The Committee will meet at 10.00 am in Committee Room 5

1. **Decision on taking business in private:** The Committee will decide whether to consider its draft Stage 1 report on the Protection of Vulnerable Groups (Scotland) Bill in private at today’s meeting; and its approach to an inquiry on the implementation of the Teachers’ Agreement and its legacy paper in private at future meetings.

2. **Scotland’s Commissioner for Children and Young People’s annual report:** The Committee will consider Scotland’s Commissioner for Children and Young People’s annual report and will take evidence from—

   Professor Kathleen Marshall, Scotland’s Commissioner for Children and Young People; Kevin Browne, Participation Worker; Gillian Munro, Information Officer and Laura Paton, Policy Development Officer, from the office of Scotland’s Commissioner for Children and Young People

3. **Petitions:** The Committee will consider the following petitions—

   PE825 by Ms Alana Watson, on the provision of lockers in schools;

   PE853 by Mr Ken Venters, on the closure of schools and facilities for children with special needs;

   PE872 by Mr Alexander Longmuir, on school closures

4. **Child protection reform programme:** The Committee will consider an update from the Scottish Executive.

5. **Protection of Vulnerable Groups (Scotland) Bill:** The Committee will consider a draft Stage 1 report.
The following papers are enclosed for the meeting:

**Agenda item 3**
Clerk’s note on PE825
Petitioner’s response on PE853
Petitioner’s response on PE872

**Agenda item 4**
Update on child protection from Scottish Executive

**Agenda item 5**
Draft Stage 1 report (private paper)
Introduction

1. The Public Petitions Committee (PPC) considered the following petition at its meeting on Wednesday 4 October:
   i. PE825 – Petition by Alana Watson on behalf of Rosshall Academy Students’ Council and Higher Modern Studies Section calling for the Scottish Parliament to urge the Scottish Executive to ensure that every Scottish secondary school provides lockers for pupils’ use to stop pupils having to carry heavy bags throughout the school day, potentially causing back problems.

2. The PPC agreed to refer the petition to the Education Committee.

Action

3. It is proposed that—
   i. SPICe researchers are asked to prepare a briefing paper for members on experience and practice in other countries regarding lockers for school children.

   ii. The Committee agree to invite the petitioner to give oral evidence early in the new year.

Eugene Windsor
Clerk
Education Committee
Petition PE 853

Petitioner’s response to COSLA guidance on school closures

The primary requirement of petition PE 583 is the introduction of a referral process to the Scottish Executive before any local authority education department can approve the closure of a special needs school.

During my address to the committee on the 13th September 2006 I raised the fact that the Minister in a response to the convener regarding another petition on school closures had expressed concern regarding the quality of the consultation exercises being undertaken by authorities throughout Scotland.

I made the point at the time that in his response to petition 583 he felt that there was enough legislation in place, however the fact that he has misgivings regarding the application of the legislation is in my view grounds for proceeding with the petition.

I note that in his letter to Education Convener’s, COSLA and Directors of Education dated 6th October which accompanied the School Estates Management Good Practice Guide issued by COSLA, he once again took to the opportunity to express his concerns regarding the consultation process being used at present.

He remarked and I quote “Councils have to demonstrate a clear case for closure at both consultation and final decision stages. That said I also expressed concern that there had not been an improvement in practise across the board. Some consultations seemed to me to have raised unnecessary alarm in local communities, not least because of confusion about the status of the proposals under consideration.

Given that the Minister for Education has expressed these views on the consultations being undertaken at present, it would seem apparent that an Executive Referral process should be considered as a definite requirement given the current situation within Scotland.

Turning to The Scottish Parliament Official Report of the Education Committee which took place on 27th September I wish to raise the following points.

Fiona Hyslop raised the point that she was not sure that the Good Practice Guide would cover the specific issues that arise in a special needs school. In fact the guide makes no mention of special needs provision and the unique challenges faced by the pupils and staff in these establishments.

The point raised by Mr Macintosh implies that the petition focuses on one school. This is incorrect. The petition makes no mention of any particular school. It is aimed at changing the legislation to protect all special needs school children throughout Scotland.
School Estates Management Good Practice Guide

While this document is a comprehensive review of the requirement to be adopted in the event of school closures it is a generic document which whilst being useful and contains good advice there is no obligation for any local authority Education Departments to abide by it.

There are no specifics relating to closure of Special Needs schools which need to be handled in a sensitive manner as I am sure the committee is no doubt aware.

The School Estates Management Good Practice Guide does not address the issues raised within Petition PE 583.

Given the fact that the Minister is concerned with consultation processes currently covered by legislation there is concern that local authority Education Departments are not fully adhering to the legislation therefore a new guideline may not carry sufficient weight to ensure compliance.

It is with that in mind that I would urge the committee to accept the proposals outlined in the petition and give Scotland’s most vulnerable children and additional degree of legislative protection.

Ken Venters
Petitioner’s response to COSLA guidance on school closures

Scottish Rural Schools Network [SRSN] welcomes the publication of the COSLA Good Practice Guide, but has serious reservations about its content.

Our network regrets that despite the suggestion of the former Minister, Peter Peacock and the assurances of the chair of Cosla’s working group that it should do so, COSLA did not consult any member of the Scottish Rural Schools Network.

We feel that the Cosla’s guide does little to address the reasons for the public disquiet over the consultation process. A constantly repeated theme in school closure controversies centres on the genuineness of the consultation process; the whole tone of the guide suggests that COSLA regards the consultation process as an unnecessary irritant. The working group urges councils to “to be strong in setting this vision and sticking to it” (para 23) and goes on to say that “Emotional reaction from parents is a key obstacle” (appendix 1, section 9). Nowhere is there recognition that anybody apart from the council has a useful role to play in the school estates strategy, simply that the consultation process is a necessary evil to be got through as painlessly as possible. This impression is reinforced by the very high proportion of the document given over to managing media relations. In this respect we welcome the comments made by Mr Peacock in the second paragraph of his letter to Education Conveners on 6th October 2006, regarding the importance of "genuine consultations where the final decision is very much not a foregone conclusion."

