobile phone child safety has been updated to reflect:

- Where police undertake investigations into online child abuse, consideration must be given to the needs of children involved in these investigations

- Local services need to consider how best they can support and co-ordinate any investigations into such offences and must therefore understand the risks that these technologies can pose to children and the resources available to minimise those risks
- Practitioners and carers need to support young people to use the internet and mobile technology responsibly, and know what to do when something goes wrong

6.6 The underage sexual activity section has been expanded a little – drawing on the national guidance in this area that was published in 2010. Police Scotland have since sent out their Standard Operating Procedure for under age.

6.7 The updated list of Legislation now referred to is as follows:

- Full description of the Children's Hearings (Scotland) Act 2011
- Inclusion of Criminal Justice and Licensing (Scotland) Act 2010
- Inclusion of Domestic abuse (Scotland) Act 2011
- Inclusion of Adult Support and Protection (Scotland) act 2007
- Inclusion of Equality Act 2010
- Inclusion of The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011
- Inclusion of the Sex Offender Community Disclosure Scheme

6.8 Within the training and research section:

- Amendment of Multi Agency Resource Service to WithScotland and reflection of expanded remit
- Addition of a number of resources published including *National Framework for Child Protection Learning and Development in Scotland 2012*, *National Risk Framework to support the Assessment of Children and Young People*, *Guidance for Health Professionals in Scotland*, *Getting our Priorities Right*, *Protecting children and young people GMC guidance*, and *Core competencies for Children's Services Workforce*

## **Part 7 - Summary**

7.1 Overall, the refreshed guidance signifies a change in child protection language and the introduction of the Children and Young People (Scotland) Act 2014 which is referenced throughout the refreshed guidance raises a number of particular issues for child protection and planning – including the role of the Named Person, information sharing and the Child's Plan. We are already taking the appropriate steps in Moray to ensure we are ready for the implementation of this Act.

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### **Guidelines to be used from 10 November 2014**

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| Notification of Concern to Initial Case Conference | <p>The Initial Conference should be held <b>no later than 21 calendar days from the notification of concern</b> where a decision has been made to convene a case conference.</p> <p>Where a decision to convene a conference arises from an accumulation of concerns the conference should be held <b>no later than 14 calendar days of the decision to convene</b>.</p> |
| Invitations  | Participants should be given a minimum of 5 working days notice of the decision to convene a CPCC whenever possible.   |
| Review CPCC  | The First Review CPCC must be held <b>within 3 months</b> from the Initial CPCC. Thereafter Reviews should take place <b>six monthly</b> or earlier if circumstances change.   |
| Transfer CPCC                                      | The Transfer CPCC must be held within <b>21 calendar days</b> from notification that the child has permanently moved into the area.  |
| Pre-birth CPCC                                     | The CPCC should take place <b>no later than at 28 weeks pregnancy</b> , or in the case of late notification of pregnancy as soon as possible from the Notification of concern and in any case <b>within 21 calendar days</b> .   |
| Core Group   | The Initial Core Group meeting should be held <b>within 15 calendar days</b> from the Initial CPCC and at a minimum, <b>every 6 weeks following that meeting</b> .   |
| Minutes  | Participants should receive the Minutes <b>within 15 calendar days</b> of the CPCC.  |
| CP Plan  | Participants should receive a copy of the agreed Child Protection Plan <b>within 5 calendar days</b> of the CPCC.  |
| Changes to CP Plan                                 | Where a Core Group identifies the need to make significant changes to the CP Plan they must notify the CPCC Chair of this <b>within 3 calendar days</b> .  |