We welcome the statement in para 25 that “It is essential that the decision to close a school is based on sound evidence...”, but regrets that the Cosla do not lay out in much more detail how councils should ensure this. In this respect some example of poor practice might have been instructive. Frequently in these consultation exercises statistics, references to research, financial figures and so forth are bandied about with little, if any, supporting evidence. This is especially the case in informal consultation exercises. It was to be hoped that Cosla would strongly urge councils to ensure that arguments put forward as part of a consultation process (on which the elected councillors are later to make their decision) are fully supported and referenced. It is in all parties’ interests that decisions are based on real information not hearsay and conjecture.

We are surprised that Cosla would appear to be taking a distinctively different line on the process from that of the Minister.

1) Cosla continues to support the concept of informal consultation. The former Minister expressed his malcontent with this process at Education Committee on 26th October 2005 and repeated it in his letter of 6th October 2006.
2) Cosla embrace the use of set “trigger points” such as capacity or roll size to automatically instigate a closure review. The minister strongly discouraged such practices when speaking in the debating chamber November 2005.

In the appendix relating to handling the media surrounding a consultation there are several references which cause us great concern.

The guide mentions ensuring that the staff, in particular the Head Teacher, are prevented from speaking to the media. These are dedicated public servants, some of whom can have spent 20 years developing a school only to be told that they are not allowed to express any opinion in its defence.

Parents “will have a myriad of tales to tell” is key as to how education officials view the involvement of parents and community members within a consultation process.

The guide talks of “rounds of closures” rather than advocating looking at the school estate on a school by school basis. This again is an indicator of the thought process behind the document. There is also the suggestion that LEAs should pick off the easy schools first before moving on to the more controversial.

We note that the minister refused to endorse this guide when so requested by Cosla. We take this as an indication that the minister shares at least some of our concerns as to how some LEAs are viewing the consultation process.

Sandy Longmuir
THE CHILD PROTECTION REFORM PROGRAMME – AN OVERVIEW

Introduction

1. Scottish Executive Ministers committed to a 3 year child protection reform programme in Scotland following receipt of the report of the audit and review of child protection services, *It’s everyone’s job to make sure I’m alright*, in November 2002. This was announced as part of a 5 point Action Plan in response to the report where commitment was made to:

- Deliver a 3 year child protection reform programme
- Bring together an action team from across the key services to help deliver this
- Develop a Children’s Charter
- Develop multi-disciplinary inspection
- Provide additional funding for ChildLine and Parentline.

2. The overall findings of the report were that, while there was a lot of good work being done and many children were being helped and protected there was worrying evidence of a significant minority of cases where children were living in intolerable circumstances.

3. Some £50,000 was allocated to ChildLine to help increase their capability to handle calls which resulted in the opening of a further centre in Aberdeen by the First Minister in May 05. This has increased the services capacity by around 25% to improve its accessibility to children and young people who want to talk confidentially about issues of concern to them. ParentLine received an additional grant of £35,000 in May 2003 to enable them to expand their opening hours from 33 to 48 hours of service. Ministers are currently considering additional support for Childline to create capacity for an Edinburgh-based service, using some of the ParentLine infrastructure.

The Reform Programme

4. To oversee the work of the programme a Steering Group\(^1\) was formed representing key child protection services and interests. This group met regularly throughout the course of the reform programme, usually at least bi-monthly. It considered and endorsed the various projects identified as part of the reform programme; provided an invaluable source of advice and constructive challenge of priorities for the programme and the products produced; and provided advice and recommendations to Ministers and the action team to help ensure full stakeholder engagement and to drive forward the reform programme at national and local level.

\(^1\) Membership of the Child Protection Reform Programme Steering Group (CPRP) as at August 2006 is provided at Annex A.
5. A Child Protection Summit was held in the Spring of 2003 involving the First Minister and Minister for Education and Young People with leaders from the key agencies involved in child protection and the voluntary sector. This produced a number of priorities and objectives for the reform programme which are provided at Annex B, and this document provided the basis for commencing the reform programme.

6. With the appointment of the Reform Programme Manager, recruitment of Professionals Advisers was undertaken and secondees began with the Executive in the summer of 2003. These came from health, police, social work and education. It was agreed that the way forward for the programme was to break work down into a number of projects, and agree project outlines with the Child Protection Reform Programme Steering Group – which included an indication of the objectives, risks, resources, products, communication and timelines.

7. Communications and engagement with stakeholders was recognised as a key requirement of the programme. To help achieve this on an ongoing basis, individual Professionals Advisers were each paired with a number of individual local Child Protection Committees throughout the life of the reform programme.

Year 1 (2003/04)

8. The priorities agreed for the first year of the programme were:

- development of a Children’s Charter
- development of standards for child protection activity which could apply across all agencies
- agree the model for undertaking joint multidisciplinary inspection of child protection services
- review of the role and remit of local Child Protection Committees.

Children’s Charter

9. It was recognised that it was critical to ensure that the voice of children and young people, many of whom had direct experience of services having had need of help at some point in time, was at the heart of any charter. Consequently Save the Children were commissioned to work with groups of children and young people, and some carers and service providers, to find out more about what children felt was necessary to help them and what would really make a difference.

10. This was distilled to 13 key statements which, although they can appear simple and sound like commonsense, are very powerful requirements against which to check

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2 The secondees who acted as Professional Advisers delivering the reform programme are given at Annex C
practice. With the addition of commitments from the Scottish Executive and an indication of work to be done, these statements comprised the publication *Protecting Children and Young People: the Charter*. It was launched by the First Minister at a second Child Protection Summit in March 2004. In addition, a booklet giving more background to the statements made by children was published at the same time to give practitioners, in particular, a fuller understanding of what lay behind these.

**Standards for Child Protection**

11. This was the single largest project undertaken in the reform programme. The full team of secondees were involved working with policy colleagues to undertake a significant programme of engagement with front-line practitioners over a period of around 6 months. Work included:

- Desk research of evidence bases and relevant reports.

- Examination of current standards in use such as:
  - Youth Justice (Time Interval)
  - Care Standards (Care Commission)
  - Quality Indicators for Education in “How Good is Our School”
  - Standards for Teacher Registration.

- Working through Child Protection Committees to identify relevant local audiences for an extensive series of roadshows held during the autumn of 2003. These involved around 2,000 professionals, practitioners, and managers from local authorities, health, police, the Scottish Children’s Reporter Administration and the voluntary sector.

- Establishment of a virtual community of contacts for communications on the programme which included:
  - development of the reform programme website
  - use of generic e-mail address for queries/requests for information
  - provisions of regular bulletins/updates
  - maximising the use of individual/professional networks.

- Undertaking a consultation week with an intensive round of meetings with representative bodies, Inspectorates, voluntary groups and family representatives and Scottish Executive policy interests on the emerging draft of a standards document.

- Issuing the draft for further consultation.

- Mapping the draft against the statements coming through in the Children’s Charter.

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*Protecting Children and Young People: the Charter* is attached at Annex D
12. There was significant revision in the light of discussions internally and externally, with the CPRP and Ministers to ensure the product was something that could be relevant across all agencies and the voluntary sector. It was felt important the document should be child-centred, indicating the outcomes that practice should achieve but leaving how this should be done as a matter for local practitioners, given local circumstances and taking account of the individual situation for each child.

13. *Protecting Children and Young People: Framework for Standards* was launched at the March 2004 Child Protection Summit along with the Children’s Charter. These two documents together provided the overarching framework for the rest of the work of the reform programme building on the theme that children should get the help they need when they need it.

### Multidisciplinary Inspection

14. Following the audit and review of child protection and the agreement to set up a reform programme to help achieve better outcomes for children and young people it is important to have a systematic way of inspecting practice. The joint nature of child protection cases and the need for agencies to work together efficiently and effectively putting the child at the centre rather than agencies’ requirements, pointed to the desirability of having a joint inspection programme of child protection services involving all key agencies.

15. To help progress thinking on how that might best be achieved in terms of putting in place an appropriate structure and securing the agreement across the relevant inspectorates to an approach, a consultant (who was an ex-inspector) was commissioned to explore the options and undertake the necessary dialogue to inform the presentation of recommendations to Ministers.

16. Ministers agreed that Graeme Donaldson, Chief Inspector of HMIE should be charged with taking forward the development of a joint inspection programme for child protection services from 2006, ultimately moving to joint inspection of all children’s services by 2008. This approach was announced at the March 2004 summit and has resulted in the setting up of the Services for Children Unit within HMIE which is staffed with secondees from key agencies and some staff recruited permanently into the unit from key agencies. An ongoing programme of child protection is now underway. Developments are in hand for inspection of all children’s services within the timeline set by Ministers.

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*Protecting Children and Young People: Framework for Standards* can be found at Annex E
Child Protection Committees (CPCs)

17. There are 30 CPCs in Scotland configured primarily on local authority boundaries, with some areas amalgamating hence the fact that there are not 32 in operation. Set up through guidance issued in the 1990s it was clear that the role and remit of CPCs and their engagement with mainstream services, planning, other relevant bodies and the wider community was variable. While all had a role in providing some level of multidisciplinary training in relation to child protection, they were very much seen as a body of the local authority, usually led by social work, and not a multi-agency group helping discharge each agency’s responsibility and accountability for local services to help protect children and young people.

18. A working group was established with representation from health, social work, police, the voluntary sector, SCRA and several CPCs and a number of operational models were developed for consideration. These ranged from the status quo to introduction of legislation to lay down roles, responsibilities, functions and accountabilities. While there had been a strong view amongst some of the group that legislation was the way to ensure CPCs could undertake an important multi-agency role, following consultation and full consideration of the issues it was recognised that directive guidance could be more effective than legislation, to avoid the risk of cutting across effective local arrangements. This guidance would place a clear onus on Chief Officers in police, health and well as the local authorities, to use the CPC to discharge their overall accountability for child protection and make the relevant linkages with local Community Planning and Integrated Children’s Services Planning mechanisms.

19. Ministers agreed this approach, although they indicated they would not be averse to introducing legislation if this were necessary and should this new model not achieve local improvements. The broad model to be introduced for CPCs was introduced at the March 2004 Child Protection Summit with the commitment that a further working group would be convened to work up the guidance to implement this, which would also be consulted on. Earlier this year, the CPCs returned their first Annul Reports and Business Plans 2005-06 in line with the new guidance. The reports are now available in the Child Protection Training Webspace at http://www.workspace.cp.scot.nhs.uk for easy access to practitioners and to enable easy comparison of best practice for future reports. Each report contains a preface signed by relevant Chief Officers which reinforces the accountability at local level. The HMIE Services for Children Unit use the guidance as part of the joint inspection process to evaluate the role of CPCs in protecting children and to reinforce the value of implementing the model at each local level. The Scottish Executive encourages continuous dialogue with, and amongst, CPCs and hosts a quarterly meeting for CPCs to share practice and to identify issues requiring further policy development.
Other work: Letters of Assurance

20. In November 2003 the O’Brien report on the death of Caleb Ness was published. The failings identified in the report reflected similar failings which had featured in reports of other cases in Scotland and other parts of the UK, and indeed in the audit and review of child protection which had been published the previous year. The Ministers for Education & Young People, Justice and Health & Community Care agreed to write to the CEOs of all relevant agencies to require assurance that:

- They had undertaken a review, singly and jointly, of their child protection services;
- Necessary action was being taken where needed; and
- That robust quality assurance systems were in place in their organisations.

21. This ‘letter of assurance’ issued on 11 November with responses requested by May 2004. The Professional Advisers worked with their individual CPCs to help respond to this request sometimes running workshops, sometimes reviewing materials produced, to help support the work being done.

22. Responses were reviewed over summer 2004 and a summary analysis was produced for Ministers which indicated that the vast majority of areas had provided assurances that they were taking the necessary action to ensure that their child protection services were being reviewed and that action was being taken, as necessary, to secure improvements. Ministers issued a response in October 2004 outlining the key themes which had been identified by agencies in their responses and confirming that the Professional Advisers would provide individual feedback to areas.

23. A programme of provision of feedback was then undertaken through Spring 2005, tailored to the requirements of each area.

Year 2 (2004/05)

24. The main work in the reform programme during this year was:

- disseminating and embedding the Charter and Framework for Standards;
- developing the guidance for the new CPC model;
- undertaking Letters of Assurance work;
- supporting the Services for Children’s Unit in developing the joint multidisciplinary programme;
- developing a public information leaflet for local distribution; and
- undertaking a pilot media campaign to raise awareness of child protection issues.
The Charter and Framework for Standards

25. To support the distribution of the publications launched in March 2004, a programme of awareness-raising events were undertaken across Scotland where practitioners, managers and those with most direct input into child protection work gave presentations on the publications.

26. This was supported with work with the individual CPCs including doing presentations and inputting to seminars and training events. An extensive programme of meetings with representative bodies such as ADES, ADSW, ACPOS, BASPCAN (Scotland), Scottish Ambulance Service, Scottish Child Protection Nurses Forum and the Royal College of Paediatricians was also undertaken along with presentations to a wide range of voluntary sector organisations.

New CPC Model

27. A working group was convened to develop the detailed guidance to put in place the new operating model for CPCs. To ensure some continuity from the development work previously undertaken, several members from the original working group were invited to contribute to this new group.

28. Draft guidance was formally issued for consultation in Autumn 2004 and issued for implementation in February 2005. To help with transition it was agreed that local authorities would receive £30,000 over 2 years with the expectation that the new model should be operational by the end of August 2005. A first annual report of the new set up would be expected in June 2006.

29. All the CPCs returned their first Annual Reports and Business Plans for 2005-06. The content and quality of the reports varied, although it was clear that some CPCs actively sought to compare reports in order to identify and share best practice. Our analysis of the reports suggested that some CPCs could benefit from comparing their management information with others, and some could also improve how they identify resources which are allocated to CPC activities.

Supporting the Development of Child Protection Inspection

30. The Charter and the Framework for Standards provided the overarching context for the work of the child protection reform programme. However, it was also important that these were reflected in the approach to inspection. Working jointly with the Service for Children Unit in the early development of the approach to the inspection programme helped ensure a degree of consistency and an examination of the important issues identified as priorities in the reform programme.
Public Information

31. A small working group of support officers from a number of CPCs across Scotland was set up to look at the development of a generic information leaflet for the public on child protection issues. This built significantly on work already undertaken in the West of Scotland, taking account of the Charter and Framework for Standards, and following some testing of how useful the materials were with parent groups and others.

32. A public information leaflet *Protecting Children and Young People: what to do if you are worried about a child or young person* issued to all CPCs, with local contact numbers, towards the end of 2005. In total, 22,000 leaflets were distributed, with individual CPCs receiving between 5,000 and 25,000 copies to meet the population-based needs of their areas.

Pilot Media Campaign

33. Having secured funding from the Scottish Executive media campaign fund, it was agreed to run a small-scale awareness raising child protection media campaign in the Grampian area primarily during the period of March – end April 2005.

34. After significant creative research and input, a series of posters were commissioned along with two radio scripts, for use during the campaign. The theme was one of raising awareness indicating it was not always easy to spot when a child needs help and providing a single phone number for anyone to use who may want more information, or have a concern about a particular child.

35. The opportunity was also taken to trial the use of a single telephone number. After a short competitive tendering exercise, MessagePad were appointed to provide the frontline handling of calls to the single number. Their role was to have an operator available 24 hours, 7 days a week who would either send out an information leaflet if that was required, or transfer the caller into the appropriate service if there was a concern about a specific child.

36. There was a positive response on the creative material used for the campaign albeit that only 40+ calls were received on the single number. However, as the pilot trial was conducted on a very limited basis, the low volume of calls was not seen as particularly significant in the evaluation of the media campaign.

Year 3 (2005/06)

37. The projects being undertaken in the final phase of the reform programme are:
• Development of a framework for child protection training and a national suite of materials to support this;
• Development of guidance for undertaking a Significant Incident Review;
• Issuing of a further Letter of Assurance;
• Introduction of a single national telephone service to access child protection services.

Child Protection Training and Materials

38. A Strategic Training Group was convened in Spring 2005 to take forward work already started by the then Social Work Services Inspectorate, into a framework for child protection training for use by all agencies. It was also agreed by the CPRP that this should also involve the bringing together of materials, which all could access, to support local child protection training.

39. Over a 15 month period, the framework was developed and issued, and a child protection ‘webspace’ has emerged from the Executive’s CP training project. This webspace facilitates the networking of professionals engaged in protecting children, and enables individuals to identify others with relevant or complementary experience. It also acts as a repository for the growing set of quality-assured training materials which have been developed to support multi-agency training. These have been gathered from a number of sources, including from those currently engaged in child protection training, the NSPCC, and through capturing high-value training events. The webspace is being well received by stakeholders. Additionally, the webspace supports some existing ‘Communities of Practice’ including the Scottish Child Care and Protection Network (SCCPN), the West of Scotland Managed Clinical Network, the (voluntary sector) Safe Care Forum and others. This work goes someway to meeting recommendation 27 of the Western Isles report.

Child Death and Significant Incident Review

40. A working group commissioned by the Child Protection Reform Programme Steering Group was set up to draft guidance primarily targeted at CPCs, to set out their role in developing practice and protocols following significant incidents in their areas, including the death of a child. The guidance focuses on ensuring that lessons learned are captured and are fed back into local and national arrangements. As part of their consideration of how best to achieve this, the Scottish Executive is also currently assessing the underlying legal issues in relation to information-sharing versus confidentiality for the purposes of ensuring agencies can learn effective lessons from significant incidents.

41. The draft guidance issued for consultation in Autumn this year and is available at the consultation section of the Scottish Executive website
http://www.scotland.gov.uk/Consultations/Current. The consultation closed on 8 November. Responses are currently being analysed.

Further Letter of Assurance (March 06)

42. In March this year, Ministers for Justice, Health & Community Care and Education & Young People again wrote a ‘letter of assurance’ to Chief Constables, Council leaders and CEOs of health boards and local authority areas seeking assurances that each could identify the children in their area who were living with drug-misusing parents, and that adequate measures were in place to safeguard the well-being of those children. A total of 27 collective responses were received, with local agencies providing multi-agency responses for their particular area.

43. Responses show that agencies are positive, on the whole, that children within their areas are being adequately protected through the effective use of inter-agency mechanisms and national protocols. Concerns were raised in a number of replies about the lack of adequate resources for this area, particularly the shortage of enough trained and experienced qualified social workers.

44. A number of responses also expressed concern about information-sharing for the purposes of child protection. In particular, relevant professionals reported that they were unsure as to when, and to what extent, they could or should share information about a child or about a problem drug-using adult who was known to have children at home. This finding confirms one of the principal reasons why Ministers are seeking to introduce new information-sharing provisions, supported by a statutory Code of Practice, in Part 3 of the Protection of Vulnerable Groups (Scotland) Bill which is just completing its Stage 1 consideration by the Education Committee.

45. Officials are in the process of writing a report for Ministers on the information received, and would expect to circulate summary feedback to respondents in the new year. Individual respondents might also quite reasonably request specific feedback on their area, and officials would expect to provide some regional feedback in the Spring and Summer of 2007.

24-Hour National Freephone Child Protection Information Line

46. Ministers agreed to implement a single telephone access point for child protection across Scotland similar to, but building from, the small trial pilot run in Grampian last year. That service was handled by call centre staff who either sent out information for general inquiries, or routed calls directly to the relevant service in a particular geographical area if callers expressed concerns about a specific child or family. The national line is intended to complement, and not to compete with, existing phone services such as ChildLine and ParentLine.
47. A working group was set up in the Autumn to scope out a delivery and implementation strategy across Scotland and, as a result of that group’s work, a tender exercise for provision of a freephone service for use by the general public is currently underway and 4 major CPC areas (Grampian, Glasgow, Highland and Edinburgh) intend to adopt the national gateway information line from Spring 2007.

48. The roll-out of the national line will be supported by a vigorous and locally-targeted media and PR campaign. The intention is to evaluate the take-up, use and success of the line in Autumn 2008 to confirm whether it is fully addressing an unmet need and is providing value for money.

Other Associated Work

Western Isles Report – Recommendation 27

49. In October 2005 SWIA published An Inspection into the Care and Protection of Children in Eilean Siar. It examined practice predating the child protection reform programme. The report drew conclusions similar to other reports into serious cases regarding the failure to analyse and act upon information which had been shared. Recommendation 27 unites a number of strands, though the focus on a national resource providing research-based consultancy and co–working is at its heart.

50. A collaborative approach is required to deliver fully on the multi-agency national resource called for in Recommendation 27. Much has already been achieved by the Executive and its partners in meeting elements of the recommendation. This includes the Child Protection webspace (web-based support for child protection practitioners, trainers and networks); support for the Scottish Child Care and Protection Network (an academic collaboration, led by Dundee University, which is focused on evaluation, research and dissemination); and continuing development of Child Protection Managed Clinical Networks. CoSLA and the Executive are working together to deliver on the remaining elements, including the consultancy and co–working called for by small and rural authorities such as Comhairle nan Eilean Siar.

51. There is strong support for a multi-agency approach to Recommendation 27, with an acknowledgement that child protection has to be multi-agency if it is to be effective, and that it would be a mistake for each discipline to develop unrelated stand-alone national resources. A short life working group has been proposed for Spring 07 to come up with costed proposals building on the work outlined above.

Young Runaways

52. In 2003, the Executive published a guidance pack on Vulnerable Children and Young People (http://www.scotland.gov.uk/library5/social/vcyp-00.asp) which contains guidance on prevention services for young runaways and children sexually exploited
through prostitution. In consultation with the CPCs through the CP Chairs quarterly forum, we are considering whether it is necessary to revise the guidance pack to reflect developments over the last three years, including the increasing numbers of runaways from asylum-seeker communities and from EU accession states. The CPCs are generally supportive of revised national guidance, to complement the agenda for *Getting it Right for Every Child*, and with an opportunity for CPCs to learn from other local protocols in current use in different parts of Scotland.

**Independent Evaluation of the CP Reform Programme**

53. Following a competitive tendering process, the Centre for Child Care and Protection at the University of Dundee and Barnardo’s Scotland was awarded the contract to undertake the independent evaluation of the CP Reform Programme which is described in this document. The process review team at Dundee University is examining whether setting up this programme was an effective approach to reforming child protection, and in particular the degree to which it is influencing practice amongst relevant professionals. The initial findings have been broadly positive.

54. An interim report is expected to be delivered to Ministers just before Christmas, with the final report to be delivered at the beginning of February.

**Short Life Working Group on Disclosure of Underage Sexual Activity**

55. Balancing a child’s expectation of confidentiality and privacy against the need to disclose information about that child where concerns about their safety are raised is nowhere more difficult than in the area of sexual health services for young teenagers. In addition to this issue being tackled as a specific chapter within the statutory *Code of Practice on Information-Sharing* which is currently being drafted to meet the provisions of the **Protecting Vulnerable Groups (Scotland) Bill** (and will be available in draft for the Stage 2 consideration of that Bill) officials in the CP Reform Programme team have also been running a Short Life Working Group (SWLG) on **Disclosure of Underage Sexual Activity** for the last year, to consider how to address Recommendations 12 and 13 of the Bichard Inquiry Report.

56. That report recommends that social services should report every instance of underage sex other than in exceptional circumstances (Recommendation 12) and national guidance should be produced (Recommendation 13). The SWLG is realising Recommendations 12 and 13 in a fashion appropriate to Scottish interests and policies, and in light of the Executive’s sexual health strategy, **Respect & Responsibility**.

57. The SWLG has been assessing existing information-sharing practices between agencies, and is considering procedures for handling disclosures of inappropriate
sexual activity. In coming months, the SWLG will produce a report for Ministers, setting out recommendations on:

- Circumstances that might be evaluated as giving rise to CP concerns which should be shared;
- Defining the responsibilities of the different agencies involved; and
- Setting out how to ensure that young people's confidence in approaching services for (confidential) advice is respected.

These recommendations will be consistent with the emerging detailed terms of Part 3 of the Protection of Vulnerable Groups (Scotland) Bill’s statutory Code of Practice.

**Wider Context**

In addition to the specific projects undertaken within the reform programme itself, there has been significant engagement across the Scottish Executive on a range of related policy agendas. This has included involvement on working groups, input into papers and other developments. Major examples are:

- Evaluation of Integrated Children’s Services Plans
- Additional Support for Learning
- Children Missing from Education
- Education’s Safe and Well Guidance
- Social Work Services Policy’s Safer Recruitment Guidance
- Health’s performance appraisals
- Hidden Harm agenda
- Getting it Right For Every Child
- Vulnerable Witnesses developments
- Domestic Abuse Strategy,
- Vetting & Barring Scheme provisions of the Protecting Vulnerable Groups (Scotland) Bill, and
- Information-Sharing provisions (Part 3) of the Protecting Vulnerable Groups (Scotland) Bill

As the reform programme draws to a close, it becomes important to consider how to sustain improvements in the provision of child protection services into 2007 and beyond. Officials will be putting advice to Ministers next year on what the policy development priorities in this area should include in the period following the full implementation of the reform programme described in this report.

**Children & Families Division**

7 December 2006
ANNEX A

Membership of the Steering Group

Colin MacLean - Children, Young People & Social Care Group, Education Department, Scottish Executive (Chair)

Douglas Bulloch - Chair, Scottish Children's Reporter Administration

Chris Booth - ADSW

Margaret Cox - Scottish Children's Reporter Administration

Dr Bruce Robertson - ADES

Tom Halpin - Assistant Chief Constable, Lothian and Borders Police

Romy Langeland - Chief Executive Aberlour Childcare Trust

Lindsay Ferguson - Health Department, Scottish Executive

Anna Fowlie - CoSLA

Dr Stewart Forsyth - NHS Trust, Dundee

Timothy Huntingford - SOLACE

Alexis Jay - Chief Social Work Inspector, Social Work Inspection Agency

Neil McKechnie - Director, Services for Children Unit, HMIE

Judi Pollock - Pupil Support & Inclusion Division, Scottish Executive

Rosie Ilett - Health Department, Scottish Executive

Boyd McAdam - Youth Justice & Children's Hearings Division, Education Department, Scottish Executive

Graeme McNaught - Support for Learning Division, Scottish Executive

Gill Ottley - Social Work Inspection Agency

Stella Perrott - Youth Justice & Children's Hearings Division, Education Department, Scottish Executive
Liz Sadler - Police Division 2, Scottish Executive

Fiona Eadie - Crown Office

Claire Monaghan - Children & Families Division, Education Department, Scottish Executive (From April 2006)

Maggie Tierney - Children & Families Division, Education Department, Scottish Executive (From July 2006)

Maureen Verrall - Children & Families Division, Education Department, Scottish Executive (to April 2006)

Catherine Rainey - Children & Families Division, Education Department, Scottish Executive (to July 2006)
3 YEAR CHILD PROTECTION REFORM PROGRAMME – ANNEX B, C, D & E

CPSG 3/2003

A: SERVICE REVIEWS

1. Streamlined and aligned standards of working practices (including bail address checks, hospital record checks) including continuing support to children who need it

2. Single, multi-agency package of child protection guidance

3. Review of training programmes (inter agency joint training) for front-line managers including staff in universal services

B: STRATEGIC DEVELOPMENT

4. New Multi-disciplinary inspection programme

5. Streamlined and aligned assessment and information sharing

6. Review involvement of the Children's Hearing system, including 'fit' with child protection process

C: PROVISION OF INFORMATION

1. Children's Charter

2. Parenting framework

3. Awareness raising (focus on provider): amongst professionals and wider world

4. Awareness raising (focus on user): signposting services, single page contact information, what happens

D: RESOURCES

1. Increased and streamlined resources (early years, changing children's services fund)

2. ChildLine and ParentLine respond to an increased level of calls

3. Fast track graduate social work training

E: PREVENTATIVE

1. Early years' strategy - greater coherence across SE; clear outcomes-focus, including on most vulnerable children eg children of drug/alcohol misusing parents, low income families

F. OTHER

1. List of adults unsuitable to work with children

2. Research: A. Scoping/costing current system B. cost/benefits of alternative systems

5. Development of managed clinical networks in child protection for medical forensic assessments and support to mainstream services

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3 YEAR CHILD PROTECTION REFORM PROGRAMME
PROFESSIONAL ADVISORS

Ross Drummond
Acting Chief Inspector, Ross Drummond was seconded from Fife Constabulary where he had been heavily involved in child protection policy. Ross was a member of the ACPOS Crime Standing Committee – Child Protection Working Group.

Dr Helen Hammond
Helen, who worked with the Team on a sesssional basis, is a Consultant Pediatrician responsible for Community Child Health Services in West Lothian Healthcare Trust. She has a specialist interest in child protection, adoption and fostering and child development, especially of very young children. Helen prepared a report on the death of Kennedy McFarlane, at the hands of her stepfather.

Sheila Foggon
Sheila was seconded from East Lothian Council where she was Team Leader in a practice team. Sheila brought more than 20 years’ experience of child protection practice. She also had experience of adoption and fostering and had provided

Jennifer Stark
Jennifer was a Pupil Support Manager and was seconded from West Lothian Council where she had strategic responsibility for policy and provision for pupils with social, emotional and behavioral needs. The management of training in Child Protection for education staff also formed a major part of her remit. Jennifer had taught in the primary, secondary and special needs sectors of education.

Irene McGugan
Irene was seconded from NHS Argyll and Clyde where she previously held a post as Child Protection Adviser. Irene covered the Local Authority areas of Inverclyde, Renfrewshire and East Renfrewshire, providing advice, support and training to Health Staff in hospital and community.

Irene has a particular interest in improving the health outcomes of Looked After Children, having set up the Well Wise project with initial funding from Scottish Executive.
See separate pdf files for Annex D & E for access outwith Scottish Executive ERDM system.
THE ACHIEVEMENTS OF THE CP REFORM PROGRAMME AND RELATED ACTIVITY IN ADDRESSING THE RECOMMENDATIONS OF “IT’S EVERYONE’S JOB TO MAKE SURE I’M ALRIGHT”

Recommendation 1: All agencies should review their procedures and processes and put in place measures - to ensure that practitioners have access to the right information at the right time, and in particular to ensure that:

- Where children present to medical practitioners with an injury or complaint, practitioners must consider what further information is available from their own or other agencies before they rule out the possibility of continuing risk.
- Where children present to any hospital, there should be in place mechanisms for checking other health records to ensure a pattern of injuries is not being missed.
- Where there have been concerns about possible abuse or neglect, schools, police, health service and social work service files should contain a succinct, readily accessible chronology of events or concerns which can be easily referred to should a further incident or concern arise. This chronology should contain information relating to the child and, where known, information relating to other people in the child's life, for example, any previous deaths of children of a mother's new partner.
- Courts should ensure bail address suitability checks are undertaken in cases where the alleged offence is against children, or in the case of domestic abuse, where children may be at risk.
- Caldicott guardians in Health Boards and Trusts should ensure that health professionals are aware of their responsibilities towards the care and protection of children. In particular they should ensure that where children are at risk of abuse and neglect information is shared promptly with other relevant professionals in line with the General Medical Council and the Scottish Executive guidance on when medical confidentiality can be breached.

Update: This is primarily a recommendation for agencies. In addition, the Executive has undertaken:

- Duties on relevant bodies, and powers for professionals, to share information where there are concerns that a child is at risk of harm are set out in Part 3 of the Protection of Vulnerable Groups (Scotland) Bill. The Education Committee is currently considering these proposals, as part of their Stage 1 deliberations on the Bill. The information-sharing provisions will be underpinned by a generic Code of Practice on sharing child protection information which will help generate consistency of understanding and practice for professionals dealing with children. This will encompass and address the concerns related to consent and confidentiality and the interaction between child protection and sexual health advice to young people. (see also paras 56-58 of the CP Reform Programme Report to the Education Committee, December 2006). The Committee may wish to note that an advanced draft of the Code will be available to them to consider ahead of Stage 2, and the Bill provides for the Code to be subject to full consultation before being laid before Parliament.
• **Letters of Assurance** – see paras 20-23 and 42-45 of the CP Reform Programme (CPRP) Report to the Education Committee
• **Joint Inspection** – see paras 14-16 and para 30 of CPRP Report

**Recommendation 2:** Through the Child Protection Committees all agencies should improve access to help for children who have been abused or neglected by:

- providing for single-page contact information for telephone directories, public phones and the web, which identifies local contact points in health services, local authorities, police services, SCRA and the voluntary sector;
- providing for services users and referrers, information about how to access help for children about whom they are worried. This should include information about how and when children and young people will be consulted, what will happen after a referral is made and what, and how, feedback to people who refer concerns will be provided.

**Update:** This is primarily a recommendation for agencies and CPCs. The Scottish Executive is working with CPCs to help improve public information, understanding what might happen when a concern is reported and how to contact services if someone has a concern.

Achievements of the CP Reform Programme include:

- **Public Information** – see paras 31-32 of the CPRP Report
- **Pilot Media Campaign** – see paras 33-36
- **Tendering for a National Freefone 24-hour CP Information Line** – see paras 46-48

**Recommendation 3:** The Scottish Executive should, in consultation with service providers, draw up standards of practice that reflect children's rights to be protected and to receive appropriate help. All local authorities, health boards, police services and SCRA should undertake regular audits of practice against these standards and report on them annually to the Scottish Executive and local Child Protection Committees.

Achievements of the CP Reform Programme include:

- **Children’s Charter** - paras 9-10 of the CP Reform Programme Report
- **Standards for Child Protection** – paras 11-13 of the CPRP Report
- **Multidisciplinary Inspection** – paras 14-16 and para 30 of the CPRP Report

**Recommendation 4:** The Scottish Executive should revise the remit of the Child Protection Committees to include:

- Annual auditing and reporting, to constituent agencies and to the Scottish Executive, on the quality of agency and inter-agency work.
- The provision of information to members of the public, volunteers and other professionals.
- Assisting a wider range of organisations to help prevent abuse and neglect through training for staff and volunteers.
The development of safe recruitment practices for agencies working with young people.

**Update:** Achievements of the CP Reform Programme include:

- **Role & Remit of CPCs** – paras 17-19 of the CP Reform Programme Report
- **Programme of Awareness-Raising Events** – paras 25-26 of the CPRP Report
- **Introduction of New CPC Model, including Production of First Annual Reports** – paras 27-29 of the CPRP Report
- **Publication due in early 07 of Safer Recruitment through Better Recruitment: Guidance in relation to staff working with children and adults at risk.** This document, which is due for publication early in the new year sets out guidance to help social work and social care employers meet existing recruitment standards (in the Scottish Social Services Council’s Code of Practice for Employers and National Care Standards), and also sets out an expectation that employers will plan for continuous improvement in relation to recruiting staff to work with the most vulnerable groups. Improvements in safer recruitment practice, described in this document, are being supported by the Social Work Inspection Agency and the Care Commission’s inspection regime.
- Additionally, the Vetting & Barring Scheme set out in the Protection of Vulnerable Groups (Scotland) Bill is intended as an additional tool for employers, to improve their confidence that those they employ to work with vulnerable groups are not unsuitable to work with them, on the basis of their past behaviour. The objective of the Bill’s vetting & barring provisions is to put in place an efficient, streamlined system which maximises protection and minimises bureaucracy. It will introduce more robust protections than are available at present under the current vetting system, and will do so with less bureaucracy and will be provided at no additional cost.

**Recommendation 5:** Local authority Chief Executives, in consultation with other services, should review the structure, membership and scope of the Child Protection Committee covering their authority and report to their Council and partner agencies on whether it is best constituted to take on the responsibilities for assuring the quality of agency and inter-agency services and the recommendations about their role contained in this report.

**Update:** This has been taken forward in conjunction with Recommendation 4.

- **Role & Remit of CPCs** – paras 17-19 of the CP Reform Programme Report
- **Programme of Awareness-Raising Events** – paras 25-26 of the CPRP Report
- **Introduction of New CPC Model, including Production of First Annual Reports** – paras 27-29 of the CPRP Report

**Recommendation 6:** The Scottish Executive should consult on how child fatality reviews should be introduced in Scotland. This should include consultation on how
they should be conducted, how review teams should be constituted, to whom they would report and what legislative framework is required to ensure their effectiveness.

Update:

- **Consultation on Significant Incident Review Guidance** - see paras 40-41 of the CP Reform Programme Report

**Recommendation 7:** The Scottish Executive should strengthen the current arrangements for the development and dissemination of knowledge about abuse and neglect. In particular it should identify:

  - the most effective arrangements for recording and collating examples of effective practice;
  - the delivery of staff training across all disciplines or agencies;
  - the best means of disseminating research findings and best practice; and
  - the links between research and knowledge and staff education and training and how this can be consolidated.

**Update:** Achievements of the CP Reform Programme include:

- **Letters of Assurance (2 sets)** – see paras 20-23 (first Letter) and paras 42-45 (second Letter) of the CP Reform Programme Report
- **CP Training & Materials** – see paras 38-39 of the CPRP Report
- **Addressing Recommendation 27 of the Western Isles Report** – see paras 49-51 of the CPRP Report

Actioned as indicated in October 05 update to the Committee on this recommendation include:

  - Coverage of the work of the Scottish Institute for Excellence in Social Work Education (SIESWE), and
  - the “Children at the Centre” project being taken forward by STRADA (Scottish Training on Drugs and Alcohol)

**Recommendation 8:** The Scottish Executive should initiate a long-term study of the effectiveness of current methods of responding to abuse and neglect. The study should follow children from infancy to adulthood.

**Update:** Actioned as indicated in Oct 05 update to the Committee:

  - A 3-year piece of research on ‘Growing up in Scotland’ being undertaken by the Scottish Centre for Social Research and the Centre for Research on Families and Relationships
  - As part of their multi-disciplinary inspection of CP services, the Services for Children Unit has produced “How Well are Children and Young People Protected and Their Needs Met: Self-Evaluation Using Quality Indicators”

**Recommendation 9:** Children’s Services Plans should be developed so that they include clear plans for the implementation of national priorities and demonstrate the
application of resources to these outcome targets set out in *Building a Better Scotland*.

**Update:** Actioned as indicated in Oct 05 update to the Committee:
- Comprehensive guidance for local planning partnerships inviting them to prepare for Integrated Children's Services Plans

**Recommendation 10:** Local authorities’ plans for integrated children’s services, as the overarching plans and drivers for all local children’s services, should develop *positive childhood* initiatives. These should be led by a children’s rights rather than a public service perspective and should promote every child’s rights to life, health, decency and development. The Executive should support this with a public campaign.

**Update:** Actioned as indicated in Oct 05 update to the Committee:
- As per Recommendation 9 activity, and also financial support for the Scottish Commissioner for Children & Young People

**Recommendation 11:** The Scottish Executive should:
- Advise on how agency resources can be pooled and what systems may best be deployed to ensure the most effective joint commissioning of services on behalf of children.
- Commission a study of the costs and benefits of the current child protection system in Scotland and identify costed alternative options for improving outcomes for children.

**Update:**
- **Joint Inspection** - see paras 14-16 and para 30 of the CP Reform Programme Report
- **CP Training and Materials** – see paras 38-39 of the CPRP Report

**Recommendation 12:** There needs to be a new approach to tackling risks and the needs of the most vulnerable. As a first step this should start with assessment of the needs of all new-born babies born to drug- or alcohol-misusing parents; parents who have a history of neglecting or abusing children and parents where there have been concerns about previous unexplained deaths in infancy. The inter-agency assessment and subsequent action plan in respect of each child should clearly state:
- standards of child care and developmental milestones the child is expected to experience or achieve;
- resources to be provided for the child or to assist the parents in their parenting role; and
- monitoring that will be put into place along with contingency plans should the child's needs fail to be met.

**Update:** Actioned as indicated in previous update. Also:
• **Letters of Assurance (2)** – see paras 42-45 of the CP Reform Programme Report

**Recommendation 13:** In keeping with the philosophy of the Children (Scotland) Act 1995, agencies referring to the Reporter should indicate what action they or their agency has undertaken to achieve change through consent and why compulsory measures of supervision may now be necessary.

**Update:**

- Proposals for action contained in consultation, *Getting it Right for Every Child* (GIRFEC), include changes to the referral process. The detail of the legislation in this area is currently being considered, along with proposals for implementing the GIRFEC agenda.

**Recommendation 14:** The Scottish Executive should review the grounds for referral to the children’s Hearing’s system. Specifically, it should explore the feasibility of grounds being framed to reflect more clearly the needs of the child and to be more closely aligned with definitions of need outlined in the Children (Scotland) Act 1995.

**Update:** As per Recommendation 13 update

- *Getting it Right for Every Child* proposes that making referrals to the Children’s Hearings system should meet two tests – significant needs and a need for compulsion.

**Recommendation 15:** In order to meet the shortcomings identified in this report, developing linked computer-based information systems should include a single integrated assessment, planning and review report framework for children in need. For those in need of protection the framework should include reason for concern, needs of the child, plans to meet them and protect them when necessary, and progress since any previous meetings. This core assessment, planning and review framework should be accessible and common to all partner agencies, multi-agency case conferences and the children’s hearing. Arrangements should be made for appropriate access to information by agencies in other areas should children or their families move.

**Update:**

- *Getting it Right for Every Child* (GIRFEC) sets out a framework for an integrated framework for assessment, plans and records and proposals for joint case handling with the identification of a single key worker. The Executive is supporting a Pathfinder project in Highland to test out the approaches. The Executive is also continuing to develop the eCare Framework to enable electronic multi-agency information exchange for a number of vulnerable client groups to help support such an approach.
**Recommendation 16:** The Scottish Executive in partnership with the regulatory bodies should consult on the minimum standards of professional knowledge and competence required of practitioners who undertake investigations, assessments and clinical diagnosis when working with children and their families. In particular it should establish the minimum necessary qualifications and experience required of those making decisions that fundamentally affect the future wellbeing of children.

**Update:** Actioned as indicated in previous update

**Recommendation 17:** The Scottish Executive should:

- Establish a national implementation team to take forward the recommendations in the review, in particular the development of standards and local auditing processes.
- Establish a review process for annual reporting on progress and improvements.
- Implement a further national review of child protection in three years' time to be undertaken by a multi-disciplinary inspection team using this report as a baseline against which progress can be assessed.

**Update:** Achievements of the CP Reform Programme include:

- **Establishment of a National Implementation Team** – see paras 6-7 of the CP Reform Programme Report
- **Independent Evaluation of the CP Reform Programme Nearing Completion** – see paras 53-54 of the CPRP Report
- **Wider Context and the Need to Consider Next Steps** – see paras 58-59 of the CPRP Report

Scottish Executive

Children and Families Division

December 2006